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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

SENATE—*Thursday, September 23, 1999*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Wendell Estep, from Columbia, SC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Wendell R. Estep, First Baptist Church, Columbia, SC, offered the following prayer:

Gracious Father and God, we bow before You with grateful hearts. As King David prayed, "Who am I, O Lord God, and what is my house, that Thou hast brought me this far?" The positions of influence and service that we enjoy have come as a trust from Your hand and we acknowledge our ultimate responsibility to You.

Father, as I bring this body of men and women before You, I make two requests: that You give them wisdom and that You give them courage to act on that divine wisdom.

Gracious Savior, we desire Your blessings on America, but Your word declares our responsibility: "If My people who are called by My name humble themselves and pray, and seek My face and turn from their wicked ways, then I will hear from heaven, will forgive their sin, and will heal their land."

Bless these Senators as they provide godly leadership. I pray in the name of Jesus, my Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

I yield for some comments with regard to our visiting Chaplain to Senator NICKLES.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. Senator NICKLES is recognized.

GUEST CHAPLAIN ESTEP

Mr. NICKLES. Mr. President, I wish to join with you in welcoming our guest Chaplain of the day, Wendell Estep.

The President pro tempore introduced Pastor Estep as being from South Carolina. However, we still consider him a native of Oklahoma. Pastor Estep was one of the leading pastors in my State. He led one of the largest churches in the State, Council Roads Baptist Church. Before that, he was at the First Baptist Church in Pawhuska, OK, which is pretty close to my home town of Ponca City. He is really one of the most respected leaders we have had in our state, and we still consider him an Oklahoman. We are delighted to have him as guest Chaplain and very much appreciate his opening our day with a beautiful prayer this morning.

I thank Pastor Estep for joining us.

Mr. LOTT. Mr. President, I, too, thank our guest Chaplain for being with us today. I know most Senators have been informed that our Chaplain, Lloyd John Ogilvie, is doing quite well in his recovery period, and we look forward to having him back in the Senate to hear his melodious voice and beautiful prayers. In the meantime, we are glad to have our guest Chaplain this morning.

SCHEDULE

Mr. LOTT. Mr. President, this morning it is hoped that the Senate will be able to resume consideration of the Interior appropriations bill. The oil royalties amendment is the only remaining issue to dispose of prior to completing action on the bill. However, in order to resume consideration of the oil royalties issue, it may be necessary to have several procedural votes this morning; therefore, Senators should anticipate votes beginning shortly. The Senate will also resume consideration of the VA-HUD appropriations bill with the hope of finishing that legislation today. Also, either later on today or tomorrow, it is hoped we can take up one, two, or more appropriations conference reports as they are completed.

THE JOURNAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. LOTT. I ask unanimous consent that the Senate now resume consideration of H.R. 2466, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

> Hutchison Amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Mr. LOTT. Mr. President, I now move to proceed to the motion to reconsider the vote by which cloture failed with respect to the Hutchison amendment No. 1603, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Before the vote begins, let me announce to my colleagues, if the motion is agreed to, we will have an

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

immediate vote on the actual reconsideration of the cloture vote. If that second vote is agreed to, it is my understanding that we may have 10 minutes of debate prior to the cloture vote.

Therefore, Senators can anticipate two immediate votes this morning and a third vote occurring shortly thereafter.

I thank my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON MOTION TO RECONSIDER

The PRESIDING OFFICER (Mr. ROBERTS). The question is on agreeing to the motion to reconsider the vote on amendment No. 1603.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion to reconsider was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1603 to Calendar No. 210, H.R. 2466, the Interior appropriations bill:

Trent Lott, Kay Bailey Hutchison, Gordon Smith of Oregon, Thad Cochran, Larry E. Craig, Bill Frist, Mike Crapo, Don Nickles, Craig Thomas, Chuck Hagel, Christopher S. Bond, Jon Kyl, Peter Fitzgerald, Pete Domenici, Phil Gramm, Slade Gorton.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Hutchison amendment No. 1603 to H.R. 2466, the Interior appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. I now ask unanimous consent that there be 10 minutes of debate, equally divided, between Senators HUTCHISON and BOXER prior to the cloture vote on the Hutchison amendment No. 1603.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, may we have order in the Senate so we may be able to hear the Senator.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is correct. We will not proceed until the Senate is in order.

If the distinguished Senator from Washington would repeat his request, please.

Mr. GORTON. I ask unanimous consent that there be 10 minutes of debate equally divided between Senators HUTCHISON and BOXER prior to the cloture vote on Hutchison amendment No. 1603.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before it counts on my time, I ask the Senator from Texas if she wants to begin the debate or finish the debate.

Mrs. HUTCHISON. Mr. President, I will let the Senator from California proceed first.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Once more, I tell the Senate, the reason I have taken the Senate's time on this is twofold. First, it seems to me an amendment such as this does not belong in the Interior bill. In essence, it is a very major policy change. Oil companies sign an agreement with the Federal Government that, when they have the privilege of drilling on Federal lands, be it onshore or offshore, they pay a percentage of the fair market value of the production to the Federal Government. This is very important because in the Federal Government we use that for the Land and Water Conservation Fund, which is so important for our environment, historic preservation, national parks, et cetera. The States use their share to put the funds right into the classroom.

If this amendment is approved, if cloture is invoked and the amendment is approved, the Land and Water Conservation Fund will lose $66 million. Because of this rider, which the Senator from Texas has put on these bills on three prior occasions, the Treasury has already lost $88 million. Mr. President, we badly need those funds for those important purposes of the environment and education.

What the Senator's amendment does is stop the Interior Department from collecting the appropriate amount of royalties. How do we know we are not getting the appropriate amount of royalties? We have whistleblowers who have come forward and have told of a scheme to defraud the United States of America of the due amount of royalties.

Just last month, a few weeks ago, Chevron agreed to settle a case on royalties, $95 million. This is a headline from the Wall Street Journal: Chevron to Pay $95 Million to End Claim It Shortchanged U.S. on Royalties.

The companies are settling these claims at an unbelievable rate—$5 billion has already been settled by seven States. Twenty-five percent of these companies are cheating us, and they don't have a leg to stand on. They don't want to go to court. Therefore, they are settling.

What we know, for example, is that in one of the recent suits that was filed, the United States of America has joined two whistleblowers—and this is the first time this has ever been made public—outlining seven schemes by the oil companies to cheat Uncle Sam, cheat the taxpayers out of the money. We have heard of the seven wonders of the world, and we have heard of the 7 years war and the seven seas and seventh heaven and the 7-year itch and 007 and many 7s, but we have never heard of the seven schemes of the oil companies until now. In essence, all seven schemes have one goal; that is, to show that the value of the oil is less than what it really is.

I think it is time to put an end to this. The USA Today headline says it all: It is Time to Clean Up Big Oil's Slick Deal with Congress.

Reading directly from the article:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

This amendment offered by my friend from Texas allows the oil companies to continue this cozy arrangement whereby they decide, these 25 percent of the oil companies, what they are going to pay the Federal Government. In every case, it is below the fair market value.

This $66 million, as I said before, could do a lot of things. We could hire 1,000 teachers with it, or put 44,000 new computers into the classroom, or buy textbooks for 1.2 million students, or provide 53 million hot lunches for schoolchildren.

So let us not think, when we have this vote, it is a free vote. This cloture vote is very important. The Senator from Texas just about mustered enough votes. She doesn't have one vote to spare. If just one of my colleagues would hear my plea, stand up and say no to this cloture, we could stop this thievery in its tracks. That is what it is—out-and-out thievery. We need the funds for the functions of government. We need the funds for the people of the United States of America.

I urge a "no" vote on cloture.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 1 minute of my 5 to the junior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The distinguished Senator from Louisiana is recognized for 1 minute.

Ms. LANDRIEU. I thank the Chair.

There have been so many misstatements and mischaracterizations and exaggerations and a confusion of facts, as stated by my distinguished colleague from California, I literally don't know where to begin. This is not about the Land and Water Conservation Fund because there is no such real fund where this money goes, and she most certainly knows that. It flows directly to the State treasury. I would know, since the State of Louisiana contributes 90 percent of the money to the so-called fund that doesn't exist.

This is not an environmental issue. This is about a very complicated accounting law governing what huge companies owe the Federal Government. They want to pay their fair share. They are actually begging to pay their fair share. They want a law that makes clear what their fair share is, and they are willing to pay it. That is what this argument is about because the current rule makes it more complicated and more costly.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Ms. LANDRIEU. May I have 30 more seconds? Fifteen more seconds to finish?

Mrs. HUTCHISON. Just finish the statement.

Ms. LANDRIEU. I urge my colleagues to rethink their votes on our side. I am actually disappointed there are not more than five of us who truly understand this issue, with all due respect. I hope some of them will think about changing their vote so we can get on with the business of the Senate.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 1 minute to the senior Senator from Louisiana, Mr. BREAUX.

Mr. BREAUX. Mr. President, this question is really about whether we are going to pause for 12 months and negotiate or whether we are going to litigate for 5 years. I think the Hutchison amendment is very helpful in that it says: Let's pause and, instead of fighting it out in the courtroom, let's get people to talk about it in their offices, between Interior and industry, over what is a fair market value.

It is well worth a 12-month pause to try to negotiate instead of litigating from here on after—that is all the Hutchison amendment does—in order to find out what a fair market value truly is. We should support it.

Mrs. HUTCHISON. Mr. President, today over one-third of the price of a gallon of gasoline is taxable. This chart shows the average price of gasoline, around $1.20; crude oil is 64 cents, the light part of this chart; taxes are 56 cents.

Now, what the Senator from California would do is raise the price of gasoline for every working American by raising the taxes to go up and up. In fact, that is what has been happening over the last 10 years. From 1990 to 1997, the average per gallon motor fuel tax has gone from 27 cents per gallon to 40 cents per gallon. The retail price net of taxes has stayed approximately the same, going down from 95 cents to 88 cents. It has actually gone down, but taxes have gone up. Therefore, the price of gasoline in 1990 went from $1.21 to $1.29 per gallon in 1997.

What the Senator from California would do is add taxes on expenses. We have always taxed at the wellhead. Today, we would tax the expenses, the transportation expenses, that you have to make to get the oil to its destination, the marketing expenses. Can you imagine the concept of taxing advertising being done by an agency without congressional approval and raising the price of gasoline for every working American? That is what blocking this amendment will do. We have 60 votes to go forward; 60 people out of 100 in the Senate are saying we should go forward and have an up-or-down vote on this amendment.

I urge my colleagues to do what is right and let us have an up-or-down vote so that we don't raise the price of gasoline at the pump for every working American.

Mr. President, I yield the remainder of my time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico has approximately 30 seconds.

Mr. DOMENICI. Mr. President, historically, the royalty has been calculated at the wellhead. The essence of the problem is that MMS decided they want to change that—in many instances, tax it as a royalty many miles downstream. They contend there is a duty to market. A court has already ruled there is no duty to market. They want to come in by the back door and establish regulations and rules that will, indeed, tax beyond the real value of the oil, based upon rules and regulations. It is a new tax, a backdoor way of taking away our prerogative. That is why we have been fighting this for the last 3 years.

Mrs. HUTCHISON. Mr. President, it will raise the price of gasoline at the pump for every working American. I urge a vote for cloture.

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Hutchison amendment No. 1603 to H.R. 2466, the Interior appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GORTON. Mr. President, I ask for the yeas and nays on the Hutchison amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. As manager of the bill, I yield an additional hour to Senator Hutchison of Texas under the provisions of rule XXII, and I am authorized to yield an additional hour of the time of the Senator from Wyoming, Mr. ENZI.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senators yielding time must do so personally.

Mr. ENZI. Mr. President, I yield my hour under rule XXII to Senator GORTON.

Mr. BROWNBACK. Mr. President, I yield my hour under rule XXII to Senator GORTON.

Mr. GORTON. Mr. President, I yield those 2 hours to Senator Hutchison.

Mr. DASCHLE. I yield my hour to the distinguished Senator, Mr. BYRD.

Mr. CLELAND. Mr. President, pursuant to rule XXII, I yield my 1 hour to the minority manager, Senator BYRD.

Mr. AKAKA. Mr. President, I yield my 1 hour of debate to Senator BYRD.

Mr. BYRD. Mr. President, as the ranking manager of the bill, I now have 3 hours, as I understand it.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield my 3 hours to the distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for my own clarification, how much time do I have to speak on this amendment?

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 1 hour.

Mr. DURBIN. Mr. President, many people who have followed this debate over the last weeks and months, I am sure, are curious why the Senate has been spending the amount of time it has on this particular issue. It is an issue which is of great importance to many of us.

First, let me salute my colleague, the Senator from California, Mrs. BOXER. She has led this fight, and it has been a difficult fight. It has involved many hours of debate. It has involved a lot of work on her part and that of her staff. I have been happy to join her and to add my voice to her cause.

We have had what might be called a symbolic vote earlier which suggests that ultimately the oil companies may prevail on this amendment. But I really believe in my heart, if my colleagues, particularly on the other side of the aisle, would just for a moment follow this debate and come to understand what is at stake, they might have a change of mind and a change of heart. Let me explain in the most basic terms, as I understand them, why we are here and why we are facing this debate.

Consider for a moment that we in the United States have many treasures. Visitors to the Nation's Capitol can see ample evidence of the legacy we have been given by previous generations. This magnificent building and all the monuments and statues and museums in Washington, DC, are not owned by any person. They are owned by America. They are owned by the American people. But when it comes to our national treasures, they also include public lands, many of them in remote places all across the United States, lands, frankly, that we as taxpayers own and lands that have value.

This bill which we are considering, the Department of the Interior bill, is one which takes into account these lands and how they are managed. The Senate and the House, each in its role, has a chance each year to make policy decisions about how we will manage these lands. This year, on the Department of the Interior appropriations bill, several of my colleagues on the Republican side of the aisle have offered what have been called environmental riders.

To put that in common words, it is an amendment offered by a Senator trying to limit, for example, the Department of the Interior in doing certain things in relation to these public lands. So we have had a parade of amendments involving these public lands and how they will be used.

There have been amendments, for example, to initiate the mining of lead in the Mark Twain National Forest in Missouri. It is a suggestion opposed by the two major newspapers in Missouri, by the Governor, by the attorney general, and by every environmental group. But a rider was proposed by a Senator from Missouri that would allow lead mining in this Mark Twain National Forest, an area that is used for recreation. That amendment prevailed. One Democratic Senator joined Republican Senators in what was an otherwise very partisan rollcall.

Another amendment was offered which related to the mining of minerals on public lands, so-called hard rock mining. This amendment, which was offered, I believe, by the Senator from Washington, said that when it came to the mining of those minerals, when companies, private companies, would come onto the land owned by America's taxpayers, we would change the rules and say when they dumped their waste after their mining, they could have more acreage to dump on when they wanted to leave the land behind.

Of course, the mining companies love to mine on public lands because we charge royalties which are a joke. They date back to a law over 100 years old. It is not uncommon for a private mining company, some even foreign companies, to be able to mine for minerals on public lands owned by the taxpayers and to pay as little as $5 an acre—$5 an acre to mine for gold, for example. These companies can literally bring millions of dollars of profit out of the public lands owned by this country and pay to the Federal Government $5, $10, $15, $100, $1,000.

So the amendment proposed by the Republican Senator suggested that when they mine this land at these bargain basement royalty prices, they will be able to leave more and more acreage of waste dumped behind at the expense of future generations.

We had another amendment relative to grazing. Particularly in the West, grazing is an important use of western public lands. I support it. But the question was whether or not the ranchers who grazed on Federal lands would be able to renew their long-term leases, how much they would pay, and what restrictions they would have on how much grazing would be allowed. A Republican Senator from New Mexico offered an amendment which said these leases for the grazing permits would be renewed almost indefinitely. Frankly, many of us thought that was something we should question—whether or not we should, from time to time, make environmental reviews of the use of grazing permits to make certain the public land ended up being used for the best purpose for America.

So time and time again, we have seen a clear difference in philosophy from the other side of the aisle, the Republican side of the aisle, and the Democratic side of the aisle when it comes to public lands. I will only speak for myself, but I will tell you what my philosophy is. I believe these public lands are a public trust. I have been honored to represent the State of Illinois in the Senate. I believe, in my actions and in my votes, I should never compromise the integrity of this legacy of public lands that have been left for my supervision, entrusted to me. I have tried my best to vote so I can say, whenever I leave this body, I took this treasure of public lands and returned it to the next generation in as good shape as, or better than, I received it. I think that is consistent with the idea of conservation. It is consistent with the idea of protection.

I concede, people can use public lands for profitmaking. That is done, of course, by ranchers for grazing and by the mining industry for minerals. It is done, as we have discussed earlier, by those who want to come in and, for example, drill for oil. I believe companies that do that, whether they are cutting wood or drilling for oil, should pay to the American taxpayers fair compensation for using the land so I could say, if ever held accountable: Yes, it is true, we did allow people to cut down trees on public lands; they paid for it; it was not something that was in derogation of the value of the land to be left for future generations.

That is my philosophy: Protect the public lands. If people use them, they should pay fair compensation to America and its taxpayers for the use of the public lands.

The philosophy on the other side—I will try to characterize as best I can—is that the public lands are in some way an intrusion of the Federal Government into many of these States. I think there is a general resentment that the Federal Government owns so much acreage in Western States. Yet the fact is, if the Federal Government had not owned this acreage, it is really questionable whether some of these States would have finally become populated or become part of the Union. The Federal Government took control of the lands in the initiation of our great country, and over the years many of these lands have stayed in our control. I can understand that if I lived in a Western State, I might have a different view. But, frankly, I do not believe they should be viewed as antagonistic. These lands are part of our national treasure.

Second, the view on the other side of the aisle is, if a private company wants to come in and make money off these public lands, we should bend over backwards to make it easy for them and subsidize them. That is why we have not changed that mining act for 100 years. That is why these companies are paying $5 an acre and taking thousands of dollars of profits, millions of dollars of profits, off that acreage and not paying more to the taxpayers. That is why they want to be grazing these lands without the oversight of departments which decide whether or not they are doing something that could harm the lands permanently.

So there is a real difference in philosophy between the Democratic side of the aisle and the Republican side of the aisle. And rider after rider, whether they talk about mining or logging or grazing or drilling for oil, comes down to this basic same debate.

The amendment of the Senator from Texas, Mrs. HUTCHISON, really calls in question the idea of how much oil companies should pay if they are going to drill for oil on public lands and which they turn around and sell at a profit.

Frankly, I have no objection if the drilling for that oil does not create an environmental hazard or environmental problem. These companies should be allowed to bid and to responsibly drill for oil. It is good for America's energy needs. It creates jobs in the area. It is something with which I do not have a problem.

The Senator from California, Mrs. BOXER, and I come to this Chamber to oppose an amendment being offered by the Senator from Texas. The amendment says this: The Department of the Interior, which is to establish the amount of money, the royalty, paid by the oil companies to drill on public lands, will be prohibited, by the Hutchison amendment, from revising that royalty to reflect the cost and value of the oil that is drilled.

I believe this is the fourth time we have gone through this where they have stopped the Department of the Interior from revising upwards the amount of money taxpayers receive in royalties for drilling oil on public lands, despite the fact the law clearly says: Yes, owner of the oil company, you can use public land, but you owe the taxpayers something; pay the taxpayers for profit you are taking out of their land.

Yet the Hutchison amendment says: No, we do not want to revise the royalty schedule; we do not want to make certain that the taxpayers receive fair compensation and the oil companies pay what they are required to pay under the law.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I will be happy to yield to the Senator from California.

Mrs. BOXER. I am so pleased the Senator is taking us back to the basics of this amendment which, as he pointed out, has essentially been offered to the Interior appropriations bill on three previous occasions in the committee on which he serves, the Appropriations Committee. We have tried to fight it in that committee only to be outvoted basically on a party-line vote.

This is the first time, I know my friend is aware, we have had a vote on this in the Senate. I underscore and ask a question of my friend.

My friend points out there is a problem with some of the oil companies, that they are not paying their fair share of royalties, and the Secretary of the Interior, Bruce Babbitt, wants to make sure everyone pays their fair share.

Is my colleague aware that 95 percent of the oil companies are doing the right thing? I want to make sure he understands the problem lies with 5 percent of the oil companies that are ripping off the people. I hope he responds to that, and I have an additional question.

Mr. DURBIN. I say to the Senator from California, this chart demonstrates what she has already stated. The percentage of companies affected by this rule is only 5 percent, 68 percent of the Federal production; 95 percent of the oil companies, particularly the small and independent companies, are not affected by this debate. We are talking about the big boys. We are talking about the big oil companies and whether they are going to use our Federal public lands to make a profit and pay the taxpayers a fair share of their profit back to our Treasury.

When I heard the debate on the floor that I heard earlier suggesting that if these big oil companies have to pay their fair share of royalties, the price of a gallon of gasoline is going to go up at the pump, it is almost laughable. We are talking about such a small amount of money in terms of these multimillion-dollar oil companies but a significant amount of money which would come back to Federal taxpayers and to the States that are affected for very important purposes.

The Senator from California is correct.

Mrs. BOXER. I thank my friend. I know he gets this completely. I also want to make sure he knows and that he puts into his remarks the fact that as a result of these three prior riders the Senator from Texas, Mrs. HUTCHISON, has put on these bills, we have already lost to the Federal Treasury $88 million. Is my friend aware of it? And is my friend aware what this particular amendment will do to add to that $88 million? I see he has a terrific chart which explains it all. I yield to him for an answer.

Mr. DURBIN. Just by coincidence, I happen to have a chart which illustrates this because this is a point we made during the course of the debate. The cost of this amendment, offered by Senator HUTCHISON, to the taxpayers of America is $66 million. The amount of money the taxpayers have lost to date is $88 million.

With both amendments, if this amendment prevails today, America's taxpayers will lose $154 million which these oil companies were required to pay for the purpose of drilling oil on public land, oil which, of course, has generated great profits for them and their companies.

This observation, that these companies have not paid their fair share for the royalties, has been backed up by lawsuits. States which receive the benefits of some of these royalty dollars have turned around and sued these oil companies and said they are not paying what they are required to pay under the law. In State after State, we have seen the oil companies basically concede, yes, we are underpaying the royalties we owe taxpayers.

Take a look at these recent oil undervaluation settlements. State by State: Alaska, $3.7 billion; Louisiana, $400 million; California, $345 million; Texas, $30 million. In all, we have collected $5 billion these oil companies have underpaid, their statutory obligation to pay royalties on this land.

For the proponents of this amendment to argue that it is fundamentally unfair to require private oil companies to pay these royalties and that these formulas for payment are unfair is to ignore the reality that time and time again, when the oil companies have been challenged, they have been found guilty of having cheated the taxpayers out of the fair share of money they were supposed to pay.

The Hutchison amendment says we will not change this formula; we will not update it; we will not hold these oil companies accountable. We will say to the Department of the Interior: Walk away from it; let the oil companies make the profit they want; do not let the taxpayers receive the fair compensation to which they are entitled.

A lot of this money, incidentally, that goes to States is used for purposes which are absolutely essential. One of them is education. What is $66 million worth in terms of education? That is how much this amendment will cost the Federal Treasury and how much it will leave in the hands of the oil companies. What can one do with $66 million?

By Federal standards, people say: Don't you people deal in billions? What does $66 million mean?

With $66 million, you can hire 1,000 teachers. You can put 44,000 new computers in classrooms. You can buy textbooks for 1.2 million students. You can provide 53 million hot lunches for schoolchildren.

Mr. President, $66 million may be small change by some Senators' standards, but when it comes to running schools and providing good education, it turns out to be a very important part of the component of meeting our obligation.

Also, this has been an issue which has received a lot of attention. In fact, one of the articles which I think is extraordinary came from a publication which I rarely would run into, but it is Platt's Oilgram News. I cannot say as I have ever read it or subscribed to it.

On Thursday, July 22, 1999, a retired employee from ARCO, one of the major oil companies involved in this debate, said that his company deliberately underpaid the oil royalties to the Federal Government. This was not a miscalculation. This was not an accidental occurrence. A calculated decision was made by the oil company to shortchange America's taxpayers by refusing to pay the royalties required by law because they felt that some day they may be sued as a result of that decision and they would just as soon hold on to the money, declare it as profit, make interest on it, and run a risk they would have a lawsuit and a day of reckoning sometime in the future.

This gentleman, Mr. Anderson, is quoted at length in the article:

> I was an ARCO employee, he said. Some of the issues being discussed were still being litigated. My plan was to get to retirement. We had seen numerous occasions, the nail that stood up getting beat down.
>
> . . . The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did. I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to this process during the discussion stage. But once we made our decisions, ranks closed . . . I did not get to be a manager and remain a manager being oblivious and blind to signals.

A calculated corporate decision to underpay the Federal Government: Leave the money in the bank and earn interest on it and wait to be sued.

So the Hutchison amendment basically says: The Department of the Interior should ignore this, ignore the fact that oil companies are basically cheating the taxpayers out of the money to which they are entitled.

Recently there was a lawsuit filed, which the Senator from California brought to my attention, that raised the question of this effort by the oil companies. They came up, in that lawsuit, with what they call the seven schemes by which these oil companies were basically cheating America's taxpayers:

No. 1, misrepresenting the actual value received for oil;

No. 2, buying and selling crude oil at values less than what would have been received in an arm's length transaction;

No. 3, selling oil to their affiliates to mask the true value;

No. 4, claiming an artificially low value for oil refined by the company itself;

No. 5, falsely classifying high-valued sweet oil as lower-priced sour crude oil;

No. 6, paying royalties on the basis of lower-valued oil, then commingling it with higher-valued and selling it as high-quality oil;

No. 7, claiming payment of certain fees on commingled oil when such fees were never paid.

Those are schemes that have been used by these oil companies to avoid paying the royalty they are required to pay under law.

They want to drill on public lands. They want to make a profit. They do not want to pay back to America the cost we have incurred in allowing them to take this oil from the land. They have been caught time and time again with their hands in the cookie jar.

The Hutchison amendment says: We are not going to pursue these oil companies any further. We are going to say to the Department of the Interior: You cannot enforce the law. You cannot enforce the requirement that these oil companies pay their fair share in royalties.

There are many special interests at work on Capitol Hill. I would be the first to admit it, having served here for 17 years. This is one of the more blatant examples I have seen, where companies have basically come in and said: We want to be exempt from the law.

The Senator from California, Mrs. BOXER, has fought a valiant fight to bring this issue to public attention. Time after time, publications across America, which have taken a look at this issue, have reached the conclusion that the Senator from California is right and this amendment is wrong.

In the USA Today—and this is from last year; same issue, same type of amendment—the editorial is entitled "Time to clean up Big Oil's slick deal with Congress." Let me read just a few words here from the USA Today editorial of August 26, 1998:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3% to 10% discount off the market price. Over time, that would add up to really big bucks. And imagine having the political

> clout to make sure nothing [ever] threatened to change that cozy arrangement.
>
> According to government and private studies, that's the sweet deal the oil industry is fighting to protect: the right to extract crude oil from public land and pay the government not the open market price but a lower "posted price"—based on private deals—

The schemes I mentioned earlier—

> the oil companies can manipulate for their own benefit.

They go on to talk about the fact that it is no secret that these oil companies are big players in Washington. They make contributions to Members of Congress. And, of course, when the time comes, they expect at least a day in court, if not some help, when their issues come to the floor. This is a classic illustration.

It just strikes me as odd that companies that otherwise enjoy positive reputations are willing to fight so viciously to protect what has been unmasked as a scheme to defraud America's taxpayers.

In the scheme of things, if this 5 percent of the major oil companies paid $66 million more a year to the Federal Treasury, can you believe that would affect their bottom line? I do not think the money is what is at stake here. I think what is at stake is the attitude, the attitude of these companies that we have no right as Members of the Senate to defy their scheme and to say that the American taxpayers deserve a fair shake, that the American taxpayers deserve better.

They believe, as some do in this body, that these public lands are there as a disposable product to be used up, if necessary, and discarded, that future generations be damned. That is the philosophy they follow.

That troubles me greatly because I know that Republicans and Democrats alike understand that the law should be followed, understand that private citizens and families and businesses are required to follow the law as much as anyone, and, frankly, that even though we have a good economy, getting away from the days of deep deficits, we still have the need for money in our Treasury for valuable purposes such as, for example, education.

One of the things we will debate in the closing weeks of this session is whether or not this Senate, by the time we adjourn, will be able to point to anything we have accomplished in the field of education.

When the session started, the leaders on the Republican side, who are in control of the House and the Senate, made important speeches about how critical education was in the priorities of this Congress. Yet I will tell you, quite honestly, if we held a gun to the head of any Member of Congress and said, I am going to pull the trigger unless you can tell me something this Congress has done to help American families improve education, I would have to tell them, fire away, because we have done nothing.

This is an illustration, that we would walk away from $66 million, a portion of which goes back to the States for education, at a time when we realize there are critical priorities in education all across America. Our schools are becoming antiquated. They do not have the modern technology they need. We know more and more kids are on the horizon. They are going to be showing up and enrolling in schools. So the demands are there for education to be improved in every State, and certainly in Federal programs.

Why the Hutchison amendment would want to take away what the Federal Treasury is entitled to receive for the oil companies drilling on public lands, taking that money away, shortchanging education, is beyond me. It is beyond me.

Certainly we can have a spirited debate about whether we want to increase taxes for given purposes. We have had that debate. I know it is one that is contentious. But this isn't about a new tax; this is about existing law that requires these oil companies to pay their tax, their royalty, for drilling oil. For some reason, certainly a large number of the Members of the Senate believe these oil companies should be able to walk away scot-free and not accept this obligation.

The Los Angeles Times editorial of July 20, 1999, characterized this effort, this amendment, the Hutchison amendment, and this scheme as "The Great American Oil Rip-Off." I quote the first paragraph:

> America's big oil companies have been ripping off federal and state governments for decades by underpaying royalties for oil drilled on public lands. The Interior Department tried to stop the practice with new rules, but Congress has succeeded in blocking their implementation—

With this amendment that is before the Senate today—

> and will again if a Senate bill calling for a moratorium on the new rules, proposed by Senators Hutchison and Pete Domenici of New Mexico and scheduled for a floor vote . . . is enacted.

Let me read this paragraph:

> Not since the Teapot Dome scandal of the 1920s has the stench of oil money reeked as strongly in Washington as it is in this case.

This amendment, frankly, brought to the floor may enjoy the support of a majority of Members and I am sure will enjoy the plaudits and praise of the oil companies benefited by it.

Mrs. BOXER. Will my friend yield on that point?

Mr. DURBIN. I am happy to.

Mrs. BOXER. My friend hits again on an issue that I think we should explore because under the rules of the Senate we have up to 30 hours for debate on this Hutchison amendment. I do not know if it will take 30 hours, but it will take some time because it is important that the light of day shine on this.

My friend from Illinois has hit on a really important point that, in essence, the scandal is the nature of this. I wonder if my friend could comment on the perception people in this country have that if you are big, if you are powerful, if you give millions of dollars in contributions, you can get your way in something as obvious as this.

Why do I say obvious? The New York Times did a story on this just 2 days ago.

I thought the opening lines were very important. I wonder if my friend read them. I think he did. It said:

> Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion. The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of oil, instead of a lower price set by the oil companies.

The author asks:

> A simple issue? Not in the United States Senate.

We have a simple, straightforward issue. If the Senator or I or any of the people watching this debate around the country didn't pay their fair share of taxes, believe me, they would have a knock on their door from the IRS. Here they have a knock on the door from the Senate. They say: It's OK; we will defend it.

I ask my friend whether he feels the power of this special interest is playing a role in this? Not just to pick on them—I know my friend has taken on the tobacco companies time and time again—but I want my friend to comment on the perception of people in this country that this Senate and this Congress does the bidding of the special interests over the bidding of the people we are supposed to fight for and represent. He can tie it into any issue he wants, but I think it is an important part of this debate.

Mr. DURBIN. I think the point of the Senator from California is well taken: We do demand of families and businesses that they pay their fair share of taxes. If they don't, they are held accountable. What we want to create with the Hutchison amendment is an exception for oil companies; to say to some of the most profitable companies in America that they don't have to pay their fair share as required by law. That is what the Hutchison amendment does.

It says the Department of the Interior cannot review the amount of money being paid in royalties by these oil companies and stop them from even considering implementing and enforcing the law. We know, as the Senator from California has indicated, that in the past, time and again, these companies have underpaid their required royalties to the Federal Government and to the States.

We have a letter, which was addressed to the Senator from California, from the Secretary of the Interior, Bruce Babbitt. He writes, on September 8, 1999:

> I am writing to call on you and your colleagues to reject from the Fiscal Year 2000 Interior and Related Agencies Appropriations Bill a Senate amendment extending the moratorium prohibiting the Department of the Interior from issuing a final rulemaking on the royalty valuation of crude oil until October 1st, 2000. A similar letter has been sent to the Senate Appropriations Committee.
>
> Prior to a series of congressionally-imposed moratoria, the Department was prepared to publish a final rule on oil valuation on June 1, 1998. On March 4, 1999, I announced that the Department would reopen the comment period for the federal oil valuation rule. On March 12, 1999, we formally reopened the comment period and held a series of public workshops to discuss the rule. We believe that the process set in motion will assure full and open consideration of all new ideas for resolving the concerns that have been raised and will lead to a solution that best meets the interests of the American public.
>
> Currently, we are reviewing the information gathered at the workshops and are confident that we will be able to address the outstanding issues raised by our stakeholders. The moratorium [as suggested by the Hutchison amendment] would simply delay our ability to implement a final rule until October 1, 2000, although we may have resolved these key issues well before then. This unnecessary delay will result in losses to the Federal Treasury, States, and Indians of an amount of up to $5.65 million per month.
>
> We urge you to defeat any proposal to extend the moratorium prohibiting the Department from issuing a final rule during Fiscal Year 2000.
>
> Sincerely, Bruce Babbitt [Secretary of the Interior]

Five point six million a month, owed to the Federal Treasury, owed to the taxpayers for the use of public lands for private profit, that will not be paid if the Hutchison amendment passes.

As I look across the aisle, I see a chart the Senator from Texas has used repeatedly to explain how complicated this is to come up with this valuation. I haven't seen it in detail. I don't question the veracity of the Senator's statements about this process.

Let me suggest to my colleagues, when we are dealing with conglomerate oil companies, multinational, with large legal departments, large engineering departments, arguing over the value of oil, trust me, it is not something that is done over lunch, where they write a figure on a napkin and agree to it. You have to bring in all of the information, verify it, subject it to public comment, and then establish the right royalty to be paid by the oil companies.

I think it might be interesting to see a chart of how much the oil companies are paying to bring this amendment to the floor and pass it, all of their corporate and legal departments and government departments that are at work to try to save them over $5 million a month at the expense of the Federal taxpayers.

The other day, I was on an airplane flying to Washington, which is a big part of my life over the last 17 years. I sat on a plane next to a gentleman from Colorado who worked for MCI WorldCom. He quickly wanted to talk about politics, which is always a dangerous topic when one is captured on an airplane. He allowed as to how he was a libertarian and believed there was entirely too much government around and, frankly, that is the way he voted.

I said: Let me tell you about an issue. Let me describe to you because you live in Colorado—a beautiful State that has a lot of public lands—this issue about whether or not oil companies should be able to come on public land, drill on that land, take the oil out, sell it for a profit, and pay a royalty for that purpose.

He said: I don't have any problem with that; that's only fair. If they are going to use the public lands that they don't own, they ought to pay something for them.

I said: Well, that is what the debate is all about.

The Hutchison amendment stops the Federal Government from collecting the royalty these companies owe under the law. Whether you are a conservative, a libertarian, independent, liberal, this is just simple justice. It is fairness, as to whether or not these companies are going to get such a break from the Senate, that we are basically wrapping up in a beautiful little package with a nice big bow on top, 5.6 million bucks a month to these oil companies.

They hold tag days in the city of Chicago, which I am privileged to represent, for a lot of people who are homeless, people who need food and clothing, folks who need a break in life. These tag days give you little things to put in your lapel to show that you helped.

They are never going to have a tag day for a major oil company. These companies are doing OK. Frankly, for us to give them an additional subsidy of $5.6 million a month is scandalous; that at this time in our history, when we know this money could be so well spent for education, for health care, for things every American expects us to respond to, we would literally turn our backs on $5.6 million a month, money that these oil companies have conceded in lawsuits they underpaid the Federal Government.

That is what this amendment is all about. It is a real test. The oil companies, at the end of this debate, will get the vote. Senators will be counted on: On one side, those who believe the oil companies need to be treated a little more gingerly, a little more lightly, they should not be required to make the payments they are required to make under law; on the other side, those of us who believe the public lands should be protected and those who use them should make fair compensation for the use of those lands.

Mr. President, I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague very much, the Senator from Illinois, for his comments. He has proven, once again, a very important point around here; that is, that he speaks for the people, all the people.

I think the primary issue in this amendment is, for whom do we stand up and fight? The oil companies, the tobacco companies, the special interests, they are strong. I know Senator FEINGOLD, who has spoken before, has been very eloquent on the point of the power of the special interests in this country. They have the ability to really make things come out the way they want. On the other hand, this is supposed to be a government of, by, and for the people, which sometimes gets shut out. There isn't an occasion I can recall in all the years I have served with my dear friend from Illinois, Senator DURBIN, not an occasion when he didn't stand on the side of what was right. That is a pretty strong statement. But I know when he gets up and speaks against the Hutchison amendment, it is because he is as outraged as I am that the people are being forgotten by the Senator from Texas, and the very powerful are being represented.

Why did I take so much of the Senate's time on this? Because I feel so deeply that when you see people being hurt, you have to stand up on their side. Now, a newspaper in California said, well, it is only $600,000 a year to California. First of all, that is incorrect. It is $600,000 a year as their share of the royalties; but when more money gets put into the Land and Water Conservation Fund, the State of California gets back 10 percent of that. So it is really millions of dollars.

Mr. President, I would like to ask my friend, Senator FEINGOLD, at approximately what time he would like to be heard on this.

Mr. FEINGOLD. Right now.

Mrs. BOXER. Since my friend from Wisconsin is here, I will retain the remainder of my time and yield for him.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator for her tremendous determination and leadership on this issue. I have watched this effort from the beginning, and her enthusiasm and determination is really making a difference. I am extremely impressed with it.

My purpose is to rise again in opposition to the Hutchison amendment. Earlier in the debate on this amendment, I engaged in a colloquy with the Senator from California about the relationship between campaign contributions and the continued reappearance of this amendment. I believe this is the fourth time similar provisions have been offered or contained in the Interior appropriations bill, just since May of 1998.

I will return in a minute to the issue of campaign contributions. First, I want to share a few observations that highlight the overall importance of the issue we are discussing. I ask unanimous consent that an article which appeared in the Wall Street Journal on September 10, 1999, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 10, 1999]

Chevron to Pay About $95 Million to End Claim It Shortchanged U.S. on Royalties

(By A Llexei Barrionuevo)

Chevron Corp. has agreed in principle to pay about $95 million to resolve civil allegations that it shortchanged the U.S. on royalty payments, according to people close to the negotiations.

The agreement would resolve allegations made in a 1996 lawsuit filed in federal court in Lufkin, Texas, by two whistleblowers under the federal False Claims Act. The suit, originally filed against 18 large oil companies, alleges that the companies knowingly undervalued oil extracted from federal and Native American lands from 1988 on to reduce the royalties they owed.

The case is scheduled to go to trial in March, but several companies are moving to resolve the issues well before then. Until recently, only Mobile Corp., based in Fairfax, Va., had addressed the charges; it agreed to pay $45 million in a settlement in August 1998.

Then, last week, Occidental Petroleum Corp. in Los Angeles agreed to pay $7.3 million to settle the charges.

According to people close to the talks, BP Amoco PLC and Conoco Inc. also have reached agreements in principal to settle for about $30 million apiece. A document expected to be filed today in federal court in Lufkin will ask the court to cease discovery against Chevron, Conoco and BP Amoco on the basis that the government has reached preliminary agreements with the companies.

The people close to the talks said Chevron and the Justice Department must agree on the language of a final agreement, which is expected in the next few weeks. Chevron is based in San Francisco.

Chevron, Conoco and BP Amoco all confirmed they are negotiating with the government, but they wouldn't elaborate. Chevron spokeswoman Dawn Soper said the company hasn't yet signed an agreement, and "until we have a settlement agreement signed, we are not going to comment on what we may have offered or are offering." BP Amoco said it has an "understanding in principal" to settle.

A spokesman for the U.S. Minerals Management Service said discussions are continuing with all three companies, but it wouldn't confirm that any settlements had been reached. The companies' willingness to reach settlements were earlier reported by an industry publication, Petroleum Argus.

Since 1996, the Interior Department, in separate actions, has billed the oil companies for more than $400 million in alleged underpayment of federal royalties stretching back two decades.

In the Lufkin lawsuit, the whistleblowers allege that the companies paid royalties based on a "posted" wellhead price rather than the fair-market value. The Justice Department intervened in the case in March 1998 against four companies: Amoco Corp., Burlington Resources Inc., Conoco and Shell Oil Co., a unit of Royal Dutch/Shell Group. The government later intervened against Occidental Petroleum, Texaco Inc. and Unocal Corp. In the suit, the government is seeking about $5 billion from all the companies combined, which includes actual damages trebled, plus civil penalties.

Attorneys involved in the suit say more companies are close to settling. Still, Exxon Corp., which prevailed in a 14-year-old royalties case in California recently, hasn't joined the negotiations. Federal regulators argue that the Lufkin case differs from the California case, because the federal royalty agreements were more explicit.

Bob Davis, spokesman for Exxon USA, declined to comment on the oil giant's litigation strategy or to say whether the company would negotiate in the case. However, he added, "in these posted-price issues, it is the company's position that we post our prices fairly and properly, and in complete accordance with the terms of the contract. That applies whether it be the city, state or federal land."

The case was originally filed by two former Atlantic Richfield Co. marketing executives, J. Benjamin Johnson Jr. and John M. Martineck. They stand to receive 15% to 25% of settlements paid in cases where the Justice Department intervenes, or 25% to 30% where the government doesn't intervene.

Efforts by the Interior Department to institute a rule change that would allow the government to collect royalties based on fair-market prices rather than a posted price remain mired in politics. The department estimates the rule change would require oil companies to pay $66.1 million a year in additional royalty payments.

On Wednesday, Sen. Kay Bailey Hutchison (R., Texas), proposed an amendment to the appropriations bill that would keep the rule change off the books for another year. In defense of the move, she said that while larger oil companies may be able to absorb the higher royalties, the rule changes will hit small producers "at a time when they are still reeling from the historically low oil prices we have seen lately." It was the fourth time since May 1988 that Sen. Hutchison has sought to delay the rule change.

Mr. FEINGOLD. Mr. President, since we have been engaged in debate on the Interior bill, four major oil companies have reached tentative agreements with U.S. prosecutors who accused them of cooperating in schemes to shortchange the Government through their royalty payments by millions of dollars. A tentative settlement, which was filed in Federal court in Lufkin, TX, involved about $185 million in payments and would end a case that alleged that companies underpaid royalties by undervaluating oil extracted from Federal and American Indian lands.

Though the settlement has not yet been finalized, it is a very serious matter. Chevron USA, Inc.; BP American Inc.; Amoco Oil Co.; and Conoco, Inc.; agreed in principle to settle for $95 million, $32 million, $32 million, and $26 million, respectively. The Wall Street Journal reported that a 1996 lawsuit by two former Atlantic Richfield employees alleges that 18 companies, their affiliates and subsidiaries, knowingly defrauded the Government on royalties derived from the production of crude oil from land spanning more than 27 million acres in 21 States.

The Justice Department entered the case against Conoco; Amoco; Burlington Resources; the Shell Oil Company; Occidental Petroleum; Texaço, Inc.; and the Unocal Corporation, which resulted in the recent settlements. The Government is seeking triple damages of about $5 billion from all the companies. The Interior Department has billed the oil companies more than $400 million for the alleged underpayment of Federal royalties, stretching back two decades.

The Wall Street Journal article I referred to, reports that these recent settlements aren't even the first of their kind. Several companies have been negotiating settlements. The Mobil Corporation agreed last year to pay $45 million, and Occidental Petroleum Corporation agreed in early September to pay $7.3 million.

I think this is a very troubling trend as these lawsuits are settled. I am very concerned that Congress is abdicating its responsibility. Unintentionally or not, Congress is making it possible for this issue to continue to go unaddressed because the royalty underpayment situation is the issue that this rulemaking we are debating seeks to correct.

The proponents of this amendment have stated their concerns that regulators are straying onto Congress' turf by amending the regulations. Proponents of this amendment say they want Congress to act on this matter; otherwise, the increase in royalties would amount to a type of "taxation without representation."

I have to respectfully disagree with that argument. It ignores the fact that our Government agencies regularly update their regulations and they are authorized to do so by Congress. We don't require Congress to act every single time a regulation needs to be changed. We would never be able to get to it.

For example, Congress enacted the 1953 Outer Continental Shelf Lands Act. That law is intended to provide for orderly leasing of these lands, while affording protection for the environment and ensuring that the Federal Government receive fair market value for both lands leased and the production that might result. The Outer Continental Shelf Program is carried out by the Minerals Management Service of the Department of the Interior. Thus, Congress delegated the power to set royalties to MMS.

In addition to ignoring the fact that Congress passed laws which give the MMS the ability to set royalties, this argument that has been made rings hollow when you consider that Congress is not acting to prevent the underpayment of royalties with this amendment. What it is doing is preventing the Interior Department from doing anything about it at all.

So this raises the question: Why is Congress doing nothing about this problem? I think, certainly, the public will want to know why. The alleged underpayments involve more than 6,000 onshore and offshore leases in Texas, Louisiana, Mississippi, California, Alabama, Alaska, Oklahoma, Arkansas, Colorado, Arizona, Florida, Kansas, Michigan, Montana, North Dakota, Nebraska, New Mexico, Nevada, South Dakota, Utah, and Wyoming.

So this is not just a coastal States problem, or even just a Western problem. It affects a broad number of States, and it deserves attention as a national problem, the kind of attention the Senator from California has brought to it.

I have no doubt that one of the factors contributing to Congress' inaction on this issue of great importance to American taxpayers is the role of campaign contributions in the political process. So I want to review the figures I briefly presented when I "Called the Bankroll" last time I joined the Senator from California on the floor. I call the bankroll from time to time in this Chamber to remind my colleagues and the public about the undeniable, but sometimes hidden, role that money plays in the decisions we make.

During the 1997-1998 election cycle, the very large oil companies that will benefit from this amendment gave the following political donations to the parties and to Federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money; Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money; Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money; BP Oil and Amoco, two oil companies that have merged into the newly formed petroleum giant, BP Amoco, gave a combined total of more than $480,000 in soft money and $295,000 in PAC money.

So if you put that together, that is more than $2.9 million just from those four corporations in the span of only 2 years. They want the Hutchison amendment to be part of the Interior appropriations bill. As powerful political donors, I am afraid they are likely to get their way.

You will notice that all of these companies except for Exxon gave more to the political parties in soft money than their PACs gave to individual candidates. So, remember, and this is a key thing about soft money, which I don't think everybody in the country realizes; it took me a while to get it. Soft money comes right out of the corporate treasury, right out of the treasury. This isn't money where you form a PAC and you get employees to contribute to it; it comes straight out of the corporate treasury.

I am happy to yield without yielding my right to the floor. I ask unanimous consent that I can yield briefly to the Senator from North Dakota so he can make a request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, pursuant to rule XXII, paragraph 2, I yield my 1 hour to the minority leader, Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you. Let me get back to this point.

Of the four companies I mentioned, only one of the four—that being Exxon—didn't give more soft money than they did PAC money. The point I am trying to make is a very important point about what is going on with these campaign contributions. This money came straight out of corporate treasuries.

I would have thought a few years ago that these kinds of donations were illegal. They are supposed to be essentially illegal under our Federal elections law.

The Tillman Act passed way back in 1907 in the Senate and in the Congress prohibited corporations from making campaign contributions. That statute, which was codified in title 2 of the United States Code, at section 441(b), reads as follows:

> It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to political office . . . or for any candidate, political committee or other person knowingly to accept or receive any contribution received by this section.

That sounds pretty simple and straightforward. Yet unfortunately, in 1978, the Federal Election Commission made a ruling that opened up this soft money loophole and allowed the political parties to begin accepting unlimited contributions of soft money from corporations such as Exxon, Chevron, and Atlantic Richfield to pay for party-building activities and things such as get-out-the-vote campaigns and voter registration. That is what it was supposed to be for.

Let me remind my colleagues that we all believed, based on the Tillman Act, that contributions——

Mr. THOMAS. Mr. President, I make a point of order that the subject matter is not germane.

Mr. FEINGOLD. Mr. President, I certainly dispute that. I believe this is entirely relevant. I am talking about corporations and interests that are very much behind this matter. I would certainly suggest that it is appropriate.

The PRESIDING OFFICER. The Chair would remind the Senator that under the cloture, speeches must be relevant to the issue at hand.

Mr. FEINGOLD. Mr. President, I believe this presentation is entirely relevant to this issue. I am going through the way in which these corporations can technically legally provide this kind of help to this cause of trying to make this change. That is merely the background I am giving at this point.

So let me return to the present. Soft money has grown exponentially since those early days when corporate contributions were just going to give the parties a little breathing room to cover party-building activities, not campaigns. In the last Presidential campaign, in 1996, the parties raised $262 million in soft money, three times as much as in the 1992 election cycle. The experts project we will see perhaps as much as $500 million or even $600 million in this next election, and about 65 percent of the money is coming from corporate treasuries.

So as we look at an issue, such as Senator BOXER's concern with the Hutchison amendment, we have to realize that what is before us is not simply an amendment. It is an amendment supported by interests that have been involved in an immense infusion of corporate cash that, unfortunately, is totally legal, even though I certainly don't think it should be. We wonder why the American people are skeptical of what we are doing. We have heard the horror stories again and again. Parties have special clubs for big givers and offer to the donors exclusive meetings and weekend retreats with office holders. And it is totally legal.

In other cases, in other bills, so we know this isn't an isolated incident, the tobacco companies have funneled nearly $17 million in soft money to the national political parties.

Mr. THOMAS. Mr. President, I raise a point of order again, that campaign finance is not the issue we are talking on, and I raise a point of order on it.

Mr. FEINGOLD. Mr. President, if I may be heard in response.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I believe it is clear that what I am saying is not simply in the context of a debate on campaign finance reform, and that the Members of the Senate and the American people should hear and understand the kind of money that is behind legislation on the floor of the Senate.

I think it is relevant to this debate. I think it is relevant to the debate on the subject matter involved. I have in the past on a number of occasions taken the opportunity to raise this issue. I have spoken about campaign money in connection with 9 or 10 other bills, without objection from anyone, to point out the money that is involved in those bills. As you know, my presentation here has not been exclusively on the topic of campaign money. I have talked about the merits as well. I believe both are relevant, and I certainly would dispute the notion that this is in any way appropriate for a point of order.

Mr. THOMAS. Mr. President, I think it is totally inappropriate. You can talk about the campaign finance issue on any issue. On this issue, we had a vote. This issue was designed to proceed for 30 hours. This issue was not to be done on campaign finance. I continue to raise a point of order, and will continue to raise a point of order.

Mrs. BOXER. Mr. President, may I be heard on this point of order? I ask unanimous consent that I may be heard on this point of order.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. I at least would like to have some limit as to the amount of time.

The PRESIDING OFFICER. For how long does the Senator wish to speak?

Mrs. BOXER. I want to make a point in response, and I can do it, and raise a question for the Senator from Wisconsin, because he still controls the time.

Mr. THOMAS. I have no objection.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator may yield for a question.

Mrs. BOXER. I just got unanimous consent to speak. So I would take that, and I thank my friend.

I want to make a point in support of Senator FEINGOLD's amendment to campaign contributions, but I want to do it in a way that I think is very objective.

If you look at the New York Times article—he should make sure he looks at this New York Times article as well—I say to all of my friends, the title of this article is "Battle Waged in the Senate Over Oil Royalties by Oil Firms." The essence of the article goes to the heart of what my friend is saying. It goes to the heart of the issue of campaign contributions.

So I surely believe the Senator from Wisconsin is in full order to connect this amendment to the number of contributions that oil companies give, and I think his comments are on point and in order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to object. I would like to take issue, as respectfully as I can, with my colleague from California, who came earlier to this floor. I don't have the quote, but I remember.

Mrs. BOXER. Mr. President, what is the order?

Ms. LANDRIEU. The order is——

Mrs. BOXER. Mr. President, could I ask what the order is in speaking? I thought the time belonged to the Senator from Wisconsin, and that it was his chance to continue his remarks.

Ms. LANDRIEU. I am objecting to his remarks.

Mrs. BOXER. The Senator from Wisconsin got time to make a speech when he has the floor, and he has an hour's worth of time. I would ask for a ruling as to who asked for time.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. THOMAS. We just completed this question on germaneness. If you would like me to read the ruling, I would be happy to do that.

Mrs. BOXER. That is fine with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. On germaneness of debate, if the Senate is proceeding under cloture, debate must be germane. "Germane" means you have to be on the subject. It doesn't mean you can sway off the subject to some irrelevant subject. This says it must be germane, and I again raise a point of order.

Ms. LANDRIEU. The only way it would be germane is if the Senator from Wisconsin——

Mrs. BOXER. Mr. President, who has the time?

Ms. LANDRIEU. On giving contributions——

Mrs. BOXER. Mr. President, who has the time?

The PRESIDING OFFICER. The Senators will suspend.

There are precedents of the Senate that permit nongermane debate even under cloture, notwithstanding the precedent cited by the Senator from Wyoming.

The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, I appreciate having the floor returned. I appreciate the ruling of the Chair.

Let me say that any attempt to gag the discussion on the floor of the Senate about the impact of soft money on this place is something I will fight tooth and nail with my colleagues on, and I was prepared, if necessary, had the Chair ruled against me to appeal. But I am grateful for the ruling and the precedents.

There is a notion that somehow saying the oil companies have contributed money means we are accusing somebody of something illegal, or something that can't be done. But that isn't a necessary conclusion. Contributions can be given innocently, but if the impact is that the process is greatly affected and the judgment is affected by the power of that money, I think it is relevant to this debate.

That is my concern about soft money. It is not so much the contributions given to individual Senators. Individual Members can't take soft money. It is this new phenomenon of the very large soft money contributions being given to political parties that I think has changed this place in a way that is extremely troubling and has allowed some amendments such as the one before the Senate today to get the kind of credibility I don't think they would have had without the power of soft money.

We have heard the horror stories again and again. Parties have special clubs for big givers and offer exclusive meetings and weekend retreats with officeholders to the donors. It is totally legal. In response to the Senator from Louisiana, I can see it is legal. I am not suggesting that these parties or industries are involved in illegal activity; it is legal, but it should be illegal. It is distorting to the process.

The tobacco companies have funneled nearly $17 million in soft money to the national parties in the last decade, $4.4 million in 1997 alone, when the whole issue of congressional action on the tobacco settlement was very much alive, and it is totally legal. In 1996, the gambling industry gave nearly $4 million in soft money to the two major political parties at the same time that Congress was creating a new national commission on gambling but with limited subpoena powers. It is totally legal.

There are some in this body, despite what the Thompson investigation uncovered a few years ago and what news stories show on almost a daily basis, who don't see or won't acknowledge the corrupting influence of these unlimited soft money contributions which again are now totally legal.

I remember a history lesson that one of our colleagues, the junior Senator from Utah, gave during a debate on campaign finance reform a few years ago that was intended to convince Members there was nothing wrong at all with enormous campaign contributions. He recounted the very frequently told story of how, Senator Eugene McCarthy's Presidential campaign in 1968 was jump-started by some very large contributions by some very wealthy individuals.

He also noted that Steve Forbes was apparently prepared to make similar contributions to support Jack Kemp for a run for the Presidency in 1996 but was prohibited from doing so by the Federal elections law and decided to run his own campaign, a decision from which we might infer that money is more important than the candidate.

He also recounted the story of Mr. Arthur Hyatt, a wealthy businessman who gave large soft money contributions to the Democratic Party in 1996 but decided after the election not to give soft money to the parties anymore but instead to fund an advocacy group that is promoting public financing of elections.

The point of the examples was to try to argue that wealthy donors are motivated by ideology and to benefit the public as they see it, rather than the desire to gain access and influence with policymakers through their contributions. I suppose that could sometimes be the case.

Of course, there are other examples, including the candid story of the well-known incident of Mr. Roger Tamraz who testified under oath to our Governmental Affairs Committee that he never even votes and the only reason he gave soft money to the DNC was to gain access to officials he thought could help him with his business. It is my strong suspicion that Mr. Tamraz' motives, if not his methods, are more typical of big contributors than are those of Steve Forbes or the millionaires who funded Eugene McCarthy's campaign.

Mr. THOMAS. Regular order. I renew my objection that the debate is not germane.

The PRESIDING OFFICER. While the Chair continues to research the question, the Chair is not prepared to rule at this time. It will continue to research the question on the point of order.

Mrs. HUTCHISON. I don't think the Senator should be allowed to continue if there is a question that this violates Senate rules.

Mrs. BOXER. Mr. President, I don't think the Senator from Texas can rewrite the rules of the Senate. It is my understanding the Senator from Wisconsin has time. He has now been interrupted three or four times in what I consider to be a crucial presentation which gets to the heart of this amendment. I hope he can continue his remarks until the Chair has made a decision.

Mr. THOMAS. The Senator from California does not make precedent.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. HUTCHISON. It is wrong. I think it borders on a personal attack on Senators who I think are doing something they think is in the best interest of this Nation.

Mr. FEINGOLD. Regular order.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I am shocked at the efforts of my colleagues to gag one of their colleagues who is trying to talk about a reality in this country that has occurred with regard to these campaign contributions that affect what we are doing on this amendment. The notion that somehow I should stop speaking while the Chair reviews the precedents is absurd. A Senator should be allowed to speak as long as he is permitted under the rules to do so, and there has been no such ruling otherwise.

Mrs. HUTCHISON. Mr. President, will the Senator———

Mrs. BOXER. Regular order.

Mr. FEINGOLD. I believe I have the floor.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. FEINGOLD. I will not yield for a question at this point. I will later.

Mr. President, I am not cynical about this. There is a reason I hold suspicions about the motives of soft money donors. The reason is, a solid majority of soft money contributions to our political parties, as I mentioned before, comes from corporate interests. It simply cannot be argued that those interests are acting out of a public spiritedness or ideological conviction. Corporations do not have an ideology; they have business interests. They have a bottom line to defend. They have learned over the years that making contributions to the major political parties in this country is a very good investment in their bottom line. Unfortunately, too often campaign money buys access and access often pays off at the bottom line.

Corporate interests are special interests. Special interests have self-interested motives. They are concerned with profits, not only what is best for citizens or consumers or the country as a whole. They like to cast their arguments in terms of the public interest, and I am sure sometimes their beliefs are genuine. And they certainly will argue that if Congress follows their advice on legislation, the public will be better off. But in the end, it is their own businesses they most care of and not necessarily the broader public good.

Indeed, the boards of directors and management of corporations actually have a legal duty—this is not a criticism of the corporations at all—to act in the best interests of their shareholders. They are supposed to do that, not to think of the broader public at large.

Let me make it clear to those Senators concerned about my remarks, there is not a suggestion here that the corporations are acting illegally or suggesting that there is something wrong with corporations doing what they should can for their own interests. I have no illusions about it. It is OK with me that the corporate special interests are looking out for No. 1 in the public debate. But I must object, and object loudly and over and over again, when their deep pockets give them deep influence that ordinary Americans simply don't have.

Corporations with business before the Congress, not disinterested, public-spirited millionaires, and certainly not ordinary citizens, lead the way in soft money giving. One interesting set of contributors proves that access, not ideology, is the main reason for soft money donations. In the 1996 election cycle, 40 companies gave over $150,000 to both political parties. Guess what. Three of those double-givers were the oil companies I have already mentioned here today. Double-givers, they give to both parties: Atlantic Richfield, Chevron, and Occidental Petroleum. They cover their bases. This is not always about choosing sides, but covering bases.

I suppose there might be some in the companies or in this body who argue that the double-givers just want to assist the political process, that they are motivated not by the bottom line but by a keen desire to assist both parties in serving the public. If that is the case, why is it, in every Congress since I have been here, the industries most seriously affected by our work give huge contributions to Members and to the political parties?

In 1993–1994, it was the health care debate. Hospital insurance companies, drug companies, and doctors all opened up their wallets in an unprecedented way. In 1995 and 1996, the Telecommunications Act was under consideration, and, lo and behold, the local and long-distance companies and cable companies stepped up giving. In the last Congress—and this one, for that matter—we have been working on bankruptcy reform and financial services modernization. The biggest givers of all in the 1998 cycle, according to Common Cause research, was security and investment companies, insurance companies, banks, and lenders eager to have business interests protected or expanded.

What is going on here? I suggest this is not a spontaneous burst of civic virtue. Since we didn't finish work on the bills last year, the money is flowing again this year. It has even been suggested that sometimes the very Members of Congress who most want a big bill to pass will slow progress to keep the checks flowing in. That such a view of legislators and public servants has gained currency in the public debate, even if it is true, shows the depths of cynicism that this soft money system has inspired in those we represent.

Mr. President, the American people are not gullible or naive. They know that these companies contribute these enormous sums to the parties because their bottom line is affected by what the Congress does and they want to make sure the Congress will listen to them when they want to make their case. And they know that the big contributors get results. We are seeing another example of that here today.

And frankly, it's a two-way street. The parties are hitting up these donors because they know that most companies, unlike Monsanto and General Motors have announced early in 1997 that they would no longer make soft money donations—most companies don't have the courage to say no. Most companies are worried that if they don't ante up, their lobbyists won't get in the door.

Our current campaign finance laws encourage old fashioned shakedowns, as long as they are done discreetly.

A growing number of business leaders are objecting to this system, and recognizing that it must be changed. The business group CED, the Committee for Economic Development, has come out for a ban on soft money, and I think we will see more and more business leaders embracing campaign finance reform in the future. An unhealthy democracy is not healthy for business.

It is beyond me how any Senator could support this soft money system. In a few weeks, we will have a chance to vote on a bill that bans soft money. Senator MCCAIN and I are looking forward to that debate, and I want to thank the Senator from California for giving me the opportunity to talk about it this morning, as part of her fight against this ill-advised amendment to the Interior appropriations bill. If we can pass a soft money ban this year, perhaps there will be fewer of these special interest deals to contend with in the future.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I ask for the regular order. I insist on the point of order and insist on a ruling.

Mr. FEINGOLD. I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. THOMAS. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FEINGOLD. I suggest the absence of a quorum.

Mrs. BOXER. Absence of a quorum. Absence of a quorum.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. FEINGOLD. I suggest the absence of a quorum.

Mrs. BOXER. Ask for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent the pending appeal be laid aside to be called up by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am glad we can try now to get back on the central subject of this debate, which is so important to many people in our country and particularly to us in Louisiana because many of these oil companies reside in our State and most of the work in the production of oil and gas goes on off of our shore. So I have been actually anxious all morning to try to get some time on the floor to speak about this issue of royalty valuation.

But I just feel compelled to say how disappointed I am in my colleague from Wisconsin and the remarks he made, I think, directed to this issue and to be backed up by the Senator from California. To say that this issue, which is giving soft money contributions, "is at the heart" of this debate, I think is really—it is offensive to the Members of the Senate on both sides of the aisle. It is particularly offensive to those of us who actually weren't supported by the oil and gas industry when we ran to get elected to the Senate but find ourselves having to speak on this issue of royalty valuation because of the principles involved, because of the facts involved, and because this is a very important principle at stake on this vote.

I also want to say, as the Senator from Wisconsin knows, I have been a strong supporter of campaign finance reform. So I am particularly offended by the way he made the remarks in the context of this debate and hope in the course of the next 5 or 6 or 7 hours that have been agreed to on both sides, we can stay focused on the oil royalty valuation and the issues regarding this because they are important.

So in that vein, let me just try to get us back to the subject at hand and remind all my colleagues what this debate is really all about because it is important.

It involves a lot of money. It involves a lot of businesses. It involves a lot of employees. It means a lot of jobs. It is about taxation, and that is always important to everyone involved.

The Minerals Management Service of the Department of the Interior is responsible, as has been made clear, for assessing and collecting royalties from oil and natural gas production from Federal lands, including the Outer Continental Shelf.

Federal laws that date back to 1920—and while those laws have been modified, the fundamental issue has not been changed since 1920—require that for the purposes of paying Federal royalties, the value of oil must be assessed at the lease. That is interpreted and has been interpreted to mean at the wellhead. It is at the lease.

These leases, as we know, are getting larger and farther from the shore. They are not just in the neighbor's backyard any longer. They are not just out on the rancher's property. They are hundreds of miles offshore.

The usual royalty rate for oil is one-eighth the value from land and deep sea and one-sixth the value of oil drawn from offshore leases. In 1988, oil and gas producers paid more—and I want the record to be clear about this—paid more, in 1 year, $4.7 billion in Federal royalties and have paid more than $40 billion in the last 10 years. In fact, I happen to know because of another bill that many of us have been working on, that since 1955, the oil companies have paid in rents, royalties, and bonuses $120 billion.

The thought that the oil companies would balk or would reject paying another $60 million is actually ludicrous because they paid $4.7 billion last year and will probably pay a similar amount next year. While my colleagues continue to talk about the $60 million figure, it is ludicrous that the oil companies that already pay this amount would flinch actually at paying $60 million more.

What is at issue is the principle of the way this is calculated. As we know, before it is sold, the oil is typically transported, processed, and marketed for sale. Each of these costs incurred must be subtracted from the purchase price in order to get back to the wellhead value. It is the determination of this wellhead value that can be complex and costly and lengthy, and many legitimate disputes have arisen about the correct method of valuation.

Some of these were addressed as part of the Oil and Gas Royalty Fairness Act enacted into law in 1996, but several other contentious issues remain. That is why we are debating this today. Both the industry and Government agreed that royalty valuation needed to be updated and simplified. When that law was passed to encourage simplification, the agency responsible for interpreting the law, instead of making a rule that is more simple, made it more complicated; they made it more complex. The new rule is not very transparent, and it is unworkable.

The industry is stating, and I believe they make a legitimate argument when they say: We do not mind paying our fair share, but we want the fair share we owe to be more clear so we can get out of the courtrooms. The issue today is whether we want to spend 5 months trying to work this out, which is what I am proposing we do, along with the Senator from Texas, or we want to spend 5 years in court at great cost to the taxpayers, at great cost to the industry, at the loss of jobs in many States throughout the Nation.

It simply makes no sense, and with all due respect to the Senator from Wisconsin, it has nothing to do, in my case and knowing the integrity of the Members of this Senate, with campaign finance reform or lack thereof. It has to do with the legitimate difference of opinion over an accounting rule. It is not an environmental issue. It is not a campaign finance issue. It is an issue regarding a complicated rule.

All we are asking is to take some more time to try to work it out so we can get out of the courtroom and get on to business because I think that is what the taxpayers of America want. I think the people in Louisiana, California, Wisconsin, and Texas want us to get back to work creating jobs and to get out of the courtrooms. This rule—as has been presented in great detail by the Senator from Oklahoma earlier and as posted on the chart that is up for display for all to see—is more complicated, not less.

It is as if the opponents, led by the Senator from California, seemingly are arguing that if a taxpayer—in this case it happens to be an oil company, but tomorrow it could be the taxpayer next door; tomorrow it could be your neighbor. If their taxes are audited and a discrepancy is found, which often happens, it would be similar to allowing the IRS to simply raise their tax rate. That is not fair. It is un-American.

I do not think there are many people in the United States who support that, but that is exactly what we are getting ready to do if we do not stop this rule from coming into effect. No agency should have the right to raise tax rates because of a legitimate difference over an auditing procedure that is very complicated. If that precedent is set, there is no taxpayer in this Nation safe from having their taxes raised by an agency. If we want to raise the royalty rate, then we should do it. If we want to raise the tax rate, this Congress should do it. We are setting a terrible precedent, allowing an agency to raise a tax rate based on a misinterpretation of a rule that is ill conceived and ill thought out and ill timed.

Also, with respect to my colleagues who have argued the other way, this is not only a bad principle to set and a rule that should not be adopted, but the timing could not be worse. The oil and gas industry, the domestic energy industry has just begun to recover from the last year and a half which saw oil prices fall to one of the lowest constant-dollar prices in history. We have been recovering over the last several months. But as you know, this is very volatile. The prices can go high; they can go low. Businesses open; they shut down. People are laid off. Savings accounts are used up. Industries and businesses go out of business and come back. So we are used to it, but it is still tough. To be acting this way at this time for an industry that is recovering—I do not know how much we want to push because 57 percent of all the oil and gas is now imported. That is up from 36 percent in 1974.

No. 1, we should not be badgering this industry at this time. We should be supporting them, particularly when they have a very legitimate request. They are not requesting to reduce the royalties they pay. They are not requesting their fair share to be delayed in any way. They are asking us, as we develop a rule, to help make the rule simple, transparent, and clear so they know what they owe and we know what they owe. We can then get out of the courtroom and get back to the business of running our Government. You yourself have been very sympathetic and very supportive and encouraging as we have attempted to create a real wildlife and land conservation trust fund for this Nation, which was promised and never delivered because the money goes into the general Treasury; it does not go into a real fund.

So many of us are working on that. That is why this issue is very important. That is why it is important we get this rule right and we get it straight. It is important that these royalties can flow into our Treasury and then, in turn, flow into a real account that some of us want to establish so we can fund tremendous environmental programs throughout this Nation, and so our States and our counties and our cities can count on these revenues to expand parks and recreation, which is important not only to California and not only to Wisconsin but important to Illinois and to Louisiana and to Texas and to all the States and the people we represent.

So, yes, it is important to get it right. That is why some of us are taking some time on the floor to urge our colleagues to vote to not allow this complicated and ineffective rule to go into place but to give us the time to work it out so the oil companies can pay their fair share.

I also have to say I find it sort of odd, because the oil companies did not support me when I came to the Senate, I am feeling kind of odd about having to speak so strongly, but I think there have been things said on this floor that are offensive.

Just because they are big oil does not mean they are bad oil. Just because they are oil and gas does not mean they are not a legitimate, terrific business that is doing their business in a better, more environmentally sensitive way. They create thousands of jobs directly in my State and around this Nation. Without the work of the oil and gas industry, there would not be the lights lit in this Chamber; there would not be the factories operating; we would not have the clothes on our back.

So I take offense at others who come to the floor and talk about them as "thieves" or suggest that they would—they did not use the word "bribe," so I will be clear that is not what was said, but to infer that some companies would go so far.

We all know our system of campaign finance has to be changed and altered and improved. There is hardly anyone in this Chamber who does not agree with that. But as a Senator who represents this industry—and I represent all the people in my State. I represent the big companies and the little companies, the employees, the people who do not work for oil companies. That is my job. But I want to say on their behalf I am offended by some things I heard on the floor.

This is not a rip-off. This is not an intention to rip off the taxpayer. This is not an effort to steal school lunches from schoolchildren. This is a legitimate and complicated business, financial and accounting issue that should be resolved, not by the bureaucrats but by the Members of this body. So by postponing this rule, hopefully, the Members of Congress can come up with a better way, a clearer way to keep us out of court.

So I yield back the remainder of my time, if I can, to the Senator from Texas. I thank the Chair and hope we can stay on the central arguments of this issue because it is important, and I think all Senators should have the right to be heard on the pros and cons of the oil royalty valuation in the limited time we have and try to give the Senators an opportunity to speak on this important issue before the debate is shut off.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my distinguished colleague from Louisiana. I think she said it very well. The idea that we would in any way impugn the integrity of anyone in the Senate on this issue is wrong. I do not believe that was meant, but I do think that it came across that way.

I am glad she spoke from her heart. I will, too. I had much the same experience. I had not remembered it because I do not count contributions, but I was not supported in the early stages when I first ran because I was running against an incumbent. That did not make any difference; I am representing all the people of Texas and doing what I think is right for America.

What I think is right for America is to keep jobs in America. Oil jobs are good jobs. Oil jobs are supporting families all over this country. What we are seeing is more and more jobs moving overseas. They are being lost by Americans and American families. That means we are not only losing jobs in the oil sector, but we are also, unfortunately, depending on imports for more and more of our basic oil needs in our country. We are getting ready to go into winter, and the last thing we need is higher prices on oil. The last thing we need is higher prices on gasoline at the pump. Yet if we do not pass this amendment, that is exactly what will happen. That is exactly what will happen. Every person in America is going to pay higher gasoline prices if we do not pass my amendment.

So I thank the Senator from Louisiana for her leadership, and her colleague, Senator BREAUX, for his leadership, in showing how important it is.

Senator BREAUX earlier made a point that I think is very important. It is shown by this chart. We all would like to have a simpler and fairer oil royalty tax on the oil industry so there isn't a dispute.

All the lawsuits that are being discussed are about disputes on how much is owed by oil companies. None of us want oil companies to cheat the American schoolchildren or the Indian tribes—none of us. We want the oil companies to pay their fair share. Part of the dispute is because it is so complicated. We would like to see a simpler system.

Unfortunately, what the Mineral Management Service has preliminarily proposed is this kind of trying to set oil royalty rates. Not only are they making you have to go through all these hoops, but they do not put out any kind of ruling letter that would allow an oil company, an independent producer to know what the precedent is. So that independent has to spend thousands, if not hundreds of thousands, of dollars every time there is a dispute to determine what they owe to the people of our country.

Now, Mr. President, I would like to——

Ms. LANDRIEU. Will the Senator yield for a moment?

Mrs. HUTCHISON. I will.

Ms. LANDRIEU. I would like to yield back the remainder of my time, under rule XXII, to Senator GORTON.

The PRESIDING OFFICER. The Senator has that right.

Ms. LANDRIEU. I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Louisiana for yielding that time to Senator GORTON, but I hope we will not need it. I hope the Senator from California will not continue to hold up the Senate in passing the very important Interior appropriations bill that is important to her State, to my State, and every State in our country.

We are now into dilatory tactics. We are now into prolonging something that is already accomplished. It is a matter of letting the Senate do its will. Sixty people in the Senate believe we need an up-or-down vote on this amendment. We are going to have an up-or-down vote on the amendment. I do not see a purpose, other than after an hour or so of legitimate debate—which I think the Senator has already received—of prolonging this. Particularly, I hope there will not be an attempt to prolong it with irrelevant and nongermane discussion.

So I am going to go back to the bill because I think it is very important. Our amendment seeks to simplify the rulemaking by the Mineral Management Service. This is what is proposed. Who can figure it out? No wonder there is a dispute between the oil companies and the Federal Government or the State government. If this is what the Federal Government is putting forward, it is not a precedent for anything. I do think we need to simplify.

The question is, Do we want to raise gas taxes? That is what the MMS would propose to do in this circuitous route.

I want to talk about where we are on the price of gasoline at the pump. Every American who fills up their tank knows that the price of gasoline has gone up. It is estimated that today the average price of gasoline in our country is about $1.20 a gallon. Of that $1.20, the light part of this chart shows how much is taxes—I am sorry, the light part shows how much is crude oil. The light part is 64 cents. That is the cost of crude oil in a gallon of gasoline. But the dark part is 56 cents, and that is taxes.

If the Senator from California succeeds in defeating my amendment, gas taxes are going to go up, because the MMS, with the circuitous route they are proposing, in fact, is going to tax the price of gasoline, not at the wellhead, as it has always been and as is the standard in the industry, but instead, after it goes through the marketing process and through the pipelines, after it is transported, all of those costs will be included in what is taxed. Basically, what the MMS is doing is raising taxes on every gallon of gas that is bought at the pump by every hard-working American. That is the essence of what will happen if my amendment fails.

The policy of taxing expenses in business is also something very new. I don't think a Federal agency should be able to change tax policy so we now start taxing expenses because that is exactly what happens. If we have the requirement that oil be marketed and transported and we raise the price accordingly and we tax that expense, we are talking about a whole new era. Instead of a Federal excise tax on a Beanie Baby being made when the Beanie Baby comes out of the manufacturing shop, it will be taxed on the retail shelf. That means every Beanie Baby that is marketed in this country and transported by truck to a building, where it can be sold at retail, is going to be taxed. You are going to have to pay the added tax in the price of that Beanie Baby.

The price is already going up. We are talking about a whole new concept that the MMS is trying to start with the oil industry, to set a precedent—no vote of any Member of Congress. Then we will see that start happening in other industries as well. It is a very dangerous precedent.

This chart shows what has happened to the price of gasoline at the pump in the last 10 years.

In 1990, the price of gasoline was about $1.21 per gallon. That was the average price in 1990. Of that, 26 cents was gasoline taxes and 94 cents was the cost of the crude oil in that gasoline that was bought at the pump. Move down to 1997; the retail price has moved up to $1.29. Look at what has happened to the costs. The costs have actually gone down. The cost of the oil in that gallon of gasoline has gone from 94 cents per gallon to 88 cents per gallon. So if that is the case, why has the price of gasoline at the pump gone up? It is because taxes have increased from 26 cents per gallon to 40 cents per gallon. That is why oil prices have gone up in the last 10 years.

The Senator from California wants to defeat my amendment, which will have the effect of raising the taxes on oil, which means every American is going to pay a higher tax than 40 cents per gallon. It is going to go up by however much MMS says. But if we start taxing the expenses of marketing and transportation, we could see 50 cents a gallon going into the price of gasoline at the pump and we could start looking at $1.39 being the average price of gasoline per gallon.

I think it is very important that we look at where the price of oil has gone up and what is causing Americans to pay higher prices at the pump. Because we import 57 percent of the oil from foreign countries and because OPEC has now limited what they are going to produce, the price of the imported oil is also going up. So put added taxes, which defeating my amendment will achieve, with the higher price of imported oil—you cause oil companies to stop drilling in America because it is now so expensive to do so, and it is going to be more expensive if my amendment fails—and you have the triple whammy. You have our jobs moving overseas, our dependency on foreign oil rising to 57 percent and continuing to go up, and the hard-working American paying higher prices for gasoline at the pump.

That is not a good solution. We should not be allowing Federal agencies to raise the price of gasoline at the pump by raising the price of oil, by taxing it at a higher rate, without so much as one vote by a Member of Congress who is accountable to the people.

If the Senators who want to defeat my amendment want to pass a tax increase up or down based on the principles they are espousing from the MMS, let them do it. Let them do it on a straight-up vote. Let them come to the Senate floor and defend raising gasoline taxes on every hard-working American. That is what the effect of defeating my amendment will be.

Why not do it straight up? I call on the Senators who are trying to defeat my amendment to say: OK, I want higher gasoline taxes; I want hard-working Americans to pay not $1.20 or $1.29 at the pump; I want them to pay $1.39 or $1.49. If that is their goal, let's address it straight on, because that is the effect of defeating the Hutchison-Domenici amendment.

I hope we can have a debate that is based on the issues affecting this amendment. Let's talk about raising gasoline prices on hard-working Americans who are seeing prices go up already. Let's talk about what will happen if we have a crisis in the Middle East and we have 5-hour gas lines and we have to pay higher prices to get the gasoline for which we wait 5 hours to fill our tanks. Let's talk about the real issue here, which is raising the price of gasoline at the pump on hard-working Americans.

I don't think that is what Congress wants to do. I think that is why 60 Members of Congress said let us have an up-or-down vote. That is the issue today, Mr. President.

I reserve the remainder of my time and suggest the absence of a quorum.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas withhold her quorum call?

Mrs. HUTCHISON. Mr. President, I am happy to allow the Senator to be recognized.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Texas. I do look forward to this debate. We have, for the first time, a debate about this particular rider to an appropriations bill on the Senate floor, finally.

(Mr. BUNNING assumed the chair.)

Mrs. BOXER. The Hutchison rider has been agreed to many times in the dead of night in the committee. But the Senate has never had time to explore all that it means. It is a tough debate going on here. I think it is good because, again, it shows, in many ways, the difference between the two parties, who stands for whom, where we come out.

I thought comments of the Senator from Wisconsin about the role of campaign contributions to the political parties, as he pointed it out, was germane. We may have a vote about that later. He is simply pointing out a fact that has been noted in the USA Today, the Los Angeles Times, the New York Times, which is that, in fact, campaign contributions taint this debate. Even if everybody is pure of heart and pure of soul in this Senate—and I pray that is the case—there is an appearance here. It doesn't look right when you realize that 5 percent of the oil companies—mostly big oil—are not paying their fair share of royalties.

We show it right here on the chart. The cost of the Hutchison amendment would represent $66 million that would otherwise go to the taxpayers, to the Land and Water Conservation Fund, the national parks, historic monuments, and to the States to go into the classrooms. So it is very important that when these decisions are made, they are being made by the pure of heart because you have a situation where the oil companies are not paying their fair share—5 percent of the oil companies—and the people are therefore not getting their fair share to go into the classrooms and the national parks. Therefore, we want to make sure the decision is based on the facts, not on campaign contributions.

I thought the Senator from Wisconsin was absolutely brilliant in his discussion and laying down the facts that show these campaign contributions. I hope if we do have a vote on whether that is germane, we will, in fact, find that the Senator from Wisconsin can continue his remarks because I think it goes to the heart of the matter. So just to show why I have taken the time of the Senate on this, I want to look again at this chart, which I call "Big Oil's Big Rip Off." Because of this rider, we have lost $66 million from the Treasury—excuse me, we have already lost $88 million from the Treasury. Under this amendment, we lose another $66 million. That would mean if this amendment passes, the total cost of the oil rider will be $154 million to the taxpayers.

I find it really interesting—a couple of things that the Senator from Texas now says—that if we collect the fair share of royalties, we will see an increase in gasoline at the pump. Let me tell you why I find that really interesting. We have debated this issue for many years now, and we have heard every argument being used. It always changes.

The first argument as to why we should not allow Bruce Babbitt and the Interior Department to collect a fair amount of royalties from the oil companies was that oil companies are being fair. Why, we are not cheating; we are paying the fair share. They argue that. That didn't fly. The newspapers didn't buy it. Nobody really bought it. So the next argument is, well, maybe there needs to be a clarification. Maybe what we are paying isn't exactly right. We don't admit that, but let's have a clarification. But we need more time. So let's not allow the Interior Department to decide this matter now; let's buy some time.

OK. Then they went to the third issue because that didn't fly very well anymore. The third excuse was that we haven't had enough public comment period on the rule. But go ahead and again open up public comment, and we will be glad to pay our fair share. Well, there were 17 meetings held, and then they opened up the public comment period again. We have heard every excuse in the world, bar none, as to why we should not be collecting the $154 million that is due taxpayers. The latest one is: Oh, oh, you better not allow Bruce Babbitt to go after those royalties because your prices will go up at the pump. Well, we know for a fact—if you look at the amount of money this means to the oil companies—it is a tiny percentage.

I ask unanimous consent to have printed in the RECORD at this point a chart that shows what these royalties mean to the big oil companies.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Company	1996 Total Revenue (Oil and Gas J.)	1996 Roy Paid (oil and cond.)	Percent of Royalty Paid Vs. Revenue	Potential Liability Under the Rule	Percent of Royalty Liability v. Revenue
Shell Total	$29,151,000,000	$213,008,437	0.73	$19,459,159	0.07
Exxon Corp. USA, Total	134,249,000,000	154,531,037	0.12	7,993,222	0.01
Chevron USA, Inc. Total	43,893,000,000	159,611,684	0.36	7,111,509	0.02
Texaco Exploration & Prod, I Total	45,500,000,000	87,370,721	0.19	6,375,000	0.01
Marathon Oil Company Total	16,356,000,000	53,593,234	0.33	5,225,380	0.03
Mobile Explor. & Prod. U.S. Total	81,503,000,000	55,511,623	0.07	3,978,051	0.00
Conoco Inc. Total	20,579,000,000	30,562,431	0.15	2,444,738	0.01
Phillips Petroleum Co. Total	15,807,000,000	10,527,634	0.07	2,334,420	0.01
BP Exploration and Oil Inc. Total	17,165,000,000	46,819,366	0.27	2,138,002	0.01
Amerada Hess Corporation Total	8,929,711,000	12,271,849	0.14	1,446,901	0.02
Amoco Production Company Total	36,112,000,000	31,030,184	0.09	1,427,185	0.00
Pennzoil Products Co. Total	2,486,846,000	23,858,522	0.96	1,416,140	0.06
Unocal Exploration Total	9,599,000,000	36,205,793	0.38	1,358,282	0.01
Murphy Oil Company U.S.A. Total	2,022,176,000	16,445,805	0.81	778,351	0.04
Arco Western Energy Total	19,169,000,000	50,363,676	0.26	718,384	0.00
Coastal Oil & Gas Corporat Total	12,166,900,000	4,364,577	0.04	470,939	0.00
Total Petroleum, Inc.—Oil Total	34,526,000,000	3,059,110	0.01	364,045	0.00
Koch Oil Co. Total	Unavailable	3,214,012		342,222	
Fina Oil & Chemical Company Total	4,078,502,000	1,393,795	0.03	156,560	0.00
Hunt Oil Company Total	Unavailable	8,256,498		125,731	0
Howell Petroleum Corporation Total	712,501,000	1,581,010	0.22	122,669	0.02
Frontier Oil & Refining Co. Total	3,379,000	486,634	14.40	47,583	1.42
Giant Refining Company Total	Unavailable	945,403		46,854	1.42
Citgo Petroleum Corp. Total	Unavailable	600,941		45,755	

Company	1996 Total Revenue (Oil and Gas J.)	1996 Roy Paid (oil and cond.)	Percent of Royalty Paid Vs. Revenue	Potential Liability Under the Rule	Percent of Royalty Liability v. Revenue
Navajo Crude Oil Mktg Co Total	Unavailable	2,598,096		45,063	
BHP Petroleum (Americas), I Total	135,180,000	6,266,511	4.64	34,020	0.03
Barrett Resources Corp. Total	202,572,000	306,239	0.15	32,719	0.02
ANR Production Total	Unavailable	402,039		13,801	
Petro Source Total	Unavailable	919,725		12,049	
Berry Petroleum Company Total	57,095,000	132,733	0.23	9,711	0.02
Sinclair Oil Corp. Total	Unavailable	181,480		5,949	
Ashland Exploration, Inc. Total	13,309,000,000	47,270	0.00	3,825	0.00
Big West Oil & Gas Inc. Total	Unavailable	1,877,664		3,415	
Sun Refining & Marketing Co. Total	Unavailable	73,075		2,683	
Pride Energy Company Total	Unavailable	113,116		2,389	
Cenex, Inc. Total	Unavailable	140,119		2,267	
Sunland Refining Corp. Total	Unavailable	4,034		1,919	
Diamond Shamrock Ref & Mktg Total	Unavailable	6,805		226	
Montana Refining Company Total	Unavailable	2,923		213	
Gary-Williams Energy Corp. Total	Unavailable	27,848		8	
Grand Total of 40 Companies				66,097,612	

Mrs. BOXER. The list that is going into the RECORD shows all of the big oil companies and what this really means for them. It is so small that these royalty payments, in some cases, can't even be measured. They are so minuscule, they can't even be measured. The largest one is .07 percent of their revenues. So to stand up here and say your oil prices are going to go up is ludicrous. It is completely a new argument that absolutely holds no weight. Even if they were to pass this on, it would not even be a penny a gallon. It would not even be a mill.

Let's face it: this isn't anything about higher gas prices because it doesn't even impact these companies. This isn't about any of that. It is about fairness; it is about justice. How do we know that it is about fairness and justice? The whistleblowers who work for big oil have testified. Let me tell you about something I have not even mentioned before in this debate. Recently, there was a lawsuit filed on behalf of two whistleblowers from big oil, and the lawsuit is quite compelling. It is so compelling that the Justice Department actually joined in as a party to the lawsuit.

I know we have heard many seven schemes. We have heard of the Seven Wonders of the World; the Seven Years' War; Seven Brides for Seven Brothers; the Seven Seas; Seventh Heaven; Seven Days of the Week; Seventh Inning Stretch—which is what we could probably use right now—Snow White and the Seven Dwarfs; Lucky Number Seven; Dance of the Seven Veils; the Seven Year Itch. How about even this biblical one: Forgive your enemies 70 times 7; Seven Hills of Rome; the Magnificent Seven; Seven Days in May; the Seven Percent Solution. There is even a book called "The Seven Habits of Highly Effective People"; Seven-Up. We have heard of 7-Eleven stores; Seven Samurai; Double-O Seven; there is even Seven Sleepers of Ephesus.

So we have heard a lot about sevens in history, and today on this floor of the Senate I am going to talk about another seven. This isn't a pretty one. This isn't a movie. This isn't a song. This isn't a saying. This is a lawsuit, a lawsuit that outlined the seven schemes of the oil companies—the seven schemes of the oil companies to defraud the taxpayers. I am going to speak to you from this lawsuit. I am going to read to you right from this lawsuit. Before you fall asleep and think it is boring, it is not boring. These are two whistleblowers, former ARCO executives, big boys in the echelon, who cleansed their souls. This is what they said in a lawsuit under penalty of perjury:

> Causes of action alleged herein arise from a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues known as royalties.

Let me repeat that because this is the crux of what is before us today. Two whistleblowers from the highest echelons of the big oil companies stated under penalty of perjury that there is a "nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues known as royalties."

What does this amendment do? Why am I taking the Senate's time? I want to shine the light of truth on this issue.

The Department of the Interior knows this scam is going on, and they want to fix it. What we have before us is an amendment to stop the Interior Department. You can see from the poster by my good friend from Texas. Now the argument is: Turn your sights on the Interior Department; they are corrupt. This is a new argument about trial lawyers. I haven't heard that one before. I guess they keep taking a poll to see who is popular, and then they try to argue with us because they cannot argue with us on the merits.

I think it is also very interesting because the Senator from Texas and the Senator from Wyoming tried to stop Senator FEINGOLD from talking about the oil company contributions. They are coming up with the trial lawyers. I find it is interesting. That is fine. I don't mind that. I wouldn't gag any of my colleagues. They can say whatever they want because the issue here is clear. It is stated in a lawsuit:

> There is a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenue known as royalties.

That is not a statement by trial lawyers; that is a statement under penalty of perjury by two former employees of big oil.

Let's see what else they say.

They say:

> There is a pattern and a practice of carefully developed and coordinated schemes targeted to defraud the United States of America of its lawful share of royalties owed by the defendants, the oil companies, for crude oil produced in United States owned or controlled land.

In English language, it means that when these oil companies drill on lands that belong to the people of the United States of America, land of the United States, either onshore or offshore, they are not paying their royalties.

To continue:

> The oil companies' unlawful conduct is continuing in nature and these major oil companies operating in the United States have underpaid oil royalties to the United States by calculating the royalties based on prices less than the total consideration actually received by the oil companies.

In English language, these royalties are not being based on the fair market price, which is what they have to be, according to the lease they sign. Let's take a look at that lease they signed because I think that is pretty telling.

The Senator from Texas keeps referring to a royalty as a tax. A royalty is not a tax. A royalty is paid subject to an agreement. When oil companies drill on lands that belong to "we, the people," they have to pay something for it. It is a privilege, and they have to pay something for it. The "something" that they pay for is the subject of this debate.

The Department of the Interior says—and these whistleblowers say—that 5 percent of the oil companies are cheating and 95 percent are doing the right thing. They are paying the fair market value—their royalty is based on a fair market value—but 5 percent of the companies that are cheating us are not. We know that to be the case.

So let's look at the agreement that the oil companies signed. They signed an agreement that says the value of production for purposes of computing royalty on production shall never be less than the fair market value of the production. It further says gas of all kinds, except helium, is subject to royalties and that, for purposes of computing, the royalty from this lease shall never be less than the fair market value of production.

That is the subject of this debate. Five percent of the oil companies are not paying the fair market value.

Let's look at some of the companies and the posted prices.

Whistleblowers have told us that these oil company executives sit around and plan to defraud the people. It is all in this lawsuit, and it is reflected in this chart. If you track the market price of oil—right here we have done that— from July 1997 to June 1998, just to give you an example, this blue line is the market price.

How do we know the market price? It is listed in oil publications every day. We know what it is. It is really definable. If you track that market price compared with this red line, which is the ARCO posted price—in other words, that is the price ARCO decided to pay royalties on—what do you see? You see a differential of about $4 per barrel. Sometimes it is less—$2. But it can go up to $4 or $5 in difference. What does that mean? It means that the taxpayers are being defrauded by this amount in the middle, in between the two.

Do we have another oil company? It just doesn't happen in ARCO. I don't want to say it just happens in ARCO.

Here we have another oil company. We track the market prices and the posted prices. Isn't it amazing? Why is it this way? Because these companies are cheating the Government. They are not paying the royalties based on the blue line, which is the market price, which they have to, according to the agreement they signed. This isn't about taxes, my friends. This is a royalty agreement. They are paying the royalty based on the red line, and the taxpayers are getting ripped off.

You may say, well, what is $4 a barrel with $2 to $4 on a regular basis? It is a lot. Let me tell you what it is. We are not talking about peanuts; we are talking about real dollars. Let's talk about that.

This amendment that is before us today, on which the Senator from Texas, Mrs. HUTCHISON, got 60 votes—just the amount she needed, and not 1 vote to spare to bring this amendment to the floor—is about real dollars, $66 million. What can you do with $66 million?

By the way, that is only 1 year. If this continues, we are looking at $1/2 billion pretty soon, and $1 billion after that.

Let's take 1 year for this particular amendment, $66 million. We could have hired 1,000 teachers with that. We know we need more teachers in the classroom. These royalty payments, when they go to the States, are used in the classroom. Anyone who talks about how we need more money for education, we could hire 1,000 teachers with the $66 million.

Maybe you don't want to hire teachers. Maybe you want to improve the schools. We can put 44,000 new computers in the classroom with $66 million. That is just this year. Or we can buy textbooks for 1.2 million students.

Have you ever looked at some of the textbooks in our public schools? When I was a kid and I got a textbook—it was a long time ago; I plead guilty to that—when we opened up a textbook in those happy days, it smelled clean and fresh. It was clean and fresh. It was ours. Today, some of the textbooks have writing; they are old; they are falling apart. What kind of message is that?

I could be challenged: Why is the Senator from California talking about schools, textbooks, and teachers? Easy. The money we would get if we defeat the Hutchison amendment could buy 1.2 million students new textbooks.

If you want to do something for the safety net with that $66 million, we could provide 53 million hot lunches for schoolchildren, lunches that have more than ketchup, I might say; lunches with nourishment, nutrition. We know a lot of our kids need that.

When these oil companies sit around and plot to defraud the government—and we have it here, under penalty of perjury, that that is what they do with seven schemes. We have the schemes outlined. Later in the debate I will get into exactly what are the seven schemes. Essentially, all seven are schemes to lower the value of the oil that is pumped from Federal lands. They have intricate ways of doing that. It is spelled out right here. I will read a little more from this complaint.

These whistleblowers, who were former executives high up in the chain of big oil, say:

> . . . they have knowledge of the unlawful conduct, including the schemes and the practices alleged herein, which include the oil company's misrepresentation and underpayment of oil royalty payments to the United States.

They go through the schemes. Does anyone want to challenge the authenticity of these charges from these whistleblowers, former oil executives, who say they have "direct knowledge that this is going on." They call it "conspiratorial activities" to cheat the United States out of its royalty income by deflating the base price of oil upon which royalties are to be paid.

This is thievery. People say: Why are you taking the time of the Senate, Senator BOXER? It is because I love this place too much to see us put our imprimatur on this scheme.

Let's read directly from the Platt's Oil article that shows exactly what one of these executives said under penalty of perjury. This is an article that appeared over the summer of this year in an oil company report. This isn't from the New York Times. We have gotten a good article from the New York Times. We have gotten good articles from USA Today and the Los Angeles Times. We have gotten good articles in South Dakota; we have gotten good articles in Michigan. All of those editorials are saying Senator BOXER is right.

This is from an oil company newspaper, so it should have total credibility with all who take the oil company's side. I will read this article entitled "Retired ARCO Employee Says Company Underpaid Oil Royalties."

> A retired Atlantic Richfield employee has admitted in court that while he was the secretary of ARCO's crude pricing committee, the major's posted prices were far below the fair market value.

Let me repeat that. An oil company executive who worked in this area said that the "posted prices"—that is, the price that the oil company paid the royalty on—was "far below the fair market value."

Let's look at the chart again. He is saying the amount they paid their royalties on—remember, the royalty is a percentage, about 12 percent if it is onshore, 12 percent of the fair market value. They did 12 percent of their made-up posted price.

He is not anonymous. This man has a name. He has put his good name out there. He has said under penalty of perjury in court that what he says is true. Harry Anderson is his name. He testified this month in an ongoing suit, and he said he was a witness to the inner workings of ARCO. According to court documents, Anderson testified that the primary purpose of the crude pricing committee was to set the posted prices for the mid-continent, Alaskan and California crudes. In other words, it was his job to decide what was the posted price. On that posted price, they would pay their royalties. Whatever Mr. Anderson and his friends decided was that fair market value called the posted price, that is on what they would pay the royalties.

This chart shows consistently these prices were below the market price listed in the paper. Could this be an accident? No, because he said ARCO's postings were within 15 to 30 cents per barrel of the others, and at least $4 to $5 below what was accepted as fair market value for crude.

What he said was all of the majors were doing this. This 5 percent that we say are doing the wrong thing were within a few cents of each other, and all of them, according to him, were $4 to $5 below the fair market price. That is even more than we said, $2 to $4. He says in a certain period of time they were $4 to $5 below market price.

Under penalty of perjury, a man with the inside knowledge of what was going on, said that ARCO and the other "posters"—meaning the posted price people—never raised the posted price to the market value. We see that is true. We plotted the market price during that period and here is the posted price. He says all of our calculations, all the public information on refined values relating to California crudes say the fair market value was well in excess of the posting.

That is another way of putting it: The fair market value was well in excess; it was more than the posted prices that they put down.

He said, and this is really interesting, he was:

> . . . not being truthful 5 years ago when he testified in a deposition that ARCO's posted prices represented fair market value.

So the man admits that he wasn't truthful before in court. He is cleansing his soul and he is now telling the truth. He goes on to say, and this is chilling, in explanation for why he lied about the fair market value:

> I was an ARCO employee. Some of the issues being discussed were still being litigated.

Listen to this. He says:

> My plan was to get to retirement. We had seen numerous occasions where the nail that stood up got beaten down.

What does that mean? Someone who had the courage to stand up in the face of the higher-ups and tell the truth that they were cheating taxpayers got beaten down. Harry Anderson said that. It is pretty chilling. He goes on. He said:

> The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did.

What does he mean by that, "take the money" and wait "for the day of judgment?"

What he means is they would lie about the value of the oil, not give the true market value, pay less of a royalty, pocket the money, and wait for the judgment day.

Maybe the judgment day is here. I say to my friends. Maybe if this Senate has some courage, we can stop this fraud today. We will not be stopping it if we approve the Hutchison amendment, I will say that. Mr. Anderson said he was afraid he would lose his retirement if he didn't go along with the game. Mr. Anderson said the other executives said: What the heck, we'll just lie about this and we'll wait for the judgment day. That is a translation of what he said. He goes on to say even more chilling things. He goes on to say:

> I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the discussion stage.

Let me repeat that:

> I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the discussion stage.

In other words, Mr. Anderson is saying if I blew the whistle, I would be gone. If I did not go along with this scheme—and we now know seven schemes—that he would be gone. He says further:

> Once we made our decisions, the ranks closed.

So they sat around, decided to wait for the judgment day, and people like Harry Anderson who were afraid for their retirement went along with the scheme. Then he says: Once we made our decision we closed ranks. That was the deal.

He says further:

> I did not get to be a manager and remain a manager being oblivious and blind to signals.

What an ethic. What an ethic. Where is the corporate responsibility, when they have someone who is honest in their ranks and he is afraid to talk because he will get fired, he won't get his retirement? When he talks up about how the company underpaid oil royalties, he is finished. So he doesn't talk up. And he is feeling guilty and he is carrying this on his back. He comes clean in a lawsuit where he just says: I was afraid of losing my job if I told the truth.

We are going to protect that kind of behavior by the oil companies by voting for this amendment? I pray not. I pray not. I really hope some of the folks who voted for cloture to bring this debate to a close will join me on the substance of this thing. I have never in all my years in politics—and I have been in politics so long I am embarrassed to tell you that I was elected the first time in 1976. I have seen a lot of things. I have seen issues that were cloudy. I have seen issues where the line between right and wrong was fudged. They say every issue has two sides. This one does. The oil companies versus the people. That is the two sides.

The Interior Department wants to make sure the oil companies pay their fair share so the people get their fair share. We will show you the money again; the money, what is at stake here. If we do not vote down the Hutchison amendment, the people of America will have lost $154 million.

Let's suppose you do not even like to spend it on national parks; you don't want to spend it in classrooms. How about paying down the debt? I will bet a lot of folks think that is a good idea. But, no, if we vote for the Hutchison amendment, we lose a cumulative $154 million.

I want to read into the RECORD a letter I just received from the Consumer Federation of America. First, I want to say a word about the groups that have really worked hard to defeat this Hutchison amendment. I just told you before there are two sides on this amendment: the oil companies versus the people of the United States of America. I believe that in my heart. We have over 50 groups that are helping us defeat this amendment. Every one of them is worthy of mention, but I do not have time at this point to mention them all, so I will mention some of them:

The American Association of Educational Service Agencies—they know they are being robbed of education funds by this amendment. They oppose it. The American Association of School Administrators, the American Federation of Government Employees, the American Federation of Teachers—they have to be in the classrooms with the books that don't measure up, without computers. They want to fight for this. They are against the Hutchison amendment.

American Rivers, Americans for Clean Energy, the Arkansas State Lands Commission, the California State Superintendent of Public Instruction, the Clean Fuels Foundation, Common Cause. Common Cause understands what is at stake here. They agree with Senator FEINGOLD when he stood up—and they tried to gag him when he said there is a tie-in between this amendment and the campaign finances where big special interests like the tobacco companies, the oil companies, you name it, have an incredible amount of influence. Again, even if everyone was pure of heart it looks terrible to see the special interests win on these.

The Better Government Association is with us, the Colorado State Board of Land Commissioners, the Consumer Project on Technology—they know they need technology in schools—Defenders of Wildlife. It is an incredible list. The Friends of the Earth, the Gray Panthers—they are the elderly. They understand we need to support our parks and our kids and our schools; the Montana Department of Natural Resources and Conservation.

I am just on the M's, and this goes all the way to the W's.

I want to comment on one of the organizations that has worked so hard with me and others on this, U.S. Public Interest Research Group, U.S. PIRG. They have worked very diligently talking with colleagues, and we have kept this fight alive because of these people. We have kept this fight on the front pages of some of the newspapers because of these people. Hopefully, tonight we will see it on TV.

The Washington State Lands Commissioner; the Wilderness Society; the Wisconsin Secretary of State and Chair, Board of Commissioners of Public Lands—this is an incredible list. I left out the N's and the P's, and I will have to get back to them later.

Today, I have a new letter from the Consumer Federation of America. Let me read it. This is one of the foremost consumer groups in the country. I have to say it is now headed by a beloved colleague, Howard Metzenbaum, who served here as the voice of the consumers for so long, the voice for the people who do not have a voice, the voice for the people who have to get up in the morning and go to work, the people who cannot afford to send their lobbyists here and the people who cannot afford campaign contributions.

What does he say in this letter?

> The Consumer Federation of America joins you in opposing the Hutchison-Domenici rider to [this bill]. [The organization] is concerned about the decline in accountability of many corporations to the needs and concerns of consumers, communities, and national interests. This rider is a case study in this lack of accountability, not to mention an unjustified subsidy by the taxpayers to the [big] oil companies.
>
> According to the Department of Interior, eighteen oil companies have consistently undervalued the cost of oil drilled on federal land to avoid paying [their royalty payments] of about $66 million a year.

He goes on to say we have already lost $88 million and that this amendment of Senator HUTCHISON will, in fact, delay the Department of the Interior—even a better word—"prohibit the Department of Interior from finalizing their regulations" to require the oil companies to pay their royalties based on the fair market price of the oil, not on a lower price established by the oil companies themselves.

Howard Metzenbaum said it as straight as one can. They are paying royalties on their made-up price rather than on the market price.

He goes on to say that the Consumer Federation of America opposes this rider for two reasons.

One:

> The undervaluation of oil drilled on Federal land amounts to nothing more than corporate welfare. The practice represents an unjustified subsidy, especially to the larger oil companies that are in a position to reap huge returns from oil drilled on Federal land.

Second:

> Taxpayers must pick up the tab for this subsidy, to the tune of tens of millions of dollars a year.

He goes on to say:

> The Consumer Federation of America applauds you for your efforts to insure that taxpayers receive a fair return from federal oil sales.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD, along with a list of groups that are, in fact, opposing the Hutchison amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA,
Washington, DC, September 23, 1999.

Re Urgent! CFA opposes Hutchison-Domenici oil royalty rider.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Consumer Federation of America (CFA) joins you in opposing the Hutchison-Domenici rider to the FY 2000 Department of Interior Appropriations bill. CFA is concerned about the decline in accountability of many corporations to the needs and concerns of consumers, communities, and national interests. This rider is a case study in this lack of accountability, not to mention an unjustified subsidy by the taxpayers to large oil companies.

According to the Department of Interior, eighteen oil companies have consistently undervalued the cost of oil drilled on federal land and avoided paying fees of about $66 million a year. Since this rider first took effect last year, an estimated $88 million in royalties have not been collected. This rider would prohibit the Department of Interior from finalizing regulations that would require oil companies to pay royalties based on the market price of oil drilled on federal land, and not on a lower price established by the oil companies themselves.

CFA opposes this ride for two primary reasons:

The undervaluation of oil drilled on Federal land amounts to nothing more than corporate welfare. The practice represents an unjustified subsidy, especially to the larger oil companies that are in a position to reap huge returns from oil drilled on Federal land.

Taxpayers must pick up the tab for this subsidy, to the tune of tens of millions of dollars a year.

CFA applauds you for your efforts to insure that taxpayers receive a fair return from federal oil sales.

Sincerely,

HOWARD H. METZENBAUM,
Senator (Ret.).

OPPOSITION TO MORATORIUM HITS A GUSHER: MILLIONS AGREE BIG OIL SHOULD PAY FAIR SHARE

(Revised August 3, 1999)

Senator Kay Bailey Hutchison (R–TX) has vowed to re-attach an amendment known as the oil royalty moratorium to the Department of Interior appropriations bill in the coming days. The moratorium would stop Interior from implementing a rule that prevents royalty-evasion by 40 of the largest oil companies drilling on federal and Indian lands. A growing coalition of educational, taxpayer, conservation, native American and labor organizations as well as state governments agree with Interior that Big Oil should pay its fair share.

American Assn of Educational Service Agencies
American Association of School Administrators
American Federation of Government Employees (AFGE), AFL–CIO
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers
American Lands Alliance
American Oceans Campaign
American Rivers
American Wind Energy Association
Americans for Clean Energy
Arkansas State Lands Commission
Better Government Association
California State Lands Commission
Calif. State Superintendent of Public Instruction
Clean Fuels Foundation
Colorado State Board of Land Commissioners
Common Cause
Consumer Project on Technology
Council of Chief State School Officers
Defenders of Wildlife
EarthJustice Legal Defense Fund
Endangered Species Coalition
Federation of Western Outdoor Clubs
Friends of the Earth
Fund for Constitutional Government
Government Accountability Project
Gray Panthers
Greenpeace
Mineral Policy Center
Montana Department of Natural Resources and Conservation
National Assn of State Boards of Education
National Audubon Society
National Education Association
National Environmental Trust
National Parent-Teachers Association (PTA)
National Parks and Conservation Association
National Rural Education Association
National School Boards Association
National Trust for Historic Preservation
National Wildlife Federation
Native American Rights Fund
Natural Resources Defense Council
The Navajo Nation
New Mexico State Lands Commissioner
North Dakota Commissioner of University and School Lands
Ozone Action
Pacific Rivers Council
Paper Allied Industrial Chemical and Energy Workers (PACE)
Physicians for Social Responsibility
Preamble Center
Project On Government Oversight
Public Citizen's Congress Watch
Public Citizen's Critical Mass Energy Project
Public Employees for Environmental Responsibility
Safe Energy Communication Council
Service Employees International Union
Sierra Club
South Dakota Commissioner of Schools and Public Lands
Southern Utah Wilderness Association
SUN DAY Campaign
Taxpayers for Common Sense
Texas State Lands Commissioner
Trout Unlimited
20/20 Vision
UNITE, Union of Needletrades, Industrial & Textile Employees
United Electrical, Radio & Machine Workers of America
United for a Fair Economy
U.S. Public Interest Research Group
Washington State Lands Commissioner
Wilderness Society
Wisconsin Secretary of State and Chair, Board of Commissioners of Public Lands
World Wildlife Fund

Mrs. BOXER. Mr. President, we are in quite a situation here, and I am going to go through some of the charts I have not gone through up to this time.

When we talk about the money we will lose because of the Hutchison amendment—and I find it ironic we are doing an appropriations bill to appropriate money for the various functions therein, including national parks, including very important functions, such as preserving historic monuments—we realize we are losing $66 million, and I told you that money can go pretty far. It will affect many States.

My staff has been extraordinary in terms of all the research and all the work they have put into this issue. I thank Jodi Linker, Matthew Baumgart, and the rest of my staff, and Liz Tankersley and Dave Sandretti who helped us. When you are hit with an issue such as this and you know you have an uphill battle, it takes a good staff to keep on keeping on, to keep on keeping up with the issues, and they do. I am so grateful to them.

Today I have a new chart. It shows the 11 most endangered historic sites in America. What is very interesting about this is that these buildings qualify for Federal funds to preserve them. As we go into the next millennium, we start thinking about our heritage, our great Nation. One of the things we have to do is restore these incredible monuments to our history. There are 11 of them. They desperately are seeking, not Susan, but funding. They must have funding because they are old and they will otherwise fall apart.

I was at one such monument. It is not 1 of the 11 great ones. It is a small one. But it is in a little town north of my home, Sonoma County. It is a round barn. I never really knew what a round barn was, but it is famous. In the 1800s, they used to take the horses and run them around in this barn. We only have a couple left in California. This one is falling apart. It needs a few dollars. So when people say $66 million, let's look at these 11.

The Senator from Illinois is here, and I point out to him that one of these endangered landmarks, as I remember, is in Illinois. I wonder if he realizes—and I know he does—that some of this funding that would otherwise go to the Interior Department and we are not going to see if the Hutchison amendment is adopted could go to help one of the monuments in his State, which is the Pullman Administration Building and factory complex, in Pullman, IL, which dates back to 1890.

All of these are very endangered. We see one in Rochester, NY, the Monroe Theater. We see one in Louisville, KY, a beautiful place called Robinswood. We see one in Cleveland, MT, Lancaster, PA, barn shadow, "Lost Barn." We see the Allen Auditorium in Alaska and, in my own State, the incredible Angel Island Immigration Station through which many of our ancestors came. In New York State, there are four national historic landmark hospitals. There is one in Hudson Valley. It is a beautiful one. One is in Baltimore, west side of downtown Baltimore, Chinatown. It is endangered.

I say to my colleagues, when we are fighting against this amendment, we are, in fact, saying it is not fair for 5 percent of the oil companies to do the wrong thing, to defraud the people of the United States of America of their money; it is wrong to do that.

There are other uses for this money. We believe even if all those uses did not have support, paying down the debt would be better than allowing this big ripoff to continue.

Mr. President, I yield the floor and retain my time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour.

Mr. DURBIN. I thank the Chair.

Mr. President, I thank the Senator from California, again, for engaging in this debate. There are those who stay glued to their screens watching the Senate debate from early morning to late at night.

The PRESIDING OFFICER. If the Senator from Illinois will pardon the Chair, I misstated. The Senator has 22 minutes.

Mr. DURBIN. I thank the Chair.

Those who stay glued to the screens watching C–SPAN and the Senate debate know what this is all about. Those who come to the gallery or tune in may not understand why we are on the floor today with a few Members very deeply involved in debate.

This is a debate over the use of America's public lands, lands owned by all of us as citizens of the United States. We have a lot of them, literally millions of acres. Some of them are beautiful, pristine parks, and some are national forests.

Many of these lands are used for a variety of purposes. Some are used for recreational and tourism purposes, our beautiful National Park System which was instituted by a famous Republican President, Theodore Roosevelt, who opened Yosemite National Park and started the park system, and many other aspects such as the National Forest System, of which we have in Illinois the Shawnee National Forest, one of the more beautiful parts of our State. We are very proud of it.

Then as you go out West, you find a variety of public lands. I am the sponsor of a bill, on which perhaps a dozen of my colleagues have joined me, for the so-called Utah Wilderness, an area much different from my national forest in southern Illinois, but as a desert, in its own way, it has a special beauty. It is a wilderness area owned by the Federal Government.

We say that many areas of public land are going to be protected, that literally no one can use them, or, if you do, it is in a very careful manner. But we say as well that there are some lands which can be used, public lands, by private individuals and companies for a fee. So we invite onto some lands, like national forests, logging companies that come in and chop down trees. They make a profit off the lumber. They give money to the Federal Government to use that land to chop those trees down.

We also allow mining companies to come in on public land to mine for minerals which they turn around and sell. We say to western ranchers: You can let your cattle graze on public lands here, chew the grass, get fat to bring to market to make you a profit. You will pay us a fee to do it, but you are welcome to use the land.

This debate is about the use of public lands where oil companies come in and drill for oil. Keep it in perspective. The oil companies do not own the land. We do. The taxpayers do. The oil companies—private companies—come in and bid for the right to drill for oil. If they are fortunate and find oil they can then sell for a profit, they give us back a rental fee called a royalty. That is what this debate is all about. It is about 5 percent of the oil companies in America, the largest oil companies, and whether they will pay to us, as taxpayers, to the Federal Government, a fair rental payment, a royalty payment for extracting oil from our land and selling it for a profit.

Sounds like a pretty simple undertaking. We put a formula into law. The formula said: We are going to base the royalty that you pay the taxpayers for drilling oil on public lands based on what the price of the oil is. It sounds eminently sensible, reasonable, and easy. It is not. We found, over the last several years, that the oil companies have found ways to avoid coming up with the real price of the oil. They have six or seven different schemes they use to basically pay less to the taxpayers than they are supposed to pay.

How can I say that? I can say it because a lot of States and the Federal Government have taken the oil companies to court and have said they did not pay the royalty required by law. The oil companies, over several years, have paid back $5 billion that was underpaid in royalties. We caught them with their hands in the cookie jar. They had not paid the taxpayers—State and Federal taxpayers—what they were required to pay under the law.

The amendment before us by the Senator from Texas, Mrs. HUTCHISON, says, the Department of the Interior cannot recalculate this royalty fee based on the new prices of oil. It would be the fourth time in several years that we stopped the Interior Department from recalculating the royalty. In other words, we are saying we do not care if the oil companies owe us more money, we are not going to collect it.

How much is it worth to us, to the taxpayers? It is $5.6 million per month. Some watching this will say: For goodness' sake, don't they lose that on the floor of the Treasury when they are mopping up at night? And $5.6 million a month, that isn't much by Federal standards where you talk about trillions and billions.

They have a point. But for the average person, the average family, the average business, $66 million a year is real money, real money that the oil companies should pay us and are not paying us and will not pay us if the Hutchison amendment passes because the Hutchison amendment insulates the oil companies from this recalculation of the royalty that they pay. Why? Why in the world would we take the oil companies and do this?

If this were the Little Sisters of the Poor about to have their mortgage foreclosed on their convent, for goodness' sake, count me in. I will be ready to consider an amendment. We are talking about the largest oil companies in the world. They are being protected by this amendment. I think it is a bit unseemly, if you will, for these oil companies to come on our land—not their land—drill oil, an irreplaceable resource, sell it for a profit, and refuse to pay the taxpayers what they owe them for being on this land. That is what this amendment does.

Mrs. BOXER. Will the Senate yield on that point?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I appreciate the Senator's outrage on this.

It is incredible. Some of our colleagues have come up and said things privately such as: I can't believe you're attacking these oil companies.

I want to make a point and make sure my friend saw this. I read from a complaint that was filed by two whistleblowers from big oil—ARCO, as it happens. In their words—these are not words from the Senator from Illinois or words from the Senator from California, who has been told she doesn't know what she is talking about. If I don't, I believe people who have worked in the oil companies for many years. I want to make sure my friend has heard this. I am going to read to him a little piece of the introduction to this complaint and ask him if he has read it before, and even though he might not have, if he could comment on it.

This is an introduction to a lawsuit being filed by two whistleblowers. These are two people who worked for ARCO, big executives in ARCO, who had in their heart, I think—these are my words, not theirs—the need to tell the truth about what went on inside those corporate walls. This is what they say. They say:

> [There was] a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues—known as royalties—derived from the production of crude oil . . .

They go on to say:

> [There was] a pattern and practice of carefully developed and coordinated schemes—

They outline seven schemes—

> targeted to defraud the United States of its lawful share of oil royalties . . .

They go on to say: "This is an ongoing conspiracy."

So I ask my friend this direct question: about his outrage he exhibits on this floor. Isn't there a reason for anyone with a set of eyes and a brain to match to be outraged when not just one whistleblower but two and three and four and more people who got high-paid salaries admit that they sat around and defrauded the taxpayers, and that this amendment would allow that outrage to continue—does that not reflect my friend's views?

Mr. DURBIN. It does. I say further that it is a matter of whether or not we are going to be Uncle Sam or "Uncle Sucker." Think about these oil companies. We are talking about $66 million a year.

Let me tell you, it is a bit unseemly for these oil companies to be fighting over $66 million a year, owed to the taxpayers, to come in and to support an amendment which insulates them from paying $66 million to the taxpayers.

Let me give you an idea why I think it is unseemly. And I agree with the Senator from California. Let's take a look at the oil companies involved. As I have said, you are not going to find the Little Sisters of the Poor Petroleum Company here.

No. 1, Shell Oil Company. The total revenues of Shell Oil Company in 1996 were $29 billion. Exxon Corporation, $134 billion; Chevron, $43 billion; Texaco, $45 billion; Marathon, $16 billion; Mobil, $81 billion; Conoco, $20 billion. The list goes on and on.

The reason I read those—and there are many more—you would recognize every name on the list. You know these companies. You have seen their gas stations. You have seen their stock printed in the paper. They have huge worldwide sales. And these multi-multibillion-dollar huge companies refuse to pay us, the taxpayers, Uncle Sam, America, a fair royalty, a fair rental payment for drilling oil on our land and selling it for their profit.

Can we conclude that these companies are in such perilous financial condition that $66 million would break the bank? Let me tell you, the royalty which they are refusing to pay, the royalty which this amendment insulates them from paying, represents, in every instance, less than one-tenth of 1 percent of the revenue of each of the companies—less than one-tenth of 1 percent, sometimes even smaller amounts.

Why in the world are we fighting this battle? Profitable companies, multibillion-dollar companies, coming on our land, drilling oil for their profit, have to come to the Senate to put on an amendment to insulate them from paying their fair rental, their fair royalty for drilling oil? There are those who say: For goodness sakes, Senators, aren't there some other things you could debate? Yes, I suppose. When it gets down to it, the money, in the scheme of a $1.7 trillion national budget, may get lost, $66 million a year, $5.6 million a month. But there is something that won't get lost. That is the simple justice of this debate, a question of fairness, a question of common sense.

As much as those on the other side would like to obfuscate this issue and tell us it is certainly so complicated, beyond the ken and mind of any Member of the Senate, they are just plain wrong. We have received correspondence from the Secretary of the Interior. We have seen editorial support in USA Today, the Los Angeles Times, articles in the Wall Street Journal, learned, expert people who have said this is pretty simple. This is a rip-off for American taxpayers.

I have to say to the Senator from California, I am glad she is waging this battle, as uncomfortable as it may be to my colleagues in the Senate, to try, once and for all, to say that if we are going to hold individual Americans, families, and businesses responsible for their tax liability on April 15, then, for goodness sakes, these multibillion-dollar oil companies should pay their fair share under the law for drilling oil on our land. They have been tested in court time and again and found guilty. Whistleblowers have come forward. Yet this amendment, the Hutchison amendment, will perpetuate this rip-off.

I know some will argue that there are other issues of importance. I hope that in the boardrooms of these oil companies they would please reflect on this battle. Is this really worth it? Is this really worth it to the big oil companies. Sixty-six million in a multibillion-dollar company wouldn't make a ripple on their balance sheet. But for them to be in a position, as they are today, of trying to defend the indefensible, a position where they have lost time and again in court, trying to say they can use up our Federal resources without paying for them, is just incomprehensible.

Mrs. BOXER. Will my friend yield for a final question and perhaps retain the remainder—I would like him to speak again —I wanted to make a point. There is a chart up there on the Long Beach jury verdict where Harry Anderson, one of the most important whistleblowers, was quoted. That isn't even a case about Federal royalties. This debate, I want to point it out, is about Federal royalties. The one case they ever won was based on State royalties. You don't have to pay your State royalties based on fair market value.

I thank my friend.

Mr. DURBIN. Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the opportunity to speak this afternoon. This money going to the Land and Water Conservation Fund has been so important to the State of Nevada. Lake Tahoe, which we share with the

State of California, has received, from the work that I have been able to do since I have been fortunate enough to be in the Senate, tens of millions of dollars from the Land and Water Conservation Fund to purchase environmentally sensitive land, land that would have been subdivided, land that would have been overrun with problems. Now this land is in beautiful, pristine wilderness.

The Land and Water Conservation Fund has been extremely important to the State of Nevada. This gives me an opportunity, because of how important the Land and Water Conservation Fund has been to the State of Nevada, to talk about the State of Nevada. People do not understand the State of Nevada.

Coincidentally, there was an article in today's Reno Gazette Journal. That is a Gannett newspaper in Reno, NV. This is a major story, coincidentally, in today's newspaper. There is a picture of a beautiful area. Below it are the words, in large print: Many don't associate Nevada with beauty. But if they do some exploring, one of the many sites that will take their breath away is the Arc Dome Wilderness.

As is said in this article: One of the many sites that will take their breath away is the Arc Dome Wilderness.

The State of Nevada is seen by many as a place to dump nuclear waste, a place to set off nuclear weapons, nuclear devices. The State of Nevada is the most mountainous State in the Union except for Alaska. We have, in the State of Nevada, 314 separate, distinct mountain ranges. In the State of Nevada, we have 32 mountains over 11,000 feet high. Just outside Las Vegas—if you could walk it, it would be about 10 miles—you would come to a mountain that is almost 11,000 feet high. Nevada is a unique State. It is a very large State. It is a State that has magnificent views.

What people also don't understand is, we are fortunate. When I first came here, Nevada was the only State that had not done its Forest Service wilderness designation, the only State. I introduced legislation. It took a number of years, but we, in the State of Nevada, have created a beautiful Forest Service wilderness.

That means we have preserved areas in the State of Nevada in their pristine state. These are areas that my children, my children's children can go to, and these areas are the same as they were 100 years ago. In the process of doing the legislation for the wilderness in the State of Nevada, I, of course, toured the State of Nevada and looked at every wilderness site. After the legislation was introduced, I sent staff to talk to local people because, of course, with rare exception—although there are two wilderness areas, one right outside Las Vegas and one right outside Reno—with rare exception, these wilderness areas are located in remote areas of the State of Nevada, rural areas in the State of Nevada. I sent staff out to visit with these people in rural Nevada to talk to them about wilderness.

I got a call from one of my staff members. She said: It is interesting; I am in Ely, and they believe you should back off your wilderness—and I had heard that story lots of times. She said: They think you should create a national park. I said: A national park? She said: Yes, that is what they think should be done.

I didn't realize at the time that there had been for almost 60 years an effort to create a national park in the State of Nevada. A long-time Nevada Senator by the name of Key Pittman, who became the chairman of the Foreign Affairs Committee in the Senate—and was, at the outbreak of World War I, chairman of the Foreign Affairs Committee—sent a man, a forest ranger, to take a look at where would be a good place in Nevada to have a national park. This man traveled to Nevada. His name was Mott. He found a place. He reported to Key Pittman.

Key Pittman went to the President. To make a long story somewhat short, there were efforts made over the decades to create a national park in Nevada. It failed every time. Mining interests, ranching interests, they couldn't work it out. Well, I took the advice of my staff person, and the people in White Pine County, and created a national park legislatively. I offered legislation to take it out of the wilderness designation and create a national park. We created a national park. It is now a law that has passed the U.S. Congress, signed by the President, and it is a beautiful park—Great Basin National Park.

It is in a very remote area. It is over the border of the State of Utah. It is about 720 miles from Ely, NV. It is a place that everybody should go. What is there? The oldest living thing in the world is located there. The bristle cone pine tree is over 5,000 years old. These pine trees in this national park were growing when Caesar was around. These pine trees were old when Christ was on the earth. You can go to the Great Basin National Park and see them and feel them. They are there. They are still growing. On this national park is Nevada's only glacier. We have a glacier in Nevada at our Great Basin National Park. Every different thing that is found in the Great Basin is found in this national park. It is a wonder of nature, from the towering Wheeler Peak to the base of it, which is high desert. It is a wonderful place. It is a place where people can walk.

We certainly need to do more things in all of our national parks to make them better places for visitors, although Great Basin is very nice. I would love to have a great new visitor center there, and we need an interpretive site.

The Senator from California has gone, but I say, with land and water conservation moneys we are going to build in various areas in our national parks beautiful visitor centers. That is important, and we should be able to do that.

A bit of the ice age exists in the form of this glacier. As I indicated, it is the only one of its kind, not only in Nevada but in the Great Basin. It is a mere token of what the ice age was, but in Nevada it still exists in the Great Basin National Park. It calls to mind the powerful glaciers capped at Snake Range only a few thousand years ago. Glacial activity is easy to find. Piles of glacial debris form mounds and ridges and lakes.

I failed to mention, in these parks are wonderful little lakes; they are turquoise blue. I have been there, and I have seen them. They are ice cold. We call them Theresa and Stella Lakes. They occupy hollows that were gouged out during the ice age. This national park is just unbelievably nice. I talk about Nevada having 32 mountain peaks over 11,000 feet high. Wheeler Peak is 13,000 feet high. I think that is really important, that we have Wheeler Peak, which is over 13,000 feet high, the second highest peak in the State. It is just really quite unbelievable that we have Wheeler Peak where it is.

The bristle cone pines we talked about being there at the time of Caesar and at the time of Christ. When they were building the pyramids, these trees were growing.

This is interesting. We had a cowboy out riding his horse one day, and he was looking up, and he suddenly dropped through ground into this huge cavern, and now these caverns are part of the Great Basin National Park, called Lehman Caves. It has a separate entrance, a wonderful place. You can look at stalactites and stalagmites, and it is as dark as anything could be. We have that there.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. REID. I am happy to.

Mr. DORGAN. I have listened with some interest not only to the Senator from Nevada but to other of my colleagues who are speaking about the issue before the Senate. I know the Senator from Nevada is talking about the budget problems we have. The fact is, we don't have enough money for education, health care, and a range of things. That is why we have not had the appropriations bills brought to the floor for those areas. The Senator from Nevada is talking about those issues.

The issue that has been raised by the Senator from California is the issue of royalties paid with respect to the extraction of oil. My understanding of this issue—and I know there has been a discussion of it at some length here—is that in integrated oil companies, where you have oil companies raising oil and then selling it to themselves, the value of the oil they are pulling from the ground is an issue they largely decide and report to the Government and say: By the way, that oil didn't have much value; therefore, I am not going to pay you much in royalties.

So when the folks get out there and look at these sweetheart transactions from companies which own each other, one to another, they discover that this oil has been radically undervalued, and the interests that have been denied the rightful opportunities here are the American public; the American people haven't gotten their royalties. They have not received the fair amount of royalties. When the oilers go look at this, they say, you can't do that, you can't undervalue this, and therefore cheat the public out of what is theirs.

I guess the dispute here is a circumstance where someday we want that to continue to exist: Let them continue to sell oil to themselves, and price the way they want to, and avoid paying royalties.

The Senator from Nevada makes the point that when we do that, we end up not getting the money we should get for the American public, and these royalties belong to the public. Second, we don't have the resources we need, then, to make the investments in children, health care, and other things. That is the point, I think, the Senator from Nevada makes.

I find it interesting. I was a State tax administrator in the State of North Dakota before I came to this body, and I will give you another example that is almost exactly like this. We had to value railroads. We had to establish a value on railroads for tax purposes. The railroads said to the State of North Dakota, well, the value of the railroads is computed by describing all of the stock and all of the debt, assuming you bought all the stock and assumed the debt. That is what the railroads told the State. The railroads said: By the way, the value of our stock is par value, which is printed on the certificate. Of course, that is not the value of the stock. But for many years the State of North Dakota accepted par value on the stock as representative of the value of the railroad. They radically underpaid their taxes because of it.

When I became tax administrator, having taken a look at that, I decided that was not going to stand. Of course, the railroads didn't like it at all when we changed the method. That is exactly what is at stake here with respect to the oil companies. They sell oil to themselves and underprice it so they can avoid paying royalties to the American people, who are owed these royalties, and they don't want this interrupted. They say: We don't want to change the way we are doing this; we like it. Of course they like it, because they are not paying the royalties they owe to the American people.

The Senator from Nevada makes the point that it is not fair.

Mr. REID. Mr. President, let me reclaim my time and say to my friend from North Dakota, as I indicated earlier, the reason I was so impressed with what the Senator from California has done is that a portion of these royalties currently goes to the Land and Water Conservation Fund for Federal land acquisition. That is what I have talked about here. I think it is so important.

I see my friend from Iowa and my friend from North Dakota. I know they have both been to Lake Tahoe, which the Senators from Nevada and California share. Now, that is a beautiful place. It has remained as beautiful as it is because we have been able to take money in years gone by from the Land and Water Conservation Fund to buy land around there. As a result of that, we are making progress and saving that pristine land. It is not pristine now, but we are saving that beautiful lake, and we want to stop degradation from taking place. That is why, from my standpoint, these royalties are so important, because they go into land and water conservation moneys which for us in the State of Nevada are so important.

Mr. HARKIN. Will the Senator yield?

Mr. REID. Yes.

Mr. HARKIN. I have a statement and then a question. I thank the Senator for what he said about the land and water conservation funds because we use those in Iowa, too. Every dollar taken out, by losing it to the oil companies, is something we don't get to use to save some of our hunting grounds and fishing grounds.

Mr. REID. I want to say one other thing to my friend. I know he has another question or two he wants to ask. When we don't have money in that Land and Water Conservation Fund, that makes for difficulty in other areas. I mentioned briefly that we only have one national park in Nevada, and in Iowa I doubt if you have one.

Mr. HARKIN. We don't even have one.

Mr. REID. You know, the national parks all over America—and I know the Senator has traveled to them and has seen them—need restoration; they need to be refurbished. We need to rebuild. Every year that goes by and more people visit them, there is more wear and tear on them. That is why the land and water conservation money is an offset. It is a tremendous help to us.

Does the Senator have another question?

Mr. HARKIN. I thank the Senator. I especially want to thank the Senator from California for her great leadership, and the Senator from Illinois who was making statements earlier. The Senator from Nevada has again put a finger on why we need to close this loophole and why what is happening right now is grossly unfair. It has come to my attention. I am not an expert on oil and all that kind of stuff. At least it is my understanding.

Mr. REID. We have more oil in Nevada than in Iowa.

Mr. HARKIN. I am sure.

Mr. REID. We don't have much.

Mr. HARKIN. But we have a different form. It is called ethanol. I will get to that in a second.

Let me ask the Senator, I understand this loophole that allows a handful of oil companies to keep from paying their fair share of taxes for what is owed the Government—it is only just a few, and most of the oil companies pay their fair share. Is that right?

Mr. REID. I have listened to the debate. I heard the Senator from Illinois and the Senator from California enter into an exchange saying that it is only about 5 percent of the companies that do not pay the right amount of money.

Mr. HARKIN. Doesn't it strike us as odd that 95 percent of the oil companies are good citizens? They pay their honest taxes. There are honest royalties. Yet we get 5 percent of the largest who are skirting the law, who are doing this, and keeping us from collecting the royalties that help us with our Land and Water Conservation Fund. So we are talking about 5 percent, a handful of the largest of all the oil companies.

I ask my friend from Nevada, what sense does this make? Why would we excuse 5 percent of the largest when we stick it to the smaller oil companies and make them pay their royalties? If we are going to do this, why not do it for all of them?

Second, we heard the Senator from North Dakota talking about how the railroads were putting up their value as par value, and he changed that when he became tax commissioner. I was thinking about that. I wonder if anyone has ever offered to buy a railroad at par value and whether they would sell it. I want to ask the Senator from Nevada, as to these oil companies, does the Senator think I could as a private individual—if I wanted to get an oil jobber and go buy oil—buy oil from those companies at the value they placed on this, at which they paid royalties?

Mr. REID. I think not.

Mr. HARKIN. I don't think so. If I am wrong, someone please correct me because I would like to go out and buy some of that oil. I think I could turn it into a pretty handsome profit. I believe in the profit incentive. But you know darned well that you can't bill that oil at that price. They sell it to themselves at that price, and that is how they are getting out of paying the Government their fair share of royalties.

I also have to ask the Senator from Nevada, I understand what the Senator from California is attempting to do is not to impose any kind of new tax—this is not a new tax, as I understand it—on the oil companies.

Mr. REID. The Senator is absolutely right.

Mr. HARKIN. It is not a new tax. It is a matter of having a handful of these companies pay what they owe. Is that correct?

Mr. REID. That is absolutely true.

Mr. HARKIN. It is not a new tax. It is something they have known that they have had to pay all along and that they are supposed to pay.

All, I guess, the Interior bill does is clarify the rules so they will pay their fair share, as I understand it. The amendment of the Senator from Texas stops this from happening. It lets the oil companies continue to underpay their royalties. Is that right?

Mr. REID. That is right.

Mr. HARKIN. I saw this figure. I can't attest to this. I thought this was pretty interesting—"Big Oil's Big Ripoff." The Hutchison amendment has already cost us $66 million in lost royalties, according to the Interior Department. Is that right? Already, to date, according to the Interior Department, taxpayers have lost $88 million. When you add the Hutchison amendment on that, it will cost us $154 million, according to the Interior Department. Is that correct?

Mr. REID. The reason I came, I say to my friend, and the reason I am so interested in this is that we are desperate for money in the West. I am sure it is accordingly so in other places. We have so much in the way of public land. We are desperate for money to make sure some of our nice places remain that way.

In all due respect to my friend from Iowa, his State was settled long before Nevada. The reason he does not have national parks and wilderness areas is because it is all private land. I don't in any way denigrate what has happened to the State of Iowa. But we in the West still have public lands that we want to try to add to and protect. We are having difficulty doing that because we don't have the money as the Federal Government, which is the caretaker. We don't have the money to not only add to it a little bit but take care of what we have.

Mr. HARKIN. Where do these royalties go? They don't go into the general coffers.

Mr. REID. They go to a number of places. But the track of money I have followed goes to the Land and Water Conservation Fund, which the President, thank goodness, is fighting to put some money into.

We have not had enough money for the Federal Government to stop development in Montana. There was an agreement made to buy a large mine there because they thought it would be detrimental to the national park that is right there. Yellowstone, they thought, didn't need that there. As a result of that, the Federal Government didn't have any money to buy it, even though they made the deal to buy it. This $154 million would allow them to do that. A lot could be done with that.

Mr. HARKIN. I say to the Senator that we in Iowa are trying now to reclaim some of the Loess Hills. It is a wonderful natural phenomenon. It takes place in only two areas on Earth—here and in China. We are trying to reclaim these and make them a preserved area.

Mr. REID. Will the Senator explain what has happened in China and Iowa?

Mr. HARKIN. This is over centuries, thousands of years ago, tens of thousands of years ago, the winds blew and they blew up these huge mounds of fine dirt. There are only two places to this extent. One is here and one is in China. These are a natural phenomenon. They are beautiful, very scenic, and we are trying to reclaim them and preserve them for future generations. This money could help do that.

I guess that is why I wanted to ask the Senator the question because he caught my attention when we talked about parks. We don't have national parks in Iowa. But we do have things such as the Loess Hills, Effigy Mounds, and some fishing and hunting areas that get money from the Water and Conservation Fund—and historic preservation.

I am constrained on this. I am a big supporter of ethanol because ethanol is clean. We grow it. It is renewable. We don't have to import it from other countries. I have always thought that ethanol could compete fairly with oil. There is a provision in the law that gives a certain tax credit for the use of ethanol in gasoline.

One of the Senators from Texas has always gone after it saying ethanol should not get any tax breaks; it should stand on its own two feet and compete against oil. I took the floor one time, I say to my friend from Nevada, and I said: Fine. Let's go back and recapture all of the tax breaks that all of the oil companies have gotten for the last 50 or 60 years. And how about the tax breaks they get now? How about this? If this doesn't amount to a tax break for big oil, I don't know what does. They want to keep that but they want to take away the small amount of tax credit that we have for ethanol.

I want to get that off my chest because I hear these oil State Senators coming in here all the time telling me that we can't provide any kind of tax incentive for the use of ethanol because we don't for oil. Nonsense. This proves it right here.

Mr. REID. Let me say to my friend, as someone from the State of Nevada, we don't grow a great deal. We grow alfalfa. We are the largest producer of white onions in the United States. But other than that, we don't produce a lot in the way of agricultural products—certainly a lot less than we used to because of the growth in the Las Vegas area. So it was a hard sell to me to accept ethanol being something that was good for our country because it was hard for me to accept that we could grow something and stick it in a car and burn it.

But what persuaded me—I am now an advocate for ethanol—is that it is renewable. We have this ability in the United States to grow crops. We don't grow crops in Nevada as they grow them in the Midwest, in Iowa. But if we burn up a tank of ethanol this year, then next year there is some more ethanol and we can burn up some more. It is not the same as fossil fuel. That is a selling point to me.

I say to my friend from Iowa that another reason I was willing to come here on the Boxer postcloture activities is that we don't get enough opportunity around here to talk about things.

I am happy to hear the Senator from Iowa talk about some areas in the State of Iowa that are environmentally important. The Senator has talked about them. I would love to visit Iowa. I came to the floor today to talk about the beauty in the State of Nevada. I invite the Senator from Iowa to spend a few days with me in Nevada. We will go on a pack trip; we will go into some of the beautiful wilderness areas.

People fly over the State of Nevada. It looks like one big desert. It is not. We have wilderness areas. In the Reno newspaper, they talk about one wilderness area called Arc Dome. We have heard about mountain sheep, but in Nevada we have mountain goats. We have beaver. We have eagles floating through the valleys, antelope, elk.

People don't realize Nevada is more than the bright lights of Las Vegas and Reno. We need more time to talk about our various States. We tend to come to the floor and get involved in things that do not allow Members the opportunity to educate each other about their States.

Mr. HARKIN. Today, I learned a lot about the beauty of Nevada. I will take the Senator up on his offer to visit.

Mr. REID. The invitation is open, and I hope my friend will invite me to Iowa to look at the natural phenomenon in his State.

Mr. HARKIN. Secretary Babbitt came to Iowa and visited the Loess Hills area. He never knew they were there. No one ever talked about it. We are trying to preserve them.

Let me, again, ask the Senator from Nevada, there was an editorial in USA Today.

Mr. REID. I have the time. Please proceed. I yield for a question.

Mr. HARKIN. There is an editorial in the USA Today, August 26 of last year, entitled, "Time to clean up Big Oil's slick deal with Congress." They are talking about this very item, ripping off the taxpayers. "According to the watchdog project on government oversight, there is more than $2 billion in uncollected Federal royalties at open market prices, and the total grows by more than $1 million every week."

This editorial, along with an editorial that appeared in the Los Angeles Times of July 20 of this year, gave an indication of how much money was given by the oil companies in campaign contributions. Big oil contributed more than $35 million to national political committees and congressional candidates in this time over the last 12 years.

I question no one's motives on this floor. I never question anyone's motives. I say this is another indication of why we need campaign finance reform.

Mr. THOMAS. I raise a point of order it is not germane to what we are talking about. It is not germane to what this discussion is about.

Mr. REID. I have the floor and I am happy to respond to that.

We have at great length here today talked about the Land and Water Conservation Fund, how it is tied into the question of royalties. Certainly that is about as germane as it could be.

Mr. THOMAS. Campaign finance reform——

Mr. REID. I have an hour's time, and I have spoken in germane terms to the matter now before the Senate. If the question is asked and goes on to some other subject matter, we can't be——

Mr. THOMAS. Mr. President, I raise a point of order. Could I have a determination?

Mr. HARKIN. May I be heard on the point of order, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada does have the floor, but I think he has a responsibility to make sure the questions that are being raised in this colloquy are relevant to the issues before the Senate today.

Mr. REID. I appreciate the statement.

Mr. HARKIN. If the Senator will yield, I say it is absolutely relevant to the issue of oil companies, royalties, and how much they are paying, to say that Senators ought to have the right to defend their interests and to defend companies in their States.

I don't question Senator HUTCHISON or anybody else is doing this in good conscience. They have their case. to argue. That is fair. What I am saying, when we get editorials such as this that point out how much money has come from oil companies to the campaign coffers of the people making this debate, it demeans the whole debate. That is my point. I think the Senator would agree with me on that.

My question is, this is tied into this debate. We could have a much better debate if we had that.

Mr. REID. If I can respond to the question, the subject matter of that editorial is the amendment that is now before this body. It is not on another subject. That is the subject matter of this editorial, on the matter now before this body.

Mr. HARKIN. I ask unanimous consent this editorial be printed in the RECORD.

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I ask unanimous consent that an article appearing in the Los Angeles Times dated July 20—

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, I ask unanimous consent that an editorial, dated Wednesday, August 26, entitled, "Time to clean up Big Oil's slick deal with Congress," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Aug. 26, 1998]

TIME TO CLEAN UP BIG OIL'S SLICK DEAL WITH CONGRESS

Imagine being able to compute your own rent payments and grocery bills, giving your-self a 3% to 10% discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

According to government and private studies, that's the sweet deal the oil industry is fighting to protect the right to extract crude oil from public land and pay the government no the open market price but a lower "posted price"—based on private deals the oil companies can manipulate for their own benefit.

States, Native American tribes and landowners are suing for the full open-market-price fees, and a few oil companies have begun to cut settlement deals from Alabama to New Mexico rather than face trial. Accordingly to the watchdog Project on Government Oversight, there's more than $2 billion in uncollected federal royalties at open market prices. And the total grows by more than $1 million every week.

No wonder the industry is pouring money into the campaign coffers of senators and congressmen willing to help protect the status quo. Oil-patch lawmakers have been playing tag team with amendments that bar the Interior Department from implementing new rules to require payment at the open market price.

Sen. Kay Bailey Hutchison, R-Texas, for one, is so valued by the industry that even though she's only been in Washington five years, she's already the No. 2 recipient of oil-producer cash over the past 12 years.

Big Oil has contributed more than $35 million to national political committees and congressional candidates in the time—a modest investment in protecting the royalty-pricing arrangement that's enabled the industry to pocket an extra $2 billion.

That's millions missing in action from the battle to reduce the federal deficit and from accounts for land and water conservation, historic preservation and several Native American tribes. In addition, public schools in 24 states have been shortchanged: States use their share of federal royalties for education funding.

Meanwhile, the industry seeks to change the subject, lobbying to force Uncle Sam to take royalties in oil instead of dollars. That would put the government in the oil business, where it doesn't belong, but not change the slippery method of figuring companies' bills.

Having profited so long by being able to fiddle with the price, now the companies and their congressional pets complain that paying what they really owe would be unfair.

But the taxpayers have been getting the unfair end of this deal for far too long. One major producer, Atlantic Richfield, has already adopted market pricing for calculating its royalty payments. Congress, instead of protecting industry recalcitrants and campaign contributors, should protect the public interest.

BIG OIL'S INFLUENCE

Top congressional recipients of oil-producer political action committee contributions between January 1987 and March 1998:

Sen. Phil Gramm, R-Texas: $198,337.

Sen. Kay Bailey Hutchison, R-Texas: $175,199.

Sen. John Breaux, D-La. $174,800.

Sen. James Inhofe, R-Okla: $171,999.

Rep. Don Young, R-Alaska: $171,025.

Mr. REID. I do want to say we are very proud of the wilderness areas we have in Nevada. Let me name them: Alta Toquima Wilderness, 38,000 acres; Arc Dome Wilderness, which is the largest, it covers 150,000 acres; Mount Charleston Wilderness, right outside the city of Las Vegas, covers the Spring Mountain Range and is almost 11,000 feet high; Mount Rose Wilderness, likewise, located just outside Reno. You can see it from Reno when you go there. Table Mountain Wilderness, and I have traveled almost every bit of that, is a wonderfully unique place. Currant Mountain Wildness is near the Great Basin National Park. The East Humboldts Wilderness is 37,000 acres. Here we have a herd of shaggy mountain goats which you can see there, with a small cirque lake and the 11,000 foot peak. Grant Range Wilderness, not far from Las Vegas, is a 50,000 acre area; Jarbidge Wilderness, a beautiful, wonderful area, you can still go there and pick up flint stones. You can pick up arrowheads. I went there for the first time in August, and the snow had not melted yet. It was beautiful.

Mount Moriah Wilderness is located near the Utah border; Quinn Canyon Wilderness is located in eastern Nevada, 27,000 acres. Ruby Mountain Wilderness has skiing. Land at the top in a helicopter, ski down the mountain, and come out where there is no wilderness. Santa Rosa Mountain Wilderness, also very remote; and finally, Boundary Peak Wilderness on the California-Nevada border is a mountain more than 13,000 feet high, which is the highest mountain in the State of Nevada.

My friend from Massachusetts has a question, I understand.

Mr. KENNEDY. If the Senator will be kind enough to yield for a question.

Mr. President, as I understand, half of the royalty is returned to the States. Is the Senator familiar with the fact that the amounts that are actually returned to the States go directly for the cause of education, the education funds of these States?

Mr. REID. I say to my friend, who is the ranking member of the Health, Education, Labor and Pensions Committee and who has spent so much time working on education issues, trying to find money, as I know the ranking member has done—trying to find money to fund education programs all over America—yes, $66 million. As the Senator from Iowa indicated, it could go up to $154 million. Think what we could do with that share of education moneys, with the programs he has authorized in his committee but we have no ability to fund.

Mr. KENNEDY. I want to just raise this issue since, by and large, the majority of the States use the resources that come from this royalty for education. If the amendment of the Senator is carried, then they are going to be denied funding in a number of these States, some 24 different States. I think it is important to recognize—

Mr. THOMAS. I raise a point of order. Would the Senator please explain the question exchange? I am sorry, I don't understand this.

Mr. KENNEDY. I would like to be heard on this.

Mr. REID. Would the Senator complete his question to the Senator.

Mr. KENNEDY. The point is, if the royalty money is not available to the States, does the Senator understand that money is going to have to be made up in some other way and otherwise we are going to have cutbacks in education in the States?

Mr. REID. I have been waiting for the Senator from Massachusetts to come because I was hoping he would ask this question.

We in Nevada know more than anyplace in America how difficult it is to fund education. I say to my friend, does he realize in Nevada we hold the record? In Clark County, we dedicated and built 18 schools in 1 year. No school district in America has ever come close to that. We need schools. I say to my friend from Massachusetts, in Las Vegas we have to build one school every month to keep up with the growth. We are the eighth largest school district in America. We have well over 200,000 kids in our school districts.

So I say, absolutely, the money that would come from this would help the people in Nevada and the rest of the people in the country. I don't know how I could be more direct in my answer to the Senator.

Mr. KENNEDY. I again want to ask the Senator: As I understand it, for example, the total share of the royalty funds that goes to the State of California, 100 percent, goes to public education of children in California. Does the Senator understand in Colorado it is some 60 percent, 100 percent in Louisiana? Those would be funds, if this amendment were carried, that would be directly denied to the public school system in those States and would have to be made up, or otherwise there would be cuts in those particular States. Does the Senator understand the relationship between what we are talking about here and the issue on education? It is very significant.

Maybe $60 million does not make a lot of difference to some Senators. But it could make a lot of difference if we were talking about the Reading Excellence Act which has just been cut over in House Appropriations. It makes a difference to 330,000 children—whether they are going to learn how to read.

We have those examples across the board: Colorado, 60 percent; North Dakota, 57 percent. Has there been any discussion on the floor of the Senate by those Senators on how they are going to make up the money? It seems to me we ought to have at least that kind of information. If you are going to cut out that funding for public education in the schools—and that is what this amendment does—we ought to understand where the other money is going to come from because you are taking it right out of public school education.

I do not know what the Senator's conclusions are, but when we realize we are dealing with the appropriations bill that is the last bill on the agenda, it maybe doesn't have a very high priority. Maybe that is one of the reason it has not been talked about very much by the Republicans, those on the other side. But this is money that comes right out of public education. It comes right out of support for public education in a number of these States.

Mr. REID. I say, in answer——

Mr. KENNEDY. I was just asking the Senator how these States are going to make up for it. Can the Senator help us?

Mr. REID. The Senator has asked a couple questions.

First of all, no, there has not been a single word on this Senate floor about where the makeup would be for this money. The fact is, as with most education issues that have come up since the majority has been controlling this place, they just ignore it. They don't worry about it.

I say, in answer to my friend from Massachusetts, yes, we have a lot of children—more children who are not going to be able to read, the more we cut back on these moneys. But I say to my friend, we have 3,000 children dropping out of high school every day in America. Couldn't we use a few of these dollars to come up with some programs to keep these kids in school?

Mrs. BOXER. Will the Senator from Nevada yield to me for a question?

Mr. REID. I am happy to.

Mrs. BOXER. Because I think it dovetails with the Senator's question about the States.

I say to my friends from Massachusetts and Nevada, maybe some Senators on this floor do not care about this, but the States do care about this. The States have sued the oil companies because of this continuous undervaluation of these oil royalty payments. I say to my friend, it is outrageous that we do not fix this problem today. The States have sued to the tune of $5 billion because they need this money.

What we will do, if this amendment is agreed to, I say to both of my friends, is continue this undervaluation, continue these lawsuits where the States have to sue, rather than allow Secretary Babbitt and the Interior Department to fix this problem.

I am so glad the Senator has yielded to my friend from Massachusetts. I wanted to know if he was aware of these valuations and if he would ask unanimous consent to have these facts printed in the RECORD.

Mr. REID. I would have to say to my friend from California, I knew of dollars but I did not know of the tremendous amounts: The State of California, $345 million, unbelievable; Texas, $30 million; New Mexico, a small State, think of what could happen in the State of New Mexico with $6 million; Alabama, $15 million; Louisiana $400 million.

As I understand, these moneys come from lawsuits where the oil companies settled. There was not a trial where a verdict was rendered or a judgment rendered. They paid up when they found that they were doing wrong. And all this money, based upon what the Senator from California has so aptly described earlier in her statements on the Senate floor, and what the Senator from Massachusetts said—every dollar of this money goes to public education. States break it up differently, the Senator said—California, 100 percent; North Dakota, 56 percent—but that is a lot of money for those States.

Mr. KENNEDY. I was interested in the Senator's viewpoint. At the very time we are meeting here, this very time this afternoon, the House appropriators are marking up the education bill. They have just cut $60 million out of the reading programs, the Reading Excellence Act, which would affect 330,000 children. This is what we are talking about.

Does the Senator agree with me that we have a limited role in public education? We provide 7 cents out of every dollar in education, but we provide it in targeted areas to try to begin to make some difference in local communities and in States so these efforts can be carried on and expanded if they are worthwhile. We have the Reading Excellence Act, which is just beginning to take hold, just beginning to make a difference. Mr. President, $60 million is a big hunk of change, and that is what this amounts to in total revenues—$66 million.

I just want to inquire of the Senator so the membership understands. When we refuse to defeat the Hutchison amendment, we are going to be disadvantaging States in the public education system.

Mr. REID. I say to my friend in response to the question, he made a very good point. The Federal Government, in my opinion, does not do enough to help public education. It does not do enough. Seven percent is not enough. But at least we do something. Every dollar we send to the school districts is badly needed.

But in answer to the question of the Senator, this money goes to the school districts. They can spend it in any way they want. Isn't that right?

Mr. KENNEDY. That is my understanding.

Mr. REID. The Federal Government is not saying you must spend it in a certain way. The State of California, by law and regulations of the State of California, is required to spend this money in any way they want on public education?

Mr. KENNEDY. That is absolutely correct. If the Hutchison amendment is accepted here, these will be the results. Effectively, we are going to be seeing an important source of funding for public education, for the schools in these several States, being denied.

Does the Senator agree with me that most of the responsibilities we have are on priorities, on making choices?

Mr. REID. The Senator is correct.

Mr. KENNEDY. Does the Senator understand the choice to be on the issue of education? If we accept the amendment of the Senator from Texas, we are going to have, as a corresponding result, important reductions in support of public education in a number of States; is that the Senator's understanding?

Mr. REID. And it will not be made up anyplace else.

Mr. KENNEDY. Does the Senator think we are going to make it up at the Federal level in terms of appropriations? Has there been any suggestion?

Mr. REID. We see what is happening in the House as we speak. We have seen what has happened in the last several years: Education is being ratcheted down. There are some, I say to my friend, who want to destroy public education, and this is a step in that direction.

Mr. KENNEDY. I thank the Senator. It is important the Membership have a full understanding of the impact of the Hutchison amendment on education.

Mr. REID. I appreciate the questions from my friend from Massachusetts. One reason, before the Senator leaves the floor, that I think this is so important is this money does not go to any one place. I talked about the importance of the money and doing something about the natural beauty in our States. The Senator asked a series of questions that indicated a large chunk of this money will go to public education, and as far as this Senator is concerned, I do not think there is anything more important than public education and protecting our natural resources. That is, in effect, what the Senator from California is attempting to do: Focus attention on these moneys that would go to these very important issues, such as the national park we have in Nevada, such as the 14 wilderness areas we have in Nevada, and the many educational programs.

I ask the Chair how much of the Senator's hour is remaining.

The PRESIDING OFFICER. Ten minutes.

Mr. REID. Mr. President, while we are talking about education, I say to my colleagues that I have worked with the Senator from New Mexico, Mr. BINGAMAN, on some very important legislation. The Senator from Massachusetts and I just touched upon it. It deals with dropouts.

As the Presiding Officer has heard me say, every day in America 3,000 children drop out of high school, half a million a year. Every one of those children who drop out of school are less than they can be. They are going to be less productive to themselves and to their families. They are going to add to the cost of Government in education, in welfare, and our criminal justice system.

Mr. President, 84 percent of the men and women in the prisons around America have not graduated from high school. So are high school dropouts a priority? Yes, they are.

The Senator from New Mexico, Mr. BINGAMAN, and I have introduced legislation to create, within the Department of Education, a dropout czar who would work on programs around the country to keep kids in school and not force any of these programs on local school districts, but have them available with challenge grants and other opportunities for schools to step in and see if they can help keep some of their kids in schools. It will cost a few dollars to do this. We need to do it. This will allow us to have moneys to do that.

I say keeping children in school is important. We have programs around the country that work. Let's try to pattern what we do after the programs that work and keep some of these kids in school. I cannot think of anything more important, as it relates to education, than keeping these kids in school. We are not going to keep all 3,000 children from dropping out every day, but let's say every day instead of 3,000 children on average dropping out, 2,800 drop out. We will keep 200 children in high school every day. Think how many that will add up to in a school year: Kids who have a better opportunity to do what they are capable of doing and not adding to the criminal justice system, not being part of the statistics. Eighty-four percent of the people in prison did not graduate from high school. We need to do better in that regard.

Also, we need to do better with our natural resources. We need to do something about the multibillion-dollar backlog in our national parks. We are closing parts of our national parks because we cannot rehabilitate them the way they need to be rehabilitated. Some of these areas are becoming dangerous for people to walk in.

What we do with our personnel in our U.S. park system is something we should not brag about. Employees of the National Park System are living in Quonset huts from the Second World War. We have to provide housing for these people. A lot of these parks, just like Great Basin, are very remote. The nearest town from the Great Basin is 70 miles away. These people are living in conditions I do not think you want your children living in. These jobs are coveted. They go to school to become a park ranger. They love their work. We should provide adequate housing for them because a lot of times it does not exist.

I appreciate the opportunity to speak today. I appreciate the questions from the Senators from North Dakota, Massachusetts, California, and Iowa. I hope this debate has been educational to other Members of the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator has an hour.

Mr. THOMAS. I thank the Chair. I want to make a few comments to see if we can move this discussion back to the issue. We have been totally off the issue for the last 2 hours.

The issue really has to do with MMS. It has to do with the development and enforcement of regulations. Nearly everyone who has gotten up so far has said: I do not know much about this; our State does not do this. And they have gone on to talk at length about it.

I have been involved with this. I have been at the meetings with MMS. Our State is the largest State involved in terms of oil royalties.

We ought to focus on the real issue for a while. I want to do that.

Mr. CRAIG. Will the Senator from Wyoming yield for a question?

Mr. THOMAS. Certainly.

Mr. CRAIG. As we refocus this debate on the issue of royalties, obviously the Senators from Nevada and Massachusetts and California were focusing the issue of royalties on public land resources on education. There was a critical vote in the Senate last week which they strongly opposed—and some of them spoke against it—that directly associated resources with education. That was the issue of timber, timber cuts, stumpage fees flowing back to local schools.

Will the Senator respond to that? We are talking out of both sides of our mouths if we are saying that royalties are all for education, and yet just this last week, they voted against education in timber-dependent communities across this country that have had their budgets cut 50 and 60 percent. The Senator from California voted that way, and the Senator from Nevada voted that way. Will the Senator from Wyoming respond to that?

Mr. THOMAS. Will the Senator make it a little clearer as to exactly how this impacts?

Mr. CRAIG. The point I am making is, every time the Forest Service is allowed to cut a tree off public lands, 25 percent of that stumpage fee goes back to the local school district to be spent for schools.

For good reasons, we have reduced the timber program by 70 percent in the last 7 years. I have a school district in my State that is not feeding its kids today and asking them to bring brown bags because the vote of the Senator from California, along with the Senators from Nevada and Massachusetts, denied them the right to cut trees on the clear water forests in my State.

Can I get exercised about this? The Senator from Oregon supported me because he has a school district that is only allowing its kids to go 4 days a week instead of 5. So if we are going to use oil royalties for that argument, quit speaking out of both sides of your mouth because just last week you voted that way.

We have always balanced our natural resources for the good of the environment and for the good of the public that is associated with them. The Senator from Wyoming knows that. We graze on Wyoming public lands and we take oil and coal from under Wyoming public lands—State and Federal lands. Some of that money goes back to the local communities. Yet this administration wants to decouple that.

I am glad the Senator from California is concerned about public land resources and local education, but you cannot be selective in this business. You have to share and associate. What I hear is a tremendously narrow and selective argument.

I thank the Senator from Wyoming for yielding because that is a bogus argument that is being placed by the Senator from California, unless she wants to stand up with the Senator from Idaho and say: I recognize the need to balance timber sales in northern California because the money goes to the schools in northern California, as they do in Idaho. That is called balance. That is called sharing.

I thank the Senator from Wyoming for yielding because you just cannot have it both ways in this business without someone such as me standing up and saying, foul ball, foul ball, bogus argument, unless you are willing to say: Wait a minute, I recognize your problem; we have it in the timberlands of Northern California.

Oil is an issue. It is an important issue. We want a fair return on that. The Senator from the State of Texas is trying to build that kind of fairness into this debate.

I thank my colleague from Wyoming for yielding. I yield the floor to him.

Mrs. HUTCHISON. Will the Senator from Wyoming yield for a question on a similar subject?

Mr. THOMAS. Certainly.

Mrs. HUTCHISON. Talking about education, along the lines of what the Senator from Idaho was just saying, we have another double standard, and that is, the Senator from California led the effort not to allow drilling offshore in California that is estimated to have cost the schoolchildren in the school districts of California over $1 million a year. That is a California decision.

But the fact is, you cannot talk about losing money for schoolchildren by raising the taxes on oil companies on the one hand and then on the other hand say: But we are not going to allow drilling offshore that would put $1 million into the coffers for the schoolchildren of California.

Don't you think there is a relationship here and perhaps there are the same issues but just people taking different sides?

Mr. THOMAS. It certainly seems that way. I think there is a real paradox here. On the one hand we are talking about more money for education and at the same time voting to reduce that amount for education. So I think that is difficult.

Let me go back to the topic that we are really here to discuss and that is MMS's proposed oil valuation rule. I rise in strong support of the Hutchison amendment. I have been working on this issue for a long time. I have been involved in numerous meetings. I have worked with the oil companies. I have worked with the school districts. I have worked with the State of Wyoming.

We are working toward find a workable solutions for everyone, which seems to be ignored by the folks on the other side. We are trying to find a way, with these regulations, for Minerals Management to make them work better. We have met with them. The oil companies want to make it work better. We want to give the Congress an opportunity to participate in this matter of making regulations.

So that is where we really are.

The domestic companies, of course, already pay significant amounts of money. Someone was saying here that 95 percent pay but the others do not. That is simply not true but if it were, that is an enforcement issue. We have regulations now. The problem is, the regulations and the proposed regulation are not workable.

Talking about having a price that is posted, that fits everywhere, that is not the way the oil business works. It is quite different in Wyoming than in Oklahoma. The idea of, where do you take the value? do you take it at the wellhead? that is what the contract says. But if you have to carry it, as an oil producer, out 10 miles to where it can be sold, it is quite a different cost that goes into it. These are the kinds of issues that are involved.

These folks who have been talking this afternoon would make you think people were trying to do away with this. That is not the case at all. It is terribly unfair. It is not the issue. The issue is to work together with MMS and get these regulations enforced. It is relatively simple, frankly.

I have to tell you, we talked some about the impact it has on Iowa, which is nothing; talked about the impact it has on Nevada, which is almost nothing because there is no production there.

Let me tell you a little about our counties. We have 23 counties in Wyoming. Here is one, Park County: 82 percent Federal land. We have another one that is 80 percent Federal land: Big Horn County. These are places where jobs, where the tax base, where schools are financed largely by mineral production.

We have mineral production now. Do we want to change the method of taxing? Fine. But we want to do it along with the Congress. We want to do it along with the producers. We want to make it work and not just be something that is to be done by MMS without consultation with industry and other involved. That is really quite simple.

With regard to the editorial that was put in the RECORD, I have a rebuttal that also appeared in the LA Times, that I think would be fair to have in the RECORD, written by the vice president of the American Petroleum Institute, Chuck Sandler. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

(By Charles E. Sandler)

Among the hallmarks of America's great opinion-shaping industry has been its insistence on the swaying of hearts and minds through the use of reasoned and finely crafted argument based on sound information, not inflammatory rhetoric and baseless accusations.

Perhaps it is because I've always placed The Los Angeles Times among the ranks of this country's great newspapers that I find myself perplexed over what could possibly have led to the publication of a shrill editorial about a complex subject that cries out for dispassionate discussion—the Interior

Department's proposed new rules governing the payment of royalties by oil companies for oil they produce on federal lands. What could have been a piece that shed light on the issue's complexities instead came across as nothing more than illogic-capped mountains of scurrilous accusations and misinformation.

We cannot expect the entire world to agree with us on all issues that are important to us. But we do not see it as unreasonable to expect a fair shake and a fair hearing from those who write about us in respectable forums.

These are the facts:

First, oil companies are not promoting the use of posted prices to compute future royalties, and in fact have not done so for at least two years.

Secondly, the editorial implies that only large producers are concerned about the proposed rule when the truth is that all oil producers, from the largest to the smallest mom-and-pop outfits, are united in opposing the rule.

The oil and gas industry and the MMS are in agreement that current oil valuation rules must be replaced. In fact, like the MMS, the industry is seeking improved rules that are fair, workable and free of the uncertainties and ambiguities that make the current regulations a costly bureaucratic nightmare, both for the oil companies and the federal government. However, we oppose replacing the current system with an even more flawed, more complex and more burdensome set of regulations that fail to accurately take into consideration a number of crucial and relevant expenses—transportation and other post-production costs, for instance—in computing royalties.

We have repeatedly urged the Interior Department's Minerals Management Service (MMS) to establish a system that avoids the complications of valuation altogether through the use of a royalty-in-kind (RIK) program under which the government takes its payement in oil, not dollars (an alternative permitted but not required under current law).

Under such a system, producers tender the government its royalty share of production and it would in turn contract with marketing companies to sell the oil at the fair-market price, as other producers do. It would simplify the system, eliminate the need for armies of accountants and lawyers (and their fees), and it would provide an opportunity for the federal and state governments to increase revenues. A similar system has been used in Alberta, Canada, and resulted in increased oil production and royalty payments, fewer disagreements between the government and oil producers, and a smaller bureaucracy. The government, unfortunately, has yet to adopt such a proposal although a pilot RIK project is being planned for this fall in the Gulf of Mexico.

The Times editorial's unfair comparison of the current situation to the Teapot Dome scandal—which involved fraud—ignores the significant fact that Democratic and Republican members of Congress who have joined to prevent Interior from unilaterally imposing its will on the industry have very legitimate concerns. To suggest that a lawmaker from a state that is a leader in oil and gas production is unduly influenced by the oil and gas industry because she has taken campaign contributions from that industry is ludicrous. It's like saying that no Silicon Valley lawmaker who's received campaign contributions from the high-tech industry should ever lift a finger to help that sector of California's economy.

Contrary to the editorial's allegation, producers are playing by the existing rules, as established by the government. The fact that new rules have not been made final as a result of Congress's decision to exercise its lawful right to review policy does not alter that fact.

Finally, if Interior were truly concerned about increasing revenue from the land the federal government leases to oil companies, it should give serious consideration to the tried and tested royalty-in-kind proposal.

Much work remains to be done before this matter is resolved. Legitimate differences of opinion exist. In the end, the issue will be settled by reasonable minds employing reasoned arguments, both to promote their views and to secure an agreement. The Times, unfortunately, missed a great opportunity to be a part of that sober discussion.

Mr. THOMAS. There is a great deal of involvement here. We have to talk a little bit about this industry. We have now, what, approximately 55 percent of foreign oil that comes into this country. Our oil people are stressed to keep it going. The oil business has been in something of a depression. We had oil down in the $6-, $7-, $8-a-barrel range in Wyoming. That is not to say there ought not to be regulations, that there ought not to be the kind of royalty rules that can be lived by. That is what we are working for.

If you came in from Mars and listened to what has been talked about over the last hour, you would think we did not have anything except a bunch of robber barons. That is not true—absolutely not true.

So I hope we can go forward with this, we can go ahead and work in the next year to put these royalty rules together, as it should be, to put it together in a way that is fair.

We have proposed regulations. We now have some changes in personnel in MMS that I think might make it work quite a bit better. We have some changes now coming forth at the Assistant Secretary's level.

We really need to get down to some facts and get away from all this hyperbole about what people are not paying, and people are cheating, and all these things. If that is true, that is an enforcement issue that ought to be dealt with by the Federal Government.

The West does have a unique relationship with the Federal Government. As I mentioned, all of us have a great deal of our land that is there, a great deal of our resources. We are dependent largely on mineral resources, along with agriculture and tourism, for our economy. So we need to have an economy that has jobs, that creates a tax base, that does the kinds of things that this industry does.

So I am really interested in us moving forward beyond these types of arguments brought up by the other side of the aisle and get something accomplished. We have talked about this now, and we have had several votes on this, as a matter of fact. We had 60 votes to move forward. We are ready to go forward with the Interior bill and do some things that have to be done in the next week and a half. We owe it to the American people.

I am really distressed by the idea of standing around wasting time on an issue that has pretty well been summed up and should be completed. We have already finished it, but we continue to go on and on here on the floor. I guess for political reasons. I cannot think of any other reason we continue to go on as long as we have.

One of the things, of course, that is most difficult from time to time in dealing with the Federal Government is the Federal regulations that are onerous and difficult. They make it very hard for businesses.

By the way, many of the businesses in Wyoming—and the oil business—are small businesses, independent producers. Many of them are stripper wells and down to 15 barrels or so per day. These are not all the mammoth companies, and so on, they talk about. This is an industry that is tremendously important to our State.

By the way, our students do receive a great deal of support from this source, which is our principal source, of course, for funding schools and doing the other things we do in our State.

Efforts will go forward to continue to complete the regulations and the rules. That is really what we are aiming toward. That is really what we ought to do. MMS needs to work with industry and come up with some workable regulations. Talking about schools not having the money—the money is there now. As the Senator from Idaho indicated, there have been diversions from that pot of money by the very people who are continuing to talk about needing more. It seems to be something of an irony to do it that way.

I guess I have been particularly concerned about shifting the focus of our discussion today on an MMS proposed rule over to campaign finance, which we heard talked about for 30 minutes this morning. It is not relevant at all to what we are doing. And the implication that everyone who is for a workable rule is somehow a product of the contributions, I am offended by this. I am. I think it is a very unproductive kind of an argument.

I hope we can move forward, get this behind us, that we can get this job done. We can do it, and it can be done. By working with MMS, we and industry can come up with a workable rule. We are on our way to doing that now.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. HARKIN. Will the Senator yield?

Mr. WELLSTONE. I do not yield the floor.

Mr. THOMAS. Mr. President, I think this is our hour, if I understand it correctly.

The PRESIDING OFFICER. The Senator from Wyoming had the floor. Did he yield the floor?

Mr. THOMAS. I yielded the floor to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator cannot yield the floor to another Senator.

Mr. WELLSTONE. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota was recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. DOMENICI. Will Senator WELLSTONE yield, without losing his right?

Mr. WELLSTONE. I am pleased to yield for a question, without losing my right.

Mr. DOMENICI. How long will it be in terms of the remarks the Senator will make before he yields the floor?

Mr. WELLSTONE. I say to my colleague, probably about an hour.

Mr. DOMENICI. I thank the Senator.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wyoming, I understand the point he is making about the connections to money at an individual level. I am not here to make that argument. I think there is a different argument that could be made about the need for reform.

What I want to do is go back to what I think is the issue. To me, the issue is that the Hutchison amendment is an outrageous provision. The reason we are out here on the floor is, we want people in the country to know about it. We all have to be accountable.

It was offered to the Interior appropriations bill. Now, because of this successful effort to get cloture, this amendment, if it goes into law, which it will, will restrict the Interior Department from doing its job, which is to make sure that the oil companies pay their full royalties. I thank the Senator from California for having the courage to come out and take on this effort and for having the courage to make this an issue, a very public issue in the country.

The reason we are out here is that behind this amendment lies an unbelievable story. The Interior Department's Mineral Management Service, MMS, simply wanted to collect the money that these oil companies owe the public. Many of the industry's largest companies have been consistently underpaying their royalties. They are not paying their taxes. Ordinary people, which I mean in a positive way, in Illinois or Minnesota, they pay their taxes. These companies have not been paying their taxes, not the fair share.

Last year, Mobil Oil agreed to a $56.5 million settlement of Federal and State lawsuits alleging underpayment of royalties. They agreed to the settlement. Also, according to the Wall Street Journal, not exactly a bastion of liberalism, Chevron Corporation has agreed in principle to pay approximately $95 million to resolve a civil lawsuit charging that Chevron shortchanged the American public. That is what has been going on.

There have been a flurry of other settlements—$2.5 billion in Alaska, $350 million in California, $17.5 million in Texas, $10 million in Louisiana, and $8 million in New Mexico. Remember, this oil belongs to the public. What we have been saying to these companies is: Go ahead, take the oil, but all we ask, as the public, is for you to pay the market value. I don't think that is too much to ask, nor do the people of this country think it is too much to ask. Apparently, the big oil companies do. If there was a poll in the country, 99 percent of the people would be with my colleague from California.

Let me be clear about one thing: We are not talking about all of the oil companies. We are not talking about the mom and pop independents. We are talking about large integrated companies that sell to affiliates at undervalued prices. They make up only 5 percent of the oil companies drilling on the Federal land, but they account for 68 percent of the Federal production.

The Interior Department, up to the time of this Hutchison amendment, was developing regulations to stop this highway robbery. People get angry. People work hard. They pay their taxes. Then they see these big oil companies that say: We don't have to pay our taxes.

This is not new authority. Interior always had the statutory authority to collect royalties on the fair market value. But what the Hutchison amendment would do would essentially negate what the Interior Department was trying to do. What was the Interior Department trying to do? These new regulations would keep the oil companies from manipulating "fair market value" to underpay their royalties.

That is what they have been doing. They have been cheating. This is the question I ask my colleagues: Do these companies, these large integrated oil companies, deserve our sympathy? I don't think so. They have been caught. Let me repeat that. They have been caught. They have been caught underpaying their royalties. They have been cheating the public. That is what they have been doing.

My colleague from Texas and some other Senators come to the floor and they want to do a special favor for the big oil companies. The reason we are out on the floor is, even if we lost on the cloture vote, I say to my colleague from California and other Senators, we don't lose this vote, not really. We don't lose this fight, not really, because I think people in the country are absolutely outraged.

We are talking about $66 million a year that could be going to the environment, to schools, to our children. We are talking about big oil companies that basically seem to think—my colleague from Wisconsin was out here on the floor, and I guess other Senators didn't appreciate what he was doing. But with all due respect, this is a reform issue. How is it that we have so much sympathy, how is it we care so deeply, how is it we feel the pain of these oil companies, how is it we are so much at their service, and yet, when it comes to families that can't afford child care, we don't have the same sympathy? When it comes to making sure we make the investment in education for our children, we apparently don't have the same sympathy.

I was at a press conference with my colleague from Vermont, Senator JEFFORDS, a Republican. We were talking about the current course, which is going to be about a 12- to 14-percent cut in low-income energy assistance in a cold weather State. We are talking about grants of maybe $285, but it makes a huge difference. Do my colleagues know that for around 85-, 90,000 households in Minnesota, a third of them are elderly; 70 percent of them are working poor?

This means there is a grant so that during the cold winter months in Minnesota—we have a few of those months—we make sure those families, in trying to pay their heat, are still also able to afford food, or elderly people don't give up on prescription drugs.

What do we have here? We have a Senate, by virtue of the vote on the floor of the Senate, which basically does the bidding for these big oil companies. All of our sympathies are for these companies. My colleague from California has had the courage to confront this, to take this on. The reason we are taking our time this afternoon, I say to the Senator from California, is that we want as many people in the country as possible to know about this. That is right; absolutely, that is right.

I said, when the Senator was out, I have no doubt—and I thank her for her effort; I know she must be getting tired—I have no doubt that 99 percent of the people in this country are on your side. I say that to the Senator from California. People are outraged by this. This is another example of too few people, with too much power, having too much say over how the Senate operates, and the vast majority of the people are left out.

It's interesting; my colleague from Massachusetts, Senator KENNEDY, just gave me a summary of what happened today on the House side in the Subcommittee on Education of Appropriations. Unbelievable. They cut $1.2 billion in money that would have gone to reduce class size. My daughter is a Spanish teacher. I asked her the other day, "What size classes do you have this year?" She said, "36 and 38." Those are two of her classes. Those classes need to be smaller.

Then I was talking to my son, who has two small children in elementary school. In the third grade class, there are 28 students. We know if we reduce class size, teachers would have more time to spend with these kids, and they can do better. Today, on the House side, our Republican colleagues cut this—title I funding, $264 million below the President's request.

I have to talk about this for a little while. This is unbelievable. Albeit, I was literally on this one, in a minority, but we had all this discussion about Ed-Flex and all that we were going to do with title I. At the same time, our title I funding for low-income children in our country is about a third of the level of what it should be if we were to reach all the kids. This is money that is used for teaching assistants, more teachers, more parent outreach, higher standards, and making sure that kids who fall behind can meet those standards. Today, we are essentially cutting title I. How could the $66 million be used? We can hire a thousand teachers; we can put 44,000 new computers in the classrooms; we can buy textbooks for 1.2 million students; we can provide 53 million hot lunches for schoolchildren.

So I can't understand when some of my colleagues come out on the floor and say this is not the issue. This is the issue. These oil companies have been cheating. They haven't been paying their fair share of taxes. They were able to get some Senators to come out here as a favor to them and make sure they are able to continue to basically not pay their fair share of taxes. We give up $66 million, and the choice becomes not the mom-and-pop operations, but huge, big, integrated oil companies.

Do I have sympathy on the side of big oil companies, or am I on the side of children? That is an easy question for me and the vast majority of people in this country to answer. It is interesting; when we talk about the whole issue of cheating the public, I want to point this out on the floor of the Senate. Now we are talking about cheating the public. Now we are talking about the Interior Department wanting to basically put into effect the regulation that makes sure the big oil companies could not cheat the public. Now we are talking about an effort that basically is an effort to undo this regulation, undo the work of the Interior Department.

The Interior Department is essentially saying to people: You know what. We, as a Government agency, are going to make sure the oil companies pay their fair share, which is what people believe in. People get angry because they think we are well-connected, and if you make huge contributions—which is what my colleague from Wisconsin was talking about—and you are a heavy hitter and you have lobbyists, you can get special deals. People hate that. They get furious about it. I don't blame them.

I heard a lot about cheating and all the rest when we had the welfare debate. It is interesting. We have all this sympathy for the "poor," large oil companies. They come in here and, apparently, for some of my colleagues, we can't do enough for them, even when they are not paying their fair share. But you know, it is interesting; we never have any of the same sympathy for poor mothers and children.

I have been out on the floor of the Senate trying to get at least some honest policy evaluation of how this welfare bill is working. I get something passed on the Senate floor, and it is taken out in conference committee. As I was saying, how about some sympathy for others? Maybe if they are not as well connected, or maybe if they don't have all of the income, we still ought to care about them.

So if we hear from Families USA that since that welfare bill passed, there are 670,000 fewer children who have medical coverage, we ought to be concerned. If we hear from the U.S. Department of Agriculture that there has been a dramatic rise in the number of hungry and food-insecure families in the country, maybe we ought to be concerned. And if we know there has been about a 25-percent drop in food stamp participation, maybe we ought to be concerned.

If we hear that most of these mothers are getting jobs that are barely above minimum wage, and then they lose health care coverage and they don't find good child care for their children, maybe we should be concerned. If it is the case, as it is the case in Minnesota—and I will bet in a lot of other States as well—that we can't even make the rent subsidy program work any longer because there is no affordable low-income housing, so the fair market value is above what would make anybody eligible, and that people can't even find housing and they can't cash-flow—they would have to make $12 or $13 to be able to cash-flow to afford any affordable housing for themselves and their children, and if the most dramatic rise in the homeless population is women and children, maybe we should have the same concern. But we don't.

We are concerned for these oil companies that have been caught cheating, but we are not concerned for low-income women and children. We are concerned for these oil companies that have been caught cheating. There is not enough we can do for them, but we are not concerned about funding title I. We are not concerned about making sure we fund low-income energy assistance. We are not concerned about making the investment to reduce class size. We are not concerned about affordable child care. We are not concerned about making sure that we fully fund and make the investment we ought to make in veterans' health care.

But we can't do enough for these oil companies that have been caught cheating.

I think this debate we have been having, this sort of fight on the floor of the Senate speaks volumes on what is at stake. Let me simply, one more time, repeat what I said earlier. This amendment is an outrageous provision offered to the Interior appropriations bill. What it does is it basically restricts the Interior Department from doing its job. What the Interior Department was trying to do was make sure the oil companies pay the full royalties for the oil they are drilling on Federal or Indian land. Therefore, we lose, roughly speaking, $66 million a year. Therefore, the choice becomes: Do you hire a thousand teachers? Do you put 44,000 new computers into the classrooms? Do you buy textbooks for 1.2 million students? Do you provide 53 million hot lunches for schoolchildren? Or do you basically come down on the side of the big oil companies?

Well, I am proud to say on the floor of the Senate that I am not the Senator for the big oil companies or the big insurance companies or the pharmaceutical companies. They already have great representation in Washington, DC. It is the rest of the people who need it. That is what Senator BOXER has been trying to do—represent the rest of the people in this country. That is what I am proud to do out on the floor of the Senate.

It is interesting. October is going to be Domestic Violence Awareness Month. It is so important that in October we focus on the violence in families. About every 13 seconds a woman is beaten and battered in her home. A home is supposed to be a safe place. About every 13 seconds, that is a conservative figure. All too many children witness this violence, as well.

As it turns out, we also at this time are recognizing the 25th anniversary of Women's Advocates, which was the Nation's first battered women's shelter located in St. Paul, MN. I have a lot of pride when I talk about the staff and when I talk about the volunteers and the supporters of Women's Advocates.

In 1974, the doors of this shelter first opened for women and their children who were seeking some respite from violence. It took a lot of courage and for women to stand up to this.

To date, this wonderful, special place has provided advocacy shelter and advocacy and support services to over 25,000 women and children. They spend countless hours teaching our schoolchildren and community members about the impact. Women's Advocates stands as a pillar of grace and triumph. I hail executive director, Elizabeth Wolf, and all the courageous women.

But what is interesting to me—I raise this question because, again, I come out on the floor of the Senate and I say: Can't we do more to try to stop this violence? Can't we have more safe visitation centers to protect children and women? Can't we make sure we do more by way of supporting children who witness this violence in their homes—some 3 to 5 million children? Can't we do more to make sure these women who have been battered and who have experienced this violence can afford housing when they leave these shelters? Do you know what the answer is from my colleagues? No. We can't make that investment. We don't have the money. But when the oil companies that have been cheating and have been caught cheating come here and they say, please give us a special break, please give us a special favor, we find it easy to give them our sympathy and to give them what they want.

How interesting it is. This is an issue of representation. How interesting it is that when we are talking about children in our schools, when we are talking about working families that can't afford child care for their children, when we are talking about men and women who work in our child care centers and have to leave because they can't make a living wage, therefore, there is all this turnover—the Washington Post had an excellent piece about this not too long ago—and when we are talking about whether or not people who work almost 52 weeks a year, 40 hours a week, shouldn't be able to have a living wage and we should raise the minimum wage, or when we are talking about whether or not can't we do more by way of affordable houses, or when we are talking about how we can't expand the Pell grant program to make sure higher education is more affordable, we don't have any sympathy; we don't have any resources; there is nothing we can do.

But when it comes to these big oil companies, when they come here and they say, please give us a special favor, we have been cheating and now the Interior Department is going to say we can't cheat any longer and we have to pay our fair share of taxes, we ask you to fix that. That is exactly what the crux of the amendment is. That is exactly why we are speaking on the floor with a tremendous amount of indignation.

The question becomes one of representation. I think this actually is what my colleague from Wisconsin was trying to speak to. Why do the wage earners, these working families, these children and women who are experiencing violence, children who witness that violence, why don't their concerns seem to carry any weight and yet the concerns of the poor large oil companies that have been caught cheating seem to matter? What is going on here?

I think this is a huge problem. I think this has everything in the world to do with the need for reform. This has to do with a mix of money and politics. This has to do with: Who are the players? Who are the contributors? Who are the heavy hitters? Who are the well connected? Who can get Senators to do their bidding?

I tell you, it is outrageous. That is why I am on the floor to say it is outrageous. It is absolutely outrageous.

I have another question. I have a different question. This one is very near and dear to my heart.

Why do we have all of this concern for these poor big oil companies that have been caught cheating and don't want to pay their fair share but we don't have the same concern for family farmers who right now are going under? We are going to lose another 6.57 percent of our family farmers in Minnesota. These producers are going to go under. We want to come out here and we want to say raise the loan rate.

I say to my colleague from Michigan, I would be pleased to finish up a little bit earlier. I will finish up in a few minutes. I have other colleagues wanting to speak. I will make one final point.

Mr. President, I ask unanimous consent that my colleague from Michigan be allowed to follow me. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object.

Mr. WELLSTONE. Mr. President, I will take my time.

Let me simply raise another question, which is if we have all of this concern for these big oil companies, and we want to prevent the Interior Department from making sure they can pay full royalties, then why don't we have the same concern for family farmers in the State of Minnesota? Why don't we have the same concern for the producers in my State? Many of us from the farm States want to come out here and we want to talk about raising the loan rate. I have a proposal that I want an up-or-down vote on to put a moratorium on these acquisitions and these mergers.

We want to talk about antitrust action. We want to talk about fair trade policy. We want to know why the conference committee can't even get the emergency assistance to our farmers who are going under.

But it seems as if when it comes to family farmers in Minnesota, or, for that matter, Illinois, or in our country, or when it comes to education for children, or when it comes to veterans' health care, or when it comes to low-income energy assistance, or when it comes to affordable housing, or when it comes to what we can do about reducing violence in homes, the brunt of the violence directed at women and children, we don't have very much sympathy. But we have all of the sympathy in the world for these poor oil companies that have been caught cheating because, after all, they are the ones that are the well connected. They are the ones that have the resources. They are the ones that seem to make a difference.

Mr. LEVIN. Mr. President, I wonder if the Senator from Minnesota will yield for a unanimous consent.

Mr. WELLSTONE. I am pleased to yield for a question. I would like to keep the floor.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to keep the floor and yield for a unanimous consent request.

Mr. LEVIN. Mr. President, I ask unanimous consent—if the Senator from Minnesota would be able to do this—that the Senator from Minnesota yield within the next few minutes to the Senator from Texas for 10 minutes, and then to the Senator from Michigan for 10 minutes, and then, if the Senator from Minnesota is still on the floor after giving us the time, the floor go back to the Senator from Minnesota until 4:15, at which point the floor would be yielded to the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. WELLSTONE. Mr. President, there is so much more I want to say right now, but I am pleased to yield to that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, at 4:15 Senator DOMENICI or I will be recognized and we will use approximately 45 minutes of our time.

Mr. WELLSTONE. And I have how much time after?

Mr. LEVIN. Let me state the unanimous consent request.

Mrs. HUTCHISON. Fifteen minutes, from 4 to 4:15, is what the Senator would have.

Mr. LEVIN. Let me state the unanimous consent request. I ask unanimous consent that Senator GRAMM have 10 minutes at this time, then I have 10 minutes, the floor go back to Senator WELLSTONE until 4:15, then it go to Senator HUTCHISON or her designee at 4:15, and any time remaining to Senator WELLSTONE on his hour at 4:15 that he retain.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Could I take 30 seconds to summarize?

Mr. LEVIN. I add that Senator WELLSTONE take whatever number of minutes he wishes to summarize. That comes off my 10 minutes.

I thank the Senator from Minnesota. I know how difficult it is. He is into some very important material, and it is an intrusion, but it accommodates a number of Senators.

Mr. WELLSTONE. Mr. President, I ask the question, How does it come to be that these large oil companies have generated so much of our sympathy, have enlisted so much of our sympathy? They have been caught. Let me repeat that: They have been caught underpaying their royalties. They have been cheating. And we have all of the sympathy for these big oil companies.

But when it comes to children, when it comes to family farmers, when it comes to doing something about reducing violence in homes, when it comes to raising the minimum wage, when it comes to affordable child care, when it comes to affordable health care, when it comes to so many of the issues so important to families in our country, we don't seem to have the same sympathy.

This debate goes to the heart of what is at stake in the Senate. What is at stake is, Whom do we represent? Are we Senators for the big oil companies or are we Senators for the vast majority of citizens in our country who are asking Senators to get serious with good public policy that will make a difference for them, make a difference for their children, make a big difference for our communities?

That is what this is about. Do we have representative democracy where the vast majority of people are heard or do we have a system where we have democracy for the few, where the big oil companies come here and work out their special deals? That is what they have done, America. That is so outrageous. That is what is so unconscionable. That is why we are taking the time this afternoon to make sure every single citizen in this country understands what has happened here.

I yield the floor.

The PRESIDING OFFICER. Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, what a pity it is that America today is focused on the fact that the President has vetoed the tax bill and is not paying a bit of attention to this debate. So much passion, it is a shame it is wasted, but it is.

The President has vetoed the tax bill. It means the average working couple in America will bear $1,400 a year of marriage penalty because the President doesn't believe they ought to get relief. It means all over America people who inherit family farms and small businesses from their parents, who worked a lifetime to build the farms and businesses up, will have to sell them to give the Government 55 cents out of every dollar of value for which their parents worked a lifetime.

Because the President has vetoed the tax bill, it means we are not going to have a small across-the-board tax cut for every working American who pays income taxes. Because the President vetoed the tax bill, we are not going to make health insurance deductible for Joe and Sarah Brown, the same as it is deductible for General Motors or General Electric.

We know, based on the makeup of the House and Senate and based on the votes of our Democrat colleagues who have been steadfastly opposed to cutting taxes for working families, that we can't override the President's veto. So the tax debate is over.

Thank goodness we will have a new President in 15 months. The American people are going to get to vote in part on whether or not Government ought to spend a surplus or give part of it back. When they vote, we will vote again.

I say this to the President: I hope the President will not send down to Congress more spending bills, because they will pass over my cold, dead political body. I hope the President is not going to propose raising taxes and spending money because they are going to pass over my cold, dead political body. We can't make Bill Clinton cut taxes, but we can stop him from spending the Social Security surplus. That is exactly what we are going to do.

We are going to hear all kinds of whining from the White House about how the President has "got to, got to, got to" have more money, even though we are spending more than ever in American history. He has to have more, and we have to steal it from Social Security or raise taxes to pay for it. It is not going to happen. End of that debate.

Now, I want to say I have never, since I have been in the Senate, seen a debate so out of kilter with the real issue that is before the Senate. Quite frankly, I have seen few debates that are as mean-spirited as this debate.

Here is the issue in a nutshell: For 4 years, the Congress has decided, when we wrote a law setting out royalties on oil production that would be paid to the Federal Government and establishing a system to collect them, we meant what we said; that when the Government entered into contracts with people, that those contracts were binding; and that if people wanted to raise those royalties, that ought to be voted on in Congress. After all, we went to the inconvenience to run for public office, and the Constitution says Congress shall have the power to raise taxes and to spend money.

It must be wonderful to have all these things my colleagues hate—big oil, big medicine, big pharmaceuticals—but we are talking about $22 million a year worth of royalties. This is not about money, this is about principle. It is about whether or not Congress ought to set the law and whether Congress has the power to tax, or whether the Federal bureaucracy, through its own power and by its own agenda, with no support from Congress, can override Congress' will and make law.

I am proud of my dear, wonderful colleague from Texas. I love my colleague from Texas because she is tough. I have never seen an issue so demagogued as this issue. I have to say to her, she has not backed up an inch and she has won. I think it is a great testament to her courage and to her toughness. I congratulate her on both.

The issue is not big oil versus schoolchildren. If the Federal Government raises royalties and therefore raises the deliverable price at the filling station, or when you buy home heating oil, who pays for it? Who pays for it is working men and women. That is food, clothing, shelter, and education they take away from their children.

This is not an issue about oil companies versus children; this is an issue of whether we want to take an action through regulation on which Congress constitutionally should be voting.

Second, do we want to raise those prices? I do not. In terms of all of this stuff, big oil and political power, they do not have anything to do with this debate. This debate is about whether or not the Mineral Management Service should have unilateral powers to change royalty rates, or whether Congress, which set the rates to begin with, established the process, should have the power to make those changes if they choose.

Our Democrat colleagues use terms such as "fairness" and "big oil" and "excess profits." It all reminds me of when their policy was in effect under President Carter, and we all waited in line to buy gasoline; when their policy was in force under President Carter and we had double-digit inflation. Maybe they want to go back to that. I do not. But to turn this into some kind of political shouting match when we are talking about a debate that involves $22 million a year, which is a small amount but a fundamental principle of American government which is beyond setting a price on, and that is who makes the law in this country? Does the bureaucracy make law or does the Congress make law?

Our colleague from Texas has, for 4 years in a row, set out in law the principle that Congress made the law to begin with, and when we are ready to change it, we will change it. We do not need the Clinton administration acting as executive branch, legislative branch, and regulator all combined.

So I say to my colleague, I am proud of what she has done. I am proud that she has won, and all the whining and all the moaning and all the groaning does not change the fact that the Senator from Texas stands on the firmest ground that you could stand on, on the floor of the Senate. The Constitution, in article I, gives Congress the power to impose taxes. It does not give the Mineral Management Service the power to impose taxes. Nor will we ever give them that power. That is what this issue is about. I think we demean the legislative process and demean debate by trying to turn this into something that it is not.

I know someone from the Mineral Management Service has said—and our colleague from Texas is going to give the exact quote —that we need this issue to demagog. Maybe they need this issue to demagog. But this is the greatest deliberative body in the history of the world. Here we are supposed to be debating real issues.

Mrs. HUTCHISON. Mr President, will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mrs. HUTCHISON. Is the Senator referring to the quote from Michael Gaudlin of the Department of the Interior, Communications Director, quoted in Inside Energy magazine, November 2, 1998, in which he said, "We're sticking to the position we've taken." "It gives us an issue to demagog for another year."

Is that what he is referring to?

Mr. GRAMM. Will my colleague read what the quote said again? I want to be sure that is what I was referring to.

Mrs. HUTCHISON. Michael Gaudlin of Department of the Interior, Communications Director, quoted in Inside Energy magazine, November 2, 1998, in which he said, "We're sticking to the position we've taken." "It gives us an issue to demagog for another year."

Mr. GRAMM. That is the quote I am talking about. I thank our colleague for using it.

Let me say this. He can demagog all he wants to. But if he wants to raise taxes, let me suggest to him he quit his job, go back wherever he is from, and that he convince millions of people to elect him to the Senate. Then he can come up here and vote to raise taxes. But as long as he is there and not here, I do not care what he thinks about taxes. It is not his duty to raise them.

I yield the floor.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, it is very interesting that we have had such a focus on Congress having the power rather than the bureaucracy having the power. Many of us worked very hard in this body, including, I believe, the Senator from Texas, to make sure Congress would have the power to review regulation and to review rules. We have a Congressional Accountability Act. It is pretty new. We do not use it very often, but it is there. For 60 days after the Interior Department adopts a rule, if we will let them adopt the rule, we have the power to override that rule by expedited procedure.

So if my good friend from Texas really wants Congress to be in the position that we can override the rule if we ever permit the rule to be adopted, we have that power. We worked hard to get that power in law. It took us many years to get that power in law. It is called congressional accountability, congressional review, and the rulemaking process that the Interior Department is following is a rulemaking process that we told them to follow. We are not going to let them finish it, apparently. The argument we now hear is we are not going to let them finish it because we have the power. We should have the power, not the bureaucracy.

The problem with that argument is it ignores the fact that if we did let them finish, which we should, their rulemaking process, we would have the power to override a rule of the Department of the Interior. For 60 days we have expedited procedures that will permit us to override their rule. So that argument does not wash.

The part of this that really intrigues me the most is what so-called integrated oil companies have been able to get away with by basically setting their own prices instead of using market price. I was really intrigued by this. I was not into this issue until a few months ago, really. I started reading some editorials. I started reading the congressional speeches here in the Senate of Senator BOXER and others.

I asked the Interior Department. I said: Can you give me some examples where you have an integrated oil company and an independent oil company that are drilling the same oil from public lands and paying us different royalties; where the price they are setting in an integrated company on the one hand, and an independent company on the other hand, are different for the same oil from adjacent lands, both being public lands, of course? Because then, if you have different prices being set for the same oil, you have overwhelming evidence that we are being cheated. Either that or the independents are paying more than they should, which is a pretty unlikely thing because they are going by the market price. They are going by what they get for the oil in an arm's length transaction.

So on the one hand, you have independents with an arm's length transaction, which is what the law is. Then we have the integrateds coming along, saying the prices are going to be a lot different based on what they are charging themselves.

So I asked the Department of the Interior to take a look at areas on public lands where you have independents and integrated oil companies right next to each other drilling for the same oil. Is there a price differential?

Here are the numbers they give me. It is to me powerful evidence that we are being cheated because from the same lease, the same oil field, the same oil, in 6 months in 1999, we get different prices, and in every case the price that is being set by the integrated company is less than the market price which was established by the independent in its arm's length transaction.

How do we justify this? How does an integrated company justify that? In January 1999, three different fields: Colorado, New Mexico, and the Gulf of Mexico. Sales price, dollars per barrel, the independent: $12.43. That was the market price. That was the price they were paid on the market for that oil. The same lease, same oil field, same oil the integrated company is basing their royalty to us on: $11.83.

February, the independent, arm's length transaction, getting $11.97 and paying a royalty based on that. What does the integrated company base its royalty on? When it sells it to itself: $11.36.

March of 1999, Colorado, same lease, same field, same oil in terms of quality, you have the same oil. The independent, he is basing the royalty to us on $14.60. The integrated company is basing its royalty to us on $14.08.

April, same story; May, same story; June, same story. That's Colorado, the first 6 months of 1999.

I asked them to give me some examples. I told them not to pick and choose; give me examples which are typical examples where you have oil sales, same lease, same field, same quality oil next to each other. That is in what I am interested.

This is the New Mexico field. It has the same kind of price structure. The independent sells it for $11.74. The integrated company is paying us on $9.83.

In February, New Mexico, the independent company paid, arm's length transaction, $11.53. The integrated company is basing a royalty to us on $10.16.

Something is fundamentally wrong here. The Senator from California and others, it seems to me, have demonstrated in a very clear, dramatic fashion that something is wrong, but when you break it down and ask the Interior Department to give us some more evidence, give us evidence of the differences in the amount on which royalties are based, where the field is the same field, where the lease is the same field—these are public lands. This oil does not belong to the oil companies; it belongs to the people of the United States. They are on our land. This is not a tax; it is a royalty for our property. We own it. It is ours and we let the oil companies drill on it.

What did they come up with? Gulf of Mexico, same field, same lease, the independent company, arm's length transaction gets $11.19. The integrated company, selling to itself, is basing its royalty on $10.49. There is a lot of evidence of these miscalculations by these integrated companies so they pay less royalties.

What could be more compelling evidence when you have oil being drawn from the same field, the same lease right next to each other on a public land? How much more compelling evidence do we need before we finally say to the Interior Department: Go ahead, do your rule.

In closing, I remind our colleagues of one other thing and it is where I started. What we hear from the Senator from Texas is we should do this, not the bureaucracy. We have the power to override the bureaucracy under this new process which so many of us worked so hard to put in place so we are accountable, not the bureaucracy. It used to be called legislative review. Before that, we thought we had a legislative veto, but that was overridden by the Supreme Court. Now it is called the Congressional Accountability Act. For 60 days, if we will let the Interior Department follow the process, we then have the power, under expedited procedures, to override any final rule they may adopt.

This effort is to truncate that, to cut it off so they cannot follow the rulemaking process. That is what this effort is all about.

What it will stop is the elimination of this absurdity. It is absurd for the same oil, for the same field to be charged at different amounts. It is obvious what is going on. The independent companies, because they are selling on the market, have a very clear objective, outside way of determining market value.

Mrs. BOXER. Will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mrs. BOXER. It is my understanding that Senator WELLSTONE was going to be here at 4. He has yielded the extra time until 4:15 to the Senator from Michigan. I want to engage him in a couple questions, if there is no objection, and then at 4:15, we will go to Senator DOMENICI or Senator HUTCHISON's person of choice.

Mrs. HUTCHISON. Mr. President, I say to the Senator from California, I certainly will not object, but I have one other Senator who has also asked for time.

Mrs. BOXER. Go right ahead and make a UC request.

Mrs. HUTCHISON. I ask unanimous consent that at 5 o'clock I have 5 minutes for Senator BROWNBACK and 5 minutes for Senator ENZI, and then perhaps Senator GRAHAM can come after that.

Mrs. BOXER. I agree, if we can say after the Senators have spoken then we go to my designee for a period of up to 30 minutes. Is that all right, since the Senator is going to have the next hour?

Mrs. HUTCHISON. I ask unanimous consent that I have the hour from 4:15 to 5:15, and then the Senator from California will have the next 30 minutes.

Mrs. BOXER. That is fine.

Mrs. HUTCHISON. I propose that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. We are winding down.

Mr. LEVIN. Mr. President, I ask unanimous consent that a copy of this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN INDEFENSIBLE GAP

Sales month and company	Colorado sales price ($/barrel)	New Mexico sales price ($/barrel)	Gulf of Mexico (sales price ($/barrel)
January 1999			
Independent	12.43	11.74	11.19
Integrated	11.83	9.83	10.49
February 1999			
Independent	11.97	11.53	10.93
Integrated	11.36	10.16	10.35
March 1999			
Independent	14.60	14.09	13.01
Integrated	14.08	11.13	12.77
April 1999			
Independent	17.28	16.43	15.44
Integrated	16.61	14.00	15.34
May 1999			
Independent	17.80	17.20	16.65
Integrated	17.11	15.83	15.94
June 1999			
Independent	18.16	([1])	16.21
Integrated	17.31	16.62	16.04

[1] Not reported.

Oil Sales are from the same lease, same field, and same oil for six months in 1999, for Colorado, New Mexico, and the Gulf of Mexico, respectively.

Mrs. BOXER. Mr. President, understanding the Senator from Michigan now has about 9 minutes remaining, I want to ask him a couple of questions.

First, I thank him very much for his contributions to this debate. I know my friend from Michigan is very meticulous. He was interested in finding a specific case to point to where oil was drilled on very similar lands very close to each other where the oil companies listed different market prices. He asked the Interior Department for that. It was a struggle to get it, and he got it.

I say to my friend, if he can hold up the ARCO chart, I want to try to translate what he has taught us in the specifics to the more general, which is this: Does my friend from Michigan not conclude, after his presentation, there is convincing evidence that a small percentage of the oil companies—namely, those that are integrated and wind up having the first point of sale essentially with themselves—have been consistently undervaluing the price of the oil on which they pay their royalties, and that, in fact, what happens then is that the taxpayers who, as my friend has pointed out, own this land, it belongs to the people of the United States of America, thereby get cheated by that differential? And that is explained on the chart. In other words, the market price is continuously higher than the oil company's posted price, the price on which these 5 percent of the companies pay the royalties. Is that not a fair summary of what is happening?

Mr. LEVIN. That is what is happening. What the Interior Department has done for me at my request is to take a look at situations, as the Senator from California said, where we have oil being drilled under the same lease, the same field so we know it is the same quality oil, next to each other by two different companies, one of which is the 5 percent, the integrated company which is setting its own price, and the other by one of the independents, and to compare the market prices which are set on which the royalty is based.

I told them to give me typical examples. Do not pick and choose. Give me typical examples. The typical examples are on the chart. They show a range of differences in sale prices from 10 cents minimum to $2.99 per barrel. When you put that over the entire country for one company, you come up with this kind of a situation where you have a market price the independents are paying and then you have a posted price by an integrated company, which is below that consistently.

It is wrong, and we have to end it. The Senator from California is leading an effort to end that. We ought to permit the Interior Department to complete its rulemaking process, and then, if a majority of this Congress thinks they have not done this properly, we have a way to override it. We are the final determinants, not the bureaucracy, and we have that power.

We, obviously, do not want to see what this will result in because some of us very clearly want this situation to continue. It is an unfair situation to the taxpayers. It is discriminatory against companies that pay royalties, by the way, based on arm's length market price setting. It is not even fair to them. It is not fair to the States that also get part of these resources.

We are not talking about a tax. This is not a business or an individual being taxed. This is oil that is owned by the public.

The business is owned by an individual. It is a private business. The oil being drilled is publicly owned oil. So there is a major difference between this and a tax.

Mrs. BOXER. I know my friend needs to run off. I ask unanimous consent that I can finish up this portion of my time, and at 4:15 go to Senator HUTCHISON, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friend, again, as he runs off to a very important meeting, and say he is so right. A royalty is not a tax; it is an agreement. It is a payment made by oil companies that have the privilege of drilling on the property which belongs to the United States of America. Those funds go to the Federal Treasury. Part of them go to the State treasury, and they are used for environmental purposes and for purposes of education.

I would like to complete my time that remains at this point—reserving the remainder that I have. I have a long time left. I do not intend to use all of that time. I hope soon we will have a chance to make an agreement when this would come to an end, this whole debate. We are not there yet. We are finding out how many colleagues want to come over.

But there was a comment made on the floor about the Senator from California by a few of my colleagues. I do not mind them saying whatever they wish. I do not have any desire to stop them because I can take care of myself. But I want to respond to the statements that were made.

The point we have been making consistently on our side is that when the oil companies do not pay their fair share of royalties, the Treasury is robbed of funds that are necessary for the environment and for education. My colleagues said—particularly Senator CRAIG said; and he did not give me the chance to respond, so I want to respond now—that Senator BOXER here is complaining that the oil companies aren't paying their fair share of royalties, and yet she leads the fight against offshore oil drilling in her State—which, by the way, I am extremely proud he mentioned—and she does not want to cut down our trees—which I am very happy to mention because I think that is our heritage.

The point is, that is not what this is about because this Senator from California wants a strong California economy. What that means is, you preserve the forest, you preserve the beautiful redwood trees, you preserve the beautiful environment. Because if you allow indiscriminate and additional offshore oil drilling—we have plenty going on right now. How many leases? Forty leases are being drilled. If we allow more, it destroys our economy.

Tourism is our No. 1 important economic resource, so if we destroy that, we are done for. So by my fighting to limit offshore oil drilling, by my fighting not to allow indiscriminate cutting down of beautiful old-growth trees, I am, in fact, preserving the economy and increasing the revenues that go to my State.

What are we left with? We are left with what the oil companies have to pay for the offshore oil tracts that they are drilling and the onshore oil tracts that they are drilling currently. This isn't an argument about new drilling. This isn't an argument about new cutting down of trees. This is an argument about the status quo. We have many leases in California that are being drilled.

We expect the oil companies to be good public citizens. We expect the oil companies to pay their fair share. The good news is that 95 percent of them are paying their fair share. Good for them. They are good corporate citizens. They are doing the right thing. There are about 777 oil companies that are doing the right thing, that are paying the fair market value. Unfortunately, there are about 44 companies that are not.

The Hutchison amendment, which is supported by the Senator from New Mexico, and many others, allows those 44 companies to continue to underpay this royalty payment. It is time to put a stop to this, my friends. I hope we will do that. I am not very hopeful, in essence, that this will happen, but maybe some people listening to this debate will have a change of heart, and maybe in the vote we will get into the 40s today. Maybe that will send a signal that this is a tough call.

I see my friend from New Mexico has come to the floor, and under the unanimous consent agreement, my friend from Texas now has full right to give her time to anyone she wants at 4:15. So I yield the floor and get it back at 5:15.

I thank my colleagues for their patience.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mrs. HUTCHISON. I yield up to 15 minutes to my colleague from New Mexico, who is the cosponsor of this amendment and who is doing a super job of not only explaining this but also working on the balanced budget that is so important for our country. In fact, the reason he has not been on the floor with me today is because he is working so hard to make sure we do keep the balanced budget, that we do try to make sure we are responsible stewards of the taxpayer dollars.

I commend him for all he does for our country and yield him up to 15 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I first thank Senator HUTCHISON for her kind remarks. I tell her, as cosponsor, what a pleasure it is to work with her. We have been sponsor or cosponsor—depending on the year—of this measure for the last 3 years. Hang in there, I say to the Senator. We have not lost yet. We will not lose this time either because we are right.

I want to give a quick summary of the issues, as I see them. When you get right down to it, it isn't all that complicated.

First, we need to have new MMS regulations, but the regulations they steadfastly insist on putting forth are fatally flawed. During the moratorium that the Congress has imposed, several of us—Senators LANDRIEU, NICKLES, THOMAS, HUTCHISON, ENZI, BREAUX, MURKOWSKI, and others—have tried to get the agency to fix the regulations, and they stubbornly refuse. In fact, at the request of the administration, we have all sat around the table on at least two occasions, if not more, with the MMS people and the oil people, sitting around talking about the flaws in it, as the industry sees it. But they refuse to take care of the real problems and stubbornly insist they are right.

Procedurally, the regulation writing process has been tainted. Let me make sure everybody understands that. People involved in writing the regulations were taking $350,000 payments from the Project on Government Oversight, POGO. When the procedure is contaminated, the best way to proceed is to discard the tainted work product and start over. That is why we have a country with laws. Process is important. People writing regulations are not supposed to be paid by someone who has an interest in the outcome.

Can you imagine if the Senate were debating an issue and the shoe was on the other foot what we would be hearing here on the floor? If somebody had taken money, in this case, from the oil or gas companies, think where we would be. The whole process would be thrown out. We need to get to the bottom of the $350,000 payments from the Project on Government Oversight, which is known as POGO.

Senators MURKOWSKI, HUTCHISON, NICKLES, and I have written several letters to Secretary Babbitt on this issue. Because of the procedural irregularities alone, the moratorium should remain in place until satisfactory answers are provided regarding the wrongdoing. It has been months, and we really have no satisfactory explanation.

That is absurd. No other description is accurate. These MMS regulations are unworkable, arbitrary, complicated, and beyond what they ought to be. One producer with one well with one kind of oil would have to value his oil in 10 different ways. There is no justification for such complexity. It can only be labeled an abuse of power.

In addition, the MMS could even second guess, audit, and sue that producer on seven different theories. This is a scheme that is unnecessarily complicated and plainly unworkable. We ought to be able to do better. Regardless of which industry is on the other side of this, we ought to be able to do it better and make it workable. My conclusion is that these regulations are borderline absurd.

The proposed rules exceed the MMS authority. These regulations raise royalty rates by imposing a nonexistent and recently quasi-judicially rejected duty to market. The proposed rules are premised on a rejected legal theory called duty to market.

The relationship between the producer and the MMS is spelled out in the lease. It is a concise document defining the responsibility and duties of the producer and the MMS. Oil is valued at the lease, period. That is what the lease says. The lease is based upon statutory language in the law.

The Mineral Lands Act, 30 USC 226(b), which governs leases for onshore Federal lands, specifically states:

> A lease shall be conditioned upon the payment of a royalty rate of not less than 12.5 percent of amount or value of the production removed or sold from the lease; [that is] at the time the oil is removed from the well.

That is the definition.

The Outer Continental Shelf Lands Act, 43 USC 1331, et seq., governs Federal leases for drilling offshore. The act requires offshore leases to pay:

> A royalty to the lessor on oil and gas . . . saved, removed or sold from the lease.

By regulation, MMS wants to unilaterally rewrite the leases and the law and create a duty to market out of thin air. Duty to market is Government mooching because it wants to increase the royalty amount owed but will not allow a deduction for the costs incurred in getting the higher price.

In other words, they would like the higher of the prices at the wellhead or at some other point. And if the higher one happens to be downstream with a lot of costs involved in getting it there, they don't even want to permit you to deduct the cost of getting it from the wellhead to the downstream or upstream source. They want to get the highest royalty and, thus, make the business swallow, without deductibility, the cost of getting it there.

We don't do that anywhere in American capitalism. We don't do it in our IRS. We don't do it in simple, good CPA accounting procedures.

By analogy, under today's law, the MMS bases its royalty valuation on essentially the wholesale price for the oil. Under the proposed rule, they are basing the royalty on the retail price, which is not authorized by Federal law. The rule does not allow certain transportation and other costs necessary to get the higher price to be deducted from the royalty payment.

When I went to law school, I was taught that one party couldn't unilaterally change a contract. When I went to law school, regulations were to implement, not rewrite, the law. Regulations were to be consistent with the law. I was taught that agencies did not have the authority to rewrite contracts through regulations. MMS lawyers must have missed that week of law school because that is exactly what they are trying to do now. If MMS can change contracts through regulation, in direct violation of the law of the land, why can't other agencies do the same?

For example, why can't Medicare unilaterally, without congressional approval, change its contract with Medicare recipients and say: You have a duty to stay well; Medicare won't pay your Medicare bills because you breached your duty to stay well? That would be absurd, just as this new way of charging royalties is absurd.

If we allow MMS to change the royalty rate, there is nothing to keep the IRS from saying: We want to get more money from American families. So they will issue some complicated regulations and raise their taxes. That would be a usurpation of the exclusive role of Congress. What MMS is trying to do is a usurpation of the exclusive jurisdiction of the Congress.

There is no duty to market in the lease. There is no court-ordered duty to market in the law of the land. It is a figment of the "tax-raising imagination" of MMS. They want to raise royalty rates, and that is it. Creating a duty to market when none exists usurps the prerogatives of the Congress and ignores the precedents set by the Department's own review board.

In May, the Interior Board of Land Appeals, known as the IBLA, ruled that there was no duty to market in a case known as Seagull Energy Corporation, Case No. 148 IBLA 3100 (1999). The IBLA has the expertise in these royalty cases. This was a 1999 case before the IBLA.

Secretary Babbitt reversed that in a case involving Texaco, Case No. MMS–92–0306–0&G. The Secretary unilaterally, and in direct contravention of the moratorium imposed by this committee, overruled its own Board of Land Appeals.

I want to commend Senator NICKLES for developing legislation to clarify the authority MMS has regarding oil royalty valuation. Simply stated—and I believe he is right—it stands for the proposition that there has never been, is not, nor ever shall be a duty to market. If you read a Federal oil and gas lease, there is no mention of a duty to market. It has been the Mineral Management Service position that the duty to market is an implied covenant in the lease. This legislation says the MMS is wrong. That is what the legislation Senator NICKLES has introduced, working its way through Congress, says.

Let me back up and explain the issue and why this legislation is needed. Oil and gas producers doing business on Federal leases pay royalties to the Federal Government based on fair market value. Under this administration, this is easier said than done.

One of the longstanding disputes between Congress and the MMS has been the development of workable royalty valuation regulations that can articulate just exactly what fair market value is.

Cynthia Quarterman, former director of MMS, set out the Interior Department's position that fair market value includes a duty to market the lease production for the mutual benefit of the lessee and the lessor but without the Federal Government paying its share of the costs. Many of these costs are transportation costs, and they are significant. MMS calls it a duty to market. I believe it is the Federal Government mooching, trying to get paid without bearing its share of the cost.

The bill states congressional intent: No duty to market; no Federal Government mooching.

Let me be clear: Where there is a duty to market, it is a matter exclusively within the jurisdiction of the Congress. It is not the job of lawyers at MMS to raise the congressionally set royalty rate through the back door. The so-called duty to market is a backdoor royalty increase, and there can be no doubt about it. The MMS has been unable to develop workable royalty valuation rules, and Congress has had to impose a moratorium on these regulations. The core issue has been the duty to market, and I believe I have explained why this is a serious problem.

Nobody is attempting to do anyone a favor. Nobody is attempting to be prejudicial toward the MMS and the Federal Government's tax take. What we are talking about is simple, plain fairness. I won't say equity, because as a matter of fact it is law, not equity, that sets this. It is probably equitable also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Mexico because we have talked earlier about taxing expenses. That is exactly what he is talking about. The idea that we would introduce into tax policy in this country the taxation of expenses is, A, outrageous, and, B, if it is going to be done, let us do it straight up; let us let Congress pass a law saying we are going to tax expenses. It won't just be oil companies; it will be other companies as well.

Of course, I think that is a bad policy because I can't imagine we would do something that would hurt our economy anymore. Nevertheless, if we are going to do it, it certainly shouldn't be done by a Federal agency that isn't accountable to anyone. I don't think Congress would be doing its responsibility if we allowed that to happen without our imprimatur.

I thank the Senator from New Mexico for clarifying the duty to market.

It is a very important technical point that is just one more showing of why this is so unfair and why we must do something to correct it.

I want to make a quick announcement, and then I am going to yield up to 10 minutes to the senior Senator from Louisiana.

For the information of all Senators, the Senator from California and I have talked about how much longer this debate would go. It appears that we have an agreement that we would be looking at two stacked votes between 6 and 6:15 tonight, one on the Hutchison amendment, and one on final passage of the Interior appropriations bill, which has been so ably led by the occupant of the chair.

With that, I yield up to 10 minutes to the Senator from Louisiana, who has been a great ally in this fight. There is nobody who understands the importance of oil jobs to our country and the stability of energy in our country than the senior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the Senator from Texas for yielding. I appreciate it very much. I really wasn't going to say anything again. I thought I said enough on this issue. I think the Senate probably has debated far too long on this issue.

What is surprising to me is what the arguments have been about. I don't think they are directly related to the issue at hand. I think it is important for us to try to understand what the issue is. Is it that we don't like oil companies, or is the issue that we like the environment, or is the issue that we don't like education, or that we do like education? No.

The issue is very simple and not complex at all. The law that was passed by the Congress—I was on the committee in the House that wrote the bill in 1976. We wrote the OCS Lands Act of 1976. We determined at that time that offshore oil companies that produce oil on Federal lands and the OCS would pay the General Treasury one-sixth of the value of the oil. That is the law; it is one-sixth of the value of the oil.

We established that back in 1976. It was one-eighth before that. Companies, every year, pay one-sixth of the fair market value of the oil. That doesn't go to the Land and Water Conservation Fund. It goes to the General Treasury. Congress then appropriates that money to the Land and Water Conservation Fund, appropriates it for defense purposes, appropriates it for health purposes, and everything else Congress does.

That is what the companies have been paying every year—one-sixth of the fair market value of the oil. Last year, they paid about $4.7 billion, I think, in royalties for the right to produce that oil on Federal lands in our country.

Now, the issue is a very narrow issue. How do you determine what the fair market value of the oil is? It is even more narrow than that. It is what a company is entitled to deduct in determining that fair market value.

I listened intently to my good friend, the Senator from Michigan, with his chart showing why independents paid one price and integrated major companies paid a different price for producing oil on the same adjacent leases. There is a very simple explanation of why that is the way it is. The Senator from Michigan would never argue with the fact that if a Michigan automobile company built a car in Detroit and then sold that car in Louisiana, that Michigan automobile manufacturer would not be able to add the cost of transporting that car to New Orleans to the price he got for the vehicle. Of course, the big company would be able to do that. That would be part of the cost of doing business. He would build the car in Michigan, transport it to New Orleans, sell it, and add the transportation cost to the price of the car. No one would think that would be unusual.

The same principle affects oil companies, as well. In determining the fair market value, you find out where they sell it. A legitimate deduction is transporting it to the place of the sale. The difference between the independent companies and the major companies in the same area is they sell it at different places. The independent will sell it when it comes out of the ground. He will sell it at the wellhead. An integrated company would not sell it at the wellhead but would put the oil in a transportation pipeline and send it to a point where it is sold down the line.

Would anybody argue that the cost of transporting the oil from the time it is brought out of the ground to the time it is eventually sold is not a legitimate cost of producing and selling that product? Of course, not. Just as the cost of transporting that car from Michigan to New Orleans is a legitimate cost of producing and selling it the first time you have a sale; it is a legitimate add-on to the price of the product. So, too, is the cost of transporting the oil from the well to the place of the first sale. It is a legitimate deduction for the cost of producing that product.

That is really what we are arguing about. The Department of the Interior and Minerals Management say they don't agree that a cost of transporting it should be a legitimate deduction, or maybe some of it should but not all of it. The companies say they think it all should be deductible. The MMS says just part of it. That is the fight.

This fight is not about education or welfare or defense. It is a very narrow issue. The Senator from Texas is merely saying: Please, let's make them talk a little bit more about trying to resolve this very narrow issue. Oh, we can let the rule go through, and it is going to be litigated from here to who knows where. That is going to cost the Government and the taxpayers and the companies a lot of money, and it is not going to resolve anything—certainly not in 12 months. We will be in litigation in courts all over the country litigating what they think is a legitimate deduction versus what the company thinks.

The Senator from Texas has suggested we pause for 12 months and say negotiate out what is a legitimate deduction for transporting the oil from the time it is brought out of the ground to the time it reaches its first sale. There is nothing mysterious about that. We always argue with companies about what is and is not legitimate. My State has sued oil companies right and left, disagreeing on the interpretation of a legitimate deduction. The issue is whether you are going to allow transportation costs to be deducted or not. It is not whether or not you like oil companies. Hate them; I don't care.

The question is simply fairness about what a legitimate deduction should be with regard to determining the fair market value of the oil. Oil companies have said: Let's put an end to this. We will give you the oil and you sell it and determine the fair market value. The Government says: No, we don't want to do that; we want you to market it and get a fair market value for it.

It is not a question about anybody lying, cheating, stealing, or trying to rip off the Government, or anything else. Companies have an obligation to represent their stockholders and the millions of employees they have. The Government has an obligation to be fair. The only thing the amendment of the Senator from Texas says is, let's avoid litigation and quit fighting.

It is unfortunate that we got into a debate about whether we like oil companies or not. That is not the issue. Oil companies have paid ever since they have had production on Federal lands. Like I said, $4.7 billion was paid just last year to the General Treasury, and rightfully so, as the cost of being able to produce energy on Federal lands. In my State and on other Federal lands around the coastal areas of this country, it will continue to be paid. It is a very narrow issue. This is not a monumental deal that we should be talking about. We should not be involved in cloture votes and arguing about something that is relatively so small.

Some of the Senators say $88 million is being lost. It is not being lost. It is a dispute as to whether it is a legitimate deduction or not.

I think we eventually will pass the amendment and, hopefully, the oil companies will sit down in the offices of the Interior Department and negotiate instead of meeting in courthouses and having to litigate. I just hope we can move on—adopt this measure and get on with the many other things that are more pressing than whether we should deduct transportation costs or not.

That is the only issue that is on the table. You can talk about anything else, but the issue is only what are legitimate transportation costs from the time the oil comes out of the ground to the time it is sold at the first sale. I suggest that this is not something that you tie up the Senate for as long as it has been. It should be negotiated out by technicians, lawyers, but it should be negotiated, not litigated.

I thank the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Louisiana. I think he has shown exactly what the problem is, why what is being proposed is so unfair, and why we on a bipartisan basis have said to the MMS: We want you to go back to the drawing board, and we want you to do something that is fair, simple and understandable, and then we will be supportive.

I thank him for his leadership in this area.

Mr. President, I yield up to 10 minutes for the distinguished Senator from

Oklahoma, the assistant majority leader, Mr. NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I compliment my colleague from Texas, Senator HUTCHISON, for outstanding work on this issue, and also several other people who have spoken on the issue, including Senator DOMENICI and Senator GRAMM from Texas.

I have been a little disappointed in the tenor of the debate by people on the other side of this issue. In the Senate, we certainly have the right to have disagreements on issues, but in some cases sometimes debate is not a credit to the Senate. Everyone is entitled to their own opinion. But certainly some of the insinuations that have been made on the floor today—that people are doing this because they owe big oil or they received contributions—is very offensive to this Senator. I think Senators need to be very cognizant of the rules of the Senate not to impugn the integrity or the intentions of Senators.

In 1996, this Congress passed legislation called the Royalty Fairness and Simplification Act by an overwhelming margin with bipartisan support in the Senate. I sponsored the bill and it was supported by Democrats and signed by President Clinton. The purpose of that legislation was to simplify the royalty process.

The MMS rule proposal flies in the face of that action. The President signed the bill in 1996. The proposal now put out by the MMS is the opposite, it is not a simplification.

If you look at this chart, you can see that this rule is not workable. To insinuate that people who oppose this rule are beholding to big oil, or they are against schoolkids is wrong.

The MMS proposal on royalties simply will not work and to state on the floor that it is going to waste millions of dollars, and we are depriving kids is not factual.

If this rule goes into effect, it will be an invitation for litigation. Instead of the States getting more money, or cities getting more money, they will get more litigation. The attorneys handling the cases might make more money.

Then they imply that maybe they have evidence from whistleblowers showing intent to deceive. We know there are whistleblowers. In the recent case where one "whistleblower" testified, I hate to tell you that before a jury trial in Long Beach it was decided against the plaintiffs, against the city of Long Beach against the supposed whistleblower. That was a 14-year case. There have been three decisions, all of which big oil won. I doubt that the jury was trying to decide the case in favor of big oil. It so happens the jury decided that the claimants in this case were wrong.

Mrs. HUTCHISON. Mr. President, will the Senator yield for a question on that very point?

Mr. NICKLES. I am happy to yield.

Mrs. HUTCHISON. Mr. President, we have heard so much rhetoric on the Senate floor about a former ARCO employee who testified that the oil companies were trying to cheat the State of California and the Federal Government. In fact, that ARCO employee was the very same person who was involved in the Long Beach lawsuit about which the Senator is speaking. I ask the Senator if it isn't true that the jurors rejected his testimony?

Mr. NICKLES. The Senator is exactly right. I appreciate the clarification. That is the point I am making. When you hear the opponents of this amendment basing almost everything on this disgruntled employee, it just doesn't make sense. I didn't sit in on the case. I wasn't a juror. I was not involved in this case of 14 years. But I know the Exxon company won. Big oil won. The jurors decided that this disgruntled employee wasn't telling the truth, or didn't have a case.

When you look at the MMS proposed royalty scheme, you can say mistakes have been made. I will promise you that if we pass this MMS proposal as it now stands before us, you will have more litigation, more mistakes. It is an invitation for litigation. Sure, there will be some settlements and some wins and some losses. But this is not a workable situation.

I will mention that the present law is not as good as it should be and we certainly shouldn't make it worse. You shouldn't be changing the rules of the game and changing contracts. Every law of the land says royalty is based on the value of oil at the lease. Now you have the MMS saying: Let's include "duty to market." What does that mean? We have had 50 years or more of experience—ever since we have been producing oil. We have the experience of collecting royalties based on the value of the oil at the lease. We don't know what "duty to market" means.

This is something new from the Clinton administration that I will assure you, if it becomes law will create more problems. If it does go into effect, two things will be wrong: One, MMS is not supposed to make law. We are the legislators. We are supposed to be the ones who make the law and not some unelected bureaucrat at MMS. It shouldn't become law, period. If this rule becomes final and is implemented, it wouldn't raise more money. It would create more litigation.

What I want on royalties is for them to be fair and simple and for the companies to pay exactly what they owe—no more, no less. The royalty rate is 12½ percent. If we want to raise it to 13 or 14 percent, that is a decision this Congress can make.

But to say we are going to keep the same percentage, yet we are going to have a new obligation called "duty to market," which includes marketing the oil away from the lease and other new obligations—which are kind of hard to define—but, we will try to work that out. There is some ambiguity. It is an invitation to litigation. All that will happen is that the lawyers will make more money.

Speaking of lawyers, I want to raise one other thing. It is very troublesome to me to think that you have two Federal employees—one now a former Federal employee—actually getting paid $350,000 for their involvement in this issue. They were somewhat involved in implementing this rule.

Think of this. Here you have individuals involved in writing the rule. These same people help groups that sue these companies, or sue on behalf of the Government, and get paid a bunch of money—Federal employees. Are we going to allow IRS agents to get a percentage of the take if they go after some big company? If they get a big settlement, are two or three employees supposed to get a percentage of that? That sounds like corruption to me. We have had two people that received $350,000 and we have an administration that wouldn't even say it was wrong.

This is the most corrupt administration in U.S. history. Yesterday we had the FBI testify that this administration completely thwarted their efforts to investigate campaign finance abuses. We had an FBI agent who served for 25 years who said never in his history did he have an investigation in which he was not thwarted, time and time again, by the Justice Department during this administration.

In addition to that we have an administration that grants clemency to 16 terrorists, while the FBI and others said: Don't do it. These are terrorists. They are a threat to the United States.

Did the administration listen to the FBI? No. Did they even consult with the FBI? The FBI said no.

That was a mistake. This administration's corruption, including two employees who were involved in this rulemaking and ended up getting paid $350,000, is deplorable. It is despicable. It shouldn't be applauded. It shouldn't be rewarded.

But most importantly, article I of the Constitution says that Congress shall pass the laws and says Congress shall raise the taxes. It doesn't say unelected bureaucrats at MMS can rewrite the rules, raise royalty rates, or raise taxes. They do not have that right. That belongs to elected officials. Then if we do a bad job, people can kick us out. They can vote us down. They can say: We don't like the laws you passed. What recourse do they have against unelected bureaucrats? None.

There is a reason our forefathers gave us this system of government.

They gave us a good system of government, and we should never allow some bureaucracy the opportunity to set rules and regulations that gives them the force and the power to raise taxes.

Should we have royalties that are fair? Yes. Should we have royalties that are accurate and a royalty system that people can understand? You bet. Should people pay exactly what they owe? Certainly.

Members might wonder where I am getting my information. I am chairman of the subcommittee, and we held a hearing regarding this issue. We had a lot of experts in the field saying this is not workable. It is not the money. It is not the money in any way, shape, or form.

The PRESIDING OFFICER. The time has expired.

Mr. NICKLES. I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Oklahoma. I am very pleased he covered some of those issues.

We have heard a lot about the lawsuit and especially the employees of the Federal Government directly involved with this rulemaking taking $350,000 each from an organization called POGO. That does not pass the smell test. I am very pleased the Senator from Oklahoma pointed that out. That is another reason this rule needs to go back to the drawing board. That is not the American way.

I am happy to yield up to 15 minutes to the Senator from Montana, Senator BURNS, who has been very active in this debate and who understands from a small businessman's point of view how important it is we have fairness in taxation in our country.

Mr. BURNS. Mr. President, I thank my friend from Texas. I also want to say it might not pass the smell test; it doesn't even pass the giggle test.

I want to drop back a little bit, away from the rhetoric we have heard, and look at it from a practical point of view. We have heard a lot about big oil ripoff. What are folks in California paying for gasoline today? Do you think the oil companies are going to pay that? No, they are not going to pay it. The consumer is going to pay it. The people who buy the gasoline and the petroleum products are going to pay it. Big oil, little oil, or whatever is not going to pay that. Do you think they will eat this and swallow it? Get a life.

One of these days, we are going to be hit by a big bolt of common sense around here and we will not be able to handle it.

Let's step back and think. I know the Senator from California is concerned about schools and children. I want her to come to Musselshell, MT. The first oil was discovered in Montana in that county—very active. A lot of it is on public lands. Then we kept getting tougher and tougher, and pretty soon the oil industry left the county. We are closing schools because there are no kids to attend. Nobody is making a paycheck.

Let's take a look and see what happens. Yes, the Government holds those lands in trust. They are public lands. Does the Government invest one penny in the drilling or the exploration of that resource? It does not. Does it buy any of the licenses? Does it offer any of the equipment? Does it pay any of the people to drill and to take the chance there may be oil here and there may not be? If there isn't, does the Government pay for the loss? Not a penny.

A deal was struck. If we find oil there, the companies say: We will give the Government one-eighth ownership in that well. That means one out of every eight buckets that comes out of the ground in crude belongs to the Government, and it sells it wherever it wants to sell. If they don't like the price they are getting from the refinery, I suggest they can take a truck out there next to the well, and every eighth bucket that comes up, put that eighth bucket in their truck, and they can take it anywhere and sell it anywhere they want, and they will get market for it. There are a lot of buyers for it.

That was the deal. That is getting your product or your royalty at the wellhead, as called for by law.

Now we have some folks who say: That is not good enough; we want the retail price. In other words, we don't want to pay any of the transportation, we don't want to pay any of the refining, we don't want to pay all of the costs, but we want the end result.

That is not the deal. This other is put together by law. That law is being changed by an unelected representative who wouldn't be known to my constituency if he or she walked out today.

Who gets hurt by this change? It is not big oil. They don't get hurt because they will pass the cost on to the consumer.

Again, I want to know what they are paying per gallon of gasoline in California. It is pretty high out in my State, too.

Do you know who gets hurt? It is the little guy. It slows down their ability for capital formation, for exploration, and then when they find it, they are taxed more for it. They want to rewrite the law.

An independent producer will have to pay a higher tax. I want that in all capital letters—T-A-X. That is what royalty essentially is. Then they will still have to compete with the low price of foreign oil.

America, if you think you are secure tonight, 55 percent of our oil comes now from offshore. More and more public lands are being cut off from exploration due to some whacky laws and some people who do not understand the business. They do it in the name of the environment. Use common sense. Those folks who want to shut off the oil supply in this country don't know what lines are and don't know what an economy can't do if we have no oil.

A while ago they talked about ethanol. I support the ethanol situation. It is renewable. It is clean. We still have some problems when temperatures get extremely low, as they do in Montana, but nonetheless it is an alternative. I support the tax credits for ethanol.

A tax is essentially what a royalty is. The end result is that the little man can't do it; he simply cannot make a living. When times are looking better for domestic oil, the Federal Government comes rushing in and raises the cost of production.

I can remember when Billings, MT, was pretty active with independent oil people, from land leasers to exploration to drillers. Those folks are just about all gone, because they have driven all of the little people away. They have closed off the lands that might have, and do have, great prospects for oil and gas reserves.

Oil prices are not that strong. Have they stabilized? No, I don't think so. In fact, I will tell you now, no commodity is making money in this country. I don't care if you are talking about oil or products that come from mining or timber or farms; it does not make any difference. The spread between what we get at the production level and what is happening at the retail level is unbelievable.

I will give you an example. If you want to go buy some Wheaties in your grocery store, it will cost you $3.75 to $4 a pound for Wheaties. Think about it. We cannot get $2.25 for a 60-pound bushel of wheat. Something is wrong.

The same thing happens here because everybody has to have a little bigger piece in the process from where you take it from Mother Earth, who gives us all new wealth. The only place new wealth is produced is from Mother Earth. That is true to the time it gets to the consumer. Everybody has to have a bigger piece. Now the Federal Government comes along and says: I think we need a little more, too, because we need to collect some more taxes. We need to build a bigger bureaucracy. That is not the way we do business.

Let's look at the royalty increase and put it in perspective of the entire industry. Oil prices still are not strong. Domestic oil production is still down. The industry is still hurting. Jobs are still being threatened. But our paycheck does not come from the oil patch, so we do not get excited. Our check comes every 2 weeks, just like clockwork. We risk not much—a little time. That is about all. Then all at once we are insensitive to those people who really power our economy—tax them again.

I want to bring back to our attention what Senator HUTCHISON pointed out earlier. This cost will be passed on to the American consumers. You are kidding yourself if you do not believe it. Montanans rely on their private vehicles to get around. It is 148,000 square miles from Alzada, MT, to Eureka, MT. It is further than from here to Chicago, IL. We know what spaces are and we also know what it costs to drive them.

We also have reserves in oil and gas, and if you keep raising these costs, the opportunity to get those reserves becomes more diminished every day. So while the Senator from California contends she is saving all this royalty money for the taxpayer, the person who actually knows the system tells us they will get less revenues during the period of chaos that will ensue as they try to sort out the flawed MMS proposal. Our income to the Treasury will go down; it will not be more.

I have a letter from the Office of the Governor of Montana. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, September 13, 1999.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR BURNS: I am writing to express this administration's support for the Hutchinson amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making.

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas, within Montana, resulting in less royalty revenue for the state.

The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties. During this additional one year moratorium, all parties must work in earnest toward the successful conclusion of this issue.

Thank you for your support and understanding.

Sincerely,

MICK ROBINSON,
Director of Policy.

Mr. BURNS. Reading a portion:

> The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for the industry . . .
>
> The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties.

In the meantime, royalties are lost. So let's get struck by a bolt of common sense. Let's quit being moon-eyed horses and jumping at shadows and the paper bag that blows out from the fence row. This is bad policy and we should not allow this to happen. I do not think the Senate should. I congratulate my friend from Texas for being the champion on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Montana because he has made a very important point from the independent producers' standpoint. We have seen independent producers go out of business at a greater rate than ever in the history of our country in the last year because oil prices were so low they could not keep their employees and they had to go out of business. They could not afford to drill because their costs were higher than the price they could get.

The Senator from Montana so ably represents that small businessman, that small businesswoman who is out there in the field, working so hard to make ends meet, trying not to let his or her employees go in a bad time.

Now we have a situation where we could be putting the last nail in the coffin of those who are left. So I am very pleased he talked about the independents and small producers. I am going to talk a little bit more about that because it has been said in this debate that we are only talking about 5 percent, the big oil companies. But that is not the case.

In fact, the small oil companies, the independent producers, have written letters to us, to me, saying: Please do not let this happen. This is going to affect our ability to say the price we are actually getting at the wellhead will not actually be what we are taxed on. That is what the new rule would do. It would say to the independent producer that it doesn't matter what you actually are getting at the wellhead, if someone pulls up and takes their oil right out of the ground. You have to pay a tax on what we say is the market price. We are going to go to the New York Mercantile Exchange to determine the price. We do not care if it is Odessa, TX. If we say the price is $22 and you are getting $21, you are going to pay a tax on $22. Is this America? My heavens.

These are the companies affected by this new MMS rule, and it is 100 percent of every company drilling, every company, small and large, that is going to have second-guessing of the prices, that is going to have indexing to the New York Mercantile Exchange, regardless of where they are, in Arkansas or West Virginia or Texas or Arizona. They will not be held to the determinations they make. So a small, independent producer who doesn't have a staff of lawyers isn't going to be able to say: OK, we have sold for $21 at the wellhead in Odessa, TX, and therefore, anyone else selling at the wellhead in Odessa, TX, take your chances. We may or may not say it is the same price. So every independent is affected.

I appreciate the Senator from Montana pointing that out. Now I yield up to 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Hutchison amendment to continue the moratorium on the Minerals Management Service rule. I thank her for the courageous work she has been doing on this issue. I want to speak to this from the standpoint of a State that has a number of small, independent oil producers. That is what we have in Kansas.

I want to address a couple issues: No. 1, the perspective of the small, independent oil producers. I guess the dominant debate has been about big oil. I want to talk about small, independent oil producers such as we have.

The second issue is we not become more dependent on foreign oil. We get 60 percent, actually more than 60 percent, from foreign sources, and we do not want to drive more of that production overseas.

A third issue is a matter of priority to this body, and that is that we not let our duty to legislate be overtaken by a nonlegislative body. I appreciate the Senator from Texas bringing these issues to the forefront so we could debate them and talk about them on the Senate floor and, hopefully, get some sanity in this system.

Our oil producers are just recovering from some of the lowest prices in 30 years. That has cost the oil and gas industry more than 67,000 American jobs, a number of those in Kansas, and saw the closure of more than 200,000 oil and gas wells. That is the recent situation.

A hike in the royalty rates will make a bad situation worse and could cause more domestic oil production to go overseas. At a time when we already are getting so much of it from overseas, to increase our dependency even more is a really ridiculous idea.

It is up to Congress and not Federal agencies to establish public policies is my second point. The MMS clearly exceeded its authority by proposing to raise royalty rates without congressional authorization. No congressional committee or affected industry groups were notified before the final version of the rule was announced. The MMS has also tried to get around the congressional moratorium by changing Federal lease forms and taking other measures that are similar to the prohibited rule. These reckless actions have led me to believe that this agency is out of control, and it has led a number of our small, independent producers in Kansas not to trust this agency, or the sort of template they are setting up in the industry that is going to cost them more and cost more jobs and cost more oil production in this country and in Kansas.

I do believe the current royalty rate valuations are fundamentally flawed and should be changed.

The regulations proposed by the MMS will increase the amount of the royalties to be paid by assessing royalties on downstream values particularly, without full consideration of the costs on that small independent producer in Kansas who is just now digging out of some of the lowest prices in 30 years, all the jobs they have lost, and all the wells that have been plugged. And we are saying at this point in time: We really do not care for you; we want to just shove these additional costs on you and hurt you more, even though you are just now starting to climb out of the worst situation in 30 years.

Goodness, we ought to think a little bit down the road ourselves and say: Is it wise that we do this on the small independent producer struggling to make a living, who wants to help support the United States and our energy needs of this country, and we do this now? I do not think that is wise at all.

Finally, my point is, it is the responsibility of Congress to make policy decisions, not the MMS. Royalty rates are our responsibility. We, the Senate, have been elected by our constituents to make these difficult decisions, and we should not have our authority preempted by Federal bureaucrats. Some people may not like that conclusion, but that is the way it is. We are the policymakers. We are the people who should set these rates, not a Federal bureaucracy that is not elected, that is a nonlegislative body. That is what is taking place.

In the short time I have, I thank my colleague from Texas for the great work she is doing on defending freedom, defending small independent oil and gas producers, defending us from becoming more dependent on foreign oil, and also defending the Senate's right to establish public policy, and not a nonlegislative body.

I hope as well that people who are debating and tying notions of other considerations into this issue will step back and think for a second. Everybody I know in this body acts with integrity and honor, and that should not be attacked on some sort of unsubstantiated basis. People here do act with honor and with integrity.

There are differences of opinion on this issue. Mine, from the perspective of Kansas, is that we need to be setting this, and not the MMS.

Mr. President, I yield to the Senator from Texas.

Mrs. BOXER. Mr. President, I believe under the agreement I have the time now for 30 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct, at 5:15. There are 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I am prepared to let the Senator start her time now. For Senators who are looking at our timetable, we have pretty much agreed we are looking at perhaps a 6 o'clock vote; 6 to 6:15, but we are pushing closer to 6.

Mrs. BOXER. I think we can get this done. Let me start.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have seen so many tears on behalf of the mom-and-pop oil companies that will be impacted if the Department of the Interior can do their job and collect the fair royalties. I looked at my chart again to make sure I was not misunderstanding. I will talk about the top seven companies that will be impacted by this rule:

Shell: Their total revenues are $29 billion. I cannot remember when they were mom and pop. Maybe someday way back they were.

Exxon: The real mom and pop, $134 billion in revenues.

Chevron: $43 billion in revenues.

Texaco: $45 billion in revenues.

Marathon: $16 billion in revenues.

Mobil Exploration and Production, U.S.: $81 billion.

Conoco: $20 billion.

And it goes on.

The good news is that the small oil companies my friend from Kansas talked about are doing the right thing. Ninety-five percent of the oil companies are doing the right thing and paying their fair share of royalties. It is 5 percent of the companies, the largest companies, the vertically integrated companies, that are failing to pay their fair share.

When we see these tears for the oil companies, I assure my friends, the small companies are doing the right thing; they are paying their fair share. It is the big ones that are not. We know they are involved in a deliberate scheme. We have that in testimony. All we are trying to do is stop them from continuing to rip off the taxpayers.

The Hutchison amendment so far has lost taxpayers $88 million. This one will lose them $66 million. That is $154 million, and there is no end in sight. If you think this one will not be back next year—I don't know. We know the Senator originally had a much longer period of time on her amendment. She cut it back to about a year, but this thing has no end. This is the fourth time it has come up. There is no effort to resolve this situation.

I want to talk about some of the comments made by some of my colleagues, and I ask that the RECORD show Democrats lodged no objection when the Senator from Oklahoma started to talk about the Presidential pardon of a few weeks ago. What does that have to do with this? We did not object. He made his point. It was fine. We know when you start talking about something off the topic, it is because you really are using the debate time. We are happy. You can talk about what you want.

But five times the Senator from Wisconsin was interrupted when he tried to tie this amendment to oil company contributions. He did not do that; the New York Times did it. USA Today, which I would like to show, did it. The Los Angeles Times tied oil contributions to this amendment. And then, oh, they were shocked and Republican colleagues tried to stop Senator FEINGOLD from talking about it.

I will read what USA Today says. They say:

> Big oil has contributed more than $35 million to national political committees and congressional candidates . . . a modest investment in protecting the royalty-pricing arrangement that's enabled the industry to pocket an extra $2 billion.

Senator FEINGOLD was simply talking about what USA Today talked about and what the New York Times on September 20 talked about. I will read what they say. New York Times:

> BATTLE WAGED IN THE SENATE OVER ROYALTIES BY OIL FIRMS
>
> Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the Government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion.
>
> The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of the oil, instead of on a lower price set by the oil companies themselves.

They say:

> A simple issue? Not in the United States Senate.

And they track oil company contributions.

All I can say is, it is a legitimate thing to talk about, but five times the Senator from Wisconsin was interrupted making the point.

I also want to respond to the fact that royalties are not a tax. If they were a tax, they would be in the Finance Committee. Royalties are an agreement the oil companies sign voluntarily for the privilege of drilling on land that belongs to the people of the United States of America.

And for that privilege, they pay a small portion over to us, the taxpayers, to be used for parks and recreation, historical preservation, and in the States for education. Royalties are not a tax. If they were a tax, it would be in the Finance Committee.

Let me also thank my colleagues on the other side of the aisle for bringing up the States. They argue for States rights day in and day out. You know what. I agree with them on this one. Let's hear what the States are saying.

I ask unanimous consent to have printed in the RECORD a letter I just received—or that just came to my attention—from the Western States Land Commissioners Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WESTERN STATES
LAND COMMISSIONERS ASSOCIATION,
July 29, 1999.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE: We, the undersigned members of the Western States Land Commissioners Association, urge you to assure that the Interior Appropriations Bill, S. 2466, will allow the Department of Interior to implement new federal royalty crude oil pricing regulations. The Department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2466 includes a provision that would continue the ban on implementing the proposed regulations until after June 30, 2001. This delay is costing taxpayers $5 million per month.

Most of the state agencies that are members of the Western States Land Commissioners Association have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The member states of the Association use their share in the revenues to support schools and other beneficiaries. The failure of the oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department's Mineral Management Service (MMS) has been eminently fair in proposing its new regulations. MMS has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, MMS has revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, MMS has revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain Area.

The proposed MMS regulations are very reasonable. If oil companies sell royalty crude on arm's-length transactions, they pay on the basis of prices they receive. If they do not sell the oil on arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Oil companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies less than the market value of those crudes. In contrast, the market prices proposed by MMS to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

MMS' proposed switch from posted prices to market prices is not a radically new concept:

1. The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

2. ARCO, since the early 1990s, uses spot prices as the basis of payments of royalties throughout the country; and

3. The State of Texas/Chevron and State of Texas/Mobil settlements rely on the use of spot prices for royalty valuation purposes. Mobil settled for $45 million—a case brought by the United States Department of Justice that Mobil had underpaid federal royalties throughout the United States.

The Department's comprehensive proposal is the logical alternative to posted prices.

Sincerely,

Paul Thayer, Executive Officer, California State Lands Commission; Ray Powell, M.S., D.V.M., Commissioner of Public Lands, New Mexico State Land Office; M. Jeff Hagener, Trust Land Administrator, Montana Department of Natural Resources and Conservation; Curt Johnson, Commissioner, South Dakota Office of School and Public Lands; Charlie Daniels, Commissioner, Arkansas Commissioner of State Lands; Robert J. Olheiser, North Dakota Commissioner of University and School Lands; Jennifer M. Belcher, Commissioner, Washington State Department of Natural Resources; Douglas LaFollette, Board Chair and Secretary of State, Wisconsin Board of Commissioners of Public Lands; Mark W. Davis, Minerals Director, Colorado State Board of Land Commissioners.

Mrs. BOXER. This letter is signed by the State Lands Commissioners from these States: California, South Dakota, New Mexico, Arkansas, Montana, Washington State, Colorado, and Wisconsin. That is a sample. That is just this letter.

What do they want? They want the Interior Department to be able to correct this problem. They oppose the Hutchison amendment, these people from these States.

We also have comments by the Commissioner of the Alaska Department of Natural Resources, who says:

> The approach taken by MMS [Department of Interior's Minerals Management Service] . . . will better protect Alaska's interests.

They oppose the Hutchison amendment.

We heard from the Arkansas Commissioner of State Lands in a letter to Senators LOTT and DASCHLE:

> The Department's comprehensive proposal is the logical alternative to posted prices.

They oppose the Hutchison amendment.

California, the city of Long Beach:

> I urge you . . . to support [MMS] regulations . . .

They oppose the Hutchison amendment.

Colorado, Mark Davis, Minerals Director:

> This delay is costing taxpayers $5 million per month.

He opposes the Hutchison amendment.

Louisiana:

> To sum up, [the department in Louisiana] is supportive of MMS' attempt to value . . . production in a more certain, timely, and accurate manner. . . .

Montana, a letter from the Supervisor of the Federal Royalty Program:

> . . . Montana believes that the rule is ready and should be finalized.

That was in 1998.

New Mexico:

> It is our fervent hope that Congress will act so as not to extend the current moratorium prohibiting the Department of Interior from issuing a final rulemaking.

North Dakota: This is from Robert Olheiser, North Dakota Commissioner of University and School Lands, in a letter to Senators LOTT and DASCHLE:

> The Department's Minerals Management Service has been eminently fair in proposing [these] regulations.

It goes on.

We have a letter from Texas. We have a letter from South Dakota, Washington, Wisconsin.

I see that my friend from Florida is on the floor. I will stop when he is prepared to begin his remarks.

Let me just say at this time—and then I will make concluding arguments when the Senator from Florida has completed in the remainder of the time—that we have a problem on our hands with 5 percent of the oil companies.

We have to do justice. We have to do what is right. We have to listen to the whistleblowers who are risking themselves to come out and tell us there are schemes going on to deprive taxpayers of these royalty payments. We have to do the right thing. We have to listen to the States, the Consumer Federation of America—and how many groups? more than 50 groups—that stand in the public interest and say no to the Hutchison amendment.

Now I yield the remainder of the time until a quarter of to the good Senator from Florida, Mr. BOB GRAHAM.

Mr. GRAHAM. I thank the Senator.

I appreciate this opportunity to make a few remarks on the issues before us today, which I think has three component parts.

The first relates to just what is involved in the change that has been recommended by the Department of the Interior, the change the amendment offered today would frustrate.

I see we have the principal author of the amendment on the floor, and so I might ask a short series of questions, and hopefully, before we conclude this debate, we can have some further information.

Based on the statement that was made earlier today, this increase that would be the result of the Department of the Interior's new regulatory change was characterized as a tax.

It has been my understanding that what we are talking about is a contractual royalty payment; that is, a payment that is made by the user of this Federal resource—petroleum—as the economic condition of gaining access to that Federal resource.

This is not a tax in terms of an imposed burden upon a commercial transaction. This is in the nature of a payment for a product which belongs to the people of the United States which is now going to be used by a specific private firm. I would like some discussion as to why the word "tax" is being used to apply to this transaction.

A second concern I have from the earlier discussion of this amendment is the issue of effect on consumers. It was inferred that the effect of this would be to directly increase the price of the petroleum that was used by the American consumer.

It had been my understanding that the way in which the price of petroleum was controlled was in a world marketplace of petroleum and that individual companies did not have the power to pass on their cost to the ultimate consumer. If they do, then that infers a level of monopolistic control of the petroleum economy which raises its own set of concerns.

So I would like to know by what economic relationship this particular group of oil companies would be able to pass on to their consumers whatever was ultimately considered to be the appropriate royalty level for their access to the resource that belongs to the American people.

There has been a chart displayed which shows at the bottom the cost of the petroleum product itself, and then at the top the taxes which are levied.

I would assume we are now talking about the bottom part of that chart because we are not talking about taxes, we are talking about royalties that are being paid.

I would like to have some discussion as to just how much of that bottom portion of the chart is the issue that is at debate today.

Clearly, no one says there should be no royalty paid to the taxpayers of America for the use of their resource. How much, therefore, of that total cost is what is at controversy.

Finally, there is the issue of regulatory complexity. I have seen the chart that shows a rabbit warren of boxes and arrows and relationships. I would be interested in seeing a similar chart as to what the status quo is.

Is the process by which we are arriving at the pricing mechanism for petroleum under the new Department of the Interior regulations significantly more complex than those which are being used to arrive at the method of pricing petroleum under the current standards? If so, where are the particular areas of increased or altered or even reduced complexity?

So those would be three questions. I hope the proponents of this amendment will use some of their time to illuminate. So that is the first question.

The second question is the effect of this debate on the Congress itself.

I am a member of the Energy and Natural Resources Committee, the committee that has basic jurisdiction over this issue. There has been an inference that the Department of the Interior has gone beyond its rulemaking authority in adopting this provision. It has even been implied that maybe the Department of the Interior has been tainted by some of the activities of its individual personnel and the way in which this new rule was developed. Those are serious charges.

As a member of the Energy and Natural Resources Committee—and I will be prepared, if the chairman or others will point out where I am in error—I do not believe we have held any hearings on this issue. Yet we have allowed this matter to now come to the Senate floor as a nongermane amendment to an appropriations bill, a position which is basically in conflict with our recently adopted rule that says we cannot offer matters of general legislation on appropriations bills. But by some relatively clever drafting—and I extend congratulations to those smart people—we have been able to evade the clear intent of the rule that says no legislation on an appropriation.

In fact, this issue, the way in which it is being handled, makes the case as to why our rule is wise, that we ought to be dealing with legislation through committees that have responsibility for legislation, such as the Energy and Natural Resources Committee; we should not be doing it on an appropriations bill.

It does raise the question of why we are doing this. There is a certain unseemliness to bringing up this issue in this manner. It raises the question our colleague from Wisconsin discussed earlier today; that is, Is this going to be the poster child for the mixture of decisions made by Congress and the economic influence, through campaign finance, of those industries that will be the clear beneficiary of those decisions?

I personally have resisted those kinds of linkages because that puts everything we do under a cloud of suspicion. But the way in which this is being handled will give ammunition to those who wish to attack the basic integrity of this institution.

It is unnecessary for us to lay ourselves open to that attack. What we ought to do is have a hearing in the Energy and Natural Resources Committee, invite in all the people who are knowledgeable, have a serious public airing of this question, and then see if legislation should be passed to rein in excessive or inappropriate behavior by the Department of the Interior. We should not be doing this, passing legislation on an appropriations bill.

The third issue is, What is at stake? The resources that will not become available as a result of the passage of this amendment, how would they otherwise have been deployed? The royalties that come from the Federal Government's leasing for oil and gas production are a key part of our public land trust. Currently, a portion of these royalties goes to the Land and Water Conservation Fund which provides the means by which a variety of Federal, State, and local activities have traditionally been funded.

The Energy Committee is currently considering legislation that would expand and make permanent the use of other portions of this royalty program for a variety of uses. The Senator from Louisiana has introduced legislation that would have it used to offset some of the adverse impacts along the coastal areas of those States which are the principal offshore oil and gas production areas. Others would have the funds used for public acquisition of lands that would be significant for a variety of public purposes, including environmental and recreational. Others would have them used for coastal protection purposes.

I will talk today about legislation that has been introduced by Senator REID of Nevada and my colleague, Senator MACK, which would have a portion of these royalty funds used for the protection of our National Park System. There has been an increasing recognition that our national parks are in serious trouble. I will offer to be entered into the RECORD, immediately after my remarks, an article from the New York Times of July 25, 1999, entitled "National Parks, Strained By Record Crowds, Face A Crisis." I ask unanimous consent that this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. What is at stake is, will we have adequate resources, properly directed, to deal with these national issues, including the crisis that is in our national park system.

The question we must ask ourselves as we vote on this amendment and as we vote on the underlying legislation to which it is being offered is, Can we live up to the legacy of our forefathers and mothers and protect our Federal land trust?

We are about to begin the fourth century of our Nation's history. We were formed at the end of the 18th century, had our maturation in the 19th century, and now, in the 20th century, have grown to the great power and source of influence for values that we consider to be fundamental—human rights, democracy—in the 20th century.

The first two of our centuries that were full centuries, the 19th and now the 20th, were highlighted by activism on public lands issues. The 19th century began with the Presidency of Thomas Jefferson. Thomas Jefferson's most renowned action as President was the purchase of Louisiana from France. That single act added almost 530 million acres to the United States. That action changed America from an eastern coastal nation to a continental power.

This century, the 20th century, was marked by the addition to the public land trust led by President Theodore Roosevelt. While in the White House, between 1901 and 1909, President Theodore Roosevelt designated 150 national forests, the first 51 Federal bird reservations, 5 national parks, the first 18 national monuments, the first 4 national game preserves, the first 21 reclamation projects. He also established the National Wildlife Refuge System, beginning with the designation of Pelican Island in my State of Florida as a national wildlife refuge in 1903.

Together, these projects equated to Federal protection of almost 230 million acres, a land area equivalent to that of all the east coast States from Maine to Florida and just under half of the Louisiana Purchase. That is what the first President in the 19th century, Thomas Jefferson, and the first President in the 20th century, Theodore Roosevelt, did for America. That was their legacy.

Clearly, the question we are going to have to answer to our children and grandchildren is, Did you live up to the standards of Thomas Jefferson and Theodore Roosevelt? Roosevelt said: We must ask ourselves if we are leaving for future generations an environment that is as good as or better than what we found. Can we meet that test?

As we enter the 21st century, the fourth century of our Nation's history, we must again ask ourselves this question. We must be prepared to take action to meet the challenge. I argue that the underlying bill to which this amendment is attached and to which this amendment would further delete resources to meet that challenge of Theodore Roosevelt, while it takes some steps towards meeting his challenge, fails to fully commit to the protection of our Federal land trust.

In 1916, Congress created the National Park Service. In doing so, it stated that the purposes of the National Park Service were:

> To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. ". . . will leave them unimpaired for the enjoyment of future generations."

That is what our predecessor said in 1916 was the purpose of the National Park System.

Today the unimpaired status of our national parks is severely at risk. On April 22 of this year, the National Parks and Conservation Association identified the 1999 list of the 10 most endangered national parks. In his opening remarks, Mr. Tom Kiernan, the President of the National Parks and Conservation Association, stated:

> These parks were chosen not because they were the only parks with endangered resources, but because they demonstrate the resource damages that are occurring in all of our parks.

These parks demonstrate the breadth of the threats faced by our National Park System. For example, Chaco Culture National Historical Park in Chaco Canyon, NM, contains the remains of 13 major structures that represent the highest point of pueblo pre-Columbian civilization. In the words of the National Park and Conservation Association:

> It is falling victim to time and neglect. Weather damage, inadequate preservation, neglected maintenance, tourism impacts, and potential resource development on adjacent lands threaten the long-term life of these pre-Columbian structures.

All of the parks in the Florida Everglades region were included on the list of the most endangered. In this area, decades of manipulation of the water system has led to loss of significant quantities of Florida's water supply to tide every day; it has led to a 90-percent decline in the wading bird population; it has led to an invasion of nonnative plants and animals and to a shrinking wildlife habitat. The National Parks and Conservation Association calls Yellowstone National Park the "poster child for the neglect that has marred our national parks."

We have all heard Senator THOMAS and others speak about the degradation of the sewage handling and treatment system at Yellowstone National Park, a situation that caused spills into Yellowstone Lake and nearby meadows, sending more than 225,000 gallons of sewage into Yellowstone's waterways, threatening the water quality of this resource.

It is not just these beautiful natural areas that are threatened. One of the areas on the 10 most-endangered list, not far from where we stand this late afternoon, is Gettysburg National Park, the site of one of our greatest historic moments. There, because of inadequate maintenance and attention, we are losing some of the most precious historical artifacts of our Nation.

These are illustrative of what is occurring across our National Park System. Estimates of the maintenance backlog of the National Park Service range from a low of $1.2 billion to $3.54 billion. The National Park Service developed a 5-year plan to meet this deferred maintenance obligation. It was based on its ability to execute funds and its priorities within the National Park System. In this year's appropriation process, the House and Senate have modified the national parks' request of $194 million. The House, for instance, reduced the request by almost $25 million. If we are to ever make a dent in our enormous backlog, we must support the national park plan to systematically reduce this accumulation of deferred maintenance.

In addition, if we are to prevent the backlog from growing, we must support periodic maintenance on the existing facilities in the park system. The Senate reduced both cyclic maintenance and repair and rehabilitation in the operation and the maintenance account of the Park Service by $3 million and $2.5 million, respectively. While you may say these are small dollar amounts in the large budget of the National Park System, failure to meet these basic annual maintenance requirements will cause our backlog to grow in the long run and will cause the severity of the threat to our national parks to increase.

Neither the operation and maintenance account nor the construction account is designed specifically to meet the natural resources needs of the park system.

This year, the National Park Service is seeking to change this with the Natural Resource Challenge, announced earlier this year by National Park Service Director Bob Stanton.

This plan will change decisionmaking in the Park Service as manager's make resource preservation and conservation an integral consideration in all management actions.

To support this program, the National Park Service requested $16 million in the fiscal year 2000 Interior appropriations bill.

During this fiscal year, these funds will be focused on the completion of natural resource inventories to be used by park managers in decisionmaking.

These funds will support large-scale preservation projects and target restoration of threatened areas damaged by human disturbance.

After considering the National Park Service's Natural Resource Challenge appropriations request, the House fully funded the base program with $16.235 million.

The Senate significantly reduced the funds for this program, providing a total of only $6 million.

This shortfall will extend the time period for completion of baseline inventories for all 260 park units from 7 to 14 years, delaying the time period when the Park Service will be able to identify a "natural resource backlog" similar to the construction backlog it currently uses.

The actions taken by the Senate and the House do not meet the challenge posed by Theodore Roosevelt to leave our environment in a better state than we found it.

I sympathize with the Interior Appropriations Subcommittee, and I respect the actions they have been able to take over the last several years to support the needs of the National Park System.

However, there is a limit to what the Appropriations Subcommittee can do given the tools they have.

They are working to fund 20th century needs for construction and natural resource preservation using a 19th century funding mechanism.

The National Park Service needs a sustained, reliable funding source that will allow it to develop intelligent plans based on prioritization of need, not availability of funds.

Last year, Senator THOMAS led the way with his landmark legislation on the National Park Service, Vision 2020.

This legislation adopted, for the first time, both concessions reform and science-based decisionmaking on resource needs within the park service.

We took a big step forward last year with the extension of the fee demonstration program.

This allows individual parks to charge entrance fees and use a portion of the proceeds for maintenance backlog and natural resource projects.

This action generates about $100 million annually throughout the park system. It is time for the next step.

Earlier this year, I introduced legislation with Senators REID and MACK, S. 819, the National Park Preservation Act, that would provide dedicated funding to the National Park Service to restore and conserve the natural resources within our park system.

This legislation seeks to address the long-term efforts required to truly restore and protect our natural, cultural, and historic resources in our park system.

The legislation would reallocate funds derived from the use of a non-renewable resource—offshore drilling in the outer continental shelf—to a renewable resource—restoration and preservation of natural, cultural, and historic resources in our national park system.

These funds provided by our bill would ensure that each year the National Park Service will have the resources it needs to restore and prevent damages to the natural, cultural, and historic resources in our park system.

I am working with the members of the Energy and Natural Resources Committee to include a version of this legislation in the final package of the "Outer Continental Shelf Revenue" legislation under consideration by that Committee.

Last week, I circulated a dear colleague requesting that each of you join me in this effort.

As we move to final passage on the Interior appropriations bill and final negotiations on the OCS revenue legislation, I urge you to remember this quote from Theodore Roosevelt quote,

> Nothing short of defending this country during wartime compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.

We have serious needs in many areas of our national land trust. If we are to meet the standard set by Theodore Roosevelt almost a century ago, we must not be depleting our capacity to do this by underfunding and by reducing the funds that are available to meet these national park and other national land demands. We must be looking, creatively, for ways to provide sustained, adequate funding sources. That is what is at issue in this debate.

Are we going to succumb to the request of a floor amendment to an appropriations bill to reduce the funds available to meet our national land trust responsibilities or are we going to both defeat this amendment and then step forward in the underlying bill to provide the resources necessary to meet the crisis that exists in our national parks and in many of our other national land trusts?

I hope we will hear the call from a century in the past of Theodore Roosevelt, that we be prepared to be judged by whether we have left to our children and our grandchildren a better America than our parents and grandparents gave to us.

Thank you, Mr. President.

EXHIBIT 1

[From the New York Times, July 25, 1999]

NATIONAL PARKS, STRAINED BY RECORD CROWDS, FACE A CRISIS

(By Michael Janofsky)

YELLOWSTONE NATIONAL PARK, Wyo., July 22—In growing numbers that now exceed 3.1 million a year, visitors travel here to America's oldest national park to marvel at wildlife, towering mountains, pristine rivers and geological curiosities like geysers, hot springs and volcanic mudpots.

Yet many things tourists may not see on a typical trip through Yellowstone's 2.2 million acres spread across parts of Idaho, Montana and Wyoming could have a greater impact on the park's future than the growl of a grizzly or spew of Old Faithful.

For all its beauty, Yellowstone is broken. Hordes of summer tourists and the increasing numbers now visiting in the spring, fall and winter are overwhelming the park's ability to accommodate them properly.

In recent years, the park's popularity has created such enormous demands on water lines, roads and personnel that park management has been forced to spend most of Yellowstone's annual operating budget, about $30 million, on immediate problems rather than investing in long-term solutions that would eliminate the troublesome areas.

Yellowstone is not the only national park suffering. With the nation's 378 national park areas expected to attract almost 300 million visitors this year, after a record 286 million in 1998, many parks are deferring urgently needed capital improvements.

For instance, damaged sewage pipes at Yellowstone have let so much ground water from spring thaws into the system that crews have had to siphon off millions of gallons of treated water into meadows each of the last four years.

And with budget restraints forcing personnel cutbacks in every department, even the number of park rangers with law-enforcement authority has dropped, contributing to a steady increase in crime throughout Yellowstone.

"It's so frustrating," Michael V. Finley, Yellowstone's superintendent, said. "As the park continues to deteriorate, the service level continues to decline. You see how many Americans enjoy this park. They deserve better."

Over the last decade the annual budget of the National Park Service, an agency of the Interior Department, has nearly doubled, to $1.9 billion for the fiscal year 1999 from $1.13 billion in 1990, an increase that narrowly outpaced inflation.

But in an assessment made last year, the park service estimated that it would cost $3.54 billion to repair maintenance problems at national parks, monuments and wilderness areas that have been put off—for decades, in some cases—because of a lack of money.

The cost of needed repairs at Yellowstone was put at $46 million, the most of any park area in the system. But the park service report shows that budget limits have forced virtually all national parks to set aside big maintenance projects, delays that many park officials say compromise visitor enjoyment and occasionally threaten their health and safety.

Senator Craig Thomas, a Wyoming Republican who is chairman of the Subcommittee on National Parks, and Bob Stanton, director of the park service, negotiated a deal this week to spend $12 million over the next three years for Yellowstone repairs.

Other parks may have to wait longer. The Grand Canyon National Park depends on a water treatment system that has not been upgraded in 30 years, a $20 million problem, park officials say. Parts of the Chesapeake and Ohio Canal National Historical Park along the Potomac River are crumbling, another $10 million expense. The Everglades National Park in South Florida needs a $15 million water treatment plant.

Even with a heightened awareness of need among Federal lawmakers and Clinton Administration officials, money to repair those problems may be hard to find at a time when Congress is wrestling over the true size of a projected budget surplus and how much of it will pay for tax cuts. If billions were to become available for new spending, the park service would still have to slug it out with every other Federal agency, and few predict that parks would emerge a big winner.

It is a disturbing prospect to conservationists, parks officials and those lawmakers who support increased spending to help the parks address their backlog of maintenance problems.

"It's kind of like a decayed tooth," said Dave Simon, the Southwest regional director for the National Parks and Conservation Association, a citizens' group that is working with Yellowstone to solve some of the long-term needs. "If you don't take care of it, one day you'll wake up with a mouthful of cavities."

The parks' supporters like Representative Ralph S. Regula, an Ohio Republican who is chairman of Appropriations Subcommittee on the Interior, concede that budgetary increases as well as revenue from new programs that allow parks to keep a greater share of entrance fees and concession sales have been offset by inflation, rising costs and daily operational demands that now accommodate 8.9 percent more people than those who visited national parks a decade ago.

With few dollars available for maintenance programs, the parks suffered "bengin neglect," Mr. Regula said, adding: "It's not very sexy to fix a sewer system or maintain a trail. You don't get headlines for that. It would be nice to get them more money, but we're constrained."

Denis P. Galvin, the deputy director of the National Park Service, noted that only twice this century, in the 1930's and in 1966, has the Federal Government authorized money for systemwide capital improvements, and he said he was not expecting another windfall soon.

"Generally," Mr. Galvin said, "domestic programs come at the back of the line when they're formulating the Federal budget, and I just don't think parks are a priority."

Perhaps no park in America reflects the array of hidden problems more than Yellowstone, which opened in 1872, years before Idaho, Montana and Wyoming became states.

Park officials here say that the longer problems go unattended, the more expensive and threatening they become.

The budget restraints have meant reducing the number of rangers who carry guns and have the authority to make arrests.

Rick Obernesser, Yellowstone's chief ranger, said the roster had dwindled to 112 from 144 over the last 10 years, which often means leaving the park without any of these rangers from 2 A.M. to 6 A.M.

Next year, Mr. Obernesser said, the park will have only 93 of these rangers, about 1 for every 23,000 acres, compared with 1 for every 15,000 acres when his staff was at peak strength.

That has not only led to slower response times to emergencies, like auto accidents and heart attacks, he said, but also to an increase in crime. Since the peak staffing year of 1989, he said, the park has experienced significant increases in the killing of wildlife, thefts, weapons charges against visitors and violations by snowmobile drivers.

* * * * *

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes, following which Senator BOXER from California would be recognized for up to 10 minutes, after which Senator MURKOWSKI would be recognized to speak for up to 5 minutes, and then I will close for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not, I thank my colleague. It has been a long day, and we are about to end this. Will that take us to 6:10 or 6:15?

Mrs. HUTCHISON. Yes, it will.

Mrs. BOXER. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to take 5 minutes at this time to answer what questions were asked by Senator GRAHAM from Florida. First of all, he asked: Why are we calling this a tax? This is really a lease payment, a condition for a lease.

What I am concerned about is that he is willing to say we will change the terms of the lease during the term. If that is not an increase in a tax, I don't know what it is. It is a tax increase during the term of a lease. It changes the conditions of the lease, and it will raise the costs to oil companies. Who is going to pay the increased costs? Who always pays the increased costs on business? I am always amazed that people talk about taxing business and making business pay their fair share. When the business is going to sell the product, the business has to have a certain margin in order to stay in business and keep the jobs that it is creating. Of course, they have to raise the price of the product. That is exactly what is going to happen.

This is the chart about which the Senator from Florida spoke. There is no question that the taxes at the top of the chart are 56 cents for a gallon of gasoline, and the oil is 64 cents. If you add more to the taxes, you are going to add more to the price of gasoline.

This is a tax increase on the people who are going to pay for gasoline at the pump.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mrs. HUTCHISON. I have 5 minutes under a unanimous consent. I didn't interrupt the Senator from Florida, and I would like to finish my 5 minutes, if I can.

The Senator from Florida talked about the "rabbit warren" of regulation.

I want to put that chart up because it is a valid question.

Is this the same as, or any worse than, the regulations that we have today? In fact, this whole segment of this chart isn't there today because today, if oil is sold at the wellhead, the Federal Government recognizes that is the price. Under the new regulation, we have this theory of procedures that would be required for a person who is selling at the wellhead to prove that was really the price because the Mineral Management Service reserves the right to second-guess the price that is actually paid.

I say that there is a good case to be made that this is actually more complicated than it is today. I hope that we will not allow that to go forward.

The third area that was mentioned by the Senator from Florida is, why is this coming up in this bill? He said: Why don't we have hearings? Why is this coming up in this bill?

It is coming up in this bill because the Federal regulators are spending taxpayer dollars to perpetrate a tax increase on the hard-working people of this country who buy gasoline at the pump, and they are doing it with the appropriations that we are passing tonight.

Of course, if we are going to have any say, if we are going to have the ability to exercise the responsibility of Congress to set tax policy in our country and determine that we are going to raise gasoline prices at the pump, we must act on the bill that gives them the money, and direct them as a Congress to not raise taxes on the people of America who buy gasoline for their cars every day.

Last but not least, the Senator from Florida raised the question: Are we living up to the legacy of Theodore Roosevelt? I think it is important that we look at the money that we are spending to preserve our wildlife and preserve our natural habitat. I think that is a valid question. My answer is yes. That is not an issue in anything we are talking about tonight because if these companies don't agree to take care of the environment and clean up anything that might be built, then they will not get the lease.

That is part of the least arrangement. So protecting the environment is not an issue, and, of course, we want to protect the legacy that we have been given by our forefathers and mothers of this wonderful country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank my colleague, Senator HUTCHISON, for working so well with me so we can, in an orderly way, get this vote.

I want to say to my friend from Florida before he leaves the floor that I know he has more to say on this, and that he has raised issues that are so important to this debate.

First, he raised the issue of process. He raises the point that this amendment doesn't belong here. It certainly does not.

As a matter of fact, originally it was stripped from the bill, and it came back in a rather clever way.

I give my colleague credit for passing the test. But it is making appropriations on a bill. My colleague makes that point.

Second, he makes a very important point on the substance. This issue about whether a royalty is a tax, he knows. He is on the Finance Committee. If this was a tax, he would be dealing with it.

He himself raises a crucial issue that was given short shrift by my friend from Texas, and that is, why are we here? Who do we fight for? And shouldn't it be for our children, our grandchildren, and their children? I think he says it in very sweeping terms.

He also points out very clearly the specific problems that we face in the shortfall of our national parks, and the fact that these funds, when collected from the oil companies, go into the Land and Water Conservation Fund.

I thank the Senator.

I also want to thank Senators DURBIN, FEINGOLD, REID, WELLSTONE, DORGAN, LEVIN, HARKIN, KENNEDY, DASCHLE, BYRD, AKAKA, CLELAND, and CONRAD for yielding me time. This has meant a lot to me personally.

But it also is telling that Senators would take their time and come to the floor to speak from their heart. And they did.

I believe at the end of the day we have shown that the facts are on our side. I believe we have the arguments on our side that have been made by the consumer groups. I think the people who care about the environment are on our side. The legal precedents and settlements are on our side. Most of the States that are affected by this are on our side. I have read them into the RECORD. So if it is about States rights, we have the RECORD. The former oil executives under penalty of perjury and putting themselves on the line testified that we are right, and that there has been not one scheme but seven schemes to defraud the people of their money from royalties.

I think we have proven that we have the arguments on our side.

I am happy that we had this debate. To me, this is what the Senate should be about, and one of our colleagues from Oklahoma denigrated this debate. He said it didn't fit the Senate. He said that, in a way. I think this debate is important for the Senate.

But I want to wind up by picking up on a statement made by the Senator from Montana. He is a good debater. And he "gets with you." I like to hear him. What he said in the debate was basically, to me and the people on my side, "Get a life." He said, "Get a life."

I want to talk about my life for a minute. I want to talk about what my professional life is about. I want to assure the Senator from Montana that I have a life. As a Senator, what I try to do with my life is to find purpose in it by fighting for the people of my State and the people of this country by taking their side against the special interests when I believe the special interests are wrong.

If I believe the special interests are right, I will fight for them, if they are on the side of the people. I said earlier, and I will repeat now, there are two sides to this debate on this amendment. There are. The oil company has one side and the people have the other. I stand on the side of the people.

So I have a life. I try to make my life about justice.

My colleagues could have a different view of justice. I respect them tremendously if they do. But, to me, this is a matter of justice.

Why do I say it? I say it because we know something bad is going on when two former oil executives filed a lawsuit and described very clearly the seven schemes by the oil companies to defraud the taxpayers.

Quoting from them, they say:

> There is a nationwide conspiracy by some of the world's largest oil companies to short change the United States of America of hundreds of millions of dollars in revenue.

That is not the Senator from California. It is not the Senator from Massachusetts. It is not the Senator from Florida. It is two former oil executives who spell out the seven schemes of the oil companies.

We know that there have been settlements all over the country—$5 billion worth of settlements by seven States.

Why would these oil companies be settling all over this country? In Alaska, for $3.7 billion; in California, for $345 million. It goes on—in Texas, for $30 million. The State of Texas brought suit. The State of Texas sued the oil companies. And guess what happened. The oil company didn't want to go to court. They settled for $30 million; New Mexico, for $6 million. It goes on.

Now these oil companies are settling because they know they don't have a leg to stand on in court because they signed an agreement to pay royalties at fair market value. The Mineral Management Service at the Department of the Interior caught them. They want to fix the problem.

This is the fourth time this Senate is interfering in that. I love this Senate too much to see that happen. It is the oil companies versus the people. I want to be on the side of the people.

I think this has been a very good debate. We have covered all the issues very well. I want to thank the media for getting involved. We have seen some very strong stories in the last few days on this. I think the original editorial written by USA Today is still the best. USA Today said: "Time to clean up Big Oil's slick deal with Congress." Those are tough words. Those are ugly words. I am sad to say, I agree. We can clean it up today. We can vote against this amendment and clean it up and have a good editorial. Wouldn't Members love to see an editorial tomorrow, "Congress cleans up its act, tells the oil companies to pay their fair share of royalties." I would be excited to see that headline. I don't think we will see it.

This issue will not go away as long as my colleagues and I are here. I think it is clear. The editorial says the taxpayers have been getting the unfair end of this deal for far too long. Congress should protect the public interest.

That is what this is about. We have heard every argument in the book: The Interior Department is terrible, Mineral Management is terrible, people in the Interior Department are terrible. Everybody is terrible. Everybody is terrible.

The people who are causing the trouble, the 5 percent of the oil companies that are not paying their fair share, are robbing this Federal Treasury of almost $6 million per month. That is a lot of money. Ask any constituent what they would do with $6 million a month, and they would have a pretty good list.

Sad to say, this money that is not going into the Treasury because of this amendment could have gone to the classrooms of the States, could have gone into the Land and Water Conservation Fund, and been spent on the kinds of things Senator GRAHAM, Senator DURBIN, and many of our colleagues have pointed out need attention.

We are coming to the end of this debate. I urge my colleagues, in the name of fairness and justice, to vote against the Hutchison amendment.

I yield the floor.

Mr. ENZI. Mr. President, I rise in strong support for the amendment offered by the Senator from Texas, Senator HUTCHISON, and the Senator from New Mexico, Senator DOMENICI, on oil royalties. It is essential that we adopt this amendment to prohibit yet another attempt by this administration to "tax" the American people without their effective representation—without a bill being introduced in Congress, without its passage by both Houses of Congress, and without the President's signature.

There has been a lot of talk about whether or not the current procedures for valuing crude oil for Federal royalty purposes are working properly. I have been fascinated by this debate. The issue we are discussing is really more basic than whether the current procedures need to be modified. The question is at heart a constitutional one—if we are to change the way the Federal Government has forced oil companies to calculate Federal royalties for the last 79 years, should this change come from Congress, or should it come in the form of a tax scheme dreamed up by a Federal bureaucracy?

Not only do these rules amount to a usurpation of the legislative function by the administration, but in substance they would allow tremendous complexity for people in the oil industry. These rules would require producers to report and pay royalties under three different sets of rules. Now I've been a small businessman, and I've been on the receiving end of Federal and State regulations for a good part of my life. I can tell you, we better have a very good explanation if we are going to expect small oil companies in Wyoming to dill out a bunch more paper work just to comply with their lawful obligation to pay Federal royalties on the oil they drill on Federal lands.

If we are going to change the point at which we determine the value of the crude oil—from the wellhead to some point downstream or by reference to a national exchange, we owe it to the small producers in Wyoming, and throughout the country, to give their suggestions to Congress on any alternative plan. We need to hear how much more time and effort this is going to be for folks who are still hurting from last year's devastatingly low crude oil prices.

I think we owe that opportunity to our Nation's oil producers, so I am proud to join the Senator from Texas and the Senator from New Mexico, and others in standing up for the right of Congress to pass laws that affect the tax burden on our domestic oil industry.

I ask unanimous consent a letter from Wyoming Governor Geringer to Senator HUTCHISON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, September 8, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I ask for your strong support of the amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making. Wyoming, as the largest stakeholder of federal oil royalty receipts (35%) supports a fair and workable oil valuation rule. However, the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming. Such uncertainty will lead to additional administrative, audit and legal activities, which will lead to higher costs for Wyoming producers, causing their products to be less competitive. Higher costs to the MMS are then passed on to Wyoming and other states in the sharing of net receipts. Last year Wyoming's net receipt share along of MMS activity was $7 million.

Wyoming is currently involved in a pilot project with the MMS to take its crude oil royalties in-kind (RIK) rather than in cash. This RIK pilot program has been designed to allow the state and the MMS to reduce administrative costs, eliminate legal disputes and test the various methods of achieving fair market value for our oil. Therefore, the moratorium extension for two more years would allow such valuable experience to be tested. Allowing a sufficient amount of time to finish the pilot will assist in the development of new rules. Let us keep working cooperatively with MMS, free of this rule making distraction.

While we continue to object to the implementation of Interior's rules, Wyoming has participated in every phase of the rulemaking process. We also have observed the attempts to craft distracting legislation, which would attempt to address far too many unrelated aspects of the relationship between MMS, stakeholder states and industry. We do not support such efforts. Following our experience with RIK, we believe that a simple approach establishing a voluntary RIK program for the states, embodied in no more than two pages of legislation, will be all that is necessary. Let us go to work on a simple, but effective bill.

I urge you to support the rulemaking moratorium and encourage the MMS and royalty receiving states to engage in a genuine partnership role which will insure a fair, workable and beneficial plan to collect royalties. Adoption of the proposed rules would obstruct any opportunity to improve our royalty collection process.

Thank you for your support and understanding!

Best regards,

JIM GERINGER,
Governor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska is recognized for 5 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I have listened to the debate with a little frustration, as I am sure my colleagues have, regarding the emotional arguments prevailing on an issue that fails to give disclosure to the public on what this issue is all about.

The Hutchison moratorium amendment keeps the MMS from spending money for 1 year to implement a new rule that amounts to another tax, a value-added tax, on oil produced in the United States on Federal leases. What they don't say in the debate is who pays this additional tax. It is the American consumer, the taxpayer, the public.

Bureaucrats don't have the right to unilaterally establish a tax. That is just what this proposal does. That is a right that is reserved in the Constitution, by the Constitution to this Congress. Existing law says royalties should be collected at the lease, not after value has been added downstream as the rule proposed by Department of Interior would do. This MMS rule, for the first time in history, embraces a value-added tax concept to oil valuation.

There is little mention about the energy security interests of this country. We are now dependent upon imported oil. Imported oil is the No. 1 contributor to our trade deficit. The domestic oil industry is in tough shape. In 1973, during the oil embargo, we imported 36 percent of our oil. Today, we import 56 percent. The Department of Energy says that figure will go up to the 63- to 64-percent area by the years 2005, 2006, and 2007, and over 55,000 American jobs have been lost in the last 2 years in the oil industry, five times the number in the steel industry. The MMS rule drives U.S. jobs overseas, increases our trade deficit, and makes America more dependent on one area of the world that is very volatile, the Mideast.

This moratorium by the Senator from Texas has been in place for 2 years. The press has reported two Government employees have been paid $350,000 each from a group associated with the trial lawyers as an award for pushing for the new rule which benefits—benefits whom? It doesn't benefit the taxpayer or the consumer; it benefits the lawyers. The Department of the Interior inspector general and Justice Department are investigating. Something is rotten around here. It is not in Denmark. It has something to do with the process.

This has the effect of turning our Government regulation over to the highest bidder. No rule tainted by payoffs to the rulemakers should be tolerated. It is interesting to note, as the Senator from Texas has, they say they want to simplify a process. The chart today reminds me of the chart Senator SPECTER presented to this body describing the simplified health care that had been proposed by the First Lady and the administration. Again, look at this chart. If that is a simplified chart on the workable manner in which MMS proposes a value-added method for determining the appropriate royalty for oil, you and I both know that won't hold water.

This is a cancer within Government. We talk about whistleblowers and those who are supporting the proposed MMS gasoline and heating oil tax which Senator HUTCHISON's amendment postpones for 1 year. When they think about a whistleblower, most people think of something someone sees is wrong, who blows a whistle to draw attention. The Federal Government has laws on the books to protect whistleblowers who come forward to report fraud and abuse.

Let's look at this case. This case is a little different. Two Federal employees, one working for the Department of the Interior and the other working for the Department of Energy—the two Departments of jurisdiction; these are supposed to be objective people—worked behind the scenes and pushed for the MMS rule change. They were paid $350,000 each on September 13, 1999 as rewards for their work. There is a copy of the check.

The point of this is, they were paid by a self-described public interest group which has about 200 members. This group, the Project On Government Oversight, or POGO, has rather curious ties to law firms which have made millions of dollars from suing oil companies over oil royalties. Make no mistake about who pays: The public.

As an example, POGO's board of directors has included lawyers who have worked directly on these cases for years. The City of Long Beach, CA, lost the most recent case. An attorney for the city said they spent about $100 million on the case. That is $100 million that could have been spent on education and was spent on lawyers instead.

The Department of the Interior is investigating, but it is illegal for Federal employees to be paid for pursuing changes to Federal regulations by those who benefit from such changes. Our Secretary of the Interior, what has he done? He has done nothing. The Interior Department had nothing to do with it.

The Hutchison amendment should be adopted to give time to work on a fair and simple regulation to States, Federal lessees, and taxpayers.

That chart is not a simplification. I commend my colleague for her effort to expose the truth behind the fiction we have heard so much about today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska, the chairman of the Energy Committee, who understands this issue and understands the importance of a stable oil and gas supply in our country.

It has been said that the States that have the most at stake are against my amendment. I submit for the RECORD a letter from the Governor of Wyoming, who says:

> Wyoming, as the largest stakeholder of federal oil royalty receipts (35 percent), supports a fair and workable oil valuation rule.

However the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming.

The Governor of the State of North Dakota wrote:

> As a major recipient of income from Federal royalties, the State of North Dakota supports reasonable rules for the valuation of federal oil royalties. Unfortunately, the current version of the rules proposed by MMS does not fit that description.

The Governor of Montana:

> The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas within Montana, resulting in less royalty revenue for the state.

I think that is a very important point because we have been talking about losing $60 million from the coffers of the Federal Government. But in fact, if oil companies cannot drill because they cannot make a profit because their costs will be higher than the price they can charge, then they are not going to drill and there will be no money in the Federal coffers—not $66 million; there will be a diminishing of the amount of money that will come into the Federal Government.

I will submit these letters along with letters from the Secretary of Energy of Oklahoma, Commissioner David Dewhurst from the Texas General Land Office, and the California Independent Petroleum Association. They write:

> Please, Senator Hutchison, pass your amendment.

We have a list of the independents who say the MMS rule will be harmful to them. These are the small producers, those with 5 or 10 or 15 employees, the families of which depend on this income. This is an independent producer issue.

It comes down to this. Through the last 10 years, the price of gasoline at the pump has increased from $1.21 to $1.29 per gallon. But let's look at where that increase has come from. The increase in taxes has gone from 26 cents a gallon to 40 cents a gallon. The price of the crude oil has actually gone down from 94 cents to 88 cents.

So the price has gone up. Why? Because taxes have increased. If we do not pass the Hutchison amendment, taxes are going to increase again, and who is going to pay? It is going to be the hard-working American who fills up his or her gas tank and has to pay a higher price because there are higher taxes put on them in the name of increased royalty rates.

If we are going to have a tax increase for whatever purpose —for more education spending, for the environment, for any purpose whatsoever—let's call it a tax increase and let's vote on it up or down. Let Congress take a stand because Congress is the one that will be accountable to the people. Let's not let a Federal agency raise the price of gasoline at the pump by raising taxes on oil in the name of new oil royalty rates. Congress will not stand by and let an unelected Federal agency raise taxes on hard-working people in this country and the price of gasoline at the pump.

The Senator from California said she would like to see editorials tomorrow in the paper saying: Congress cleans up its act. I would like to see editorials. I would like to see editorials that say: Congress rejected the rhetoric; it did not listen to arguments about lawsuits on present regulations as if it would affect the future regulations; Congress stood up for its right to make tax policy in this country and not to let tax increases affect the hard-working people of this country. That is the editorial I hope to see tomorrow.

I ask unanimous consent the letters I referred to and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
September 8, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I ask for your strong support of the amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making. Wyoming, as the largest stakeholder of federal oil royalty receipts (35%), supports a fair and workable oil valuation rule. However, the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming. Such uncertainty will lead to additional administrative, audit and legal activities, which will lead to higher costs for Wyoming producers, causing their products to be less competitive. Higher costs to the MMS are then passed on to Wyoming and other states in the sharing of net receipts. Last year Wyoming's net receipt share alone of MMS activity was $7 million.

Wyoming is currently involved in a pilot project with the MMS to take its crude oil royalties in-kind (RIK) rather than in cash. This RIK pilot program has been designed to allow the state and the MMS to reduce administrative costs, eliminate legal disputes and test the various methods of achieving fair market value for our oil. Therefore, the moratorium extension for two more years would allow such valuable experience to be tested. Allowing a sufficient amount of time to finish the pilot will assist in the development of new rules. Let us keep working cooperatively with MMS, free of this rule making distraction.

While we continue to object to the implementation of Interior's rules, Wyoming has participated in every phase of the rule-making process. We also have observed the attempts to craft distracting legislation, which would attempt to address far too many unrelated aspects of the relationship between MMS, stakeholder states and industry. We do not support such efforts. Following our experience with RIK, we believe that a simple approach establishing a voluntary RIK program for the states, embodied in no more than two pages of legislation, will be all that is necessary. Let us go to work on a simple, but effective bill.

I urge you to support the rulemaking moratorium and encourage the MMS and royalty receiving states to engage in a genuine partnership role which will insure a fair, workable and beneficial plan to collect royalties. Adoption of the proposed rules would obstruct any opportunity to improve our royalty collection process.

Thank you for your support and understanding!

Best regards,

JIM GERINGER,
Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR
Bismark, ND, September 7, 1999.

Hon. EARL POMEROY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE POMEROY: As a major recipient of income from federal royalties, the State of North Dakota supports reasonable rules for the valuation of federal oil royalties. Unfortunately, the current version of the rules proposed by the Minerals Management Service (MMS) does not fit that description.

The rules currently proposed are vague, complex, and do not solve the problem of properly determining oil value. If adopted as currently proposed, the rules will increase MMS administrative costs and oil valuation uncertainty.

Uncertainty in oil valuation works as a disincentive to industry in its future efforts to produce oil and gas from federal lands, resulting in a loss of income for North Dakota.

Increased MMS administrative costs also harm North Dakota through increased billings under the federal government's net receipts sharing laws.

Because of these considerations, I urge you to support an extension of the congressionally mandated moratorium preventing MMS from issuing final rules in the current form.

Sincerely,

EDWARD T. SCHAFER,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helna, MT, September 13, 1999.

Hon. CONRAD BURNS,
Washington, DC.

DEAR SENATOR BURNS: I am writing to express this administration's support for the Hutchison amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Services (MMS) rule making.

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas within Montana, resulting in less royalty for the state.

The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties. During this additional one year moratorium, all parties must work in earnest toward the successful conclusion of this issue.

Thank you for your support and understanding.

Sincerely,

MICK ROBINSON,
Director of Policy

State of Oklahoma,
Office of the Secretary of Energy,
Oklahoma City, OK, September 11, 1999.

Hon. Don Nickles,
U.S. Senate,
Washington, DC.

Dear Senator Nickles: I ask for your strong support of the amendment to the Department of Interior appropriation bill which would extend the moratorium on Minerals Management Service oil valuation rulemaking. Oklahoma and the other oil-producing states have worked hard to help create a simpler, fairer method of valuing oil. The proposed MMS rules are complicated and burdensome, particularly for independent producers. I believe they will act as a disincentive to lease and produce oil and gas from federal lands. Additionally, I believe their complexity and uncertainty will mean increased costs for the federal government and states.

Therefore, I strongly support extension of the current moratorium until a valuation methodology can be derived which satisfies the objective of capturing market value at the lease in a simple, certain and efficient manner.

Sincerely,

Carl Michael Smith,
Secretary of Energy.

Statement of Commissioner David Dewhurst

Texas General Land Office

As an independent oilman who explored on and produced oil and gas from MMS leases, I know firsthand the business risks that are required in offshore exploration and production. As the elected land commissioner of Texas who serves as a trustee of state lands and waters that benefit the school kids of Texas, I am committed to ensuring that we maximize revenue for public and higher education. Therefore, I support the position advocated by Senator Hutchison. The proposed MMS rules are complicated and burdensome and would be a disincentive for industry, particularly independent producers, to lease and produce oil and gas from federal lands. I am concerned that the net effect of these rules will be less oil and gas is produced, and consequently less royalty revenue for our school kids.

Statement from Texas Railroad Commission Chairman Tony Garza regarding Senator Kay Bailey Hutchison's (R-Texas) effort to extend the moratorium on the Mineral Management Service (MMS) proposed royalty valuation rule.

"With oil imports continuing a dramatic rise, Senator Hutchison's effort will help guard against the serious security and economic risks associated with an American marketplace dominated by foreign crude. It's more than help for a beleaguered domestic energy industry. It's common-sense policy that strengthens our commitment to domestic production and jobs while encouraging the development of a sound U.S. energy policy."

California Independent
Petroleum Association,
Sacramento, CA, September 13, 1999.

Hon. Kay Bailey Hutchison,
U.S. Senate,
Washington, DC.

Dear Senator Hutchison: The California Independent Petroleum Association (CIPA) represents 450 independent oil and gas producers, royalty owners and service companies operating in California. CIPA wants to set the record straight. The MMS oil royalty rulemaking affects all California producers on federal land. It is false to claim that this rulemaking only affects the top 5% of all producers.

How are California independents affected? The proposed rulemaking allows the government to second guess a wellhead sale. If rejected, a California producer is subjected to an ANS index that adjusts to the wellhead set by the government. Using a government formula instead of actual proceeds results in a new tax being imposed on all producers of federal oil.

It doesn't end, if a California producer chooses to move its oil downstream of the well, the rulemaking will reject many of the costs associated with these activities. Again, to reject costs results in a new tax being levied on the producer.

Senator Hutchison, California producers support your amendment to extend the oil royalty rulemaking an additional year. We offer our support not on behalf of the largest producers in the world, but instead on behalf of independent producers in the state of California. Your amendment will provide the needed impetus to craft a rule that truly does affect the small producer and creates a new rulemaking framework that is fair and equitable for all parties.

Again, thank you for offering this amendment. We cannot allow the government to unilaterally assess an additional tax on independent producers. After record low oil prices, California producers are barely beginning to travel down a lengthy road to recovery. To assess a new tax at this time could have a devastating effect on federal production and the amount of royalties paid to the government.

Sincerely,

Daniel P. Kramer,
Executive Director.

National Black Chamber of
Commerce,
August 5, 1999.

Hon. Kay Bailey Hutchison,
Senator, State of Texas,
Washington, DC.

Dear Senator Hutchison: The National Black Chamber of Commerce has been quite proud of the leadership you have shown on the issue of oil royalties and the attempt of the Minerals Management Service's, Department of Interior, to levy eventual increases on the oil industry.

The efforts of MMS are, indeed, ludicrous. Collectively, the national economy is booming and the chief subject matter is "tax reduction" not "royalty increase", which is a cute term for tax increase. What adds "salt to the wound" is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damages.

We support your plan to re-offer a one-year extension of the moratorium on the new rule proposed by MMS. We will also support any efforts you may have to prohibit the new rule. Good luck in giving it "the good fight".

Sincerely,

Harry C. Alford,
President and CEO.

Frontiers of Freedom,
Arlington, VA, July 30, 1999.

Hon. Kay Bailey Hutchison,
U.S. Senate,
Washington, DC.

Re: Supporting the Hutchison-Domenici Amendment (a Moratorium on the Proposed Oil Valuation Rule which Prevents Unauthorized Taxation and Lawmaking by the Department of Interior).

Dear Senator Hutchison: We are writing to express our support for the Hutchison-Domenici amendment to the FY 2000 Appropriations bill. The Hutchison-Domenici amendment prevents the Department of the Interior from rewriting laws and assessing additional taxes without the consent of the Congress. This role properly rests with the legislative branch, not with unelected bureaucrats.

In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost "taxpayers, schoolchildren, Native Americans, and the environment." That is not so! It's time to set the record straight—this amendment does not alter the status quo at all. This amendment says to Secretary Babbitt: Spend no money to finalize a crude oil valuation rule until the Congress agrees with your proposed methodology for defining value for royalty purposes.

We contend that a mineral lease is a contract, whether issued by the United States or any other lessor, and as such, its terms may not be unilaterally changed just because a government bureaucracy thinks more money can be squeezed from the lessee by redefining the manner in which the value of production is established. What royalty amount is due is determined by the contracts and statues, and nothing else. For seventy-nine years the federal government has lived according to a law that establishes that the government receives value at the well—not downstream after incremental value is added. The bureaucrats at the Interior Department are in effect imposing a value added tax through the backdoor.

This is nothing short of a backdoor tax via an unlawful, inequitable rulemaking which Secretary Babbitt says is necessary because of "changing oil market." But, we think his real result, and that of his supporters such as Senator Boxer, is to cripple the domestic petroleum industry, and drive them to foreign shores and advance their goal of reducing fossil fuel consumption. This is why they falsely claim that green eyeshade accounts somehow are impacting the environment.

The outcry on behalf of schoolchildren is particularly hypocritical. Senator Boxer and Rep. George Miller are responsible for a mineral leasing law amendment in the 1993 Omnibus Budget Reconciliation Act which reduces education revenues to the State of California by over $1 million per year—far more than the Department's oil valuation rule would add to California's treasury (approximately $150,000 per year as scored by the Congressional Budget Office). So really, who is harming schoolchildren's education budgets? The oil industry provides millions and millions of royalty dollars each year for the U.S. Treasury and for States' coffers.

The "cheating" which Sen. Boxer and others allege is unproven. Reference to settlements by oil companies as proof of fraud is improper. When President Clinton settled the Paula Jones lawsuit his attorney admonished Senator Boxer and her fellow jurors to take no legal inference from that payment. We agree. As such, oil company settlements cannot be given precedential value. Who can fight the government forever when the royalty dollars they have paid in are used to fund enormous litigation budgets?

Lastly, two employees of the federal government who were integral to the "futures market pricing" philosophy espoused in the Department's rulemaking have been caught accepting $350,000 checks from a private group with a stake in the outcome of False Claims Act litigation against oil companies. Ironically, the money to pay-off these two individuals for their "heroic" actions while working as federal employees came from a settlement by one oil company. The Project on Government Oversight (POGO) last fall received well over one million dollars as a plaintiff in the suit. Shortly thereafter POGO quietly "thanked" these public servants for making this bounty possible. The Public Integrity Section of the Department of Justice has an ongoing investigation. We find it unconscionable the Administration seeks to put the valuation rule into place without getting to the bottom of this bribe first. The L.A. Times recently drew a parallel with the Teapot Dome scandal of the 1920's, but who is Albert Fall in this modern day scandal?

The Department's rule amounts to unfair taxation without the representation which Members of Congress bring by passing laws. If Congress chooses to change the mineral leasing laws to prospectively modify the terms of a lease, so be it. It should do so in the proper authorizing process with opportunity for the public to be heard. A federal judge has recently ruled the EPA has unconstitutionally encroached upon the legislature's lawmaking authority when promulgating air quality rules. We are convinced the Secretary of the Interior, in a similar manner, is far exceeding his authority unilaterally by assessing a value added tax.

Let Congress define the law on mineral royalties. We elected Members to do this job, we didn't elect Bruce Babbit and a band of self-serving bureaucrats. Support the Hutchison-Domenici amendment.

Sincerely

George C. Landrith, Executive Director, Frontiers of Freedom; Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy; Fred L. Smith, Jr., President, Competitive Enterprise Institute; Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union; Jim Martin, President, 60 Plus; Grover C. Norquist, President, Americans for Tax Reform; Chuck Cushman, Executive Director, American Land Rights Association; Bruce Vincent, President, Alliance for America; Adena Cook, Public Lands Director, Blue Ribbon Coalition; David Ridenour, Vice President, National Center for Public Policy Research.

PEOPLE FOR THE USA, PUEBLO, CO,
July 27, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 30,000 grassroots members of People for the USA, I would once again like to thank you for your diligent efforts to bring common sense to royalty calculations and payments on federal oil and gas leases.

In their efforts to balance environmental protection with growth through grassroots actions, our members (not just those in Texas) always notice and appreciate strong, common sense leadership such as you have shown.

We support your fight to simplify the current royalty calculation system. It is already a burden on a struggling domestic oil and gas industry, and the Minerals Management Service proposal simply adds insult to injury. Royalty calculation is not, as Interior Communications Director Michael Gauldin remarked, "an issue to demagogue for another year." With 52,000 jobs lost in just the last year?

Worse, Energy Secretary Bill Richardson has suggested that domestic oilfield workers look to opportunity overseas. Senator, an Administration that talks about kicking American resource producers out of the country has a badly skwed set of priorities.

We appreciate what you are doing to straighten them out, and will back you up at the grass roots any way we can.

Again, on behalf of thousands of hard-working American resource producers, Thank you. If you have any specific suggestions as to how we can assist you, feel free to contact me any time.

Respectfully,

JEFFREY P. HARRIS,
Executive Director.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, July 27, 1999.

DEAR SENATOR HUTCHISON: The 250,000 grassroots members of Citizens for a Sound Economy (CSE) ask you to oppose any attempts in the Senate to strike the provision in the Interior Appropriation bill that delays implementation of a final crude oil valuation rule.

The current royalty system is needlessly complex and results in time-consuming disagreements and expensive litigation. The Minerals Management Service's (MMS) new oil valuation proposal is, however, deeply flawed and would have the ultimate effect of raising taxes on consumers.

The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule with the expectation that the Department of the Interior (DOI) and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry is required to reach a mutually beneficial compromise.

CSE recognizes this need and opposes any attempt to halt the moratorium, or curtail efforts to bring about a simpler, more workable rule.

Thank you for your attention and efforts, and for your continuing leadership in this important matter.

Sincerely,

PAUL BECKNER,
President.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to amendment No. 1603.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. WARNER (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced, yeas 51, nays 47, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—47

Akaka
Baucus
Bayh
Biden
Boxer
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gregg
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Torricelli
Wellstone
Wyden

ANSWERED "PRESENT"—1

Warner

NOT VOTING—1

McCain

The amendment (No. 1603) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

• Mr. McCAIN. Mr. President, I want to state for the record that, had I been able to, I would have voted against the Hutchison amendment to the Interior appropriations bill, which proposed to continue a moratorium on revising Interior regulations governing how much oil companies pay for oil drilled on public lands and resources. I regret that previous commitments prevented my availability to be in the Senate for this critical vote.

This issue seems fairly straightforward. Oil companies are required to pay royalties for on- and off-shore oil drilling. Fees are based on current law which clearly states that "the value of production for purposes of computing royalty on production . . . shall never be less than the fair market value of the production." Revenues generated from these royalties are returned to the federal treasury. However, for many years, oil companies have been allowed to set their own rates.

In the past, I have supported similar amendments which extended a moratorium on rulemaking while affected parties were involved in negotiations to update the regulations. However, this process has been stalled for years, with little possibility of reaching resolution because these legislative riders imposing a moratorium on regulation changes have created a disincentive for oil companies to agree to any fee increases, resulting in taxpayers losing as much as $66 million a year.

Who loses from this stalemate? The taxpayers—because royalties returned to the federal treasury benefit states, Indian tribes, federal programs such as the Historic Preservation Fund and the Land and Water Conservation Fund, and national parks.

I supported cloture twice to end debate on this amendment because I believe we should vote on the underlying amendment to allow a fair and equitable solution of royalty valuation of oil on federal lands. On the final vote, however, I would have opposed the Hutchison amendment to continue this moratorium because I believe we should halt the process by which oil companies can set their own rules and determine how much they pay the taypayers for the use of public assets. I do not support a structure which only serves to benefit big oil companies and allows them to continue to be subsidized by the taxpayers.

We should seek fairness for each and every industry doing business on public lands using public assets, and we should insist that same treatment be applied to oil companies. Fees that are assessed from drilling oil on public lands are directed back to the federal treasury and these fees should reflect the true value of the benefit oil companies receive.

We have a responsibility, both as legislators and as public servants, to ensure responsible management of our public lands and a fair return to taxpayers. That responsibility includes determining a fair fee structure for oil drilling on public lands. Despite passage of this amendment which continues this moratorium for yet another year, I hope that we can reach a reasonable agreement to ensure proper payment by oil companies for utilizing public resources.●

Mr. REID. Mr. President, I had intended to offer to the fiscal year 2000 Interior appropriations measure an amendment that would have repealed a provision that the Congress tucked into last year's massive omnibus appropriations bill.

That provision established a one-year moratorium on any new or expanded Indian Self-Determination Act contract, grant, or compact between the Bureau of Indian Affairs, or the Indian Health Service, and Indian tribes.

The establishment of this moratorium was a result of the growing shortfall between allowable contract support costs and the amounts appropriated for such costs.

The rationale when we imposed the moratorium was that shortfalls in contract support costs would continue to increase as long as Indian tribes entered into new contracts with the BIA or IHS.

Therefore, it was argued that the best way to prevent these increasing shortfalls simply would be to prevent the tribes from even entering into new contracts.

Logical as it may sound, the moratorium has had the practical effect of preventing many Indian tribes from providing their members with the most basic of services, whether it involves health services, social services, law enforcement or road maintenance.

Mr. President, while I have withdrawn my amendment at this time, I would like to emphasize the importance of addressing this issue.

I would note that as we go to conference, the House version of this legislation does not contain the provision which extends the moratorium on self-determination contracts.

Mr. President, I ask my friend from New Mexico whether he is familiar with Section 324 of H.R. 2466, the FY 2000 Interior appropriations measure, which is currently pending before the Senate.

Mr. BINGAMAN. I am familiar with this provision. Section 324 extends the one-year moratorium established last year prohibiting Indian tribes from entering into or expanding existing Self-Determination Act contracts, grants or compacts with the Bureau of Indian Affairs or the Indian Health Service.

Mr. REID. I would also ask the Senator to explain the effect of the moratorium contained within Section 324 of this legislation.

Mr. BINGAMAN. Certainly. While this moratorium was established to address the growing shortfall between allowable contract support costs and the amounts appropriated for such costs, the practical effect of the prohibition has been to prevent many Indian tribes from providing their members with the most basic of services, whether it involves health services, social services, law enforcement or road maintenance.

Mr. REID. I concur with the Senator. A prime example of this effect involves the Washoe Tribe of Nevada and California, which was prevented from entering into a contract for the most basic service, even though they were willing to proceed despite the realization that their contract support costs would not be fully covered.

In the Alpine Country of the Washoe tribal lands, huge amounts of snowfall are not uncommon. The BIA has a snowplow, and until recently, also had a snowplow operator who would help clear snow after the lands were hit by storms. The BIA operator recently retired, however, so the tribe made plans to contract with the BIA, under the Indian Self-Determination Act, to take possession of the plow in order to allow a fully-trained tribe member to operate the truck and clear the snow.

You can imagine their surprise, therefore, when the local BIA office informed them that they were prohibited by statute from entering into that contract for such a simple, yet important, task of clearing snow.

The inability to clear snow in a timely fashion created a logistical nightmare and a safety hazard, not to mention further strains on an already-strained tribal economy.

For the Washoe Tribe, contract support funds weren't the primary concern; the safety and well-being of the tribe's members superseded that concern.

I ask the Senator from New Mexico if he is familiar with these types of consequences.

Mr. BINGAMAN. I say to the senior Senator from Nevada that I am very familiar with this reality. In my home State of New Mexico, I have seen several instances where Indian tribes have been unable to provide their members with the most basic of services because the moratorium prohibits them from contracting with BIA or IHS.

Mr. REID. Isn't it also true that the House of Representatives, during its consideration of the fiscal year 2000 Interior appropriations measure, removed the moratorium from its version of the legislation.

Mr. BINGAMAN. The Senator is correct. During the debate of H.R. 2466 in the House, Representative DALE KILDEE of Michigan raised a point of order against the provision containing the moratorium on the grounds that the language violated a rule against legislating on appropriations bills.

Mr. REID. And, isn't it also true that the Chair upheld that point of order, thereby striking the moratorium provision from the House measure.

Mr. BINGAMAN. The Senator from Nevada is correct. The House version of the fiscal year 2000 Interior appropriations does not contain a moratorium prohibiting Indian tribes from entering into or expanding existing Self-Determination Act contracts, grants or compacts with the Bureau of Indian Affairs or the Indian Health Service.

Mr. REID. I thank the Senator from New Mexico and urge my colleagues to reevaluate this issue as we head to conference with the House.

Mr. CAMPBELL. Mr. President, I call upon my colleagues to support the fiscal year 2000 Interior appropriations bill which will help preserve our natural wonders. The bill contains an amendment that I offered which would direct the forest service to conduct a study of the severity of Mountain Pine Beetle in the Rocky Mountain Region and report back to Congress within six months after enactment on how to address this problem. As adopted the amendment would not have any budget ramifications.

My amendment is in the interest of our national forests. According to the Forest Service this outbreak of the Pine Beetle infestation is similar to the one that occurred in the 1970's. During that period there were peak annual losses of over 1 million trees as a result of the beetle. Right now we are seeing the beginning of another epidemic, which is continuing to grow.

There are a number of factors which contribute to the current Mountain Pine Beetle problem—the general lack of forest management, which includes proper timber harvesting, and increased susceptibility resulting from the suppression of forest fires.

The current infestation is in the northern two-thirds of the front range of Colorado where the largest number of people live in my home state. Surveys by the Forest Service and Colorado State Forest Service survey shows 12,891 dead trees detected in 1996; 32,445 in 1997; and 74,288 in 1998. All indications are that we will see a staggering 150,000 trees infested in 1999. It is clear that if this trend continues we will see an outbreak worse than the 1970's. I am also concerned about the high possibility that dead timber from the pine beetle will catch on fire and wreak havoc on Colorado's front range.

It is important for Congress to address this problem now before it gets out of control and the people of Colorado find themselves with thousands of dead trees. I urge my colleagues to support passage of the bill.

I thank the Chair and yield the floor.

Mr. GORTON. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—89

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—10

Ashcroft
Biden
Boxer
Feingold
Graham
Lautenberg
Murray
Voinovich
Wellstone
Wyden

NOT VOTING—1

McCain

The bill (H.R. 2466), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2466) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $634,321,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $1,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $634,321,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $283;805,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,418,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $135,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $17,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made *a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).*

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $684,569,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $300,000 shall be available for spartina grass research being conducted by the University of Washington, and of which $500,000 of the amount available for consultation shall be available for development of a voluntary-enrollment habitat conservation plan for cold water fish in cooperation with the States of Idaho and Montana (of which $250,000 shall be made available to each of the States of Idaho and Montana), and of which $150,000 shall be available to Michigan State University toward creation of a community development database, and of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Preble's meadow jumping mouse: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $5,932,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsections (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: Provided further, That all fines collected by the U.S. Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: Provided further, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any state, local, or tribal government, the U.S. Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: Provided further, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and through fiscal year 2000, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $40,434,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clauses "availability of funds" found at 48 C.F.R. 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $56,444,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which not to exceed $1,000,000 shall be available to the Boyer Chute National Wildlife Refuge for land acquisition.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $21,480,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,355,176,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $51,451,000, of which not less than $1,500,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.): Provided, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $42,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $8,422,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $223,153,000, to remain available until expended, of which $1,100,000 shall be for realignment of the Denali National Park entrance road, of which not less than $3,500,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial, and of which $90,000 shall be available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island International Historic Site, Maine, including possible interpretive sites in Calais, Maine, and of which not less than $1,000,000 shall be available, subject to an Act of authorization, to conduct a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, and of which $500,000 shall be available for the Wilson's Creek National Battlefield: Provided, That $5,000,000 for the Wheeling National Heritage Area and $1,000,000 for Montpelier shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That $1,000,000 shall be made available for Isle Royale National Park to address visitor facility and infrastructure deterioration: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of visitor facilities at Brooks Camp at Katmai National Park and Preserve may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $87,725,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $500,000 is to administer the State assistance program, and in addition $20,000,000 shall be available to provide financial assistance to States and shall be derived from the Land and Water Conservation Fund, and of which not less than $2,000,000 shall be used to acquire the Weir Farm National Historic Site in Connecticut, and of which not less than $3,000,000 shall be available for the Fredericksburg and Spotsylvania National Military Park, and of which not less than $1,700,000 shall be available for the acquisition of properties in Keweenaw National Historical Park, Michigan, and of which $200,000 shall be available for the acquisition of lands at Fort Sumter National Monument.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic *conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $813,093,000, of which $72,314,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $160,248,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: Provided, That of the funds available for the biological research activity, $1,000,000 shall be made available by grant to the University of Alaska for conduct of, directly or through subgrants, basic marine research activities in the North Pacific Ocean pursuant to a plan approved by the Department of Commerce, the Department of the Interior, and the State of Alaska: Provided further, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.*

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: Provided further, That not to exceed $198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,658,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $7,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,633,296,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $402,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian

Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002: Provided further, That from amounts appropriated under this heading $5,422,000 shall be made available to the Southwestern Indian Polytechnic Institute and that from amounts appropriated under this heading $8,611,000 shall be made available to Haskell Indian Nations University.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $146,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter: Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of $375,000 from the funds made available under this heading.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,131,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $504,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may be used to fund a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)) that shares a campus with a school that offers expanded grades and that is not a Bureau-funded school, if the jointly incurred costs of both schools are apportioned between the 2 programs of the schools in such manner as to ensure that the expanded grades are funded solely from funds that are not made available through the Bureau.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other BIA-funded schools, subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of BIA education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other BIA education facilities: Provided, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $67,325,000, of which: (1) $63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,249,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That Public Law 94–241, as amended, is further amended (1) in section 4(b) by deleting "2002" and inserting "1999" and by deleting the comma after the words "$11,000,000 annually" and inserting in lieu thereof the following: "and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be"; and (2) in section (4)(c) by adding a new subsection as follows: "(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.": Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palou as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,203,000, of which not to exceed $8,500 may be for official reception and representation expenses and up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $36,784,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,614,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $73,836,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs and Departmental Management: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended, of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,621,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences *in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.*

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, funds available herein and hereafter under this title for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated in this title shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 117. Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary of the Interior completes the process of renewing the permits or leases in compliance with all applicable laws. Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management *activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.*

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. None of the funds provided in this or any other Act may be used for pre-design, design or engineering for the removal of the Elwha or Glines Canyon Dams, or for the actual removal of either dam, until such time as both dams are acquired by the Federal government notwithstanding the proviso in section 3(a) of Public Law 102–495, as amended.

SEC. 123. (a) SHORT TITLE.—This section may be cited as the "Battle of Midway National Memorial Study Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) September 2, 1997, marked the 52nd anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against the United States or the allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures and facilities on Midway Atoll should be protected and maintained.

(c) PURPOSE.—The purpose of this Act is to require a study of the feasibility and suitability of designating the Midway Atoll as a National Memorial to the Battle of Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretative opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

(d) STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.—

(1) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States Fish and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the "Foundation"), and Midway Phoenix Corporation, carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway.

(2) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under paragraph (1), the Secretary shall address the following:

(A) The appropriate federal agency to manage such a memorial, and whether and under what conditions, to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(B) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(C) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(D) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(3) REPORT.—Upon completion of the study required under paragraph (1), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historical significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

(e) CONTINUING DISCUSSIONS.—Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

SEC. 124. Where any Federal lands included within the boundary of Lake Roosevelt National Recreation Area as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement) were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 125. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds on the basis of identified, unmet needs. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than ten percent in fiscal year 2000.

SEC. 126. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 127. None of the funds provided in this Act shall be available to the Department of the Interior or agencies of the Department of the Interior to implement Secretarial Order 3206, issued June 5, 1997.

SEC. 128. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 129. WALKER RIVER BASIN. $200,000 is appropriated to the United States Fish and Wildlife Service in fiscal year 2000 to be used through a contract or memorandum of understanding with the Bureau of Reclamation, for: (1) the investigation of alternatives, and if appropriate, the implementation of one or more of the alternatives, to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) an evaluation of the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) an evaluation of opportunities for Lahontan cutthroat trout restoration in the Walker River Basin. $125,000 is appropriated to the Bureau of Indian Affairs in fiscal year 2000 for the benefit of the Walker River Paiute Tribe, in recognition of the negative effects on the Tribe associated with delay in modification of Weber Dam, for an analysis of the feasibility of establishing a Tribally-operated Lahontan cutthroat trout hatchery on the Walker River as it flows through the Walker River Indian Reservation: Provided, That for the purposes of this section: (A) $100,000 shall be transferred from the $250,000 allocated for the United States Geological Survey, Water Resources Investigations, Truckee River Water Quality Settlement Agreement; (B) $50,000 shall be transferred from the $150,000 allocated for the United States Geological Survey, Water Resources Investigations, Las Vegas Wash endocrine disruption study; and (C) $175,000 shall be transferred from the funds allocated for the Bureau of Land Management, Wildland Fire Management.

SEC. 130. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 131. PROHIBITION ON CLASS III GAMING PROCEDURES. No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E, Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 5: NW ¼.

"(ii) Sec. 6: N ½.

"(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be available for use by the Secretary—

"(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

"(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.".

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—Congress finds that—

(1) in 1604, 1 of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is 1 of only 2 international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any *other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the import or export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington March 3, 1973 (27 UST 1027).*

SEC. 137. (a) None of the funds provided in this Act shall be available to the Department of the Interior to deploy the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of the Billings Area Office, until 45 days after the Secretary of the Interior certifies in writing to the Committee on Appropriations and the Committee on Indian Affairs that, based on the Secretary's review and analysis, such system meets the TAAMS contract requirements and the needs of the system's customers including the Bureau of Indian Affairs, the Office of Special Trustee for American Indians and affected Indian tribes and individual Indians.

(b) The Secretary shall certify that the following items have been completed in accordance with generally accepted guidelines for system development and acquisition and indicate the source of those guidelines: Design and functional requirements; legacy data conversion and use; system acceptance and user acceptance tests; project management functions such as deployment and implementation planning, risk management, quality assurance, configuration management, and independent verification and validation activities. The General Accounting Office shall provide an independent assessment of the Secretary's certification within 15 days of the Secretary's certification.

SEC. 138. No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing (1) the reasonable scientific basis for such sound thresholds or standard and (2) the peer review process used to validate such sound thresholds or standard.

SEC. 139. Notwithstanding any other provision of law, the Secretary of the Interior shall use any funds previously appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands to acquire land from the Borough of Haines, Alaska for subsequent conveyance to settle claims filed against the United States with respect to land in the Borough of Haines prior to January 1, 1999: Provided, That the Secretary of the Interior shall not convey lands acquired pursuant to this section unless and until a signed release of claims is executed.

SEC. 140. In addition to any amounts otherwise made available under this title to carry out the Tribally Controlled College or University Assistance Act of 1978, $1,500,000 is appropriated to carry out such Act for fiscal year 2000.

SEC. 141. PILOT WILDLIFE DATA SYSTEM. From funds made available by this Act to the United States Fish and Wildlife Service, the Secretary of the Interior shall use $1,000,000 to develop a pilot wildlife data system to provide statistical data relating to wildlife management and control in the State of Alabama.

SEC. 142. BIA POST SECONDARY SCHOOLS FUNDING FORMULA. (a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Central Office Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools on May 13, 1999.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.

SEC. 143. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–14, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696, 16 U.S.C. 460zz.

SEC. 144. VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 36030 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $187,444,000, to remain available until expended: Provided, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: Provided further, That none of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act): Provided further, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $190,793,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings "Forest and Rangeland Research", "State and Private Forestry", "National Forest System", "Wildland Fire Management", "Reconstruction and Construction", and "Land Acquisition", $1,239,051,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That of the amount provided under this heading, $750,000 shall be used for a supplemental environmental impact statement for the Forest Service/Weyerhaeuser Huckleberry land exchange, which shall be completed by September 30, 2000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $560,980,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $362,095,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unexpended balances of amounts previously appropriated for Forest Service Reconstruction and Construction as well as any unobligated balances remaining in the National Forest System appropriation in the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and made a part of this appropriation.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,370,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That subject to valid existing rights, all Federally owned lands and interests in lands *within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 F.R. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.*

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency *or office for the salary and expenses of the employee for the period of assignment.*

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters: Provided, That no more than $500,000 is transferred: Provided further, That future budget justifications for both the Forest Service and the Department of Agriculture clearly display the sums previously transferred and request future funding levels.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety.

From any unobligated balances available at the start of fiscal year 2000, the amount of $11,550,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a three-year timber supply.

Of any funds available to Region 10 of the Forest Service, exclusive of funds for timber sales management or road reconstruction/construction, $7,000,000 shall be used in fiscal year 2000 to support implementation of the recent amendments to the Pacific Salmon Treaty with Canada which require fisheries enhancements on the Tongass National Forest.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Fray for the cost of his home, $143,406 (1997 dollars) destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $390,975,000, to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $684,817,000, to remain available until expended, of which $1,600,000 shall be for grants to municipal governments for cost-shared research projects in buildings, municipal processes, transportation and sustainable urban energy systems, and of which $25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $168,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $135,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: Provided, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act. All funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $70,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,138,001,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $384,442,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $189,252,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,250,000.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $367,062,000, of which not to exceed $40,704,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research

Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $35,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,438,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,040,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $90,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,700,000, to remain available until expended, of which $10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $23,905,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: Provided, That beginning in fiscal year 2000 and thereafter, the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,906,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the fifteen year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 323. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 325. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the "Secretary") is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et. seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed "Institute of Hardwood Technology Transfer and Applied Research" (hereinafter the "Institute"). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the USDA Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the "Hardwood Technology Transfer and Applied Research Fund", which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 327. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 states shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold. (For purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded.) Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 328. For fiscal year 2000, the Secretary of Agriculture, with respect to lands within the National Forest System, and the Secretary of the Interior, with respect to lands under the jurisdiction of the Bureau of Land Management, shall use the best available scientific and commercial data in amending or revising resource management plans for, and offering sales, issuing leases, or otherwise authorizing or undertaking management activities on, lands under their respective jurisdictions: Provided, *That the Secretaries may at their discretion determine whether any additional information concerning wildlife resources shall be collected prior to approving any such plan, sale, lease or other activity, and, if so, the type of, and collection procedures for, such information.*

SEC. 329. The Secretary of Agriculture and the Secretary of the Interior shall:

(a) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105–83; 111 Stat. 1543, 1596–7);

(b) make the report available for public comment for a period of not less than 120 days; and

(c) include the information contained in the report and a detailed response or responses to any such public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Project.

SEC. 330. Section 7 of the Service Contract Act (SCA), 41 U.S.C. section 356 is amended by adding the following paragraph:

"(8) any concession contract with Federal land management agencies, the principal purpose of which is the provision of recreational services to the general public, including lodging, campgrounds, food, stores, guiding, recreational equipment, fuel, transportation, and skiing, provided that this exemption shall not affect the applicability of the Davis-Bacon Act, 40 U.S.C. section 276a et seq., to construction contracts associated with these concession contracts.".

SEC. 331. TIMBER AND SPECIAL FOREST PRODUCTS. (a) DEFINITION OF SPECIAL FOREST PRODUCT.—For purposes of this section, the term "special forest product" means any vegetation or other life forms, such as mushrooms and fungi that grows on National Forest System lands, excluding trees, animals, insects, or fish except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) FAIR MARKET VALUE FOR SPECIAL FOREST PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for special forest products harvested on National Forest System lands. The authority for this pilot program shall be for fiscal years 2000 through 2004. The Secretary of Agriculture shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

(c) FEES.—

(1) IN GENERAL.—The Secretary of Agriculture shall charge and collect from persons who harvest special forest products all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the special forest products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary of Agriculture may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary of Agriculture receives fees authorized under this subsection from such person.

(d) WAIVER.—The Secretary of Agriculture may waive the application of subsection (b) or subsection (c) pursuant to such regulations as the Secretary of Agriculture may prescribe.

(e) COLLECTION AND USE OF FUNDS.—

(1) Funds collected in accordance with subsection (b) and subsection (c) shall be deposited into a special account in the Treasury of the United States.

(2) Funds deposited into the special account in the Treasury in accordance with this section in excess of the amounts collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on October 1, 2000 without further appropriation, and shall remain available until expended to pay for—

(A) in the case of funds collected pursuant to subsection (b), the costs of conducting inventories of special forest products, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected pursuant to subsection (c), the costs for which the fees were collected.

(3) Amounts collected in accordance with subsection (b) and subsection (c) shall not be taken into account for the purposes of the sixth paragraph under the heading of "Forest Service" of the Act of May 23, 1908 (16 U.S.C. § 500); section 13 of the Act of March 1, 1911 (16 U.S.C. § 500); the Act of March 4, 1913 (16 U.S.C. § 501); the Act of July 22, 1937 (7 U.S.C. § 1012); the Acts of August 8, 1937 and of May 24, 1939 (43 U.S.C. §§ 1181 et. seq.); the Act of June 14, 1926 (43 U.S.C. § 869–4); chapter 69 of title 31 United States Code; section 401 of the Act of June 15, 1935 (16 U.S.C. § 715s); the Land and Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–6a); and any other provision of law relating to revenue allocation.

SEC. 332. Title III, section 3001 of Public Law 106–31 is amended by inserting after the word "Alabama," the following phrase "in fiscal year 1999 or 2000".

SEC. 333. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with Section 347 of Title III of Section 101(e) of Division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 9 contracts in Region One.

SEC. 334. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

"(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.".

SEC. 335. MILLSITES OPINION. PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the "opinion"), in accordance with the millsite provisions of the Bureau of Land Management's Manual Sec. 3864.1.B (dated 1991), the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims for any fiscal year.

SEC. 336. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees may be implemented in fiscal year 2000: Provided, That such an increase would not result in a fee that exceeds 125 percent of the fiscal year 1998 fee.

SEC. 337. No federal monies appropriated for the purchase of land by the Forest Service in the Columbia River Gorge National Scenic Area ("CRGNSA") may be used unless the Forest Service complies with the acquisition protocol set out in this section:

(a) PURCHASE OPTION REQUIREMENT.—Upon the Forest Service making a determination that the agency intends to pursue purchase of land or an interest in land located within the boundaries of the CRGNSA, the Forest Service and the owner of the land or interest in land to be purchased shall enter into a written purchase option agreement in which the landowner agrees to retain ownership of the interest in land to be acquired for a period not to exceed one year. In return, the Forest Service shall agree to abide by the bargaining and arbitration process set out in this section.

(b) OPT OUT.—After the Forest Service and landowner have entered into the purchase option agreement, the landowner may at any time prior to federal acquisition voluntarily opt out of the purchase option agreement.

(c) SELECTION OF APPRAISERS.—Once the landowner and Forest Service both have executed the required purchase option, the landowner and Forest Service each shall select an appraiser to appraise the land or interest in land described in the purchase option. The landowner and Forest Service both shall instruct their appraiser to estimate the fair market value of the land or interest in land to be acquired. The landowner and Forest Service both shall instruct their appraiser to comply with the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference 1992) and Public Law 91–646 as amended. Both appraisers shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(d) PERIOD TO COMPLETE APPRAISALS.—The landowner and Forest Service each shall be allowed a period of 180 days to provide to the other an appraisal of the land or interest in land described in the purchase option. This 180-day period shall commence upon execution of a purchase option by the landowner and the Forest Service.

(e) BARGAINING PERIOD.—Once the landowner and Forest Service each have provided to the other a completed appraisal, a 45-day period of good faith bargaining and negotiation shall commence. If the landowner and Forest Service cannot agree within this period on the proper purchase price to be paid by the United States for the land or interest in land described in the purchase option, the landowner may request arbitration under subsection (f) of this section.

(f) ARBITRATION PROCESS.—If a landowner and the Forest Service are unable to reach a negotiated settlement on value within the 45-day period of good faith bargaining and negotiation, during the 10 days following this period of good faith bargaining and negotiation the landowner may request arbitration. The process for arbitration shall commence with each party submitting its appraisal and a copy of this legislation, and only its appraisal and a copy of this legislation, to the arbitration panel within 10 days following the receipt by the Forest Service of the request for arbitration. The arbitration panel shall render a written advisory decision on value within 45 days of receipt of both appraisals. This advisory decision shall be forwarded to the Secretary of Agriculture by the arbitration panel with a recommendation to the Secretary that if the land or interest in land at issue is to be purchased that the United States pay a sum certain for the land or interest in land. This sum certain shall fall within the value range established by the two appraisals. Costs of employing

the arbitration panel shall be divided equally between the Forest Service and the landowner, unless the arbitration panel recommends either the landowner or the Forest Service bear the entire cost of employing the arbitration panel. The arbitration panel shall not make such a recommendation unless the panel finds that one of the appraisals submitted fails to conform to the Uniform Appraisal Standard for Federal Land Acquisition (Interagency Land Acquisition Conference 1992). In no event, shall the cost of employing the arbitration panel exceed $10,000.

(g) ARBITRATION PANEL.—The arbitration panel shall consist of one appraiser and two lawyers who have substantial experience working with the purchase of land and interests in land by the United States. The Secretary is directed to ask the Federal Center for Dispute Resolution at the American Arbitration Association to develop lists of no less than ten appraisers and twenty lawyers who possess substantial experience working with federal land purchases to serve as third-party neutrals in the event arbitration is requested by a landowner. Selection of the arbitration panel shall be made by mutual agreement of the Forest Service and landowner. If mutual agreement cannot be reached on one or more panel members, selection of the remaining panel members shall be by blind draw once each party has been allowed the opportunity to strike up to 25 percent of the third-party neutrals named on either list. Of the funds available to the Forest Service, up to $15,000 shall be available to the Federal Center for Dispute Resolution to cover the initial cost of establishing this program. Once established, costs of administering the program shall be borne by the Forest Service, but shall not exceed $5,000 a year.

(h) QUALIFICATIONS OF THIRD-PARTY NEUTRALS.—Each appraiser selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery & Enforcement Act of 1989. Each lawyer selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall be an active member in good standing of the bar of one of the 50 states or the District of Columbia.

(i) DECISION REQUIRED BY THE SECRETARY OF AGRICULTURE.—Upon receipt of a recommendation by an arbitration panel appointed under subsection (g), the Secretary of Agriculture shall notify the landowner and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel's advisory decision and notify the landowner and the CRGNSA of this determination within 45 days of receipt of the advisory decision.

(j) ADMISSABILITY.—Neither the fact that arbitration pursuant to this act has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative proceeding.

(k) EXPIRATION DATE.—This act shall expire on October 1, 2002.

SEC. 338. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by Section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities,

(B) the private sector provider terminates its relationship with the agency, or,

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 339. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "national forests" and inserting "National Forest System land";

(B) in paragraph (4), by striking "the national forests" and inserting "National Forest System land";

(C) in paragraph (5), by striking "forest resources" and inserting "natural resources"; and

(D) in paragraph (6), by striking "national forest resources" and inserting "National Forest System land resources"; and

(2) in subsection (b)(1)—

(A) by striking "national forests" and inserting "National Forest System land"; and

(B) by striking "forest resources" and inserting "natural resources".

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking "forestry" and inserting "natural resources".

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking "forestry" and inserting "natural resources"; and

(2) in the second and third sentences, by striking "national forest resources" and inserting "National Forest System land resources".

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking "forest resources" and inserting "natural resources"; and

(2) by striking "national forest resources" and inserting "National Forest System land resources".

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

SEC. 340. INTERSTATE 90 LAND EXCHANGE. (a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998 (105 Pub. L. 277; 12 Stat. 2681–326 (1998)) is hereby amended by adding at the end of the first sentence: "except title to offered lands and interests in lands described in section 605(c)(2) (Q), (R), (S), and (T) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a three-year period beginning on the later of the date of enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld".

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998 (105 Pub. L. 277; 12 Stat. 2681–326 (1998)) is hereby amended by inserting after the words "offered land" the following: "as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in section 605(c)(2) (Q), (R), (S), and (T)".

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: "except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States". The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the "Appraisal") shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof—

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: "the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date".

SEC. 341. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available *for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.*

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 342. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

SEC. 343. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof, including, but not limited to, the existing statutory mandate that life-cycle cost effective measures be undertaken at Federal facilities to save energy and reduce the operational expenditures of the Government.

SEC. 344. The Forest Service shall use appropriations or other funds available to the Service to—

(1) improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; and

(2)(A) conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and

(B) submit to Congress a report on the results of the study, within 6 months of the date of enactment of this provision.

SEC. 345. None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

SEC. 346. SHAWNEE NATIONAL FOREST, ILLINOIS. None of the funds made available under this Act may be used to—

(1) develop a resource management plan for the Shawnee National Forest, Illinois; or

(2) make a sale of timber for commodity purposes produced on land in the Shawnee National Forest from which the expected cost of making the timber available for sale is greater than the expected revenue to the United States from the sale.

SEC. 347. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, $1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youth during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 348. Each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act for payments not required by law, is hereby reduced by 0.34 percent: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2000".

Mr. GORTON. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on behalf of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SESSIONS) appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

Mr. GORTON. Mr. President, the talents of my Staff Director, Bruce Evans, are exceeded only by his patience.

This bill has been on and off the floor for the better part of two months at this point and has now been passed by a fairly near unanimous vote as against the situation a year ago when we were barely able to begin debate on it.

Mr. Evans has led the staff of both parties with great skill and dedication and has kept me out of many troubles I might otherwise have had. Perhaps the best tribute to that is the fact that no changes were made in this bill in this 2-month period as a result of contested votes on the floor of the Senate. Many were made as a result of reasonable requests on the part of many of our Members.

I thank my ranking minority member, the distinguished senior Senator from West Virginia, whose help and cooperation from the beginning of my chairmanship of this subcommittee has been unfailing and of immense effect.

Mr. President, I would once again like to thank both my staff and Senator BYRD's staff for all the hard work they have done on this bill. The Minority Clerk, Kurt Dodd, has been a pleasure to work with in his first full year with the Committee. He has proven to be a valuable resource for my staff through both his knowledge of the programs in this bill and his advocacy on behalf of members on the other side of the aisle. Kurt has been ably assisted by Carole Geagley of the minority staff, and by Liz Gelfer, whom we have enjoyed having on detail from the Department of Energy.

My own subcommittee staff has also had benefit of an agency detailee this year. Sean Marsan has been with us courtesy of the U.S. Fish and Wildlife Service, and has done a wonderful job on a number of special projects. He has also performed well the laborious task of logging the thousands of member requests that the Subcommittee receives from members of this body. For those of my colleagues who have particular programs or projects funded in this bill—and I think I can safely say that includes each one of you—you owe Sean a debt of gratitude for keeping your ample requests in some sort of manageable order.

I also want to thank the subcommittee professional staff for all of their good work. Ginny James continues to do a great job with the many cultural agencies funded in this bill, as well as with the Indian Health Service and U.S. Geological Survey accounts. I am pleased that we were able this year to provide modest increases for both the NEA and NEH, and hope that the two endowments appreciate the role Ginny has played in making this possible. It is not an easy thing to shepherd and provide counsel to the enthusiastic, but sometimes over-eager, arts community.

Anne McInerney of the subcommittee staff has been responsible for the Fish and Wildlife Service and Bureau of Indian Affairs accounts, and this year took on the added responsibility of managing the land acquisition accounts for the four land management agencies. Members of this body continue to put individual land acquisition projects toward the top of their priority lists, making it quite a challenge to balance those priorities against the core operating needs of the agencies funded in this bill. Anne has done a marvelous job in this regard, as well as in helping me address the many management challenges faced by the Bureau of Indian Affairs and the Office of the Special Trustee.

Leif Fonnesbeck is in his first full year with the Committee staff. He has in effect been thrown in the deep end by being assigned the Forest Service and Bureau of Land Management accounts, where he probably will spend as much time on policy issues as on more traditional appropriations matters. Of the half dozen or so amendments that have been debated and voted upon during consideration of this bill, I think all but one have been related to Leif's area of responsibility. He has acquitted himself very well, and has proven to be a quick study. We are glad to have him with us.

Joe Norrell is also new to our subcommittee this year. Joe performs duties for both the Interior subcommittee and the VA/HUD subcommittee chaired by Senator BOND, and as such is frequently pulled in two different directions by two different masters. He has handled this difficult challenge with commitment and good humor, and has been a great help to both subcommittees.

Finally, I would also like to thank Kari Vander Stoep of my personal staff for her work on the issues in this bill that are of particular importance to the people of Washington state. Kari has done a wonderful job in this regard since her predecessor, Chuck Berwick, departed for business school.

Each of these individuals has already spent many late nights working on this bill, and will likely spend many more such nights over the coming weeks as we move to conference with the House. I want to express my own gratitude for their good work, and also convey the appreciation of the Ranking Member, Senator BYRD, and that of the Senate as a whole.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2684

Mr. LOTT. Mr. President, I ask unanimous consent the following amendments be the only first-degree amendments in order to the HUD-VA appropriations bill and they be subject to relevant second-degree amendments. I further ask consent that Senator WELLSTONE be recognized this evening to offer his amendment. I thank him for being willing to stay here to offer his amendment. We need more Senators willing to stay to get the job done. He will offer a sense of the Senate on atomic veterans. That amendment will be debated tonight. I further ask consent no amendment be in order to the Wellstone amendment prior to the vote, and I ask consent that the vote occur at 9:30 a.m. on Friday, with 2 minutes for debate for closing remarks prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. As a result of this agreement, there will be no further votes this evening. The first vote tomorrow will be at approximately 9:35 a.m. It is anticipated further votes will occur tomorrow in an effort to conclude HUD-VA. I talked with Senator DASCHLE. We should and we will finish the HUD-VA appropriations bill tomorrow. We have good managers on this bill. They will push it forward.

The only amendments that we had on the list are the atomic veterans sense of the Senate by Senator WELLSTONE, sense of the Senate regarding education by Senator DASCHLE, an amendment by Senator KERRY regarding section 8 housing, another amendment by Senator KERRY regarding housing aids, one regarding NASA by Senator ROBB, one by Senator TORRICELLI regarding aircraft noise, a managers' package by Senator BOND, one by Senators BENNETT and DODD regarding Y2K, and relevants by Senators BOND and MIKULSKI.

RULE XXII

Mr. LOTT. One final thing, and then the managers can go forward. It is my understanding some of the debate today was not germane to the issue on oil royalties, the issue on which 60 Members voted to invoke cloture earlier today.

Rule XXII clearly states all debate must be germane. Senators THOMAS and Senator HUTCHISON of Texas raised a point of order to guide the debate back to the pending oil royalties subject. The Chair on first blush ruled the debate does not have to be germane.

To better clarify the position of the chairman, I now make a parliamentary inquiry. Is there a requirement under rule XXII that all debate postcloture must be germane to the issue on which cloture was invoked?

The PRESIDING OFFICER. The Senator is correct. All debate postcloture must be germane to the issue on which cloture was invoked.

Mr. LOTT. Mr. President, if a Senator speaks on a subject that is nongermane to the pending issue, is it in order for any Member to raise a point of order against the debate in question?

The PRESIDING OFFICER. It is in order for any Member to raise a point of order relative to the debate. When such a point of order is raised, the Chair will decide if the debate in question is germane or nongermane. If the debate is determined to be germane, the debate in question will resume. If the debate is determined to be nongermane, the Senator will be warned to keep his remarks germane to the pending question. If the Senator continues to speak on a nongermane basis and any Senator raises a point of order against the debate content, the Chair would restate the rule on which the violation is occurring and the Senator in question would immediately lose the floor.

Mr. LOTT. I thank the Chair for that clarification. I therefore withdraw a pending appeal.

The PRESIDING OFFICER. The appeal is withdrawn.

Mr. LOTT. I yield the floor.

Mr. FEINGOLD. Mr. President, I just want to make one clarification concerning the colloquy between the majority leader and the Chair. I have no disagreement with the statements of the Chair concerning the Senate rule on germaneness during the post-cloture debate. However, the majority leader prefaced his inquiry with the statement that it was his understanding that some debate on the oil royalties amendment was not germane. I want to make clear that there was never a ruling that any particular statement made during the debate by any Senator was not germane. I am confident that my remarks during this debate were germane to the issue at hand and I do not interpret the Chair's statement in this colloquy to have suggested or ruled otherwise.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

Mr. BOND. Mr. President, may I ask the majority leader, was that a unanimous consent order that the only amendments in order are the ones that were read off?

Mr. LOTT. That is correct. It did say, of course, relevant second-degree amendments would be in order. I believe we only have a half dozen or so amendments we have to consider. I hope most of them can be handled without recorded votes. It does appear there would be a necessity for as many as two recorded votes, maybe three, tomorrow. If the Senators cooperate, I think we can be through with this bill and all amendments before noon tomorrow.

Mr. BOND. I thank the majority leader.

AMENDMENT NO. 1789

(Purpose: To express the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1789.

Mr. WELLSTONE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called "atomic veterans", patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

Mr. WELLSTONE. Mr. President, I rise today to offer a sense-of-the-Senate amendment that speaks to the frustrating and infuriating obstacles that have too often kept veterans who were exposed to radiation during military service from getting the disability compensation they deserve. This amendment would put the senate on record as being in favor of adding three radiogenic conditions to the list of presumptively service-connected diseases for which atomic veterans may receive VA compensation, specifically: lung cancer, colon cancer; and tumors of the brain and central nervous system. It is based on a bill I introduced during the last Congress S. 1385, the Justice for Atomic Veterans Act.

But before I speak on the merits of this amendment, I'd like to talk about the frustrating and infuriating obstacles that have beset this amendment in the Senate. I offered an amendment to make the needed change in the law on S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999. It was accepted and adopted by the Senate by voice vote. When it became clear that S. 4 was dead on arrival in the house, I offered this amendment to the Defense Department authorization bill. Again, the amendment was accepted, but it was stripped out in conference. I mention the history of this amendment to my colleagues in the belief that what was acceptable to the Senate three months ago will be acceptable today. But to put my colleagues on notice that this time I am going to insist on a roll call vote and to make it clear that I will be back to offer the actual amendment as many times as I have to so that justice can be done by the atomic veteran.

I believe that the way we treat our veterans does send an important message to young people considering service in the military. When veterans of the Persian Gulf war don't get the kind of treatment they deserve, when the VA health care budget loses out year after year to other budget priorities, when veterans benefits claims take years and years to resolve, what is the message we are sending to future recruits?

How can we attract and retain young people in the service when our government fails to honor its obligation to provide just compensation and health care for those injured during service?

One of the most outrageous examples of our government's failure to honor its obligations to veterans involves "atomic veterans," patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at atmospheric nuclear tests.

For more than 50 years, many of them have been denied compensation for diseases that the VA recognizes as being linked to their exposure to radiation—diseases known as radiogenic diseases. Many of these diseases are lethal forms of cancers. I'm sure many of my colleagues have seen the recent headlines about the exposure of workers at the nuclear plant in Paducah, Kentucky. The story of the atomic veteran is very much the same.

I received my first introduction to the plight of atomic veterans from some first-rate mentors, the members of the Forgotten 216th. The Forgotten 216th was the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper. Operation Tumbler Snapper was a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952.

About half of the members of the 216th were Minnesotans. What I've learned from them, from other atomic veterans, and from their survivors has shaped my views on this issue.

Five years ago, the Forgotten 216th contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. For the first time in public, they revealed what went on during the Nevada tests and the tragedies and trauma that they, their families, and their former buddies had experienced since then.

Because their experiences and problems typify those of atomic veterans nationwide, I'd like to tell my colleagues a little more about the Forgotten 216th. When you hear their story, I think you have to agree that the Forgotten 216th and other veterans like them must never be forgotten again.

Members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast. They were exposed to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection. They frequently had no film badges to measure radiation exposure. They were given no information on the perils they faced.

Then they were sworn to secrecy about their participation in nuclear tests. They were often denied access to their own service medical records. And they were provided no medical follow-up.

For decades, atomic veterans have been America's most neglected veterans. They have been deceived and treated shabbily by the government they served so selflessly and unquestioningly.

If the U.S. Government can't be counted on to honor its obligation to these deserving veterans, how can young people interested in the military service have any confidence that their government will do any better by them?

Mr. President, I believe the neglect of atomic veterans should stop here and now. Our government has a long overdue debt to these patriotic Americans, a debt that we in the Senate must help to repay. I urge my colleagues on both sides of the aisle to help repay this debt by supporting this amendment.

My legislation and this amendment have enjoyed the strong support of veterans service organizations. Recently, the Independent Budget for FY 2000, which is a budget recommendation issued by AMVETS, Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the Veterans of Foreign Wars (VFW), endorsed adding these radiogenic diseases to VA's presumptive service-connected list.

Let me briefly describe the problem that my amendment is intended to address. When atomic veterans try to claim VA compensation for their illnesses, VA almost invariably denies their claims. VA tells these veterans that their radiation doses were too low—below 5 rems.

But the fact is, we don't really know that and, even if we did, that's no excuse for denying these claims. The result of this unrealistic standard is that it is almost impossible for these atomic veterans to prove their case. The only solution is to add these conditions to the VA presumptive service-connected list, and that's what my amendment does.

First of all, trying to go back and determine the precise dosage each of these veterans was exposed to is a futile undertaking. Scientists agree that the dose reconstruction performed for the VA is notoriously unreliable.

GAO itself has noted the inherent uncertainties of dose reconstruction. Even VA scientific personnel have conceded its unreliability. In a memo to VA Secretary Togo West, Under Secretary for Health Kenneth Kizer has recommended that the VA reconsider its opposition to S. 1385 based, in part, on the unreliability of dose reconstruction.

In addition, none of the scientific experts who testified at a Senate Veterans' Affairs Committee hearing on S. 1385 on April 21, 1998, supported the use of dose reconstruction to determine eligibility for VA benefits.

Let me explain why dose reconstruction is so difficult. Dr. Marty Gensler on my staff has researched this issue for over five years, and this is what he has found.

Many atomic veterans were sent to ground zero immediately after a nuclear test with no protection, no information on the known dangers they faced, no badges or other monitoring equipment, and no medical follow up.

As early as 1946, ranking military and civilian personnel responsible for nuclear testing anticipated claims for service-connected disability and sought to ensure that "no successful suits could be brought on account of radiological hazards." That quotation comes from documents declassified by the President's Advisory Committee on Human Radiation Experiments.

The VA, during this period, maintained classified records "essential" to evaluating atomic veterans' claims, but these records were unavailable to veterans themselves.

Atomic veterans were sworn to secrecy and were denied access to their own service and medical records for many years, effectively barring pursuit of compensation claims.

It's partly as a result of these missing or incomplete records that so many people have doubts about the validity of dose reconstructions for atomic veterans, some of which are performed more than fifty years after exposure.

Even if these veterans' exposure was less than 5 rems, which is the standard use by VA, this standard is not based on uncontested science. In 1994, for example, GAO stated: "A low level dose has been estimated to be somewhere below 10 rems [but] it is not known for certain whether doses below this level are detrimental to public health."

Despite persistent doubts about VA's and DoD's dose reconstruction, and despite doubts about the science on which VA's 5 rem standard is based, these dose reconstructions are used to bar veterans from compensation for disabling radiogenic conditions.

The effects of this standard have been devastating. A little over two years ago the VA estimated that less than 50 claims for non-presumptive diseases had been approved out of over 18,000 radiation claims filed.

Atomic veterans might as well not even bother. Their chances of obtaining compensation are negligible.

It is impossible for many atomic veterans and their survivors to be given "the benefit of the doubt" by the VA while their claims hinge on the dubious accuracy and reliability of dose reconstruction and the health effects of exposure to low-level ionizing radiation remain uncertain.

This problem can be fixed. The reason atomic veterans have to go through this reconstruction at all is that the diseases listed in my amendment are not presumed to be service-connected. That's the real problem.

VA already has a list of service-connected diseases that are presumed service-connected, but these are not on it.

This makes no sense. Scientists agree that there is at least as strong a link between radiation exposure and these diseases as there is to the other diseases on that VA list.

Mr. President, you might ask why I've included these three diseases in particular—lung cancer; colon cancer; and tumors of the brain and central nervous system—in my amendment. The reason is very simple. The best, most current, scientific evidence available justifies their inclusion. A paper entitled "Risk Estimates for Radiation Exposure" by John D. Boice, Jr., of the National Cancer Institute, published in 1996 as part of a larger work called Health Effects of Exposure to Low-Level Ionizing Radiation, includes a table which rates human cancers by the strength of the evidence linking them to exposure to low levels of ionizing radiation. According to this study, the evidence of a link for lung cancer is "very strong"—the highest level of confidence—and the evidence of a link for colon and brain and central nervous system cancers is "convincing"—the next highest level of confidence. So I believe I can say with a great deal of certainty, Mr. President, that science is on the side of this amendment.

Last year, the Senate Veterans' Affairs Committee reported out a version of S. 1385, the Justice for Atomic Veterans Act, which included three diseases to be added to the VAs presumptive list. Two of those diseases, lung cancer and brain and central nervous system cancer, I have included in my amendment. The third disease included in the reported bill was ovarian cancer. Mr. President, I'd like to explain why I substituted colon cancer for ovarian cancer. It is true that the 1996 study I just cited states that the evidence of a linkage for ovarian cancer to low level ionizing radiation is "convincing," just as it is for colon cancer. But Mr. President, there are no female atomic veterans. The effect of creating a presumption of service connection for ovarian cancer is basically no effect—because no one could take advantage of it. However, the impact of adding colon cancer as a presumption for atomic veterans is significant; atomic veterans will be able to take advantage of that presumption.

The President's Advisory Committee on Human Radiation Experiments agreed in 1995 that VA's current list should be expanded. The Committee cited concerns that "the listing of diseases for which relief is automatically provided—the presumptive diseases provided for by the 1988 law—is incomplete and inadequate" and that "the standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate." The President's Advisory Committee urged Congress to address the concerns of atomic veterans and their families "promptly."

The unfair treatment of atomic veterans becomes especially clear when compared to both agent orange and Persian Gulf veterans. In recommending that the administration support S. 1385, Under Secretary for Health Kenneth Kizer cited the indefensibility of denying presumptive service connection for atomic veterans in light of the presumption for Persian Gulf war veterans and agent orange veterans.

In 1993, the VA decided to make lung cancer presumptively service-connected for agent orange veterans. That decision was based on a National Academy of Sciences study that had found a link only where agent orange exposures were "high and prolonged," but pointed out there was only a "limited" capability to determine individual exposures.

For atomic veterans, however, lung cancer continues to be non-presumptive. In short, the issue of exposure levels poses an almost insurmountable obstacle to approval of claims by atomic veterans, while the same problem is ignored for agent orange veterans.

Persian Gulf war veterans can receive compensation for symptoms or illnesses that may be linked to their service in the Persian Gulf, at least until scientists reach definitive conclusions about the etiology of their health problems. Unfortunately, atomic veterans aren't given the same consideration or benefit of the doubt.

Mr. President, I believe this state of affairs is outrageous and unjust. The struggle of atomic veterans for justice has been long, hard, and frustrating. But these patriotic, dedicated and deserving veterans have persevered. My amendment would finally provide them the justice that they so much deserve.

Let me say this in closing, Mr. President: As I have worked with veterans and military personnel during my time in the Senate, I have seen a troubling erosion of the federal government's credibility with current and former service members. No salary is high enough, no pension big enough to compensate our troops for the dangers they endure while defending our country. Such heroism stems from love for America's sacred ideals of freedom and democracy and the belief that the nation's gratitude is not limited by fiscal convenience but reflects a debt of honor.

Mr. President, this is one of those issues which test our faith in our government. But the Senate can take an important step in righting this injustice. I urge my colleagues from both sides of the aisle to join me in helping atomic veterans win their struggle by supporting by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Minnesota for his persistence and consistent advocacy for a group that is now called the atomic vets. He is absolutely right when he says that every year he offers the amendment and then, because of the pressures of conference, it evaporates. First of all, the atomic vets have no finer champion than the Senator from Minnesota, Mr. WELLSTONE.

From my perspective I support him. Tomorrow, when the call of the roll is made, I will be voting aye.

Mr. President, I thank our colleague from Minnesota for his eloquent comments within the timeframe that enabled Senators to move on to other responsibilities. I really appreciate his courtesy.

Mr. WELLSTONE. I thank the Senator from Maryland for her support. I am honored to have her support. I know the atomic veterans thank her.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we know how strongly the Senator from Minnesota feels about this. He has been a very forceful and persuasive advocate. We do recognize that because of the rule under which the Senator is proceeding, this is a sense-of-the-Senate amendment. We have turned back to the authorizing committees the job of authorizing. It seems rather traditional to do it that way. I know the Senator wants to make this point. We thank him very much for putting it in the form of a sense-of-the-Senate amendment.

Mr. JOHNSON. Mr. President, the state of the Union is strong. Our country's overall economy is at an all time high, unemployment is at the lowest it has been in years, education is rising, and American homeownership is increasing. Despite all of these factors, our nation—and rural America in particular—is in the midst of an affordable housing shortage crisis. According to reports, 5.3 million Americans pay more than 50 percent in their annual income to rent or living in substandard conditions. This is unacceptable for a society as wealthy as ours, and we must make real progress now to improve housing conditions for all Americans. I would like to take this opportunity to discuss two critically important housing assistance programs that are cut by the short-sighted funding levels in the fiscal year 2000 (FY2000) VA-HUD Appropriations bill.

The Department of Housing and Urban Development (HUD) provides Section 8 rental assistance to nearly three million families through Housing Certificate Funds, including vouchers, certificates, and project-based assistance. The VA-HUD Appropriations bill that we are discussing today provides $11 billion for the Housing Certificate Fund—which is $724 million more than the FY1999 level. While I am pleased that the VA-HUD bill ensures funding for all expiring Section 8 contracts for FY2000, I am deeply disappointed that the bill does not attempt to meet the future need for housing assistance by including funding for an additional 100,000 vouchers.

In my state of South Dakota, families in need of housing assistance spend an average of 9 months on a waiting list for current Section 8 vouchers. Sadly, this is actually a better situation than most Americans face. More than 1 million Americans wait an average of 28 months, or over two full years, for Section 8 assistance.

The strong economy in South Dakota has contributed to a shortage of affordable housing in our larger cities. In many of our smaller towns, adequate housing is also at a premium. An additional 100,000 Section 8 vouchers would mean that an additional 321 South Dakota families would receive Section 8 assistance. I urge my colleagues to adequately fund the proposal for 100,000 new Section 8 vouchers because the Section 8 program, simply put, helps families find housing they can afford.

Another housing program that has been extremely valuable for South Dakota and the nation is the Community Builder program. Community Builders have enabled HUD to take a much-needed customer-friendly approach to serving low-income Americans. In South Dakota, Community Builders are working with local governments and housing authorities to provide needed rental assistance statewide.

Community Builders have also worked with the Northeastern Council of Governments in South Dakota to spread information to several northeastern counties on the services that HUD provides, and how to access these services. Community Builders have facilitated FHA loans for the construction of affordable homes in Rapid City, while also helping the Sioux Empire Housing Partnership become a HUD-approved housing counseling agency. The Community Builder program has begun to address the housing needs in historically underserved communities, many of which have never utilized HUD services in the past. One of my former staffers, Stephanie Helfrich, was a Community Builder Specialist for the Pine Ridge Indian Reservation, and her work has enabled tribal leaders to better utilize HUD's programs to the benefit of one of the most poor populations in the nation.

In conclusion, I understand the strict budget constraints the committee faces in drafting this bill. While I support every effort to keep government spending low, I believe it is a wise investment in our country's future when we ensure that our working families have adequate housing. I will continue to work with my colleagues to find ways to help South Dakota families and families across the nation address their housing needs.

Mr. LIEBERMAN. Mr. President, America is experiencing one of its most prosperous times, yet despite a booming national economy some 5.3 million families are spending more than half of their income on housing or are living in severely substandard housing. In Hartford, Connecticut alone, there are 19,000 families suffering in worst case housing.

Most distressing, more than one million elderly and over two million families with children face an affordable housing crisis.

Recent data indicate that this trend is worsening as housing costs rise faster than the incomes of low-income working families, and the number of affordable public housing units drops. In fact, more than 2 million public housing units were lost between 1973 and 1995, and the Department of Housing and Urban Development indicates that as many as 1,000 more units are being lost each month.

As a result, more than one million Americans languish on waiting lists for public housing or Section 8 vouchers. In Connecticut, the average time for waiting lists for public housing is 14 months and Section 8 vouchers is 41 months.

Last year, Congress passed a significant measure to streamline many public housing programs and focus more resources on families most in need of assistance. This included almost 100,000 new Section 8 vouchers. Tragically, the bill before us today provides no funding for these vouchers. In light of the tremendous need, and the gap that has grown in housing assistance over the past few years, providing fund for these new rental assistance vouchers is a modest, but crucial step.

These vouchers are not a free ride—families still must pay at least 30 percent of their incomes for rent. Without the vouchers, however, millions of working families and elderly citizens will be unable to secure affordable housing.

Mr. President, I'd like to take a few additional moments to address another program of great importance. Under the leadership of Secretary Cuomo, the Department of Housing and Urban Development has made great strides to create a new, innovative approach to government through the Community Builders Program.

Unfortunately, this appropriations bill would kill this initiative by terminating the 400 Community Builder fellows hired to serve in field offices around the country. This program is the first agency-run program in the Federal Government for experienced local professionals to perform short-term, public service in their communities. It represents a new way of thinking about government service and creates an opportunity to tap well-qualified talent in the community.

Under the program, HUD recruits, hires and trains professional individuals—who have extensive backgrounds in community and economic development, and housing—to serve 2-4 years as community change agents in field offices. To date, 400 people have been hired.

In Hartford, Connecticut, Community Builders have formed a partnership with state officials and national housing financial institutions to cross-train staff on the wide variety of housing finance programs and financing mechanisms available for the development of affordable housing. In addition, they have partnered with the Connecticut Department of Economic and Community Development, the Connecticut Housing Finance Agency, the National Equity Fund, the Local Initiatives Support Corporation, and the Federal Home Loan Bank of Boston to improve coordination and "layering" of programs and delivery of services.

These professionals bring a fresh perspective, the ability to think "outside the box," and creative outlook on housing and community development programs. Community Builders in Connecticut illustrate the diversified experience and knowledge brought to HUD operations with professional backgrounds in the areas of architect, municipal government, law and business management.

Community Builders are truly change agents in our community. They are knowledgeable about HUD programs, make customer service more efficient, are professionally competent, and are bringing their expertise to make government work better.

I hope that the Senate will reconsider the significance of this program and provide continued support to ensure that our government maintains innovative, customer service oriented programs such as the Community Builders Program.

I thank Senator KERRY and Secretary Cuomo taking action to ensure that working poor families have access to affordable housing and promoting new, innovative approaches to government management. I am proud to stand in support of their efforts.

Mr. SMITH of New Hampshire. Mr. President, I call the Senate's attention to a program that the Environmental Protection Agency (EPA) has initiated that I believe is ill-conceived, wasteful and lacking of public input. The EPA, at the direction of Vice President GORE, has launched a "voluntary" initiative with the chemical industry to test some 2,800 high production volume (HPV) chemicals and substances. The chemicals included in this list are currently manufactured or imported in volumes in excess of one million pounds, many of which have already gone through substantial testing and known to be either hazardous or safe. As chairman of the subcommittee with jurisdiction over the testing and handling of toxic chemicals, I am particularly concerned about how this program will be administered and funded.

This major initiative was launched in October 1998 during a press conference by EPA, the Chemical Manufacturers Association and the Environmental Defense Fund. This initiative calls on industry to voluntarily provide test plans for these 2,800 HPV chemicals by December 1999, after which EPA will mandate tests of the remaining chemicals. Although the first phase of this initiative is voluntary, I'm concerned that there was not adequate public and congressional involvement in the development of this massive undertaking. Only after much urging by concerned Members of Congress, including myself, and other affected interest groups, EPA decided to hold a number of "stakeholder" meetings to share views and information about the HPV program.

The lack of public and congressional input is just one concern that I have with this initiative. There are several other important issues of which the Senate should be aware. A major concern deals with the large amount of unnecessary animal testing that could occur as a result of this program. While obtaining better data on hazardous chemicals is certainly a worthy goal, I am concerned about the extent to which animal testing would be used in lieu of alternative testing methods. I understand that there have been many advances in toxicology, risk assessment and alternative testing strategies that minimize the use of animals, that could be applied.

As I stated earlier, the HPV program calls for testing of many substances that clearly need no further testing. These include chemicals well documented and regulated as dangerous, as well as substances recognized as safe by the Food and Drug Administration. Chemicals with existing data should be purged from the list by EPA. There have been numerous assertions by Administration officials that they have no intention of ordering duplicative testing and remain interested in pursuing alternative testing methods where appropriate. I hope this is true. However, I still have serious concerns about the expedited schedule of the program and how EPA is directing its resources. Therefore, as the subcommittee chairman with oversight responsibility over toxic substances and testing, I plan to closely monitor EPA's implementation of this program.

Mr. CHAFEE. I certainly agree with my colleague from New Hampshire that if this toxicity data is out there and available, then every effort should be made to collect it, verify its relevance to this program, and use it. There is no reason to order duplicative and wasteful testing. But I do hope this can be done in an efficient manner. The collection of this information should not slow down the progress of this program seeking basic toxicity data on the 2,800 chemicals most widely used in the United States. The claim has been made that 90 percent of these chemicals lack full toxicity data and 40 percent have no toxicity data. However, if this data already exists, then let's get it. We need to fill in these data gaps. Finally, even though the EPA has begun to show some willingness to respond to suggestions from stakeholders, I believe that the HPV program would benefit from a hearing in Senator SMITH's subcommittee.

Mr. BOND. I thank the two Senators for their insight and comments on EPA's HPV chemical testing program. We are in agreement that EPA should seek to uncover all existing data in preparation for determining what data gaps exist and test plans need to be developed. EPA should also pursue the validation and incorporation of non-animal testing as soon as practicable. In the meantime, I hope negotiations between the various stakeholder groups bring about some consensus on how best to proceed with this program.

Mr. SMITH of New Hampshire. I thank the Senator from Missouri for his comments and hope we can continue to work together on the monitoring of this and other EPA programs.

EPA RISK MANAGEMENT PROGRAM

Mr. BOND. Mr. President, I thank my colleague for his work on the recently passed legislation, S. 880, dealing with EPA's Risk Management Plan program. I understand that there might be some problems with EPA's implementation of the law with respect to the funding of the program.

Mr. INHOFE. I thank the Senior Senator from Missouri for his recognition, and he is correct that there might be some problems with the implementation of the law. A provision of the law directs companies to conduct a public meeting for local residents regarding the risks of chemical accidents. The facilities are then supposed to send a certification of the FBI stating that they conducted the meeting. It is my understanding that the EPA and FBI have decided that the EPA should collect the certifications and manage them through an EPA contractor. Not only did Congress not appropriate funds for this activity by the EPA but we specifically directed the FBI to collect this information.

Mr. INHOFE. I hope the Appropriations Committee will take a close look at how the EPA is implementing this program. As the chairman of the authorizing subcommittee and the author of the legislation, I will be paying particularly close attention to its implementation.

Mr. BOND. I appreciate the diligence of the Senator from Oklahoma in his oversight. As the chairman of the Appropriations subcommittee, I will also pay close attention to the implementation of this law.

REDUCING SPACE TRANSPORTATION COSTS

Mr. BURNS. Mr. President, reducing space transportation costs to enable more scientific research has been a priority of NASA and this committee. I am aware of several innovative programs developed by NASA and other agencies that attempt to dramatically reduce the cost of space access for missions through transporting individual science instruments within commercial spacecraft. However, I understand NASA is having some difficulty in implementing such "secondary payload programs" because of a lack of a definition of "government payload" in the National Space Transportation Policy. Therefore, I would like the committee to clarify that individual scientific instruments with full or partial government funding riding inside a commercial satellite are not "government payloads" for purposes of the Space Transportation Policy. Would the chairman agree with me that this is something we should address in the conference report?

Mr. BOND. I appreciate the Senator's interest in these new "shared ride" programs which a number of agencies are trying to implement. I understand NASA is trying to get this definition clarified, but that process is taking some time. I think we should support NASA's efforts by addressing this issue in conference report language, and I look forward to working with the Senator to address this issue in conference.

THE NATIONAL SCIENCE FOUNDATION

Mr. INOUYE. Mr. President, will the chairman of the Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee yield for a question?

Mr. BOND. I yield for a question from the senior Senator from Hawaii.

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, the Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee has a strong history of support for the behavioral and social science research programs of the National Science Foundation, NSF, dating back to the beginning of this decade. Basic behavioral and social science research, which ranges from research on the brain and behavior to studies of economic decision making, has the potential to address many of our Nation's most serious concerns, including productivity, literacy, violence, and substance abuse, as well as other diverse issues such as information systems, artificial intelligence, and international relations.

Under his leadership and that of our colleague, Senator BARBARA MIKULSKI, the subcommittee strongly, encouraged the establishment of a separate directorate for these sciences at NSF and was instrumental in encouraging that directorate to pursue a basic behavioral science research agenda known as the Human Capital Initiative. Most recently, this subcommittee expressed strong support for the planned reorganization of the Social, Behavioral, and Economic Sciences directorate's single research division into two separate divisions, a Behavioral and Cognitive Sciences Division, and a Social and Economic Sciences Division. This reorganization was necessary to accommodate the explosive pace of discovery in the behavioral and social sciences and to promote partnerships with other disciplines.

Basic research in these sciences has contributed to the Nation's economic prosperity and national security. Given the critical importance of these fields to the national interest, and recognizing the enormous strides being made in these sciences, I seek your clarification because the report language included in your committee report may be interpreted to question the value of NSF's programs in these areas. I am also concerned that the language undermines a valuable scientific enterprise. Is it the chairman's understanding that the committee report's intent is to express the committee's belief that NSF's core mission includes support for behavioral and social science research?

Mr. BOND. I thank the Senator from Hawaii for the question. NSF's core mission indeed includes basic research in the behavioral and social sciences, and, let me make it clear, it is my expectation that NSF will continue its strong investment in these areas. Any efforts to narrow NSF's mission to exclude these sciences or to target them for reduced support would jeopardize the development of the multidisciplinary perspectives that are necessary to solve many of the problems facing the Nation.

Mr. INOUYE. Mr. President, I thank the chairman.

NO$_X$ SIP CALL

Mr. SHELBY. Mr. President, I rise at this time to engage in a colloquy with the subcommittee chairman, the Senator from Missouri.

I am concerned about what I feel is an apparent inconsistency and inequity created by two separate and conflicting actions that occurred last May. One was EPA issuing a final rule implementing a consent decree under section 126 of the Clean Air Act that is triggered in essence by EPA not approving the NO$_X$ SIP call revisions of 22 states and the District of Columbia by November 30, 1999. The other was by the United States Court of Appeals for the D.C. Circuit in issuing an order staying the requirement imposed in EPA's 1998 NO$_X$ SIP Call for these jurisdictions to submit the SIP revisions just mentioned for EPA approval.

Caught in the middle of these two events are electric utilities and industrial sources who fear that now the trigger will be sprung next November 30, even though the States are no longer required to make those SIP revisions because of the stay, and even though EPA will have nothing before it to approve or disapprove.

Prior to this, EPA maintained a close link between the NO$_X$ SIP Call and the section 126 rule, as evidenced by the consent decree. I believe a parallel stay would be appropriate in the circumstance. EPA should not be moving forward with its NO$_X$ regulations until the litigation is complete and those affected are given more certainty and clarity as to what is required under the law.

A stay is very much needed, especially in light of EPA's more recent comments suggesting that is may reverse its earlier interpretation of the Clean Air Act regarding State discretion in dealing with interstate ozone transport problems. The effect of such a reversal would be to force businesses to comply with EPA's Federal emission controls under Section 126 without regard to NO$_X$ SIP Call rule and State input.

The proposed reversal is creating tremendous confusion for the businesses and the States. Under EPA's proposed new position, businesses could incur substantial costs in meeting the EPA-imposed section 126 emission controls before allowing the States to use their discretion in the SIP process to address air quality problems, less stringent controls or through controls on other facilities altogether.

Indeed, the fact that these businesses almost certainly will have sunk significant costs into compliance with the

EPA-imposed controls before States are required to submit their emission control plans in response to the NO_x SIP Call rule would result in impermissible pressure on their States to forfeit their discretion and instead simply conform their SIPs to EPA section 126 controls.

The bottom line is that not only do the States and business community not know what EPA is doing, EPA doesn't know what it is doing. This is hardly a desirable regulatory posture for what clearly is promising to be a very costly and burdensome regulation.

Let's be clear what the law is and what it requires, before rather than after the EPA writes and enforces its rules. I think that is a reasonable expectation and a reasonable requirement that the EPA should be able to meet.

Does the chairman agree with me that the EPA should find a reasonable way to avoid triggering the 126 process while the courts deliberate and we have a better understanding of what the law requires States and businesses to do to be in compliance?

Mr. BOND. Mr. President, I very much appreciate the Senator bringing this to the Senate's attention. I agree that this matter should be resolved swiftly. I would encourage and expect the EPA to, over the next several months, find a way that is fair to all sides. In addition, I would expect that any remedy would ensure that the States maintain control and input in addressing air pollution problems through the SIP process. I would be happy to work with the Senator from Alabama to ensure that EPA is fully responsive to these legitimate problems.

VETERANS' HEALTH CARE

Mr. SPECTER. Mr. President, I commend the chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee for successfully managing such a complex appropriations bill as S. 1596. In particular, I want to thank him for recognizing the need for additional funding for veterans health care and increasing that appropriations an additional $1.7 billion over the President's request. Doing this was very difficult in light of budgetary constraints, but it was the right thing to do and I commend him for his foresight and courage.

Mr. BOND. I thank the senior Senator from Pennsylvania for his kind remarks and for his leadership in urging an additional $1.7 billion for veterans health care. I also commend my friend for his leadership as chairman of the Senate Committee on Veterans' Affairs in urging medicare subvention for veterans and for gaining Senate approval of increased funding for the GI education bill.

Mr. SPECTER. Mr. President, there is an additional matter in which I would like to have an exchange with him involving two amendments I have offered. The first involves the need for funding of a unique construction project at the Lebanon VA Medical Center for the growing problem of the long term care needs of veterans. The second involves funding for a needed national veterans cemetery in the southwestern portion of Pennsylvania. In the interest of time and space, I will not elaborate on these projects both of which have been authorized by the Senate Committee on Veterans Affairs in S. 1076 and S. 695 respectively and are outlined in the accompanying reports. You and I discussed them yesterday and I believe we had a meeting of the minds in which I understood that you will seek at least limited funding for both projects during conference. Is this the understanding of Senator BOND as well?

Mr. BOND. The Senator from Pennsylvania is correct. I know how important these projects are to you and veterans in Pennsylvania. While I cannot guarantee an outcome, I will do my best to secure design funds for these projects when we meet with the House in conference on the bill.

Mr. JOHNSON. Mr. President, I am pleased to have joined my colleague Mr. WELLSTONE from Minnesota in offering an amendment to the Fiscal Year 2000 VA-HUD Appropriations bill to increase funding for veterans health care by an additional $1.3 billion. This would create a $3 billion increase in VA health care funding —the level called for by the Independent Budget produced by a coalition of veterans organizations.

Before I begin, I would like to take a minute and make a few comments on the amendment that the Senate already has accepted. First, I want to thank Senators BOND and MIKULSKI for offering the amendment to add an additional $600 million for veterans' health care. By accepting this amendment, the total increase for veterans' health care in this piece of legislation is now $1.7 billion. I am pleased that my colleagues recognize the dire situation facing the Veterans Administration and our nation's veterans because of past negligence in meeting the needs of veterans health care.

I supported the amendment, and I have asked to be added as a cosponsor. However, as I understand it, this $1.7 billion will provide only momentary relief to a VA system which has been drastically underfunded for the past three years. That is why Senator WELLSTONE and I offered an amendment to give even more to veterans, who in service of their country gave everything they had to protect this democracy.

Mr. President, let me begin by saying that this is the fourth consecutive year, that the Clinton Administration has proposed a flat-line appropriation for veterans' health care in its FY 2000 budget request. The VA's budget included a $17.3 billion appropriation request for the Veterans Health Administration (VHA). Although, the Clinton Administration's request included allowing the VA to collect approximately $749 million from third-party insurers—$124 million more than in FY 1999, this cap on medical spending places a greater strain on the quality of patient care currently provided in our nation's VA facility, especially when meeting the needs and high health costs of our rapidly aging World War II population.

Our nation's veterans groups have worked extensively on crafting a sensible budget that will allow the VA to provide the necessary care to all veterans. They have offered an Independent Budget that calls for an immediate $3 billion increase for VA health care to rectify two current deficiencies in the VA budget. First, the VA has had to reduce expenditures by $1.3 billion due to their flatlined budget at $17.3 billion. These were mandatory reductions in outpatient and inpatient care and VA staff levels that the VA had to make due to their flatlined budget.

The remaining $1.7 billion is needed to keep up with medical inflation, COLAs for VA employees, new medical initiatives that the VA wants to begin (Hepatitis C screenings, emergency care services), long term health care costs, funding for homeless veterans, and treating 54,000 new patients in 89 outpatient clinics.

Although we have increased veterans' health care by a total of $1.7 billion, and which certainly will help relieve some of the VA's budgetary constraints, I believe that more needs to be done. The veterans community has requested that VA health care needs to be augmented by $3 billion to ensure the provision of accessible and high quality services to veterans.

That is why Senator WELLSTONE and I offered an amendment, and which I remind my colleagues the Senate unanimously accepted 99-0, during consideration of the budget resolution that raised VA health care to a total of $3 billion. The nation's top veterans groups (AMVETS, Blinded Veterans Association, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars and Vietnam Veterans of America) voiced their strong support for our amendment, however, the final budget resolution contained an increase of only $1.7 billion.

I agree with the coalition of veterans organizations that have put together a sensible and responsible alternative VA budget" that an infusion of approximately $3 billion into the VA health budget is needed this year in order to avoid an unconscionable destruction of our nation's commitment to its veterans. Without such a funding boost, framed within a balanced federal budget, we will soon be witnessing enormous VA staffing reductions, degradation of VA health care quality, the termination of needed programs, and the closure of VA hospitals. Our hopes of establishing VA outreach clinics in such communities as Aberdeen, South Dakota will be impossible without an increase in funding.

That is why Senator WELLSTONE and I are offering this amendment. The veterans community has done all the research and is acutely aware of the glaring health care needs that the VA must contend with in order to care for our nation's veterans. Our amendment would take $1.3 billion from the non-Social Security surplus and designate it as emergency spending for veterans' health care. The funding required for this amendment represents a minute fraction of the total federal budget that we are debating here today. However, the funding we set aside to improve accessibility and quality of care within our veterans health care system will provide a tremendous boost for an already stretched and fractured VA medical system.

Mr. President, since I began my service in Congress over twelve years ago, I have held countless meetings, marched in small town Memorial Day parades, and participated in Veterans Day tributes with South Dakota's veterans. As the years go on their concerns remain the same. To ensure that Congress provides the VA with adequate funding to meet the health care needs for all veterans. Without additional funding South Dakota VA facilities will continue to face staff reductions, cutbacks in programs, and possible closing of facilities.

Too often, I have received letters from veterans who must wait up to three months to see a doctor. For many veterans who do not have any other form of health insurance, the VA is the only place they can go to receive medical attention. They were promised medical care when they completed their service and now many veterans are having to jump through hoops just to see a doctor.

It is time for Congress to end this neglect and fiscal irresponsibility when it comes to providing decent health care for veterans. I think Senator WELLSTONE would agree with me that no one in this body would accept three years of flat-lined budgets if we were talking about the Department of Defense or national security funding. But that is exactly what we've done to our veterans. Every year we labor through the appropriations process and every year veterans funding is treated as an afterthought and not one of our first priorities.

As Congress makes spending decisions for fiscal year 2000, we also will have to decide what to do with the non-Social Security surplus for next year. Shouldn't we be able to use some of that surplus to address the immediate problems of veterans health care? I think our veterans deserve nothing less, and we should make a committed effort to give the VA all the resources it needs to operate effectively.

I want to thank my friend, Mr. WELLSTONE, for working with me on this endeavor to do what we feel is our obligation to our veterans. The veterans community is fortunate to have such a vigilant advocate in Senator WELLSTONE who has displayed tremendous passion and leadership when it comes to ensuring that our nation's commitment to our veterans is not forgotten.

As we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

From the battlefields of Lexington and Concord, to the beaches of Normandy, and to the deserts of the Persian Gulf, our nation's history is replete with men and women who, during the savagery of battle, were willing to forego their own survival not only to protect the lives of their comrades, but because they believed that peace and freedom was too invaluable a right to be vanquished. Americans should never forget our veterans who served our nation with such dedication and patriotism.

Again, Mr. President, I applaud Chairman BOND and Senator MIKULSKI for recognizing the shortcomings in this VA-HUD Appropriations bill by increasing veterans' health care by an additional $1.7 billion. Senator WELLSTONE and I believe that we can go even further, and we ask for the Senate's support. We have an obligation to provide decent, affordable, health care for America's veterans. We should live up to our obligation to our nation's veterans and ensure that they are treated with the respect and honor that they so richly deserve.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to my colleague from Missouri, we are now working through some colloquies. Some are a little bit more chatty and we have not had a chance to review them all. We will be prepared tomorrow to present them to the Senate.

Mr. President, I say to my colleague from Missouri, we have concluded our actions for today.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMPREHENSIVE TEST BAN TREATY

Mr. DASCHLE. Mr. President, two years ago today, on September 23, 1997, the Comprehensive Nuclear Test Ban Treaty was read for the first time and referred to the Senate Foreign Relations Committee. Unfortunately, instead of coming to the Senate floor to commend the Senate for ratifying the CTBT or for taking steps toward that end, I must come to point out the Senate has done absolutely nothing on CTBT. Not a hearing, not a vote. And I must confess up front, I do this with a sense of confusion, disappointment, and profound regret over the Republican majority's inaction on this important treaty since its submission to the Senate.

The Republican majority's unwillingness to permit the Senate to take even a single step forward on a treaty to ban all nuclear testing has me and many observers confused for a variety of reasons. First, the Comprehensive Test Ban Treaty has been enthusiastically and unequivocally endorsed by our senior military leaders, both current and former. In testimony before the Senate Armed Services Committee, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, stated "the Joint Chiefs of Staff support ratification of this treaty." The current chairman and fellow service chiefs are not alone in their support for CTBT. In fact, the four previous occupants of the chairman's seat have endorsed this treaty. Former Chairmen General John Shalikashvili, General Colin Powell, Admiral William Crowe, and General David Jones issued a statement on the treaty and the additional safeguards proposed by the President. Their statement concluded "with these safeguards, we support Senate approval of the CTB treaty."

Second, several Presidents, both Republican and Democratic, have supported a comprehensive ban on nuclear testing. In fact, Presidents as far back as President Eisenhower have worked to make this prohibition a reality. On May 29, 1961, President Eisenhower said the failure to achieve a test ban "would have to be classed as the greatest disappointment of any administration, of any decade, of any party." Similar statements have been made by Presidents in every subsequent decade. And if this Congress fails to act, Presidents in the next millennium unfortunately will be uttering comparable remarks.

Third, the overwhelming majority of the American people, approximately 82 percent, have indicated they endorse immediate Senate approval of the

Comprehensive Test Ban Treaty. Although opponents of the treaty argue support is limited to just Democrats or liberals, opinion polls point to a different conclusion. CTBT support spans the entire political spectrum. For example, among those who identify themselves as Republicans, 80 percent support the treaty and 79 percent of those who characterize themselves as "conservative Republicans" believe the Senate should ratify the CTBT. As far as geographic limitations, the polls show CTBT support knows no boundaries. From coast to coast and all points in between, the vast majority of Americans support this treaty. Let me provide the Senate with a few examples that back up this statement. In Tennessee, 78 percent support the treaty. In Kansas, 79 percent. In Washington, 82 percent. In Oregon, 83 percent. The story is similar in every other state in the Union.

With these facts as a backdrop, I think it is easy to understand why I and many others are confused that, in the two years since the President submitted the CTBT treaty, the Republicans have chosen to do nothing. CTBT is vigorously endorsed by our most senior military leaders, past and present. Senate Republicans are unmoved. Republican and Democratic Presidents since Eisenhower have strongly backed the CTBT. Yet, Senate Republicans choose to do nothing. Finally, over 80 percent of our constituents, from all parts of the political spectrum and all regions of the country, have asked us to ratify the CTBT. And the response of Senate Republicans? Not a hearing, not a vote. Nothing but silence and inaction.

I mentioned at the outset that I am also disappointed by the course Senate Republicans have pursued. The reason for my disappointment is that Senate Republicans have permitted a small number of members from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. I recognize these few members are well within their rights as Senators to use the rules in this manner. Under Senate rules, a small group can thwart or delay action on even the most vital pieces of legislation. This has been proven time and again since the Senate's founding. In more recent times, we have seen the same handful of Senators on the far right of the political spectrum repeatedly resort to these tactics to prevent the Senate from acting expeditiously on arms control treaties.

However, in many of these previous instances, a number of Republicans eventually decided to call an end to the political gamesmanship of their more conservative colleagues. They decided that this nation's national interests superseded the political interests of a few Senators at the far end of the political spectrum. They decided that the full Senate should be allowed to work its will on matters of national security. In short, they decided that politics stopped at the water's edge. I am disappointed that in this particular instance, two years have elapsed and I see no such movement within the Republican caucus. Two years is too long. I would hope we would soon see some leadership on the Republican side of the aisle to break the current impasse and allow the full Senate to act on the CTBT.

Finally, I also indicated I deeply regret the Senate's failure to act. While waiting for the United States Senate to ratify the CTBT, we have seen nearly 40 other nations do so. We have witnessed two additional countries test nuclear weapons while the intelligence community tells us several others continue developing such weapons. And in a few short weeks, we will observe the nations that have ratified the treaty convene a conference to discuss how to facilitate the treaty's entry into force —a conference that limits participation only to those nations that have ratified the treaty. If the United States is to play a leadership role on nuclear testing, convince others to forgo nuclear testing, and actively participate in efforts to implement the treaty, the United States Senate must exercise some leadership itself and give the CTBT a fair hearing and a vote. That effort must begin today.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. INHOFE. Mr. President, we have all spent considerable time during the past few years analyzing the problems in agriculture and making predictions about the future. Some of these problems can be traced back to various sources such as an intrusive Federal Government, drought and instability in foreign markets. As markets closed due to the financial instability, the Asian economic crisis spread, supply increased and farmers had no place to sell overseas. As a result, commodity prices across the board have been well under costs of production. We have all heard from producers in our states, and the message we hear is that our farmers are needing help.

Before the August recess, the Senate passed a $7.2 billion emergency spending package designed to help offset some of the losses in recent years. Those in the Senate who represent Ag states realize we cannot pass emergency spending bills every time the Ag economy takes a nose dive. This is not fiscally responsible and is not sound public policy. Our farmers deserve better and the representatives in the Congress must look for ways to ensure the people in rural America reap the benefits of the economic prosperity we are experiencing.

Over the August recess, I held many town hall meetings across the state of Oklahoma. In one meeting in the small farming community of Boise City, I had an audience of six farmers. For over an hour, I was able to talk to the folks who had seen the face of agriculture go through substantial changes over the past 10 years. I was able to hear these farmers voice their concerns about what was working, what wasn't and what could be improved.

What really impressed me Mr. President, was the fact that these producers believed Freedom to Farm was the right thing to do for agriculture. They liked having the freedom to plant what they wanted, the freedom to experiment and try something new without government interference. One of the farmers, Mr. Ron Overstreet, decided to try a couple of new things. In an area we would not normally think of as dairy country or an area for growing grapes, Ron and some of his partners have opened a dairy operation, as well as starting a vineyard. As I heard during the meeting, "If I am not willing to experiment and try something new, I am in the wrong business." I was pleased these farmers did not want to turn their backs on Freedom to Farm but rather work to improve and refine some of the provisions of the program.

At the end of August, Congressman FRANK LUCAS, who represents all of Western Oklahoma, and I held an Agriculture Summit in which we invited individuals representing different commodity groups, Ag lending companies, farm & ranch organizations, as well as Ag economists to discuss solutions to the sustained downturn in the agriculture economy. Many saw several positive changes which could be made to Freedom to Farm, with very few advocating getting rid of the existing farm program. As several of the representatives at the Ag summit suggested, the Federal Government must be more aggressive in opening and competing in foreign markets. We must make opening and penetrating foreign markets a top priority of our Nation's Ag policy. Nearly ⅓ of all U.S. crops are grown for the export market. In 1996, farm exports reached nearly $61 billion, with nearly 46% of that total going to Asian markets. Due to the economic turmoil, exports to Asia are now less than 39%. While economies in Asia are recovering, relief for our farmers cannot come soon enough. This Administration has been lax in it's fundamental duty to aggressively pursue foreign markets for American farmers. To do this, we must change attitudes. When the U.S. uses food as a diplomatic weapon with presidential embargoes, it deprives farmers of the freedom to sell their products. These unilateral sanctions hurt only a small percentage of America's populations. Unfortunately, that group is our farmers. But a simple reform introduced by Senator ASHCROFT, myself and others would work to change this.

As part of the Agricultural appropriations for FY 2000, the Senate adopted the Food and Medicine for the World Act. Under this amendment, all current food and medicine embargoes would be re-evaluated by the Administration and Congress and future embargoes could be imposed only if Congress agrees in advance. It would also lift restrictions on farmers using U.S. Department of Agriculture credit guarantees to get their goods to foreign buyers, as well as requiring the President to obtain Congressional approval before the U.S. implements any trade sanctions on food and medicine. I think this is a positive step towards reforming our policies on sanctions.

With all that said Mr. President, I would like to address the reason I came down here today, which is to announce my support for and original cosponsorship of Senator ROBERTS' bill, The Risk Management for the 21st Century Act.

At the Ag Summit I held, one item many people thought could be improved was crop insurance. Witness after witness testified the current crop insurance program is inadequate and suffers from lack of affordability, inadequacy in multiple years of disaster, inequality in rating structure, and lack of sufficient specialty crop policies. I believe Joe Mayer, Vice-President of the Oklahoma Farm Bureau, stated it best when he noted, ". . . the cost of insurance balanced against the guaranteed revenues do not make the purchase of crop insurance a sound business practice in many parts of the country." In the Ag summit, producers also had several suggestions of how to improve the current system. These reforms are very simple. First and foremost, there must be greater levels of coverage at affordable prices to all producers. Second, there must be expanded availability of revenue-based insurance products. Third, the program must address the needs of producers suffering multiple crop failures. Given the present state of agriculture, many within the Ag community believe reforming the crop insurance program is the best ways to provide immediate relief for farmers across the country.

Since the introduction of this bill, I have heard from producers and insurance agents across the state of Oklahoma who have been extremely pleased with the provisions of Senator ROBERTS' bill. I believe first and foremost one of the best provisions of this bill is the premium write-downs. Under this legislation, the current subsidy structure is inverted. By doing this we encourage participation at higher levels of coverage. By encouraging participation in the crop insurance program, we strengthen the safety net for America's farmers. While this is a very simple provision, I think this is one of the best provisions in the bill and one of the easiest ways to improve the current state of agriculture.

The Risk management for the 21st Century Act contains provisions which establishes an Average Production history credit program. This addresses the needs of those farmers who lack production histories because they are just beginning or have recently added land. A related provision which helps many of the farmers in Oklahoma is the multi-year disaster Average Production History adjustment for producers who have suffered a disaster during at least three of the preceding five years. This is especially important to our producers in the Southwest who have suffered through several years of drought conditions.

I am also pleased by the Noninsured Assistance program. Under this program, producers are allowed to plant different varieties of a crop and still be considered a single crop. As I heard from the farmers in Boise City, as well as the Ag summit, this is what they wanted—greater freedom and the opportunity to try new things. I am also pleased by the provisions dealing with restructuring the Board of Directors for the Federal Crop Insurance Commission. It is my hope we can fill this Board with producers who are farming on a daily basis and know the crop insurance system.

Mr. President, Danny Geis, President of the Oklahoma Wheat Growers Association, noted at the Ag summit, "Policy set forth from now to the end of the current farm bill must culminate in the development of a program that will provide a realistically solid financial floor that will insure stability, and will encourage the opportunistic free enterprise system that makes U.S. agriculture strong." I am proud to be a cosponsor of the Risk Management for the 21st Century Act as I believe it helps achieve this important goal. It helps producers obtain better coverage at a lower cost, creates a flexible policy that better meets their needs, and it encourages development of policies that ensure against market losses. This plan strengthens the farm safety net by improving farm and risk management by providing a good step for long-term policy improvements for producers. By making the permanent improvements to crop insurance, we will ensure that farmers and ranchers will have powerful management tools for years to come. Once again, Senator ROBERTS is providing a tremendous voice for farmers across the country and I look forward to working with him to ensure passage of this important legislation.

THE CLOSURE OF NSWC-ANNAPOLIS

Mr. SARBANES. Mr. President, today I want to speak about the end of an era for the David Taylor Research Center, and the beginning of a promising future for this facility and many of its workers. On September 25, 1999, the Navy will formally close the Naval Surface Warfare Center, Carderock Division's Annapolis Site, more commonly known as the David Taylor Research Center (DTRC). While the Navy marks the occasion of its departure from this successful and accomplished lab, we must not dwell solely on its past. On this occasion we should also recognize the help and cooperation of Anne Arundel County, the Navy, and relevant businesses in developing a reuse strategy that will enable the lab to continue conducting important maritime research into the 21st century.

The Navy has a right to be very proud of the legacy of this lab. I want to touch on a few of its most important contributions throughout our maritime history. From its inception in 1903 by Rear Admiral George Melville, it has served a crucial role in the development of our modern Navy.

First established as the US Naval Engineering Experiment Station (EES), it served to fill the need for the testing of Naval equipment and the development of Fleet standards for Naval machinery. During WWI, the EES assisted the Navy with the procurement of naval machinery, crafting guidelines for optimum fuel usage, developing metal corrosion deterrents, and pioneering the first use of sonar. Before its expansion during WWII, the lab's research on sound led to the development of the first sonic depth and range finders.

In 1941, Dr. Robert Goddard established a Bureau of Aeronautics at the facility which led to the expansion of five additional Naval Laboratories on the site during WWII. The newly expanded Annapolis lab served to make many critical contributions to WWII Naval Fleet development, ranging from high capacity water stills for submarine use to improvements in Marine Corps landing craft.

By 1963, the facility had evolved into one of the Navy's premiere research and development centers, and was renamed the U.S. Marine Engineering Laboratory. During the Vietnam war, the lab provided support to our forces from 1966 until the end of the war. During that time, its projects included boat quieting systems, engine cooling, bunker busting, aluminum boat corrosion abatement, and the development of ferro-cement boats.

During the late 1970s, the work of the Annapolis lab was concentrated into two technical departments, Propulsion and Auxiliary Systems, and Materials Engineering. The lab's contributions to today's Navy range from cutting edge superconducting electrical machinery to patented approaches to isolating and silencing machinery on every submarine class.

In addition to these and other truly remarkable accomplishments, the Naval Surface Warfare Center, Carderock Division's Annapolis Site has served as the technical training ground for thousands of scientists, machinists, technicians, engineers, and other related lines of employment. It is through their innovation, expertise, and hard work that this facility has been such a critical proving ground for the Navy, and I am proud to say that because of our redevelopment strides, many of these experts will continue their excellent work for the Navy and other customers in Anne Arundel County.

As many of these employees will recall, I fought very hard in 1993 when the Navy recommended that this site be shut down. And I fought again in 1995 when the BRAC Commission made the final decision to close the Annapolis Center. I continue to believe that the decision was unwise, unjustified and failed to take into account the critical capabilities of the highly skilled and experienced team of scientists and engineers who have contributed so much to the Navy over the years.

After the Navy's decision, many of these dedicated scientists and researchers could have walked away and gone to Philadelphia or found jobs elsewhere. However, through reuse ventures such as those of VECTOR Research these individuals have made the best of the situation and worked to convert this unique facility into a maritime R&D park. As these businesses continue to expand their marine customer base, we can envision the park as a focal point for maritime high technology into the next millennium. In fact, this month has seen a major milestone in the site reuse process. As some of you know, DTRC houses a Deep Ocean Simulation Facility which is world class in nature, and is uniquely designed and equipped to evaluate commercial and military machinery targeted for deep ocean environments. I am delighted to say that on September 15th, operation of this complex was officially transferred from the Navy to a private firm. As a result of efforts such as this one, the Navy will also continue to benefit, since a large fraction of this reservoir of essential capability might otherwise have been dispersed or lost. Anne Arundel County's decision to take this approach for reuse and its coordinated and innovative strategy in this regard, should serve as an example for the nation.

With the spirit of cooperation, and innovative reutilization reflected in this effort, I have no doubt that the DTRC will continue to contribute not only to the maritime high technology sector of Anne Arundel County and the State of Maryland, but also to our nation's technological advancement into the 21st Century.

SHOOTING DOWN THE BANKRUPTCY LOOPHOLE

Mr. LEVIN. Mr. President, I am very disappointed that the Senate majority leader brought up the bankruptcy reform bill and then immediately filed for cloture on the bill. If this week's cloture motion had passed, debate would have been blocked and relevant amendments designed to reform the bankruptcy system would have been prohibited from being offered.

I was planning to offer an amendment that would have prevented one abuse of the bankruptcy system. My amendment was very straightforward. It would have prohibited manufacturers, distributors and dealers of firearms from discharging debts which are firearm related incurred as a result of judgments against them based on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.

Currently, under the Bankruptcy Code, such persons and companies are able to evade responsibility and "take advantage of the system." That's what Lorcin Engineering Co., a manufacturer of cheap handguns, told Firearms Business it was doing when it filed for Chapter 11 bankruptcy protection in 1996. At the time, Lorcin was one of the chief manufacturers of "Saturday Night Specials" or "junk guns" and in 1998, their inexpensive semiautomatic pistol was number two on the list of guns traced to crime scenes by ATF. Lorcin's low quality guns, which caused innumerable deaths because of their cheap construction and easy availability, were the basis of more than two dozen product liability lawsuits. Once Lorcin decided they could not defend their practices against the multiple liability claims filed against them, they decided to protect themselves by using the bankruptcy system to settle these lawsuits for pennies on the dollar and be exempted from an additional lawsuit filed by the city of New Orleans.

Lorcin was able to evade judgments by filing for bankruptcy, and other manufacturers are lining up in bankruptcy court to follow their lead. Davis Industries, another manufacturer of Saturday Night Specials, has also sought refuge in bankruptcy court, perhaps hoping to dismiss the wrongful-death and personal injury suits filed against them by individuals and the multiple lawsuits filed against them by local governments.

Currently, there are eighteen categories of debt that are nondischargeable under the Bankruptcy Code. The Code makes certain debts nondischargeable when there is an overriding public purpose. One specific example is the nondischargeability of debt incurred by a debtor's operation of a motor vehicle while legally intoxicated. This addition to the Bankruptcy Code demonstrates Congress' unwillingness to allow debtors to escape debts created by illegal and improper conduct. Debts for death or personal injury resulting from unsafe firearms and their negligent distribution should also be nondischargeable under the Bankruptcy Code. Like debts incurred by drunk driving, Congress must send a message that it will not permit debtors to escape debts incurred by improper conduct.

I urge the Senate to begin a reasonable debate on bankruptcy reform that truly address the abuses of the system. I ask unanimous consent to have printed in the RECORD, an article from the New York Times, showing the link between some gun manufacturers and the abuse of the bankruptcy system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 1999]

LAWSUITS LEAD GUN MAKER TO FILE FOR BANKRUPTCY

(By Fox Butterfield)

In the first sign of the impact of the growing number of municipal lawsuits against the gun industry, a well-known manufacturer of handguns has filed for bankruptcy protection, raising concern among city officials across the country that other firearms companies may also use bankruptcy to try to avoid the suits.

The bankruptcy filer, Davis Industries, one of a group of companies in suburban Los Angeles that are controlled by a single family and its friends, produces Saturday night specials, cheap handguns favored by criminals. Davis is one of the 10 largest makers of handguns, and studies have found that its products tend to be characterized by a short "time to crime"—that is, a remarkably brief period between sale and the point at which they show up as weapons used in criminal acts.

In another indication of the pressure created by the municipal lawsuits, Bob Delfay, president of the gun industry's largest trade association, says he plans to propose an unusual conference with senior law-enforcement officials, representatives of the National Rifle Association and executives of gun companies to discuss how the industry and government might curb trafficking by people who buy firearms on behalf of criminals and juveniles.

It is unclear precisely what measures Mr. Delfay, of the National Shooting Sports Foundation, has in mind to stop these so-called straw purchases. But any proposals by the gun companies for greater government regulation or industry self-policing of sales and marketing practices would be a substantial departure from the manufacturers' insistence that they are already sufficiently regulated by thousands of laws.

Only last week, Mr. Delfay's group took over a more conciliatory gun-industry organization, the American Shooting Sports Council, which had been trying to open negotiations with lawyers for some of the cities suing the firearms makers. In an interview, Mr. Delfay insisted that his idea for a conference was not intended to open the way for a settlement.

So far, 22 counties and cities, including Chicago, Los Angeles and Detroit, have sued the gun makers, accusing them of failing to include enough safety devices or negligently marketing their guns in ways that enable criminals and juveniles to buy them. The suits seek damages for extra police and hospital costs resulting from gun violence, but more important, city officials say, they want to force the gun companies to accept greater regulation of the way they design, manufacture and distribute their products.

More cities are expected to file suit soon, and lawyers familiar with the issue say New York is close to becoming the first state to bring such a suit. "If New York comes into this, and there are more suits, at some point soon a critical mass will be reached where the costs alone of defending these suits are going to eat up the gun companies," said John Coale, a lawyer in Washington who is representing New Orleans and several other cities that have sued.

Mr. Coale, one of the Castano Group of lawyers who were active in suing the tobacco industry—the group is named for a friend of several of them who died of a tobacco-related disease—estimated that the cigarette companies had spent $600 million a year defending themselves against the states. "The gun companies simply can't afford it," he said, since they are so much smaller and sales of guns have been flat or declining for a decade.

"So if you get too many cities and states suing," Mr. Coale said, "the manufacturers will go into bankruptcy protection. And the day that happens, the suits stop and it is lose-lose for everybody."

Davis Industries, of Chino, Calif., filed for bankruptcy reorganization in the Federal bankruptcy court in nearby Riverside on May 27, said Alan Stomel, a lawyer who represented creditors in the unrelated 1996 bankruptcy of Lorcin Engineering, another of the gun makers controlled by the same owners as Davis Industries and known as the Ring of Fire companies (because their locations form a ring around Los Angeles).

"Bankruptcy is a very useful negotiating tool," Mr. Stomel said, "and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A spokesman for Davis Industries, who declined to give his name, confirmed that the company had filed for bankruptcy. "We do what we got to do" in response to the suits, the spokesman said. "I'm sure other companies will do the same thing."

Mr. Stomel said Davis Industries faced several problems: the municipal lawsuits, wrongful-death and personal-injury suits by individuals, a messy argument between the two owners, Jim and Gail Davis, who were recently divorced, and a bill that is expected to pass the California Legislature that would bar the manufacture of cheap handguns.

A lawyer for one of the cities suing the gun makers said bankruptcy "is going to be a huge pain" because it will require much more time and expense for the cities, limit the amount of damages they may collect and, perhaps most important, put the litigation in Federal bankruptcy court. Bankruptcy judges, the lawyer said, are more likely to act favorably to the gun companies than urban juries in state courts.

But Paul Januzzo, general counsel for Glock Inc., one of the largest handgun makers, said it was unlikely that the older, more established, mostly Eastern firearms companies would turn to bankruptcy.

"We are confident we can win the suits, if we have a number of companies litigating together," Mr. Januzzo said.

Lawsuits, he added, are nothing new to the industry. "It would be an unusual gun company that doesn't have a dozen lawsuits a year against it," he said. "This is America."

NAOMI REICE BUCHWALD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its good judgment in confirming Judge Naomi Buchwald for Appointment to the United States District Court for the Southern District of New York.

After working in private practice and in the United States Attorney's Office for the Southern District of New York, Judge Buchwald became a Magistrate Judge in the Southern District. She has served with distinction in that position for nearly two decades. Her extensive experience in the court's rules and procedures will make her a splendid United States District Court Judge in the Southern District.

I thank the distinguished Chairman of the Judiciary Committee, Senator HATCH, and the distinguished Ranking Member, Senator LEAHY; I also thank our leaders, Mr. LOTT and Mr. DASCHLE, and my colleague, Senator SCHUMER. Judge Buchwald's confirmation is a fine result for the State of New York and for the judiciary.

DAVID NORMAN HURD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its fine judgment in confirming Judge David Hurd for Appointment to the United States District Court for the Northern District of New York. I thank Senator HATCH, Chairman of the Judiciary Committee, Senator LEAHY, the Ranking Member; I also thank Mr. LOTT, Mr. DASCHLE, and my colleague from New York, Senator SCHUMER. This is a great result for New York and for the judiciary.

A veteran and skilled private practitioner, who tried both civil and criminal cases for more than twenty-five years, Judge Hurd became a Magistrate Judge for the Northern District of New York in 1991. He has served with distinction for the past eight years in that position. His experience on the bench and in private practice before that has provided him with a complete familiarity with the practices and rules of the Northern District.

Judge Hurd will be a superb United States District Court Judge for the Northern District of New York.

THE LAKE PONCHARTRAIN BASIN RESTORATION ACT OF 1999

Mr. BREAUX. Mr. President, I am pleased to cosponsor with my colleague from Louisiana, Senator Mary LANDRIEU, the Lake Ponchartrain Basin Restoration Act of 1999, S. 1621. Our goal for this bill is clear and straightforward: to help with the ongoing restoration of the Lake Ponchartrain Basin.

As one of the largest estuarine systems in the nation and the largest one on the Gulf Coast, restoration of the basin merits federal assistance.

Pollution problems accumulated in the basin for years. The clean up of the watershed has been under way for about a decade, but more work remains to be done.

Spearheading the current restoration has been the Lake Ponchartrain Basin Foundation, created by the Louisiana Legislature in 1989. Since then, the Foundation has implemented 38 water quality, habitat and education programs and projects.

Coordination and cooperation have been hallmarks of the basin restoration initiative. The State of Louisiana, local governments and officials, citizens, businesses, universities and federal agencies all have contributed to it.

Three key basin-area institutions have allied themselves and have entered into a Memorandum of Understanding to help facilitate the basin's restoration.

These organizations include the Lake Ponchartrain Basin Foundation; the Regional Planning Commission, consisting of Orleans, Jefferson, Plaquemines, St. Bernard and St. Tammany Parishes; and the University of New Orleans.

The legislative initiative which Senator LANDRIEU and I have undertaken has been assembled through these organizations' leadership.

Is the basin better off today than it has been for many years? Are there obvious signs of improvement? Has the grassroots campaign of the past 10 years been successful?

In 1995, pelicans were spotted again and their numbers are on the increase. In 1998, a sea turtle appeared, as well as two manatees. Now there are four manatees. This year, dolphins have been seen for the first time in 40 years.

The pelicans, manatees, dolphins and a sea turtle confirm that the hard work and commitment of citizens, the state and the local governments have improved the basin. With these successes in hand, it is vital to the basin's 5,000 square-mile ecosystem that the restoration work continue as vigorously as it has to this point.

The bill which Senator LANDRIEU and I have introduced would authorize a federal Lake Ponchartrain Basin Restoration Program, to be housed at the Environmental Protection Agency. A key component of the bill would be the authorization of federal funds for the restoration program. As important, the bill would direct the Federal Government to coordinate the restoration with the State and local agencies and organizations.

To carry out the Federal restoration program, the EPA would be directed to establish the Lake Ponchartrain Executive Council. Council members would include the EPA, the State of Louisiana, the Regional Planning Commission, the University of New Orleans, and the Lake Ponchartrain Basin Foundation.

The EPA, in cooperation with other Federal agencies, the State and local authorities, would assist the Council with the preparation of a comprehensive, multi-use watershed management plan to restore and protect the basin.

Federal grant funds and technical assistance would be available through the EPA. Certain planning, research, monitoring and voluntary restoration projects would be eligible for funding. In accordance with the management plan, the voluntary restoration projects would address various waste, runoff, discharge and water quality problems to improve the basin's watershed.

Also to be authorized for continued priority funding would be the New Orleans Inflow and Infiltration Project.

Lake Ponchartrain, the basin's namesake, is located in its midst. The lake plays a vital environmental, economic and quality of life role for the 1.5 million people who live around it in 16 Louisiana parishes. A 630 square-mile body of water, the lake is a major beneficiary of the basin's restoration.

Other beneficiaries of the restoration program would be the many species of fish, birds, mammals, reptiles and plants which are found in the basin.

Federal assistance should be provided for a watershed program of this size and impact to assist with the cost of the voluntary restoration projects as well as planning, research, and monitoring projects.

I commend all those who have organized and implemented the current basin restoration program over the past decade. They have given so much of their time, energy and support to make the basin environmentally healthier today than it has been for many years. All of them deserve the highest tribute and recognition.

It is my privilege and honor to serve on behalf of citizens who recognize a serious problem and work cooperatively to solve it and also to introduce legislation which would help them continue such a major undertaking.

For these reasons, I have joined with Senator LANDRIEU in cosponsoring the Lake Ponchartrain Basin Restoration Act of 1999. I urge the Senate's prompt consideration of the bill and look forward to working with other Senators on behalf of its passage.

I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 22, 1999, the Federal debt stood at $5,636,049,287,069.79 (Five trillion, six hundred thirty-six billion, forty-nine million, two hundred eighty-seven thousand, sixty-nine dollars and seventy-nine cents).

One year ago, September 22, 1998, the Federal debt stood at $5,515,819,000,000 (Five trillion, five hundred fifteen billion, eight hundred nineteen million).

Five years ago, September 22, 1994, the Federal debt stood at $4,666,417,000,000 (Four trillion, six hundred sixty-six billion, four hundred seventeen million).

Ten years ago, September 22, 1989, the Federal debt stood at $2,844,377,000,000 (Two trillion, eight hundred forty-four billion, three hundred seventy-seven million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,791,672,287,069.79 (Two trillion, seven hundred ninety-one billion, six hundred seventy-two million, two hundred eighty-seven thousand, sixty-nine dollars and seventy-nine cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 59

The Presiding Officer laid before the Senate the following message from the President of the United Sates, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

REPORT ON THE NATIONAL MONEY LAUNDERING STRATEGY FOR 1999—MESSAGE FROM THE PRESIDENT—PM 60

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105-310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1059. An act authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strength for such fiscal year for the Armed forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5303. A communication from the Public Relations Assistant, Panama Canal Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC-5304. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to administrative changes to the NASA Federal Acquisition Regulation Supplement, received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5305. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (121); Amdt. No. 1949 [9-14/9-16]" (RIN2120-AA65) (1999-0045), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5306. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 1949 [9-11/9-13]" (RIN2120-AA65) (1999-0044), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5307. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1946 (61)" (RIN2120-AA65) (1999-0042), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5308. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1946 (34)" (RIN2120-AA65) (1999-0043), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5309. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference-Docket No. 29334" (RIN2120-ZZ05) (1999-0001), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5310. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airport Name Change and Revisions of Legal Description of Class D, Class E2, and Class E4 Airspace Areas; Barbers Point NAS, HI; Correction and Delay of Effective Date; Docket No. 99-AWP-11 (9-14/9-16)" (RIN2120-AA66) (1999-0310), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5311. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Arlington, TX; Correction; Docket No. 99-ASO-16 (9-15/9-16)" (RIN2120-AA66) (1999-0311), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5312. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kansas City, MO; Docket No. 99-ACE-34 (9-13/9-13)" (RIN2120-AA66) (1999-0306), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5313. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bryan, OH; Docket No. 99-AGL-38 (9-14/9-16)" (RIN2120-AA66) (1999-0308), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5314. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Escanaba, MI; Correction: Docket No. 99-AGL-34 (9-14/9-16)" (RIN2120-AA66) (1999-0307), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5315. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sheridan, IN; Correction: Docket No. 99-AGL-31 (9-17/9-20)" (RIN2120-AA66) (1999-0312), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5316. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Orlando Class E Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL; Correction: Docket No. 99-AWA-4 (8-25/9-13)" (RIN2120-AA66) (1999-0303), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5317. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; North Platte, NE; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-33 (9-16/9-20)" (RIN2120-AA66) (1999-0313), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5318. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lawrence, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-35" (RIN2120-AA66) (1999-0314), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5319. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Winfield/Arkansas City, KS; Direct Final Rule; Request for Comments; Docket No. 99-ACE-44" (RIN2120-AA66) (1999-0309), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5320. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Sikeston, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-43" (RIN2120-AA66) (1999-0305), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5321. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Malden, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-42 (9-13/9-13)" (RIN2120-AA66) (1999-03045), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5322. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model 340 Series Airplanes; Request for Comments; Docket No. 99-NM-159 (9-15/9-16)" (RIN2120-AA64) (1999-0347), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5323. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes; Docket No. 989-NM-249 (9-15/9-16)" (RIN2120-AA64) (1999-0346), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5324. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model 340 Series Airplanes; Request for Comments; Docket No. 99-NM-175 (9-20/9-20)" (RIN2120-AA64) (1999-0350), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5325. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98-NM-251 (9-15/9-16)" (RIN2120-AA64) (1999-0349), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5326. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes; Docket No. 98-NM-278 (9-13/9-16)" (RIN2120-AA64) (1999-0345), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5327. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empressa Brasileira de Aeronatica SA Model EMB-120T and -120ER Series Airplanes; Docket No. 98-NM-263 (9-15/9-16)" (RIN2120-AA64) (1999-0343), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5328. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 Series Airplanes; Docket No. 00-NM-11 (9-15/9-16)" (RIN2120-AA64) (1999-0344), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5329. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes; Docket No. 98-NM-220 (9-15/9-16)" (RIN2120-AA64) (1999-0342), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5330. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Airworthiness Directives; Pilatus Aircraft Ltd. dels PC–12 and PC–13/45 Airplanes; Docket No. 98–CE–119 (9–17/9–20)" (RIN2120–AA64) (1999–0352), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5331. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corp. Model S76A, B, and C Helicopters; Request for Comments; Docket No. 99–SW–44 (9–17/9–20)" (RIN2120–AA64) (1999–0351), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5332. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; LET Aeronautical Works Model L–13 "Blanik" Sailplanes; Docket No. 99–CE–16 (9–17/9–20)" (RIN2120–AA64) (1999–0353), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5333. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors Series Reciprocating Engines; Request for Comments; Docket No. 99–NE–28 (9–15/9–16)" (RIN2120–AA64) (1999–0348), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5334. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation" (RIN2137–AD37), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5335. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elgin, OR)" (MM Docket No. 99–155, RM–9606), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5336. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hamilton City, CA; Lost Hills, CA; Maricopa, CA; Golden Meadow, LA)" (MM Docket No. 99–182, RM–9585, MM Docket No. 99–184, RM–9587, MM Docket No. 99–185, RM–9588, MM Docket No. 99–189, RM–9592), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5337. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dove Creek, CO; Hazelton, ID; Flagstaff, AZ; Kootenai, HI)" (MM Docket No. 99–203, RM–9621, MM Docket No. 99–205, RM–9624, MM Docket No. 99–210, RM–9629, MM Docket No. 99–213, RM–9641), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5338. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oceanside, CA; Encinitas, CA)" (MM Docket No. 99–170, RM–9545), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5339. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Berlin, NH; North Conway, NH)" (MM Docket No. 99–216, RM–9153), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5340. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations; OMB Control Numbers" (RIN0648–AJ70), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5341. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska", received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5342. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska", received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5343. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Trawl Deep-Water Species in the Gulf of Alaska", received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5344. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Large Coastal (LCS) Shark Species; Commercial Fishery Closure Change" (I.D. 052499C), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5345. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Large Coastal (LCS) Shark Species; Fishing Season Notification" (I.D. 052499C), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5346. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems" (RIN0648–AJ67) (I.D. 071698B), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5347. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Inseason Quota Adjustment" (I.D. 080999K), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5348. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of Angling Category Daily Retention Limit" (I.D. 082399A), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5349. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Drawbridge Operation Regulations (CGD01–99–162)" (RIN2115–AE47) (1999–0044), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5350. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Neuse River Bridge Dedication Fireworks Display, Neuse River, New Bern, NC (CGD05–99–079)" (RIN2115–AE46) (1999–0037), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5351. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Upper Mississippi River, Iowa and Illinois (CGD08–99–056)" (RIN2115–AE47) (1999–0043), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5352. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Biscayne Bay, Miami, FL (CGD07–99–063)" (RIN2115–AE46) (1999–0036), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5353. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, VA (CGD05–99–076)" (RIN2115–AE46) (1999–0035), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5354. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Movie Production, Gloucester, MA (CGD01-99-161)" (RIN2115-AA97) (1999-0060), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 99. A resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel James, III, 8248

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Thomas J. Fiscus, 5444

The following named United States Army officer for reappointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Henry H. Shelton, 4698

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Peter J. Gravett, 1602
Brig. Gen. Walter J. Pudlowski, Jr., 9303
Brig. Gen. Frederic J. Raymond, 7461

To be brigadier general

Col. Lewis E. Brown, 6735
Col. Dan M. Colglazier, 2443
Col. James A. Cozine, 4268
Col. David C. Godwin, 9388
Col. Carl N. Grant, 3245
Col. Herman G. Kirven, Jr., 2827
Col. Roberto Marrero-Corletto, 1485
Col. William J. Marshall III, 0946
Col. Terrill Moffett, 6766
Col. Harold J. Nevin, Jr., 6639
Col. Jeffrey L. Pierson, 9148
Col. Ronald S. Stokes, 9217
Col. Gregory J. Vadnais, 4304

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph W. Dyer, Jr., 0881

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bernard J. Pieczynski, 7222

(The above nominations were reported with the recommendation that the nominations be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS indicated, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Navy 243 nominations beginning Thomas K. Aanstoos, and ending Robert D. Younger, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 1999.

Air Force 25 nominations beginning Michael L. Colopy, and ending Eveline F. Yaotiu, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army 36 nominations beginning *Eric J. Albertson, and ending *Stanley E. Whitten, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army 11 nominations beginning Roger F. Hall, Jr., and ending Paul K. Wohl, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Navy 120 nominations beginning David M. Brown, and ending Paul W. Witt, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 1999.

Air Force 1 nomination of Thomas G. Bowie, Jr., which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Air Force 38 nominations beginning James W. Bost, and ending Grover K. Yamane, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 1 nomination of Robert A. Vigersky, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 2 nominations beginning Michael V. Kostiw, and ending David T. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 2 nominations beginning Robert S. Adams, and ending Jeffrey P. Stolrow, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 4 nominations beginning Jon A. Hinman, and ending *Glenn R. Scheib, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 10 nominations beginning James E. Cobb, and ending Curtis G. Whiteford, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 13 nominations beginning Herbert J. Andrade, and ending Nathan A.K. Wong, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 22 nominations beginning Richard P. Anderson, and ending Gary F. Wainwright, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 156 nominations beginning *Rodney H. Allen, and ending *Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps 1 nomination of Michael J. Dellamico, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps 1 nomination of Charles S. Dunston, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 764 nominations beginning Anibal L. Acevedo, and ending Steven T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 1159 nominations beginning Daniel A. Abrams, and ending John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 456 nominations beginning Marc E. Arena, and ending Antonio J. Scurlock, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1623. A bill to select a National Health Museum site; to the Committee on Governmental Affairs.

By Mr. WARNER:

S. 1624. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Norfolk; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1625. A bill to amend title XVIII of the Social Security Act to provide for a special reclassification rule for certain old agencies as new agencies under the home health interim payment system; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. NICKLES, Mr. BREAUX, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. BAYH):

S. 1626. A bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 1627. A bill to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1628. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1630. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD:

S. 1631. A bill to provide for the payment of the graduate medical education of certain interns and residents under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S.J. Res. 34. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1623. A bill to select a National Health Museum site; to the Committee on Governmental Affairs.

NATIONAL HEALTH MUSEUM SITE SELECTION ACT

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL HEALTH MUSEUM PROPERTY.

(a) Short Title and Purpose.—

(1) Short title.—This section may be cited as the "National Health Museum Site Selection Act".

(2) Purpose.—The purpose of this section is to further section 703 of the National Health Museum Development Act (20 U.S.C. 50 note; Public Law 105–78), which provides that the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia.

(b) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of General Services.

(2) Museum.—The term "Museum" means the National Health Museum, Inc., a District of Columbia nonprofit corporation exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) Property.—The term "property" means—

(A) a parcel of land identified as Lot 24 and a closed interior alley in Square 579 in the District of Columbia, generally bounded by 2nd, 3rd, C, and D Streets, S.W.; and

(B) all improvements on and appurtenances to the land and alley.

(c) Conveyance of Property.—

(1) In general.—The Administrator shall convey to the Museum all rights, title, and interest of the United States in and to the property.

(2) Purpose of conveyance.—The purpose of the conveyance is to provide a site for the construction and operation of a new building to serve as the National Health Museum, including associated office, educational, conference center, visitor and community services, and other space and facilities appropriate to promote knowledge and understanding of health issues.

(3) Date of conveyance.—

(A) Notification.—Not later than 3 years after the date of enactment of this Act, the Museum shall notify the Administrator in writing of the date on which the Museum will accept conveyance of the property.

(B) Date.—The date of conveyance shall be—

(i) not less than 270 days and not more than 1 year after the date of the notice; but

(ii) not earlier than April 1, 2001, unless the Administrator and the Museum agree to an earlier date.

(C) Effect of failure to notify.—If the Museum fails to provide the notice to the Administrator by the date described in subparagraph (A), the Museum shall have no further right to the property.

(4) Quitclaim deed.—The property shall be conveyed to the Museum vacant and by quitclaim deed.

(5) Purchase price.—

(A) In general.—The purchase price for the property shall be the fair market value of the property as of the date of enactment of this Act.

(B) Timing; appraisers.—The determination of fair market value shall be made not later than 180 days after the date of enactment of this Act by qualified appraisers jointly selected by the Administrator and the Museum.

(D) Report to congress.—Promptly upon the determination of the purchase price, and in any event at least sixty days in advance of the conveyance of the property, the Administrator shall report to Congress as to the purchase price.

(E) Deposit of purchase price.—The Administrator shall deposit the purchase price into the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(d) Reversionary Interest in the United States.—

(1) In general.—The property shall revert to the United States if—

(A) during the 50-year period beginning on the date of conveyance of the property, the property is used for a purpose not authorized by subsection (c)(2);

(B) during the 3-year period beginning on the date of conveyance of the property, the Museum does not commence construction on the property, other than for a reason not within the control of the Museum; or

(C) the Museum ceases to be exempt from Federal income taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(2) Repayment.—If the property reverts to the United States, the United States shall repay the Museum the full purchase price for the property, without interest.

(e) Authority of Museum Over Property.—The Museum may—

(1) demolish or renovate any existing or future improvement on the property;

(2) build, own, operate, and maintain new improvements on the property;

(3) finance and mortgage the property on customary terms and conditions; and

(4) manage the property in furtherance of this section.

(f) Land Use Approvals.—

(1) Effect on other authority.—Nothing in this section shall be construed to limit the authority of the National Capital Planning Commission or the Commission of Fine Arts.

(2) Cooperation concerning zoning.—

(A) In general.—The United States shall cooperate with the Museum with respect to any zoning or other matter relating to—

(i) the development or improvement of the property; or

(ii) the demolition of any improvement on the property as of the date of enactment of this Act.

(B) Zoning applications.—Cooperation under subparagraph (A) shall include making, joining in, or consenting to any application required to facilitate the zoning of the property.

(g) Environmental Hazards.—Costs of remediation of any environmental hazards existing on the property, including all asbestos-containing materials, shall be borne by the United States. Environmental remediation shall commence immediately upon the vacancy of the building and shall be completed not later than 270 days from the date of the notice to the Administrator described in subsection (c)(3)(A).

(h) Reports.—Following the date of enactment of this Act and ending on the date that the National Health Museum opens to the public, the Museum shall submit annual reports to the Administrator and Congress, regarding the status of planning, development, and construction of the National Health Museum.

By Mr. WARNER:

S. 1624. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Norfolk; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "NORFOLK"

Mr. WARNER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel NORFOLK, United States official number 1077852.

By Ms. SNOWE:

S. 1625. A bill to amend title XVIII of the Social Security Act to provide for a special reclassification rule for certain old agencies as new agencies under the home health interim payment system; to the Committee on Finance.

MEDICARE HOME HEALTH CARE

• Ms. SNOWE. Mr. President, I rise today to offer legislation that will remedy a problem facing one of Maine's home health agencies—Home Health & Hospice of St. Joseph, in Bangor, Maine. This bill would reclassify Home Health & Hospice of St. Joseph as a "new agency" under the Medicare Home Health Interim Payment System, allowing it a higher per-beneficiary rate.

When Congress passed the Balanced Budget Act, the intention was to modestly control the dramatic growth rate of home health care agencies. But the broad financing constraints and administrative regulations codified in the Balanced Budget Act have had unintended consequences. Almost every week I hear concerns from home care agencies in Maine about the implementation of regulations and restrictions on these agencies.

Since enactment of the Balanced Budget Act, many of our home healthcare agencies have found themselves in a position of financial insolvency. Nationwide, more than 2,000 agencies have closed since BBA's passage. The State of Maine had 90 Medicare/Medicaid certified home health care agencies in the beginning of 1998. By the beginning of 1999, 16 of those agencies had closed.

At the time of the BBA's enactment, the Congressional Budget Office expected home health care expenditures to drop by $75 billion over ten years. In March of this year, CBO examined the Medicare program expenditures of the home health agencies and increased the expected savings by $56 billion—a three-quarter increase over the same ten years!

As a component of the general funding reductions enacted by the Balanced Budget Act, the law created detailed regulations in determining agency per-beneficiary payment limits. These regulations have had several unforeseen and unintended consequences when applied to real-life agencies.

Home Health & Hospice of St. Joseph serves over 700 patients in Bangor, Maine and the surrounding area. Under the BBA, per-patient cost reimbursement is based solely on cost reporting ending in fiscal year 1994. Unfortunately for Home Health & Hospice of St. Joseph—an established and vital component of Bangor's health care system—fiscal year 1994 was an unprecedented period of clinical and financial upheaval. As a result of these problems, the agency's per-patient reimbursement limitation is artificially low. And in spite of the extensive clinical and financial reforms enacted during this unique and transitional period, the cost data for this one year is significantly and permanently flawed.

As a result of the anomalous cost report, the Medicare payment amount for Home Health & Hospice of St. Joseph is only 59 percent of the true costs of treating each patient. For every patient the agency treated in 1998, it lost $1,148. The agency is a cost effective home health care agency: its actual per-patient cost of $2,752 is substantially below the national medial of approximately $3,200. Unfortunately, St. Joseph's anticipates an aggregate loss of $780,000 for its service to Medicare patients over 1998. Simply put, they cannot sustain such a deep loss of funding and continue to operate.

Mr. President, I introduce this bill today in order to address the problem faced by Home Health & Hospice of St. Joseph. This legislation will reclassify Home Health & Hospice of St. Joseph as a "new agency" under the BBA, and is targeted to St. Joseph's. Mr. President, my state relies on home health agencies for much of its healthcare, and we cannot face the prospect of losing such a fine agency.•

By Mr. HATCH (for himself, Mr. NICKLES, Mr. BREAUX, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. BAYH):

S. 1626. A bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the Medicare Program, and for other purposes; to the Committee on Finance.

THE MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce the Medicare Patient Access to Technology Act of 1999. I am pleased to be joined by the distinguished Assistant Majority Leader, Senator NICKLES, and Senators BREAUX, GRASSLEY, MURKOWSKI, and BAYH in introducing this legislation.

While we all recognize that medical technologies and treatments are improving the lives of millions of Americans daily, gaining access to these innovations is becoming more difficult. Each day, new implantable medical devices are correcting or repairing failing organ systems in patients. People are receiving new tests that permit the diagnosis of diseases in their earliest stages without the use of surgery or other more complicated procedures. Tens of thousands of individuals owe their lives to small, powerful miniature devices that monitor and regulate vital physiological functions and allow patients to live more productive lives.

The latest advances in pharmaceutical and biologics are not only extending the length of life, but significantly improving the quality of life for hundreds of millions of people. Lifesaving and life-enhancing innovations must be available to all Americans, and it is our duty to ensure that those patients who need them most, America's nearly 40 million Medicare beneficiaries, have access to them.

As part of the Balanced Budget Act (BBA) of 1997, we authorized the Health Care Financing Administration (HCFA) to adjust periodically Medicare's coverage and payment systems to account for changes in technology, treatment, and medical care. Unfortunately, without Congressional input, there is no guarantee that these expedited procedures will take place.

The Medicare Patient Access to Technology Act of 1999 has arisen out of growing evidence that without intervention, Medicare beneficiaries will be denied access to the most modernized treatments and innovations in health care.

After medical technologies, devices, and drugs are approved by the Food and Drug Administration, they still must meet several critical HCFA requirements before they are available to Medicare beneficiaries.

First, before technologies are approved by HCFA for reimbursement, they must be covered, that is fulfill the definitions of "reasonable and necessary." Second, they must have an identifying procedure code. New device technologies receive this "procedure code," a four or five digit identification number that allows health care providers to submit claims to payers. Finally, the technologies must be reimbursed through one of Medicare's payment systems. The problems arise because each of these levels is plagued by inefficiency, coding delays, and lack of data usage by HCFA.

My legislation addresses these concerns in five specific ways.

First, Medicare payment levels and payment categories will be adjusted at least annually to reflect changes in medical practice and technology. A recent Institute of Medicine study reported that most medical technologies have an average life span of 18 months with many modernizations occurring rapidly. These innovations must, therefore, be rapidly processed so that they are accessible to beneficiaries. While BBA 97 authorized HCFA to adjust payment systems "periodically" to account for changes in technology, there is little promise that this will occur in a systematic, timely and beneficial manner.

My bill requires HCFA to review and revise payment categories and payment levels for all prospective payment systems (PPS) at least annually. These prospective payment systems include hospital inpatient and outpatient, physicians, ambulatory surgery facility services. It also calls for public input on the review process.

Second, this legislation mandates that valid external sources of information be used to update payment categories if Medicare's data are limited in scope or, are not yet available. Traditionally, HCFA has only used its own data set, known as the Medicare Provider Analysis and Review (MEDPAR) data systems, to evaluate a given technology before assigning an appropriate code. The average waiting period for the assignment of a new code is 18 months or longer.

Furthermore, HCFA refuses to consider partial year or externally generated data in its decision-making processes. My bill directs HCFA to use external sources of data on the cost, charges and use of medical technologies. This language allows HCFA to utilize high quality data from private insurers, manufacturers, suppliers, providers, and other sources.

Third, my legislation will require that national procedure codes are updated more frequently to reduce delays in accessing new technologies. Currently, new products must have an identification code before they are eligible for appropriate reimbursement by Medicare. Assigning this code can take 18 months or longer because of the way HCFA has structured its calendar year. This legislation allows HCFA to accept applications quarterly, on a rolling basis, thereby allowing the processing of new technologies throughout the year instead of bundling them at one annual submission.

Furthermore, the Medicare Patient Access to Technology Act will eliminate the HCFA requirement that new products be on the market for six months before they are eligible for a new code. This provision will ensure that new technologies are brought to Medicare beneficiaries more rapidly.

Fourth, the bill guarantees that local procedure codes for medical technologies will continue to be used. HCFA has proposed to eliminate Common Procedure Coding System (HCPCS) Level III Local Codes beginning in 2000 and replace it with the Level II National Codes. This is potentially detrimental to new technologies that are often introduced into local, smaller health care systems before they are expanded into nationwide markets. Without the Level III Local Codes, new technologies must be placed into a "miscellaneous" code that is often rejected by payers thereby denying access of the technology to beneficiaries. The maintenance of the current system will ensure that technologies will be encoded at the earliest possible date and processed before moving to the national level.

Finally, the legislation authorizes HCFA to create an Advisory Committee on Medicare Coding and Payment. As a result, when HCFA has to make coding and payment decisions, it will be prompt, permit public participation, and will guarantee Medicare beneficiaries access to the highest quality products and services. The panel would ensure that safe medical technologies are approved, covered, coded and paid by Medicare as expeditiously as possible.

In addition to the above authorizations, the Medicare Patient Access to Technology Act proposes several refinements to the Administration's proposed outpatient prospective payment system (PPS). The legislation affects three changes to HCFA's implementation of the Balanced Budget Act (BBA) of 1997.

The first change mandates HCFA to restructure the proposed ambulatory payment classification (APC) system to create groups of procedures that are more similar in cost and most closely related clinically. The current HCFA proposal would create unusual financial incentives that would clearly discourage the use of the most appropriate, cutting-edge technology. Furthermore by grouping very disparate technologies, hospitals will face serious underpayments for certain procedures. I believe that illogical categorization creates disincentives to use newer, but more expensive products and procedures that provide far superior patient care.

The second change mandates that HCFA retain the current cost-based system for another four years to compile the cost studies and use data and conduct the analysis necessary to classify them in the appropriate APC. The development of these data sets are mandatory and without proper clarification. Therefore, these products could receive substantial underpayment, and, as a result, patient access to newer procedures and products could be limited.

Third, the implantable medical technologies should be reimbursed under the new APCs along with other similar medical technologies. They should not be reimbursed through the durable medical technology fee schedule. By placing the implantables within the DME propective payment system, the fee schedule will lock implantables into defined categories that will limit their use and inhibit their access to seniors. By placing them into the proposed APCs with the other medical devices, they will be treated as other new, innovative medical technologies.

Again, I am pleased to be joined by my Senate colleagues, Senators NICKLES, BREAUX, GRASSLEY, MURKOWSKI, and BAYH, in introducing this important piece of legislation. This bill supports both our Medicare beneficiaries and our technology, pharmaceutical, and biotechnical industries by continuing to promote life-enhancing innovations. I firmly believe that these significant improvements to our Medicare coding and payment systems will increase the access to modern medical innovation to Americans who need them most, our senior citizens.

Mr. President, I urge my colleagues to join us in support of this important legislation.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1628. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICARE PHYSICIAN WORKFORCE IMPROVEMENT ACT OF 1999

S. 1630. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health; Education, Labor, and Pensions.

GERIATRICIANS LOAN FORGIVENESS ACT OF 1999

Mr. REID. Mr. President, I rise today to introduce two pieces of legislation that address our national shortage of geriatricians. I am pleased that Senators GRASSLEY, HARKIN and CLELAND are joining me as original cosponsors.

Our nation is growing older. Today, life expectancy is 79 years for women, and 73 years for men. While the population of the United States has tripled since 1900, the number of people age 65 or older has increased eleven times—to more than 33 million Americans. One-third of all health care costs can be attributed to this group. The fastest growing part of the Medicare population—those over 85—number more than three-and-a-half million. But, according to reports from the Institute of Medicine, the National Institute on Aging, and the Council on Graduate Medical Education, the number of doctors with special training to meet the needs of the oldest and frailest Americans is in critically short supply.

I first became concerned about this problem when I read a report issued by the Alliance for Aging Research in May of 1996 entitled, "Will You Still Treat Me When I'm 65?" The report concluded that there are only 6,784 primary-care physicians certified in geriatrics. This number represents less than one percent of the doctors in the United States. The report goes on to state that the United States should have at least 20,000 physicians with geriatric training to provide appropriate care for the current population, and as many as 36,000 geriatricians by the year 2030 when there will be close to 70 million older Americans.

I first introduced legislation to address the national shortage of geriatricians during the 105th Congress. While I am encouraged that greater attention has been focused on this issue, little has been accomplished to improve the shortage of geriatricians. The two bills I am introducing today, the "Medicare Physician Workforce Improvement Act" and the "Geriatrician Loan Forgiveness Act of 1999" aim—in modest ways and at very modest cost—to encourage an increase in the number of the doctors Medicare clearly needs, those with certified training in geriatrics.

One provision of the "Medicare Physician Workforce Improvement Act of 1999" will allow the Secretary of Health and Human Services to double the payment made to teaching hospitals for geriatric fellows. This provision is limited to a maximum of 400 individuals in any calender year. This is intended to serve as an incentive to teaching hospitals to promote and recruit geriatric fellows.

Another provision of the Medicare Physician Workforce Improvement Act would direct the Secretary of Health and Human Services to increase the number of certified geriatricians appropriately trained to provide the highest quality care to Medicare beneficiaries in the best and most sensible settings by establishing up to five geriatric medicine training consortia demonstration projects nationwide. In short, this would allow Medicare to pay for the training of doctors who serve geriatric patients in the settings where this care is so often delivered. Not only in hospitals, but also ambulatory care facilities, skilled nursing facilities, clinics and day treatment centers.

The second bill I am offering today, "The Geriatricians Loan Forgiveness Act of 1999," has but one simple provision. That is to forgive $20,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry. My bill would count their fellowship time as obligated service under the National Health Corps Loan Repayment Program.

While almost all physicians care for Medicare patients, many are not familiar with the latest advances in aging research and medical management of the elderly. Too often, problems in older persons are misdiagnosed, overlooked or dismissed as the normal function of aging because doctors are not trained to recognize how diseases and impairments might appear differently in the elderly than in younger persons. As a result, patients suffer needlessly, and Medicare costs rise because of avoidable hospitalizations and nursing home admissions.

A physician who takes special training in the care of the elderly becomes sensitive to the need to evaluate and address the patient's behaviors and moods, as well as her physical symptoms. This is especially important, as the rates of undiagnosed depression and suicide among the elderly are scandalous. By allowing doctors who pursue certification in geriatric medicine to become eligible for loan forgiveness, and by offering an incentive to teaching institutions to promote geriatric fellowships, my bills will provide a measure of incentive for top-notch physicians to pursue fellowship training in this vital area.

Increasing the number of certified geriatricians will not be easy for a number of reasons. Geriatrics is the lowest paid medical specialty, because the extra time required for effective and compassionate treatment of the elderly is barely reimbursed by Medicare and other insurers. It takes a special individual to commit himself or herself to the work of helping older patients preserve vitality and functional abilities over time. Often the goal for a geriatrician is not to cure disorders, but to delay the onset of disability—that is, simply to help seniors live as well as possible. For these reasons, existing slots in geriatrics training programs sometimes go unfilled today. But while the work may be difficult and not well compensated, protecting quality of life for the elderly is extraordinarily important, and we need physicians whose training explicitly recognizes that.

It is similarly difficult for teaching programs to build and remain committed to maintaining fellowship training in geriatric medicine, because geriatric faculty are scarce and the type of patients brought in by a training program often require extremely complex and high cost care. Simply, it is cheaper to train other specialties, and more lucrative in terms of graduate medical education payments to the hospital. In fact, there are only two departments of geriatrics at academic medical centers across the entire country.

Another barrier to alleviating the shortage of geriatricians is the result of an unintended consequence of the Balanced Budget Act of 1997 (BBA). A provision in this law established a hospital-specific cap on the number of residents based on the number of residents in the hospital in 1996. Because a lower number of geriatric residents existed prior to December 31, 1996, these programs are underrepresented in the cap baseline. The implementation of this cap has resulted in the reduction of, and in some cases, the elimination of geriatric training programs. This is one obstacle that should not be overlooked when Congress considers legislation to correct some of the unintended consequences of the BBA.

When it comes to training the doctors we need, Medicare's current payment system is part of the problem, not part of the solution. The Medicare Payment Advisory Commission's (MEDPAC) August 1999 report to Congress entitled "Rethinking Medicare's Payment Policies for Graduate Medical Education and Teaching Hospitals" examines this very issue. According to the MEDPAC report:

> Where Medicare does not pay for services generally associated with a particular specialty, it may discourage training. For example, although several studies have indicated an inadequate supply of geriatricians, the number of geriatric training slots exceeds the number of people who choose to enter the specialty. This may reflect a lack of payment for services such as palliative care and geriatric assessment.

Clearly, the incentives in Medicare's payment system are poorly aligned when training doctors specifically to care for the elderly is avoided. Again, my bill provides a modest incentive for hospitals to increase the number of training slots available.

Medicare should be providing incentives to community-based programs to participate in the education of doctors, especially geriatricians, by directing graduate medical education payments appropriately to all facilities that incur the additional costs of providing training. My bill directs the Secretary to undertake up to five demonstration projects that will do just that.

Many reports have highlighted the shortage of geriatricians we have today. The response to the problem needs to be a national one, and it would be most unwise to simply hope that the labor market will produce the kinds of doctors we will increasingly need. I am especially grateful to the American Geriatrics Society for its assistance in discussing ways to address the problem. I believe that the Medicare Physician Workforce Improvement Act and the Geriatrician Loan Forgiveness Acts are steps in the right direction, and I ask my colleagues to join me in supporting these bills.

I ask unanimous consent that letters of support from the American Geriatrics Society and the Alliance for Aging Research be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN GERIATRICS SOCIETY,
New York, NY, September 17, 1999.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, offers our strongest support to the Medicare Physician Workforce Improvement Act of 1999 and the Geriatricians Loan Forgiveness Act of 1999.

The AGS is dedicateed to improving the health and well being of all older adults. While we provide primary care and supportive services to all patients, the focus of geriatric practice is on the frailest and most vulnerable elderly. The average age of a geriatrician's caseload exceeds 80, and our patients often have multiple chronic illnesses. Given the complexity of medical and social needs among our nation's elderly, we are strongly commited to a multi-disciplinary approach to providing compassionate and effective care to our patients.

As you know, America faces a critical shortage of physicians with special training in geriatrics. Even as the 76 million persons of the baby boom generation reach retirement age over the next 15 to 20 years, the number of certified geriatricians is declining. In fact, the August 1999 MedPAC report noted the shortage in geriatricians, despite the availability of training positions. The

MedPAC report noted that the shortage is caused by faulty system incentives, such as inadequate Medicare reimbursement to geratricians. By providing modest incentives—which will encourage teaching hospitals to increase the number of training fellowships in geriatric medicine and psychiatry, provide loan assistance to physicians who pursue such training, and support development of innovative and flexible models for training in geriatrics—your bills present very positive steps toward reversing that trend.

The AGS has been pleased to work closely with your office to develop initiatives to preserve and improve the availability of highest quality medical care for our oldest and most vulnerable citizens. We believe that the "Medicare Physician Workforce Improvement Act" and the "Geriatricians Loan Forgiveness Act" represent a cost-effective approach to training the physicians our nation increasingly will need. We commend you for your leadership on an issue of such vital importance to the Medicare program and our elderly citizens.

Sincerely,

JOSEPH G. OUSLANDER, M.D.,
President.

ALLIANCE FOR AGING RESEARCH,
Washington, DC, September 23, 1999.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: As the Executive Director for the Alliance for Aging Research, an independent, not-for-profit organization working to improve the health and independence of older Americans, I am writing in support of the "Medicare Physician Workforce Improvement Act" and the "Geriatricians Loan Forgiveness Act."

The Alliance has worked for many years to bring attention to the critical need for more geriatricians, those physicians who are trained to address the complex needs of older patients. Best estimates suggest that there is a need for at least 20,000 geriatricians at present and nearly 40,000 by the year 2030 to care for the graying baby boomers. Not only are we far short of current needs, with less than 7,000 geriatricians in practice, but far too few doctors in training are choosing this field.

The two bills you are introducing represent important first steps in solving this problem.

In addition to increasing the number of physicians trained in geriatrics, we need to develop a strong cadre of academics and researchers within our medical schools to help mainstream geriatrics into both general practice and specialties. Increasing the number of fellowship positions in geriatric medicine will improve the situation.

We must have this kind of support and commitment from the federal government, along with private and corporate philanthropy if we are to sufficiently provide care for our aging population. The Alliance for Aging Research is encouraged by your leadership and support in this area and we look forward to working with you to bring these issues before Congress.

Best regards,

DANIEL PERRY,
Executive Director.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Energy and Natural Resources.

OREGON LAND EXCHANGE

• Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to introduce legislation which would facilitate two exchanges of public and private lands in my home State of Oregon: the Triangle Land Exchange and the Northeast Oregon Assembled Land Exchange (NOALE). In terms of acreage, approximately 54,000 acres of BLM and Forest Service land is proposed to be traded for nearly 50,000 acres currently held by private landowners in northeast Oregon. As a result of 4½ years of delays with administrative process, there is enormous support from my constituents for a legislative resolution to the exchange.

Both the government and the public have deeply rooted interests in this exchange. Federal agencies are seeking to acquire sensitive river corridors which will improve the efficiency of their protection efforts for threatened and endangered fish. Currently, many of these selected lands are intermingled with private parcels and make resource management difficult for the agencies. As you know, the improvement of fish-bearing streams and riparian areas is critical to the survival of many struggling species of fish in the Northwest.

Communities and landowners will also benefit from these exchanges. Each and every aspect, from the consolidation of ownership patterns to the release of previously inaccessible timber stands, will boost local economies and enhance the ability of the private sector to manage its own lands.

In addition, these land exchanges have received the strong collective support of several Oregon Indian tribes; conservation groups such as the Oregon Natural Desert Association, Oregon Trout and the Sierra Club; the Governor and scores of concerned citizens at large.

While these exchanges hold enormous benefit for all interested parties and for Oregon's natural resources, it is apparent that the only sure means of completing them is through legislation. Mr. President, I am hopeful that the Senate will take this opportunity and support my colleague from Oregon and me in the swift passage of legislation to facilitate the Triangle and Northeast Oregon Assembled Land Exchanges.•

By Mr. CONRAD:

S. 1631. A bill to provide for the payment of the graduate medical education of certain interns and residents under title XVIII of the Social Security Act; to the Committee on Finance.

GRADUATE MEDICAL EDUCATION FAIR TECHNICAL AMENDMENT ACT OF 1999

• Mr. CONRAD. Mr. President, today I am pleased to introduce the Graduate Medical Education Fair Technical Amendment Act of 1999. This legislation will take important steps to sustain and improve the availability of medical professionals in communities in my State.

Mr. President, as you know, the Balanced Budget Act of 1997 (BBA) included many measures to control rising health care spending, including provisions that reduced the level of resources for graduate medical education. In particular, the BBA set a limit on the amount of medical residents for which teaching hospitals can receive reimbursement. This cap was set according to the number of medical residents on staff as of December 31, 1996. While this reimbursement limit has helped to contribute to the overall savings generated by the BBA, I am concerned that it has unfairly limited the ability of certain programs to adequately train future health care providers.

Over the last few years, we have heard much discussion about the issue of physician oversupply. As you may know, various experts suggest that the true problem regarding physician supply is an unequal distribution of physicians across the country. In my State of North Dakota, for example, more than 85 percent of the counties are in health professional shortage areas. There certainly isn't a physician oversupply in my state—we are grateful for the health care providers serving our communities and we are grateful to have facilities with the capability to train medical residents.

Recently, it came to my attention that one of the teaching hospitals in my State had committed to training an increased level of medical residents. This situation arose because another facility in my State was no longer able to offer these residents an adequate training experience. The facility's decision to take on the new residents was important—while we cannot guarantee that physicians trained in my State will pursue permanent practice in the State, we know that providers are more likely to serve where they are trained. And it is important to note that the University of North Dakota produces a higher percentage of graduates who practice in rural settings than any medical school in the Nation.

The facility took on these residents assuming that they would receive adequate Medicare graduate medical education reimbursement to train these individuals. Unfortunately, retroactively set BBA limits capped the allowable reimbursement level just prior to the time the residents in question came on board. Thus, the facility was already committed to training these residents but the funds they depended on to do so were no longer available. The result of this situation is that the entire graduate medical residency program is suffering and I am concerned tat this could result in reduced services for beneficiaries.

The legislation I introduce today will correct the unintended consequence of the BBA by allowing a technical adjustment to medical resident caps in certain situations. I am confident this legislation will help ensure we have adequate resources to meet our health care needs well into the future. I urge my colleagues to support this important effort.•

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound; to the Committee on Environment and Public Works.

REAUTHORIZATION OF THE LONG ISLAND SOUND OFFICE

• Mr. LIEBERMAN. Mr. President, I rise today to introduce a reauthorization bill of critical importance to the future of Connecticut's most valuable natural resource, the Long Island Sound. This bill, which I offer with my colleagues Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN, reauthorizes the Long Island Sound Office through the year 2005, and increases the grant authorization amount to $10 million.

The Long Island Sound is among the most complex estuaries in the National Estuary Program, both in terms of the physical features and scientific understanding of the estuary system, and in the context of ecosystem management. Unlike most estuaries, Long Island Sound has two connections to the sea. Rather than having a major source of fresh water at its head, flowing into a bay that empties into the ocean, Long Island Sound is open at both ends, flowing to the Atlantic Ocean to the east and to New York Harbor to the west. Most of its fresh water comes from a series of south-flowing rivers, including the Connecticut River, the Housatonic, and the Thames, whose drainages reach as far north as Canada. The Sound's 16,000 square mile drainage basin also includes portions of New York City and Westchester, Nassau, and Suffolk Counties in New York State. The Sound combines this multiple inflow/outflow system with a diverse and complex shoreline, and an uneven bottom topography. Taken together, they produce unique and complex patterns of tide and currents.

The interaction between the Sound and the local human population is also complex. The Sound is located in the midst of the most densely populated region of the United States. In total, more than 8 million people live in the Long Island Sound watershed and millions more flock yearly to the Sound for recreation. The Sound provides many other valuable uses, such as cargo shipping, ferry transportation and power generation. It is largely because the Sound serves such a concentrated population that the economic benefits of preserving and restoring the Sound are so substantial. More than $5.5 billion is generated annually in the regional economy from water quality-dependent activities such as boating, commercial and sport fishing, swimming, and beach going.

In 1994, the Long Island Sound Management Conference, sponsored by the EPA, the New York State Department of Environmental Conservation, and the Connecticut Department of Environmental Protection, completed a $15 million Comprehensive Conservation and Management Plan (CCMP). That plan was adopted by the Governors of New York and Connecticut and the EPA Administrator.

The EPA Long Island Sound Office coordinates the implementation of the plan among the many program partners, consistent with the Long Island Sound Improvement Act of 1990. The office is small, staffed by two EPA employees, whose salaries are covered by EPA's base budget, and a Senior Environmental Employment Program secretary. In addition, the office supports two outreach positions, with one in each state. It avoids duplicating existing efforts and programs, instead focusing on better coordination of federal and state funds, educating and involving the public in the Sound cleanup and protection, and providing grants to support implementation of the Long Island Sound restoration effort. By coordinating the activities of numerous stakeholders involved in the Sound's management program, in addition to serving as an educational and informational interface with the public, the Long Island Sound office provides an integral local outreach and meeting point.

While the quality of the Sound has improved dramatically over the years, there is still much work to be done. Implementation of the CCMP will help restore fish populations that have been impacted by hypoxia, will improve and restore degraded wetlands, and will begin to address the toxic mercury pollution that has lead to health advisories for fish consumption in many of the Sound's waters. Specific near term goals of the office include reducing nitrogen loadings which degrade water quality by depleting the Sound of oxygen, supporting local watershed protection efforts to reduce nonpoint source pollution, monitoring and expanding scientific understanding of the Sound, and educating the public and regional stakeholders about the sound and cleanup activities. Federal, State, and private funds have been well-spent over the years to research the conditions in the Sound and to identify conservation needs. We are now moving to apply critical funding toward implementing these projects, directly improving the water quality and habitat of the Long Island Sound.

Overall, recent federal funding of the program and the office are small relative to state commitments. New York State has approved $200 million for Long Island Sound as part of a $1.75 billion bound act. Connecticut has awarded more than $200 million in the past three years to support upgrades at sewage treatment plants and is a national leader on wetlands restoration. The Long Island Sound Office now faces a daunting task, orchestrating a multibillion dollar effort to implement efforts to reduce nitrogen loadings that degrade the waters of the Sound. The modest increase in the authorization levels, and the reauthorization of the Long Island Sound Office, therefore represent timely, important contributions to the cooperative regional effort to restore the waters of the Long Island Sound.•

By Ms. SNOWE:

S.J. Res. 34. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on the Judiciary.

VFW DAY JOINT RESOLUTION

• Ms. SNOWE. Mr. President, I rise today to introduce legislation honoring the centennial of the Veterans of Foreign Wars (VFW) of the United States, which will occur on the 29th of this month.

Earlier this year, the Senate passed my legislation designating September 29, 1999, as "National VFW Day." I would like to express my sincere appreciation to my colleagues for joining me in honoring the more than 2 million members of the VFW, and urge the approval of this legislation, which congratulates all members of the VFW on the occasion of the organization's centennial. Similar legislation passed the House on June 29 and awaits approval by the Senate. I hope that we can pass this legislation before September 29 in order to pay tribute to these brave protectors of liberty.

As I indicated, September 29, 1999, marks the centennial of the VFW. As veterans of the Spanish-American War and the Philippine Insurrection of 1899 and the China Relief Expedition of 1900 returned home, they drew together in order to preserve the ties of comradeship forged in service to their country.

They began by forming local groups to secure rights and benefits for the service they rendered to our country. In Columbus, OH, veterans founded the American Veterans of Foreign Service. In Denver, CO, veterans started the Colorado Society of the Army of the Phillippines. In 1901, the Philippine War Veterans organization was started by the Philippine Veterans in Altoona and Pittsburgh, PA. In 1913, these varied organizations with a common mission joined forces as the Veterans of Foreign Wars of the United States. I am truly honored to salute this proud organization.

The joint resolution I am introducing today recognizes the unselfish service

VFW members have rendered over the last 100 years to the Armed Forces, to our communities, and other veterans. It also highlights the historic significance of this important day in the lives of so many veterans, and calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to our Nation.

I have nothing but the utmost respect for those who have served their country. With this legislation, we say "thank you" the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is but a small token of our appreciation.

The centennial of the founding of the VFW will present all Americans with an opportunity to honor and pay tribute to the VFW and to all veterans. I thank my colleagues for joining me in a strong show of support and an expression of thanks to the VFW and all veterans.●

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long- term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans.

S. 53

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 53, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers and a partial dividend income exclusion for individuals, and for other purposes.

S. 329

At the request of Mr. ROBB, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 371

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 371, a bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 660

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Florida (Mr. MACK) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1016, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1053

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Idaho (Mr. CRAIG), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1333

At the request of Mr. BENNETT, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1333, a bill to expand homeownership in the United States.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. GRAMM), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1449

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Washington (Mr. GORTON) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1517

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1517, a bill to amend title XVIII of the Social Security Act to ensure that Medicare beneficiaries have continued access under current contracts to managed health care by extending the Medicare cost contract program for 3 years.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1568

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE JOINT RESOLUTION 1

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 172

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1744

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 1744 proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1747

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 1747 proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1755

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. DASCHLE), the Senator from Delaware (Mr. ROTH), the Senator from California (Mrs. BOXER), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of amendment No. 1755 intended to be proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

ASHCROFT AMENDMENT NO. 1787

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) FINDINGS.—Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

(b) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(c) ELEMENTS.—The plan under subsection (b) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(d) Consultation.—In developing the plan under subsection (b), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(e) Implementation.—The Secretary shall implement the plan under subsection (b) commencing 60 days after the date of the submittal of the plan under that subsection.

(f) Modification.—(1) The Secretary may modify the plan submitted under subsection (b).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(g) Reports.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (b) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (c)(4) are being achieved.

CLELAND AMENDMENT NO. 1788

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 11, line 11, strike "$97,256,000" and insert "$99,756,000, of which $500,000 shall be available for development of national cemeteries in each of the areas of Atlanta, Georgia, southwestern Pennsylvania, Miami, Florida, Detroit, Michigan, and Sacramento, California".

On page 11, line 19, strike "$43,200,000" and insert "$40,700,000".

WELLSTONE AMENDMENT NO. 1789

Mr. WELLSTONE proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

Sec. 108. (a) Findings.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called "atomic veterans", patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) Sense of Senate.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, September 23, 1999. The purpose of this meeting will be to (1) to examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 23, 1999, to conduct a mark-up on the committee print of the Export Administration Act and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 23, for purposes of conducting a full committee hearing entitle "Y2K—Will the Lights Go Out," which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nominations hearing Thursday, September 23, 3 p.m., Hearing Room (SD-406), to receive testimony from the following: Dr. Richard A. Meserve, nominated by the President to be a Member of the Nuclear Regulatory Commission; Dr. Paul L. Hill, Jr., to be Member and Chairperson of the Chemical Safety and Hazard Investigation Board; and Major General Phillip R. Anderson, U.S. Army, to be a Member and President, Mr. Sam Epstein Angel, to be a Member, and Brigadier General Robert H. Griffin, U.S. Army, to be a Member, of the Mississippi River Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 23, 1999, at 3:30 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 23, 1999 beginning at 10 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 23, 1999 at 9 a.m. to continue the markup of S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 23, 1999 at 2 p.m. to hold a close hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 23, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, the Immigration Subcommittee of the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 23, 1999 beginning at 2 p.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Thursday, September 23, 1999 at 9:30 a.m. for a hearing on Quality Management at the Federal Level.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON THE SERVICE OF JUDGE LEWIS STITH TO SULLIVAN'S ISLAND

• Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize today one of South Carolina's finest public servants, Judge Lewis Stith. August 1 marked Mr. Stith's 43d year of continued service to the town of Sullivan's Island.

A native of Sullivan's Island, Mr. Stith and his wife, Marguerite, raised their five children there after he returned from service in the U.S. Coast Guard during World War II. He later served in the Korean war.

In 1956, Lewis Stith was appointed a Charleston County magistrate, a position he held for 25 years. In 1981, he was appointed municipal judge of Sullivan's Island, a position he still holds. Judge Stith's civic accomplishments are numerous and include helping to organize the Sullivan's Island Volunteer Fire and Rescue Department 51 years ago.

The Sept. 1–7 issue of the Moultrie News featured an article which pays tribute to Lewis Stith's commitment to Sullivan's Island and to his wife and children who are continuing the island leadership tradition. I ask that the article be printed in the RECORD.

The article follows:

[From the Moultrie News, Sept. 1999]

LEWIS STITH OF SULLIVAN'S ISLAND

The "Island Boys" ruled the beach back then. Lewis Stith, Burt and George Wurthman, Frank and Vernon Damewood, Tony Blanchard, and John and Otis Pickett, just to name a few, spent their days enjoying the ocean, and playing half rubber on the beach at Sullivan's Island. Life was simple. Being surrounded by summer cottages and neighbors that knew everyone made life a yearlong vacation. The Pavilion was located at Station 22 and Burmester's Pharmacy was where Sullivan's Restaurant now stands. The soldiers at Fort Moultrie shot off the cannons everyday at 5 p.m. to mark the end of the day.

Lewis Stith, who was born at Station 24, November 9th, 1921, is still there and though his life has taken him on many journeys, he always returns because, "There's no place in the world like Sullivan's Island!"

The son of Luther P. and Susan Maguire Stith, Lewis is a well known figure on Sullivan's Island. After high school, Lewis went on to work for the Army as a Post Exchange Clerk and later as a bookkeeper until WW II. He then entered the Coast Guard and served at various shore stations and was eventually assigned to a troop transport—U.S.S. General A.W. Brewster APA 155—as a gunners mate. He traveled the European, Asiatic and Pacific theaters transporting troops. At the end of the war, Lewis was discharged on the WWII Point System in 1945.

Lewis returned to Sullivan's Island to be with his wife Marguerite Strickland and eventually raised five children. His sons are well known islanders as well. Paul is a Wachovia Bank Manager, Marshall is the Mayor of Sullivan's Island and owner of Station 22 Restaurant, and Anthony is the Sullivan's Island Fire Chief. Their two daughters, Debbie White and Susan Hindman, are both school teachers. The Stith's have six grandchildren.

After several jobs, 35 years at the Exxon corporation and also serving in the Korean War, Lewis was appointed a Charleston County Magistrate on August 1st, 1956, by State Senator T. Allen Legare. He remained a Magistrate for 25 years. On August 1st, 1981, Lewis was appointed Municipal Judge for Sullivan's Island and is still serving in this position.

"When I was first appointed Magistrate in 1956," said Stith "Mount Pleasant, Sullivan's Island, and the Isle of Palms had only one police officer in each town. Buck Gossett was the only Highway Patrolman in the area and Charleston County had very few officers back then."

Fifty-one years ago, five guys got together to form the Sullivan's Island Volunteer Fire and Rescue Department. Lewis, along with Art Chiola, Joe Rowland, Red Wood and Leo Truesdale are the original five members and are still active in the volunteer effort today. The Army donated two trucks and a station to house them. They were the first volunteer rescue squad in the county.

Lewis served as chief of the department, and recalls one particular devastating fire that was very chilling. "I think it was 1952 on Station 28. The house was in the shape of an H. The kitchen wall backed up to the children's bedroom wall and a gas fire ignited and spread. Art Chiola and I found the children the next day in a closet," he said, describing the remains as gruesome. "Apparently, they couldn't find the door and entered the closet looking for a way out."

The Volunteer Fire Department started some of Sullivan's Island's most popular events including the annual Fish Fry and Oyster Roast. Fifty one years ago, the Fish Fry started as a fund raiser for Red Wood's sister-in-law who need surgery for an aneurysm. It eventually grew into a large community event and the proceeds raised now go to fund the Fire and Rescue Division's special training and equipment. "We have a tremendous turnout these days," said Lewis. "When we first started it was in the same location that it is now, but all we had was some cinder blocks and a steel plate to cook on. Now things have grown and we have the present facility called 'The Big Tin.'"

Lewis and Marguerite remember the good old days on the island. "After Labor day," said Marguerite, "The vacationers would all go home and there would only be about 25 permanent residents."

"We played recreation activities with the soldiers and got to see first run movies at the fort," added Lewis. "Middle Street was the only road through the town and you could drive your car on the beach."

Marguerite was a Charleston girl, and Lewis met her through a friend. He began to date her and, according to Marguerite, "We'd come over the Sullivan's Island Bridge and every time he would say, 'Smell that good salt air? Isn't it great?' I never told him that I could smell that same air on the Cooper River Bridge and in Charleston," she said laughing. "He thought there was no better place than Sullivan's Island, and he was right!"

After Hurricane Hugo though, the island completely changed. "All the summer cottages were wiped out entirely and replaced with massive homes that tower over the beach. But this is still God's country!" said Lewis. "You can't find a better place to raise a family."

August 1st of this year marked the 43rd Anniversary of Lewis's continued service for the Town of Sullivan's Island. He's done many other things for the town, including forming the VFW Walter Brownell Post #3137 on Sullivan's Island. He served as the first Commander.

Lewis attributes all of his success to many things, but his greatest accomplishment he said, was marrying his wife and raising his five successful children. "I owe it all to my good family upbringing. I grew up during the Depression and we just learned to take care of what you had. I am also a member of Stella Maris Catholic Church. These things have taken me where I'm at today."

Still active as a judge, and still loving Sullivan's Island like he always has, Lewis sums it up by saying, "I've been all over the world, and there is no place like the sandy spot we live on. I love it here."•

TRIBUTE TO DAVID LEWIS WILLIAMS

• Mr. McCONNELL. Mr. President, I rise today to offer a tribute to Kentucky State Senator David Williams, as sincere congratulations for 15 years of service in the General Assembly and as encouragement for many more years of accomplishments and victories still to come.

David is one of the sharpest politicians and smartest people I know. His long-time passion for politics and desire to serve Kentucky is evidenced in his hard work in the Kentucky Senate—and in his perseverance getting there. David's strong convictions about issues and principles important to Kentuckians have helped him become a prominent figure in the State legislature, but his climb to the top was not an easy one. David lost his first campaign for public office when he ran for county judge-executive, and has often faced tough opposition in the Senate. To his credit, David has remained committed to his constituents and to the values they elected him to represent.

When he was elected to the Kentucky House of Representatives 15 years ago, David was a country lawyer from Burkesville, Kentucky. His sharp mind and peerless rhetorical skills were evident right from the start, and helped David eventually come to lead the now-Republican Majority in the Senate.

As a fellow public servant, I know first-hand the kinds of commitments and sacrifices that have to be made in order to effectively serve a constituency. Clearly, David has demonstrated his willingness to take on that responsibility, and has been an example through his ability to handle the daily demands of being a Senate leader. Additionally, he is a great family man. David's wife Elaine has surely been a great support and encouragement to him, and deserves commendation for her tireless work in the field of education, as the instructional supervisor for Cumberland County Schools. David is also devoted to his parents, Lewis and Flossie Williams, of Cumberland County. David's father served as Cumberland County clerk for nine consecutive terms, and was a high school principal and basketball coach when David was growing up. His parents' work in education and politics gave David a solid background that has prepared him well for his current leadership role in the State Senate, and will certainly continue to inspire him in future endeavors.

David, on behalf of my colleagues and myself, thank you for your fifteen years of service to the 16th district and to the people of Kentucky. I have every confidence in your ability to lead the State Senate, and know that your best days are yet to come.

Mr. President, I ask that an article which ran in the Louisville Courier-Journal on September 5, 1999, be printed in the RECORD.

The article follows:

[From the Louisville Courier-Journal, Sept. 5, 1999]

WILLIAMS GETS CLOSER TO SENATE PEAK

(By Tom Loftus)

BURKESVILLE, KY.—David Williams began learning hard political lessons at a young age.

In the second grade he lost an election "for some kind of class favorite" by a single vote. "At that time I was chivalrous enough to vote for my opponent," Williams said. "I decided I wasn't going to do that again."

It wasn't the last election Williams would lose, yet come away a bit the wiser—and with his passion for a career in elective office undiminished.

Today, after serving 15 years in the General Assembly—many of those years in a minority faction of the minority Republican Party—David Williams stands as perhaps the most powerful member of the General Assembly.

This summer's defections of two Democratic senators to the GOP gives the Republicans a majority in the Senate for the first time ever—making Minority Leader Williams into Majority Leader Williams, and likely Senate President Williams.

So when the legislature convenes in January, the Senate will be led by this 46-year-old lawyer from Burkesville, a man described as smart and articulate by some, cocky or condescending by others.

Williams calls himself a compassionate conservative. Many Democrats consider him their favorite Republican senator.

At his core, he's a man who lives government and politics.

"We can't get him out to golf; he really doesn't have any time-consuming hobbies." said Cumberland District Judge Steve Hurt.

"He has always been fascinated by the political process. He's the kind of guy who sits up at night watching 'Hardball with Christ Matthews' and C-SPAN."

In January, Williams plans to play a little hardball of his own.

Last week he said he'd exercise the majority's rightful power to bounce Louisville Democrat Larry Saunders as Senate president.

"I want the majority of the members of the Kentucky state Senate to choose the president they feel most comfortable with," Williams said.

"And if it happens to be David Williams, I would be most proud to serve in that position."

POLITICAL ASPIRATIONS RUN IN THE FAMILY

Williams runs a one-man law practice in his hometown of Burkesville, county seat of the predominantly Republican Cumberland County. He and his wife, Elaine, who is instructional supervisor for the Cumberland County schools, live in a house valued on tax rolls at $225,000. They have no children. Williams is the only child of Lewis and Flossie Williams, who still live in the house where David grew up.

The family regularly attended Burkesville United Methodist Church, and Williams' parents put a high value on the importance of a good education. Lewis Williams was a principal and basketball coach who, after losing his first campaign for county clerk, won nine consecutive elections for that office without opposition.

"We went to Lincoln Day dinners when I was a small boy. I heard (U.S. Sen.) John Sherman Cooper, (Fifth District Congressman) Tim Lee Carter, (U.S. Sen.) Thruston Morton and all those folks," Williams said. "I grew up in the courthouse. After school and on Saturdays I'd hang out there when I was a kid. And I was actively involved in the local party when I was 15 or 16 years old."

At Cumberland County High School, Williams was the senior class president, lettered in baseball, and was captain of the football team. His quotation next to his photo in the 1971 yearbook is: "The scales of justice can only be balanced by the weight of involvement."

Williams said he particularly liked playing football. He was a center on offense and a tackle on defense. "If I had been a step quicker I could have played college ball," he said. (Hurt, who quarterbacked the 1971 Cumberland County team, suggested Williams would have to have been a bit more than one step quicker.)

In fact, though he and his wife like to fish and keep a pontoon boat on Dale Hollow Lake, their favorite pastime is college sports. As a legislator he takes advantage of the chance to buy two tickets to University of Kentucky and University of Louisville football and basketball games. He travels to most UK football games on the road and attends postseason basketball tournaments when UK plays.

"The football season is something I really enjoy," he said. "I usually try to catch U of L when I can. I'm one of those rare people who like both UK and U of L."

Williams is a graduate of both.

After high school, he and his then-girlfriend Elaine Grubbs, went on to UK. They dated off-and-on through college.

At UK Williams was true to his high school yearbook quotation. Among other things he was in the student senate and ran for student body president—the clean-shaven frat boy who ran against an opponent he describes as "long-haired and hippie-ish." Williams lost.

After graduation, Williams enrolled at the U of L Law School. He married Grubbs after his first year there.

Williams said he could have studied law at UK but wanted to broaden his experience. And he liked Louisville.

"My closest relatives live in Louisville—aunts and uncles on my father's side of the family—and I visited Louisville often as a boy," Williams said. "I lived in Louisville during some of the summers when I was growing up because when my dad was a teacher, he would go to Louisville and roof houses on construction crews and make good money in the summer. . . . We would go up and live with relatives."

LESSONS LEARNED THROUGH SETBACKS

After law school, Williams returned to Burkesville to practice law and—at age 25—ran for county judge-executive. His opponent was incumbent Harold E. "Barney" Barnes—a Democrat who had been appointed by Gov. Julian Carroll when the elected judge died in office. Williams lost.

"It taught me some interesting political lessons about incumbency," Williams recalled. "When the governor and the local judge have an unlimited amount of blacktop and things like that, it can have a big effect."

But in 1984 Williams ousted state Rep. Richard Fryman of Albany, a fellow Republican. Two years later he succeeded retiring Sen. Doug Moseley of Columbia and has been re-elected to the state Senate three times since—the last two times without opposition.

During his Senate tenure, though, Williams was twice rejected by the voters in years when his Senate seat was not up for reelection.

In 1992 he won a Republican primary for the U.S. Senate but was drubbed in the general election by popular incumbent Democrat Wendell Ford, who won with 64 percent of the vote.

But perhaps the nadir of Williams' political career came the following year.

While stewing in a minority faction of the Senate Republican caucus, Williams decided to try to be a prosecutor and ran for commonwealth's attorney in his home four-county district. He lost.

But he never considered dropping out of politics.

"I didn't think any of the losses were due to my lack of ability or people not liking me," he said. "I'm no Lincoln, but even Lincoln got beat two or three times."

Longstanding alliances within the small Senate Republican caucus had largely kept Williams out of a leadership position there. But the number of Senate Republicans grew during the 1990s.

During the 1998 session, after the Republican minority had grown to 18 senators, Williams was part of (but he insists did not lead) an attempt to oust Sen. Dan Kelly's Republican leadership team—a coup that failed when Republican senators voted 9–9.

After the 1998 elections changed the make-up of the caucus, Williams finally had the votes he needed to win election as Senate Republican leader.

And defections of two Democratic senators to the GOP mean he's likely to become Senate president.

A MIX OF ATTORNEY AND PREACHER

Williams said Kentuckians can expect him to take generally conservative stands on most issues.

"But I don't hate government," he said. "I'm not a person who is afraid to use government to effect change. . . . I come from an area of the state that has needs. I've grown up and lived with people who have needs. I've grown up in areas that needed roads, that needed schools."

In fact, in 1990 Williams was one of only three Senate Republicans who voted for the Kentucky Education Reform Act, which included a massive tax increase.

"I voted for it because the school districts in rural Kentucky did not have adequate resources, the students there did not have adequate opportunity," Williams said. "I'm not unalterably wed to every aspect of the Kentucky Education Reform Act. . . . But I still feel like I cast the right vote."

Besides his support of KERA, Williams is known in the legislature for his long fight to win funding for a resort lodge at Dale Hollow, his advocacy of workers' compensation law reform (which Gov. Paul Patton pushed through in 1996), and helping to increase state spending on adult education.

Williams is better-known, though, for his skill as a debater. "David Williams is and has always been one of the most articulate members of the Senate," said Senate Democratic Leader David Karem of Louisville. "There's a wonderful mix of the courtroom attorney and the traditional Kentucky preacher in the way he delivers his speeches from the floor."

Williams said Republicans are inclined to oppose two ideas Patton has floated this year as ways of raising state revenue—raising the gas tax and expanding legal gambling.

But he said he's not prepared yet to slam the door on either idea. "We haven't seen a bill yet," he said.

And if Williams succeeds in leading the Senate, might he make another race for statewide office?

Williams said he has no plans to seek higher office, though he's not ruling out the possibility.

Sen. Tom Buford, R-Nicholasville, said Williams could be a strong candidate for governor in 2003. "He hasn't said anything," Buford said. "But I would watch that."●

IN RECOGNITION OF THE BETHESDA FALCONS

● Ms. MIKULSKI. Mr. President, I rise today to congratulate the Bethesda Soccer Club Falcons for winning the Under-16 girls Maryland State Cup Championship.

The Falcons defeated their opponent, the Soccer Club of Baltimore Force, 11–0. This victory marked the team's seventh consecutive state title—one for every year that they have been eligible to win—which also happens to be a Maryland record.

Every Falcons team member was a contributor to this important victory. On the offensive, the game's leading strikers were Audra Poulin and Jenny Potter, who had three goals apiece. Jenna Linden added two goals to the team's fight, while Christi Bird, Stephanie Sybert, and Allison Dooley chipped in the remaining scores for the Falcons. This overpowering offense was aided by the passing and play-making abilities of the Falcons' talented midfielders: Beth Hendricks, Tara Quinn, Jennifer Fields, Susannah Empson, and Tanya Hahnel.

One of the keys to the Falcons' victory was their unwavering and steadfast defense which allowed no goals and only a few shots by the unrelenting Baltimore Force. This defense was anchored around defenders Caitlin Curtis, Amy Salomon and Alison West, while the goal posts were kept clear by goalies Anna Halse-Strumberg and Kerry York.

It was a fitting ending to the tournament in which the Falcons, through five games, outscored their hard-working opponents 29–0. The following day, the Falcons continued their winning efforts by defeating the Baltimore Soccer Club Pride—another great Maryland team. The Falcons finished in first place in the Washington Area Girls' Soccer Association Under-17 Premier Division.

Mr. President, as many of my colleagues know, I believe we must get behind our kids and support them in their hard work. The importance of this principle was demonstrated by Falcons coach, Richie Burke, who did just that. As a result, the team fought hard and produced a definitive victory. I'm proud to have such a great team and a fantastic coach in Maryland, and I'm proud of all the participants in the Maryland State Cup Championship for their hard work and dedication.●

TRIBUTE TO MR. FRANCIS WILSON

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mr. Francis M. Wilson and his wonderful and admirable life.

Mr. Wilson served as a tech-sergeant during World War II in Germany when he was only 18 years old. He was an engineer in the Detroit Public School District, a devoted family man, and an active citizen. The challenges he successfully faced in these capacities have distinguished him within his family, his town, his state, and his country.

As a very young boy, he sold "Liberty" magazines to supplement his family's income during the Great Depression. Growing up during a time of financial strife led him to find solace in nature. Mr. Wilson was exposed to nature during his experience in the military and developed a love and knowledge of it. As a young adult he was able to identify a variety of birds, insects, trees, and flowers. He then went on to form and preside over a group of citizens that forced new construction to adhere to guidelines designed to protect nearby lakes.

Once he reached adulthood, Mr. Wilson found his real love, Dolores. Together they found great joy in their children and grandchildren. Mr. Wilson wanted to ensure that they received all the advantages that he did not have. He inspired his children to put themselves through college. He provided them with the opportunity to grow up in a safe environment, allowing them to mature at a more deliberate pace than the one that was forced upon him. His wife, Dolores, expresses the best tribute to Mr. Wilson when she writes "this brave, honest, dedicated, ordinary man was to his family and America 'the staff of life' that fuels generations to come."

Mr. Wilson expressed his passion for education through his involvement with children as an engineer of thirty years in the Detroit Public Schools. He gave and received respect from all he knew. He not only led by lecture but, more importantly and effectively, by example. He never left any doubt as to where he stood in a debate and firmly believed in right and wrong. Mr. Wilson offered little patience for individuals passing on responsibility as an excuse for negligent or bad behavior. Personifying Winston Churchill's statement, "We make a living by what we get, but we make a life by what we give," Mr. Francis M. Wilson left this world an honorable, loyal, selfless servant to his country and a loved and missed father, grandfather and husband.●

THE 150TH ANNIVERSARY OF OAKLAND, MARYLAND

● Mr. SARBANES. Mr. President, I would like to bring to the attention of my colleagues the celebration of the 150th anniversary of the Town of Oakland, Maryland. The Mayor of Oakland, Asa McCain, Jr.; and the entire community are planning numerous events to commemorate this milestone.

Like so many of Maryland's historic cities and towns, Oakland, which was founded in 1849, has carved its own unique place in American history. At Oakland's center is one of the oldest railroad stations in the country. The Queen Anne style railroad station designed by E.F. Baldwin and built in 1885 by the B & O Railroad is now in the National Registry.

The railroad was responsible for popularization of the Oakland area as a resort in the late 1800's and resulted in Garrett County's flourishing export of timber and coal. Recently purchased by the "Save the Oakland Station Committee," the station will be restored to its original splendor in an effort to provide a cornerstone for continued growth in the County. In recognition of Oakland's community effort to revitalize its economy and preserve its historic past, the Town received a National Mainstreet Designation from the National Historical Trust in May of this year.

Another historically significant location in Oakland is the Church of the Presidents, built in 1868. Three United States Presidents, Grant, Harrison, and Cleveland, attended services there and preferred Garrett County to any other place for their vacations.

Today, Oakland and Garrett County are well known as one of the finest all-season resort areas, offering abundant sports activities including fishing, hiking, skiing—both alpine and cross-country—and boating. The natural beauty of this pristine area of our state led to Oakland's original name, "The Wilderness Shall Smile." In addition, the town of Oakland, with its large victorian homes and beautiful tree-lined streets, enhance the appeal of this cool, mountainous retreat.

Oakland has faced its share of economic difficulties. The departure in 1996 of Bausch and Lomb, the largest employer in the area, dealt a severe blow. Nevertheless, Oakland faced the problem head-on and orchestrated an intense effort to recruit alternative employers. In April of this year, Simon Pearce, a premier glass maker and Vermont's largest tourism attraction, opened a factory just outside of Oakland. Through the inspired leadership of Mayor Asa McCain, the town of Oakland will continue to thrive and prosper well towards the Town's 200th anniversary.

Oakland is a model of community spirit and cooperation. The activities planned to commemorate the 150th anniversary exemplify the deep devotion of its residents to their community. I share the pride of Mayor McCain and all of Oakland's citizens in their Town's historic past and optimism for Oakland's continued success in the years to come.•

VET CENTERS OF EXCELLENCE

• Mr. JEFFORDS. Mr. President, it gives me great pleasure to publicly acknowledge the five Vet Centers from around this country that are being recognized for their superior services as "Vet Centers of Excellence." While I am proud of the fine facilities located in California, Arizona, Georgia and West Virginia, the one I want to praise today is in my state of Vermont.

Vermont is very fortunate to have two Vet Centers—in fact we boast the first in the nation back in the days when the Readjustment Counseling Service (RCS) was just getting started with pilot sites strategically located around the country. The nation's first Vet Center, an excellent facility, was designed to help veterans in the Burlington, Vermont area.

The Vet Center we honor today opened in mid-1981 and is located in White River Junction, Vermont. It serves veterans on both sides of the Connecticut River in Vermont and New Hampshire. The team leader, Tim Beebe, assesses their work modestly, saying "we are just doing our job." Maybe they don't understand the impact they have. This incredible staff go so far above their "job". They are caring, involved and understanding friends, devoted to offering a safe haven to those veterans suffering the emotional wear and tear of battle, often thirty years after leaving the service.

I am sure I don't need to remind my colleagues in Congress that the work being done at Vet Centers throughout the Country is enormously important. Over the years, the Vet Center program has been so successful in meeting the readjustment needs of Vietnam veterans that the VA Readjustment Counseling Service expanded the scope of their good work to veterans of all eras. This move was heartily endorsed by Congress and is now law. Long before this mandate, however, the White River Junction Vet Center subscribed to an open door policy to all veterans. Their message was simply put: "Welcome home—you are not alone."

Mr. President, I believe in the great work being done by Vet Centers everyday throughout this country. I also know, however, that a "Vet Center of Excellence" award is only given to the those centers that stand a little taller than the rest. The White River Junction Vet Center staff exemplifies excellence. I want to offer my warmest congratulations to this incredibly talented group of professionals and remind them that they are shining examples to their colleagues in the 206 Vet Centers around the United States.•

NORTH DAKOTA STOCKMEN'S ASSOCIATION

• Mr. CONRAD. Mr. President, today, I would like to recognize a very important organization in my state, the North Dakota Stockmen's Association. I would also like to congratulate them on their 70th anniversary as an organization. Over the years, the North Dakota Stockmen's Association has been an invaluable asset to their members and to me. In particular, after 70 years of representing North Dakota family farmers and ranchers, the Stockmen have made great contributions to the cultural and economic heritage of North Dakota. Their successes have been accomplished through hard work and their consistent ability to produce the highest quality beef in the world.

Cattle provide an essential source of income for North Dakota farmers. Based on that fact alone, it is easy to understand the importance of the Stockmen's Association to my state's producers. While keeping the interests of cattle producers in the minds of elected officials, the members of this organization also provide valuable stewardship to the land, send their children to rural schools, support businesses, and help their neighbors through difficult weather and tough economic times. I would like to express my deep appreciation for their enduring efforts to support my state's communities, and again, I congratulate them for 70 years of service to the cattlemen of North Dakota.•

MICHAEL J. McGINNISS

• Mr. SANTORUM. Mr. President, I rise today to recognize Brother Michael J. McGinnis, who will be inducted as La Salle University's 28th President on September 24. Brother McGinnis was previously a member of La Salle's religion department, and for the past five years was president of Christian Brothers University in Memphis, Tennessee.

A native Philadelphian, Brother McGinnis joined the Christian Brothers University in 1965 and graduated Maxima Cum Laude from La Salle in 1970 with a degree in English. He obtained his Master's and Ph.D. in theology from the University of Notre Dame. While a graduate student at the University of Notre Dame, Brother McGinniss taught undergraduate courses in the Theology Department.

Brother McGinniss became assistant professor at Washington Theological Union from 1979 to 1984, and in 1984 joined the faculty at La Salle on a full-time basis, reaching the rank of full professor in 1993. Recognized for his leadership qualities, Brother McGinnis became Chair of La Salle's Religion Department in 1991 and the following year received the Lindback Award for Distinguished Teaching.

During his tenure as President of Christian Brothers University, undergraduate enrollment and retention rates increased, a Master's of Education program was established, the Athletic Department joined the NCAA Division II Gulf South Conference, and the Center for Global Enterprise was founded. He also took an active role in the Memphis area community, serving on the boards of the Economic Club of Memphis, the Memphis chapter of the National Conference of Christians and Jews, and the Memphis Brooks Museum of Art. Brother McGinnis also served on the Memphis Catholic Diocesan Development Committee and the board of the Christian Brothers High School.

Brother McGinnis has published numerous articles in scholarly journals, written chapters in religious books, and edited six volumes of the Christian Brothers' Spirituality Seminar Series. His book reviews have appeared in journals such as Horizons, Theological Studies, Journal of Ecumenical Studies, and Holistic Nursing Practice. His professional memberships include the Catholic Theological Society of America, American Academy of Religion, and College Theology Society.

Mr. President, Brother McGinnis has distinguished himself through his impressive academic and professional achievements, as well as through his dedicated service to the community. I ask my colleagues to join me in congratulating Brother Michael McGinnis on his induction as President of La Salle University.●

RECOGNIZING THE CITIZENS AGAINST LAWSUIT ABUSE

● Mr. ROCKEFELLER. Mr. President, today I would like to recognize a volunteer group of West Virginians who have joined together to educate the public on an important issue affecting our state and the nation. These individuals, who have formed Citizens Against Lawsuit Abuse, CALA, are disseminating information to the public about our civil justice system, and they are working to encourage jury service and personal responsibility in our society.

CALA spokespersons based in Huntington, Charleston, Bluefield, Logan, Bridgeport, Fairmont, Morgantown and other cities in our state are educating the public about how lawsuit abuse can affect consumers. The CALA groups in West Virginia have raised funds to provide scholarships to students statewide through essay contests where the students address the important topic of jury service and personal responsibility.

Teaching our children the value of civic responsibility is a vitally important component of learning, and CALA's efforts have not gone unnoticed. By emphasizing the virtues of jury service, CALA is helping to give our children a more well-rounded education and is promoting values which will serve these children, and our future, well. I am proud that many of West Virginia's finest students, from our public and private secondary schools, have participated in these essay contests and have been recognized for their efforts in our local media. The winning high school essayists in last year's CALA scholarship contest were Joshua Linville, Sherman High School, Boone County; Amanda Knapp, Pt. Pleasant High School, Mason County; Matthew Walker, St. Joseph Catholic High School, Cabell County; Courtney Ahlborn, Parkersburg South High School, Wood County; Sarah Mauller, East Fairmont High School, Marion County; and Misty Lanham, Tygarts Valley High School, Randolph County.

Citizens Against Lawsuit Abuse groups have declared September 19 through 25 to be "Lawsuit Abuse Awareness Week" in West Virginia. I commend the citizens for their dedication and commitment and to acknowledge this week as time of public awareness on the various issues affecting civil justice in our state. Our citizens should be encouraged to educate themselves about our civil justice system and how they can help to make it the best in the world.●

CONGRATULATIONS TO CHIEF JACK KRAKEEL

● Mr. COVERDELL. Mr. President, I rise today to acknowledge one of Geogia's outstanding civil servants. On August 29, 1999, Jack Krakeel, Director of Fayette County's Fire and Emergency Services, was named Fire Chief of the Year by the International Fire Chief's Association. This award is a fitting honor to a man who, through his hard work and leadership, has provided Fayette County with a superior fire and rescue team and has devised innovative methods to deal with emergencies.

Under Chief Krakeel's leadership, Fayette County's emergency services have found creative solutions to deal with ever-changing challenges. An important program implemented by the Department requires cross-training of employees. All career members of the Fayette County Department of Fire and Emergency Services are trained as both firefighters and paramedics. This gives the department incredible flexibility when dealing with severe emergency situations.

Fayette County, Georgia, is one of the fastest growing counties in the nation. In response to this rapid increase in demand for services, Chief Krakeel has developed plans implemented by the Fayette County Board of Commissioners which will maintain an average emergency response time of five minutes. In a business where the difference between life and death is often measured in seconds, the importance of this initiative cannot be underestimated.

Chief Krakeel's department also recognizes the need to inform families, particularly children, on the importance of fire safety. Under Chief Krakeel's leadership, the department was the first in the state to enact a multi-family housing sprinkler ordinance and also created a portable fire safety education home which teaches children how to escape from a fire.

Jack Krakeel has also serves in a variety of leadership roles related to emergency services. He is the national Chairman of the National Fire Protection Association's "Technical Project in Emergency Medical Systems." Also, Chief Krakeel is in his third year as a member of the Board of Directors of the International Association of Fire Chiefs.

On a more local level, Chief Krakeel is a member of the Georgia's Emergency Medical Services Advisory Council, and is in his twelfth year of service with the organization. Not long ago he helped lead the formation the joint EMS Committee of the Georgia Association of Fire Chiefs and the Georgia Firefighters Association.

Other accomplishments during Chief Krakeel's impressive career are too numerous to mention. It is not an exagerration to state that few people have had a greater individual impact on modern emergency service techniques than Chief Jack Krakeel. Mr. President, I offer my congratulations to Chief Krakeel for the honor bestowed upon him, and my hopes that he will continue to provide innovation and leadership for years to come.●

MR. K. PATRICK OKURA

● Mr. INOUYE. Mr. President, this coming weekend a long time friend of mine, Mr. K. Patrick Okura, will be celebrating his 88th birthday. For the past decade, Pat has been extraordinarily active in guiding the Okura Mental Health Leadership Foundation in order to ensure that young Asian Pacific American health professionals, representing a wide range of disciplines, will have the skills and experiences necessary to eventually achieve leadership roles throughout our nation's health and human services agencies. Pat obtained his baccalaureate and master's degrees in psychology from the University of California at Los Angeles and has long been a member of the American Psychological Association which recently published a special article highlighting his monumental accomplishments. He is currently on the Board of Directors of the National Mental Health Association, the U.S. Commission on Civil Rights, and the Japanese American National Museum. He is a past-President of the Japanese American Citizens League and founder of the National Asian Pacific American Families Against Substance Abuse.

In July of 1971, during the Presidency of Richard Nixon, Pat assumed the position of Executive Assistant to the Director of the National Institute of Mental Health, NIMH. For the next decade, he remained at a high level policy position within the NIMH, shepherding to fruition numerous innovative mental health initiatives. He was an active participant in the deliberations of President Carter's landmark Mental Health Commission. For many of us in the U.S. Congress, those were the glory days for mental health. There was a sense of genuine excitement and optimism. Our nation was finally beginning to understand and appreciate the social and cultural aspects of health care, not to mention the importance of ensuring that all Americans should receive necessary care. Under Pat's leadership, our nation truly committed itself to the far reaching "deinstitutionalization movement," an effort which would eventually bring mental illness out of the closet and ensure that all of our citizens would retain their individual civil liberties, notwithstanding any particular diagnosis, lack of economic resources, or lack of immediate family.

During the mid-1980s, Pat went on to serve as Special Assistant to the President of Hahnemann University, once again with a unique focus on those projects and events that made the university the great educational institution that it was. As I have already indicated, for the past decade Pat has continued to "give back" to our nation by ensuring that future generations of Asian Pacific American health professionals will begin to appreciate their potential for excellence in leadership. Having had the opportunity of personally meeting with his Fellows as they come to Capitol Hill each year, I must say that I have always been extraordinarily impressed by their dedication and commitment to our nation. Pat Okura has truly been a visionary role model for all of us and the ultimate public servant. I wish him the best on this truly special occasion.•

THE INGHAM COUNTY WOMEN'S COMMISSION 25TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Ingham County Women's Commission, as they celebrate their 25th Anniversary.

The Ingham County Women's Commission has taken great strides to meet the needs of women since it was founded in 1974. The commission, originally established to serve as a study and research center focusing on the issues concerning women in the county, was restructured in 1976 and took on an advisory role to the Board of Commissioners. They now focus on issues that impact the women of the county. They have continued their efforts in researching better ways to meet the needs of women through county resources.

What is truly remarkable about this select group is their dedication to helping enrich the lives of women. They work closely with the Equal Opportunity Commission to overcome discrimination against women. The commission also provides many important and beneficial services to women. Their greatest accomplishments include involvement with the New Way In and Rural Emergency Outreach and the provision of acquaintance rape education for high school students. Additionally, they have experienced vast success in helping raise awareness of women's issues by developing a sexual harassment policy for county employees, sponsoring the Ingham County Sexual Assault Task Force and the Michigan Council of Domestic Violence.

This important group of women are to be commended for their accomplishments over the last 25 years. Their hard work and dedication to conveying the importance of women's issues will benefit many women for years to come.•

LANE KIRKLAND

• Mr. DODD. Mr. President, earlier today, there was a memorial service for former AFL–CIO president, Joseph Lane Kirkland, on the campus of Georgetown University. I was deeply saddened to hear of Lane's passing and would like to reflect for just a few moments on his life and his enormous contribution to organized labor in America.

Lane Kirland spent virtually his entire working life in the service of his country. As a young man, he enrolled in the first class of the U.S. Merchant Marine Academy and served the duration of World War II as a transport officer. Following the war, Lane went back to school, taking night classes at Georgetown, and received a degree in foreign relations in 1948. He intended to enter the foreign service and represent American interests abroad, but shortly after graduation he took a low-level research position with the American Federation of Labor.

That seemingly temporary sidestep would become the consuming mission of his working life. An unlikely labor leader, born of a well-to-do southern family and schooled in international relations, Lane became a strong advocate for justice in the workplace and a champion of human dignity. From 1948 until, some would say, the day he died, he fought for working people—for higher wages, better health care, and greater protections for workers health and safety. It is a credit to his skill, intellect and unflagging determination that he was elected president of the AFL–CIO in 1979, a post he faithfully held for 16 years.

Lane was a titan of the American labor movement. A man of great personal strength, Lane used his talent and energy to act upon his convictions, uniting people of diverse backgrounds and improving the lives of countless working families across this country and around the world. During Lane's tenure as president, organized labor faced ever-increasing challenges which called for strong, decisive leadership. With union membership declining across the country, Lane fought successfully to unite the Nation's largest and best-known unions under the AFL–CIO, guaranteeing the continued vitality of organized labor and ensuring it a position in American political discourse well into the 21st century.

His vision for trade unionism did not stop at the water's edge. Under Lane's stewardship, the AFL–CIO reached out to workers around the world. Like few others at the time, Lane understood the global struggle embodied in the cold war. He was a man of great insight, and he realized that a fair workplace could be used as a lever to create a fairer society. Ardently anticommunist, Lane believed personal freedom was the right of every man, woman, and child and saw the union as a vehicle of freedom. Thus, he supported trade unions in China, Cuba, South Africa, Chile, and Poland, where unions were severely suppressed and personal freedoms denied. When Solidarity assumed power in Poland, Lane's faith in the power of trade unions and lifetime of work to build them were irrefutably vindicated.

With Lane's passing, a bright light for trade unions has been extinguished. He will be greatly missed. My thoughts and prayers are with his wife, Irena, and his family.•

TRIBUTE TO LANE KIRKLAND

• Mr. HOLLINGS. Mr. President, over the August recess South Carolina lost one of her most distinguished native sons, Lane Kirkland. Unless you knew Lane personally, you weren't likely to know he was a proud South Carolinian. If you did know him personally, there was no way not to know he was a proud South Carolinian. He went to South Carolina regularly; sometimes to see his brothers Ranny and Tommy, sometimes just to go to the wonderful small town of Camden where he spent his childhood summers. Whenever we would meet, officially or not, we always spent some time talking about South Carolina.

Lane remembered and cherished his roots, but they did not bind him. He had grown up with people who could not see through their rich heritage to the future. Lane was acutely aware of this trap and he illustrated this brilliantly in a commencement address to the University of South Carolina in 1985.

> I owe to Sidney Hook a thought that I offer as my final conclusion from all this. From him I learned the difference between a truth and a deep truth. A deep truth is a truth the converse of which is equally true. For example, it is true, as Santayana said, that those who cannot remember the past are doomed to repeat it. Yet it is equally true that those who do remember the past may not know when it is over. That is a deep truth.

Lane Kirkland was a complex person as evidenced by his many contradictions. He was a Southerner who found his education and opportunity in New York; he descended from planters but had his first success as a sea captain; he was a child of privilege who became a self-described New Dealer; he was an intellectual who fought for miners and mill workers; and perhaps most importantly, he was a liberal anti-Communist.

Lane had many triumphs in his life, but none was so important as the leading role he played in the liberation of Eastern Europe and the fall of the wall. He committed the resources of the American labor movement to preserve Lech Walesa and Solidarity. The New York Post wrote that "Kirkland must be included among a select group of leaders—including Ronald Reagan, Pope John Paul II and Lech Walesa—

who played a critical role in bringing about the demise of Communism." William Safire, no fan of organized labor, wrote this about Lane Kirkland and Lech Walesa: "Together these two anti-Communist patriots fought the Soviet empire when the weak-kneed were bleating 'convergence'. Their refusal to compromise with evil exemplified the leadership that helped win—the word is 'win'—the cold war."

As a South Carolinian and an American, I am proud of the central role that Lane played in the central struggle of this century. People in the United States and around the world know the exhilaration and opportunity that freedom brings in part because of Lane Kirkland. In his last speech in South Carolina, Lane addressed the South Carolina Historical Society. He opened by saying, "I am honored to be here even though it suggests that I am history." In reality Lane Kirkland made history.•

TRIBUTE TO HEATHER RENEE FRENCH

• Mr. McCONNELL. Mr. President, I rise today to congratulate Heather Renee French of Maysville, Kentucky, on her recent crowning as Miss America 1999.

Ms. French is an outstanding young woman who made all Kentuckians proud of her impressive showing at this year's prestigious Miss America pageant. She made history with her win on September 18, 1999, as the first Miss Kentucky ever to be named as the reigning Miss America—and the goal to help homeless Veterans she's set for her year-long term will likely make history as well.

Though young, Ms. French has accomplished a great deal in her 24 years. A graduate of the University of Cincinnati (U of C) undergraduate program and a student in the U of C Masters of Design school, she currently teaches at the U of C design school, and is working on a textbook for college-level design students.

Her resume boasts extensive service and volunteer experience, including working with the Make-A-Wish Foundation, volunteering at VA hospitals and with the Statewide Vietnam Veterans Awareness Campaign. It is refreshing to see an intelligent, successful young woman who takes the time to spend unpaid hours working to help others.

According to post-pageant interviews, Ms. French has indicated that the top priority with her newly-won title is to lobby Congress on behalf of America's Veterans. The daughter of a disabled Vietnam Veteran, Ms. French has become acutely aware of the problems Veterans face and the obstacles they often have to overcome.

I also would like to congratulate the French family, as this is their victory as well. They are to be commended for the love and support they provided throughout Heather's life, and throughout what was surely a busy summer preparing for the September pageant. Her father, Ron, deserves recognition as the inspiration for Heather's strong desire to help America's Veterans and for the Purple Heart he earned during the Vietnam War. As a father, it would encourage me to know that my daughters had learned something from a parents' adversity that would drive them to help others with similar experiences.

My colleagues and I join in congratulating you, Ms. French, on your success and wish you all the best in what will surely be an exciting year.•

ALASKA NATIONAL GUARDSMEN RECEIVE MACKAY TROPHY

• Mr. MURKOWSKI. Mr. President, I would like to take this time to pay tribute to the men of Air Force Rescue 470, from the 210th Rescue Squadron in the Alaska Air National Guard. These five men, stationed at Kulis Air National Guard Base in Anchorage, Alaska, recently received the Mackay Trophy. The Mackay Trophy is given each year to the person or crew in the United States Air Force for what is considered the most meritorious flight of the year. The crew of Air Force Rescue 470 certainly deserve this prestigious award.

Let me tell you a little bit about the rescue they performed which led to this recognition. On May 27, 1998, six people, including two small children, flying in the Tordrillo Mountains, suddenly crashed into a glacier about 10,500 feet above sea level. These people were trapped in their plane, with darkness coming and the temperature dropping. Because they were not dressed for the extreme cold that would come, these six people would surely not survive the night.

Fortunately for them, they had some of the best trained, best equipped, and bravest men were on the way to the crash site. This was not an easy rescue by any means. It was already extremely cold, visibility was only ⅛ of a mile, the wind was anywhere between ten and forty knots, and the crashed plane was high up the mountain. Normally any one of these factors would make a rescue attempt extremely risky. But Air Force Rescue 470 had to contend with all sorts of deterrents in order to rescue these people before nightfall came.

The crew had to fly up to an altitude of over 12,000 feet because of the visibility problem. The thin air made it difficult for the helicopter blades to keep the aircraft aloft and for the men to breathe. As soon as a hole in the clouds appeared, they dove down into the mountainous terrain to land. The weather was only getting worse, and the pararescuers had only fifty minutes, because of the limited fuel supply, to pry open the wreckage of the downed plane, get everyone out, and get them all safely back to the helicopter, six hundred feet away. All six lives were saved.

Mr. President, I know that the crew of Air Force Rescue 470 were simply happy to be serving their country on this day back in May of 1998. I also know that they have made countless other rescues, just as have other Rescue units around the country. But I am especially proud that these fine young men of the Alaska Air National Guard were chosen for the Mackay Trophy. So to Lieutenant Colonel John Jacobs, the pilot, First Lieutenant Thaddeus Stolar, the copilot, Master Sergeant Scott Hamilton, Master Sergeant Steve Daigle, and Technical Sergeant Greg Hopkins, the pararescuers, I congratulate you. Both Alaska and the Nation thank you for your continued efforts to save lives.•

ORDERS FOR FRIDAY, SEPTEMBER 24, 1999

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, September 24. Further, I ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that following the vote on the Wellstone amendment Senator KERRY of Massachusetts be recognized to offer his amendment which is on the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. Then following 2 minutes of debate, a vote on the Wellstone amendment regarding atomic veterans will take place. Therefore, Senators can expect the first vote to take place at approximately 9:35 a.m.

There are a few more amendments on the list that must be disposed of prior to final passage. Senators can expect votes throughout the morning. We will attempt to finish the bill by 11 o'clock in the morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Friday, September 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IRA BERLIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE JOSEPH H. HAGAN, TERM EXPIRED.

EVELYN EDSON, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALICIA JUARRERO, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT E. WEGMANN, 7951

To be lieutenant colonel

SANDRA K. JAMES, 1376

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS AND JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be colonel

JOHN H. BELSER, JR., 4425 JA

To be lieutenant colonel

DOUGLAS K. KINDER, 6867 CH

To be major

THOMAS R. SHEPARD, 5072 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628 AND 3064:

To be colonel

*KATHLEEN DAVID-BAJAR, 5717 MC

To be major

HARRY D. MCKINNON, 1877 MC
DEAN C. PEDERSEN, 1568 MC

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WENDELL A. PORTH, 5063

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Thursday, September 23, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 23, 1999.

I hereby appoint the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Give us we pray, O gracious God, the vision to see Your will for righteousness in our world and give us attentive hearts to see the need for reconciliation and respect in our communities and in our institutions. We pray that Your good spirit will enlighten us with love in our own lives so that we will be the people You would have us be and do those works of justice that benefit every person. As we are open to Your spirit and armed with Your grace, may we then be empowered to be Your people in our daily lives. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Idaho (Mrs. CHENOWETH) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHENOWETH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

WHO IS TO BLAME FOR DO-NOTHING CONGRESS?

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker. I rise today to thank the distinguished minority leaders of both the House and the other body for settling what to me has long been a confusing issue.

In spite of all the legislation the Republican Congress has passed so far, the Social Security lockbox, tax relief, and debt reduction, the Ed-Flex bill, and the military readiness bill, to name just a few, we have listened for months to Democrats bluster about the do-nothing Congress.

When I picked up my copy of The Hill yesterday, I finally began to understand what they mean by a do-nothing Congress. They mean themselves. On the front page, the distinguished minority leader of the other body proclaimed his disappointment that the first session of the 106th Congress was not more productive, while only a few lines of newsprint away the distinguished minority leader of the House claimed that the Democrats have dominated the Congressional agenda since 1994.

So, Mr. Speaker, if the Democrats are in control and nothing is being done, then I ask the Members, who is to blame?

GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for 5 months many of us in this body have urged the Republican leadership to help us enact common-sense gun safety measures that will keep guns out of the hands of kids and criminals. But at every turn we have been stalled and stymied, we have been told that we are rushing, that we need to wait.

Waiting means more lives are lost. Every day that passes takes a toll of 13 children, 13 youngsters killed every day by guns. Hundreds of children have been killed just in the time since the tragedy at Columbine High School.

Today I join my colleagues in continuing to pay tribute to some of those children and urge the Congressional leadership to pass gun safety legislation in their memory.

Paulette Peak, age 8, killed by gunfire on July 31, 1999, Chicago Illinois;

Reginald McClaine, age 16, killed by gunfire on August 4, 1999, Bronx, New York;

Aaron Thomas, age 16, killed by gunfire on August 5, 1999, St. Louis, Missouri;

Tamara Seline, age 17, killed by gunfire on August 6, 1999, West Palm Beach, Florida.

GUN CONTROL LAWS

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, most people who know me know that I am never really inclined to praise The Washington Post. But The Washington Post, to their credit, ran a very fine story this past Sunday about gun control that surprised me quite a bit.

Apparently, my friends on the other side of the aisle missed that article or have decided to merely misrepresent this whole issue. The article points out that none of the gun control bills debated by Congress this year if passed into law would have stopped any of the recent shootings which have taken so many of our children's lives.

The reason is quite simple. All of the killers had either bought their guns legally or found an easy way to get around State and Federal laws. The article went through each shooting and each killer, the killers at Columbine; Mike Barton in Atlanta; Buford Furrow, Jr., in Los Angeles; Benjamin Nathaniel Smith in Illinois and Indiana; and Larry Geen Ashbrook in Fort Worth, Texas; and it traced the steps through which the purchase of the guns occurred before those shootings.

Again, no gun control laws so passionately advocated by those on the other side would have had any impact on these killers.

CAPTIVE ELEPHANT ACCIDENT PREVENTION ACT

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today, first of all, to thank game show host Bob Barker for coming to Washington, D.C. in support of the bill I am introducing today and sorry that he had to have emergency surgery. We all wish him well as he recovers from this.

Today I am introducing the Captive Elephant Accident Prevention Act, H.R. 2929, to make circuses more humane for animals and safer for spectators. I am not interested in seeing the circus industry unduly hindered or encumbered. My bill is a practical, reasonable bill that addresses a fundamental wrong in the entertainment industry.

The problem is that we have to break the will of wild beasts, big beasts that are 10 feet tall, weigh several tons, in order for them to perform stunts at circuses. They use high-powered electric prods. They tie them up. And we can see that when an animal goes wild, as this one did in Honolulu, that the only way to stop them from injuring people is to shoot them. That is what happened in this case where an animal had 57 rounds shot into him before he was brought down.

Animals like elephants are not horses or dogs. They cannot be trained for those purposes. I urge my colleagues to join me in cosponsoring H.R. 2929.

FALN TERRORISTS RELEASED FROM PRISON

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is the practice in our Nation that victims of crime and their families be consulted before criminals who have perpetrated the crimes against them are released from prison.

Well, it just so happens that the victims of the FALN terrorist attacks were never even consulted; they were never even notified that these terrorists were about to be set free from prison, another injustice against the American people and victims of crime by our President.

Yet, the Clinton-Gore Administration took months talking to the terrorists and their representatives as they made their decision. We know that the First Lady was consulted. She first agreed, and then she said she changed her mind. We are told that the Vice President is consulted about everything. I wonder what his response or his role was in granting the terrorists their freedom.

Why were not 139 bombings, 6 people killed, dozens maimed enough to keep terrorists off of our streets? The American people and the victims of crime deserve answers to these questions, not silence through executive privilege.

CONGRESS TURNS OTHER CHEEK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, FBI agents testified that the Justice Department blocked their investigation of illegal campaign contributions to the Democrat National Committee in the last campaign.

FBI agents also said, under oath, Justice Department lawyers actually impeded and delayed and obstructed any investigation.

Beam me up, Mr. Speaker. Whether we are a Republican or a Democrat or an Independent, this is wrong. This may in fact be criminal. And the Justice Department warrants a thorough investigation by an independent counsel, not one of their own peers.

The trouble is, Mr. Speaker, Congress turns the other cheek. Shame, Congress.

I yield back China Gate. I yield back Travel Gate. I yield back Ruby Ridge. I yield back Waco. And I yield back more to come.

DEMOCRATS WANT TO SPEND MORE—REPUBLICANS WANT TO SPEND LESS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as we move to the end of the closure for our budget this year, on almost every single bill, on almost every single amendment to every bill, this dispute between the Republicans and the Democrats comes down to the same thing. The Democrats want to spend more and more around here. Republicans want to spend less and provide accountability.

In fact, any attempt by Republicans to limit spending is met by outrage, accusations by the Democrats that Republicans are mean-spirited.

Yet, for 40 years while they were in the majority there was hardly a Government program they did not support, a Government program they did not expand, or a Government program they did not dream about building. Yet, now Democrats are actually trying to portray themselves as a party of fiscal responsibility.

Please spare us, the American people, this rhetoric. Republicans were elected in 1994, and they forced the President to sign a balanced budget despite loud protests from the left that it would require savage cuts. The Republicans believe in fiscal accountability, and they are trying hard to value the taxpayers' money.

REMEMBERING FIREFIGHTER STEPHEN MASTO

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today with a heavy heart to honor the service and pay tribute to Stephen Joseph Masto. Stephen died in late August while helping to battle a wildfire in Los Padres National Forest in my district.

At the young age of 28, Stephen had already devoted his career to public safety. He spent his career fighting fires all over Southern California and the central coast. We can never repay Stephen or his family for his dedication, hard work, and ultimate sacrifice. Rather, we must honor him by being especially mindful of the brave men and women firefighters he has left behind.

These individuals have committed themselves to protecting the lives and safety of their neighbors in times of need. Like Stephen, they are true heroes in every sense of the word.

I know that I speak for my entire community when I extend my most heartfelt condolences to Stephen's families and loved ones who will miss him so terribly. We honor him when we honor the people he has left behind.

IT IS TIME TO CLEAN HOUSE AT THE JUSTICE DEPARTMENT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, it seems that rarely does a day go by when we do not learn of more allegations of mismanagement, stonewalling, and coverups at the Department of Justice.

Yesterday, during the testimony before the Senate committee, FBI agents assigned to investigate the Clinton White House's involvement in the widespread campaign financial scandal said that Justice Department officials blocked their efforts to carry out the investigation.

At one point during the investigation, the special agent in charge of the Little Rock FBI office personally wrote to FBI Director Louis Freeh to express his concern about Justice's role in hampering the investigation, maintaining that the team leading the investigation, at best, simply was not up to the task.

Mr. Speaker, the Justice Department continues to lose confidence of the law enforcement community, confidence of the Congress, and confidence of the American people. It is time to restore that confidence. It is time to clean House at the Justice Department. It is time for Attorney General Janet Reno to step down.

GUN VIOLENCE IN AMERICA

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, while this Congress delays, while this Congress continues to look the other way, America's children are falling victim to gun violence at an alarming rate. The American people are demanding that this House take action to protect our young people from gun violence.

□ 1015

That is why I am so proud to stand here with my colleagues in reading the rollcall of children who have been victims of gun violence since Columbine. The child safety locks could have prevented many of these accidental deaths. This Congress should pass this legislation and stop delaying, delaying, delaying.

Richard Stanley, age 15, killed by gunfire on August 6, 1999, West Palm Beach, Florida; Erik Kraemer, age 17, killed by gunfire on August 7, 1999, Turtle Lake, Wisconsin; Halley Finch and many more that I will place in the RECORD.

LET US PASS THE INTERSTATE CLASS ACTION JURISDICTION ACT TODAY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, this week of September 19 to 25 marks Lawsuit Abuse Awareness Week. I commend members of the Western Maryland Citizens Against Lawsuit Abuse, WMCALA, for joining thousands of Americans in informing the general public of the high price we all pay for frivolous lawsuits and excessive jury awards.

Today this House has the opportunity to reduce lawsuit abuse by passing the Interstate Class Action Jurisdiction Act. This bill will discourage frivolous class action claims.

I urge my colleagues on both sides of the aisle to vote yes and pass this sensible and important legislation.

Frivolous lawsuits and excessive jury awards exact a heavy price from all Americans in the form of higher prices for goods and services, fewer jobs, loss of safety improvements and product innovations, and delays in compensation for citizens with legitimate claims. Please pass the Interstate Class Action Jurisdiction Act today.

LET US PASS REAL GUN SAFETY REFORM NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stood here yesterday and I will stand here many more days, if it takes our presence on the floor to cause this Congress to pass real gun safety reform.

I stand here to continue the rollcall of dead children who have been killed by gunfire since Columbine. Mr. Speaker, it is important that we close the gun show loopholes that will disallow criminals and others who should not have guns from getting guns. It will disallow those who would kill our children or would put guns in the hands of our children that they might accidentally shoot each other.

Mr. Speaker, are my colleagues aware that unlike our movie theaters where one must be accompanied by an adult for certain type movies, that children can randomly go through gun shows with no supervision? Yes, Mr Speaker, we need real gun safety reform, the elimination of automatic clips. We need to protect our children, and it is for that reason I stand here today to read the rollcall of our dead children who died by gunfire:

Timothy Rodriguez, age 16, killed by gunfire on August 7, 1999, Peoria, Arizona; Preston Posey, age 14, killed by gunfire on August 8, 1999, Louisville, Kentucky; Jaire Soler, age 15, killed by gunfire on August 8, 1999, Bronx, New York.

AMERICA HAS OVERPAID THE COST OF GOVERNMENT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, imagine going to McDonald's and ordering a nine-piece chicken nuggets and a large drink. The cost is $4.50. You give the clerk a $5 bill. The clerk takes your money, gives you the chicken and the drink but no change. So you ask, where is my fifty cents? And the clerk says, well, I could give you the fifty cents, but then I would have to trust you to spend it right.

Well, you would be appalled. You would be angry. It is your money. But, Mr. Speaker, that is exactly what will happen if the President vetoes the tax cut.

America has overpaid the cost of government. We locked up all Social Security. We have protected all of Medicare payments. We are even paying down the publicly held debt, and still we have money left over. We have overpaid the cost of government. The change is ours.

Well, the President does not trust us to spend it right. He has even publicly said so. But I trust you, the Republicans trust you, and I hope the President will change his mind and trust America and give us back our change and sign the tax relief law.

CHILDREN KILLED BY GUNFIRE

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I would like to continue to read the names of children killed by gunfire since the April 20 Columbine massacre: Anthony Joseph Stroud, age 12, killed by gunfire in July 1999, Houston, Texas; Reginald McClaine, age 16, killed by gunfire on August 4, 1999, Bronx, New York; Aaron Thomas, age 16, killed by gunfire on August 5, 1999, St. Louis, Missouri; Erik Kraemer, age 17, killed by gunfire on August 7, 1999, Turtle Lake, Wisconsin; Halley Finch, age 5, killed by gunfire on August 7, 1999, Gary, Indiana; Jeremy Lee Gearon, age 16, killed by gunfire on August 7, 1999, Gary, Indiana; DeJuan Williams, age 17, killed by gunfire on August 9, 1999, St. Louis, Missouri; Alexande Durrive, age 14, killed by gunfire on August 10, 1999, Miami, Dade County, Florida.

EVERY CHILD IN AMERICA IS NOW SADLY A TARGET OF CHINESE MISSILES, COURTESY OF TECHNOLOGY TRANSFERS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I note with interest the recitation of names by my colleagues on the left. I think it is a tragedy when any child dies. I think it is likewise a tragedy when we can add to the rollcall the names of the living. Nicole Irene Hayworth, Scottsdale, Arizona; Hannah Lynn Hayworth, Scottsdale, Arizona; John Mica Hayworth, Scottsdale, Arizona; and every child in America now sadly a target of Chinese missiles, courtesy of transfers of technology, curiously supported by campaign donations from Chinese interests to the Democratic National Committee.

Yes, it is a tragedy when any child dies, but the answer is not in abridging constitutional rights. It is in enforcing existing laws on the books. Just as current laws for campaign finance have not been enforced, just as current laws for firearms have not been enforced, the lawlessness, Mr. Speaker, comes from those who are elected to faithfully execute the laws.

WE DO NOT NEED ANOTHER MONTH IN OUR CALENDAR TO CONTINUE DOING NOTHING

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, with only 6 congressional working days remaining in this Federal fiscal year, only one of the 13 appropriations bills necessary for the continued operation of our Government has actually been signed into law. This is the kind of record of inattention to duty, of inaction that brought us the costly Republican government shutdowns in the all-too-recent past.

It is perhaps most symbolic of this Congress that one of the few bills that has been approved was a commemorative medal for the great explorers Lewis and Clark, for I think that not even such great explorers could find any accomplishment in this Congress. In the words of the majority leader, the gentleman from Texas (Mr. ARMEY), "We have sort of bumped into a wall."

With this Congress, America is bumping into a wall of inaction.

Now the Republican leadership is even considering the creation of a thirteenth month on the Federal calendar. If they worked more than halftime during the first 12 months, we would not need such nonsense.

CLINTON-GORE ADMINISTRATION HAVE TURNED BLIND EYE TO RUSSIAN CORRUPTION

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, over the last 7 years, the IMF, with the backing of the Clinton administration, has loaned the Russian Government $20 billion. All the while, the administration assured Congress and the American people that they were working with Russia to facilitate reforms. Yet as details of the vast money laundering out of Russia unraveled this month, Deputy Secretary of State Strobe Talbott said, quote, "calm down, world. We have been aware from the beginning that crime and corruption are a huge problem in Russia and a huge obstacle to Russian reform."

Indeed, in 1995, the CIA met with Vice President Gore to present evidence on the personal corruption of Prime Minister Victor Chernomyrdin with whom Vice President Gore led a joint American-Russian commission. According to the New York Times, Mr. Gore rejected that report.

It is time that the Clinton-Gore administration tell Congress and the American people what else they have rejected and why they have turned a blind eye for so long.

THE PRESIDENT SHOULD RECONSIDER HIS VETO OF THE TAXPAYER RELIEF ACT

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, the President's penchant for raising taxes on America's working-class families, to fund costly, unproven and inefficient government programs for special interest groups, his expected veto today of the Taxpayer Relief Act is neither surprising nor unexpected. However, one would think this President would care to leave a better legacy than having created the most costly and overbearing bureaucracy in the history of our Nation.

If and when the President uses his veto pen later today, he will effectively eliminate the best opportunity we have ever had to protect Social Security and Medicare, while paying down the massive debt our country has accrued after 40 years of liberal spending.

There is more, Mr. Speaker. In addition to offering broad relief for middle-class taxpayers, including the repeal of the death tax, an across-the-board reduction in income and capital gains tax rates, marriage tax penalty relief and education, health care and dependent care assistance, the Taxpayer Refund and Relief Act contains provisions specifically designed to assist America's farmers and ranchers currently enduring the worst farm economy since the Great Depression.

The President's harmful treatment of agriculture is nothing new either. His affinity for campaign-style rhetoric, broken promises and outright hostility toward agriculture has resulted in record numbers of farmers and ranchers facing defaults, foreclosures, and farm auctions.

STAND FIRM FOR THE BENEFITS EVERY AMERICAN DESERVES: JUSTICE UNDER THE LAW

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let me just say that we put together a $792 billion tax relief package for the people of the United States of America. There is a tax savings for every American. There is tax savings for education.

We tried to put America back on track. Guess what the President is going to do today? He is going to veto that legislation and put a $792 billion tax increase on every American person in this country.

Furthermore, to try to offset the stench of Waco that is going around today, this White House has the audacity to try to sue an American industry, the tobacco companies. They are legal operations. The idea is to take the pressure off of Waco.

We must have justice in this Nation. We are a Nation of justice. We must stand firm for the benefits that every American deserves, and that is justice under the law.

THE MARRIAGE TAX PENALTY WILL CONTINUE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today's theme team is proud to present to the President of the United States the smoke and mirror award for vetoing the middle-class tax cut. The middle class in America, the President says, deserves a break. Of course, a couple of years ago, remember, he was asking these same middle class people to invest in government and yet today he refused to invest in them by letting us keep our own money.

Therefore, in Savannah, Georgia, Marilyn and Robert Johnson will continue to pay the marriage tax penalty that they are having to pay ever since they were married, because this President does not want to give them relief.

□ 1030

Ms. C.C. Jones in Brunswick, Georgia who works out of her house will continue to not have the 100 percent deduction for buying her health care, because the President will not give it to her. And then, a good friend of mine named Jimmy, I am not going to say his last name, because he is in an income bracket that is not necessarily something the President cares about, he would have gotten a 7 percent tax reduction today, but the President says, no, Jimmy, you keep on working those 50 to 60 hours a week, because Washington is going to grow, not the American taxpayers. They are not going to keep their money.

To you, Mr. President, I proudly present the Smoke and Mirror Award. Job well done for government bureaucrats. One more victory for Washington, one less for middle-class taxpayers.

TAX BILL DOES NOT PLAN FOR THE FUTURE OF OUR COUNTRY

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am proud to stand here today and say that I am glad the President is going to veto that tax cut bill, because talk about smoke and mirrors, over the next 10 years, they expect to have a $3 trillion surplus if the economy stays as good as it is today, and $2 trillion of that is Social Security receipts. The Republicans passed a $790 billion bill for a tax cut. That does not leave anything for Medicare; it does not leave anything for education.

Of course, why should we expect them to plan for 10 years from now? Right now, the last appropriations bill we have on this floor, it is not even here yet, is the education funding bill. It should be first and not last. They are going to cut Federal aid to education dramatically to meet their caps, and that is what is wrong.

That is why I am glad the President is vetoing that tax bill, because it does not plan for the future of our country.

REPUBLICANS WANT AMERICANS TO SPEND THEIR OWN MONEY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, the last person in the well made the case very clearly as to what the debate is about. The Republican's $792 billion tax cut gives money back to the people who earned it. The Democrats want to spend it. It is just that simple.

We heard the gentleman say we did not have enough money for education and for the programs he wants to spend it on.

We want you to spend it; they want to spend it for you. It is a very, very simple issue.

The one thing that we are very clear on is that we passed the Social Security lockbox. Not one penny of Social Security surpluses will go for spending or for tax relief; it will go for Social Security. I will repeat it again. We want you to spend it; they want to spend it for you.

HOUSE NEEDS TO PASS GOOD GUN SAFETY LEGISLATION TO KEEP OUR CHILDREN SAFE

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, how long? How long will our children have to wait before we can pass good gun safety legislation? How long will our parents, who are petrified to send their children to school for fear of that fatal call that they will get? How long, Mr. Speaker, must this House wait to ensure our children the safety that they deserve when they are in school or in church?

I suggest to my colleagues, Mr. Speaker, my bill, the child safety lock bill that was introduced in the 105th Congress and in the 106th Congress that has not passed this House yet, would have perhaps prevented Andre Holmes, age 15, killed by gun fire on September 1, 1999 in Atlanta, Georgia; Larry N. Perry, age 17, killed by gun fire on September 1, 1999 in Omaha, Nebraska; Kyla Washington, age 1, killed by gun fire on September 4, 1999, Dolton, Illinois; Christopher Fogleman, age 12, killed by gun fire on September 4, 1999, Wilmington, North Carolina.

Mr. Speaker, the list goes on and on. Let us not forget, the children are watching.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, pursuant to clause 7C of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

Mr. Speaker, the form of the motion is as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 be instructed to insist that the conference report—

(1) recognize that the primary cause of youth violence in America is depraved hearts, not inanimate weapons;

(2) recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and

(3) not impose unconstitutional restrictions on the second amendment rights of individuals.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2558

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2558.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1875, INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 295 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 295 a modified, open rule providing for consideration of H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

Mr. Speaker, H. Res. 295 provides one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment.

House Resolution 295 also provides that the amendment in the nature of a substitute shall be open to amendment by section. The resolution provides for the consideration of pro forma amendments and those amendments printed in the CONGRESSIONAL RECORD which may be offered only by the Member who caused it to be printed or his designee, and shall be considered as read.

The rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in the series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, this bill is intended to eliminate the abuse of the current class action rules. Today, an attorney can devise a theoretical case, write it as a class action, and argue that he is pursuing the claim on behalf of millions of people, none of which solicited that attorney's assistance. Using this practice, hundreds of frivolous lawsuits are filed in favorable State courts and used as high-stakes, court-endorsed blackmail devices against companies which usually settle rather than face a long and arduous court battle.

The Advisory Committee on Civil Rules of the Federal Judicial Conference has reported that class actions have increased 300 to 1,000 percent per company in the last 3 years. This explosion of class actions, done in the name of the consumer, has cost businesses and consumers billions of dollars in legal fees and higher prices. Even worse, legitimate legal claims have been collusively resolved by lawyers in back rooms while the real victims have gotten, at best, a handful of coupons for their favorite laundry detergent.

One of the rules that allows the attorneys to abuse the class action process is the "diversity" requirement. Foreseeing the possibility that attorneys that would seek the most favorable State court to hear their case, the Founding Fathers included a provision in article III of the Constitution that cites numerous situations in which Federal courts would have jurisdiction when a case included different parties from different States.

Since that time, however, the threshold for removal of a Federal case to Federal court has been significantly raised to require that the claim by each member of the class exceed $75,000 and members of the class are of different States. These new standards have promoted "venue shopping" by attorneys, who go looking for States that would be particularly favorable to their claim.

Mr. Speaker, H.R. 1875 would end this abuse. Under new rules included in the bill, interstate class actions could be returned to the proper venue, the Federal courts, where both plaintiff and defendant have an equal standing. Either a plaintiff or a defendant could have the right to remove the case to the Federal level. Further, attorneys would have less of an incentive to file frivolous claims when the venue could be changed from their favorable State courtroom to a more balanced Federal bench.

Mr. Speaker, H.R. 1875 also protects the jurisdictions of State courts by ensuring that class actions involving less than $1 million in claims or fewer than 100 people could still be heard at the State level. Cases in which State officials or agencies are the primary defendants would also be left to State courts.

Unfortunately, some will argue today that this bill will prevent Americans from getting justice. Do not be fooled. What they really mean is that trial lawyers will not be able to fill their coffers in State courts at the expense of both the businesses they sue and the citizens that they supposedly represent. Under current rules, if two lawyers have entered competing class actions in court, the first to be decided gets all of the relief and the other action is moot, which leaves the members of the other action without any recourse in court. H.R. 1875 would allow plaintiffs to remove their case to Federal court, where these similar actions would be coordinated into a single action, benefiting the people seeking redress and not the trial lawyers.

H.R. 1875 also includes provisions to ensure that these new rules will not place unreasonable burdens on the Federal judiciary. While CBO estimates that H.R. 1875 would have only a minimal impact on the Federal bench, the bill requires the GAO to complete a study on the effect that the changes in diversity rules would have on the Federal judiciary and report to Congress no later than 1 year after the bill's enactment.

I applaud my friend from Virginia (Mr. GOODLATTE) and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for their good work on this action, which returns our class action system to the fundamental principles intended by our founders when they created the Federal judiciary. This bill is fair to all parties and restores the impartial venue of the Federal courts to class actions. I encourage every Member to support this fair rule and the underlying rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this bill. H.R. 1875 has an innocuous title, the Interstate Class Action Jurisdiction Act, but its content is destructive.

Mr. Speaker, this bill makes it harder for the little guy to have his day in court. It seriously limits the ability of Americans to seek redress for injuries caused by large corporations. This legislation also represents an unwarranted incursion into State court prerogatives and by doing so will further clog the already backlogged and overloaded Federal court system. This legislation does nothing to curb abuses of the class action system, but it will ensure that legitimate claims will be harder to pursue, will be more expensive to pursue, and will take far longer in the courts than they already are.

In short, Mr. Speaker, this is a very bad bill, and it deserves to be defeated.

H.R. 1875 flies directly in the face of the notion of States' rights that my Republican colleagues are so often heard to extol. The bill removes every class action from State court, unless all of the primary defendants are incorporated, or have their principal place of business in the State where the case is filed, or unless virtually all of the plaintiffs are citizens of that State.

□ 1045

The Attorneys General of New York and Oklahoma have written to the Speaker raising objections to this bill based on the very notion of States' rights. They write, "Such a radical transfer of jurisdiction in cases that most commonly raise questions of State law would undercut State courts' ability to manage their own court systems and consistently interpret State laws."

The President of the Conference of Chief Justices wrote to the chairman of the Committee on the Judiciary to say, and again I quote, "We believe that H.R. 1875 in its present form is an unwarranted incursion on the principles of Federalism underlying our system of government."

Mr. Speaker, some proponents of this legislation say that it is a simple procedural fix. Others contend that it was designed to fix abuses of the class action system. But Mr. Speaker, there are those of us who ask, how could an unwarranted incursion on the principles of judicial Federalism represent a simple procedural fix?

There are others of us who ask why, if the intent is to address abuse, are there no specific remedies for specific problems embodied in this bill?

Mr. Speaker, this bill faces a certain veto. It is opposed by the Justice Department, the Judicial Conference of the United States, the Conference of Chief Justices, the Attorneys General of New York, Oklahoma, Connecticut, Florida, Idaho, Iowa, Kansas, Massachusetts, Minnesota, New Hampshire, Oregon, Pennsylvania, Vermont, Tennessee, and West Virginia. It is opposed by a wide range of consumer groups, health groups, social justice groups, and the trial lawyers.

They are all rightly concerned that H.R. 1875 will remove class actions from forums which are most convenient for victims of wrongdoing. They are all rightly concerned that passage of this legislation would deny class action relief which could remedy fraudulent behavior, discriminatory practices, or negligence.

I share these concerns, Mr. Speaker, and urge the defeat of this bill.

Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for the great tobacco companies; the health maintenance organizations, for which so many people are asking that this Congress pass a Patients' Bill of Rights, as this Congress sits on its hands in inactivity, about abuses of patients in managed care; for the gun manufacturers and their role in gun violence; for the great insurance companies; for all of those who believe that personal responsibility is a wonderful, basic, moral concept for everyone except for themselves, this is a great piece of legislation.

It is based on the concept that personal responsibility is for someone else, but for some who engage in wrongdoing, Congress must step in and insulate and protect them from the consequences of that wrongdoing. This bill is based on the concept that if you are big enough and bold enough, and if you lubricate the system of government at campaign time enough, and if you just steal a little bit from everyone, that you are entitled to not be held accountable for the consequences of your wrongdoing.

That is why over 70 public health and consumer organizations, groups like the American Lung Association, the American Women's Medical Association, the National Council of Senior Citizens, have said, well, if personal responsibility is such a basic American concept, how about applying it to these entities in this country that are content to just take a little bit from everyone?

I join them in opposing this misguided legislation. For some reason, our Republican colleagues are always eager to protect State wrongs. If a State neglects its citizens, if it is not meeting their needs, Republicans object to the Federal Government playing any role. That is the position that Republicans took, for example, with reference to the creation of Social Security and Medicare, and with reference to Federal support for education. But if a State has true States' rights, the Republicans are not a bit reluctant to interfere and take away those rights.

This bill would take all class actions filed in State courts and rip them out of the hands of the State judiciary and take them into Federal courts. Of course, these are Federal courts that are already overburdened and clogged and unable to meet the responsibilities they already have.

As my colleague, the gentleman from Texas (Mr. FROST) just pointed out, that is why many within the Federal judiciary oppose this legislation. The same is true of our State judges, an independent State judiciary being very fundamental to the organization of our country. Since most of these class action suits are based upon the law of an individual State, Mr. Speaker, it is that State judiciary that is most familiar with the substantive law involved in these various class action suits.

If a health maintenance organization in Texas abuses a Texas citizen, I have confidence in the Texas judiciary within our State to examine State law and determine whether our State deceptive practices act or other provision of our Insurance Code has been violated, not just with regard to one Texan, but with regard to many Texans, rather than shifting that into the Federal judiciary.

I believe that Texas ought to have the right to establish its own law to protect its consumers in health maintenance organizations, as it took the lead in doing, and have those actions disposed of by our Texas judiciary.

This legislation would destroy that right and shift into a crowded and overwhelmed Federal judiciary the job of policing the wrongdoing of the few against the many. It is the taking away of States' rights that, as my colleague, the gentleman from Texas, has rightfully noted, has caused the attorneys general of these States, has caused State judges, to say, do not interfere with what we are doing.

There has been no case made that our State courts are abusing their responsibilities, are not fulfilling their responsibilities, to justify this amazing assumption of power by the Federal courts, a right they do not want in the Federal judiciary, and which, at the same time, will cut out the heart of the right of the States to decide cases interpreting State law as it affects the citizens of their State.

The only justification for this legislation is for those who have committed some of the greatest wrongs in this country, the tobacco companies that continue to addict 3,000 children a day to nicotine addiction, the insurance companies and the health maintenance organizations that continue to have a stranglehold on this Congress, to not pass a Patients' Bill of Rights.

Other wrongdoers in our society are now influencing this Congress to take away one of the only effective remedies that our citizens have. That is to come together in an efficient way in the court system, when the Congress will not act, to turn to the courts and seek a remedy there in front of a jury of their peers. If someone has taken a little from the many, not to bar the courthouse door, the way citizens have been blocked out of this Congress, but permitting Americans to join together before a local State judge and proceed in the State judiciary and seek some remedy for wrongdoing that has occurred, which this Congress would not address.

Now that same crowd of special interests, which has encouraged this as an inactive do-nothing Congress, is saying, close off the one remedy the people have to join together in their individual States. It is wrong. This bill should be rejected.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), my colleague on the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of the rule for consideration of the Interstate Class Action Jurisdiction Act of 1999. The underlying legislation will streamline the ability of courts to deal with class action lawsuits. This is very important for Americans, and as my colleague from Texas has argued, it is important for people who live in States and local jurisdictions.

However, we believe that it is important for us to make sure that people who do need remedy in class action lawsuits are handled properly. Today we offer this change in the law to ensure that multiple litigants who reside outside of a particular State who wish to become a party to a class action lawsuit must file that action within Federal court.

Our Founding Fathers did not intend for one State to judge class action lawsuits involving many other States. The Federal courts are better equipped with not only resources but also the staff to handle class action lawsuits involving citizens of diverse States.

This rule makes in order any germane amendments to exempt industries from class action reform. These amendments, however, should be rejected. Such amendments go against the underlying principles of this bill, that Federal courts are the appropriate venues to try large class action lawsuits involving citizens of diverse States, and that applies no less to tobacco, guns, or HMO litigation.

Since there are no specific reasons to carve out a specific industry, any amendment to do so can only be intended to derail the bill or apply a political correctness test to what should be neutral rules of civil procedure.

Mr. Speaker, these are contentious issues. They are important issues to our entire Nation, and as such, should be treated properly at the Federal level. This is a proper way to handle contentious national problems. It is important to recognize that this rule has been crafted to accommodate amendments that are objectionable to many Members of this body, including myself.

But what we are trying to do is to make sure that we craft a rule that allows open debate, to allow other people who disagree with us to be able to bring these amendments, such as they are, to try and carve out these three areas. I simply disagree with them.

Therefore, this rule sponsored by the gentleman from Georgia (Mr. LINDER) I believe is fair, it deserves the support of this body, and it is, I believe, important for our colleagues to recognize that we should not carve out three areas that are contentious political debates in this country to put them to specific State district courts within a State and expect a State to not only have the burden of that cost, but also to where we take it outside of where a Federal remedy is necessary.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation ignores a fundamental fact about the way the judiciary is organized in the United States.

In the Federal court system, the same Federal judges hear both civil and criminal cases. In the State court system, as in my State of Texas, there is a complete separate set of judges that hear civil cases and a separate set of judges that hear criminal cases.

What the Republican majority has done during the last 5 years is vastly increase the number of crimes that are now heard in Federal court, so that they have overburdened the Federal court system by adding additional cases that must be heard by Federal judges, and now they want to further overburden the Federal court system by bucking almost all class actions to the Federal court level.

They ignore the fact that our State courts are structured with two separate types of courts, one for civil jurisdiction and one for criminal jurisdiction, and our Federal judiciary must hear both civil and criminal cases before the exact same judges. They are putting an inexcusably difficult burden on the Federal judiciary.

I had the opportunity as a very young man right out of law school to clerk for a Federal judge. I do have some understanding of the way the Federal judiciary in this country operates. We are now piling so many cases on the backs of Federal judges that we are going to make it impossible for real justice to be achieved through the Federal system.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Texas.

□ 1100

Mr. DOGGETT. Mr. Speaker, is the gentleman from Texas (Mr. FROST) familiar with the record of this Congress on appointments and vacancies in the Federal judiciary in Texas and across the country as to whether or not, over the last several years, there have been literally dozens of vacancies left in our Federal trial courts and in our Federal appellate courts, which are the very ones that will now have shifted to them significant and expansive new litigation?

Mr. FROST. Mr. Speaker, I am happy to respond. In fact, I very much am. There is an article in today's Washington Post describing that exact situation about how slow the current Congress, the members of the other body have been to fill Federal vacancies during the last several years.

Mr. DOGGETT. Mr. Speaker, so will not the effect of this legislation be to shift the rights of those who have been wronged to Federal courthouses where the bench and the office is empty because the same Republican Congress that is proposing this legislation will not approve judges to sit in the seats to deal with the business that those courts have that they are overburdened with today?

Mr. FROST. Mr. Speaker, that is exactly the case. As I indicated, this same Congress has been adding jurisdiction to the Federal courts on the criminal side so that more and more time is taken up with hearing criminal cases. Now they want to increase the civil jurisdiction of the Federal court system and, as the gentleman has pointed out, not fill those judgeships so that all those matters can be handled in a prompt way.

Mr. Speaker, I am prepared to yield back in just a moment. I would urge that the rule be defeated. I would urge that the bill be defeated. This is a bad piece of legislation that is going to substantially harm the Federal judiciary and substantially harm the rights of litigants in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for the closing arguments on a very fair rule.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Atlanta, Georgia (Mr. LINDER), the distinguished chairman of the Subcommittee on Rules and Organization of the House, for his fine leadership on the Committee on Rules and his management of this and his moving it so expeditiously.

I am not going to take a long period of time other than to say I cannot believe that the gentleman from Texas (Mr. FROST) would advocate opposing an open rule which simply had a prefiling requirement for the CONGRESSIONAL RECORD. I mean, it is a modified open rule. Seven amendments have been filed.

We are going to see what obviously will be a free-flowing debate, I suspect not unlike the exchange we saw between the two gentlemen from Texas, Mr. DOGGETT and Mr. FROST, just now.

This bill is not about attorney bashing. I mean, the trial lawyers are often criticized around here. But that is really not the issue. The fact of the matter is, in my State of California, we have often seen judge shopping take place. That is what is going on right now all around the country.

What has that done? It has unfortunately increased cost to consumers, and it has created an amazing burden. That is the reason that the gentleman from Virginia (Mr. GOODLATTE) and others are going to be moving forward with what I believe to be a very fair and balanced measure which will have a free and open debate. It is the right thing for us to do. We want to make sure that people do, in fact, have their day in court.

I will tell both of the gentlemen from Texas, Mr. DOGGETT and Mr. FROST, that I am looking forward to superb judicial appointments coming from the next administration. I am looking forward to a United States Senate which will, at the speed of light, confirm those spectacular appointments.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 181, not voting 11, as follows:

[Roll No. 437]

YEAS—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune

Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

Coble
Diaz-Balart
Engel
Hall (OH)
Holden
Jefferson
Rangel
Royce
Scarborough
Sweeney
Waters

☐ 1127

Messrs. DELAHUNT, SPRATT, TAYLOR of Mississippi and RODRIQUEZ changed their vote from "yea" to "nay."

Mr. HALL of Texas changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the question of agreeing to the motion to instruct on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from California (Ms. LOFGREN), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Lofgren moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 117, not voting 11, as follows:

[Roll No. 438]

YEAS—305

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Coyne
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—117

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bass
Berry
Bishop
Bliley
Boehner
Bonilla
Boucher
Bryant
Burr
Burton
Callahan
Chabot
Chenoweth
Coburn
Collins
Cooksey
Costello
Cramer
Cubin
Danner
DeLay
DeMint
Dingell
Emerson
Everett
Fletcher
Gekas
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Kingston
LaHood

Lampson
Largent
Lewis (KY)
Lucas (KY)
Lucas (OK)
McCrery
McIntosh
McIntyre
Moran (KS)
Murtha
Myrick
Ney
Norwood
Oberstar
Ortiz
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Rahall
Riley
Rogers
Ryun (KS)
Sandlin
Sanford
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Turner
Vitter
Wamp
Watkins
Watts (OK)
Whitfield
Wicker

NOT VOTING—11

Cannon
Coble
Cox
Engel
Hall (OH)
Holden
Istook
Jefferson
Rangel
Royce
Scarborough

☐ 1137

Messrs. BURTON of Indiana, NEY, DELAY, SHOWS, WHITFIELD, ADERHOLT, STRICKLAND, LARGENT, and KINGSTON changed their vote from "yea" to "nay."

Mr. RADANOVICH changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. YOUNG of Alaska. Mr. Speaker, I mistakenly voted in favor of the motion to instruct conferees on H.R. 1501 offered by Ms. LOFGREN. My vote should have been recorded as a vote in opposition to the motion.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1875, the bill to be considered in the Committee on the Whole shortly.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 295 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1875.

The Chair designates the gentleman from Utah (Mr. HANSEN) as chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

☐ 1138

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, with Mr. HEFLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions, the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

Mr. Chairman, the class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would go otherwise unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the class involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend. Other State courts employ very lax class certification criteria rendering virtually any controversy subject to class action treatment.

There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in the Federal jurisdiction statutes to block the removal of class actions that belong in Federal court.

For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the right of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, these cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases make the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases involving minimal diversity. That is when any plaintiff and any defendant are citizens of different States to be brought in or removed to Federal court.

Article 3 of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases, cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out-of-state defendants.

In a class action, only the citizenship of the named plaintiff is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant regardless of the citizenship of the rest of the class.

□ 1145

Congress also imposes a monetary threshold, now $75,000, for Federal diversity claims. However the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the minimum required by the statute.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law a citizen of one State may bring in Federal court a simple $75,001 slip-and-fall claim against a party from another State. However, if a class of 25 million product owners, each having a claim of $10,000 living in all 50 States, brings claims collectively worth $250 billion against the manufacturer, the lawsuit cannot be heard in Federal court.

This result is certainly not what the framers had in mind when they established Federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to Federal court where cases involving multiple State laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice, and the action could be refiled in the State court.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole allowing Federal courts to hear big lawsuits involving truly interstate issues while ensuring that purely local controversies remain in State courts. That is exactly what the framers of the Constitution had in mind when they established Federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a measure, H.R. 1875, that will remove class actions involving State law issues from State courts, the forum most convenient for victims of wrongdoing to litigate and most familiar with the substantive law involved, to the Federal courts where the class is less likely to be certified and the case will take longer to resolve.

Now why is this being done in the face of all the arguments for States rights, the concern about the Tenth Amendment to the Constitution that reminds us that all powers not explicitly delegated to the Federal system is reserved to the States? Why are we here with a bill that would now take this power from the State courts and subject it to Federal rule?

Although this bill is described by its proponents as a simple procedural fix, in actuality it rewrites a major rewrite of the class action rules that would bar most forms of State class actions. That is right; it would bar most forms of State class actions. H.R. 1875 is appropriately opposed by the Department of Justice, both the State and Federal courts, by consumer interest groups, and public interest groups as well.

Now class action procedures offer a valuable mechanism for aggregating small claims that otherwise might not warrant individual litigation. This legislation will undercut that important principle by making it far more burdensome, expensive and time consuming for injured persons to obtain access to justice in the State courts.

In doing so, it will make it more difficult to protect our citizens against violations of consumer health, safety and environmental laws, to name but a few important ones. Thus, the bill will benefit only one class of litigants, corporate wrongdoers. The most obvious examples of corporate defendants that have been susceptible to State class actions are, as we know, tobacco, gun, and managed care industries.

H.R. 1875 will also damage both the Federal and State courts. As a result of Congress' increasing propensity to federalize State crimes and the Senate, the United States Senate's, unwillingness to confirm judges, the Federal courts are already facing a dangerous work-load crisis. By forcing resource-intensive class actions into Federal court, H.R. 1875 will effectively further aggravate those problems and cause victims to wait in line even longer, as much as 3 years or more, to obtain trial. Moreover, to the extent class actions are remanded to State court, the legislation effectively only permits case-by-case adjudications, potentially draining away precious State court resources as well.

Now finally, the legislation raises constitutional issues because H.R. 1875 does not merely operate to preempt an area of State law, which is onerous enough, but rather it unilaterally strips the State courts of their ability to use class actions' procedural device to resolve State law disputes. The courts have previously indicated that efforts by the Congress to dictate such State court procedures implicate important Tenth Amendment issues and should be avoided. These powers that are not explicitly granted the Federal system are reserved to the States, and we are taking this very important judicial tool away from the States.

So H.R. 1875's incursion into State court prerogatives is no less dangerous to the public than many of the radical forms of tort reform that were rejected of court stripping that was rejected by both the Congress and the administration, and thus I urge that H.R. 1875, Interstate Class Action Jurisdiction Act of 1995, likewise be rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), one of the lead cosponsors of this legislation, a member of the Committee on the Judiciary and my friend.

Mr. BOUCHER. Mr. Chairman, I rise today in strong support of H.R. 1875, which I am pleased to be co-authoring with my friend and Virginia colleague, the gentleman from Roanoke (Mr. GOODLATTE). Our measure makes a much needed reform in an area that has been subjected to substantial abuse.

Increasingly, lawsuits that are truly national in scope are being filed as State class actions, and a range of problems attends this growing practice. Some State judges employ an almost anything-goes approach that renders virtually any controversy subject to certification as a State class action.

Some State courts routinely engage in a practice that is best described as drive-by class certifications in which the decision to certify the class is made before the defendant is even served with the complaint and given an opportunity to contest the class certification. In such an environment, defendants and even plaintiffs are being denied the most routine of rights as there is a rush to certify classes and a rush to settle the cases.

For example, in order to prevent removal of cases to Federal courts, the amount that is sued for is sometimes kept artificially below the $75,000 jurisdictional threshold for Federal court actions, and that is done even though in many of these instances the plaintiffs would be entitled to recover more than $75,000. In the same vein, class action complaints in many cases will not raise Federal causes of action that could legitimately be raised; also, for the purpose of denying the defendants the opportunity to remove the cases to Federal court.

These practices are clearly not in the interests of the plaintiffs on whose behalf the class actions have been filed, and neither are the quick settlements that often follow and that yield large fees for the plaintiff's attorneys and negligible returns for the plaintiffs themselves.

Another major problem arises from the inability of States to consolidate class action proceedings that often are filed in more than one State and that involve the same issues of law and fact, that involve the same causes of action, and that involve the same class members on both the plaintiff's side and also the same defendants.

Frequently, these parallel cases proceed in numerous States at the same time to the disadvantage of all parties concerned. This circumstance sometimes leads to competition among the States in order to get the certification first and to achieve the first settlement, whatever the cost of that settlement to the plaintiffs on whose behalf the class action has been filed. In the Federal courts, of course, multidistrict litigation can be consolidated, thereby eliminating and avoiding all of these problems.

The legislation that is before the House today seeks to address these concerns by permitting cases that are truly national in scope to be removed to Federal court even if the traditional diversity requirements are not met. Today, the target defendant is almost always a large out-of-state corporation. To prevent removal under current rules an in-state defendant, such as a retailer or distributor of the product that is the subject of the action against whom recovery is generally not sought, will be joined as a party defendant simply to prevent there being complete diversity and to prevent the removal of the case to Federal court.

Our legislation would permit removal in that instance if the center of gravity of the case is truly national in scope. The legislation is carefully drafted to provide that cases which are local, and we refer to these as interstate cases, will not be entertained in the Federal courts unless the traditional removal rules are met. If the defendant and the majority of the plaintiffs are in-state parties, and if the law of that State will govern disposition of the proceedings, then the Federal judge will be required to remand that case for proceedings in State court.

Some of the opponents of this legislation claim that it essentially federalizes all class actions. That simply is not the case. If the case is local in nature, if the majority of the plaintiffs, if the defendant are residents of the State in which the class action is filed, and if the law of that State would be dispositive of the proceeding, then the Federal judge under this legislation would be required to return that case as a class action to the State courts, and so State class actions can proceed under those arrangements where the cases are, in fact, purely local.

The legislation sensibly improves our legal system without limiting anyone's right to file a class action or to receive recovery; and I am pleased to be joined in co-authoring this measure with the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. MORAN), the gentleman from Tennessee (Mr. BRYANT). And this morning I am pleased to strongly urge its adoption by the House.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute before yielding to the gentleman from Ohio (Mr. KUCINICH) because both the previous speakers supporting the bill have talked about the ability of courts to allow the certifying of class actions before the defendants have had an opportunity to respond, and I would like to point out that not only is this barred by the Constitution, that there is a Supreme Court case on it preventing it; and the two Alabama State court cases have both held that classes may not be certified without notice and full opportunity for defendants to respond, and the class certification criteria must be rigorously applied.

So I just want to lay that chestnut to rest as the debate goes on.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding this time to me.

□ 1200

Mr. Chairman, I rise in opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act. As someone who has served as a State Senator in Ohio, I am here to confirm that the purpose of State courts should not be diminished. State courts exist to assure the people of the State access to justice, equal protection under the law, right to due process and right to redress for injuries.

Now, I represent the people of the United States through being a Member of this Congress, but I also represent the people of the State of Ohio. The people of my State will not yield their legal rights to H.R. 1875. The fact that a legal issue may have national implications should not and does not mean that the State does not have an abiding interest in the legal architecture which has been set up to provide the people of a State with access to the justice system, and this legislation constitutes an attack on the legal right, not only of the people of the State but of the State itself.

It protects the makers of dangerous products by taking away the rights of consumers to get their day in court. It will give the makers of dangerous products the special right to shop for a court they believe will favor them.

How many other accused can choose the judge that will judge them? We should not give those who make dangerous products advantage over our constituents in that way. It will delay justice for injured consumers. Makers of dangerous products will be able to choose courts that are seriously backlogged. We should not delay justice for injured consumers. It would deprive consumers of the right to have their case heard by State court judges and, as such, represents a manipulation of the jurisdictions and a depriving of people the right of due process at a State level.

I believe that economic rights and the right to justice are interconnected. This law would be an attempt to deconstruct those rights simultaneously and individually. This legislation ought to be defeated, and I urge my colleagues to vote against H.R. 1875.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), another of our lead cosponsors on this legislation.

Mr. MORAN of Virginia. Mr. Chairman, I thank my distinguished colleague, the gentleman from Virginia (Mr. GOODLATTE), for yielding me time.

Mr. Chairman, this is good legislation. It is needed legislation. So I rise in strong support of this legislation, because it will correct a statutory anomaly that conflicts with the original intent of the Framers of our Constitution. When the Framers drafted the Constitution, they created so-called diversity jurisdiction to protect parties against bias in State courts and to allow interstate lawsuits to be heard in Federal court. Diversity jurisdiction was codified in statute with individual lawsuits in mind.

Mr. Chairman, I am a strong supporter of the class action device, and I believe that it is an important tool in our legal system to provide justice for injured parties. Class actions improve the efficiency of our legal system and are often the best way to fairly adjudicate claims.

With that said, though, we must also recognize the jurisdictional flaw in our system and the abuses that stem from it. We have a responsibility to ensure that plaintiff's and defendant's rights are both fairly protected.

In 1966, the Advisory Committee on Civil Rules created rule 23 of the Federal Rules of Civil Procedure. It allowed similar claims to be heard together. No one at that time considered the unique nature of class actions and that the diversity jurisdiction statute did not make sense for class actions.

The result of all of this is an historical anomaly that prevents interstate class actions, exactly the type of cases that should be heard in Federal court, from being heard in Federal court where they belong. It was never intended that State court justices in one State should be able to overturn the laws of other States. That does not make sense. It was never intended that that be the case by the Framers of the Constitution.

Under current law, though, most interstate class action lawsuits cannot be heard in Federal court because they do not meet the technical requirements of diversity jurisdiction, or too often due to gaming of the system by plaintiffs' attorneys oftentimes. A plaintiff's attorney will find someone in a State where the defendant is located and as soon as they can do that it goes right into State court. That was not the original intent of the Framers. A case may be worth billions of dollars but a Federal court cannot hear it if each plaintiff's damages are not at least $75,000. It may involve millions of plaintiff class members across the country, but if there is one named plaintiff from the same State as one defendant then that case cannot be heard in Federal court.

Recently, there was a case in Alabama and the attorney for the plaintiff said if anybody wants to claim more than $75,000 then they have to opt out.

They are gaming the system. If somebody has a claim worth more than that then they should be able to get that claim and not be used as pawns to manipulate class action lawsuits.

Most of the recent class action lawsuits filed in State courts are not single State cases. Plaintiffs' attorneys generally file these as nationwide actions, to create the most leverage to force defendants to settle, and that is what the game is all about, forcing large settlements because they know they have nationwide costly implications.

The result of all of this is that one State or county court judge in a forum hand picked by plaintiff's counsel ends up dictating what the law is for the other 49 States.

I do not want Virginia to have its laws decided by a judge in Texas or California or Illinois or New York. My colleagues should not want a State or county court judge in some other State adjudicating their constituents' rights without any accountability to the people of their own State, but that is what is happening today.

This year in a House Committee on the Judiciary hearing, former Clinton administration Solicitor General, and the famous Duke Law School constitutional scholar Walter Dellinger, described what is going on as false federalism, because instead of having a Federal judge decide for all 50 States, a judge of one State is deciding for the other 49 States.

It does not make sense. This false federalism is made worse by the rampant abuses that have been going on in some State courts and the lax certification standards that those courts apply.

It is not right. It should not continue. We need to change it. It is important to recognize this is not a radical change to our legal system. This is only to correct an anomaly that should have been corrected and that until it is corrected will lead to wide scale abuse that is not acceptable.

I strongly urge support for this contrustive corrective legislation.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would point out to my distinguished friend, the gentleman from Virginia (Mr. MORAN), that the limit was raised from $50,000 to $75,000 for diversity jurisdiction by the Federal court system itself. They were trying to make it a higher level to prevent gaming, not to encourage gaming.

Then I should point out to the gentleman that the Judicial Conference of the United States, the chief justice himself presiding, pointed out that 1875 creates a couple of problems. One is that, in effect, they do not have the ability to deal with increased caseload. And they expressed opposition to these class action provisions and also the conflict between these provisions of the bills and longest recognized principles of federalism, and they encourage further deliberate study of the complicated issues raised.

So although the gentleman thinks this is new material, it has been very carefully considered by the Federal judiciary.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I appreciate the gentleman from Michigan (Mr. CONYERS) yielding me the time.

Mr. Chairman, I rise to voice my strong opposition to H.R. 1875. This is a classic example of a solution looking for a problem. Worse, it is an ill-conceived solution that actually creates a problem. Class action suits are not clogging State courts as proponents assert, but H.R. 1875 would virtually assure that Federal courts get clogged.

The real problem is that children, families, communities, and small businesses are being injured by dangerous, even reckless, corporate behavior. They need access to our civil justice system. While most businesses take care to sell safe products, some do not. Consider families whose children became ill or died after eating E. coli tainted hamburgers, small businesses and consumers who were overcharged on electric rates, communities whose drinking water was contaminated by pesticides, drivers whose auto insurance policies were unfairly canceled. All of them joined together in class action suits. If H.R. 1875 had been in effect, they would have all found it far more difficult, if not impossible, to get their fair day in court.

I join with consumer groups and senior groups in opposing this legislation.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, let me just address some of the comments my colleagues made. Contrary to the assertion that H.R. 1875 would not take away any authority from State courts or otherwise offend well-established principles of federalism, this particular legislation, I think, recognizes that the expansion of Federal diversity jurisdiction over interstate class actions envisioned in this legislation is entirely consistent with the current concept of such jurisdiction.

At present, the statutory gatekeeper for Federal diversity jurisdictions is 28 U.S.C. 1332, which essentially allows Federal courts to hear cases that are large in terms of the amounts in controversy and that have interstate implications in terms of involving citizens from multiple jurisdictions.

By their nature, though, these class actions typically fulfill these requirements. Class actions normally involve so many people and so many claims, that they invariably put huge dollar sums into dispute and implicate parties from multiple jurisdictions. Yet, because section 1332 was originally enacted before the rise of the modern day class actions, it does not take account of the unique circumstances presented by class actions.

As a result, as interpreted by Federal courts, that section has served to potentially exclude class actions from Federal courts while allowing Federal courts much smaller cases having few, if any, interstate ramifications.

That technical problem would be corrected by this legislation. I think it was put together by former solicitor general Walter Dellinger, as he testified before the House Committee on the Judiciary hearing on the bill that if Congress were to rewrite completely the Federal diversity legislation statute, there would be really little legitimate debate that interstate class actions should be the first and foremost type of case to be included within the scope of this statute. So I think the implication there is clear.

I want to thank my friend, the gentleman from Virginia (Mr. GOODLATTE), for introducing this legislation. We have worked together on so many legal reforms and technology-related pieces and to bring it to where it is today, where I think it is on the verge of passage.

This particular legislation implements procedural reforms for interstate class action lawsuits. I think it reduces costs to consumers. It solidifies the rights of plaintiffs, of plaintiffs, by ensuring that they and not their lawyers receive the majority of compensation when they have proven their claims in the court.

Now, what does this bill do? It is intended to correct a technical flaw in the current Federal diversity of citizenship jurisdiction which tends to prevent interstate class actions from being adjudicated in Federal courts. Federal courts will be able to handle class action lawsuits that truly involve interstate issues. This legislation makes it easier for plaintiff class members and defendants to remove cases to Federal court where multiple State laws are more appropriately heard.

Interstate class actions filed in State court could be removed to Federal court using existing removal procedures with three new features.

Unnamed class members who are plaintiffs may remove to Federal court class actions in which their claims are being asserted within 30 days after formal notice. Any party, any party whose name can be removed, the consent of the other parties is not required. So plaintiffs' rights are protected in this case and the bar on removing cases to Federal court after one year would not apply to class actions, although removal would still be required within 30 days of the first notice.

If a removed class action is found to not meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice. Plaintiffs could then refile their claims in the State court, and the statute of limitations on individual class members' claims in such a dismissed class action will not run during the period of action that it was pending in the Federal court.

What could be fairer to all concerned? The act applies only to claims that are filed after the date of enactment.

I think this is good legislation. I think when we look back at the history, that most interstate class actions cannot be heard in Federal court today due to the Federal diversity jurisdiction statutes that allow attorneys to literally, as my friend, the gentleman from Virginia (Mr. MORAN) said, game the system, or making statements about the amounts in controversy and then reversing those statements later on.

This legislation is needed. I hope my colleagues will vote to adopt it.

□ 1215

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary and who has worked very vigorously on this subject.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership. I thank the gentleman from Virginia (Mr. GOODLATTE), my good friend, Mr. Chairman, who has offered this legislation in good faith and good intentions.

The previous speaker and I have shared a common training in law school, and so it certainly causes me stress to rise in opposition to his position. However, I would argue vigorously that rather than ease the burden of litigants going into the court system, in fact, Mr. Chairman, this represents a sealed, locked, closed and forever impenetrable door to justice in the United States. I say that with a good deal of documentation.

First of all, albeit the testimony in our hearings, there is no concrete evidence that State courts are not doing justice in class action lawsuits; that there is no bias toward the defendant or bias against the defendant, or bias for the plaintiff, or bias against the plaintiff.

We realize that class actions were initially created in State courts based on equity and common law, and I certainly do not want to drain our interests in defining both of those, but it simply means that one comes into a court of equity and we balance the rights and try to be fair for those who would petition the court for justice. It was a way for the common person, common law, to get inside the courthouse and to find justice.

With this legislation that creates partial diversity, what we are saying is, one is blocked from going into the courthouse. Any iota of diversity, that means if one has a class action that inquires or incorporates thousands of Texans, and by the way, the Texas State courts have handled class action lawsuits very ably. But if one has a diversity case or a class action case, this particular statute allows one lone person, a citizen of a State different from the defendant, to add or confuse the mix, if you will, and move this case immediately to the Federal court.

What a shock to those plaintiffs who have organized around an issue, and more importantly, Mr. Chairman, what a shock to the Federal courts who, more often than not, do not certify class action cases and have already indicated to us that they are overwhelmed and overworked with not enough Federal courts, not enough Federal judges, and not enough opportunity to do justice to the cases that they are already in.

Might I say that many of us who have joined in this overload of the Federal courts, many times who have federalized drug laws, and some are very much concerned about the overload, we federalize any number of cases, and now we find, particularly in the State of Texas, I will tell my colleagues that our Federal courts, particularly in the southern district, are overwhelmed with drug cases.

They do drug cases maybe 80 percent of the time, criminal drug cases. We may disagree with the fact that those cases are there and we are criminalizing the smallest amount of drug cases; we are not getting the kingpins, we are just throwing any Tom, Dick and Harry in jail and not solving the problem, but these courts are overwhelmed.

Now, this particular statute offering itself as a justice statute is everything but that. What it does is, it takes the class action lawsuits like a tobacco case lawsuit that is smoothly running through the courts in the State system and throws it into the deadlock of the Federal system; one, they might not have even gotten there, but more importantly, more importantly, most of these cases will not be certified.

This statute would also diversify or throw it to the Federal courts if a citizen of a State is different from any defendant, a foreign state or citizen of a foreign state and any defendant is a citizen of a state, or a citizen of a state and any defendant is a citizen or subject of a foreign state. So this is seeking to implode the class action litigation. It is seeking to imbalance the rights of an individual citizen who would join in a class action against a conglomerate, Mr. Chairman.

I would simply say to my colleagues that this particular Interstate Class Action Jurisdiction Act should not be supported. The President intends to veto this particular statute, and I would hope that we would find a better compromise to serve the scales of justice in the United States.

Mr. Speaker, I have had the privilege to listen to the testimony of many distinguished witnesses when this measure came before the full Committee on the Judiciary. I had hoped that the supporters of this bill in its present form could have persuaded me otherwise, but I simply cannot approve of this measure in its present form as it contains too many potential problems. I am sympathetic to the proponents of this legislation's desire to ensure that class actions are used for their intended purposes. This bill, H.R. 1875, the "Interstate Class Action Jurisdiction Act of 1999," as drafted goes too far.

As you may well be aware, class action suits were initially created in State courts based on equity and common law. In 1849, class action suits became statutory under the Field Code. In 1938, a Federal class action rule was first enacted in the form of Federal Rule of Civil Procedure 23, and in 1966, Rule 23 was amended to grant more flexibility with regard to class actions, particularly with respect to actions seeking monetary damages.

Thirty-six States have adopted the amended Federal Rule 23. Seven States still use class action rules modeled on the original Federal Rule 23. Four States use the Field Code-based class rules. Three States still permit class action suits at common law have no formal class rules.

Article III of Constitution provides for "limited federal court jurisdiction court based upon diversity." Currently, disputes may reach Federal court where the plaintiffs and defendants are residents of different States and the amount in controversy exceeds $75,000. The status quo allows action suits only if every plaintiff is diverse with respect to the defendant. Given the sheer number of plaintiffs in a class action suit, diversity often cannot be achieved.

By amending 28 U.S.C. 1332 (the diversity statute), this bill provides Federal jurisdiction as long as any member of a proposed plaintiff class is (1) a citizen of a State different from any defendant; (2) a foreign state or citizen of a foreign state and any defendant is a citizen of a State; or (3) a citizen of a State and any defendant is a citizen or subject of a foreign state.

This creation of partial diversity, then, drastically changes the nature of Federal jurisdiction. While this measure would provide some sense of uniformity to class actions, I am afraid that this contravenes the Supreme

Court's requirement of complete diversity between all named plaintiffs and defendants as articulated in Strawbridge v. Curtiss, 3 Cranch 267 (1806).

I am concerned that this measure is not driven by the desire to streamline the Federal justice system, but instead by the want to protect large corporations. Corporations want Federal jurisdiction as they perceive this arena as more favorable. This bill would funnel class action suits into Federal courts, which has the potential to permit corporations to avoid more stringent State laws.

As currently drafted, the bill's partial diversity standard that likely would result in an explosion in the number of civil cases extending well beyond the capacity of the Federal courts. Congress has been increasingly federalizing State law in general, and State criminal law in particular. In 1997, alone, 22,603 civil cases were pending for 3 years or more. More importantly, the Senate has failed to fill a number of Federal vacancies (over 10 percent of the Federal judicial positions remain vacant).

In addition, H.R. 1875 could result in less efficient litigation. Since Federal courts would still require complete diversity in all other Federal diversity cases, plaintiffs likely would seek to formulate class action suits simply to satisfy the partial diversity requirement created for class action claims. Again, this situation likely would drive more cases into Federal court and increase the burden on the courts.

This legislation simply raises too many questions and presents too many quandaries. Unless these problems are rectified, I cannot support this measure.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute to respond to a couple of points.

First of all, the President has not indicated that he intends to veto this legislation. There have been communications from his representatives that they might recommend that to him, but that is not the same thing as a veto threat.

Secondly, I would point out to my colleague from Michigan that while the diversity amount, the amount in controversy was raised from $50,000 to $75,000 by the Federal judiciary, the purpose of that is to screen out small lawsuits from going into Federal court. But that is not the case here at all. This is about bringing large lawsuits to Federal court.

The legislation requires a minimum of $1 million in controversy to bring a diversity case class action into Federal court, so we eliminate the anomaly of a situation where somebody with a $75,000 claim can get into Federal court, but somebody who has a class action suit with 100,000 plaintiffs and an amount in controversy of $10,000 each, or a $1 billion claim, cannot get into Federal court today because they do not meet that diversity requirement. This changes that discrepancy in the law and allows big, diverse cases to come into Federal court.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), who is opposed to the bill and who serves on the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a radical response to a handful of court decisions that some disagree with. The response is to use political clout just to change the system.

Now, this is not the first time that we have changed the system when we disagree with a court decision. Even pending cases, for example, in the Oklahoma bombing case, we changed the law right in the middle of the case and forced the judge to reverse a preliminary ruling. After an airline case just a couple of years ago, we changed the law after the crash to enable some plaintiffs to get increased damages. The Committee on Education and the Workforce, Mr. Chairman, has already reported a bill which will have the effect of reversing a lower court decision. The case is now on appeal. That bill, if passed, would reverse the lower court decision. We even enacted legislation about a year or two ago which had the effect of entering final judgment in a child custody case that was pending.

So, Mr. Chairman, if one has the political clout, one can come to Congress and change the system to one's advantage and receive special treatment, rather than being relegated to going through the regular court process. That is not fair.

This is also a bad bill, Mr. Chairman, because it is not good policy to continually federalize court proceedings. The Federal judiciary has already complained, the Chief Justice has complained about cases being transferred to Federal court. We have even now street crimes, juvenile crimes being more and more handled by Federal courts. Those are supposed to be handled by the State courts and here we are again federalizing cases.

Now, the proponents complain that the State courts rule on interests of out-of-state parties. That has always been the case and it will always be the case, and this bill does not change it. In fact, if one has multiple defendants of large corporations, multiple plaintiffs, but not technically a class, State courts can continually hear these cases. One can have billion dollar cases, complex, multi-State, but if one has a plaintiff and a defendant both from the same State, the Federal court will not hear that case, but the State court will rule on other State laws, other State interests.

Mr. Chairman, the only people that will be denied the access to State courts will be those who are consumers that need the procedure of a class action to actually hear their cases. Those are cases which are small and cannot be brought as individual cases, so the consumers will be denied, but the large corporations will not.

This bill does not reform; it just transfers the cases of consumers into Federal courts and denies them State access. For those consumers who are affected, this bill will cause confusion, because if a State case is filed, this bill allows anybody who alleges that they are affected by the case to start filing motions. The person is not a plaintiff; the person is not a defendant, just a stranger, so that if one is talking about gaming the system, let us have a defendant that does not like being in State court, finds a friend from out of State, brings them in, and starts filing motions in Federal court.

Now, the person who is filing, if they do not like being in the class, they can opt out of the class, so they have no legitimate purpose other than to add confusion to the case. So rather than having the plaintiff and the defendant proceeding with the trial or with settlement, this bill allows strangers to come in and delay the proceedings, adding expense and making it less likely that the merits of the case will ever be considered.

Mr. Chairman, this bill is unneeded and it is unfair to consumers. It only benefits corporate wrongdoers who want to delay and complicate the cases and, therefore, should be defeated.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. BRYANT), another lead cosponsor of the legislation.

Mr. BRYANT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to join with a bipartisan group of Members of this House to sponsor this change in this law that is very much needed. As my predecessor, the gentleman from Virginia (Mr. SCOTT) said, sometimes it is necessary to change a law, and that is what we are doing here.

Over the past several years there has been an outburst of the filing of a number of class action lawsuits in State courts. Now, this is proper under law, but the system is also being gamed in doing that by using the principle of diversity and defeating that principle of diversity to end up in State court and prevent the proper removal or possibility of removal to a Federal court. This bill simply corrects this.

Because of the amount of exposure that sometimes these defendants face in a class action lawsuit, the economics of the situation, the expense of having to go through a lengthy trial, the number of claimants involved, very often the defendants have to settle the case out of court. The trial lawyers know this and that is why they file the case like they do, and they do this.

In many of those cases, unfortunately, these class action lawsuits, the plaintiffs, the people who have actually sustained the injuries that the lawsuit is all about, receive very little. I know we have heard a lot about that already, anything from certificates to actually, in some cases, owing money back, whereas the lawyers are the main ones that benefit from this system in terms of receiving enormous fee awards.

That is simply not right. That is part of the gaming of the system where they go out and forum shop and select, rather than a Federal court which is better prepared to handle these types of cases. They select a particular State court around the country that probably is lacking in many ways the ability to handle these lawsuits.

The Federal judges, I understand, will complain that they are overburdened already, and unquestionably, they are. But we hear those same comments from the State judges in the State courts. Everybody in the judicial system today is overburdened. That is because there are an awful lot of criminal cases out there, and there are an awful lot of civil cases out there. So it is not a question of who is the busiest. But I would say that the Federal judges have United States magistrate judges that help them dispose of cases; they have a number of law clerks that help them that do research and help them, but in most cases where we are talking about a State judge, these are simply not assets that are available to a State judge.

In most cases, State judges lack the experience in handling complex, complicated class-action lawsuits, so in terms of actually getting a forum that is best suited, that is most appropriate to give fair justice, there is no question that the Federal courts are better suited to handle these class-action lawsuits.

□ 1230

But again, because of the current law that deals with diversity, that it can easily be affected by adding one party to that to defeat that diversity, this is not occurring, the fact that the Federal courts are not hearing the class action lawsuits as they should because they are being sent to the State courts and being kept there.

Under our bill, nothing changes about the substantive law, the law that will govern this case. The law that whatever judge that hears this case will apply is still the same. This is simply a matter of correcting the venue, the forum, the place that the trial would be held.

In terms of dealing with a company that perhaps does business across the country, in terms of dealing with plaintiffs, alleged victims of this company or these companies that live in all 50 States that could very well make up the members of that class, it simply is unfair that one State court, whether it is Tennessee, that I represent, or Alabama, or Oregon, should be able to hear that type of case.

Originally, I believe the forefathers put this in our Constitution in terms of setting up the trial system, and our law evolved over the years to create a diversity, so when we had citizens from different States, that we could avoid the home cooking that sometimes occurs when one does not belong to that State, they are sued there, and they have to go in and defend themselves.

The courts recognized that. The Congress has recognized that by creating this diversity so they can have a level playing field, they can be treated fairly. In some cases that was not always the situation because, again, they went into a home cooking environment.

I would suggest that is happening in some of these cases. That is basically the reason that we are here. We are trying to ensure that fair justice is there for all parties. Even though they might be tobacco, firearms, or big corporations, we are all entitled to equal justice, and I think this is a big first step to ensure that occurs.

Mr. CONYERS. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me make several points, as many points as my time will allow me to make, about this bill, and encourage my colleagues to vote against this proposal.

First of all, I practiced law for a number of years before I ever thought about running for Congress. There is just a basic fairness argument that I think we all need to be aware of.

If a plaintiff is injured, he goes and hires a lawyer, they cultivate, research, put together a case, decide where the appropriate place is to litigate that case, spend months and months preparing for the case, file the case. Two days later somebody who has done absolutely nothing to get that case to trial under this bill has the ability to walk in and move that case to another forum. There is something patently unfair about that. I just want us to focus on that.

The second point I would make is that in 1994, when my Republican colleagues came riding into the House, one of the principles that they gave major lip service to was the whole notion that there was too much going on at the Federal level, that we needed to decentralize government, that our whole system of Federalism was in jeopardy, and we needed to return power to the States.

Time after time after time since 1994 we have seen our Republican colleagues say, well, we do not like the result that we got at the State level, so let us federalize this and let us just take it over, an absolute erosion of States' rights in the criminal law area.

In the area of tort reform they have tried to do it, in the area of juvenile law they have tried to do it. We do not even have a juvenile court, a juvenile judge, a juvenile counselor, and yet, we have tried to federalize juvenile law, and the people who are behind that are the very same people who in 1994 were railing and rhetorically saying, this is terrible, to federalize all this stuff. We need to be returning rights and responsibilities to the most local level, to the State level, the local level, the individual level. Here we are again in this matter trying to bring something else into a Federal court.

The third point I want to make, the Federal courts are hopelessly backlogged. They cannot handle the business that they are doing now. We cannot get the Senate to confirm enough people to fill the vacancies that exist on the Federal bench. Even if they did fill them, there would not be enough judicial power to handle all of these cases.

Yet, here we are in our infinite wisdom saying that the Federal courts know better; the State law, the Federal law, we know everything at this level. This is absolutely contrary to the horse that my colleagues rode into this House on, the States' rights horse. We should not sanction this. It is just a bad idea.

The final point I want to make, and I will talk about this a little bit more in the context of an amendment that I have to offer, is that even if this were a good idea, this bill is so badly drafted, there are some irrationalities in the drafting of the bill, that we are going to try to correct some of them during the course of the debate, and hopefully we will get some of those things worked out.

But there are some just severe unintended, or maybe they are intended. I never know whether my colleagues are accomplishing things that they intend or accomplishing things they do not intend, since they told me they intended to preserve States' rights, and they keep cutting the legs from under it.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I rise against this bill because it is part of a two-part pincers movement aimed at the heart of impartial justice.

Part one, represented by this bill, shifts to the Federal bench most important class action lawsuits. Part two, the other part of the pincer, is to make sure those Federal benches are empty or overburdened with other work.

We know that additional work has been shifted to the Federal judiciary. We know most of the judicial appointments of the President have been held up. But we had a right to think that the other body would in due time act on those judicial appointments. Now I want to commend the chairman of the Committee on Rules for revealing the previously secret part of the Republican plan. It is to keep the Federal judicial benches empty until such time as there is a Republican president.

So what does this bill do? It says you cannot go to a State judge, and you cannot have a Federal judge, unless appointed by a Republican president. So the only judges that can hear class action lawsuits are those that pass a Republican litmus test, and they have the gall to complain about forum shopping.

This takes forum shopping to a new level, because the second part of this pincers movement is nationwide forum tampering, politicizing the Federal courts. The least we could do in this body is to suspend action on this bill until the other body acts upon the President's judicial appointments, confirming those who are qualified, rejecting those who are not qualified, not on the basis of a political litmus test but on the basis of judicial qualifications.

The small in our society will be able to demand justice from the powerful only if we defeat this bill.

Mr. Chairman, I get all wound up on this and then I realize it is time to calm down, because we are not really legislating here. This bill, if it passes both bodies, is going to be vetoed by the President. This is never going to become law. This is political pontificating. This is not real legislating. We are simply here wasting time in the guise of addressing a serious problem.

I look forward to the day when we work out a genuine bipartisan solution that has wide support, not narrow support, wide support on both sides of the aisle, and deal with tort reform.

Mr. GOODLATTE. Mr. Chairman, in that regard, it is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), yet another Member from the other side.

Mr. CRAMER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I join with my colleagues on this side of the aisle and rise in support of H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

I will repeat some of the things that have already been said today. I bring to this debate maybe a unique perspective. I am a lawyer and I am from Alabama. My State has been the butt of many class action jokes. We have seen the proliferation of class actions, frivolous actions, in our State courts.

We have all heard about drive-by certifications, in which classes were certified on the same day that classes were filed, sometimes even before the defendants were notified about the lawsuits. People have heard about the judge who certified I think in a 2-year period of time more class actions than all of the Federal judiciary combined.

Some say if Alabama has a problem, Alabama ought to settle that problem or deal with that problem. We in fact have. The Alabama Supreme Court, the Alabama legislature, they have taken actions to end same-day certifications. We have now made clear that we follow Federal rule XXIII.

It is a good step, but that does not end the problem. These interstate class action lawsuits do not belong in State and county courts in the first place. I do not want a judge in New York determining the rights of citizens in Alabama, and I do not think judges in Alabama should do the same thing for people who live in New York.

There is an important constitutional issue at stake here. I think interstate class actions are meant for the Federal diversity jurisdiction. The Framers of the Constitution intended for large interstate lawsuits to be heard in Federal court.

Members have heard a lot today about what the bill does do. I want to close with what it does not do. This is not a broad tort reform bill. It does not preempt any State laws or change the laws under which a claim will be heard. It does not prevent any claim from being heard, or close the courthouse doors.

This in fact makes sense, and we should pass H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

We have many points that will be made during the amendments, Mr. Chairman. I would just respond to the suggestion that this will clear up the situation where complex cases will have to be heard in Federal court.

Mr. Chairman, if we have 10 corporations suing 18 different corporations from a number of States, if one plaintiff corporation and one defendant corporation are from the same State, that case involving many different States, involving many different State laws, would be heard in State court.

However, if there is a corporation that is systematically ripping off consumers, a simple systematic theft, not complicated, they cannot use the State court. They are relegated to Federal court by this bill.

□ 1245

Now, it would only serve to complicate the litigation for the consumers trying to get justice against a wrongdoing corporation.

Mr. Chairman, this bill is a bad bill. It serves no constructive purpose. There is no need for it. It is unfair to consumers and, therefore, should be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this is very good legislation that serves very good practical purposes, and let me point out two of them.

First of all, it ends the abuse of nationwide forum shopping to find the one judge in the one court in the one State that thinks that anything goes with regard to class actions. We have seen those abuses.

The gentleman from Alabama (Mr. CRAMER) cited the fact that his State has seen class action abuse in the past. There are 4,700 different court jurisdictions in this country. When one has a class action, it is unlike a case where an individual might have two or three different jurisdictions where they can bring their own personal injury suit or contract action. In a nationwide class action suit, they can often choose from all 4,700 different jurisdictions. They should not have the opportunity to do that. There should be more standardized procedures, and we accomplish that by allowing the removal of truly nationwide class action suits to Federal court.

Secondly, the most diverse cases in this country involving millions and even billions of dollars are currently unable to be brought in the court that can best handle them, the Federal courts. This legislation cures this.

Mr. Chairman, I urge my colleagues to support this legislation and oppose the amendments.

Mr. POMEROY. Mr. Chairman, I rise in reluctant opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999. I believe strongly that action must be taken to address the widespread abuse of class action rules. This legislation, however, would have the effect of removing the vast majority of class action lawsuits to the already overburdened federal courts and denying plaintiffs in legitimate class actions their right to due process.

There is little dispute that in recent years the class action device has resulted in serious and rampant abuses of our legal system. Federal rules of civil procedure currently make it exceedingly difficult for defendants to remove a class action case to federal court, even when a case is clearly interstate in nature. Federal "complete diversity" rules have allowed endless forum shopping to keep class action cases out of the federal courts. In some cases, plaintiffs are named in class action cases based only on their state of residence, simply to destroy complete diversity.

Such legal maneuvers have even been conducted at the expense of plaintiffs involved. In one recent state court class action settlement, consumer class members actually ended up losing money—each one was required to pay $91.13—while the lawyers who brought the lawsuit made $8.5 million. Other such examples abound in which class members received virtually no compensation. Action must be taken to protect both consumers and corporations from such abuses of the legal system.

Although I believe strongly in the need for class action tort reform, I reluctantly oppose H.R. 1875 in its current form. By establishing "minimal diversity" rules of jurisdiction, H.R. 1875 would shift jurisdiction of most class action lawsuits from state court to federal court. This would have the practical effect of overburdening the already understaffed federal courts, while further delaying and possibly denying justice for injured plaintiffs.

anything from certificates to actually, in some cases, owing money back, whereas the lawyers are the main ones that benefit from this system in terms of receiving enormous fee awards.

That is simply not right. That is part of the gaming of the system where they go out and forum shop and select, rather than a Federal court which is better prepared to handle these types of cases. They select a particular State court around the country that probably is lacking in many ways the ability to handle these lawsuits.

The Federal judges, I understand, will complain that they are overburdened already, and unquestionably, they are. But we hear those same comments from the State judges in the State courts. Everybody in the judicial system today is overburdened. That is because there are an awful lot of criminal cases out there, and there are an awful lot of civil cases out there. So it is not a question of who is the busiest. But I would say that the Federal judges have United States magistrate judges that help them dispose of cases; they have a number of law clerks that help them that do research and help them, but in most cases where we are talking about a State judge, these are simply not assets that are available to a State judge.

In most cases, State judges lack the experience in handling complex, complicated class-action lawsuits, so in terms of actually getting a forum that is best suited, that is most appropriate to give fair justice, there is no question that the Federal courts are better suited to handle these class-action lawsuits.

□ 1230

But again, because of the current law that deals with diversity, that it can easily be affected by adding one party to that to defeat that diversity, this is not occurring, the fact that the Federal courts are not hearing the class action lawsuits as they should because they are being sent to the State courts and being kept there.

Under our bill, nothing changes about the substantive law, the law that will govern this case. The law that whatever judge that hears this case will apply is still the same. This is simply a matter of correcting the venue, the forum, the place that the trial would be held.

In terms of dealing with a company that perhaps does business across the country, in terms of dealing with plaintiffs, alleged victims of this company or these companies that live in all 50 States that could very well make up the members of that class, it simply is unfair that one State court, whether it is Tennessee, that I represent, or Alabama, or Oregon, should be able to hear that type of case.

Originally, I believe the forefathers put this in our Constitution in terms of setting up the trial system, and our law evolved over the years to create a diversity, so when we had citizens from different States, that we could avoid the home cooking that sometimes occurs when one does not belong to that State, they are sued there, and they have to go in and defend themselves.

The courts recognized that. The Congress has recognized that by creating this diversity so they can have a level playing field, they can be treated fairly. In some cases that was not always the situation because, again, they went into a home cooking environment.

I would suggest that is happening in some of these cases. That is basically the reason that we are here. We are trying to ensure that fair justice is there for all parties. Even though they might be tobacco, firearms, or big corporations, we are all entitled to equal justice, and I think this is a big first step to ensure that occurs.

Mr. CONYERS. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me make several points, as many points as my time will allow me to make, about this bill, and encourage my colleagues to vote against this proposal.

First of all, I practiced law for a number of years before I ever thought about running for Congress. There is just a basic fairness argument that I think we all need to be aware of.

If a plaintiff is injured, he goes and hires a lawyer, they cultivate, research, put together a case, decide where the appropriate place is to litigate that case, spend months and months preparing for the case, file the case. Two days later somebody who has done absolutely nothing to get that case to trial under this bill has the ability to walk in and move that case to another forum. There is something patently unfair about that. I just want us to focus on that.

The second point I would make is that in 1994, when my Republican colleagues came riding into the House, one of the principles that they gave major lip service to was the whole notion that there was too much going on at the Federal level, that we needed to decentralize government, that our whole system of Federalism was in jeopardy, and we needed to return power to the States.

Time after time after time since 1994 we have seen our Republican colleagues say, well, we do not like the result that we got at the State level, so let us federalize this and let us just take it over, an absolute erosion of States' rights in the criminal law area.

In the area of tort reform they have tried to do it, in the area of juvenile law they have tried to do it. We do not even have a juvenile court, a juvenile judge, a juvenile counselor, and yet, we have tried to federalize juvenile law, and the people who are behind that are the very same people who in 1994 were railing and rhetorically saying, this is terrible, to federalize all this stuff. We need to be returning rights and responsibilities to the most local level, to the State level, the local level, the individual level. Here we are again in this matter trying to bring something else into a Federal court.

The third point I want to make, the Federal courts are hopelessly backlogged. They cannot handle the business that they are doing now. We cannot get the Senate to confirm enough people to fill the vacancies that exist on the Federal bench. Even if they did fill them, there would not be enough judicial power to handle all of these cases.

Yet, here we are in our infinite wisdom saying that the Federal courts know better; the State law, the Federal law, we know everything at this level. This is absolutely contrary to the horse that my colleagues rode into this House on, the States' rights horse. We should not sanction this. It is just a bad idea.

The final point I want to make, and I will talk about this a little bit more in the context of an amendment that I have to offer, is that even if this were a good idea, this bill is so badly drafted, there are some irrationalities in the drafting of the bill, that we are going to try to correct some of them during the course of the debate, and hopefully we will get some of those things worked out.

But there are some just severe unintended, or maybe they are intended. I never know whether my colleagues are accomplishing things that they intend or accomplishing things they do not intend, since they told me they intended to preserve States' rights, and they keep cutting the legs from under it.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I rise against this bill because it is part of a two-part pincers movement aimed at the heart of impartial justice.

Part one, represented by this bill, shifts to the Federal bench most important class action lawsuits. Part two, the other part of the pincer, is to make sure those Federal benches are empty or overburdened with other work.

We know that additional work has been shifted to the Federal judiciary. We know most of the judicial appointments of the President have been held up. But we had a right to think that the other body would in due time act on those judicial appointments. Now I want to commend the chairman of the Committee on Rules for revealing the previously secret part of the Republican plan. It is to keep the Federal judicial benches empty until such time as there is a Republican president.

So what does this bill do? It says you cannot go to a State judge, and you cannot have a Federal judge, unless appointed by a Republican president. So the only judges that can hear class action lawsuits are those that pass a Republican litmus test, and they have the gall to complain about forum shopping.

This takes forum shopping to a new level, because the second part of this pincers movement is nationwide forum tampering, politicizing the Federal courts. The least we could do in this body is to suspend action on this bill until the other body acts upon the President's judicial appointments, confirming those who are qualified, rejecting those who are not qualified, not on the basis of a political litmus test but on the basis of judicial qualifications.

The small in our society will be able to demand justice from the powerful only if we defeat this bill.

Mr. Chairman, I get all wound up on this and then I realize it is time to calm down, because we are not really legislating here. This bill, if it passes both bodies, is going to be vetoed by the President. This is never going to become law. This is political pontificating. This is not real legislating. We are simply here wasting time in the guise of addressing a serious problem.

I look forward to the day when we work out a genuine bipartisan solution that has wide support, not narrow support, wide support on both sides of the aisle, and deal with tort reform.

Mr. GOODLATTE. Mr. Chairman, in that regard, it is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), yet another Member from the other side.

Mr. CRAMER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I join with my colleagues on this side of the aisle and rise in support of H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

I will repeat some of the things that have already been said today. I bring to this debate maybe a unique perspective. I am a lawyer and I am from Alabama. My State has been the butt of many class action jokes. We have seen the proliferation of class actions, frivolous actions, in our State courts.

We have all heard about drive-by certifications, in which classes were certified on the same day that classes were filed, sometimes even before the defendants were notified about the lawsuits. People have heard about the judge who certified I think in a 2-year period of time more class actions than all of the Federal judiciary combined.

Some say if Alabama has a problem, Alabama ought to settle that problem or deal with that problem. We in fact have. The Alabama Supreme Court, the Alabama legislature, they have taken actions to end same-day certifications. We have now made clear that we follow Federal rule XXIII.

It is a good step, but that does not end the problem. These interstate class action lawsuits do not belong in State and county courts in the first place. I do not want a judge in New York determining the rights of citizens in Alabama, and I do not think judges in Alabama should do the same thing for people who live in New York.

There is an important constitutional issue at stake here. I think interstate class actions are meant for the Federal diversity jurisdiction. The Framers of the Constitution intended for large interstate lawsuits to be heard in Federal court.

Members have heard a lot today about what the bill does do. I want to close with what it does not do. This is not a broad tort reform bill. It does not preempt any State laws or change the laws under which a claim will be heard. It does not prevent any claim from being heard, or close the courthouse doors.

This in fact makes sense, and we should pass H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

We have many points that will be made during the amendments, Mr. Chairman. I would just respond to the suggestion that this will clear up the situation where complex cases will have to be heard in Federal court.

Mr. Chairman, if we have 10 corporations suing 18 different corporations from a number of States, if one plaintiff corporation and one defendant corporation are from the same State, that case involving many different States, involving many different State laws, would be heard in State court.

However, if there is a corporation that is systematically ripping off consumers, a simple systematic theft, not complicated, they cannot use the State court. They are relegated to Federal court by this bill.

□ 1245

Now, it would only serve to complicate the litigation for the consumers trying to get justice against a wrongdoing corporation.

Mr. Chairman, this bill is a bad bill. It serves no constructive purpose. There is no need for it. It is unfair to consumers and, therefore, should be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this is very good legislation that serves very good practical purposes, and let me point out two of them.

First of all, it ends the abuse of nationwide forum shopping to find the one judge in the one court in the one State that thinks that anything goes with regard to class actions. We have seen those abuses.

The gentleman from Alabama (Mr. CRAMER) cited the fact that his State has seen class action abuse in the past. There are 4,700 different court jurisdictions in this country. When one has a class action, it is unlike a case where an individual might have two or three different jurisdictions where they can bring their own personal injury suit or contract action. In a nationwide class action suit, they can often choose from all 4,700 different jurisdictions. They should not have the opportunity to do that. There should be more standardized procedures, and we accomplish that by allowing the removal of truly nationwide class action suits to Federal court.

Secondly, the most diverse cases in this country involving millions and even billions of dollars are currently unable to be brought in the court that can best handle them, the Federal courts. This legislation cures this.

Mr. Chairman, I urge my colleagues to support this legislation and oppose the amendments.

Mr. POMEROY. Mr. Chairman, I rise in reluctant opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999. I believe strongly that action must be taken to address the widespread abuse of class action rules. This legislation, however, would have the effect of removing the vast majority of class action lawsuits to the already overburdened federal courts and denying plaintiffs in legitimate class actions their right to due process.

There is little dispute that in recent years the class action device has resulted in serious and rampant abuses of our legal system. Federal rules of civil procedure currently make it exceedingly difficult for defendants to remove a class action case to federal court, even when a case is clearly interstate in nature. Federal "complete diversity" rules have allowed endless forum shopping to keep class action cases out of the federal courts. In some cases, plaintiffs are named in class action cases based only on their state of residence, simply to destroy complete diversity.

Such legal maneuvers have even been conducted at the expense of plaintiffs involved. In one recent state court class action settlement, consumer class members actually ended up losing money—each one was required to pay $91.13—while the lawyers who brought the lawsuit made $8.5 million. Other such examples abound in which class members received virtually no compensation. Action must be taken to protect both consumers and corporations from such abuses of the legal system.

Although I believe strongly in the need for class action tort reform, I reluctantly oppose H.R. 1875 in its current form. By establishing "minimal diversity" rules of jurisdiction, H.R. 1875 would shift jurisdiction of most class action lawsuits from state court to federal court. This would have the practical effect of overburdening the already understaffed federal courts, while further delaying and possibly denying justice for injured plaintiffs.

Mr. Chairman, although I do not support this particular vehicle for class action tort reform, I remain committed to correcting the abuses of our legal system. I am hopeful that my concerns with H.R. 1875 can be resolved as the bill moves through the Senate, so that I may support the conference report for this legislation.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999. This so-called "tort reform" measure proposes to create a huge new roadblock to justice for class action litigants.

If enacted, H.R. 1875 will harm consumers and benefit corporate defendants—among them managed care plans, gun manufacturers and tobacco companies. Although ERISA does not permit injured enrollees to sue their HMO under state malpractice laws, recently some class actions have been successfully filed alleging violations of state consumer fraud and unfair trade practice laws. These class actions are being used to require HMOs to provide needed treatments, access to specialists, and continuity of care.

Yet H.R. 1875 would reverse these gains by making it far easier for managed care plans to force removal of cases filed under state consumer fraud laws to federal court—where outcomes could be inconsistent and unfair.

Currently, most class actions are brought under state law with state court judges interpreting and applying the standards litigants must meet. H.R. 1875 would divest state courts of many of these cases, requiring federal judges to interpret and apply state law. This opens the door to inconsistent interpretation by judges not familiar with state law.

Our current class action system is a win-win-win—for the courts, for litigants, and for society. Class actions are now heard by judges knowledgeable in the area and familiar with the law. The federal bench lacks the resources to handle these cases in its already overburdened docket.

Under present guidelines, class actions may be heard by federal judges when the damage amount involved is more than $75,000 per plaintiff and other requirements are met. In state courts, class actions can be brought when the amount of damage per plaintiff is modest.

H.R. 1875 eliminates the $75,000 figure and the other requirements. Thus, corporate defendants could easily request removal of many state class actions to federal court—over the objections of all plaintiffs or co-defendants.

If this bill is enacted, it will essentially deny a forum to thousands who have been injured by exposure to tobacco products, asbestos and other unsafe products, and thwart reforms that benefit society as a whole. In effect, the class action device itself would be destroyed.

If H.R. 1875 becomes law, dozens of class action lawsuits that could help thousands will simply never be heard. Consumers will again become victims—this time, of a massive federal judicial logjam.

Tobacco companies, asbestos makers, drug manufacturers, and HMOs are lobbying strongly for H.R. 1875. The Interstate Class Action Jurisdiction Act of 1999 gives them relief at the expense of justice that consumers deserve.

A "yes" vote for H.R. 1875 is fundamentally a vote against consumers' rights. It should be quickly rejected.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. GOODLATTE. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Class Action Jurisdiction Act of 1999".

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as recently noted by the United States Court of Appeals for the Third Circuit, interstate class actions are "the paradigm for Federal diversity jurisdiction because, in a constitutional sense, they implicate interstate commerce, invite discrimination by a local State, and tend to attract bias against business enterprises";

(2) most such cases, however, fall outside the scope of current Federal diversity jurisdiction statutes;

(3) that exclusion is an unintended technicality, inasmuch as those statutes were enacted by Congress before the rise of the modern class action and therefore without recognition that interstate class actions typically are substantial controversies of the type for which diversity jurisdiction was designed;

(4) Congress is constitutionally empowered to amend the current Federal diversity jurisdiction statutes to permit most interstate class actions to be brought in or removed to Federal district courts; and

(5) in order to ensure that interstate class actions are adjudicated in a fair, consistent, and efficient manner and to correct the unintended, technical exclusion of such cases from the scope of Federal diversity jurisdiction, it is appropriate for Congress to amend the Federal diversity jurisdiction and related statutes to allow more interstate class actions to be brought in or removed to Federal court.

SEC. 3. JURISDICTION OF DISTRICT COURTS.

(a) EXPANSION OF FEDERAL JURISDICTION.—Section 1332 is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) The district courts shall have original jurisdiction of any civil action which is brought as a class action and in which—

"(A) any member of a proposed plaintiff class is a citizen of a State different from any defendant;

"(B) any member of a proposed plaintiff class is a foreign state and any defendant is a citizen of a State; or

"(C) any member of a proposed plaintiff class is a citizen of a State and any defendant is a citizen or subject of a foreign state.

As used in this paragraph, the term 'foreign state' has the meaning given that term in section 1603(a).

"(2)(A) The district courts shall not exercise jurisdiction over a civil action described in paragraph (1) if the action is—

"(i) an intrastate case,

"(ii) a limited scope case, or

"(iii) a State action case.

"(B) For purposes of subparagraph (A)—

"(i) the term 'intrastate case' means a class action in which the record indicates that—

"(I) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed; and

"(II) the substantial majority of the members of all proposed plaintiff classes, and the primary defendants, are citizens of the State in which the action was originally filed;

"(ii) the term 'limited scope case' means a class action in which the record indicates that all matters in controversy asserted by all members of all proposed plaintiff classes do not in the aggregate exceed the sum or value of $1,000,000, exclusive of interest and costs, or a class action in which the number of members of all proposed plaintiff classes in the aggregate is less than 100; and

"(iii) the term 'State action case' means a class action in which the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

"(3) Paragraph (1) shall not apply to any claim concerning a covered security as that term is defined in section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934.

"(4) Paragraph (1) shall not apply to any class action solely involving a claim that relates to—

"(A) the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).".

(b) CONFORMING AMENDMENT.—Section 1332(c) (as redesignated by this section) is amended by inserting after "Federal courts" the following: "pursuant to subsection (a) of this section".

(c) DETERMINATION OF DIVERSITY.—Section 1332, as amended by this section, is further amended by adding at the end the following:

"(f) For purposes of subsection (b), a member of a proposed class shall be deemed to be a citizen of a State different from a defendant corporation only if that member is a citizen of a State different from all States of which the defendant corporation is deemed a citizen.".

SEC. 4. REMOVAL OF CLASS ACTIONS.

(a) In General.—Chapter 89 is amended by adding after section 1452 the following:

"§ 1453. Removal of class actions

"(a) In General.—A class action may be removed to a district court of the United States in accordance with this chapter, but without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

"(1) by any defendant without the consent of all defendants; or

"(2) by any plaintiff class member who is not a named or representative class member of the action for which removal is sought, without the consent of all members of such class.

"(b) When Removable.—This section shall apply to any class action before or after the entry of any order certifying a class.

"(c) Procedure for Removal.—The provisions of section 1446(a) relating to a defendant removing a case shall apply to a plaintiff removing a case under this section. With respect to the application of subsection (b) of such section, the requirement relating to the 30-day filing period shall be met if a plaintiff class member who is not a named or representative class member of the action for which removal is sought files notice of removal no later than 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action provided at the court's direction.

"(d) Exceptions.—

"(1) Covered Securities.—This section shall not apply to any claim concerning a covered security as that term is defined in section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934.

"(2) Internal Governance of Business Entities.—This section shall not apply to any class action solely involving a claim that relates to—

"(A) the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).".

(b) Removal Limitations.—Section 1446(b) is amended in the second sentence—

(1) by inserting ", by exercising due diligence," after "ascertained"; and

(2) by inserting "(a)" after "section 1332".

(c) Technical and Conforming Amendments.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

"1453. Removal of class actions.".

(d) Application of Substantive State Law.—Nothing in this section or the amendments made by this section shall alter the substantive law applicable to an action to which the amendments made by section 3 of this Act apply.

(e) Procedure After Removal.—Section 1447 is amended by adding at the end the following new subsection:

"(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall dismiss the action. An action dismissed pursuant to this subsection may be amended and filed again in a State court, but any such refiled action may be removed again if it is an action of which the district courts of the United States have original jurisdiction. In any action that is dismissed pursuant to this subsection and that is refiled by any of the named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed pursuant to this subsection that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed class action was pending.".

SEC. 5. APPLICABILITY.

The amendments made by this Act shall apply to any action commenced on or after the date of the enactment of this Act.

SEC. 6. GAO STUDY.

The Comptroller General of the United States shall, by not later than 1 year after the date of the enactment of this Act, conduct a study of the impact of the amendments made by this Act on the workload of the Federal courts and report to the Congress on the results of the study.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Nadler:

Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.".

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) Firearms or Ammunition.—(A) This section shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.".

Mr. NADLER. Mr. Chairman, this amendment would, in effect, exempt from this bill and allow the existing laws governing class action lawsuits to continue to apply to cases brought against gun and ammunition manufacturers.

We have spent months in this House debating how best to combat the rising tide of gun violence in this country, and we still have nothing to show for it. Week after week after week after week we hear horror stories from all over the country of mass murderers, of people walking into schools and churches and shops and opening fire on innocent people.

How does the leadership of this House propose to address this problem? With this legislation that will actually protect gun makers from the consequences of their actions and will not protect the victims of gun violence.

Mr. Chairman, guns kill almost twice as many Americans every year, as all other household and recreational products combined. Despite this grim fact, the gun industry is the last unregulated manufacturer of a consumer product. All other manufacturers are regulated, not the gun manufacturers.

Currently, citizen lawsuits serve as practically the only safety regulation, if we can call it that, of the firearms industries. Lawsuits have been the only way to force manufacturers to make their guns safer. A 1995 class action suit against Remington Arms, which settled for $31.5 million, led to the implementation of greater safety protections for owners of shotguns.

Look at what is happening all across the country. The victims of gun violence are beginning to sue gun manufacturers for their injuries as a consequence of the negligence of the gun manufacturers. Over 20 American cities, as well as the NAACP, have filed lawsuits against gun manufacturers to hold them accountable for the millions of dollars that the public sector must spend coping with the consequences of gun violence.

Gun plaintiffs, like tobacco plaintiffs and others, must sue the gun manufacturers in class action lawsuits because suing as single plaintiffs is almost invariably prohibitively expensive. We should not handicap these important civil suits just as they are beginning.

As my colleagues know, in addition to expanding Federal jurisdiction over class actions, this bill would give gun manufacturers a tremendous advantage in these cases by allowing them to remove these cases to Federal court.

These cases are, of course, determined on the basis of State tort law. The Federal courts that would decide these cases are bound by Federal law to apply, not Federal law, but the State law. But the Federal courts are always going to be much more hesitant to expand the State law from previous decisions than the State courts will, because their expertise is Federal law, not State law.

So by taking these cases from the State forum, where the States can apply and interpret their own laws, to a Federal forum, which are going to be more hesitant to interpret them in new ways and to realize the full implications of the law, we are saying to the defendants they have a much easier forum. To the plaintiffs, to the victims of gun violence, we are going to stack the decks against them.

Now, I think this is a terrible bill in general for a lot of different reasons. But even assuming we want to pass this bill, why not just allow victims of gun violence to continue to bring their cases in State courts? Why bring them before a Federal judge who will have less expertise on the State law, will have to divert his or her attention from cases involving, for example, violence against women or access to clinic or multijurisdiction interstate cases? Are not our Federal judges busy enough?

We know that the average case, if removed to Federal court, will take 6 to 8 years to reach trial; whereas, in most State courts, it will get there in a year or two. Gun victims often cannot wait that extra time. Do we really need the Federal courts to take on thousands of new cases for their dockets?

We should support the victims of gun violence in their efforts to hold the firearms industry accountable when its products cause injury or death and when they are responsible through their negligence, because that obviously is something that has to be proven, when they were negligent and who they sell the guns to and making unsafe products and not putting safety standards or guns or whatever. When that can be proven, we should not stack the decks against the victims of gun violence by pushing this out of the local courts and into the Federal courts.

Victims of gun violence, the American people, deserve comprehensive legislation to get the guns off the streets and protect our children in the schools and protect our people in our churches and day-care centers.

They do not deserve this almost contemptuous treatment in which we say we are not doing anything to protect them, but we are going to make it harder for them if they are injured to prove the negligence of the gun manufacturers. We are going to make it more expensive. We are going to make it farther in time. We are going to make it farther in distance. We do not trust the State courts. We do not believe in States rights. We do not believe in local government despite the rhetoric on this floor. We think State courts are too generous to people. They know the people, the situation a little better than some far-off Federal court. So, therefore, let us move it to a far-off Federal court to make it harder for the plaintiffs in gun violence cases.

Mr. Chairman, I urge my colleagues, if we are going to pass this malevolent bill, at least let us exempt from it cases alleging negligence resulting in violence to victims of gun violence. We should not make it easier for the malefactors of the gun industry. We should make it harder. I urge the adoption of this amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am strongly opposed to this amendment and what may prove to be a series of so-called carve-out amendments. Principled Members, whether they support the underlying legislation or not, will oppose this amendment and other amendments that attempt to pour their views about any particular issue that faces this Congress or any particular litigation that may go before our courts into this procedural debate about how all litigation should be considered in the form of class actions and whether or not one believes they should be removed to Federal court or not, my colleagues should not support carving out individual sectors of our economy or individual types of lawsuits.

That is exactly how this amendment was treated in a bipartisan fashion by the Committee on the Judiciary in the markup of this bill when this particular amendment or one very like it was defeated by a bipartisan 16 to 6 vote. There are good reasons why it was rejected there, and there are good reasons why it should be rejected here.

This industry-specific exemption from Federal jurisdiction makes no sense. It is like a bill of attainder. It irrationally singles out one industry and slams the Federal courthouse door in its face.

All of us strive to be sure that justice is blind. But when one identifies one group of people and says they are not entitled to the same treatment under the law that everyone else is, justice is not blind.

The amendment is wholly inconsistent with what the Framers had in mind in establishing diversity jurisdiction in Article III of our Constitution. They wanted to allow interstate businesses to have claims against them heard in Federal court so as to avoid local biases. Nowhere in this concept is the idea that certain industries should be exempted from this right, that certain kinds of businesses are less entitled to Federal court protection.

One may not like gun manufacturers, but think of the things that one does like and consider whether if a similar amendment were offered to single out something that is important to one and say that those who promote and support that particular idea, that particular industry, whatever the case might be, that they are not entitled to sit in the same forum of justice that everyone else in this country is entitled to.

The amendment clearly is designed to single out the firearms industry because, in some quarters, it is unpopular. But that is exactly what the Framers of the Constitution were trying to avoid. They are trying to ensure a fair, evenhanded Federal court forum for defendants that may otherwise be hailed into a local court less concerned about protecting the rights of an out-of-State company.

It is very interesting that in the committee report, the additional dissenting views submitted by the gentleman from New York (Mr. NADLER) and others on the gun issue, makes a big point of the fact that the NAACP has filed a class action against the gun industry, seeking to recover for money that the public sector must pay for the consequences of gun violence.

The report goes on to say that we should not handicap such important civil suits before they have even begun.

What I find very interesting about that point is that the NAACP filed their lawsuit in Federal court, not State court. That choice presumably was made because the lawyers filing the NAACP suit know that the Federal courts are more appropriate for dealing with these interstate issues presented by these cases.

This bill would make it easier for groups like the NAACP to bring such cases in Federal court because it works both ways. It expands the rights of plaintiffs to bring interstate cases in Federal court as well as expanding the ability of defendants to remove interstate cases to Federal court.

For all of these reasons, I urge my colleagues to oppose this amendment.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is a bad policy to carve out exceptions in a bill like this because it creates one system for those that are popular with political clout, another system for those without political support that are unpopular.

As the gentleman from Virginia (Mr. GOODLATTE) pointed out, the constitutional principle of equal protection is violated when we have those that get one system and those in another. That principle of equal protection and constitutional protection is particularly needed when we have unpopular individuals. Those are the ones that really need the constitutional protection.

Whatever reason that this carve-out might make sense, those arguments should have been made to the bill in general. But to carve out and have a special exemption I think is wrong, and the carve-out and the amendment, therefore, should be defeated.

□ 1300

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, this is a bad bill. Now, as a general idea, I do not think it is a good idea to have specific carve-outs from legislation. But if we are going to enact egregious legislation, then we can mitigate the damages in the most obvious situations.

And for the gentleman on the other side who got up and said it is terrible, we should not carve out, let me read some of the carve-outs supported by the Republicans for similar legislation. The Biomaterials Access Insurance Act of 1997 passed into law and carves out an exception for breast implant lawsuits. It also carves out an exception for lawsuits by health care providers.

In the 104th Congress, the Common Sense Product Liability Legal Reform Act carved out an exception from the bill's provisions for lawsuits for commercial losses. This very bill carves out an exception from the bill's provisions for lawsuits for commercial losses.

The Senate version of a similar bill, S. 2236, had specific carve-outs for negligence actions involving firearms or ammunitions in negative entrustment actions.

So, Mr. Chairman, the real issue is not should there be carve-outs, because the people on the other side sponsoring this legislation have supported carve-outs. Indeed, this bill contains a carve-out. The question is which carve-outs.

And I would submit that if this bill is going to carve out an exception for lawsuits brought under the Securities Act of 1933, or the Securities and Exchange Act of 1934, as well as corporate government actions, all of which are carved out of this bill, we can carve out an exception so as not to rip the lawsuits started by States and local governments and individuals in class actions out of the State courts into Federal courts for gun manufacturers and ammunition manufacturers when they can prove negligence resulting in death or injury.

The question, as I said, is not are carve-outs a good idea. The question is, as long as we are going to have carve-outs and pass legislation in this bill, should gun manufacturers be subject to carve-outs they do not want, or should we only carve out protections for people accused of violations of securities laws.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would agree with my colleague that there should not have been carve-outs in those previous bills, there should not have been carve-outs in this bill; and, therefore, this amendment should be defeated.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment that has been made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a), of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption.".

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) TOBACCO PRODUCTS.—(A) This section shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption.".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I started this debate by acknowledging that the class-action procedure had begun historically with a desire to give equity and justice to the people of the United States of America. I am delighted that over the years we have kept that promise to the American people. We have provided them State courts that have given us equity, given us justice, and provided the opportunity for the individual, the less-of-a-giant person, to go against the giant and prevail.

And, Mr. Chairman, whether it has been in improving car safety in America; whether it has been in providing greater assistance for efforts against manufacturers who would make defective products that would injure large numbers of people; whether it has been in health care, to improve health policy in America, the individual has been protected by the vehicle of a class action and allowing that individual to go into the State court.

Today, I offer an amendment to protect that individual again. Because I am concerned that if this bill is left unamended, it would, for the first time, give Federal courts jurisdiction over all of the State class-action claims, even those involving primarily interstate disputes over State law.

This bill will allow tobacco companies to take State class-action claims away from State courts and put them into Federal courts over the objection of plaintiffs. And, Mr. Chairman, let me tell my colleagues why that is a problem. All of the class-action lawsuits that we have heard of, and that the American people have participated in and have welcomed in getting relief for the heinousness of tobacco and its impact on health in America, would not have been allowed into the Federal courts because the Federal courts had the opportunity to certify class-action tobacco cases and they refused.

Now, in giving some deference to the Federal courts, I have already said they are overwhelmed and over-saturated. In fact, let me tell my colleagues that the Judicial Conference of the United States, Federal judges themselves, have written and said,

> I want to inform you that the executive committee of the conference voted to express its opposition to class action provisions in H.R. 1875, the Interstate Class Action Jurisdiction of 1999.

These are the Federal judges.

Mr. Chairman, they do that because they too believe in justice, and they realize that they are overwhelmed and understaffed. There are not enough judges and not enough courts. So by permitting the transfer from State courts to the Federal courts, this legislation will cause indeterminable delay for class-action cases against the tobacco industry, both increasing the cost of suing the industry and in delaying justice for the individual plaintiffs.

This amendment, offered by myself and the gentleman from California (Mr. WAXMAN), would ensure that this bill does not apply to any class action that is brought for harm caused by a tobacco product. And let me say that this effort is not new. Members of Congress, the gentleman from California (Mr. WAXMAN) and others have been working on this fight for years. And out of their efforts we have seen the opportunity for the individual victim to come forward, and we have seen the tobacco industry exposed for its efforts toward promoting its product, knowing that it was dangerous to our health.

This legislation, as currently worded, would allow tobacco companies to remove class actions involving State causes of action to Federal Court involving tobacco cases, it seems. In fact, since the tobacco companies are principally domiciled in States where class actions are not being brought, minimal diversity, as defined by this bill, will always exist between the plaintiffs and the tobacco companies. And unlike the Florida case, which was rendered by the State court, which showed the devastation to those plaintiffs there, those plaintiffs' rights would be violated by moving them to a Federal Court who might ultimately not certify the case. Mr. Chairman, is this justice?

So I urge my colleagues to look seriously at the facts and to understand that the President has indicated that this is an unbalanced law; to understand that Save Lives and Not Tobacco, an organization that has worked with the victims of tobacco, has indicated that this is a bad bill; and the American Heart Association has said this is a bad bill. The Conference of Chief Justices have said this, Mr. Chairman.

These are the State court chief justices:

> With regular communication and cooperative effort, State and Federal courts have developed a delicate, complimentary role in class action jurisprudence. H.R. 1875 would radically alter this relationship.

I tell my business friends that they have relief. I would ask that we work together between the State and the Federal system to find relief for them, but I would ask my colleagues to support this amendment and not to extinguish the rights of the victims of all of these tragedies in America. I ask my colleagues to support this amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment, as I did to the previous amendment that was offered. This is another carve-out amendment. It is wrong for the same reasons I cited previously. It singles out a particular group of people, a particular industry, for unfair treatment under our judicial system, and we should not establish that type of principle.

The principal position, whether we are in favor of this legislation or we are opposed to this legislation, is to oppose this amendment because we should not carve out individual groups of people.

It is true that Congress has expanded Federal jurisdiction to encompass cases involving certain subject matters, civil rights, antitrust, environmental, consumer warranty, but those are exercises of Federal question jurisdiction. There is no basis and no precedent for carving out an industry from diversity jurisdiction and extinguishing its right to have cases subject to Federal jurisdiction heard in Federal Court.

Contrary to the premise of this amendment, H.R. 1875 would not turn tobacco litigation upside down. Most money obtained through tobacco litigation has come in State attorneys general cases. These are not class actions and will not be affected by this legislation. Most other tobacco cases are individual actions which, likewise, are unaffected by this legislation.

H.R. 1875 is also prospective only. It would not affect any pending cases, be they class action or otherwise.

Contrary to another premise of this amendment, there is no evidence that tobacco cases are less likely to succeed in Federal Court. Tobacco classes have been certified by both Federal and State courts. Tobacco classes have been rejected by both Federal and State courts.

There is no evidence that class members will get better treatment in State court. Indeed, the evidence is to the contrary. In the only tobacco class action to reach conclusion, the Broin case, that case ultimately settled in State court. But the class members received no money at all. Under the terms of the settlement, they obtained only a right to sue individually. Meanwhile, the class counsel, the lawyers, were awarded $49 million. One law professor assessed the settlement as follows: "Is the system just when it allows the plaintiffs' lawyers to make $49 million for making the class worse off?"

There is no evidence that tobacco cases would get tried more quickly in State courts. It took 6 years to get the first tobacco class action to trial in State court; the second took over 4 years. The average time to trial in Federal Court is shorter.

No matter where we may stand on the tobacco issue, we should strongly oppose this amendment. And for all the reasons I just cited, I urge my colleagues to defeat this amendment.

Mr. BOUCHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in opposing the amendment, I would make the broad point that industry-specific denials of access to the judicial process at either the State or the Federal levels are simply not appropriate. Over the entrance to the United States Supreme Court are words which, in a phrase, define our basic belief in the rule of law. That phrase says, "Equal justice under the law." To honor that principle, any attempt to close the courthouse door to any specific litigant, whether an individual, a specific corporation, or an entire industry should be defeated.

The amendment would close the door to the courthouse to any company within the tobacco industry that seeks to use the removal provisions of this legislation. That simply is not the American way. That approach violates our basic principles of fairness and our principles of equal justice. By a wide bipartisan majority the amendment was rejected by the House Committee on the Judiciary, and I strongly urge the committee here on the floor of the House today to reject this amendment as well.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the same reasons that the last carve-out was bad policy, this carve-out is a bad policy. It sets up one system for the popular, another for the unpopular. It violates the principle of equal protection.

And whatever arguments are being made for why this carve-out makes sense should have been made against the bill. The carve-outs, all of the carve-outs, should be defeated, and the bill should be defeated.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, if this legislation is enacted, it will provide the tobacco industry with unprecedented legal protection. It is nothing less than a back door immunity from class-action lawsuits, the Holy Grail of the tobacco industry.

□ 1315

This bill reminds me of the attempt last Congress to give the tobacco industry a $50-billion tax break. This motion, which was slipped into a massive budget bill, was only repealed when Democrats discovered the provision and the public outcry began. This legislation, too, is a gift for the big tobacco.

Today, most tobacco class action litigation occurs in State courts, but this bill would allow tobacco companies to remove these cases from the State courthouses all over the country. This is exactly what the industry has long sought to do. The industry knows that the rules for certifying and maintaining class actions are far more favorable to corporate defendants in Federal courts. They know that they have been able to defeat class action cases in Federal courts on procedural grounds.

This legislation will make it virtually impossible for Americans to successfully bring class action lawsuits against the tobacco companies. It is designed to create barriers, to raise hurdles, to wear down plaintiffs so that they will give up in frustration and despair.

All across America, people know about the outrageous behavior of tobacco companies. They now know how the companies target our kids, try to addict our teenagers, and have lied to the American people for 4 decades. And this House, in light of all this information, has repeatedly failed to respond to the public health crisis from cigarette smoking in this Nation.

This Congress has failed to pass comprehensive tobacco control legislation. It has failed to pass even narrow tobacco control legislation. It has turned over billions of Federal dollars to the States, dollars recovered from the tobacco settlements, without insisting that even a small portion be spent to protect our kids from tobacco. Instead, this Congress has done nothing. But now it is considering passing legislation that will actually give the tobacco companies special liability protection.

This legislation is a gift to the tobacco industry rendered at the expense of those who wish to hold that industry accountable.

Now, some will argue and have argued that this legislation simply treats tobacco like any other business in America. But it is important to remember three facts.

First, tobacco companies are selling a lethal and addictive drug. Second, the product sold by the tobacco companies are the only consumer product in America that kills when used as directed. And third, the tobacco companies have lied to and deceived the public for over 40 years. These companies have operated for decades with utter disregard to the hundreds of thousands of Americans that are killed each year.

We should put public health first and not make it more difficult to hold the tobacco companies accountable for their actions. They deserve no reward. This is a public health issue. It is about fairness for the victims of tobacco. It is time for Congress to protect our children and public health, not big tobacco.

I urge my colleagues to support the Jackson-Lee amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for joining me on this amendment.

I wanted to add to the statement of the gentleman that there have been a number of carve-outs. In fact, we will find that there is a corporate governance carve-out that was requested. I think my colleague raised the issue that some of these were dealing with Federal questions, but some of these were dealing with the fact that the individual State interests wanted a carve-out.

In particular, in Delaware, the corporate governance was carved out because they like what is going on in State courts in Delaware.

It seems to me, with so many carve-outs, like the securities, this begs the question on a Federal issue. This is life or death. These lawsuits are life or death.

The Castano case would have never come if it had not come to the State court system. People are dying. It is important that this legislation, if passed, does not affect the ability of people who have died or are dying their day in court.

I ask my colleagues to accept this amendment because we are dealing with life or death.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, a lot of people are for States' rights in this House. Except when it comes to the question of whether tobacco companies say they do not want States' rights, they want it to be a Federal issue, and then they are willing to go along with big tobacco against the chance of people who have a legitimate lawsuit to bring their case on a class action basis.

I, too, urge support for the amendment.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am opposed to this amendment. I do not think that we should exempt our carve-out to tobacco industry from other business, corporations, and industries across this country. They should be treated just like any other entity under the provisions of 1875.

It is going to impact tobacco companies negatively if this carve-out is allowed. Tobacco growers in my area have already suffered greatly. In the flue-cured tobacco country, we have had a quota cut of 35 percent over the last 2 years. What does that mean? That means that they have a reduction of 35 percent of their gross income and their expenses stay about the same.

This year prices are down all across the old belt tobacco market, and growers are suffering. Many tobacco farmers are going out of business. They cannot continue along the course that has been thrust upon them.

If we single out the tobacco industry for different treatment than the rest of the businesses and companies in this country, we will be driving a further nail in the coffin of the tobacco companies. If we do not have them, we will not have buyers. Then the tobacco that is utilized in this country by those adults who choose to use it will come from China, it will come from Zimbabwe, it will come from Brazil.

I want us to be fair to the American tobacco grower, be fair to the American tobacco industry. And I hope that those that want to utilize tobacco in this country will have the opportunity to always purchase American tobacco instead of foreign tobacco. We do not need this unfair treatment for American businesses.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Jackson-Lee amendment. If passed and enacted, the class action bill is going to provide significant protections to corporate defendants against class action lawsuits and no industry will benefit more than the tobacco industry.

I think it is somewhat ironic that here we are today and the Justice Department has announced that they are filing a civil lawsuit seeking billions and billions of dollars' worth of damage for the taxpayers of this country, the attorneys general from around the States have negotiated a settlement worth another $250 billion, the courts are going in the direction of holding the tobacco companies accountable for decades of duplicity; and what are we doing in this House? We are going in the opposite direction. We are saying, that is okay when it comes to big tobacco.

The tobacco companies win whenever there is a debate in this House, but the people in America lose. And when we go into the courts, the only place where we have been able to level the playing field, the sponsors of this legislation want to give a special carve-out to the tobacco industry.

Currently, most tobacco class action litigation occur in State court since the plaintiffs' claims against the industry typically involve State law claims. However, this bill would allow the tobacco companies to remove these cases from State courthouses all across the country, giving the industry back-door immunity from lawsuits.

Not surprisingly, the tobacco industry has long sought to remove State class actions from Federal court. The industry knows the rules of the games of certifying classes and maintaining class actions are more favorable to corporate defendants in Federal courts than in State courts. So the tobacco companies want to have their way. They want to be able to go into Federal court and defeat class actions on procedural grounds.

Now, in the last Congress, the tobacco industry sought a complete ban on class actions and these provisions were widely criticized by the public health community and rejected in the Senate. By severely limiting State class actions, this bill will provide the tobacco industry with special protection from civil class action liability, which is exactly what the Congress and the health community has already rejected. Even if we support the changes to the class action laws that are in this bill, it makes sense to make sure that the tobacco industry is held accountable.

We are at a pivotal point in time in our history in terms of holding the tobacco company accountable. It is the leading preventable cause of death in the United States. Over 400,000 people a year die as a result of tobacco-related illnesses. The least we can do, the least we can do, is give the American people who have been victims through negligence of the tobacco companies their opportunity to join together and fight big tobacco.

The fight against big tobacco is not going to be won, unfortunately, on the floor of this House. But Americans across this country, at a minimum, should have the ability and the right to go into court and State class actions to hold these tobacco companies accountable.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding.

Mr. Chairman, I want to emphasize another case. I thank the gentleman for recounting this whole problem of getting into courts. If we had not had the opportunity to go into State courts, cases like Engle versus R.J. Reynolds Tobacco Company, a successful class action case in Florida, as I mentioned, would not have had the opportunity for trial. Broin versus Philip Morris, which considered the claims of some 60,000 flight attendants harmed by secondhand smoke, would not have been allowed into the courthouse.

So I want to see a balance between business interests and individual interests, but in this instance the scales of justice are weighed heavily in the opposite direction without this carve-out.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, before coming to this body, I served as a justice on the Texas Supreme Court; and I know that on our courthouse and courthouses across Texas, and I expect in the State of my colleague, as well, there are the scales of justice. We expect that every litigant will be treated fairly and that those scales will be in balance.

When we apply those scales of justice in this body on this Jackson-Lee amendment, on one side we have every public health organization, some 70 consumer groups, State judges, Federal judges, the State attorneys general, I am sure other law enforcement groups, and on the other side of that scale we have got the big tobacco lobby.

Would not my colleague say it is easy to draw the appropriate balance as between the opponents and supporters of the Jackson-Lee amendment?

Mr. MEEHAN. Mr. Chairman, reclaiming my time, I would say that that is very easy.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the last several years, this Republican Congress has stood idle as each day some 3,000 of our children across America have had the opportunity to be introduced to nicotine. Many of them, perhaps as many as a thousand per day, will die prematurely because of their nicotine addiction.

Secret tobacco documents discovered in the course of class action litigation indicate that these tobacco giants targeted children as young as 12 years old with their propaganda about the joys of smoking.

Before Congress grants this tobacco industry special protection, we need to weigh the heavy consequences of the deplorable history of targeting our youngest Americans to take up smoking, proven in industry documents discovered in these class action suits in State court.

I believe that we must place a high priority on the deadly relationship between children and nicotine. We have to protect our children from the tobacco companies that spend over $5 billion a year, almost $14 million every single day of every single year, to promote their products because they need to replace the thousands of smokers that die off from using their products with new, young victims.

This legislation is truly back-door immunity for the tobacco industry. I commend my colleague from Texas (Ms. JACKSON-LEE) for her courage in taking on that industry and declining to give them that back-door immunity.

□ 1330

These are the same tobacco giants that sought to ban class actions in 1997, that have known about the deadly consequences of their product for decades, and that are now back here again asking for special treatment.

As my colleagues know, the relationship between the Republicans in this Congress and the tobacco industry runs very deep and constant. The only thing this House has ever done in response to this vital public health issue in the last two sessions was to approve a $50 billion tax loophole for the tobacco industry.

And when people discovered it tucked in under a title called "Small Business Protection", the House Republican leadership got so embarrassed, Mr. Chairman, that they withdrew the whole matter. Just when we thought perhaps the Republican leadership had learned the lesson of that misdeed, they again have stood with the tobacco industry to offer them this major break from responsibility.

Oh, yes, the Republican leadership talks about personal responsibility, but they do not mean personal responsibility for those who have produced the leading cause of preventable death in this country today, the tobacco industry. The victories that have been won in so many of these important States have occurred in our State courts. The States' attorneys general have played a critical role in exposing tobacco industry wrongdoing. In their pursuit of cases at the State level, they have been invaluable allies of the public health community.

If this bill had been law, we would still be waiting for an answer because our Federal courts are overwhelmed and backlogged in too much of the country. Florida citizens would not know as they learned through the litigation that, "tobacco companies have engaged in a persistent pattern of fraud, of conspiracy to commit fraud and intentional infliction of emotional distress."

If this bill had been law, Minnesota State courts would never have had the chance to tell Americans around the country that the tobacco companies set out, "get smokers as young as possible" and that our own children were purposefully targeted for nicotine addiction. For these tobacco companies children "represent tomorrow's cigarette business . . . and will account for the key share of total cigarette volume for at least the next 25 years." Those are the words right out of the secret tobacco documents discovered in state court proceedings.

The Congress is not the only body, of course, that has considered changing its class action procedures. The same forces, the tobacco industry and its allies, that are attempting to destroy this useful remedy in this Congress came before the State capitol in the city I represent in Austin, Texas. They sought through other devices, along with their allies—the health maintenance organization and the insurance companies—to bar the doors of the courthouses of the State of Texas. Fortunately, the Texas Legislature had the wisdom to reject their entreaties, and I hope this Congress will do the same thing.

As my colleagues know, a Federal civil lawsuit in too many jurisdictions is little more than a ticket to delay.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from Texas (Mr. DOGGETT) has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 2 additional minutes.)

Mr. DOGGETT. Should this bill pass, Mr. Chairman, the delay will not only be for those involved in tobacco class-action suits. Certainly they will be damaged, but every litigant, be it corporate, individual, governmental, that has a claim pending, a legitimate claim in our Federal court system throughout this country, will find the already overwhelmed Federal courts to be logjammed even more.

There are over 4,000 State courts that can handle State class actions compared to a much smaller number of our Federal district courts. If Congress today adds to these cases, the noise we will hear in the background will be the wheels of justice coming to a screeching halt. Tobacco companies will have successfully avoided any real threat of being held accountable, of being personally responsible for the damages resulting from their purposeful deceit.

This Congress failed the American people by failing to approve comprehensive tobacco legislation. Let us not fail the American people once again by trampling on their rights to turn to the courthouse in their own State, in their own locality, when the Congress would not respond.

Mr. Chairman, I would add one further note to my colleagues. Because of the stranglehold, and it is a strong stranglehold, that results from their having well oiled the machinery of Government here in Washington, the tobacco companies really face little threat in this Congress. We will not be able to get to the floor of this Congress meaningful legislation to reduce youth smoking; and my colleagues need to know that this vote on the amendment offered by the gentlewoman from Texas will probably be the only vote this year by which the American people and the constituency in each district of the Members of Congress will have an opportunity to judge them as to whether they stand with big tobacco and its wrongdoing or they stand with the children and the public health organizations of America to have an effective remedy for such wrongdoing.

I urge approval of the Jackson-Lee amendment.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. I do not understand why we are considering carving out tobacco when this legislation simply ensures that the Federal courts are available to parties involved in massive and complex class-action lawsuits. This amendment, by singling out the tobacco industry, I think establishes a very dangerous precedent. What politically incorrect industry will be singled out next? Will it be alcohol? Fatty foods? Or will it be big oil? Such a precedent, that threatens all legal businesses whose products may be considered controversial by some person or political parties.

But let me make my point very clear today. My main concern lies not necessarily with the manufacturers, but they are important because last time I checked, they are the only people who buy any tobacco from our farmers. It really lies with the tobacco farmers.

Mr. Chairman, farmers in my district have born the brunt of this nationwide campaign against tobacco. Sharecroppers, not shareholders. Let me repeat that. Sharecroppers, not shareholders, are the ones who are paying the heavy price, and they continue to pay. The shareholders are getting their money; the sharecroppers are being punished. Tobacco families, tobacco farmers and their communities have been severely harmed by the ongoing campaign. Over the past 2 years these farmers have lost 35 percent of their gross income. My colleagues can imagine what that has done to their net income, and their communities are suffering.

A recent study by VPI and NC State University in North Carolina clearly demonstrates that the tobacco farmers are bearing the burden of the anti-campaign. The study concluded that these lawsuits are particularly punishing to farmers because they are unable to recoup the losses through price increases, as the manufacturers have done. Instead of punishing manufacturers, we are punishing the very people that we want to help, the farmers, and their communities and their families. If we adopt this amendment and single out tobacco industry, tobacco farmers, Mr. Chairman, not the manufacturers, will continue to carry the heaviest load that we are talking about.

And people stand here and say they want to help. They are punishing the people they want to help. The people in my district, Mr. Chairman, are on their backs right now from a hurricane. They cannot stand any more help from this Congress. They need real help in funding that will go to help them get back on their feet. I oppose this amendment, and I urge my colleagues to do the same.

Mr. BRYANT. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, it is interesting to stand here on the floor of this House and listen to the debate and especially on an issue like this that should be dwelling on the issue of fairness versus the very emotional issue on the political incorrectness of tobacco; and some would say, I have heard repeated several times today, that some here on this side of the aisle came to Washington to talk about moving many of the rights back to the States and how this is just the opposite of that. But many of those very same people believe in bigger government, and yet today they are saying that, well, we do not think the Federal Government ought to have a role in this, that it ought to be back in the States.

Mr. Chairman, I say this simply to point out to the public that no one has a monopoly on hypocrisy, if that is what we are talking about here. I think each case has to be decided by its merits, and this case, given the history of our law on diversity and given the statute on class-action lawsuits, and that concept that even big businesses and even big unpopular businesses ought to be treated fairly, and especially if they are interstate, they ought to have that right to avoid the local biases that often come out in local courts, and they have been able to go into court, into Federal court and Federal courts are scattered all throughout the country, it is almost like somehow we are talking about we are denying anyone the right to go to court.

We are not doing that. The Federal courts are open; the State courts remain open, and if they are removed to Federal court, it is a local court in their State, every State has Federal courts; and as I point out in my opening statement, they are probably better equipped to handle these class-action lawsuits because they have law clerks; they have U.S. magistrate judges and all kinds of assistance; they have the experience in complex litigation.

But in the end what we are talking about on this amendment is a carve out, and some have said, Well, you've carved out for securities litigation. Well, the reason we carved out for securities litigation was that we enacted a bill in this Congress a year or two ago that reformed that, that made those changes, so there is no reason to bring this into play as to that subject and cause conflict.

But the last speaker, I want to close my remarks by saying he was familiar with the courthouse, and how the scales of justice is there and how it should be balanced; but I think the key of the lady of justice holding the scales of justice is that she is wearing a blindfold, not that the scales are balanced, and if my colleagues vote for this amendment and carve out a politically unpopular entity such as tobacco and treat them unfairly, different than the rest of them, you have got that lady of justice peeking out from that blindfold, and no longer is justice blind, no longer is justice fair.

Vote against this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Tennessee, and I appreciate both his tone and his work, but I think that if my colleagues might, let me cite for them again from the Conference of Chief Justices who have indicated there is a very fine balance of relationship that they have developed between the Federal court system and the State court system on class actions, and we are not here to try to create an imbalance between large companies or unpopular industries. Frankly my colleagues have already carved out a carve-out for the securities industry, and what we are saying is we do not want to implode the opportunities of victims who have been the victims of tobacco usage and tobacco companies.

Mr. BRYANT. Reclaiming my time, as I explained earlier, we carved out the securities litigation because we have already acted on that. There is no sense in passing something that would be inconsistent or cause any problems.

But, again, I think the point we have got to look at here we are making exception, we are singling out something that is not popular; and again under our system of justice, under our lady of justice, justice should be blind. Even though it is tobacco, even though it is firearms, it should be treated the same as any other company; and we certainly are not closing the doors to the courthouse.

In fact, I have complete confidence in the Federal court system to adjudicate this type of litigation and, in fact, would prefer this type of litigation if this type of court venue, if it is a complex case like a class-action lawsuit.

Mr. Chairman, I think both the plaintiffs and defendants deserve this type of treatment.

Mr. WATT of North Carolina. I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Jackson-Lee amendment, but both the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and Mr. NADLER's amendment really point up the problem with this legislation and what happens when we do not have a central principle that controls when you are going to be in Federal court and when you are going to be in State court and opens you up to efforts to try to pick out one industry or the other and exempt them or not exempt them.

The problem is that there is no central core principle here. We have left the central core principle that our constitutional framework gave to us.

□ 1345

That principle says if there is not something in the Constitution that gives a matter to the Federal Government, that matter is reserved to the States. That is what the constitutional principle is. Once we start to stray away from that constitutional principle, then we do not have a central principle that we are operating from anymore and then we get subjected to this kind of let us make this exception because we do not like this industry or make that exception because we do not like that industry. And we end up with a hodgepodge of jurisdictional standards for when one can get in the State court and when one can get in the Federal court.

Now we have had a long-standing diversity jurisdiction principle that has been at play for years and years and years. It says when someone can get into Federal court; and because the supporters of this legislation do not like that, they start to make exceptions to that principle. And because then people who do not like particular industries do not like that exception then they start making exceptions to the exception, and that is what we are engaged in right now.

The underlying bill is an exception to a long-standing principle. The amendments of the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. NADLER) want to make an exception to the exception, and none of it makes sense. So what we ought to do is reject the exception to the exception, the Jackson-Lee and the Nadler amendments and any other carve-outs that somebody comes to the floor with during the course of this debate.

More importantly, we ought to reject the underlying bill which is an exception to the generally-accepted rules that we are operating under because then we do not have a central principle if we do not reject the underlying bill.

That is really where we ought to end up on this piece of legislation. So that is why I am rising in opposition to the exception to the exception, but I am also rising in opposition to the bill which is an exception to the rule, and that rule is that if we did not give it to the Federal Government then it is reserved to the State governments, and that is the principle that we ought to be controlled by.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know this debate is coming to a close. I could not agree more with my colleague from North Carolina on opposition to the underlying bill, and as well I think it is important to note that this is not a popularity contest. There is no attempt here to select unpopular industries.

I would have hoped that my colleagues had not carved out originally the securities carve-out. I would have hoped they had not carved out the corporate governance carve-out because representatives from the State of Delaware were interested in making sure that those actions stayed in State courts in Delaware developing the massive corporate law of America.

I think in this instance we have a situation where we need to be aware that one-third of high school age adolescents in the United States smoke or use smokeless tobacco, and smoking prevalence still exists among our teenagers. We need to realize that children are being attracted to smoking. What we are simply saying here is not to create an imbalance between unpopular industries and popular, or to create an imbalance between any litigant going into the court of justice, but what we are saying is this legislation will allow one diverse litigant, one, to move a massive class action that has been filed in a State court to a Federal court of which the Conference of Judges in the Federal system have indicated we cannot take it.

In fact, Mr. Chairman, it literally locks the courthouse door because our Federal courts are overwhelmed and understaffed, and we have already seen where tobacco cases have not been certified in the Federal court. And we would not have had the cases that we have had that were filed in Florida and the one filed on behalf of the airline stewards for secondhand smoke. We would have been in an abyss or a crisis or a limbo or a bottomless hole where individual litigants who get their strength from a class action to allow themselves to be able to access, the equity court, the court of justice in State courts, would be denied.

So I would ask my colleagues to consider this not as a bias toward an unpopular industry but a creating of a balance of the scales of justice for those victims who have been closed out of the Court system because they are alone, they are by themselves, they are frail, they have less money and they are not able to access justice.

Class actions are the access for that and this amendment would help those victims of tobacco usage, and I ask my colleagues to support it and to vote against the underlying bill.

Mr. Chairman, I am offering the following amendment to H.R. 1875, The Interstate Class Action Jurisdiction Act of 1999. I am concerned that this bill if left unamended would for the first time, give federal courts jurisdiction over almost all state class action claims, even those involving primarily intra-state disputes over state law. This bill will allow tobacco companies to take state class action claims away from state courts and put them into federal courts over the objections of plaintiffs.

By permitting the transfer from state courts to the federal courts, this legislation will cause indeterminable delay for class action cases against the tobacco industry, both increasing the costs of suing the industry and delaying justice.

My amendment would ensure that this bill does not apply to any class action that is brought for harm caused by a tobacco product. This legislation as currently worded would allow tobacco companies to remove class actions involving state causes of action to federal court. In fact, since the major tobacco companies are principally domiciled in states where class actions are not being brought, "minimal diversity" as defined by this bill will always exist between the plaintiffs and the tobacco companies.

The legislation, therefore, can be said to effectively grant the tobacco industry a free pass to federal court where it will be more difficult for plaintiffs to prevail in class action cases.

My amendment responds to the concerns that many of us have and I urge my colleagues to support this measure.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WATT of North Carolina:

Page 7, line 10, strike "before or".

Mr. WATT of North Carolina. Mr. Chairman, I have already expressed my opposition to this bill for a number of reasons, and in the opening debate I also alluded to some internal drafting concerns that I have about the bill. One of those drafting concerns is that the bill allows someone who purports to be a member of a class to come in and remove a case to Federal court before that person is even determined to be a member of the class; before there is a class certification.

The purpose of this amendment is simply to strike two words from the bill. The relevant provision in the bill says this section shall apply to any class action before or after the entry of any order certifying a class. All my amendment would seek to do is to strike two words, "before or," so that at least a person would have to be determined to be a member of the class before that person could pick the lawsuit up and move it to the Federal court.

I am not sure what the objective was to give somebody who is not even determined to be a party to the litigation the right to pick a lawsuit up and move it when they have not even had any role in the case up to that point. So I would encourage my colleagues to support this amendment, although I understand that there may be a substitute for it which I hope I can be supportive of.

AMENDMENT OFFERED BY MR. BOUCHER AS A SUBSTITUTE FOR AMENDMENT NO. 7 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. BOUCHER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment Offered by Mr. BOUCHER as a substitute for Amendment No. 7 Offered by Mr. WATT of North Carolina:

Page 7, line 11, insert ", except that a plaintiff class member who is not a named or representative class member of the action may not seek removal of the action before an order certifying a class of which the plaintiff is a class member has been entered" before the period.

Mr. BOUCHER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Chairman, the amendment of the gentleman from North Carolina (Mr. WATT) would permit a plaintiff to remove a State-filed class action to Federal court only after the State court had entered an order certifying the class.

In my view, the removal opportunity should arise at an earlier time for plaintiffs who are named or representative class members. These plaintiffs should be able to remove at some point before the State court actually enters the certification order.

The substitute to the gentleman's amendment that I am offering would permit named or representative class members to remove prior to the State order certifying the class. Other plaintiff class members could remove only after the certification order is entered.

I want to thank the gentleman from North Carolina (Mr. Watt) for his work with the sponsors of the legislation on this aspect of the removal process. I am hoping that the substitute that we are offering will be acceptable to the gentleman in addressing his concerns, and I would be happy to yield to him for his comments.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Virginia (Mr. BOUCHER) for yielding.

Mr. Chairman, I want to tell the gentleman from Virginia how much of a pleasure it has been to try to work toward something that accommodates his concerns and accommodates my concerns. I believe that this amendment, while it does not go all the way to the point that I was trying to get us to, reaches a reasonable balance between the two approaches. It at least does not allow somebody to walk in off the street, unknown to the litigation, and pick it up and move it. One has to be a named class representative or a named plaintiff to move it before they have the right to remove, and I think this accomplishes that purpose.

I would encourage my colleagues to support the substitute; and if the substitute passes, then obviously that would take precedence over the underlying amendment which I have offered.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for his remarks. I would be pleased to yield to the prime sponsor of the underlying bill, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Virginia (Mr. BOUCHER) for yielding.

Mr. Chairman, I want to commend the gentleman from Virginia (Mr. BOUCHER) for what I think is a very appropriate secondary amendment to the amendment of the gentleman from North Carolina (Mr. WATT), and commend both gentlemen for working this out. We can certainly accept this amendment, and we urge our colleagues to vote for it.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE) for his support, and I would encourage the committee to approve the substitute.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. BOUCHER) as a substitute for the amendment offered the gentleman from North Carolina (Mr. WATT).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

Page 9, strike line 6 and all that follows through page 10, line 2, and insert the following:

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

"(f) If, after removal, the court determines that any aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall remand that aspect of the action to the State court from which it was removed. In such event, that State court may certify the action or any part thereof as a class action pursuant to its State law and such action cannot be removed to Federal court unless it meets the requirements of section 1332(a).".

Mr. FRANK of Massachusetts. Mr. Chairman, this is the truth in labeling amendment. This bill was originally presented to me in the previous Congress as an effort to have more rationality as to whether or not a particular action ought to be tried at the Federal or the State level, and I agreed with that.

Indeed if this amendment were adopted, I could be supportive of the bill, would be supportive of the bill. I had been a sponsor before, until this particular piece of it evolved. I am not sure where it came in, but here is the problem: We now have very technical rules about what gets someone in a Federal court and what gets someone in a State court. I think it makes sense to change that so that where the bulk of the plaintiffs and the bulk of the defendants and the bulk of the issues are in one State it stays in the State court, and where there is genuine factual diversity it goes to Federal court. That was the legislation I was prepared to support.

There is a piece of this, however, that I think is, to many of the sponsors, a central part of the legislation and it says this: If a class action is filed in State court and can be, under the terms of this bill, removed, even though it did not meet the old technical terms for removal but would meet our new more substantive test for going into Federal court, if a Federal judge found that this particular class action did not meet the rules for class action under the Federal rules it could not be brought as a class action.

□ 1400

It could then be returned to the State, but not as a class action. In other words, this piece of the bill is not to see that certain class actions are litigated at the Federal level rather than the State level. I am aiming at a piece of the bill that seeks to prevent certain class actions from being heard at all.

What came out of the debate is this: some Members of the majority are disappointed in some States. I guess they are kind of like parents whose kids have gone bad. I know they are all for States' right. I know they talk about how much they support States' rights and do not want to see a Federal override. But the problem is, those darn States will not always do what they are told. Some of those States actually allow class-action suits that some businesses do not like, and there is unhappiness over the willingness of some States to do this.

Mr. Chairman, I will say this. There is a certain delicacy on the part of my colleagues, they do not like to mention the States. It is one thing to condemn the States; it is another thing to actually mention which ones. So you probably will not hear during the course of the debate any actual States mentioned. There are a few. Off the floor maybe we can whisper some names.

But the problem they have is, they believe some States are too lax and too willing to allow class actions, so part of the purpose of this bill is not simply to get class actions litigated in Federal court rather than State court, but to keep them from being litigated as class actions at all. That seems to me to be a grave error.

This amendment is very simple. This amendment says that if one gets it removed under the general provisions of this bill, and this bill will make it easier to remove from State to Federal court, and I support that part of it, the amendment says if one gets it removed and a Federal judge says, no, one cannot have it as a class action, then one can go back to State court and have it as a class action in State court. In other words, one's choice is one wants it to be a Federal class action or a State class action, and that I think the bill addresses correctly. But using this as a way to prevent class actions at all is an error, and only this amendment will keep this from happening.

What the amendment says is that if a Federal judge rules that it cannot be a class action, one has the opportunity of going back to the State from which it was removed and maintaining it as a class action. I do not think it is appropriate for us to simply say, as this bill otherwise will after this amendment, hey, some of you States have not gotten it right and you States are allowing class actions that should not be class actions and we, the Federal Government will step in.

This is a proposal to substitute the wisdom and discretion of the Federal courts for State courts as to whether or not class actions ought to be maintained at all.

As I said, and I want to be very clear, to a bill whose purpose it is to have certain actions tried in the Federal rather than a State court because it makes more sense for the class action to be tried there, I am supportive. But a bill whose purpose it is to prevent any class action at all, and that is part of the purpose of this bill, that, I think, is in error.

This amendment would return the bill to what it was advertised as to me: an effort to put class actions where they ought to be, but it would remove from the bill that provision that says, some States have been imprudent in allowing class actions that should not be allowed. I do not think that is a wise decision for the Federal Government to make. We certainly have had no record for it and if, in fact, we are going to have legislation passed that rules that some States have been imprudent, let us have hearings. Let us give those States a chance to defend themselves.

This is a gravely mistaken assault on States who have not been given a chance to defend themselves.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would defeat the whole purpose of H.R. 1875. I must strongly disagree with the gentleman from Massachusetts (Mr. FRANK), with regard to the issue of States' rights. It is not a States' rights issue to allow one State court judge to determine the law in 20 or 30 or 40 other States, and that is what happens now when nationwide class-action lawsuits with tens or hundreds of thousands of plaintiffs cannot be removed to Federal court because of this flaw that has existed in our diversity rules that says that a $75,000 slip and fall involving parties between two States can be removed to Federal court, but a multimillion dollar or multibillion dollar lawsuit involving tens of thousands of parties cannot be removed to Federal court.

To allow one State court judge in one county in one State to determine the laws of a multitude of other States; to allow a judge in the State of Alabama to interpret the laws of New York and New Jersey and Pennsylvania and California and Texas is wrong, and that is what this bill is designed to do.

If the gentleman's amendment passes, the effect will be to say, once the matter is removed to Federal court, if the Federal court does not believe that the legislation constitutes a class action and refuses to certify it as a class action, then it would go right back to the State court and they could proceed with their lawsuit just as if nothing had ever happened. It would defeat the entire purpose of eliminating forum shopping and it would defeat the entire purpose of making sure that State court judges do not interpret the laws of a multitude of other States.

The whole purpose is to allow the removal of more interstate class actions to Federal courts where they are most appropriately heard. This amendment would make that change worthless.

The amendment would constitute a full endorsement, not a correction, of the rampant class-action abuse that is occurring in State courts. When a Federal court denies class certification in a case, it is typically because litigating the case on a class basis would likely result in a denial of a class member's or a defendant's due process rights or basic fairness principles. This amendment would invite State courts to overrule such Federal court determinations; it would invite State courts to advance class actions that a Federal court has determined would deny due process rights or be unfair to unnamed class members.

The amendment is based on the myth that most States have class-action rules radically different from the Federal class-action rule, and that if a Federal judge judges that a class case may not proceed as a class action under the Federal rule, counsel should be able to take their case back to State court and try their luck under the State rule. In reality, the vast majority of States have class action rules that track the Federal court class-action rule, or have held that the Federal court precedence should guide State courts in making class certification determinations. The problem is that when the rules are largely the same, local judges in many States do not rigorously follow these rules, and their misguided class certification determinations are not readily subject to proper review.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for that statement, because I think that makes it clear what we are talking about.

The gentleman has just said that the problem is that the rules are the same but a lot of local, i.e. State, judges, are misguided. So this is not a statement that the Federal judges have superior wisdom; and it is, as the gentleman said, an effort to prevent the misguided actions of State judges who cannot be trusted to carry out their own State laws.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, the legislation does not make any distinction between the wisdom of State court judges in general or Federal court judges in general; it says that State court judges should not be determining the law of other States.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, the gentleman just referred to misguided State judges. He acknowledges that the rules are largely the same, and what he is saying is, the Federal judges will be guided and they will have to guide those misguided State judges. It is okay to think that.

Mr. GOODLATTE. Mr. Chairman, again reclaiming my time, all I am saying to the gentleman is that we should not allow anybody to have two bites of the apple, and that is what the gentleman's amendment provides for.

The amendment would create enormous inefficiencies and a parade of abuses. In particular, if a defendant fights to defeat class certification and wins in Federal court, it will have to turn around and mount the fight all over again.

The amendment is premised on the false assumption that class proponents will not get a full opportunity to obtain class certification under the current bill. They will. As presently drafted, the legislation will allow litigants multiple chances to obtain certification of proposed classes after removal to Federal court. If the first class proposal in a removed action fails, nothing in this bill precludes the class representatives from making revised class proposals to the Federal court.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. GOODLATTE) has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, even after the case is dismissed in Federal court, it can be refiled in State court. After the class certification fails, it would not preclude the plaintiff from offering additional class proposals. They just cannot go back in with the same class proposal, because that class has not been certified in Federal court.

Suggestions that H.R. 1875 would federalize all class action rules ignore the current situation, and it ignores the situation that I referred to earlier. It has been suggested that this amendment would prevent H.R. 1875 from federalizing class action rules. In reality, the amendment would perpetuate the federalization of class action rules that is occurring now. At present, a handful of State courts dictate Federal class action policy.

By taking an "anything goes" approach to class actions, those few State courts have become a magnet for class actions. Such courts hear a disproportionate number of multi-State and nationwide class actions because they are very lax about what they will certify for class treatment. Passing this bill will standardize the process and make sure that no one State court drives the policy.

Oppose this amendment and support the bill.

Mr. BOUCHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief in stating my opposition to this amendment. If the amendment is adopted, the basic reform that we are seeking in this legislation simply would not be achieved. Some cases simply should not be certified as class actions, either in State or in Federal courts. Federal Rule of Civil Procedure 23 is narrowly drawn so as to protect the normal rights of both plaintiffs and defendants. Under rule 23, cases that are overly broad will not be certified as class actions.

When cases are denied class action status, all of the individual members of the purported class are then free to file their individual actions for damages. And so, in the failure of class certification, absolutely no one is denied the opportunity to seek recovery for whatever damages they may have incurred.

If the amendment of the gentleman from Massachusetts is adopted, any case which, because of its broad scope, fails to meet the class certification requirements of rule 23 of the Federal rules, and therefore, is dismissed as a class action in Federal court, could then be certified as a class action in the State that has looser certification standards. That State would then be the final arbiter of whether or not the class would be certified, because removal to the Federal court would then no longer be allowed.

The national cases that involve the residents of many States that are our concern and that underlie this legislation would, under this amendment, still be heard in State courts, and so our basic purpose would not be achieved. The reform that we are seeking would not be put into effect, and for that reason, I urge the defeat of the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding, because I want to straighten something out now.

The previous speaker said that some of us were operating under a myth, but the myth was just propagated by my friend from Virginia, not by us. I would say to my other friend from Virginia, he accused the sponsor of this amendment of holding the view that there were different State and Federal standards for certifying, and he said that was not the case, it is just that the Federal Government is better at this than the State judges. But as the gentleman from Virginia now standing who graciously yielded to me just said that some of the States have looser standards.

So I do want to point out that there appears to be some difference between the two gentlemen from Virginia here.

Mr. BOUCHER. Mr. Chairman, reclaiming my time, let me say that it is true that most of the States have standards that are roughly coincident with rule 23 of the Federal Rules of Civil Procedure, but there are some States that have not adopted that rule. There are some States that, in fact, do have broader and looser standards than Federal rule 23; and in many of the instances where abuses have arisen, it is because of those somewhat broader standards.

We have a whole series of cases that the gentleman and I discussed when this matter was in the committee where the State that is certifying a class will be applying its law in such a way as to bind all of the Members of the class and make sure that that particular State's law dominates the decision, notwithstanding the fact that in the State of the residents of many of those individuals, the law is very different. That reversed federalism, which does enormous damages to our traditional principles of federalism is yet another abuse that we are seeking to remedy.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will again yield, I just wanted to point out that that argument, that there are some States with different standards, is contrary to the argument given by our other colleague from Virginia. I just wanted to point that out. He said we were operating under the myth that there were these States with different standards, and that, in fact, the standards detract from each other.

The gentleman from Virginia (Mr. BOUCHER) is now acknowledging that there are some States with different standards, and I think that is frankly a better way to go than to have the argument that we previously heard that there were these misguided State judges who were misapplying the rules.

In any case, I would say this. I would like to have a hearing and call forward officials from those States; I think it would be useful. Which States are we talking about? Which are the States that are abusive? We ought to be able to know which States we are talking about, and I think we ought to give those States, because I do not remember hearing where we asked those States to come and justify their loose procedures.

□ 1415

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding, Mr. Chairman.

Would it not be possible that both facts are true; that in some States the certification process is different than the standards followed in the Federal courts and followed by most of the other States, and it could also be true that in some States some judges do not follow standards that are loosely applied?

Mr. BOUCHER. Reclaiming my time, Mr. Chairman, I think the gentleman from Virginia is precisely right. Even in those States that have standards that approximate Federal rule XXIII, there is a divergence oftentimes in the courts of that very State in terms of how those standards are applied.

Oftentimes, the States do not offer the right of interlocutory appeal on the pure question of class certification. So for the defendants to have an opportunity to challenge the application of that particular State's certification rules, the entire process of the trial has to be undertaken, has to be concluded. That is a waste of time, resources, and money for all parties concerned.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will yield further, I agree that intellectually both can be true.

I would simply point out to the gentleman from Virginia, he is one who referred to one of those truths as a myth. The gentleman from Virginia first declared it was a myth, and then announced it was true. I am willing to wait for his judgment as to which he means.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out that as we weigh the intelligence and ability of the Federal judges versus the State judges, it is the Federal judges and the Judicial Conference of the United States that do not want this bill.

They have used the most delicate language imaginable: "Concern was also expressed about the conflict between these provisions of the bill and long-recognized principles of Federalism." Get it? That is what they are saying: Please do not give us this. They demean the State court judges, but the Federal judges to whom they are giving this do not want it.

But since they insist on giving it to them, the Frank-Conyers-Berman-Meehan amendment, this amendment, merely gives the State court the opportunity to reject or accept a class certification determination.

The debate that has been going on here assumes that anything that comes back to the State court is going to automatically be certified as a class action. The State court has the option of determining whether there will be a certification. They may well turn it down. What it does do, this amendment, is to stop the merry-go-round effect of always allowing any State court determination to be removed to the State court.

So this amendment provides simply that if, after removal, the Federal court determines that no aspect of an action that is subject to its jurisdiction may be maintained as a class action under rule 23, the court shall remand the class action to the State court, without the opportunity to be removed again to the Federal court. The State could then proceed with a class certification determination.

After the determination, if the district court determines that the action subject to its jurisdiction does not satisfy the rule 23 requirements, then the court must dismiss the action. This has the effect of striking the class action claim. While the class action claim may be refiled again, any such refiled action may be remanded again if the district court has original jurisdiction.

Therefore, even if a State court would subsequently certify the class, it could be removed again, creating a revolving door between the Federal and State court.

Mr. Chairman, all we are doing is stopping the revolving door action. It is a modest improvement to a measure that is likely not to be kindly received by the administration. This would make it a little bit better.

This provision unfairly prohibits class action lawsuits from being certified by State courts under the State class action rules, which could be more lenient than Federal rule 23. As a result, individual actions could be the only recourse for the plaintiff, and this will eliminate the benefits of a class action in the first place. This is why class actions were created, to seek compensation as a class from the industry because individual lawsuits are too costly.

I urge my colleagues to support the amendment, which will allow the Federal courts the first opportunity to review a class action, but not cut off other class action rights in the State courts.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment addresses, really, the central point of this debate: Is this a bill about banning all kinds of class actions, or is this debate really about making a change in the diversity rules?

The proponents of this bill argue that this bill represents a minor change in the rules of civil procedure and has no impact on the meritorious class action lawsuits. The way the bill is drafted, however, belies that claim. Instead, it would prohibit the formation of almost all State class actions.

This amendment would correct that problem by only permitting the defendant to remove a class action suit to Federal court once. If it is removed and does not receive Federal certification, then the class can go forward with their class action on the State level if and only if they succeed in receiving certification under the rules of that particular State.

By ending the possibility of repeated removals, this amendment ends the merry-go-round of removals and preserves meritorious State claims actions. Without this amendment, almost no class actions would be able to form on the State level without defendants being able to repeatedly whisk them away to Federal court.

The goal of this legislation is supposed to be a technical change to the diversity jurisdiction rules, not a preclusion of all class action lawsuits. Unfortunately, the way this bill is drafted clearly demonstrates that it intends to preclude class actions, not simply correct diversity jurisdiction problems.

Mr. Chairman, I urge support for this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on the face of it, this may seem to be a corrective measure. The problem is that this is a classic loophole. There are a handful of States that have lax certification standards.

Some might argue that that is what this legislation is all about, that there are certain States that are havens for frivolous class action lawsuits. What this does is to say, you play by the rules, you go to the Federal court, the Federal court finds that your suit is without sufficient merit, and then if you lose, you have the recourse to go right back to the States with the most lax certification standards and start the case over again.

That is the problem with this. If we were talking about having an opportunity to appeal to a Federal court, that would be a more legitimate alternative and one that I think would have merit, personally. I cannot speak for the other sponsors, but I think that might have had merit. This, what this does is to open up a loophole. It is a loophole that in fact will become the standard course of action on the part of plaintiff's attorneys who have figured out how to best abuse the existing system.

So that is why I have to oppose this legislation. Even though my very good friends and people whose judgment I highly respect have offered this amendment, I am afraid that perhaps unwittingly, I am sure unwittingly, they are offering legislation that will open up a loophole that will really nullify the intent of this corrective reform legislation. For that reason, I really think our colleagues should oppose it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask my friend, in his experience, has he ever heard himself or any other Member refer flatteringly to a Member whose amendment he intended to support?

Mr. MORAN of Virginia. Actually, not. We offer the most ungenuine flattery to those who we intend to oppose most vigorously. But that does not mean that I did not mean it when I say that the gentleman is a friend and a very credible and respected colleague, I say to the gentleman from Massachusetts. It is just that the gentleman's legislation does not make sense.

Mr. FRANK of Massachusetts. In the future, I would trade three compliments for one vote.

Mr. MORAN of Virginia. The gentleman will not get that. He will have all the compliments he wants, but I certainly would not vote for this legislation. I would not encourage any of my colleagues to vote for it, either.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. WATERS:

Page 10, line 4, strike "The" and insert "(a) IN GENERAL.—The".

Page 10, lines 5 and 6, strike "date of the enactment of this Act" and insert "date certified by the Judicial Conference under subsection (b)".

Page 10, insert the following after line 6:

(b) CERTIFICATION BY JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall certify in writing to the Congress the first date on or after the date of the enactment of this Action which the number of vacancies of judgeships authorized for the United States courts of appeals, the United States district courts, and the United States Court of Federal Claims, is less than 3 percent of all such judgeships.

Ms. WATERS. Mr. Chairman, this amendment provides that this bill, H.R. 1875, would take effect only once the Judicial Conference of the United States has certified in writing that fewer than 3 percent of Federal judgeships remain unfilled.

I remain firm in my opposition to H.R. 1875 because the bill as designed will dramatically increase the workload of the Federal judiciary. The bill's very purpose is to transfer to the Federal courts a large portion of class action lawsuits currently handled by State courts.

The current workload of the Federal judiciary is already hampered by the backlog of cases, largely due in part because of low-level drug crimes prosecuted under the ill-conceived mandatory minimum drug sentence. The over-federalization of crimes, coupled with the judicial vacancies on the Federal bench, results in meritorious civil claims not being heard.

I come from a people who are all too familiar with the maxim, "Justice delayed is justice denied." On May 11, 1998, the conservative Supreme Court Chief Justice Rehnquist noted that the Senate is "moving too slowly in filling the vacancies on the Federal bench." He also criticized the Congress and the President for "their propensity to enact more and more legislation, which brings more cases into the Federal court system."

He said, "We need more vacancies to deal with the cases arising under existing laws, but if Congress enacts and the President signs new laws allowing more cases to be brought into Federal courts, just filling the vacancies will not be enough. We need additional judgeships."

Mr. Chairman, allow me to detail the judicial vacancy crisis. Currently, there are 68 Federal judicial vacancies, or approximately 8.5 percent of the Federal judicial positions. On average, Federal District Court judges have 398 civil filings pending.

The Senate in 1999 has confirmed only seven judges. Forty more await action, either on the floor or in the Committee on the Judiciary. Yet, Mr. Chairman, Senator TRENT LOTT has clearly indicated that filling judicial vacancies is not a priority. Last week, in regard to the nomination of a judiciary candidate, the Senator stated, "There are not a lot of people saying, give us more Federal judges." He further said, "I am trying to move this thing along, but getting more Federal judges is not what I came here to do."

Meanwhile, 23 vacancies are categorized by the Judicial Conference as judicial emergencies, meaning either that the court in question is facing a burdensome caseload, or that the slot has been vacant for 18 months. As of June 1, fully one-fourth of the positions on the Ninth U.S. Circuit Court of Appeals had not been filled. The Third Circuit has a whopping 20.3 percent judicial vacancy.

Mr. Chairman, the failure of movement on the judicial nominations to the Federal court borders on malpractice.

□ 1430

Clearly, the majority has decided to play political football with the President's nominees at the expense of the American people who have cases that are in need of resolution.

I understand that this body does not have the power to order the other body to confirm the judicial nominees. However, this amendment would provide that the judiciary not undertake additional cases unless there are enough judges to address the suits before the courts.

This amendment is reasonable and is one that should be supported. Mr. Chairman, these numbers speak for themselves. I urge my colleagues to support this amendment.

Let me just conclude by saying I do not have to make a further case. We all know this. The gentleman from Virginia (Mr. GOODLATTE) on the other side of the aisle is even smiling because the case is so clear.

Here we are talking about putting an additional burden on our Federal courts, and we cannot fill the vacancies, and we have no movement from the very people who claim that this must be done in the interest of fairness.

Well, I do not think they can make a case for this. I do not think anybody believes this. They do not even believe it. They know that the courts are backed up, and they know that even those in their own party have spoken about this terrible problem that we have with these vacancies.

Do not try and overburden these courts even more and back up the cases. If they really want to do something, they will get in their conference, and they will urge Senator LOTT and the others on the other side of the aisle to move these judgeships so we can take care of the cases that are already there.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must say to the gentlewoman from California (Ms. WATERS) the reason I was smiling is because, to state it kindly, this amendment is sort of a sneak attack on the bill, because it has the effect of gutting the bill.

What her amendment provides for is the bill does not go into effect until the Federal court vacancies are below 3 percent. Well, guess what? In the last 15 years, the Federal court vacancies have never been below 3 percent, including a number of instances where there have been Democratically controlled U.S. Senates and Republican Presidents.

So I do not think we should inject ourselves into that debate going on over in the Senate. In fact, the time that the vacancy rate was the highest was just before when President Bush went out in 1991. Instead of the over 8 percent vacancy rate that the gentlewoman cited that exists today, the vacancy rate in 1991 was 16.4 percent.

So there is no doubt that the purpose of this amendment is simply to defeat the legislation; and, therefore, I strongly oppose it.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I am delighted to yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman from Virginia like to substitute the 3 percent for any number that he thinks is fair and reasonable?

Mr. GOODLATTE. No, Mr. Chairman. Reclaiming my time, I must say that I do not want to inject us into that dispute going on between the Senate and the President for this legislation or any other legislation we have on the floor. This legislation should stand on its own merits, and it does.

One of the concerns addressed is that somehow we are overloading the Federal judiciary. But let me point out that the concern fails to look at our judicial system as a whole.

One of the reasons we need this bill is that many of our State courts are not equipped to deal with these massive complicated class action cases. Indeed, many State courts have crushing case loads and far less staffing, such as magistrate judges and law clerks and other staff, available to manage such cases.

Civil filings in State courts of general jurisdiction have increased 28 percent since 1984 versus only 4 percent increase in our Federal courts. By barring interstate class actions from Federal court one is not solving any problem. One is just keeping these cases before courts that cannot deal with them effectively and fairly.

This concern also ignores the fact that the number of diversity jurisdiction cases being filed in Federal court is going down dramatically. During the 12-month period ending March 31, 1998, diversity jurisdiction case filings in Federal courts fell 6 percent. Through the end of 1998, the decrease is even more dramatic.

This concern also ignores the fact that, since 1990, the number of Federal district court judgeships that Congress has authorized to deal with the workload has increased 12.3 percent to 646 judgeships and that the number of senior judges with staff who are now assisting with the case load is up 64 percent, now 276 judges since 1985.

This concern also fails to take account of the fact that this bill actually has the potential to reduce judicial workload. At present, when identical class actions are filed in Federal and State courts all over the country, as often occurs, there is no mechanism for consolidating those cases before one judge for efficient uniform treatment. So numerous different judges are dealing with the same cases, processing the same issues, and all dealing with the same problems.

However, if these cases were in Federal court, all of those cases would be consolidated before one judge who could deal with the issues once and be done with it.

The opponents' arguments also do not take account of the fact that many completely frivolous lawsuits are being filed because attorneys know they can get away with it before certain State courts. I doubt that many of these wasteful suits would be filed if the attorneys know that they will be facing a Federal district court judge.

Finally, I note that this amendment effectively states that we will let interstate class actions into Federal court if they have the time. That is horrible policy.

What we are talking about here is a right conferred to those engaged in interstate commerce by Article III of the Constitution to have access to our Federal courts to avoid the biases that might be encountered in State courts.

When it comes to criminal rights issues, we do not say to defendants they can have them if the court has time. When it comes to civil rights cases, we do not say that plaintiffs can have access to Federal courts if they have time. Why should this be any different?

Mr. Chairman, I urge opposition to this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the problem with this legislation, and it is not a problem with the intent whatsoever, and I respect the intent that we do not want to overburden Federal judges so that they cannot judiciously consider every case before them, but the problem is that we are passing legislation that is intended to pass the test of time. We are passing it presumably for generations to come.

So we can very well have a situation where we might double, triple, quadruple the number of Federal judges. We could have more Federal judges than we would ever need. But if 97 percent of those judges are the maximum slots that we can fill, if at any time we have a 3 percent vacancy, no matter what the total number of judges is, then we would say no class actions can be filed at the Federal court in terms of the class actions that we are trying to deal with. It has no set number.

So we could deal with the situation where we could have twice, three times the number of Federal judges we have today, and still this amendment would be operable, and one would not be able to implement this amendment because one did not have 97 percent of the slots filled even though many of those slots might one day be in excess of the need that was actually required.

That is the problem with the legislation, not the intent, but the possibility that this might create a situation that, in fact, was irrational and that, in fact, would undermine the intent of the legislation.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I am happy to yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, does the gentleman from Virginia (Mr. MORAN) ever know of a situation where we have added more Federal judges when we did not need them in our Federal system? Have we ever actually added Federal judges when the case loads did not warrant it?

Mr. MORAN of Virginia. Mr. Chairman, I would say to the gentlewoman from Colorado that we are not passing legislation to serve the interests of the past. We are passing legislation to serve the interests of the future. So what has been the case in the past is not as relevant as what might be the case in the future.

It is very well possible that we may substantially increase the number of Federal judges and then, just because we have a 3 percent vacancy, the intent of this legislation is essentially null and void. That is not a situation that I am sure my colleague would want to create.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I am happy to yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the question was asked, but let me just frame it a little bit differently. Has there ever been a time in the history of this Nation that the gentleman from Virginia can identify when we were overstaffed in the Federal court?

Mr. MORAN of Virginia. Mr. Chairman, again, I would say to the gentlewoman from California, my friend and respected colleague, that what has happened in the past, while it might be precedent, is not as relevant to this legislation as what will happen in the future. We are not passing legislation to apply to the past. We are passing legislation to apply to the future.

I would hope that this Congress, in concert with the Senate, would in fact increase the number of Federal judiciary slots to meet the need. Even if it exceeded the need, if in fact it was a 3 percent vacancy which might be rational at some point in time, then it would nullify this legislation. That is not a situation I am sure that my colleague would want to create.

Ms. WATERS. Mr. Chairman, will the gentleman yield further?

Mr. MORAN of Virginia. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, certainly the gentleman does not believe that we are attempting to pass legislation for the past.

Mr. MORAN of Virginia. That is right.

Ms. WATERS. Mr. Chairman, we refer to the history of the court, the fact that it has never been overstaffed, that the vacancy problem has grown because we have the documentation that shows that we need more and more judges to take care of the case loads that they are now confronted with.

So the idea of the legislation is not to legislate for the past, but certainly documentation and information that indicate the path that it has traveled in the past would be relevant to the legislation that we are attempting to pass today.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, if the gentlewoman wants to propose legislation to substantially increase the number of Federal judiciary positions, I would cosponsor that legislation in a New York minute or a Los Angeles minute. I certainly think we ought to increase the number of Federal judges, but I do not think we should pass this legislation.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, rather than legislation that would increase the number of judgeships, could the gentleman kindly say to the people he is supporting on this legislation to urge the Senate and the Republican leadership to simply do their job.

Mr. MORAN of Virginia. Mr. Chairman, I represent the people of the United States presumably. I appreciate the gentlewoman's comments.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I think it is not a good idea to tie the receipt by the Federal court of cases based on the number of judges that they have.

It has been pointed out just in some discussions about this here that, what happens if we have pending cases and the percent rises above the 3 percent, is that then that we have to move those cases out? It just is very complicated and most unusual.

But what I would like to do at this point is simply bring some context to this debate on Federal judges. The United States district judges are the judges that these cases first come to. We have appellate judges beyond that up to the Supreme Court.

But we are talking about the district court judges that would hear these cases. Currently, there are 636 United States district judges across the country generally broken down among 93, I think it is 93 districts. We have 93 U.S. attorneys. It is 93 or 94, somewhere in that number. We have 636 district judges of which there are 30 district judges pending in the Senate. There are 12 vacancies where the President has not submitted any names. So roughly 42 pending and 636 in place.

If we average that out, again this is purely an average over the 93 districts, we see somewhere between six and seven judges per district, and something less than one-half a judge short in each district.

So the numbers are not quite as dramatic as one might argue here. We are at roughly 95 percent right now. It looks like there is enough blame to go around on both sides, with the President not submitting names and the Congress not acting to account for the 42 different judges.

But, again, the underlying law, the underlying amendment itself is not good, and I urge my colleagues to vote against that.

Ms. DEGETTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the legislation before us would take another step in overwhelming our Federal court system. The legislation will also serve to weaken the ability of consumers to enforce consumer health and safety, environmental, and civil rights laws.

□ 1445

For these reasons and others, I will oppose the legislation. But if we are going to pass the legislation, the very least we can do is pass this important amendment to protect the Federal court system from being further taxed.

Congress' responsibility vis-a-vis the courts is funding the judiciary, creating the appropriate number of Federal courts, and filling Federal vacancies, and maintaining a delicate balance between what should be a Federal issue and what should properly be addressed in the State courts. Now, how are we doing on these issues? Contrary to what we have just heard, the House, for example, provided the Federal court system with around $240 million less than that requested by the administration. With reduced funding, the court certainly cannot handle additional caseloads, as this bill calls for.

What happens in the Federal courts, as someone who was just practicing in them as recently as 3 years ago, and rightly so because of speedy trial concerns, criminal cases take precedence to civil cases. So all of these civil cases we are moving to the Federal courts will simply languish if we do not have Federal judges to hear them.

As we have heard, the Federal court system has 64 vacancies currently and anticipates 17 more vacancies shortly. Regrettably, many of these vacancies are concentrated in districts where, as my colleagues have also heard, we have judicial emergencies. What does this mean? At its March 1999 session, the Judicial Conference of the United States said that judicial emergency means as follows: any vacancy in a district court where the waited filings are in excess of 600 per judgeship, or any vacancy in existence more than 18 months where the waited filings are between 430 to 600 per judgeship. And it goes on.

Six hundred per judgeship. And all of the proponents of this bill are saying, well, we need to move the more complex cases to Federal Court because the judges will have time to hear them. If we do not fill these open judgeships, we will not have time to hear these complex cases.

In my own district of Colorado, not the largest judicial district in this country, we have one open judgeship that has been open for almost 2 years. We have two more coming up, and we have another coming up in the 10th Circuit. This is in a very small judicial district. And this plays havoc with the ability to hear any case whatsoever.

We can put the blame on whoever we want. We can put the blame on the White House. We can put the blame on the Senate or whoever, but the point is the people who are constitutionally required in this country to appoint judges need to do so before we can have true justice for anybody in either a civil or a criminal case, but most especially in the civil cases that are languishing now in our courts, the civil rights cases, the consumer cases, the complex environmental cases. We need to fill these judgeships before we can put even more cases into those courts.

So I urge my colleagues, let us put some impetus into filling these vacancies. Let us pass this amendment, at the very least, if we are going to pass this legislation.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment by the gentlewoman from California (Ms. WATERS) and the gentleman from Massachusetts (Mr. DELAHUNT).

We have heard in this discussion that the vacancy rate in Federal courts is approximately 9 percent today. And of course when that happens, we end up with a stacking of cases. So what we have here is the Republicans blocking appointments to fill the vacancies, to lessen the burden of the workload. And as a result of that blocking, we have stacking. We have blocking and stacking, blocking and stacking.

And now, on top of all of that, the proposal in the bill seeks to stack even further against those who need a place where they can raise their issues of social conscience, of economic justice, of environmental concerns, and consumer concerns.

Mr. Chairman, some years ago, hundreds of people in the State of Washington fell ill, seriously ill. Many of them began to convulse uncontrollably, others suffered from kidney failure and, in fact, three children died. The public health officials searched frantically to find the cause of this epidemic, and they soon found it. The culprit, of course, was deadly E. Coli bacteria in undercooked hamburger that was sold at the Jack in the Box restaurants.

Well, I do not think there is anybody in this chamber or watching who would argue with the fact that the giant corporation that runs this chain should be held responsible, should be held accountable for what happened here.

They should be responsible for their negligence because of what happened to these people and because of the death of these three children. Under current American law, those who have been wronged or have been injured have a right to seek restitution. That is the way the system works. And under the current law they can join together to seek this justice. And in the case of the contaminated hamburgers, they did just that. Unfortunately, under this legislation that we are considering today, these victims would have little recourse.

Under this legislation, they would have had no choice but to choke down this toxic meat. And under this legislation, consumers would find it much, much harder to come together, to join together as a group to fight some of the most powerful, strongest institutions or organizations in this country. That is what class action is all about, organizations that sometimes, unfortunately, abuse their trust, our trust, rip consumers off, or put, in this case of the E. Coli bacteria, put their lives at risk.

The current tort system may have its flaws, Mr. Chairman, but at its core it still offers Americans the best and, in many cases, their only shot at justice. So I want to urge my colleagues to support the amendment offered by the gentlewoman from California and the gentleman from Massachusetts. I want to urge my colleagues to vote "yes" on that amendment and to cast a vote for accountability, a vote for justice, a vote for environmental concerns, a vote for economic justice concerns and consumer concerns, and vote "no" on this legislation.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, among the many benefits of this procedure of clustering votes after the debate on a number of amendments, in addition to the far better use of a Member's time, is the fact that a Member who comes in too late to debate the amendment he wanted to debate, gets a chance to debate that amendment on the next amendment. So I rise in support of the Waters amendment but also in support and speaking on behalf of the Frank amendment.

We have heard a lot about the problems of judicial vacancies in the context of this particular amendment. I think it cannot be disputed that as a result of what this bill seeks to do, with its very open and permissive abilities to remove class-action suits to Federal court, the vast majority of class action suits, which raise State law issues and only State law issues, will end up being heard in the Federal courts. This in a system bogged down with large backlogs; bogged down with a number of judicial vacancies.

I am sure no one could have put it better than the gentleman from Massachusetts (Mr. FRANK), whom I missed in terms of his debate on his amendment, the relative absurdity of the situation where now, with very permissive removal rules, a class-action case involving a State law is removed to a Federal court, and the Federal judge determines that, applying his notions of the law, that that class is not appropriately certified. At that particular point one would normally expect that it could be remanded back to the State level for a determination by the State courts of whether under State law it is appropriate to certify the class. Without the Frank amendment, such an action will then again, with the new lawsuit, be removed back to Federal Court. And we will never get out of this revolving door.

So the amendment of the gentleman from Massachusetts, which makes it clear that once a Federal judge has refused to certify the class, that action may be brought in State court, cannot be removed, and it will be up to the State justice system to decide whether there is an appropriate class to certify makes a little bit of sense out of this otherwise both, I think, damaging and somewhat senseless proposal that, in effect, will deprive huge numbers of people of class action remedies in State courts or in Federal courts on matters that are essentially matters of State law.

I support the Frank amendment; I support the Waters amendment. If those amendments do not pass, I urge this bill be defeated.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me echo the words expressed by the gentlewoman from Colorado. This is not about blame. This is not about blaming the Senate or blaming the White House. This is really about justice for the American people. I do not think there is any debate that justice delayed is justice denied. And that is happening now. That is happening every day in our court system now.

Now, this amendment provides that the bill would take effect only once the judicial conference of the United States has certified in writing that fewer than 3 percent of the Federal judgeships remain unfulfilled. The purpose of the amendment is to ensure that the depleted ranks of the Federal branch are restored to their full strength before the courts are asked to take on a new massive workload that this bill would generate.

There should be no doubt that 1875 will have a dramatic impact on the workload of the Federal courts, because its very purpose is to transfer to the Federal system a large proportion of the class-action cases that are currently handled at the State level. The Federal courts, if the underlying bill should pass, will be swamped at a moment when they are already overwhelmed by mounting caseloads.

Since 1990, the number of civil cases filed in Federal court have increased by 22 percent, criminal cases by 25 percent, and appeals by more than 30 percent. In response to this judicial crisis, the Judicial Conference has asked Congress to authorize an additional 69 judgeships, yet not one new judgeship has been authorized or created since 1990, for almost 10 years. And of the 843 judgeships that currently exist, 65, more than 8 percent, are currently vacant. Many have remained unfulfilled for more than a year and a half.

Last year, the Chief Justice himself took the unprecedented step of publicly chastising the Senate for its failure to act on pending nominations and warned of the consequences if Congress continues to enact legislation, exactly like the bill that is before us now, that expands the jurisdiction of the Federal courts. His concerns have been echoed by the Justice Department, the American Bar Association, and the Judicial Conference. Let us listen to those who have to deal with the problem every day. Every day.

Just yesterday, a nonpartisan organization known as Citizens for Independent Courts issued a report which found that the average time it takes to nominate and confirm a Federal judge has increased dramatically over the past 20 years. And at the same time, here we are considering a bill that would impose a major new burden on the Judiciary without regard to its impact on that branch of Government, and without giving our courts the resources they need to do the job.

I daresay, Mr. Chairman, if there was an impact statement that was mandated to be filed with this legislation, it would never be here on the floor of the House. It would not happen.

□ 1500

I believe and suggest and submit that this is irresponsible on those grounds alone. I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 295, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from New

York (Mr. NADLER), Amendment No. 3 offered by the gentlewoman from Texas (Ms. JACKSON-LEE), Amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK), and Amendment No. 6 offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 277, not voting 4, as follows:

[Roll No. 439]

AYES—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Ganske
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Stabenow
Stark
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—277

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Coble
Holden
Jefferson
Scarborough

☐ 1523

Messrs. UPTON, KNOLLENBERG and GILMAN changed their vote from "aye" to "no."

Mr. ENGEL, Mrs. JONES of Ohio and Mr. CLYBURN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 295, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 266, not voting 5, as follows:

[Roll No. 440]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clement
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne

Pelosi
Pomeroy
Porter
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Stabenow

Stark
Stupak
Tauscher
Taylor (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—266

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson

English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder

LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster

Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney

Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Upton
Vitter

Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Coble
Holden

Jefferson
Roukema

Scarborough

☐ 1531

Mr. LoBIONDO changed his vote from "aye" to "no."

Mr. ROEMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 225, not voting 6, as follows:

[Roll No. 441]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement

Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner

Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald

Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Phelps
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin

Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier

Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe

Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema

Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Coble
Holden
Jefferson
Miller, George
Murtha
Scarborough

□ 1538

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 6 offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 7, as follows:

[Roll No. 442]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Coble
Emerson
Gutierrez
Holden
Jefferson
Radanovich
Scarborough

□ 1546

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, pursuant to House Resolution 295, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 207, not voting 4, as follows:

[Roll No. 443]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Coble
Holden
Jefferson
Scarborough

□ 1604

Mr. TAYLOR of North Carolina changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 to be instructed to insist that the conference report not include Senate provisions that—

(1) do not recognize that the second amendment to the Constitution protect the individual right of American citizens to keep and bear arms; and

(2) impose unconstitutional restrictions on the second amendment rights of individuals.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mrs. McCARTHY of New York. Mr. Speaker, I rise to offer a privileged motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mrs. MCCARTHY of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and

(2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I offer a motion to instruct the conferees on H.R. 1501 to meet publicly, beginning this week, and every weekday until we reach a conference agreement.

Stated more simply, my colleagues and I are asking that we move forward with the conference on the juvenile justice bill. The motion is not offered as a criticism. I understand that the chairman and the ranking member of the Committee on the Judiciary have met in an attempt several times to reach a compromise on the gun provisions in the juvenile justice bill.

The chairman and the ranking member have worked very hard on this important legislation, and we do appreciate all the efforts that they have made.

However, we cannot afford to wait for the completion of behind-closed-door negotiations while the threat of gun violence hangs over the heads of our schoolchildren throughout America. Every day Congress fails to advance juvenile justice legislation is another day that we lose 13 children to gun violence.

Despite the assurances of the chairman and the ranking member, a number of my colleagues and I remain concerned about the outcome of the juvenile justice bill. Since the April 20 shooting at Columbine High School mobilized the American people to pressure Congress into addressing the issues of children's access to guns, we have faced a number of roadblocks and delays. I fear the delays we have faced have been caused by the congressional leadership's reluctance to enact meaningful gun safety legislation.

Our motion today is offered as an incentive to move forward and complete our legislation. Let us listen to the American people and protect our children.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not disagree with the gentlewoman from New York. I am a little puzzled by the formulation in the motion to instruct, because we have nothing to do with the calling of the meetings of the conferees. The chairman is the Senator from Utah, and he has the gavel. He can call the formal meetings.

But we have been having informal meetings every day, every morning and every afternoon. We have had two today. We are working with all dispatch to try and resolve our difficulties.

There were many difficulties, many differences, when we started out. We have them down to about one or two now. If people want to continue to breathe down our neck and push us, that is fine, we are all adults and we can take it. But we are working as expeditiously, as effectively, as we can. These are complicated, difficult, emotional issues. Many considerations have to be borne in mind.

Mr. Speaker, I would like us to meet I suppose every day in public, but I can assure the gentlewoman, if she wants a bill, let us continue to move as we are. I wish it could have been done yesterday, but I can assure the gentlewoman that nobody is at fault, other than the complexity, the difficulties of the issues we are dealing with.

I am convinced to a moral certitude that everybody wants a bill. Nobody wants this to fail. So we are working the best we can. I wish the gentlewoman would give some credence to our good faith, as I certainly do to the gentlewoman's.

I just do not know what to do on this. I want to vote for it because I like the gentlewoman, and I do not like to be negative. On the other hand, it just seems pointless for us to be requiring the conference to meet this week so that motions, including gun safety amendments, could be offered. We are working those out informally, but they are being worked out.

Then, we should meet every weekday in public session? I would hope that we will have an agreement, a text, very soon. I do not know when. But the process is working. It is fermenting. We will get a text, and then we can all study it and decide whether it is something we can support or not, and move forward.

But we are doing our best. There may be others who could do better. Unfortunately, they are not in positions of authority. I am very satisfied that the gentleman from New York (Mr. CONYERS) is serious and working and trying to be helpful, and is helpful, and I believe he feels the same about our side.

I will vote no on this, simply because I think it sets out to do something that is not within our competence; that is, to tell the Senator to call meetings every day. I am sure he will call them when we are ready to offer something that can be voted on, and I just assure the gentlewoman, we are inching closer and closer and closer. I do not think it is going to be a matter of days, even, until we are ready with a product that we can all vote up-or-down on.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself 30 seconds to respond to the previous speaker.

Mr. Speaker, I would say to the gentleman from Illinois (Mr. HYDE), my respect for the gentleman is tremendous, and this is nothing personal towards the gentleman whatsoever. It is actually towards, unfortunately, I feel, some people on the other side.

There have been a lot of quotes in the newspaper, one on June 19 after we had our defeat. "The defeat of the gun safety bill in the House is a great personal victory for me," from the gentleman from Texas (Mr. DELAY).

My job is to try and bring this bill forward. If we can put any pressure, certainly even on the Senate side, then that is what I have to try and do. As far as the gentleman goes, the gentleman is a gentleman and I am always privileged to work with him.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to the very generous comments of the gentlewoman from New York, I appreciate them. My admiration for her is multiplied by her admiration for me.

But I would say that the gentleman from Texas (Mr. DELAY), who happens to be the Whip, is a person of strong feelings on this issue. He is entitled to them as an elected Member. But he speaks for himself, not for the entire Republican side on this issue.

This is an issue that is locally difficult for some and easy for others. But I can assure the gentlewoman, with all due respect to our distinguished Whip, that I can muster, he does not make the sole determination, and we are proceeding, I think, effectively and efficiently.

I want to assuage her worries that the gentleman from Texas (Mr. DELAY) speaks for all of us. He does not on this issue. He speaks for me on a lot of issues, but not this one.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the conference committee on this item has met just once, formally. That was on August 3. I am a member of that conference committee, as is my colleague, the maker of the motion here today.

At that meeting, and this is only the second time I have been on a conference committee, but we made statements at this meeting. I did, too; we all did. At the conclusion of the statements made by all the Members of the Senate and all the Members of the House who were present, I tried to offer a motion that we would continue to work and to try and get something substantive done.

□ 1615

It was ruled that that motion was out of order. We could not even vote on whether we should actually begin work. What was told to me at that time was that it was necessary for the staff to meet and that they would meet throughout the recess; and, therefore, we could get this to a resolution.

There was a lot of hope expressed that, by the time, roughly, that school started, we would have something ready to go. It is now September 23, and we are still not ready.

I have listened to the discussion here today. I am aware and do readily believe that there have been discussions between the ranking member and the chairman, and I commend those discussions. But there is an aura of mystery around this.

The other conferees, or at least I will speak for myself, I am not aware of the substance of what is being discussed. I hear various things from the press that concern me greatly. I have no way of knowing whether those press reports are accurate or inaccurate.

But I am aware that there are some things that really do need to be in the final product, which is why I think this motion to instruct is a good one.

The first part of the motion directs that we should have a substantive meeting. It has been nearly 2 months since we had our first meeting, and so I think to have our first substantive meeting is not too much to ask so that we could make motions. There is one motion that I would like to make, and it is a necessary one, and it has to do with high capacity clips for assault weapons.

As we know, the Senate had a provision in their bill, and we of course became grid locked and did not have anything on that subject. Subsequent to all of that, on really a technicality type of thing, the Senate's provision was deemed inappropriate since it raised revenue. So there needs to be some kind of motion for that to be reinstated.

I mention this in particular because I think it is one thing that really does need that attention. I am aware, as a matter of fact, I am proud that the amendment here on the House side was the Hyde-Lofgren amendment. I know the gentleman from Illinois (Chairman HYDE) certainly does not oppose the substance of this. I think that we need to do this.

Certainly the loophole that was created when Senator FEINSTEIN and others pursued this a number of years ago turned out to be nothing that was anticipated. Millions of these high capacity clips are coming in from foreign providers.

I would just say that the TEC-DC9 that was used in Columbine could not have been effective if the ammo was not available. So let us get on it. Let us do it in public. I believe in sunshine laws, being from California. I think, if we have a little sunshine on this process, it will be hard for those opposed to hold their heads up high.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say in response to the remarks of the gentlewoman from California (Ms. LOFGREN) that I certainly share her zeal for banning the large clips, cartridge clips. It was her motion and mine that passed on the floor; but, unfortunately, the bill to which it was attached was not passed. But it is a part of what we are talking about, and I do not think that is in serious dispute.

I just would like to remind the folks on the other side, the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from California (Ms. LOFGREN) that this overriding part of this is juvenile justice, the H.R. 1501, juvenile justice reform. We have been working on that 4½ years. It is that difficult. It has that much emotion involved, that much philosophy, that much concern. So to expect us to stampede to a resolution now is just ill-advised. In good faith, we are doing our best. We are going to succeed, in my opinion.

I have talked to the gentleman from Michigan (Mr. CONYERS) at some length twice today. I met with him once. We are closer than ever. Please do not push us off the cliff with partisanship. I know how easy it is. I know how strongly my colleagues feel, how passionately they feel. I share that passion.

But compromises are difficult. One does not get everything one wants. One has to make concessions. But those concessions have to be prudent. We understand that. That is true of both sides.

I can only say my colleagues can continue to berate us, and I know they put a soft face on it, but they are. There is a predicate to what they are doing, and that is somehow we are foot dragging. Keep it up. It is all right. We will be here to respond. One of our Members has one tomorrow. It is kind of becoming a habit. But we are doing our best, and we are going to succeed.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, yesterday I joined with my Democratic women colleagues to call the role of children who have died from gunfire since the tragedy at Columbine on April 20. We cannot even get through the lists. Too many children have lost their lives to senseless gun violence.

Five months since Columbine, and, still, the Republican leadership has failed to take common-sense steps to keep guns out of the hands of children and criminals. Yes, that is the bipartisan compromise that was agreed to in the Senate. What are we in the House waiting for?

We have all watched children fleeing scenes at Columbine High School, a Los Angeles day care center, and now a church in Fort Worth. Just this week we saw a report of a teenage girl in Florida who plotted to murder her entire family but was stopped by a child safety lock.

But the tragedies on the news are only the most prominent. Single killings or accidental shootings where a child kills his brother or sister with a gun thought to be hidden safely in the closet happen with sickening regularity. It all adds up to 13 American children each day dying due to gunfire.

Yesterday morning, one of my Republican colleagues suggested that efforts to keep kids and crooks from getting guns were an insult to the wisdom of our Founding Fathers. Well, this Children's Defense Fund poster captures my response to that notion. It reads, "This can't be what our Founding Fathers had in mind. Children in the United States aged 15 and under are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined. This is a statistic that no one can live with. It is time to protect children instead of guns. With freedom comes a price. That price should not be our children."

Vote for this motion to instruct. Let us pass the common-sense compromise that was passed in the Senate.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman from New York for her courageous work on this issue.

I rise in strong support of this motion, and I am outraged that, once again, the stalling tactics of the majority have forced us to the floor to address gun safety.

My colleagues and I have come together countless times over the past several months with the same simple message: Congress must pass meaningful gun safety legislation. Today, we repeat that message with added urgency.

When the conferees met this week, and when they continue to meet, they must return with loophole-free substantive measures to combat the gun violence that is killing our children and turning our schools into war zones.

The American people are demanding action. Throughout my district, mothers approach me, children in tow, and ask me why on earth this Congress has not done more to stop the scourge of gun violence attacking our communities. They are afraid to go out on to the streets of their own neighborhoods. They are afraid to send their kids to school. They are afraid to go to church or synagogue. They are searching for courageous leadership from this Congress.

Instead of providing that leadership, Congress has stalled and stonewalled as, week after week, the death toll from gun violence rises. Who can forget Littleton, Paducah, Jonesboro, Springfield, Conyers, Los Angeles, and Fort Worth? How many cities and towns across this country need to be hit with tragedy before something is done?

The Senate passed a gun safety bill which would have prevented felons from buying guns at gun shows, ban the importation of high capacity ammunition clips, and kept guns away from children. But the House took a different route. We had a choice between the public interest and special interest, and the public lost.

Our bill is hollow legislation which ignores the cries of victims of gun violence and their families. We have an opportunity starting today to change our ways. We have a real opportunity to save lives. The conferees must work hard to include strong gun safety measures.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to the gentlewoman (Mrs. LOWEY) for whom my admiration is boundless. I know she does not want to be unfair; I am convinced of that. When she talked about our stalling tactics, I am somewhat bewildered. I wish the gentlewoman would talk to the gentleman from Michigan (Mr. CONYERS) and talk to her staff, her committee staff. There is no stalling going on.

These are complicated, tough issues. It may be clear to a committed liberal the way to go. I am sure it is clear to committed conservatives the way to go. But they are in different directions. We are trying to bring those together. We are trying to work something out. We are doing it with all diligence, all possible diligence.

May I suggest, if the gentlewoman is interested, and I know she is, in helping the gun situation throughout our country, spend some time on urging her administration to enforce existing gun laws. In the last 3 years, there has been one prosecution of a Brady Act violation. We have had a lot of sound and fury for only one prosecution. So there are things that we can do.

But meanwhile, we are not stalling. The word is foreign to us. We are moving ahead. I would have liked to have solved this 2 weeks ago. I can assure the gentlewoman from New York (Mrs. LOWEY) nobody is stalling.

Mrs. LOWEY. Mr. Speaker, will the gentleman would yield?

Mr. HYDE. With pleasure I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I have worked with the gentleman from Illinois, and I know he is a gentlemen, and I have great respect for his commitment to moving this bill. But I would just like to remind my friend and the gentleman that we have been asking for the commonsense gun safety legislation that passed the Senate to come before this House before Memorial Day. It has been quite a while. Look at the lives that have been lost.

I understand that the legislation is complex. I would be delighted to work with the gentleman to call on the Justice Department to enforce the laws. But the commonsense gun legislation that passed the Senate could have been brought to the floor, could have been called from the desk at any time as a separate package.

For me, as for the gentleman from Illinois, we understand how complex this is. But we also understand that there is a madness in this country, and that parents are afraid to send their kids to school.

We have to do what we can to prevent felons from getting through that loophole at gun shows, for example, and getting their hands on guns.

So I wish the gentleman Godspeed. I wish him good luck. I would hope that the juvenile justice bill could pass.

But I would just like to say in conclusion to the gentleman from Illinois, my good friend, that way before Memorial Day, we have been asking for the common-sense legislation to be brought to the floor and to pass. We know it is not the whole answer. Unfortunately, that has not happened, and more lives have been taken. The gentleman's constituents and mine are just afraid.

This is the United States of America, 1999. We know the guns are not the whole answer. But let us begin by making it tougher to get one's hands on a gun.

Mr. HYDE. Mr. Speaker, I do not disagree with much that the gentlewoman from New York (Mrs. Lowey) has said. But there is an expectation that passing another law is going to make a great difference.

Now, I do not deny that there is merit in additional gun laws. I think we can do some more things. I think we are on the verge of doing that. I think the bill that passed the Senate was an excellent one but for one aspect of it, and that is the gun show aspect.

□ 1630

I believe, and we believe, there was some unreasonable aspects to that, and that is a sticking point that we have been working on and working on and working on.

But I want to remind the gentlewoman, I do not know how many young people were killed in automobile accidents in the period of time that she had reference to with guns, but I daresay more people were killed in automobile accidents. That does not mean we should stop people driving, but it is just a fact of life.

Sixteen Federal laws were violated at Littleton. Sixteen. Nine State laws were violated. So what is our response? Let us heap another law on the fire. But, look, I am for it, notwithstanding the futility, perhaps, of another law. I am working to get one, but I am just suggesting to the gentlewoman these are not easy.

And the Senate operates differently than we do. I think it took the Vice President's vote to get that bill out. Happily, he cannot vote in this body. But we are doing our best.

Mr. Speaker, if the gentleman would continue to yield, I would just like to comment on the gun show loophole, because I know my good colleague, the gentlewoman from New York (Mrs. MCCARTHY), has been a leader on that, and I just do not understand why that issue is so difficult when we know that 90 percent of the people are cleared.

Mr. HYDE. Ninety-five percent.

Mrs. LOWEY. Ninety-five percent. So what we are saying, and what the legislation in the Senate is saying, 3 business days, that is just for the 5 percent of the people who do not get through. So what is wrong with that, when 95 percent get cleared in the first 24 hours or less? So let us do that.

Mr. HYDE. I would just say to the gentlewoman that I have no problem with her formulation; unfortunately, the Lautenberg amendment does much more than that. Much more than that. And therein lies the problem.

I am happy to yield further if the gentlewoman is going to say something generous. I yield whatever time she wants.

Mrs. LOWEY. I have no doubt that the chairman's intentions are very noble and that he is a wise gentleman, as always.

Mr. HYDE. There is a well-known road paved with good intentions, I am aware of it.

Mrs. LOWEY. However, the gentleman has talked about car registration. I would like to see gun registration as well.

Mr. HYDE. Not in this Congress, though, I would advise the gentlewoman.

Mrs. LOWEY. Unfortunately, that may be the case, my dear friend. I would also like to say that although lives may be lost unfortunately as a result of gun accidents, the gentleman and I are terribly pained for every mother, every father, every family that loses a child, and every day we delay another 13 lives are lost. Every day.

So I would just encourage my good friend, and I am delighted I am on my good friend's time. I would encourage my good friend to work as expeditiously as he can because, and I really mean this, whether I am in the supermarket or I am in the street, people are afraid. This is the United States of America, and people are afraid to go to school, afraid to go to church, afraid to go to synagogue, afraid to walk the streets. We have the power to do something. Let us make sure the Justice Department enforces the laws, but if we have the power to close some loopholes and pass common sense gun legislation, let us do it.

Mr. HYDE. I am all for that. We are working on common sense gun legislation, and I am confident we will pass something that will better the present situation. It will not be everything the gentlewoman wants. It probably will not be everything I would like. But it will be useful. It will contain a clip ban for those large clips; it will contain safety devices, trigger locks. It will contain a juvenile Brady. It will contain a prohibition for minors for possessing assault weapons. It will have mandatory background checks that are reasonable, including at gun shows. So, if the gentlewoman would let us do our work, we will do it.

I would say, by the way, that I think the gentlewoman would have made a great Senator.

Mrs. LOWEY. Mr. Speaker, I would be delighted to yield back to the gentleman his time so that other people on his side can continue this discussion, and I thank the gentleman.

Mr. HYDE. Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, let me just associate myself with all the wonderful things that were said by my colleagues on this side of the aisle about the chairman.

Having said that, let me say I do not believe that criminals should get guns and we should do everything we possibly can to prevent criminals from having access to guns. We should close loopholes where they exist that allow criminals to get guns.

And with regard to the issue of gun shows, last year in America there were 54,000 guns that were confiscated in crimes. Criminals purchased them originally at gun shows. And the reason that that happened is because there is a gaping loophole in gun shows.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Illinois.

Mr. HYDE. The current law forbids criminals from acquiring guns. If we could enforce the current law, we might make some progress. I thank the gentleman.

Mr. BLAGOJEVICH. Reclaiming my time, Mr. Speaker, let me reiterate again my great respect for the chairman, the gentleman from Illinois (Mr. HYDE); and let me say I agree with him, we should certainly do everything we possibly can to enforce existing laws. Let me also say this Congress has not been generous with regards to providing funds to the Bureau of Alcohol, Tobacco and Firearms in its effort to fight gun violence.

But having said that, there are loopholes in the existing law that allows for criminals to go to gun shows and buy guns, as many as they want, with no questions asked. That is why 54,000 of those crime guns were confiscated last year that were originally purchased at gun shows.

The effort in the Senate that passed last May simply applies the Brady law to gun shows. So if I want to go buy a gun at a retail gun show, the same background requirements that I would submit to if I went to a retail store would be applied to me at gun shows. It is very basic and very simple, and I believe all of us who believe the Brady law has been successful, over 400,000 proscribed people were denied the right to buy guns because of that, ought to be for the Lautenberg version that passed the Senate.

And while there is a sense that delay abounds in this chamber and that we have not been able to do what the Senate did in a timely fashion, I think if we are going to heed the lessons of history, we need to keep the pressure on the well-intentioned Members who want to try to achieve what the Senate tried to do in the conference committee.

So let me just close by saying that in view of the history in this chamber and our inability to pass the Senate version here in the House, I think it is reasonable to suggest that we want to talk about this on a daily basis to keep the pressure on and let the American people keep focused on this issue. Because absent that, we probably will not get it done.

Since this Congress began, we have had shootings in Columbine, we have had shootings in Indiana and Illinois, we have had shootings most recently in Fort Worth, Texas. I think it is incumbent upon us to heed what the American people want us to do, and that is to act. The Senate did so, we have not done so.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I am back. Yesterday, on a motion to instruct conferees to craft juvenile justice legislation that would be loophole free so that guns would not reach the hands of those excluded by law from having guns; today, to instruct the conferees, as I said yesterday, to get it on.

Yesterday, I spoke of delay and was chastised. But if as a Member of Congress I am talking about delay, I take part of that responsibility. Today, I speak of all deliberate speed. I speak to the desire of this Nation to see this issue through and to encourage the conferees to work openly.

I do not want to breathe down the necks of the conferees. I want to be the wind beneath their wings. I want to be the engine that could. Make no mistake. I do not question the good faith of the conferees. I do not question anyone's intentions. It is the intentions of those who choose to defeat gun safety legislation, the spokespersons who continue to carry the NRA banner, those are the ones I am worried about.

We believe that the conferees should meet in public session, that they be allowed to offer motions and amendments and meet substantively and recommend a substitute. We agree that it is the overriding purpose of this bill to do juvenile justice reform to protect our children.

Mr. Speaker, my colleagues and I simply wish to pick up the conferees, to push them along, to encourage them, to urge them, to get them to understand that the time is now. Our children's lives rest in their hands.

And by the way, Mr. Chairman, automobiles were not made to kill, guns were.

Mrs. McCARTHY of New York. Mr. Speaker, may I inquire about the time remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from New York (Mrs. McCARTHY) has 16½ minutes remaining, and the gentleman from Illinois (Mr. HYDE) has 14 minutes remaining.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I want to publicly state, as I have before, my great admiration for her commitment to gun control legislation. It comes from personal experience, and I think we all attest to her courage.

I am rising in support of the amendment that she offered to instruct the conferees to meet publicly every weekday until they reach agreement. This is really setting priorities.

I know the chairman of this committee, and I was listening to the discussion. I know he works very diligently. He is a man of great credibility. I have great respect for the chairman of the committee. But I do think it is important, and America is looking at us in terms of are we moving with deliberate speed, do we have open meetings, and do we have them all the time.

One of the reasons I want this, of course, is I hope to achieve the goal that we would close that gun show loophole, the Brady bill, and I would just point out a couple of reasons why I feel strongly.

A joint study by the Departments of Justice and Treasury that was released earlier this year, in January, found that, "Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns."

A gun show dealer, quoted in the Lexington, Kentucky, Herald-Leader observed: "A criminal could come here and go booth to booth until he or she finds an individual to sell him or her a gun. No questions asked." It just makes no sense that any person today can walk into a gun show and make a purchase without any precautions whatsoever. Moreover, illegal purchasers know they can go to a gun show without worrying about being denied a purchase.

An Illinois State police study demonstrated that 25 percent of illegally trafficked firearms used in crimes originate at gun shows. In Florida, an inmate escaping from detention, stopped at a gun show to make a purchase while fleeing law enforcement authorities.

Maybe these are some exceptions, but these exceptions indicate that we do need to tighten up the law and to close that loophole. No background check was required, no waiting period. Simply absurd. So this loophole needs to be closed, and I urge the conferees to do just that.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DeGETTE).

Ms. DeGETTE. Mr. Speaker, I would like to thank my colleague from New York for her dedication to this issue, and I would also like to thank the chairman, particularly for his dedication to the issue of making sure that the multiple-round ammunition magazines are banned, which is an issue that is in my bill in the House and that he worked with me and the gentlewoman from California (Ms. LOFGREN) and so many other people to pass. But we do have to pass this. It has not passed.

I have to be honest, I have been very skeptical about the probability of the juvenile justice conferees reporting a bill with any child gun safety legislation. So far it looks like this skepticism is not misplaced, because the conferees have not had a substantive meeting since we returned from the August recess. And they did not work substantively over the recess. So I am here to say, let us not have this footdragging; let us pass this legislation.

It is true we have existing laws, and it is true we should enforce those existing laws. But the truth is there is no gun show law in effect that we could have enforced to stop the killers at Columbine, which is four blocks from my district, from buying those guns at a gun show. There is no existing law to stop the multiple-round ammunition magazines which allow people to shoot scores of people before they can be stopped. And there is no existing law to require gun safety locks to be put on guns.

□ 1645

We need common-sense child gun safety locks. The majority of Americans understand this. And my colleague from New York (Mrs. LOWEY) is exactly right. People from Jefferson County, Colorado, not a Democratic district, Republicans, Independents, and Democrats, come to me on the streets of Denver and they beseech me to do something, to pass common-sense child gun safety legislation. It is not a partisan issue. And the gentleman from Illinois (Mr. HYDE) has amply demonstrated this. But I fear that there are others in the leadership of this House who are not letting this happen.

Please pass this motion to instruct.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I thank her for her leadership, and I am delighted to join her on the conference committee.

I want to speak to the chairman. I appreciate his presence and his acknowledgment that we can work together. But I think these are two very viable points in this motion to instruct.

First of all, Mr. Speaker, I believe we should meet this week. Secondarily, I believe that it is important that we have public meetings, and I will tell my colleagues why.

First of all, the chairman of the Committee on the Judiciary, along with so many of us, as the previous speaker from Colorado has mentioned, that many of us are supporting the high-capacity ammo clips, the prohibition on those, which were the cause of the sin, if you will, on several recent shootings, including the tragic shooting in California with the Jewish Community Center and, of course, the shootings just this past week in Fort Worth, Texas, my own State, the shootings in Illinois, all generated because of these automatic clips. Yet there are some on the conference and some Republicans who are trying to classify it as a tax bill which would delay and stymie its being part of our gun safety reform.

I think the other aspect of what I would like to speak to, Mr. Speaker, is why I am standing here today. For, as I go into my communities, many of them will acknowledge that for years many inner-city poor neighborhoods were besieged by gun violence. Many mothers in inner cities for years had "Saturday Night" and "Friday Night Specials." And what were they? The tragedy of the burial of their young children, gun violence and gang violence.

So many of my constituents in inner-city Texas districts asked why all of a sudden are we raising our eyes and our ire about gun violence? Public hearings will let them know that we distinguish between no one. The death of a child is still the death of a child. And we acknowledge the years and years that this Congress stood and watched as there was inner-city violence with "Saturday Night Specials" and probably did nothing. So the fact that we open these to public hearings is valuable.

Then secondarily, I think it is important to note what we are talking about with gun shows. It is absolutely hypocritical and outrageous for the National Rifle Association to say that we are trying to put gun shows out of business.

Frankly, I do not find them entertaining. We have had one every week in the State of Texas. But what we are saying is there is a loophole as big as a truck that they can go to a gun show and go to one licensed dealer over here and have an official Brady check and go to an unlicensed dealer over there and get no check, and we are simply saying that the unlicensed dealer should use the same process of going through an official process and a 3-day wait period so that we do not have the tragedies of what we have had with the shooting in the Jewish Community Center.

I am really trying to, hopefully, have dialogue with the National Rifle Association, which pitches all of us as wanting to come and take guns out of people's homes and close down gun shows. Well, we may not like gun shows, but we have no intent of closing them down.

What we do want to do, as the Lautenberg effort wants to do in amendment, is to ensure that there is a consistency in every single person that comes in there to buy a gun so an anonymous criminal cannot come out and shoot someone.

The additional thing that I hope my colleagues will respond to is that, unlike movie theaters where a child must be accompanied by an adult who goes into an X-rated or an R-rated movie, children can go into gun shows with no supervision, we need to make sure that an adult accompanies a child to a gun show if they go.

Let us pass this motion to instruct and pass real gun safety reform for all of our children in America.

Mrs. McCARTHY of New York. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from New York has 9¼ minutes remaining. The gentleman from Illinois (Mr. HYDE) has 14 minutes remaining.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleague the gentlewoman from New York (Mrs. McCARTHY), who is really an inspiration to all of us on this issue, for yielding me the time.

Mr. Speaker, say to the chairman, I need to tell him that the most commonly asked question in the Ninth Congressional District, which borders on the district of the chairman, is why can the House not do something about guns?

My constituents asked me that after Columbine and they asked me after there was the shooting in my district of the worshippers going home from the synagogue who were shot on the street and the murder of Ricky Birdsong in Skokie, which is in my district, and they asked me if the shootings at the Jewish Community Center in California were going to be enough finally for us to ask. And when the mad gunman was in Atlanta, they thought, well, this has got to be it, that is going to tip the scales. And then Fort Worth, where even the church was a dangerous place.

And when I go home, they look at me and they scratch their head and they look in my face and they want to know an answer. They want to know what is it going to take, how many children are we going to bury, how many school shootings are there going to be. And I really do not have an answer.

So why do we not open up the process? Why do we not let the people of America in on the mystery of how Congress addresses issues like gun violence?

The chairman spoke about inching closer, inching closer. But inching closer is not a consolation when I go to the funerals in my district, and I have been to three in the last recent months, of children who were killed by gun violence. Inching closer does not satisfy. They want to know when.

Let us do it now. Let us open the process. Let us restore confidence in people that this Congress can act, that we can do something, that there is an orderly process, that there is real debate, that there is real movement.

If we pass the motion of the gentlewoman, we can at least include the American people who want action in on this process and, hopefully, we can resolve this issue before another incident, which I guarantee, my colleagues, will occur if we do not act and do not act now.

So I rise in support of the motion.

Mrs. McCARTHY of New York. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, pursuant to clause 7 of rule XX, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501. The form of the motion is as follows:

> Ms. Lofgren moves that the managers on the part of the House on the conference on the disagreeing votes of the two houses on the Senate amendment to the bill, H.R. 1501, be instructed that the committee on the conference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) a Juvenile Brady bill.)

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been interesting. Yesterday's motion was interesting, and today's motion, and tomorrow's, and then next week's, every day, I am sure.

We have a nice discussion, a serious discussion about these problems; and that is all to the good. But something is missing.

Guns are important. Guns are the instruments by which these killings occur. But at the same time, there is so much more to this problem that is not being discussed by anybody and that is the violence that our children are being fed in the entertainment industry, in the movies, in the music, in the Internet games that are played.

Violence is a staple. It has desensitized, it has calloused people's sensitivities. And nobody seems to get exercised about that. I got exercised about it. I thought that, since obscenity is not protected by the First Amendment, violence, the purveying of violence ought to not be protected because it is a form of obscenity.

I got overwhelmed because the lobbyists came out and said, gee, you are going to hurt the retailers that are retailing this stuff. And so, nobody really cares about that, it is guns that are the problem.

I say we are filling our children with a culture of death and we are worrying about the guns, the instruments of some of this death. I worry about it, too, and I do not disregard that. But I would like to see some sensitivity on the liberal side for the climate that we are raising our kids in, that is at the day-care centers, where the socialization of our children develops according to the law of the jungle, where parents cannot find the time to spend with their children.

There are profound problems with our culture that are not getting better. "Deviancy" is being defined down in the famous phrase of the famous Senator from New York. But we are talking about guns. That is okay. Guns are a serious problem. They are dangerous instrumentalities.

There is a Second Amendment, however, that I respect. Most of the constitutional scholars that exist that talk about protecting the Constitution kind of gloss over the Second Amendment. But it is there. It is in the Constitution, and it serves a very useful purpose. Because I would not like to see Americans disarmed because the government sometimes in some cultures and histories becomes the adversary, and I think a protection of freedom is that people can maintain arms.

But I also believe, as in freedom of speech, that reasonable regulation is appropriate. Freedom of speech is not unregulated. We condition yell "fire" in the proverbial crowded theater. There are laws against obscenity, slander, libel, copyrights, all sorts of restrictions on free speech. That does not diminish the significance of it, but it just says it is constitutionally possible to have restrictions.

The same thing is true of the Second Amendment. I think everyone should have the right if they are otherwise normal and qualified to own a gun if they want to. There are hunters. There are sportsmen. There is a right to protect our homes. But, at the same time, I believe reasonable restrictions are possible.

I do not think criminals should have guns. I do not think young children should have guns. There are all sorts of reasonable restrictions. Assault weapons, by definition, do not belong in the civilian community. I am willing to support those. But I think we have to be honest, and I think that the intellectual community ought to understand that entertainment and advertising and music and culture today is at the bottom of a lot of this problem.

Something fills the heart and souls of our kids other than hope and love. There is hate. There is fear. There is a culture of death animating the kids who pull those guns, put them up against the little girl's head and says, Do you believe in God? And she said yes, and then he pulled the trigger.

The gun did not go off by itself. That kid pulled that trigger because there was something inside him that was terribly wrong. I think we ought to start addressing this broad picture, not just focusing on the instrumentality of assassination. A knife in the hands of a surgeon is one thing. A knife in the hands of an assassin is another thing.

□ 1700

The knife is neutral. It is what animates the user that is really the root problem here, which nobody wants to address because we bump into the entertainment industry, and God forbid we get between a buck and the industry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, as usual the gentleman from Illinois has made an extremely passionate and eloquent and very persuasive argument.

I do not pretend to stand and represent the liberal element of this Congress. I do not know if anyone has designated me as such. But I might remind the gentleman that when we were doing the telecommunications bill, there were many of us, Democrats and Republicans alike, who joined on an obscenity-prevention amendment or provision with respect to the Internet, and we ultimately, Mr. Chairman, were ruled unconstitutional or at least ruled out of order, if my colleague will, by the Supreme Court.

I would say to the gentleman that his point about cultural violence is a strong point, but I would also raise the fact that, if we look statistically, the young people will tell us that 95 percent of our youth are good and the 5 percent may be the ones that are caught up in some of these heinous acts. At the same time they are caught so we are concerned about what they get in school and in music. We have adults that have already gone past our training.

We have got the very deranged individual who went into the Jewish Community Center and did it out of hate, but what happened is he did not use a knife. The hateful gentleman in Illinois did not use a knife. They used guns, and I have said over and over to my friends in Texas:

I am in a very difficult position, coming from the State of Texas because they hold on to their weapons very strongly, and I have been consistently a person who believes in gun regulation, and I am not alone with the gentleman from Illinois (Mr. HYDE) asking to pierce the sanctity of someone's home to take their guns out that they legally own or to close down gun shows in which I do not like, frankly; but what I am saying, that the Second Amendment can live consistently and constitutionally with gun regulation.

Mr. HYDE. Mr. Speaker, I agree with the gentlewoman.

Ms. JACKSON-LEE of Texas. So, Mr. Speaker, I think we are not in disagreement. I believe there have been many of us who have risen to the floor of the House to speak against the heinous violent music or violent words or Internet violence, but we must admit that guns do kill and they are in the hands of individuals who use them to kill.

Mr. HYDE. Guns are the instrumentality, but the spirit of killing is the person who pulls the trigger, and we ought to take a look at that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join the gentleman from Illinois in that. I hope we can do both together.

Mr. HYDE. I do, too.

Let me just say in closing, this interesting philosophical seminar the gentleman from Chicago (Mr. BLAGOJEVICH) commented that we did not fund the Bureau of Alcohol, Tobacco and Firearms adequately for their job. During the last 5 years the Justice Department's funding has doubled; it is about 14.7 billion now, and gun prosecutions by the Justice Department have dropped almost in half. So we can look there, too, as long as we are exercising the searching gaze of the House of Representatives.

Mr. Speaker, I yield back the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that we are doing this motion is because, and I am glad we have this conversation today and the debate going back and forth because it reminds me of the debate that we had on June 19 when we were talking about only the amendments that we are trying to get passed. I think people have to stop, think, and hopefully actually read what the amendment says. There is nothing in the amendment on trying to close the gun show loophole that will affect someone's Second Amendment rights. We have to make that extremely clear.

Right now, if someone wants to buy a gun, when they go to a gun store, they have a federally licensed dealer. When they go to a gun show, 45 percent of those selling guns there are federally licensed dealers. All we are saying is that those that come into gun shows and are not federally licensed should not be able to sell a gun to someone because the criminals know where to go get the guns; that is the problem. The criminals do know where to go get the guns.

So all we are saying is if someone is going to sell a gun at a gun show, that person should have to go under the same rules and regulations as those legal dealers at the gun show. That is all we are saying.

As was mentioned, 95 percent of the people that go to gun shows get their guns instantly through the check. We are dealing with a very, very small percentage, very, very small percentage of people that might have to wait a couple of hours. Then we even go further to a smaller percentage that actually might have to wait 24 hours.

This is what I am saying: How can I stand here and not fight to do whatever I can to make sure that guns do not get in the wrong hands? How can I stand here and make sure that what we do here in the House will be the right thing? Because if we pass a bill and that bill is not strong enough to stop the criminal from getting the gun, and then God forbid someone buys a gun at a gun show, goes to one of our schools, goes to one of our churches, goes to one of our synagogues and does their killing, how can we live with each other? How can we even face the victims of those crimes? That is what we have to do.

I am someone that actually supports the Second Amendment. I happen to believe in the Second Amendment, and I have to tell my colleagues I know of an awful lot of gun owners that are coming up to me more and more and more, even saying, and actually they are very proud when they come up to me and say, Mrs. McCARTHY, I am an NRA member, and I do believe that I have a right to own a gun. But I also believe that we have to take a little more responsibility for our guns.

All we are asking for our citizens and for everybody that wants to buy a gun: Are you willing to take 3 business days, 3 business days, to make sure that a criminal or a child does not get their hand on a gun? The majority of Americans are saying yes to that. Unfortunately, that sound has not gotten in here, inside of Washington.

We have to have good standards. That is why we are all here. We set the laws of the land, and we are certainly going to have disagreements, and I understand that. The majority of us know that we always have to compromise, and we accept that also. But there comes a point when that compromise could cause a lot of loss of lives, and we have to be very clear on that, very, very clear on that.

Mr. Speaker, I hope between now and when the bill comes up for a vote again that the clear information will be out there. As my colleagues know, there is a part in the amendment where they talk about tracing. They do not like the idea of tracing. Mr. Speaker, I have to tell my colleagues every successful police department throughout this country that really works with the ATF on tracing, they are the ones that have the lowest crime rates because they are able to find those illegal gun dealers. Traces are an extremely important part of the bill. We cannot let that go.

Mr. Speaker, we do need more funding for that so that the Boston project that has worked so wonderfully, has cut down murders in Boston, especially among the young people: it is a project that works, and we are seeing it work throughout the country. We are supposed to support those things. That is tracing.

Here it was brought up earlier that gun shows do not really have guns go to criminals. Well, we have a report, and I offer this which includes the letters from police organizations that support the original bills, as they were, and I want to submit this, the ATF report, so this can go into the RECORD so people can look at this when they want more information.

The materials referred to are as follows:

POLICE FOUNDATION,
Washington, DC, September 16, 1999.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATCH: The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. On behalf of the Police Foundation, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing access to guns by children and criminals.

As you and other conferees meet, the Police Foundation urges you to focus on an issue of importance to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently required when a firearm is purchased from a licensed gun dealer.

We believe it is critical to have at least three business days to do a thorough background check, especially to access records that may not be available on the Federal National Instant Check Background System (NICS), such as a person's history of mental illness, domestic violence, or recent arrests. For law enforcement officials, it is not how fast a background check can be done but rather how thorough the check is conducted. Without a minimum of three business days, the risk increases that guns will be sold to criminals or others prohibited from purchasing guns.

The Police Foundation is concerned that neither the 24-hour or 72-hour requirements allow for an adequate background check. The FBI has analyzed NICS background check data for the last six months and estimates that if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If there had been a 24-hour background check time limit, 17,000 prohibited purchasers would have obtained weapons in the last six months. The FBI also found that a gun buyer who could not be cleared by NICS in under two hours was twenty times more likely to be a prohibited purchaser.

We strongly believe that all gun sales—be they in gun stores or at gun shows—should be subject to a three-business-day background check requirement; without such standards, gun shows will continue to be a major source of weapons for violent felons, straw purchasers, the dangerously unstable, and others who threaten our communities. Despite being convicted of multiple felonies, Hank Earl Carr was able to purchase multiple guns at gun shows—guns he used to murder his stepson and three police officers in Florida in 1998.

The Police Foundation supports other Senate-passed provisions, including requiring child safety locks with every handgun sold; banning all violent juveniles from buying guns when they turn eighteen; banning juvenile possession of assault weapons; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

In order to protect the safety of our families and our communities, it is important to adopt the Senate-passed, gun-related provisions. The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible measures to protect all Americans and most especially our children.

Sincerely yours,

HUBERT WILLIAMS.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, September 14, 1999.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATCH: On behalf of the more than 18,000 members of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for several vitally important firearms provisions that were included in S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999.

As conference work on juvenile justice legislation begins, I would urge you to consider the views of our nation's chiefs of police on these important issues. Specifically, the IACP strongly supports provisions that would require the performance of background checks prior to the sale or transfer of weapons at gun shows, as well as extending the requirements of the Brady Act to cover juvenile acts of crime.

The IACP has always viewed the Brady Act as a vital component of any comprehensive crime control effort. Since its enactment, the Brady Act has prevented more than 400,000 felons, fugitives and others prohibited from owning firearms from purchasing firearms. However, the efficacy of the Brady Act is undermined by oversights in the law which allow those individuals prohibited from owning firearms from obtaining weapons, at events such as gun shows, without undergoing a background check. The IACP believes that it is vitally important that Congress act swiftly to chose these loopholes and preserve the effectiveness of the Brady Act.

However, simply requiring that a background check be performed is meaningless unless law enforcement authorities are provided with a period of time sufficient to complete a thorough background check, law enforcement executives understand that thorough and complete background checks take time. The IACP believes that to suggest, as some proposals do, that the weapon be transferred to the purchaser if the background checks are not completed within 24 hours of sale sacrifices the safety of our communities for the sake of convenience.

Requiring that individuals wait three business days is hardly an onerous burden, especially since allowing for more comprehensive background checks ensures that those individuals who are forbidden from purchasing firearms are prevented from doing so.

Finally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP also supports modifying the current Brady Act to permanently prohibit gun ownership by an individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at 703/836-6767.

Sincerely,

RONALD S. NEUBAUER,
President.

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, September 15, 1999.

Hon. ORRIN G. HATCH,
Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN HATCH: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, AFL-CIO. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO I wish to express our strong support of the gun-related provisions adopted by the Senate as part of S. 254. The IBPO knows that passage of these measures will keep guns away from children and criminals.

The IBPO requests that the conferees continue to focus on the need for adequate time to conduct background checks at "gun shows." As I am sure that you are aware, the Federal Bureau of Investigation has estimated that over 17,000 disqualified individuals would have been able to purchase a gun if a twenty-four hour time limit was required for a background check. Accordingly, if such time requirement is legislated 17,000 more felons will be able to purchase guns.

The IBPO is also in support of extending the requirements of the Brady Act to cover juvenile acts of crime. Our union has supported legislation which seeks to comprehensively control crime. The Brady Act is a major part of such efforts.

Thank you for your consideration of these issues that are significant to all law enforcement officers and the citizens of the United States of America.

Sincerely,

KENNETH T. LYONS,
National President.

ARAPAHOE COUNTY
SHERIFF'S OFFICE,
Littleton, CO, September 15, 1999.

Chairman ORRIN HATCH,
Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN HATCH: As you and other conferees meet to craft juvenile justice legislation, I urge you to adopt the gun-related provisions adopted by the Senate as part of S. 254, The Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. We at the National Sheriffs' Association (NSA) appreciate your efforts to curb violent juvenile crime.

We feel that S. 254 combines the best provisions of each legislative attempt to reform and modernize juvenile crime control. As you know, sheriffs are increasingly burdened with juvenile offenders, and they present significant challengers for sheriffs. The so-called core mandates requiring sight and sound separation, jail removal and status offender mandates are so restrictive, that even reasonable attempts to comply with the mandates fall short. We welcome modest changes to the core mandates to make them flexible without jeopardizing the safety of the juvenile inmate. We agree that kids do not belong in adult jail and therefore we appreciate the commitment to find appropriate alternatives for juvenile offenders.

Additionally, NSA supports the Juvenile Accountability Block Grant program. S. 254 sets aside $4 billion to implement the provisions of the bill and this grant funding will enable sheriffs to receive assistance to meet the core mandates. NSA is also hopeful that the prevention programs in the bill will keep juveniles out of the justice system. Kids that are engaged in constructive activities are less likely to commit crimes that those whose only other alternative is a gang. We applaud the focus on prevention, and we stand ready to do our part to engage America's youth.

In addition, you may be asked to consider the following amendments that I support.

Four ways to close loopholes giving kids access to firearms:

1. The Child Access Loophole: Adults are prohibited from transferring firearms to juveniles, but are not required to store guns so that kids cannot get access to them. This Child Access Prevention (CAP) proposal would require parents to keep loaded firearms out of the reach of children and would hold gun owners criminally responsible if a child gains access to an unsecured firearm and uses it to injure themselves or someone else.

2. The Gun Show Loophole: So-called "private collectors" can sell guns without background checks at gun shows and flea markets thereby skirting the Brady Law which requires that federally licensed gun dealers initiate and complete a background check before they sell a firearm. No gun should be sold at a gun show without a background check and appropriate documentation.

3. The Internet Loophole Similar to the Gun Show Loophole: Many sales on the internet are performed without a background check, allowing criminals and other prohibited purchasers to acquire firearms. No one should be able to sell guns over the internet without complying with the Brady background check requirements.

4. The Violent Juveniles Purchase Loophole: Under current law, anyone convicted of a felony in an adult court is barred from owning a weapon. However, juveniles convicted of violent crimes in a juvenile court can purchase a gun on their 21st birthday.

Juveniles who commit violent felony offenses when they are young should be prohibited from buying guns as adults.

The National Sheriffs Association and I welcome passage of this legislation. We look forward to working with you to ensure swift enactment of S. 254.

Respectfully,
PATRICK J. SULLIVAN, Jr.,
Sheriff.

NATIONAL ASSOCIATION OF
SCHOOL RESOURCE OFFICERS,
September 16, 1999.

Chairman HATCH,
Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN HATCH: The National Association of School Resource Officers (NASRO) is a national organization that represents over 5000 school based police officers from municipal police agencies, county sheriff departments and school district police forces. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, NASRO urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

NASRO is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. the FBI also found that a gun buyer who could not be cleared by the NICS system in under 2 hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions NASRO supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,
CURTIS LAVARELLO,
Executive Director.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
September 15, 1999.

Hon. ORRIN HATCH,
Chair, Senate Judiciary Committee,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: The National Organization of Black Law Enforcement Executives (NOBLE) representing over 3500 black law enforcement managers, executives, and practitioners strongly urge you to support the gun related provisions adopted by the Senate as a part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile legislation, NOBLE urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed dealer.

NOBLE is concerned that 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all National Instant Check Background System (NICS) data in the last 6 months and estimated that—if the law had required all background checks to be completed in 72 hours, 9000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under 2 hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchased points of choice for murders, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes did not stop until 1998, when he shot his stepson and three police officers before turning the gun on himself.

The other Senate passed provisions NOBLE supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate passed gun related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,
ROBERT L. STEWART,
Executive Director.

HISPANIC AMERICAN POLICE
COMMAND OFFICERS ASSOCIATION,
Washington, DC, September 15, 1999.

Chairman HATCH,
Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN HATCH: The Hispanic American Police Command Officers Association (HAPCOA) represents 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state and federal agencies including the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, and the U.S. Park Police. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, HAPCOA urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

HAPCOA is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions HAPCOA supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

JESS QUINTERO,
National Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, September 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HATCH: The Police Executive Research Forum (PERF) is a national organization of police professionals dedicated to improving policing practices through research, debate and leadership. On behalf of our members, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing children's and criminals' access to guns.

As you and other conferees meet to craft juvenile justice legislation, PERF urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials, we know from experience that it is critical to have at least three business days to do a thorough background check. While most checks take only a few hours, those that take longer often signal a potential problem regarding the purchaser. Without a minimum of three business days, the risk that criminals will be able to purchase guns increases. The FBI analyzed all NICS background check data in the last six months and estimated that, if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have obtained guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

PERF also strongly supports measures that impose new safety standards on the manufacture and importation of handguns requiring a child-resistant safety lock. PERF helped write the handgun safety guidelines—issued to most police agencies more than a decade ago—on the need to secure handguns kept in the home. Our commitment has not wavered. I also urge you to clarify that the storage containers and safety mechanisms meet minimum standards to ensure that the requirements have teeth.

PERF also encourages the enactment of proposals that prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile. PERF also supports banning all violent juveniles from buying any type of gun when they turn 18, and supports banning the importation of high-capacity ammunition magazines. PERF knows we must do more to keep guns out of the hands of our nation's troubled youth.

PERF supports strong, enforceable "Child Access Prevention" laws. Once again, we have witnessed the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we have seen first hand the horror that can occur when angry and disturbed kids have access to guns.

We must do more to keep America's children safe—not just because of recent events, but because of the shootings, accidents and suicide attempts we see with frightening regularity. It is important to adopt the Senate-passed gun-related provisions in order to protect our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals. Thank you for considering the views of law enforcement. We applaud your efforts to help make our communities safer places to live.

Sincerely,

CHUCK WEXLER,
Executive Director.

GUN SHOWS: BRADY CHECKS AND CRIME GUN TRACES—JANUARY 1999, EXECUTIVE SUMMARY

More than 4,000 shows dedicated primarily to the sale or exchange of firearms are held annually in the United States. There are also countless other public markets at which firearms are freely sold or traded, such as flea markets. Under current law, large numbers of firearms at these public markets are sold anonymously; the seller has no idea and is under no obligation to find out whether he or she is selling a firearm to a felon or other prohibited person. If any of these firearms are later recovered at a crime scene, there is virtually no way to trace them back to the purchaser.

The Brady Handgun Violence Prevention Act (Brady Act) provides crucial information about firearms buyers to Federal firearms licensees (FFLs), but does not help nonlicensees to identify prohibited purchasers. Under the Brady Act, FFLs contact the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS) to ensure that a purchaser is not a felon or otherwise prohibited from possessing firearms. Until the Brady Act was passed, the only way an FFL could determine whether a purchaser was a felon or other person prohibited from possessing firearms was on the basis of the customer's self-certification. The Brady Act supplemented this "honor system" with one that allows licensees to transfer a firearm only after a records check that prevents the acquisition of firearms by persons not legally entitled to possess them. Since 1994, the Brady Act has prevented well over 250,000 prohibited persons from acquiring firearms from FFLs.

The Brady Act, however, does not apply to the sale of firearms by nonlicensees, who make up one-quarter or more of the sellers of firearms at gun shows. While FFLs are required to maintain careful records of their sales and, under the Brady Act, to check the purchaser's background with NICS before transferring any firearm, nonlicensees have no such requirements under current law. Thus, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchase buy firearms at these shows. Indeed, a review of criminal investigations by the Bureau of Alcohol, Tobacco and Firearms (ATF) reveals a wide variety of violations occurring at gun shows and substantial numbers of firearms associated with gun shows being used in drug crimes and crimes of violence, as well as being passed illegally to juveniles.

On November 6, 1998, President Clinton determined that all gun show vendors should have access to the same information about firearms purchasers.[1] He directed the Secretary of the Treasury and the Attorney General to close the gun show loophole. President Clinton was particularly concerned that felons and illegal firearms traffickers could use gun shows to buy large quantities of weapons without ever disclosing their identities, having their backgrounds checked, or having any other records maintained on their purchases. He asked the Secretary of the Treasury and the Attorney General to provide him with recommendations to address this problem.

In developing recommendations for responding to the President's directive, the Department of the Treasury and the Department of Justice sought input from United States Attorneys, FFLs, law enforcement organizations, trade associations, and a wide range of other groups interested in firearms issues. The suggestions of these disparate groups ranged from doing nothing to establishing an outright ban on all sales of firearms at gun shows or by anyone other than an FFL. The United States Attorneys expressed particular concern with the complexity of the statutory definition of "engaged in the business" of dealing in firearms and noted that this made unlicensed firearms traffickers unusually difficult to prosecute.

The recommendations in this report build upon existing systems and expertise to achieve the President's goals of preventing sales to prohibited persons and better enabling law enforcement to trade crime guns.

First, "gun show" would be defined to include not only traditional gun shows but also flea markets and others similar venues where firearms are sold.

Second, ATF would register all persons who promote gun shows. Promoters would be required to notify ATF of the time and location of each gun show, provide ATF with a list of vendors at the show, indicate whether the vendors are FFLs, ensure that all vendors are provided with information about their legal obligations, and require that vendors acknowledge receipt of this information. If a registered promoter fails to fulfill these obligations, ATF would consider revoking or suspending the promoter's registration or imposing a civil monetary penalty. Criminal penalties would also be available in certain circumstances.

Third, if any part of a firearms transaction, including display of the weapon, occurs at a gun show, the firearm could be transferred only by, or with the assistance of, an FFL. Therefore, if a nonlicensee sought to transfer a firearm, an FFL would be responsible for positively identifying the purchaser, conducting a Brady Act check on the purchaser, and maintaining a record of the transaction. This is the same system that has been used successfully for many years when someone wishes to transfer a firearm to a nonlicensee in another State.

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[1] Footnotes follow this text.

Fourth, FFLs would be responsible for submitting strictly limited information concerning all firearms transferred at gun shows (e.g., manufacturing/importer, model, and serial number) to ATF's National Tracing, Center (NTC). No information about either the seller or the purchaser would be given to the Government (with the exception of instances in which multiple sales are required.[2] Instead, the licensees would maintain this information in their files, as is done with all firearms sold by FFL today. The NTC would request this information from an FFL only in the event that the firearm subsequently became the subject of a law enforcement trace request.

Fifth, the Department of the Treasury and the Department of Justice will review the definition of "engaged in business" and make recommendations for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

Sixth, the Federal Government should commit additional resources to combat the illegal trade of firearms at gun shows. Without a commitment to financially support this initiative, the effectiveness of this proposal would be limited.

Seventh, in conjunction with the firearms industry, a campaign should be undertaken to encourage all firearms owners to take steps when selling or otherwise disposing of their weapons to ensure that they do not fall into the hands of criminals, unauthorized juveniles, or other prohibited persons.

Taken together, these recommendations will address the President's goals of preventing firearms sales to prohibited persons at gun shows and better enabling law enforcement to trace crime guns. Whenever any part of a firearms transaction takes place at a gun show, the requirements of the Brady Act will apply, and records will be kept to allow the firearm to be traced if it is later used in crime. If unlicensed individuals wish to sell their personal collections of firearms at gun shows, they will now have the obligation—and the means—to ensure that they are not selling their guns to felons or other prohibited persons. The recommended steps impose reasonable obligations in connection with firearms transactions at gun shows while significantly enhancing law enforcement's ability to prevent criminals from getting guns and to apprehend those who use firearms in the commission of crimes.

1. DESCRIPTION OF GUN SHOWS

Sponsorship and Operation of Gun Shows

Shows that specialize primarily in the sale and exchange of all types of firearms are frequent and popular events.[3] According to the periodical "Gun Show Calendar" (Krause Publications), 4,442 such shows were advertised for calendar year 1998. The following are the 10 States where shows were conducted most frequently in 1998:

State	*Number of shows*
Texas	472
Pennsylvania	250
Florida	224
Illinois	203
California	188
Indiana	180
North Carolina	170
Oregon	160
Ohio	148
Nevada	129

Most of the shows were promoted by approximately 175 organizations and individuals. Most promoters are State and local firearms collector organizations with large memberships, including one group that has 28,000 members. The remainder of the gun shows were promoted by individual collectors and businesspeople. Ordinarily, gun shows are held in public arenas, civic centers, fairgrounds, and armories, and the vendor rents a table from the promoter for a fee ranging from $5 to $50. The number of tables at shows varies from as few as 50 to as many as 2,000.

Most of the shows are open to the public, and individuals generally pay an admission price of $5 or more to the promoter. In rare instances, public access is limited by invitation only. Most gun shows occur over a 2-day period, generally on weekends, and draw an average of 2,500–5,000 people per show.[4]

Both FFLs and nonlicensees sell firearms at these shows. FFLs make up 50 to 75 percent of the vendors at most gun shows. The majority of vendors who attend shows sell firearms and associated accessories and other paraphernalia. Examples of accessories and paraphernalia include holsters, tactical gear, knives, ammunitions, clothing, food, military artifacts, books, and other literature. Some of the vendors offer accessories and paraphernalia only and do not sell firearms.

Public markets for the sale of firearms are not limited to the specialized firearms shows. Large quantities of firearms are also sold by nonlicensees at flea markets and other organized events. As some flea markets, FFLs have established permanent premises from which they conduct their business.

Both the specialized firearms shows and the broader commercial venues such as flea markets are collectively referred to as "gun shows" in the remainder of this report.

Types of Firearms Sold

The types and variety of firearms offered for sale at gun shows include new and used handguns, semiautomatic assault weapons,[5] shotguns, rifles, and curio or relic firearms.[6] In addition, vendors offer large capacity magazines[7] and machinegun parts[8] for sale.

The "high-end" collector and antique shows and the sporting recreational shows are generally produced by the sporting organizations or avid collectors and enthusiasts. The overall knowledge of the Federal firearms laws and regulations by these promoters is good, and the weapons offered for sale are mostly curios or relics or higher quality modern weapons. At other shows, vendors may be less knowledgeable about the Federal firearms laws, and many of the guns sold are of lower quality and less expensive.

Atmosphere

The casual atmosphere in which firearms are sold at gun shows provides an opportunity for individual buyers and sellers to exchange firearms without the expense of renting a table, and it is not uncommon to see people walking around a show attempting to sell a firearm. They may sell the firearms to a vendor who has rented a table or simply to someone they meet at the show. Many nonlicensees entice potential customers to their tables with comments such as, "No background checks required; we need only to know where you live and how old you are." Many of these unlicensed vendors actively acquire firearms from other vendors to satisfy a buyer's request for a specific firearm that the vendor does not currently possess. Some unlicensed vendors replenish and subsequently dispose of their inventories within a matter of days, often at the same show. Although the majority of people who visit gun shows are law-abiding citizens, too often the shows provide a ready supply of firearms to prohibited persons, gangs, violent criminals, and illegal firearms traffickers.

Many Federal firearms licensees have complained to ATF about the conduct of nonlicensees at gun shows.[9] These licensees are understandably concerned that the casual atmosphere of gun shows, combined with the absence of any requirement that an unlicensed vendor check the background of a firearms purchaser, provides an opportunity for felons and other prohibited persons to acquire firearms. Because Federal law neither requires the creation of any record of these unlicensed sales nor places any obligations upon gun show promoters, information is rarely available about the firearms sold should they be recovered in a crime.

Gun Shows and Crime

It is hardly surprising, therefore, that a review of ATF's recent investigations indicates that gun shows provide a forum for illegal firearms sales and trafficking. In preparing this report, the Department of the Treasury, the Department of Justice, ATF, and outside researchers[10] reviewed 314 recent investigations that involved guns shows in some capacity.[11] The investigative reports came from each of ATF's 23 field divisions throughout the country[12] and involved a wide range of criminal activity by FFLs, unlicensed vendors, and felons conspiring with FFLs.[13] The investigations also involved a wide variety of firearms, including handguns, semiautomatic assault rifles, and machineguns.

Together, the ATF investigations paint a disturbing picture of gun shows as a venue for criminal activity and a source of firearms used in crimes. Felons, although prohibited from acquiring firearms, have been able to purchase firearms at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows.[14] In more than a third of the investigations, the firearms involved were known to have been used in subsequent crimes.[15] These crimes included drug offenses, felons in possession of a firearm, assault, robbery, burglary, and homicide.[16]

Firearms involved in the 314 reviewed investigations numbered more than 54,000.[17] A large number of these firearms were sold or purchased at gun shows. More than one-third of the investigations involved more than 50 firearms, and nearly one-tenth of the investigations involved more than 250 firearms. The two largest investigations were reported to have involved up to 7,000 and 10,000 firearms, respectively. These numbers include both new and used firearms.[18]

The investigations reveal a diversity of Federal firearms violations associated with gun shows.[19] Examples of these violations include straw purchases,[20] out-of-State sales by FFLs, transactions by FFLs without Brady Act checks, and the sale of kits that modify semiautomatic firearms into automatic firearms. Engaging in the business without a license was involved in more than half of all the investigations. Nearly 20 percent involved FFLs who were selling firearms "off-the-book."[21] The central violation in approximately 15 percent of the investigations was the transfer of firearms to prohibited persons such as felons or juveniles not authorized to possess firearms. Nearly 20 percent of the investigations involved violations of the National Firearms Act (NFA), which regulates the possession of certain firearms such as machineguns.[22]

An examination of individual cases illustrates how gun shows are connected to criminal activity.

In 1993, ATF uncovered a Tennessee FFL who purchased more than 7,000 firearms, altered the serial numbers, and resold them to two unlicensed dealers who subsequently transported and sold the firearms at gun shows and flea markets in North Carolina. The scheme involved primarily new and used handguns. All three pled guilty to Federal firearms violations. The FFL was sentenced to 15 months' imprisonment; the unlicensed dealers were sentenced to 21 and 25 months' imprisonment, respectively.

In 1994, ATF recovered two 9mm firearms and the NTC traced them to an FFL in Whittier, California. The FFL had sold over 1,700 firearms to unlicensed purchasers over a 4-year period without maintaining any records. Many of the sales occurred at swap meets in California. The firearms were then sold to gang members in Santa Ana and Long Beach, California. Many of the firearms were recovered in crimes of violence, including homicide. Of the five defendants charged, two were convicted—the FFL and one of his unlicensed purchasers. Each was sentenced to 24 months' imprisonment.

In 1995, an ATF inspector in Pontiac, Michigan, discovered a convicted felon who used a false police identification to buy handguns at gun shows and resold them for profit. Among the firearms purchased were sixteen new and inexpensive 9mm and .380 caliber handguns. Detroit police recovered several of the firearms while investigating a domestic disturbance. The defendant pled guilty to numerous Federal firearms violations and was sentenced to 27 months' imprisonment.

In addition to analyzing the ATF investigations, ATF supplemented the information with data from the NTC. Approximately 254 individuals identified in the ATF gun show-related investigations were checked against data in the Firearms Tracing System and related data bases. Of these, 44 appeared in the multiple purchase records with an average of 59 firearms per person. Of the 44 individuals, 15 were associated with 50 or more multiple sale firearms; these individuals had a total of 188 crime guns traced to them, an average of approximately 13 firearms each. The largest number of multiple sales firearms associated with one individual was 472; this individual had 53 crime guns traced to him. These patterns are not in and of themselves proof of trafficking. Rather, they are indicators investigators use to assist in trafficking investigations.

It is difficult to determine the precise extent of criminal activities at gun shows, partly because of the lack of obligations upon unlicensed vendors to keep any records. Nevertheless, the information obtained from the ATF investigations demonstrates that criminals are able to obtain firearms with no background check and that crime guns are transferred at gun shows with no records kept of the transaction.

2. CURRENT LAW AND REGULATION OF GUN SHOWS

The gun show loophole results both from the existing legal framework governing firearms transactions and the limits on the application of existing laws to gun shows. Gun shows themselves are not subject to Federal regulation. Instead, only transfers by FFLs at gun shows are regulated. Few limitations apply to sales by nonlicensees at gun shows or elsewhere. The Federal legal framework governing gun shows and firearms vendors, as well as the State legal framework governing gun shows, is summarized below.

The Federal Framework

Federal Regulations of Firearms Vendors

Licensed firearms dealers

The GCA requires that those seeking to "engage in the business" of importing, manufacturing, or dealing in firearms must obtain a Federal firearms license from the Secretary of the Treasury.[23] The Federal firearms license entitles the holder to ship, transport, and receive firearms in interstate or foreign commerce.[24] The bearer of that license, the FFL, must comply with the obligations that accompany the license. In particular, FFLs must maintain records of all acquisitions and dispositions of firearms and comply with all State and local laws in transferring any firearms.[25] They must positively identify the purchaser by inspecting a Government-issued photographic identification, such as a driver's license. FFLs must also complete a multiple sales report if they sell two or more handguns to the same purchaser within 5 business days. FFLs may not transfer firearms to felons, persons who have been committed to mental institutions, illegal aliens, or other prohibited persons.[26] FFLs also may not knowingly transfer firearms to underage persons or handguns to persons who do not reside in the State where they are licensed.[27]

FFLs must also comply with the provisions of the Brady Act prior to transferring any firearm to a nonlicensee. The Brady Act requires licensees to contact NICS prior to transferring a firearm to any nonlicensed person in order to determine whether receipt of a firearm by the prospective purchaser would be in violation of Federal or State law.[28] FFLs must maintain a record but need not contact NICS when they sell from their personal collection of firearms. Federal law requires licensees to respond to requests for firearms tracing information within 24 hours.[29] Moreover, ATF has a statutory right to conduct warrantless inspections of the records and inventory of Federal firearms licensees.[30] An FFL who willfully violates any of the licensing requirements may have his or her license revoked and is subject to imprisonment for not more than 5 years, a fine of not more than $250,000, or both.[31]

The obligations imposed upon FFLs serve to implement the crime-reduction goals of the GCA. For example, the recordkeeping requirements, interstate controls, and other requirements imposed on licensees are designed to allow the tracing of crime guns through the records of FFLs and to give States the opportunity to enforce their firearms laws.[32]

Licensed firearms collectors

The GCA also requires persons to obtain a license as a collector of firearms[33] if they wish to ship, transport, and receive firearms classified as "curios or relics" in interstate or foreign commerce.[34] For transactions involving firearms other than curios or relics, the licensed collector has the same status as a nonlicensee. "Curio or relic" firearms generally are firearms that are of special interest to collectors and are at least 50 years old or derive their value from association with a historical figure, period, or event.[35] A licensed collector may buy and sell curio or relic firearms for the purpose of enhancing his or her personal collection, but may not lawfully engage in a firearms business in curio or relic firearms without obtaining a dealer's license.[36] Recordkeeping requirements are imposed on licensed collectors, and ATF has a statutory right to conduct warrantless inspections of the records and inventory of such licensees.[37] Licensed collectors, like other licensees, are required to respond to requests for firearms trace information within 24 hours.[38] However, licensed collectors are not subject to the requirements of the Brady Act.[39]

Nonlicensed firearms sellers

In contrast to licensed dealers, nonlicensees can sell firearms without inquiring into the identity of the person to whom they are selling, making any record of the transaction, or conducting NICS checks.[40] Because nonlicensed gun show vendors are not subject to the Brady Act and indeed cannot now conduct a NICS check under Federal law, they often have no way of knowing whether they are selling a firearm to a felon or other prohibited person. The GCA does, however, prohibit nonlicensed persons from acquiring firearms from out-of-State dealers and prohibits nonlicensees from shipping or transporting firearms in interstate or foreign commerce.[41] Nonlicensees are also prohibited from transferring a firearm to a nonlicensed person who the transferor knows or has reasonable cause to believe does not reside in the State in which the transferor resides.[42] A nonlicensee also may not transfer a firearm to any person knowing or having reasonable cause to believe that the transferee is a felon or other prohibited person.[43] Finally, nonlicensed persons may not transfer handguns to persons under the age of 18.[44] Of course, because nonlicensees are not required to inspect the buyer's driver's license or other identification, they may never know that the buyer is underage.

"Engaged in the Business"

Whether an individual seeking to sell a firearm will be regulated as an FFL or nonlicensee depends on whether that individual is "engaged in the business" of importing, manufacturing, or dealing in firearms. When Congress enacted the GCA in 1968, it did not provide a definition of the term "engaged in the business." Courts interpreting the term supplied various definitions,[45] and upheld convictions for engaging in the business without a license under a variety of factual circumstances.[46]

In 1986, the law was amended to provide the following definition:

> (21) The term "engaged in the business" means—
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> * * * * *
>
> (C) as applied to a dealer in firearms, . . . a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms. . . .[47]

The 1986 amendments to the GCA also defined the term "with the principal objective of livelihood and profit" to read as follows:

> (22) The term "with the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to

other intents, such as improving or liquidating a personal firearms collection; *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. . . .[48]

Unfortunately, the effect of the 1986 amendments has often been to frustrate the prosecution of unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons.

Federal Regulation of Gun Shows

Current Federal law does not regulate gun shows. The GCA does regulate the conduct of FFLs who offer firearms for sale at gun shows. Although the GCA generally limits licensees to conduct business only from their licensed premises,[49] in 1984, ATF issued a regulation allowing licensees to conduct business temporarily at certain gun shows located in the same State as their licensed premises.[50] The regulatory provision was codified into the law as part of the 1986 amendments to the GCA. To qualify for the exception, the gun show or event must be sponsored by a national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms; and the gun show or event must be held in the State where the licensee's premises is located.

As a result, an FFL may buy and sell firearms at a gun show provided he or she otherwise complies with all the GCA requirements governing licensee transfers. Nonlicensees, however, may freely transfer firearms at a gun show without observing the recordkeeping and background check requirements imposed upon licensees.

State Statutory and Regulatory Framework

More than half of the States impose no prohibition on the private transfer of firearms among nonlicensed persons and do not regulate the operation of gun shows. In some States, the only restrictions imposed on the private sales or transfers of firearms are similar to certain prohibitions set forth by the GCA. For example, Arkansas, Oklahoma, Texas, Louisiana, and Mississippi prohibit the transfer of certain firearms to felons; minors (or minors without parental consent); or persons who are intoxicated, mentally disturbed, or under the influence of drugs. Some States require permits to obtain a firearm and impose a waiting period before the permit is issued (e.g., 14 days in Hawaii). Other States impose additional requirements (such as completion of a firearms safety course in California) to obtain a license or permit. Some impose a waiting period for all firearms (e.g., Massachusetts), others only for handguns (e.g., Connecticut). Maryland directly regulates the sale of firearms by nonlicensees at gun shows, requiring nonlicensees selling handguns or assault weapons at a gun show to undergo a backgound check to obtain a temporary transfer permit, and limits individuals to five such permits per year.

Exhibit 2 provides an overview of the laws of those States that regulate the transfer of some or all firearms by persons not licensed as a dealer, and of those States that directly regulate gun shows. None of the solutions proposed in this report will affect any State law or regulation that is more restrictive than the Federal law.

3. EARLIER LEGISLATIVE PROPOSALS AND COMMENTS FROM INTERESTED PARTIES

In developing the recommendations of this report, prior legislative proposals addressing gun shows were considered along with results of surveys of United States Attorneys, interest groups, and individuals concerned with firearms issues. Comments from FFLs and law enforcement officials were also considered.

Legislative Proposals

In the 105th Congress, Representative Rod Blagojevich introduced legislation addressing gun shows, H.R. 3833. Senator Frank Lautenberg introduced a similar bill, S. 2527. The proposed bills generally required any person wishing to operate a "gun show" to obtain a license from the Secretary of the Treasury and to provide 30 days' advance notice of the date and location of each gun show held. The gun show licensee would be required to comply with the provisions applicable to dealers under the Brady Act, the general recordkeeping provisions of the GCA, and the multiple sales reporting requirements. These requirements would apply only to transfers of firearms at the gun show by unlicensed persons. Unlicensed vendors would be required to provide the gun show licensee with written notice prior to transferring a firearm at the gun show. The gun show licensee would also be required to deliver to the Secretary of the Treasury all records of firearms transfers collected during the show within 30 days after the show.

Responses to Surveys

United States Attorneys

The Department of Justice requested information from United States Attorneys regarding their experience prosecuting cases involving illegal activities at gun shows or in the "secondary market."[51] Those United States Attorneys who reported cases were asked to describe any particular problems of proof that arose in the cases and whether the existing levels of prosecutional and investigative resources are adequate to address the violations that are identified. Finally, they were asked for their proposals on how to curtail illegal activity at gun shows.

Some United States Attorneys' offices have had significant experience investigating and prosecuting cases involving illegal activities at gun shows, while others reported no experience with these cases at all. Several common themes emerge from the responses.

There was widespread agreement among United States Attorneys that it can be difficult to prove that a nonlicensed person is "engaging in the business" of firearms dealing without a license under current law. The definitions create substantial investigative and proof problems.[52] Significant undercover work and follow-up by ATF required to prepare a case against someone for "engaging in the business."

The United States Attorneys were virtually unanimous in their call for additional resources. The number of ATF agents available to investigate cases in many judicial districts falls far below the number required to mount effective enforcement activities at gun shows. United States Attorneys also noted that it will be difficult to devote scarce prosecutorial resources to gun show cases, so long as a number of the offenses remain misdemeanors.

United States Attorneys offered a wide range of proposals to address the gun show loophole. These include the following: (1) allowing only FFLs to sell guns at gun shows so that a background check and a firearms transaction record accompany every transaction; (2) strengthening the definition of "engaged in the business" by defining the terms with more precision, narrowing the exception for "hobbyists," and lowering the intent requirement; (3) limiting the number of private sales permitted by an individual to a specified number per year; (4) requiring persons who sell guns in the secondary market to comply with the recordkeeping requirements that are applicable to FFLs; (5) requiring all transfers in the secondary market to go through an FFL; (6) establishing procedures for the orderly liquidation of inventory belonging to FFLs who surrender their license; (7) requiring registration of nonlicensed persons who sell guns; (8) increasing the punishment for transferring a firearm without a background check as required by the Brady Act; (9) requiring the gun show promoters to be licensed and maintain an inventory of all the firearms that are sold by FFLs and non-FFLs at a gun show; (10) requiring that one or more ATF agents be present at every gun show; and (11) insulating unlicensed vendors from criminal liability if they agree to have purchasers complete a firearms transaction form.

A small number of United States Attorneys suggesting that existing laws are adequate even though the resources available to enforce these laws are not. While gun shows do not appear to be a problem in every jurisdiction, the majority of United States Attorneys agreed that gun shows are part of a larger, pervasive problem of firearms transfers in the secondary market.

Law Enforcement Officials

Of the 18 State law enforcement officials who responded to the survey, only 1 opposed new restrictions on gun shows. Seventeen officials share the President's concern with the sale of firearms at gun shows without a background check or other recordkeeping requirements and support changes to make these requirements for all gun show transfers. The majority of respondents urged that any changes apply not only to gun shows but to flea markets, swap meets, and other venues where firearms are bought and sold. Several respondents suggested limits on the number of gun shows or caps on the quantities of guns sold by nonlicensees. Others urged increased cooperation with the United States Attorneys to assist in the prosecution of those individuals who violate Federal firearms laws. Finally, the National Sheriffs Association suggested that gun show operators be required to obtain a permit and notify ATF of any gun show.

FFLs

FFLs submitted 219 responses, of which approximately 30 percent requested additional regulations to prevent unlawful activities at gun shows. Many of these FFLs supported a ban on firearms sales by unlicensed persons or, if permitted, urged that Brady checks be required to prevent prohibited persons from acquiring firearms. Other FFLs expressed frustration that unlicensed persons were able to sell to buyers without any paperwork (and advertise this fact), leaving the FFL at a competitive disadvantage. Others suggested that all vendors, licensed or not, should follow the same requirements whether at gun shows, flea markets, or other places where guns are sold. Many of the FFLs recommending additional regulations provided suggestions, some quite detailed, for closing the gun show loophole. These suggestions included registering all firearms owners, licensing promoters, restricting attendance at gun shows, conducting surprise raids at gun shows, requiring that all transfers go through an FFL, and requiring a booth for law enforcement to conduct background checks for all firearms purchases.

A number of the FFLs who responded believed that the problems at gun shows could be solved if current laws were more strictly enforced. Several of these respondents noted that ATF is already "spread too thin" to enforce additional laws. Others suggested that courts need to do a better job of enforcing the existing laws. Many others preferred stiffer sentences for violators of existing law. More than half, however, stated that new laws or restrictions are not the answer. Of this group, many stated that they do not see any illegal activity at gun shows and concluded that no new laws are necessary. Others expressed their belief that sales of private property should not be federally regulated, or they expressed distrust of the Government in general. Also included in this group were FFLs who reported that they do not sell at gun shows for a variety of reasons but oppose new regulations nonetheless.

Interest Groups, Trade Groups, and Other Responses

Eight responses were received from firearms interest or trade groups. The National Rifle Association (NRA) opposes any changes to existing laws, contending that only 2 percent of firearms used by criminals come from gun shows. The NRA suggested that regulating the private sale of firearms would create a vast bureaucratic infrastructure and that ATF should instead continue to prosecute those who illegally trade in firearms. The NRA also suggested that many of the current unlicensed dealers would be under ATF scrutiny had they not been discouraged from holding a firearms license. The NRA expressed willingness to publicize the licensing requirements for those who deal in firearms. Similarly, Gun Owners of America recommended no changes to existing law, but suggested a "stop to this insidious ongoing Federal government assault on American citizenry and to return to the rule of law."

By contrast, the National Alliance of Stocking Gun Dealers (NASGD), a trade association consisting of firearms dealers, suggested that every firearm sale at a gun show be regulated and that the purchaser undergo a NICS check. In addition, NASGD suggested: (1) licensing all gun show promoters, auctioneers, and exhibitors; (2) limiting the number of times an FFL may sell at gun shows in a given year; (3) having nonlicensees comply with the same standards as FFLs; (4) requiring promoters to provide ATF and other authorities with the list of vendors at a gun show; and (5) having promoters maintain firearms transaction records and NICS transaction records for all firearms sold at a gun show.

Handgun Control, Inc. (HCI), suggested that gun show promoters be licensed and that they be authorized to conduct a NICS check on every firearms transfer by an unlicensed dealer. HCI also suggested that a 30-day temporary license be issued (limited to one per year) to any individual wishing to sell at a gun show. The proposed license would permit the sale of no more than 20 handguns, the serial numbers of which would be included in the license application. HCI suggested that "engaged in the business" be defined to limit the number of handguns sold from a "personal collection" to no more than 3 in a 30-day period. This restriction would not apply to sales to licensees or within one's immediate family. The Coalition to Stop Handgun Violence suggested licensing promoters, requiring a background check on all gun purchases, additional recordkeeping, a limit on the number of firearms purchased by any one person at a gun show, and increased enforcement resources and penalties.

The Trauma Foundation of San Francisco recommended requiring a background check for all firearms sales, licensing promoters, permitting only FFLs to sell at gun shows, and limiting the number of firearms purchased at a gun show. The United States Conference of Mayors supported one-gun-a-month legislation, background checks on all purchases, and increased funding for law enforcement.

Finally, in reply to open letters posted on the Internet, ATF received 274 responses. The vast majority of these responses either opposed any new restrictions on gun shows or favored enforcement of existing law. Approximately 5 percent favored new laws, usually suggesting a background check for firearms purchasers.

4. RECOMMENDATIONS

Summary of the Recommendations

These recommendations close the gun show loophole by adding reasonable restrictions and conditions of firearms transfers at gun shows.[53] The recommendations also ensure that there are adequate resource to enforce the law and that all would-be sellers of firearms at gun shows understand the law and the consequences of illegally disposing of guns. Each recommendation will be discussed in detail, but they may be summarized as follows:

1. Define "gun show" to include specialized gun events, as well as flea markets and other markets outside of licensed firearms shops at which 50 or more firearms, in total, are offered for sale by 2 or more persons.
2. Require gun show promoters to register and to notify ATF of all gun shows, maintain and report a list of vendors at the show, and ensure that all vendors acknowledge receipt of information about their legal obligations.
3. Require that all firearms transactions at a gun show be completed through an FFL. The FFL would be responsible for conducting a NICS check on the purchaser and maintaining records of the transactions. The failure to conduct a NICS check would be a felony for licensees and nonlicensees.
4. Require FFLs to submit information necessary to trace all firearms transferred at gun shows to ATF's National Tracing Center. This information would include the manufacturer/importer, model, and serial number of the firearms. No information about either an unlicensed seller or the purchaser would be given to the Government. Instead, as today with all firearms sold by licensees, the FFLs would maintain this information in their files.
5. Review the definition of "engaged in the business" and make recommendations within 90 days for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.
6. Provide additional resources to combat the illegal trade of firearms at gun shows.
7. In conjunction with the firearms industry, educate gun owners that, should they sell or otherwise dispose of their firearms, they need to do so responsibly to ensure that they do not fall into the hands of felons, unauthorized juveniles, or other prohibited persons.

Explanation of the Recommendations

Definition of Gun Show

There would be a new statutory definition of "gun show."[54] The definition would read as follows: "Gun Show. Any event (1) at which 50 or more firearms, 1 or more of which has been shipped or transported in interstate or foreign commerce, are offered or exhibited for sale, transfer or exchange; and (2) at which 2 or more persons are offering or exhibiting firearms for sale, transfer, or exchange."

This definition encompasses not only events at which the primary commodities displayed and sold are firearms but qualifying flea markets, swap meets, and other secondary markets where guns are sold as well. Requiring there to be two or more persons offering firearms exempts from the definition FFLs selling guns at their business location, as well as the individual selling a personal gun collection at a garage or yard sale. In addition, the legislation requires a minimum of 50 firearms to be offered for sale in order for an event to become a gun show that is subject to the other new requirements. This minimum quantity ensures that private sales of a small number of firearms can continue to take place without being subject to the new requirements.

Gun Show Promoters

Any person who organizes, plans, promotes or operates a gun show, as newly defined, would be required to register with ATF. Gun show promoters would complete a simple form which entitles the promoter to operate a gun show. The registration requirement would go into effect 6 months after the enactment of the legislation to allow time for gun show promoters to comply.

Thirty days before any gun show, a promoter would be required to inform ATF of the dates, duration, and estimated number of vendors who are expected to participate. This information serves four purposes: First, it advises ATF that a gun show will be taking place. If ATF is in the process of investigating individuals who are violating the law at gun shows in a particular field division, the advance notice will assist ATF in determining whether the target of the investigation might appear at the gun show. Second, the information gives ATF a good idea about the scope and scale of the gun show to enable the agency to make the determination whether ATF should allocate resources to the show for the purpose of investigating possible crimes there. Third, it allows ATF to notify State and local law enforcement about the show, as suggested by the National Sheriffs Association. Finally, the notice involves the promoter at an early stage in identifying who is participating at the gun show.

Next, by no later than 72 hours before the gun show, the promoter would provide a second notice to ATF identifying all the vendors who plan to participate at the show. The promoter's notice would include the names and licensing status, if any, of all those who have signed up to exhibit firearms. The primary benefits of this notification are twofold. First, the notice gives ATF specific information about vendors who plan to participate at the gun show, along with their status as an FFL or nonlicensee. For any open investigations, this information would prove extremely useful in ATF's enforcement activities. Second, promoters will learn the identities of the vendors so that they can plan for the show. For example, the promoter can determine which of the FFLs will conduct background checks for nonlicensees and, if a significant number of nonlicensees plan to participate in the show, the promoter can plan to have enough "transfer" FFLs[55] present to meet the demand for NICS checks.

Although vendors who do not sign up for the gun show by the time that the promoter submits the 72-hour notice may still sign up to participate at the show, they will be required to sign the promoter's ledger acknowledging their legal obligations before they may transact business. The promoter will be required to submit the ledger to ATF within 5 business days of the end of the show. All vendors will also be required to present to the promoter a valid driver's license or other Government-issued photographic identification.

A gun show promoter who fails to register or comply with any of these requirements would be subject to having his or her registration denied, suspended, or revoked, as well as being subject to other civil or administrative penalties. Certain violations would be subject to criminal penalties. Vendors who sell at gun shows without signing the promoter's ledger would be similarly subject to civil and criminal penalties. In addition, if the vendor provides false information to the promoter in the ledger, the vendor would be liable for making a false statement.

Imposing these requirements on gun show promoters will make them more accountable for controlling their shows and ensuring that only vendors who comply with the law participate at gun shows. Although promoters will not be directly responsible for the performance of NICS background checks at gun shows, it will be in the promoter's interest to make sure that background checks are being performed in connection with each and every firearms transfer that takes place in whole or in part at the gun show. Gun show promoters profit greatly from the gun sales that take place at gun shows. However, until now, the Federal Government has not imposed any obligations on the promoter to encourage compliance with the law by all of the participants at the gun show. Placing an affirmative obligation on gun show promoters to notify vendors of their legal obligations will go a long way toward ensuring that only lawful transactions take place at gun shows.

Requiring vendors to sign the ledger and acknowledge that they have received information about and understand their legal obligations will prevent vendors from claiming that they did not know that they were required to complete all firearms transactions at a gun show through an FFL.

NICS Checks

No gun would be sold, transferred, or exchanged at a gun show before a NICS background check is performed on the transferee. the Brady Act permit exception would apply to firearms sales at gun shows. FFLs who participate in the gun show would be required to request NICS checks for all buyers, whether the FFL sells firearms out of the FFL's inventory or the FFL's personal collection. Nonlicensed sellers at the gun show must arrange for all purchasers to go to a transfer FFL to request a NICS check. Any FFL attending a gun show may act as a transfer FFL to facilitate nonlicensee sales of firearms. However, FFLs will not be required to perform this service; they will do so only voluntarily. FFLs may choose to charge a fee for providing this service. By having the FFL request the background check, the proposal takes full advantage of the existing licensing scheme for FFLs, the FFLs' knowledge of firearms, and the FFLs' access to NICS.

The unlicensed seller may not transfer the firearm to the purchaser until the seller receives verification that the transfer FFL has performed a NICS background check on the purchaser and learned that there is no disqualifying information. The FFL's role is limited to facilitating the transfer by performing the NICS check and keeping the required records. Any FFL or non-FFL who transfers a firearm in whole or in part at a gun show without completing a NICS check on the purchaser to determine that the transferee is not prohibited could be charged with a felony.[56]

Prohibiting any firearms from being sold, transferred, or exchanged in whole or in part at a gun show until the transferee has been cleared by a background check establishes parameters that encompass all vendors, regardless of whether they are licensed. No FFL may claim that a background check is not required because the firearm is being sold out of the FFL's personal collection, nor will the distinction between FFLs and nonlicensed dealers make any difference for NICS checks. When any part of the transaction takes place at a gun show,[57] each and every vendor at a gun show will require a transferee to undergo a background check before the firearm can be transferred.[58]

Records for Tracing Crime Guns

Before clearing a transfer of any firearm by a nonlicensee, the transfer FFL would complete a form similar to the firearms transaction record currently used by FFLs. This firearms transaction record would be maintained in the FFL's records, along with the other records of firearms transferred directly by the FFL.

In addition, FFLs would be responsible for submitting to the NTC strictly limited information concerning firearms transferred at gun shows, whether the FFL is the seller or merely the transfer FFL. The information would consist of the manufacturer/importer, model, and serial number of the firearm. No personal information about either the seller or the purchaser would be given to the Government. Instead, as today with all firearms sold by FFLs, the licensees would maintain this information in their files. The NTC would request this information from an FFL only in the event that the firearm subsequently becomes the subject of a law enforcement trace request. In addition, FFLs would complete a multiple sale form if they record the sale by a nonlicensee of two or more handguns to the same purchaser within 5 business days, as is currently required for transactions by FFLs.

This requirement provides a simple and easy-to-administer means of reestablishing the chain of ownership for guns that are transferred at gun shows. If the firearm appears at a crime scene and there is a legitimate law enforcement need to trace the firearm, ATF will be able to match the serial number of the crime gun to the record and identify the FFL who is maintaining the firearms transaction form. ATF can then go to the FFL who submitted the information on the firearm and review the record that is on file with the FFL. This form will contain information about the transferor and transferee, and ATF can trace the firearm using that information. It is important to emphasize that ATF traces guns according to specific protocols and requirements, ensuring that the firearms information will not be used to identify purchasers of a particular firearm except as required for a legitimate law enforcement purposes.

Definition of “Engaged in the Business”

Not surprisingly, significant illegal dealing in firearms by unlicensed persons occurs at gun shows. More than 50 percent of recent ATF investigations of illegal activity at gun shows focused on persons allegedly engaged in the business of dealing without a license. Unfortunately, the current definition of “engaged in the business” often frustrates the prosecution of people who supply guns to felons and other prohibited persons. Although illegal activities by unlicensed traffickers often become evident to investigators quickly, months of undercover work and surveillance are frequently necessary to prove each of the elements in the current definition and to disprove the applicability of any of the several statutory exceptions.

To draw a more distinct line between those who are engaged in the business of firearms dealing and those who are not, and to facilitate the prosecution of those who are illegally trafficking in guns to felons and other prohibited persons—at gun shows and elsewhere—the GCA should be amended. Accordingly, the Department of the Treasury and the Department of Justice will review the definition of “engaged in the business” and make recommendations within 90 days for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

Need for Additional Resources

To adequately enforce existing law as well as the foregoing proposals, more resources are needed. There are more than 4,000 specialized gun shows per year, and enforcement and regulatory activity must also occur at the other public venues where firearms are sold.

All of the previous recommendations will help close the existing gun show loophole, but they will not completely eradicate criminal activity at gun shows and in the rest of the secondary market. As the review of ATF investigations and United States Attorney prosecutions revealed, a substantial number of the crimes associated with gun shows are committed by FFLs who deal off the book and ignore their legal obligations. While a requirement that all gun show transactions be recorded and NICS checks completed will make it somewhat easier to identify off-the-book dealers, a markedly increased enforcement effort will be required to shut down these illegal markets. Further, ATF will need to focus on preventive educational initiatives, as described below. To accomplish all of these goals, significant resources will be required for more criminal and regulatory enforcement personnel, as well as prosecutors.

Without a commitment to financially support his initiative, its effectiveness will be limited. The Departments of Justice and the Treasury will submit budget proposals to fund this initiative at an appropriate level.

Educational Campaign

Finally, a campaign should be undertaken in conjunction with the firearms industry to educate firearms owners that, should they sell or otherwise dispose of their firearms, they need to do so responsibly to ensure that the weapons do not fall into the hands of felons, unauthorized juveniles or other prohibited persons. The vast majority of firearms owners are law-abiding and certainly do not want their firearms to be used for crime but, under the current system, they can unwittingly sell firearms to prohibited persons.

The educational campaign could involve setting up booths at gun shows to explain the law, encouraging unlicensed sellers to “know their buyer” by asking for identification and keeping a record of those to whom they sell their firearms; developing videos and news articles for promoters, dealers, trade groups, and groups of firearms owners describing legal obligations and liability and the need to exercise personal responsibility; and distributing posters and handouts with tips for identifying and reporting suspicious activity.

5. CONCLUSION

Although Brady Act background checks have been successful in preventing felons and other prohibited persons from buying firearms from FFLs, gun shows leave a major loophole in the regulation of firearms sales. Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs. Further, unscrupulous gun dealers can use these free-flowing markets to hide their off-the-book sales. While most gun show sellers are honest and law-abiding, it only takes a few to transfer large numbers of firearms into dangerous hands.

The proposals in this report strike a balance between the interests of law-abiding citizens and the needs of law enforcement. Specifically, the proposals will allow gun shows to continue to provide a legal forum for the sale and exchange of firearms and will not prevent the sale or acquisition of firearms by sportsmen and firearms enthusiasts. At the same time, this initiative will ensure background checks of all firearms purchasers at gun shows and assist law enforcement in preventing firearms sales to felons and other prohibited persons, as well as inhibiting illegal firearms trafficking. The proposals also ensure that gun show promoters run their shows responsibly, that all firearms purchases at gun shows are subject to NICS checks, and that all firearms sold at the shows can be traced if they are used in crime. Further, these recommendations will guarantee that everyone selling at gun shows understands the legal obligations and the risks of disposing of firearms irresponsibly and that law enforcement has the resources necessary to investigate and prosecute those who violate the law. In short, as requested by President Clinton, the proposals will close the gun show loophole.

FOOTNOTES

[1] See exhibit 1.

[2] As required by the Gun Control Act, FFLs must complete multiple sales records whenever two or more handguns are sold to the same purchaser within 5 business days.

[3] ATF interviewed promoters, made field observations, and reviewed data obtained over a 5-year period to provide information for this report.

[4] This information was provided by officials from the National Association of Arms Shows, which represents many of the gun show promoters.

[5] Semiautomatic assault weapons may be legally transferred in unrestricted commercial sales if they were manufactured on or before September 13, 1994. Weapons manufactured after that date may be transferred to or possessed by law enforcement agencies, law enforcement officers employed by such agencies for official use, security guards employed by nuclear power plants, and retired law enforcement officers who are presented the weapons by their agencies upon retirement. (See 18 U.S.C. 922(v).)

[6] Curios or relics are firearms of special interest to collectors by reason of some quality other than those associated with firearms intended for sporting use or as offensive or defensive weapons. Curios or relics include firearms that are at least 50 years old, are certified by the curator of a Government museum to be of museum interest, or are other firearms that derive a substantial part of their value from the fact that they are novel, rare, or bizarre or because of their association with some historical figure, period, or event. (See 27 CFR 178.11.)

[7] Magazines with a capacity of more than 10 rounds may be transferred or possessed without restriction if they were manufactured on or before September 13, 1994. Large capacity magazines manufactured after that date may be transferred to or possessed by law enforcement agencies, law enforcement officers employed by such agencies for official use, security guards employed by nuclear power plants, and retired law enforcement officers who are presented the magazines by their agencies upon retirement. (See 18 U.S.C. 922(w).)

[8] The National Firearms Act (NFA), 26 U.S.C. Chapter 53, regulates machineguns, which are defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. (See 26 U.S.C. 5845.) Machineguns must be registered with the Secretary of the Treasury, and those manufactured on or after May 19, 1986, are generally unlawful to possess. (See 18 U.S.C. 922(o).) Parts for machineguns that do not fall within the statutory definition of machinegun (e.g., they are not conversion kits or frames or receivers) may be legally sold without restriction.

[9] When appropriate, ATF investigated these complaints and took action ranging from warning letters explaining the need for a license to engage in the business of dealing in firearms, to referring a case to the United States Attorney for prosecution.

[10] David M. Kennedy and Anthony Braga, both of the John F. Kennedy School of Government, Harvard University.

[11] See Appendix, table 1. The large majority of the investigations reviewed for this report were from 1997 and 1998. The remainder of the investigations was from the years 1994 through 1996, with one investigation each from 1991 and 1992. Forty-one investigations involved what may be described as flea markets, and three investigations involved firearms sales at auctions. The methodology of the review and a more detailed analysis of the results are set forth in the appendix.

[12] See Appendix, table 2.

[13] See Appendix, table 3. Current and former FFLs were the subject of a significant number of investigations.

[14] See Appendix, table 3.

[15] See Appendix, table 4.

[16] See Appendix, table 4.

[17] See Appendix, table 5.

[18] See Appendix, table 6. Because tracing a firearm generally requires an unbroken chain of dispositions from manufacturer to first retail purchaser, used guns—including those sold at gun shows—have rarely been traceable.

[19] See Appendix, table 7.

[20] A "straw purchase" occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. Specifically, the actual buyer uses the straw purchaser to execute the firearms transaction record, purporting to show that the straw purchaser is the actual purchaser of the firearm. Often, a straw purchaser is used because the actual purchaser is prohibited from acquiring the firearm because of a felony conviction or another disability.

[21] "Off-the-book" sales are those made by FFLs without conducting Brady Act background checks and without recording the sale as required by the law and regulations.

[22] Under the NFA, certain firearms and other weapons must be registered. (See 26 U.S.C. chapter 53.) Table 8 shows the types of weapons involved in the investigations involving NFA violations. For example, more than half of the NFA investigations involved machineguns, while 11 percent involved grenade launchers.

[23] 18 U.S.C. §§922(a)(1) and 923(a).

[24] See id.

[25] See 18 U.S.C. §§922(a)(1), (a)(3), (a)(5), (b)(2), and 923(g).

[26] See 18 U.S.C. §922(d). The 1986 amendments to the GCA also made it unlawful for any person to transfer any firearm to any person knowing or having reasonable cause to believe that such person is a prohibited person.

[27] See 18 U.S.C. §§922(b)(1), 922(b)(3), and 922(x).

[28] See 18 U.S.C. §922(t). A NICS check is not required if the buyer represents to the FFL, a valid permit to possess or acquire a firearm that was issued not more than 5 years earlier by the State in which the transfer is to take place, and the law of the State provides that the permit is to be issued only after a Government official verifies that the information available to the official, including a NICS check, does not indicate that the possession of the firearm by the person would violate the law.

[29] See 18 U.S.C. §923(g)(7).

[30] See 18 U.S.C. §923(g)(1)(B). Warrantless inspections are limited to those conducted (1) in the course of a criminal investigation of a person other than the licensee, (2) during an annual compliance inspection, and (3) for purposes of firearms tracing. Id. Inspections may also be conducted pursuant to a warrant issued by a Federal magistrate upon demonstration that there is reasonable cause to believe that a violation of the GCA has occurred and that evidence of such violation may be found on the licensee's premises. See 18 U.S.C. §923(g)(1)(A).

[31] See 18 U.S.C. §923(e) and 924(a)(1)(D). Under current law, an FFL's failure to perform a NICS check is a misdemeanor.

[32] S. Rep No. 1501, 22, 25 (1968).

[33] See 18 U.S.C. §923(b).

[34] See 18 U.S.C. §§922(a)(2), (a)(3).

[35] See 7 C.F.R. §178.11.

[36] See 18 U.S.C. §§922(a)(1), and 923(a).

[37] See 18 U.S.C. §§923(g)(2), (g)(1)(C).

[38] See 18 U.S.C. §923(g)(7).

[39] See 18 U.S.C. §922(t)(1).

[40] See 18 U.S.C. §§922(t), and 923(g)(1)(A).

[41] See 18 U.S.C. §922(a)(3). An exception to this rule is provided for sales of rifles or shotguns by licensed dealers to nonlicensed persons if the purchaser appears in person at the dealer's licensed premises and the sale, delivery, and receipt comply with the legal conditions of sale in both the seller's State and the buyer's State. See 18 U.S.C. §922(b)(3).

[42] See 18 U.S.C. §922(a)(5). Exceptions to this prohibition are provided for transfers of firearms made to carry out a bequest or intestate succession of a firearm and for the loan or rental of a firearm for temporary use for lawful sporting purposes. Id.

[43] See 18 U.S.C. §922(d).

[44] See 18 U.S.C. §922(x). A number of exceptions apply to this prohibition, including temporary transfers in the course of employment, for ranching or farming, for target practice, for hunting, or for firearms safety instruction. These exceptions all require that the juvenile to whom the handgun is transferred obtain prior written consent from a parent or guardian and that the written consent be in the juvenile's possession at the time the juvenile possesses the handgun. Id.

[45] *Compare United States* v. *Gross*, 451 F.2d 1355, 1357 (7th Cir. 1971) (one engages in a firearms business where one devotes time, attention and labor for the purpose of livelihood or profit) with *United States* v. *Shirling*, 572 F.2d 532, 534 (5th Cir. 1978) (profit motive not determinative where one has firearms on hand or ready to procure them for purpose of sale).

[46] See *United States* v. *Hernandez*, 662 F.2d (5th Cir. 1981) (30 firearms bought and sold over a 4-month period); *United States* v. *Perkins*, 633 F.2d 856 (8th Cir. 1981) (three transactions involving eight firearms over 3 months); *United States* v. *Huffman*, 518 F.2d 80 (4th Cir. 1975) (more than 12 firearms transactions over "a few months"); *United States* v. *Ruisi*, 460 F.2d 153 (2d Cir. 1972) (codefendants sold 11 firearms at a single gun show); *United States* v. *Gross*, 451 F.2d 1355 (7th Cir. 1971) (11 firearms sold over 6 weeks); *United States* v. *Zeidman*, 444 F.2d 1051 (7th Cir. 1971) (six firearms sold over 2 weeks).

[47] 18 U.S.C. §921(a)(21)(C).

[48] 18 U.S.C. §921(a)(22).

[49] 18 U.S.C. §923(a).

[50] T.D. ATF-191, 49 Fed. Reg. 46,889 (November 29, 1984).

[51] The "secondary market" refers to the sale and purchase of firearms after FFLs sell them at retail.

[52] A recent case of an unlicensed individual who bought and sold numerous firearms illustrates the difficulty involved with prosecuting defendants charges with engaging in the business of dealing in firearms without a license. ATF agents discovered that an unlicensed person had purchased 124 handguns and 27 long guns from an FFL, as well as additional firearms from flea markets and garage sales. When questioned, the defendant admitted that he intended to resell them. At trial, the defendant contended that buying and selling guns was his hobby. The court, relying on the statutory definition, instructed the jury that a person engages in the business of dealing in firearms when it occupies time, attention, and labor for the purpose of livelihood and profit, as opposed to as a pastime, hobby, or being a collector. When the jury asked for a definition of "livelihood," the court explained that the term was not defined in the law and that the jury needed to rely on its common understanding of the term. The jury acquitted the defendant for engaging in the firearms dealing business. However, the jury convicted the defendant for falsely stating on the

firearms transaction record executed at the time of purchase that he was the actual buyer, when in fact, he had intended to resell them.

[53] All of the recommendations except number 7 and part of number 5 would require legislation.

[54] Although the GCA does not define "gun show," the GCA does refer to "gun shows" in 18 U.S.C. §923(j), the exception that permits FFLs to sell firearms away from their business premises under certain circumstances, including "gun shows."

[55] The transfer FFL does not act as the seller, but rather acts voluntarily in connection with a transfer by a nonlicensee or licensed collector.

[56] The legislative proposal would elevate the gravity of the offense of not conducting a NICS check for FFLs from a misdemeanor—which is presently contained in the Brady Act—to a felony regardless of the venue of the transaction.

[57] Requiring a NICS check when "any part of the transaction takes place at a gun show" ensures that buyers and sellers do not attempt to avoid the requirement by completing only a part of the sale, exchange, or transfer at the gun show. For example, if a nonlicensed vendor displays a gun at a gun show but the actual transfer occurs outside the gun show in the parking lot, the vendor is prohibited from transferring the gun without a NICS check on the purchaser.

[58] The recommendations made in this report would be in addition to any requirements imposed under State or local law.

[Exhibit 1]

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Highfill, AR, November 6, 1998.

Memorandum for the Secretary of the Treasury
The Attorney General
Subject: Preventing Firearms Sales to Prohibited Purchasers.

Since 1993, my Administration has worked hand-in-hand with State and local law enforcement agencies and the communities they serve to rid our neighborhoods of gangs, guns, and drugs—and by doing so to reduce crime and the fear of crime throughout the country. Our strategy is working. Through the historic Violent Crime Control and Law Enforcement Act of 1994, we have given communities the tools and resources they need to help drive down the crime rate to its lowest point in a generation. Keeping guns out of the hand of criminals through the Brady Handgun Violence Prevention Act's background checks has also been a key part of this strategy. Over the past 5 years, Brady background checks have helped prevent a quarter of a million handgun sales to felons, fugitives, domestic violence abusers, and other prohibited purchasers—saving countless lives and preventing needless injuries.

On November 30, 1998, the permanent provisions of the Brady Law will take effect, and the Department of Justice will implement the National Instant Criminal Background Check System (NICS). The NICS will allow law enforcement officials access to a more inclusive set of records than is now available and will—for the first time—extend the Brady Law's background check requirement to long guns and firearm transfers at pawnshops. Under the NICS, the overall number of background checks conducted before the purchase of a firearm will increase from an estimated 4 million annually to as many as 12 million.

We can, however, take additional steps to strengthen the Brady Law and help keep our streets safe from gun-carrying criminals. Under current law, firearms can be—and an untold number are—bought and sold entirely without background checks, at the estimated 5,000 private gun shows that take place across the country. This loophole makes gun shows prime targets for criminals and gun traffickers, and we have good reason to believe that firearms sold in this way have been used in serious crimes. In addition, the failure to maintain records at gun shows often thwarts needed law enforcement efforts to trace firearms. Just days ago, Florida voters overwhelmingly passed a ballot initiative designed to facilitate background checks at gun shows. It is now time for the Federal Government to take appropriate action, on a national level, to close this loophole in the law.

Therefore, I request that, within 60 days, you recommend to me what actions our Administration can take—including proposed legislation—to ensure that firearms sales at gun shows are not exempt from Brady background checks or other provisions of our Federal gun laws.

WILLIAM J. CLINTON.

EXHIBIT 2.—DIGEST OF SELECTED STATES WITH LAWS REGULATING TRANSFERS OF FIREARMS BETWEEN UNLICENSED PERSONS OR GUN SHOWS (12/21/98)

State	Regulation of gun shows?	Regulation of all firearms transfers?
Pennsylvania: 18 Pa. Stat. Ann. § 6111; § 6113.	NO.	YES. Nonlicense wishing to transfer firearm to nonlicense must do so through licensee or at county sheriff's office. The licensee must conduct background check as if he or she were the seller. Exclusions apply for certain firearms, family member transfers, law enforcement, or where local authority certifies that transferee's life is threatened.
California: Cal. Penal Code § 12071.1; § 12082.	YES. Must receive state certificate of eligibility to operate gun show..	YES. All transfers for firearms must be through a licensed dealer who must conduct a background check.
Illinois: 430 Ill. Comp. Stat. Ann. §§ 65/2(a)(1), 65/3.	NO.	YES. No one may lawfully possess any firearm without possessing a Firearms Owner's Identification Card (FOIC) issued by the State police. Each transferee of any firearm must possess a valid FOIC. Transferor must keep record of transaction for 10 years.
Virginia: Va. Code Ann. §§ 52-8.4:1, 54.1-4200, 54.1-4201.1..	YES. Promoter of firearm show must provide 30 days' notice, and provide pre- and post-show list of each vendor's name and business address..	NO.
District of Columbia: D.C. Code Ann. § 6-2311.	NO.	YES. It is unlawful to possess any firearm that is not registered.
Virgin Islands: V.I. Code tit. 23, § 461.	NO.	YES. No transfer of a firearm is lawful without prior approval by Commissioner of Licensing and Consumer Affairs.
Florida:	NO.	Under Art. VIII, Sec. 5 of Florida Constitution, counties are now free to impose waiting periods and background checks for all firearm sales in places where public has the right of access; "sale" requires consideration.
Puerto Rico: P.R. Laws Ann., tit. 25, §§ 429, 438, 439.	NO.	YES. All firearms must be registered and transfers must be through a licensed dealer.
North Carolina: N.C. Gen. Stat. § 14-402.	NO.	NO. However, no transfer of a pistol is lawful without the transferee first obtaining a license from the county sheriff.
Hawaii: Haw. Rev. Stat. §§ 134-2, 134-3, 134-4.	NO.	YES. No person may acquire ownership of a firearm until the person first obtains a permit from the local police chief. A separate permit is required for each handgun or pistol; a shotgun or rifle allows multiple acquisitions up to one year.
Iowa: Iowa Code Ann. § 724.16.	NO.	NO. However, it is unlawful to transfer a pistol or revolver without an annual permit to acquire pistols and revolvers.
Minnesota: Minn. Stat. Ann. §§ 624.7131, 624.7132.	NO.	NO. However, it is unlawful to transfer a pistol or semiautomatic assault weapon without executing a transfer report, signed by transferor and transferee and presented to the local police chief of the transferee, who shall conduct a background check.
Maryland: 27 Md. Code Ann. §§ 442, 443A(a).	YES. Nonlicensed persons selling a handgun or assault weapon at a gun show must obtain a transfer permit; a background check is conducted on the applicant. An individual is limited to five permits per year..	NO.
Missouri: Mo. Rev. Stat. Ann. § 571.080.	NO.	YES. It is unlawful to buy, sell, exchange, loan, or borrow a firearm without first receiving a valid permit authorizing the acquisition of the firearm.
South Dakota: S.D. Codified Laws §§ 23-7-9, 7-10.	NO.	NO. However, it is unlawful to transfer a pistol to a person who has purchased a pistol until after 48 hours of the sale. Exceptions apply for holders of concealed pistol permit.
New York: NY Penal Law § 400.00(16) and §§ 265.11-13.	NO.	YES. As a general matter, no person may possess, receive, or sell a firearm without first obtaining a permit or license from the State. Thus, all lawful firearms transfers in New York, including those at gun shows, would be between licensees or permittees.
New Jersey: N.J. Stat. Ann. § 2C: 39-3; 58-3.	NO.	YES. It is unlawful to sell a firearm unless licensed or registered to do so. No unlicensed person may acquire a firearm without a purchase permit or firearms purchaser identification card.
New Hampshire: N.H. Rev. Stat. Ann. § 159.	NO.	NO. However, it is unlawful for a nonlicensee not engaged in the business to transfer a pistol to a person who is not personally known to the transferor.
Connecticut: Connecticut General Statute §§ 29-28 through 29-37..	NO.	YES. Anyone who sells 10 or more handguns in a calendar year must have a FFL or a State permit. Nonlicensees wishing to transfer a firearm must receive from the prospective purchaser an application which is then submitted to local and State authorities. Exceptions are for licensed hunters purchasing long guns and members of the Armed Forces.
Massachusetts: Mass. Gen. Laws Ann. Ch. 140 § 129C; § 128A; § 128B..	NO.	NO. However, State law provides that any person may transfer up to four firearms to any nonlicensed person per calendar year without obtaining a State license, provided seller forwards name of seller, purchaser, and information about the firearm to State authorities.
Rhode Island: R.I. Gen. Laws §§ 11-47-35, 36, 40.	NO.	YES. No person may sell a firearm without purchaser completing application which is submitted to State police for background check. Seller obligated to maintain register recording information about the transaction, such as date, name, age and residence of purchaser.
Michigan: Mich. Comp. Laws §§ 750.223; 750.422.	NO.	NO. However, no transfer of a pistol is lawful without the transferee first obtaining a handgun purchase permit from the local CLEO.
Nevada: Nev. Rev. Stat. Ann. § 202.254.	NO.	NO. However, a private person wishing to transfer a firearm may request a State background check on the prospective transferee.

APPENDIX

METHODOLOGY

The following analyses are based on a survey of ATF special agents reporting information about recent investigations associated with gun shows. The investigations reflect what ATF has encountered and investigated; they do not necessarily reflect typical criminal diversions of firearms at gun shows or the typical acquisition of firearms by criminals through gun shows. Furthermore, they do not provide information about the significance of diversion associated with gun shows with respect to other sources of diversion. Nevertheless, they suggest that the criminal diversion of firearms at and through gun shows is an important crime and public safety problem.

The analyses use data from investigations referred for prosecution and adjudicated, and investigations that have not yet been referred for prosecution. Thus, not all violations described will necessarily be charged as crimes or result in convictions. As a consequence, the exact number of offenders in the investigation, the numbers and types of firearms involved, and the types of crimes associated with recovered firearms may not have been fully known to the case agents at the time of the request, and some information may be underreported. For example, it is likely that the number of firearms involved in the investigations could increase, as could the number and types of violations, as more information is uncovered by the agents working the investigations.

Information generated as part of a criminal investigation also does not necessarily capture data on the dimensions ideally suited to a more basic inquiry about trafficking and trafficking patterns. For example, investigative information necessary to build a strong case worth of prosecution may provide very detailed descriptions of firearms used as evidence in the case but may not even estimate, much less describe in detail, all the firearms involved in the trafficking enterprise.

Information was not provided with enough consistency and specificity to determine the number of handguns, rifles, and shotguns trafficked in a particular investigation. Likewise, special agents may not have information on trafficked firearms subsequently used in crime. Such information is not always available. Comprehensive tracing of crime guns does not exist nationwide and, until the very recent Youth Crime Gun Interdiction Initiative, most major cities did not trace all recovered crime guns. The figures on new, used, and stolen firearms reflect the number of investigations in which the traffickers were known to deal in these kinds of weapons. The figures on stolen firearms are subject to the usual problems associated with determining whether a firearm has been stolen. Many stolen firearms are not reported to the police. Such limitations apply to much of the data collected in this research.

Finally, except where noted, the unit of analysis in the review of investigations is the investigation itself. The data show, for example, the proportion of investigations that were known by agents to involve new, used, and stolen firearms, but these figures do not represent a proportion or count of the number of new, used, or stolen firearms being trafficked at gun shows. The data show what proportion of investigations were known to involve a firearm subsequently used in a homicide, but not how many homicides were committed by firearms trafficked through gun shows. It was not possible to gather more specific information within the short timeframe of the study.

It was, for the most part, not possible to review and verify all of the information provided in the survey responses. However, ATF Headquarters personnel took a random sample of 15 cases each from the 31 investigations reported to have involved 101–250 firearms and from the 30 investigations reported to have involved 251 or more firearms, and reviewed with ATF field personnel the information leading to those reports. A breakdown of the results of this review showing the basis for reporting the firearms volume is provided below. Based on this review, ATF concludes that the numbers of firearms reported in connection with the investigations have a reasonable basis.

Procedure	N = 32[1]	
	Number	Percent
Firearms seized/purchased/recovered and reconstruction of dealer records	10	31.2
Reconstruction of dealer records	9	28.1
Firearms seized/purchased/recovered	6	18.8
Reconstruction of dealer records and confidential information	3	9.4
Firearms seized and admission by defendant(s)	2	6.2
ATF NTC compilation and confidential information	1	3.1
Unknown	1	3.1

[1] This breakdown includes, in addition to the basis for the numbers of firearms reported in the randomly selected cases, the basis for the numbers of firearms reported in the two investigations involving the largest volumes of firearms, 10,000 and 7,000 firearms respectively. The case involving 7,000 firearms used a combination of an audit of firearms seized and the reconstruction of dealer records, while the case involving 10,000 firearms used a combination of NTC records and information from confidential informants.

TABLE 1.—INITIATION OF INVESTIGATION

Reason	N=314	
	Number	Percent
Confidential informant	74	23.6
Referred from another Federal, State, or local investigation	60	19.1
ATF investigation at gun show (e.g., gun show task force)	44	14.0
Trace analysis after firearms recovery	37	11.8
Review of multiple sales forms	34	10.8
Licensed dealers at gun shows reported suspicious activity	26	8.3
Tip or anonymous information	18	5.7
Field interrogation after firearm recovery	4	1.3
Gun show promoter reported suspicious activity	2	0.6
Analysis of out-of-business records	1	0.3
Unknown	14	4.4

TABLE 2.—INVESTIGATIONS SUBMITTED BY FIELD DIVISIONS

Field division	N=314	
	Number of investigations	Percent
Dallas	43	13.7
Houston	42	13.1
Detroit	41	13.1
Philadelphia	34	10.8
Miami/Tampa	20	6.3
Kansas City	19	6.1
Nashville	16	5.1
Columbus	15	4.8
Seattle	11	3.5
St. Paul	10	3.2
Louisville	9	2.9
New Orleans	9	2.9
Phoenix	8	2.5
Washington, DC	8	2.5
Charlotte	8	2.5
Los Angeles	6	1.9
Atlanta	6	1.9
Chicago	5	1.6
San Francisco	1	0.3
Baltimore	1	0.3
Boston	1	0.3
New York	1	0.3

TABLE 3.—MAIN SUBJECT OF INVESTIGATION

Subject	N=314	
	Number of investigations	Percent
Unlicensed dealer	170	54.1
Unlicensed dealer (never FFL)	118	37.6
Former FFL	37	11.8
Current FFL and former FFL	8	2.5
Unlicensed dealer and former FFL	2	0.6
Current FFL and Unlicensed dealer	4	1.3
Current FFL/Former FFL /unlicensed	1	0.3
Current FFL	73	23.2
Felon purchasing firearms at gun show	33	10.5
Straw purchasers at gun show	20	6.4
Unknown gun show source	18	5.7

Note.—Overall, 46.2 percent of the investigations involved a felon associated with selling or purchasing firearms. This percentage was derived from aggregate investigations in which trafficked firearms were recovered from felons; unlicensed dealers' criminal histories included felony convictions; felons had purchased firearms at guns shows, and a licensed dealer had a convicted felon as an associate. When only a licensed dealer was the main subject of the investigation, a convicted felon was involved in 6.8 percent (5 of 73) of the investigations as an associate in the trafficking of firearms. When the investigation involved an unlicensed dealer or a former FFL, 25.3 percent (43 of 170) of the investigations revealed that he/she had at least one prior felony conviction.

TABLE 4.—FIREARMS ASSOCIATED WITH GUN SHOW INVESTIGATIONS KNOWN TO HAVE BEEN INVOLVED IN SUBSEQUENT CRIMES

[34.4 percent of the investigations (108 of 314) had at least one firearm recovered in crime]

Crime	N=108	
	Number[1]	Percent
Drug offense	48	44.4
Felon in possession	33	30.6
Crime of violence	47	43.5
Homicide	26	24.1
Assault	30	27.8
Robbery	20	18.5
Property crime (burglary, B&E)	16	14.8
Criminal possession (not felon in poss.)	15	13.9
Juvenile possession	13	12.0

[1] Number of investigations with at least one category.

Note.—Since firearms recovered in an investigation may be used in many different types of crime, an investigation can be included in more than one category.

TABLE 5.—NUMBER OF FIREARMS RECORDED IN GUN SHOW INVESTIGATIONS

Number of firearms	N=314	
	Number of investigations	Percent
Less than 5	70	22.3
5 to 10	37	11.8
11 to 20	22	7.0
21 to 50	47	15.0
51 to 100	47	15.0
101 to 250	31	9.9
251 or greater	30	9.6
Unknown	30	9.6

Note.—For further details about this information, see the Methodology section of this report.

TABLE 6.—NEW, USED AND STOLEN GUNS KNOWN TO BE INVOLVED IN GUN SHOW INVESTIGATIONS

Type of firearm	Number of investigations	Percent
Used firearms	167	53.2
New firearms	156	49.7
Stolen firearms	35	11.1
unknown	75	23.9
MUTUALLY EXCLUSIVE CATEGORIES		
New firearms and used firearms	80	25.5
Used firearms only	62	19.7
New firearms only	61	19.4
Used firearms and stolen firearms	13	4.1
New firearms, used firearms, and stolen firearms	12	3.8
Stolen firearms only	7	2.2
New firearms and stolen firearms	3	0.9
unknown	75	23.9

Note.—Since more than one type of firearm can be recovered in an investigation, an investigation can be included in more than one category.

TABLE 7.—VIOLATIONS IN THE MAIN INVESTIGATIONS

Violation	Number of investigations	Percent
Engaging in the business of dealing without license	169	53.8
Possession and receipt of firearm by convicted felon	76	24.2
Illegal sales and/or possession of NFA weapons	62	19.7
Licensee failure to keep required records	60	19.1
Providing false information to receive firearms	54	17.2
Transfer of firearm to prohibited person	46	14.6
Straw purchasing	36	11.5
False entries/fraudulent statements in licensee records	27	8.6
Illegal transfer of firearms to resident of another State by nonlicensee	27	8.6
Illegal transfer of firearms to resident of another State by licensee	21	6.7
Receipt and sale of stolen firearms	15	5.8
Obliterating firearms serial numbers	14	4.5
Drug trafficking	11	3.5
Trafficking of firearms by licensee (unspecified violation)	9	2.9
Transfer of firearm in violation of 5-day waiting period	7	2.2
Illegal out of state sales by nonlicensee	7	2.2
Licensee doing business away from business premises	5	1.6
Illegal manufacture and transfer of assault weapon	3	1.0
Sales by a prohibited person	2	0.6
Forgery or check fraud to obtain firearms	2	0.6

Note.—Since an investigation may involve multiple violations, an investigation can be included in more than one category.

TABLE 8.—WEAPONS ASSOCIATED WITH NFA VIOLATIONS IN GUN SHOW INVESTIGATIONS

NFA violation	N=62	
	Number[1]	Percent
Macine guns	33	53.2
Converted guns	19	30.6
Silencers	9	14.5
Explosives (e.g., grenades)	8	12.9
Grenade launchers	7	11.3
Conversion kits/parts	7	11.3
Other (short barrel)	5	8.1

[1] Number of NFA investigations with at least one category.

Note.—Since investigations may involve different types of NFA violations, an investigation can be included in more than one category. However, "converted guns" have not been included in the "machinegun" count.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentlewoman from New York (Mrs. MCCARTHY) has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. MCCARTHY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TAXPAYER REFUND AND RELIEF ACT OF 1999—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States; which was read:

To the House of Representatives:

I am returning herewith without my approval H.R. 2488, the "Taxpayer Refund and Relief Act of 1999," because it ignores the principles that have led us to the sound economy we enjoy today and emphasizes tax reduction for those who need it the least.

We have a strong economy because my Administration and the Congress have followed the proper economic course over the past 6 years. We have focused on reducing deficits, paying down debt held by the public, bringing down interest rates, investing in our people, and opening markets. There is $1.7 trillion less debt held by the public today than was forecast in 1993. This has contributed to lower interest rates, record business investment, greater productivity growth, low inflation, low unemployment, and broad-based growth in real wages—and the first back-to-back budget surpluses in almost half a century.

This legislation would reverse the fiscal discipline that has helped make the American economy the strongest it has been in generations. By using projected surpluses to provide a risky tax cut, H.R. 2488 could lead to higher interest rates, thereby undercutting any benefits for most Americans by increasing home mortgage payments, car loan payments, and credit card rates. We must put first things first, pay down publicly held debt, and address the long-term solvency of Medicare and Social Security. My Mid-Session Review of the Budget presented a framework in which we could accomplish all of these things and also provide an affordable tax cut.

The magnitude of the tax cuts in H.R. 2488 and the associated debt service costs would be virtually as great as all of the on-budget surpluses the Congressional Budget Office projects for the next 10 years. This would leave virtually none of the projected on-budget surplus available for addressing the long-term solvency of Medicare, which is currently projected by its Trustees to be insolvent by 2015, or of Social Security, which then will be in a negative cash-flow position, or for critical funding for priorities like national security, education, health care, law enforcement, science and technology, the environment, and veterans' programs.

The bill would cause the Nation to forgo the unique opportunity to eliminate completely the burden of the debt held by the public by 2015 as proposed by my Administration's Mid-Session Review. The elimination of this debt would have a beneficial effect on interest rates, investment, and the growth of the economy. Moreover, paying down debt is tantamount to cutting taxes. Each one-percentage point decline in interest rates would mean a cut of $200 billion to $250 billion in mortgage costs borne by American consumers over the next 10 years. Also, if we do not erase the debt held by the public, our children and grandchildren will have to pay higher taxes to offset the higher Federal interest costs on this debt.

Budget projections are inherently uncertain. For example, the Congressional Budget Office found that, over the last 11 years, estimates of annual deficits or surpluses 5 years into the future erred by an average of 13 percent of annual outlays—a rate that in 2004 would translate into an error of about $250 billion. Projections of budget surpluses 10 years into the future are surely even more uncertain. The prudent course in the face of these uncertainties is to avoid making financial commitments—such as massive tax cuts—that will be very difficult to reverse.

The bill relies on an implausible legislative assumption that many of its major provisions expire after 9 years and all of the provisions are repealed after 10 years. This scenario would create uncertainty and confusion for taxpayers, and it is highly unlikely that it would ever be implemented. Moreover, this artifice causes estimated 10-year costs to be understated by about $100 billion, at the same time that it sweeps under the rug the exploding costs beyond the budget window. If the tax cut were continued, its budgetary impact would grow even more severe, reaching about $2.7 trillion between 2010 and 2019, just at the time when the baby boomers begin to retire, Medicare becomes insolvent, and Social Security comes under strain. If the bill were to become law, it would leave America permanently in debt. The bill as a whole would disproportionately benefit the wealthiest Americans by, for example, lowering capital gains rates, repealing the estate and gift tax, increasing maximum IRA and retirement plan contribution limits, and weakening pension anti-discrimination protections for moderate- and lower-income workers.

The bill would not meet the Budget Act's existing pay-as-you-go requirements which have helped provide the discipline necessary to bring us from an era of large and growing budget deficits to the potential for substantial surpluses. It would also automatically trigger across-the-board cuts (or sequesters) in a number of Federal programs. These cuts would result in a reduction of more than $40 billion in the Medicare program over the next 5 years. Starting in 2002, they would also lead to the elimination of numerous programs with broad support, including: crop insurance, without which most farmers and ranchers could not secure the financing from banks needed to operate their farms and ranches; veterans readjustment benefits, denying education and training to more than 450,000 veterans, reservists, and dependents; Federal support for programs such as child care for low-income families and Meals on Wheels for senior citizens; and many others.

As I have repeatedly stressed, I want to find common ground with the Congress on a fiscal plan that will best serve the American people. I have profound differences, however, with the extreme approach that the Republican majority has adopted. It would provide a tax cut for the wealthiest Americans and would hurt average Americans by denying them the benefits of debt reduction and depriving them of the certainty that my proposals for Medicare and Social Security solvency would provide as they plan for their retirement.

I hope to work with Members of Congress to find a common path to honor our commitment to senior citizens, help working families with targeted tax relief for moderate- and lower-income workers, provide a better life for our children, and improve the standard of living of all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

□ 1715

The SPEAKER pro tempore (Mr. HANSEN). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York (Mr. RANGEL), the ranking minority member, pending which I yield myself such time as I may consume.

Mr. Speaker, I just listened to the veto message that has been read to the House; and I am stunned by the hyperbolic rhetoric and failure to relate to the facts of the situation. And I use the word stunned advisedly.

Simply translated, the President's message means I know better how to spend the money than you do. He said that in Buffalo, New York, the day after his State of the Union address this year when he commented to an assemblage of roughly 20,000 people: Now we have this interesting new situation of a surplus. What should we do with it? Well, one alternative would be to give the money back to you. But who would know if you would spend it right? That is quote/unquote from the President of the United States.

All of the verbiage that we heard in the veto message is simply cover to keep the money in Washington because he believes that Washington knows best how to spend the people's money.

He vetoed this tax relief plan today, a plan which would downsize the power of Washington and upsize the power of people. He vetoed a plan that protects Social Security and Medicare; pays down the debt by $2 trillion; improves education and gives taxpayers only a small portion of their money back.

Make no mistake, it is their money; not ours. We did not earn it here in Washington. In doing so, the President said no to new school construction. He said no to helping parents save for their children's education. He said no to marriage penalty relief for 42 million married Americans. He hurt babyboomers who are saving for their retirement by blocking IRA expansions. By his veto, he has prolonged the confiscatory, unfair death tax.

He has made it especially tough on those caring for elderly relatives in their own homes who would get tax relief, by blocking health and long-term care tax relief for all American citizens. Since the President has vetoed this tax relief plan and said no to the American people, I challenge him to say no also to the special interests in Washington who cannot wait to get their hands on the people's money.

I have always said that if we do not get this tax overcharge out of Washington, Washington will most surely spend it; and now we are going to find out if I am right.

In fact, today I ask the American people to watch very closely what happens to their money over the next 60 days. What will happen to the projected $14.5 billion surplus in the general treasury next year? And that is the non-Social Security surplus. Unfortunately, my guess is that Washington will spend the people's tax dollars like some Hollywood movie star on a Rodeo Drive spending spree, but unlike the movie stars who use their own money Washington will be using your credit card, your checkbook and your wallet, and, worse still, your Social Security money.

After this spending spree, Americans should ask themselves if they are happy with the way it was spent. Do they think the money was spent wisely or would they rather have had that extra $1,000 a year in their own family budget? Because in the end, that is what this debate is all about. Do the people trust Washington to know better how to spend their money as the President says, or do they feel that they know best how to spend the money in their own budgets?

Do they want their excess money going for $200 hammers or do they want it to go to their children's education and their own IRAs? We all know the answer to those questions, so I again ask the President to join with us and find a way to return this tax overcharge to the workers of the country.

President Clinton has once again put the needs of Washington above the needs of the American people, and I think that is sad. I think this is a sad moment for this country.

Republicans believe strongly that refunding excess tax dollars to American families and workers is a matter of principle. Taxes are too high. Government does not need all of the money that is coming in to pay government's bills, and the taxpayers should get a refund. Since President Clinton killed this reasonable tax relief plan, he has given himself a license to spend; and spend he will. Americans should know that the big blank check in Washington is drawn on their own checkbook, is coming out of their family's budget, is coming out of their opportunity to see investment to create better jobs; and they will get stuck with the bill.

I will fight the brewing explosion of government spending and instead use every chance available to cut taxes and create more opportunity for all Americans, because I continue to put my faith and trust in the hard work and values of the American people, and I believe that they know best how to spend their own hard-earned dollars.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the President of the United States has the right and obligation to veto any bill that an abusive Congress sends to his desk if he or she believes that the bill, the legislation, is not in the interest of the American people.

The President of the United States has reviewed this piece of Republican legislation and has vetoed the bill.

Now, the Congress on the other hand, has the opportunity to override the veto. All they have to do is to indicate that they think the President is wrong and then ask for a vote and override the veto.

Now, the Republican majority obviously do not want a vote to override the veto. They would like to make a comment or two but they want to avoid having a debate on the floor and exercising their constitutional right to say that the President is wrong.

Now, why would they use this political or legislative tactic? One, it could be that they believe the President is right and they do not want a vote on this because they have changed their mind. They recognize the legislation was abusive. They went home. They tried to sell it to the American people, and the American people said they do not want it.

Or maybe it is two. Maybe they just counted the votes, and they found out that all of the Republicans really do not believe in this political rhetoric, so they do not have the votes to override the President. Maybe that is one of the reasons why they are not exercising their constitutional right.

Mr. Speaker, I really think that the reason that they do not want the override is because they never intended to have a legislative package. Why would they have worked so hard in the vineyards for a whole day among just Republicans in putting together this enormous $792 billion tax cut and not send it to the President? Why did they carry this bill throughout the hills and valleys of their congressional districts to try to sell this political document?

What they were saying is, we cannot vote for anything in the Congress. We do not have the ability to get a bill out for Social Security. We cannot get a bill out for Medicare, not for prescription drugs, not for patients' rights, not for school construction, not for gun safety. Listen, we just do not know how to shoot straight. But there is one thing we can say that we want to do and that is reduce your taxes. So, Mr. President, please veto the bill so that we can go home and say that you were the one that knocked down the Christmas tree that we put together in the House Republican leadership and the Senate Republican leadership.

□ 1730

All I am saying is this: Either you believe in the President by not wanting to override the veto, either you do not have the votes to override the veto, or either you do not believe in this document that you put together anyway.

Meanwhile, we will await to see what you want to do. We are here, and we are not in the majority; and we laud your efforts to attempt to convince the American people that you are right. But believe me, the American people want legislation, they want it on the floor, and they want votes. If you do not like what the President did, for God's sake, show it, and let us get a vote and let us try to override. If you do like what he has done, but you do not have the guts to say that he has it right, sit there, let the hour pass, and then we will move on to something else. I hope it is Social Security. I hope it is Medicare. I hope it is prescription drugs, but then again, I hope for too much from the majority party.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the committee, and I thank the ranking member for offering a very interesting illustration: When one cannot talk facts and policy, let us return to process, and I welcome that attempt at rhetorical subterfuge.

I would say to the gentleman from New York, and to my colleagues on the left, we stand ready. Indeed, Mr. Speaker, I would remind this House that we have reserved H.R. 1 for a plan from the President of the United States to help save and strengthen Social Security, but a funny thing, and really a tragic thing, has happened down Pennsylvania Avenue.

Indeed, Mr. Speaker, I think it is important to remind this House that aside from certain budgetary measures required under the Budget Act, this administration has failed to send up any of its proposals in legislative language since the attempt to socialize medicine. Perhaps that is the reason why they have never sent anything back to us in detail.

So let me say to my colleague, in the best spirit of bipartisanship, we welcome you putting your plans on the table. We encourage you, as did our Democratic colleague, the gentleman from California (Mr. MATSUI) to then Under Secretary of the Treasury Larry Summers, to have the President bring forth his plan to save Social Security; not rhetoric from the rostrum in a State of the Union message, but a true legislative plan.

So let me first respond to that.

Now, Mr. Speaker, let me explain why I must object in the strongest terms possible to the veto of our tax relief and tax fairness legislation by the President of the United States. First, Mr. Speaker, every Member of this House and every American should know that in wielding his veto pen, President Clinton today extinguished the hopes and dreams of small business owners for quality health insurance for themselves and their employees in terms of 100 percent tax deductibility. Had this President signed the legislation into law, that would have taken effect. The President said no. And in essence, I say to my colleagues, what transpired, not content with the largest tax increase in American history foisted upon the American people in the 103d Congress when those who would claim to be such intrepid policymakers on this floor, gave us the largest tax increase in American history. Not content with that, today the President of the United States has, in essence, raised our taxes in excess of $790 billion over the next 10 years.

Mr. Speaker, he said "yes" to a tax increase, "no" to health care deductibility for small business. He said "yes" to a tax increase, "no" to reducing the marriage penalty. He said "yes" to a tax increase and more spending, and "no" to an end to the death tax. He said "yes" to a tax increase and "no" to families who sought tax relief to care for an elderly member of the family in their home. He said "yes" to higher taxes, and he said "no" to the American people.

No, you should be punished for succeeding, for investing. How dare we reduce the rate of capital gains taxation, even though a noted Democratic President earlier in this century said that a rising tide lifts all boats in terms of tax relief. This President said no to the American people. He said no to the people of rural America and the inner city.

Mr. Speaker, he said "no" to the people of the inner city, with our American renewal package, incidentally, a bipartisan piece of legislation in standalone form that curiously was opposed once it became part of this overall plan.

The bottom line is, the President of the United States has again said "no" to the American people, "no" to their hopes and dreams and aspirations, and a resounding "yes" to what is, sadly, flawed logic.

There are many honest disagreements we have in this chamber, and I delight and revel in the fact that as free people, we have a chance to continue to thoughtfully debate the different philosophical dispensations we may have.

But one thing that cannot seem to be accepted as fact by the liberal minority on the Hill or by the President of the United States is the notion that the money belongs to the people who earn it, not to the Government itself, not to the Washington bureaucrats. The money belongs to the people. That is the message we reaffirm today, and as we went through a litany where the President of the United States had a choice to empower the people who work and earn and pay taxes, and to use the terminology, Mr. Speaker, of the President of the United States, who often says he wants to help people who work hard and play by the rules, there was no better opportunity to do so than in signing this legislation into law. But now, the President says he wants to veto the legislation.

So, again it sets up this choice, and as he has enacted this veto he, in essence, has again raised our taxes. It is worth noting that we have two divergent paths here; and indeed, we can harken back to the State of the Union address by the President when we welcomed him into this chamber, again to hear his legislative priorities, although as we noted earlier, Mr. Speaker, curiously, words that come forth in a speech are never followed through with legislative language, for whatever reason.

We again await some sort of tangible product from the administration. Every school child learns in civics class: the President proposes, the Congress disposes. And we still look for some meaningful relationship, some meaningful leadership from the other end of Pennsylvania Avenue.

So it is in that spirit today, on behalf of the American people who work hard, who play by the rules, who understand inherently that the money they earn belongs to them and not to the Washington bureaucrats, that we say in this chamber, Mr. Speaker, the President of the United States was wrong to veto this legislation. We object to that veto in the strongest possible terms, and even as we object to this veto, we eagerly await tangible legislation offered in a truly bipartisan sense from the President of the United States to this body with the active help of those members of his party; and together, we will move to work out a credible, tangible, productive legislative program that will benefit the American people.

But we fail to benefit the American people, Mr. Speaker, when we hear the rhetoric that we heard from this President one day after he spoke here in his State of the Union message. He went the Buffalo, New York, and there was a statement there that was actually quite candid.

The President of the United States quoted in the press, saying, and I quote now, "We could give it," referring to the surplus that exists, "We could give it back to you and hope that you spend it right. But," close quote.

Well, the "but," Mr. Speaker, is the fact that there is an inherent distrust, sadly, that this President has for the American people and their ability to spend their own money. Indeed, Mr. Speaker, as I have heard my friend, the ranking member on many national broadcasts in recent days even attempt to defend a recent action by this President, I find it curious that in the fullness of time, it has been exposed that this President not only, not only cannot trust the American people with their own money, but yet, he would trust the promises of convicted terrorists from Puerto Rico to whom he granted clemency.

It is interesting, Mr. Speaker, as we hear on the other side derisive laughter. How sad and how shameful that our Commander in Chief would trust the word of convicted terrorists over the ability of the American people to save, spend, and invest their money themselves. This may be honest disagreement, and we come to this chamber expressing that honest disagreement, and again, it is in that spirit when I state in the strongest possible terms that I must object to the veto of this tax fairness legislation by the President of the United States.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman used 5½ minutes of the time allocated to the gentleman from Texas (Mr. ARCHER).

Mr. RANGEL. Mr. Speaker, I would like to inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 25 minutes remaining; the gentleman from Texas (Mr. ARCHER) has 14 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time.

Mr. Speaker, let me thank the President for vetoing this reckless tax bill. It was not easy for us to get the deficit down and to get our economy growing at a very strong rate. The issue is not whether we are going to be spending more money here in Washington. The issue is what is our priority, whether our priority is to cut taxes, or whether our priority is to reduce the deficit in order to preserve Social Security and Medicare so we can meet our obligations in the future.

When we passed this tax bill over a month ago, many of us said that we would be spending the projected surplus before we even produced the surplus, and that is still true. We said that the bill would explode in costs in the outyears, that we did not pay for it, adding to the potential deficits of our Nation. That is still true. We said we had a choice, but when those deficits explode, we would not have the money to pay for the baby boomer generation, and we would not be able to preserve Social Security and Medicare. That is still true. The choice is whether we want the tax cut, whether we want to pay down the deficit and protect Social Security and Medicare.

The President made the right choice for the American people. I agree with the President.

Now, the projected surplus was based upon us adhering to the spending caps in our appropriation bills, and we were told when we passed this tax bill that we were going to adhere to those caps. Well, now, the majority has conceded that we are not going to adhere to those spending caps. We do not even have the projected surplus that was projected when this bill was passed. This irresponsible tax bill was based upon adhering to those spending caps.

So what is going to happen? It is a formula for large deficits. The public understands that. That is why there has been no support for this tax bill that the Republicans hoped to generate during the August recess. Instead, they are looking for gimmicks to meet the spending bills of this session. They are calling "emergency spending" things like the census. They are advancing funding over and over again, knowing full well you are just taking from next year to pay for this year and having a bigger problem next year.

And now, the suggestion on using the welfare money. We are going to take the money away from the governors this year, but we will give it back to you next year when the caps are even more difficult, while what we should be doing is reaching a bipartisan agreement with the President to put deficit reduction first, preserving Social Security and Medicare, and then we can deal with the tax issues and have an adequate amount of money to meet the spending needs of this Nation.

□ 1745

We can do it all if we want to be reasonable about it. But we first must be honest with the American people. This irresponsible tax bill was not honest with the American people. I applaud the President in vetoing it. I ask my colleagues to sustain the veto so that we can get to a bipartisan agreement.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the senior member of the committee.

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Republican majority here delayed sending this bill for over a month so they could go back and sell it. They went home. They did not sell this package. The American people spoke by their reaction, and they said to the Republicans, keep to the path of fiscal responsibility that Democrats started this institution on many years before. Do not spend, the Americans said, a surplus not likely to occur in a way not helpful to most Americans.

But the Republicans, as evidenced by what they have said here, they do not hear. They are not listening. So, where are we? The Republicans cannot even put together a budget and appropriation bills for 1 year, the year 2000. How can the American people trust the majority here to put together a fiscally responsible bill over 10 years?

The chairman of the Committee on Ways and Means earlier today said this: "Since President Clinton killed this responsible," that is his word, "tax relief plan, he has given himself a license to spend, and spend he will."

But we all know the President cannot spend a dime without the approval of this Congress. Who is in control of this Congress? I think it is the Republican majority. Their message has been, help save me from myself. I will go recklessly.

Well, they are in the majority. They should now react by putting together, with the President and with the Democratic minority, a new package. But they are not doing that. What are they going to do? Instead, tomorrow, as we understand it, we get this somewhat by rumor, in the Committee on Ways and Means the Republican majority is going to put up a bill. It is going to cost, we are told, over $50 billion over 5 years. It will be paid for at best for 1 year. That is another example of fiscal irresponsibility.

Mr. Speaker, I am proud to have voted for previous fiscally responsible bills, deficit responsible bills; to have stood with all the Democrats in 1993 for fiscal responsibility.

This Democratic Party once again says to the Republican majority, begin to listen to the American people. They want us to sustain the path of fiscal responsibility that has brought low inflation and low interest rates. The President vetoed the bill because it would have moved us away from fiscal responsibility to irresponsibility.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, at the beginning of August, the strategy of the Republican Conference was to return home to their respective districts and make an attempt to convince the American people of the merits of this tax cut proposal. When they returned from the August break, they collectively, I think, would agree that the American people said, we prefer fixing social security and Medicare first, then paying down the national debt.

What this journey proves, I think, to the Republican party at this time is that they simply cannot sell a bad idea. The American people responded overwhelmingly to the message, in this instance, of President Clinton and the Democratic Caucus suggesting that, as we flip the last pages on this century, we have the rarest of opportunities, the opportunity to repair and fix social security, and listen to this number, for the next 75 years, and to repair and to fix Medicare for the next 35 years.

We would be hard-pressed to find or discover a responsible economist across this country who has suggested once that the Nation desired or needed or the current economic growth that we have had would benefit from a $1 trillion tax cut.

The wealthiest businesspeople that I know back in Massachusetts have not been clamoring for a tax cut. They argue, instead, and I think accurately so, that they prefer and that we prefer low interest rates, so that those who are getting into the homebuyer market for the first time can purchase a 30-year fixed mortgage at 7½ to 8 percent, or a 15-year fixed mortgage at 7 percent. They want stability and predictability as they forecast economic growth.

Let me state another, I think, compelling statistic here. When we used that suggestion of a $3 trillion surplus over the next 15 to 20 years, let us emphasize on this occasion that it is a projected surplus, heavy emphasis on the word "projected." Then let me deflate the argument that we have $3 trillion to toy with by suggesting that of the $3 trillion, $2 trillion comes from social security.

How can we argue honestly to the American people that we really desire this rarest of opportunity, to fix social security for generations to come, and in the next breath say that we are going to gamble with a projection of a surplus which might not even materialize 15 years out?

The President did the right thing on this. I hope that we will sustain the President's veto.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentleman from Massachusetts who is just now leaving the floor that H.R. 7 was reserved by the Speaker for the President to submit a social security bill to this House. H.R. 1, H.R. 1 is still vacant.

I would also remind the gentleman, and I think that he is well-versed in the Archer-Shaw plan, it does save social security for 75 years and beyond. I would hope to tell the gentleman that we will be sure they are marking this bill up, and it is certainly within the limitations.

If we do nothing on social security over the next 75 years, we are looking at a $20 trillion deficit. We desperately need the lead from the White House that we have not received. We need to get the bipartisan support from the minority side, which we have not received. We need to get a bill started. I can assure the gentleman that that is exactly what is going to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). The Chair would inform the Members that the motion to instruct conferees will be voted on tomorrow. There will be no further votes.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. McInnis)

Mr. McINNIS. Mr. Speaker, how dare this president go out to the common working Joe and common working Jane in this country and veto this tax bill, and then go out and spend $42 million, $42 million for his little trip to Africa?

Mr. Speaker, the liberal Democrats are back to the same old tax and spend policies. For 40 years they had control of this House. For 40 years they ran up the national debt. Now all of a sudden here come the Democrats, the liberal Democrats. They like to act as if they are the guardian angels of debt reduction.

Guess what, Mr. Speaker? We had a marriage, a marriage penalty out there. It is their Tax Code. They put it in when they had control of this House. We, the Republicans, say it is unfair to penalize people because they are married. We think we should encourage marriage in this country.

So what does the President do? What does the President and the liberal Democrats do? They veto, so now the people who are married can expect another marriage penalty for 1 more year of marriage.

What about the death tax? It is important to the liberal Democrats that the day we visit the undertaker, we also visit the tax collector. If Members do not think it happens, take a look. Do they call these tax and spend policies something they can stand up here and be proud about? My gosh, look what they are doing to the American working person. Sure, they put out a lot of spin. Oh, we do not need a tax cut. But President Clinton should travel to Africa for $42 million, or to China for $40 million. But they do not need a tax cut, folks. The working slobs should just get back out and work and just keep sending money to Washington, D.C., because the liberal tax and spend Democrats want and think they ought to be working for them. It is finders, keepers.

Take a look at what Members are doing out here. If we could put spending and make it a person, I guarantee that spending would be affiliated with the Democratic Party. It would be a Democrat. We on this side of the aisle, and frankly some conservative Democrats, happen to think that the working man is entitled to more than what they have given him today by vetoing the marriage penalty, by vetoing the death tax, and by justifying the trips of the President to spend $42 million to go to Africa, $40-some million to go to China.

I do not know what he is going to spend in the next few months while he has his last year. He is going to spend that money every time and not even think of the taxpayer.

Mr. Speaker, it is time for us to take a look at marriage in this country, to encourage it, and to quit penalizing it. I am urging the Members, and I have heard some very politely say, let us work in a very bipartisan fashion. What more bipartisanship do they want than let us get together and get rid of the marriage penalty?

What about the death tax? Let us say to our president, Mr. President, in a time that we are trying to give married people a break, we do not need to make $42 million trips to Africa. Mr. President, pitch in with something other than a veto.

Then why do Members not stand up and admit who is really the party of principles as far as that debt reduction? It does not belong on that side of the aisle, it belongs on this side of the aisle.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can understand how so many Members want to deal with the President's right to grant clemency or his trips to Africa, but I wish they would put their outrage and emotion to override the veto. Other than that, then I think what they are saying is either they have not got the votes, or they agree with the President.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Doggett), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, this kind of tired old sloganeering that we have just heard is a lot of what is wrong with Washington, the unwillingness to come together in a truly bipartisan fashion and try to address the issue of appropriate tax relief, but to do it in a way that does not harm our economy.

Tax and spend Democrats? That old tax and spend Democrat Alan Greenspan, appointed by Ronald Reagan as chairman of the Federal Reserve Board, told these Republicans time and time again that he thought their tax cut was a mistake, that it would threaten our economic prosperity, and the longest running span of economic prosperity we have had in this country in a long time.

They turned a tin ear to him. Fortunately, the American people did not turn a tin ear, they listened to that. They recognized that when the Sun is shining, as we have it in this great economic prosperity today, that is the time to repair the roof, not to borrow more on the credit card.

So it is today that the President has taken his pen out and vetoed, yes, this irresponsible tax bill, but it was really the American people that vetoed this bill when they had it presented to them because they recognized how truly irresponsible it was, that we cannot have it all. We cannot have a big tax break benefiting special interests, benefiting those at the top of the economy, and save Social Security and Medicare and meet the basic needs of the country.

So we Democrats have proposed that we pay down the national debt, that we reduce the debt that has been incurred, and act in a fiscally responsible way to provide some targeted tax relief that is paid for, but that we meet our social security and Medicare needs.

Mr. Speaker, I think as Americans look at this Congress, they probably recognize that Hurricane Floyd was not the only natural disaster to afflict the East Coast in recent days. This House Republican leadership has truly been spinning out of control talking about this irresponsible tax break.

□ 1800

Meanwhile, the fiscal year, the Federal fiscal year, we have got 6 working days yet to conclude it. We have one of the 13 appropriation bills necessary to the operations of the government. After next weekend, one of those 13 has been signed into law.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, if the Republicans really thought that the President's veto was outrageous and they really thought that their $792 billion tax cut made a lot of sense, why would they not demonstrate this by moving to override the President's veto?

Mr. DOGGETT. Mr. Speaker, that would be the only appropriate action if they had the courage behind the rhetoric. But I think, as a practical matter, they recognize they would do nothing but embarrass many of their own Members, many who have only voted for this measure because they were told it would never become law. They recognized and said in their own comments that it was irresponsible, but they would hold their nose as Republicans and follow their leadership because they knew it would never become law. The American people and this President would properly reject it.

Mr. SHAW. Mr. Speaker, may I ask the Chair how much time is remaining on each side.

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman from Florida (Mr. SHAW) has 10 minutes remaining. The gentleman from New York (Mr. RANGEL) has 12½ minutes remaining.

Mr. SHAW. Mr. Speaker, perhaps the gentleman from New York would like to yield time, and I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair and not to the President.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, the President was right to veto the Republican tax bill today. The President was right to put Social Security, Medicare, and pay down the national debt ahead of a tax break for the rich. The President was right. The Republican tax bill was wrong, dead wrong. It was a step in the wrong direction.

We must use this historic opportunity to save Social Security and Medicare and to pay down our national debt. We should not be wasting it on huge tax breaks for America's wealthiest people.

The Republican tax bill did nothing to save Social Security, nothing to strengthen Medicare, nothing to reduce our national debt. It was a huge windfall for the rich, pocket change for working Americans. It was a mistake. It was irresponsible. It was not the right thing to do. I thank the President for vetoing the Republican tax bill.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a respected member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, there he goes again. President Clinton has imposed more total taxes on the American taxpayer than any President in history.

In 1993, with the help of the Democratic majority in the House, he gave the American taxpayer the largest tax increase, in total dollars, in this country's history.

Today, he has been able to impose yet another huge tax hike, $792 billion, over the next 10 years.

But my colleagues ask how can this be. Well, as of this morning, the Congress had cut taxes on working people. But by the afternoon, with the stroke of a pen, President Clinton raised them again.

I regret that the President has today raised taxes on American workers by increasing marginal income tax rates, taxing those who choose to purchase health care insurance for themselves and families, and by taxing those who choose to buy long-term care insurance. He has also reinstated the confusing alternative minimum tax on individuals.

I further regret that the President has decided to increase taxes on American families by reimposing the marriage penalty on married couples, taxing educational savings accounts, which we wanted to set up for children and grandchildren, and by punishing, through taxes, those families who wanted to provide in-home care for senior relatives.

I also regret that the President has decided to endanger jobs through hiking taxes on American employers, by increasing the capital gains tax, by complicating retirement programs rules, and, finally, by reinstating the death tax which forces the sale of many family farms and businesses.

But, Mr. Speaker, the President believes he knows best what to do with the people's money. So he has decided to raise those taxes again.

He may talk about Social Security, but what he means is bureaucrats' job security. We Republicans have done the hard work in protecting Social Security and Medicare. Our tax bill not only set aside all Social Security and Medicare tax income, but our budget put aside $870 billion in additional revenues for Medicare.

The truth is the President wants to spend the positive cash flow. His own budget would have busted the caps by $30 billion and turned this year's positive cash flow into more debt. That is why we wanted to return the money to the safety of the taxpayers' pocket. As it stands, it is a $792 billion temptation to spenders, spenders on both sides of the aisle.

I regret that we shall see in the next few weeks and months to come spending schemes come out one by one at orchestrated "program of the day" press conferences. That is no way to treat the hard-earned money of America's families.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI) to deal specifically with the question of Social Security.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL), the Ranking Democrat on the Committee on Ways and Means, for yielding me this time.

Mr. Speaker, I think what we are seeing now is an example of the Republicans trying to get themselves out of a hole that they created back in February and March and April in this year when they came up with their budget. The budget was inconsistent. That is why, with the fiscal year ending on

Wednesday or Thursday of next week, we only have one appropriations bill signed by the President.

They are struggling. They want us to work this weekend, but then they change their mind because some of their folks had fund raisers. So as a result of that, now we are going to find ourselves in a crunch in the middle of next week. That is exactly what is going on.

So they are really relieved that the President vetoed this bill, because now the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. SHAW) want to bring up a Social Security bill sometime before we recess this year. That bill, as we all know, or we will find out very soon when they start to move that bill, is about $1.1 trillion over the next 10 years. It would wipe out the entire tax cut.

What is also interesting, the gentleman from Florida (Mr. SHAW) said earlier that their Social Security bill will balance out in 75 years. I hope all of us are alive in 75 years.

But in the next 35 years, by the year 2035, and I hope that the Republican Members know this when they vote for this bill, they will have a general fund transfer of money to the Social Security fund of $11.7 trillion which, in 35 years, will be in constant dollars only about $3 trillion, about twice the Federal budget today.

So what we can really do is, my colleagues can lament about the fact that the President vetoed this, but they are privately very happy because then, in the next month or so, they are going to bring up Social Security. They will bring that to the floor.

That will go down in flames because they do not have 218 votes. After all, they are in charge of this institution. They should be able to pass legislation. But it will fail. Then they will say, well, we tried to do all of these things.

But the only accomplishment, unfortunately, will be to pass these appropriations bills. I do not even know if they are going to be able to do that. But I hope they are going to be able to do that because we cannot afford to have social security checks in the next 2 months be delayed because of the incompetence of the leadership.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from California (Mr. MATSUI), does he have a plan to save Social Security, and does it save Social Security for 75 years? Is he prepared to vote for a plan that would save Social Security?

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. SHAW. For a short answer, I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, the President of the United States has a plan in which will reduce the debt, will actually not cut benefits.

Mr. SHAW. Mr. Speaker, that is not my question.

Mr. MATSUI. Will the gentleman from Florida let me finish? He asked the question.

Mr. SHAW. Mr. Speaker, reclaiming my time, the gentleman from California knows the rules of the House.

Mr. MATSUI. Mr. Speaker, will the gentleman not allow me to answer the question?

The SPEAKER pro tempore. All time is yielded. The gentleman from Florida (Mr. SHAW) has requested his time back.

Mr. MATSUI. Was the gentleman from Florida asking a rhetorical question or asking me an honest question?

Mr. SHAW. Mr. Speaker, I would hope that the gentleman's trespassing on my time would not count against the time that I have.

I would say to the gentleman, who is the ranking member on the committee that I chair, that he does not have a plan that would save Social Security for all time. The President's plan does not save Social Security for all time. We have reached out across the aisle in order to try to formulate such a plan; but so far, we have not received that cooperation.

The Archer-Shaw plan does save Social Security for all time, and it has been scored by the Social Security Administration for doing that. It does it by preserving existing benefits without cutting one single benefit and preserving all of the COLA's. It does not raise the payroll taxes. As a matter of fact, it saves the $20 trillion deficit that we would be leaving our kids over the next 75 years.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, first I want to thank the gentleman from Florida (Mr. SHAW) for yielding me some time. But I want to express my disappointment that the President who gave our country the biggest tax increase in history has now vetoed meaningful tax relief for all Americans. Why? Because Bill Clinton and AL GORE want to go on a spending spree. That is what this is all about.

Mr. Speaker, the Republican balanced budget sets aside 100 percent of the Social Security Trust Fund, payroll taxes, and interest on the Trust Fund for Social Security and Medicare. The President only wants to set aside 62 percent because he wants to spend 38 percent of Social Security on other things. It is about spending.

The Republican balanced budget sets aside $2.2 trillion over the next several years to pay down the national debt, $200 billion more than the President calls for. Why? Because the President wants to spend more.

Mr. Speaker, our balanced budget takes one-quarter out of every dollar for tax relief. In fact, over the next 5 years, we pay down $861 billion of the national debt while providing $156 billion in tax relief.

One of the biggest concerns I often hear in the district that I represent in Chicago in the south suburbs is the issue of fairness, particularly tax fairness. People are frustrated that taxes are so high, but they are also frustrated how complicated they are and how unfair they are.

I have often asked this question, is it right, is it fair that, under our Tax Code, married working couples pay more in taxes just because they are married? Is it right, is it fair that 21 million married working couples on average pay $1,400 more in higher taxes?

I happen to have with me today a photo of a couple from Joliet, Illinois, two public school teachers, Michelle and Shad Hallihan who, by the way, just had a baby boy named Benjamin just the other day. They are celebrating the birth of that child. They are a typical couple that pays the marriage tax penalty.

My friends on the other side, they call Michelle and Shad a special interest because we are trying to help them. But these are folks who suffer the average marriage tax penalty. And $1,400 is a lot of money in Joliet, Illinois. It is 1 year's tuition at a local community college, several months worth of day care. It is real money for people like Michelle and Shad Hallihan.

Now, President Clinton says he would much rather spend their money here in Washington because he could do it better than they can. That is really what this issue is all about. Do we spend Michelle and Shad's money, or do we eliminate that marriage tax penalty?

Of course the President vetoed that effort to eliminate their marriage tax penalty today. If my colleagues think about it, their little boy Benjamin just born just in the last few weeks, if they were able to take advantage of the education savings account tax relief that was included in this, which would allow them to set up to $2,000 a year in a special account for Benjamin's education, Michelle and Shad, if we were to eliminate their marriage tax penalty, could put that marriage tax penalty into that account and, in 18 years, be able to pay for much of Benjamin's college education.

That is a choice we are making here today. Do we follow President Clinton's lead and spend it here in Washington, or do we let Michelle and Shad Callahan keep it by eliminating the marriage tax penalty? That is what we should be doing.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, how many times have I stood in this well and have been reminded by others, as I remind tonight, Presidents do not spend money. Congress spends money. All of the rhetoric that I have heard about spending will only occur if a majority of this House votes to spend the money.

I have reached out in the hand of friendship to the gentleman on the other side, as he knows, regarding Social Security. I can honestly say we do have a plan.

□ 1815

My disappointment, and why I very strongly support the President's veto of this bill today, is that Congress has chosen not to lead on Social Security. It was our responsibility. It was the responsibility of the Committee on Ways and Means, in my opinion, obviously not shared by the majority, to come up and fix Social Security and Medicare and Medicaid first and then deal with the question of marriage tax relief, of capital gains tax relief.

And I have said it many, many times. I am for tax cuts. I am for tax cuts. There are many good proposals in the bill which is vetoed which I support philosophically. But I do not support tax cuts when they are the equivalent of taking candy from a baby, and that is what we are talking about today.

It is true that these dollars that we hear talked about are the American taxpayers' dollars, American people, all of us, but it is also true that the $5.6 trillion debt is our debt. And I believe very strongly the President is correct in saying we should pay down that debt first before we spend additional dollars for any purpose. That debt will need to be paid back to the Social Security program. We should not be carelessly spending Social Security dollars.

And as we have discussed many times on the floor of this House, and why I have said in my opinion this bill that is vetoed today is the most fiscally irresponsible bill, because what it proposed to do in the second 10 years, precisely at the time Social Security was going to need some additional help, this bill proposed to take money from our children and grandchildren. If responsible tax cuts are brought for a vote, tax cuts which are paid for by today's dollars, I will gladly consider their merits. But I will not steal from children and senior citizens.

The President is right to veto this irresponsible bill, and I support his action today. And I am glad to hear that finally, after September 22, we will have serious discussion of Social Security and Medicare and Medicaid, and I will certainly reach out and accept the hand from the other side. But in the meantime, let us stop this debate and this ceaseless rhetoric regarding this tax cut and openly acknowledge that if we are truly concerned about the future of Social Security and Medicare and Medicaid, do it first and then do these other things, that amount to what most of us would call the dessert.

That is why I support this veto, and I think now let us get on with doing what we should have been doing at the first of this year, and that is fixing Social Security, Medicare and Medicaid.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, first of all, I want to thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

My colleagues, President Clinton vetoed the Republican tax plan for one simple reason. It uses the surplus on special interest tax cuts instead of investing it in the future of America. I call on the Republicans to go back to the drawing board and to produce a bipartisan tax and budget plan, one that addresses the needs of all Americans.

Mr. Speaker, as we debate how to divide up this budget surplus that is being projected, our primary goal should be to maintain the strong and growing economy that has benefited millions of Americans. Reducing the national debt is clearly the best long-term strategy for our U.S. economy, and, in fact, not only Mr. Greenspan but many economists from all political spectrums have said let us reduce the national debt.

There is a plan to do that. It is called the Blue Dog Budget. Imagine this: We are projected to spend about 15 cents of every dollar next year on interest for the national debt. Fifteen cents. That is 15 percent. If a family had a credit card and they were paying 15 percent or 18 percent or 19 percent interest rates, and all of a sudden they had more money than they thought they had at the end of the month, what should they do with it? If they are smart, they would pay down that credit card debt. Why? Because when they do not, the debt gets more and more and more.

This is the time to pay the debt down. The Blue Dog Budget saves the entire Social Security surplus for Social Security, and it locks up half of the on-budget surplus for debt reduction. This approach will help ensure that our economy remains strong today and for our future.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Before we hear from our next Speaker on this subject, I would like to reiterate that if the Republicans are so outraged about this veto, I hope when the arguments are closed that they will explain to the American people, and some of the young students of the Constitution, why they are forfeiting their right to override the veto. When we do not like what a President has done in terms of legislation, either we accept it or we override it.

I am afraid what we are going to find, however, with this Social Security plan, is that perhaps the money that is going to be used in their plan for Social Security would be the very same money that they would have used for the tax cut. But who knows.

I think they are going to spend the rest of the time wondering when the President is going to come forward with a plan. And I think the gentleman from Texas pointed out, it is the Congress that legislates and it is the President that executes. If there is going to be any legislative plan, do not be running around howling at the moon asking for the President's bill.

They are part of the majority. They should assume the majority and legislate. Not that they have had a great history for it so far this session. But maybe they should try it. They might like it. It may work. Something may happen. But I cannot think of anything that has been done to give any evidence that they have appeared to lead. They did not lead in the tax bill, they did not lead in Social Security, they do not lead in Medicare, they do not lead in a patient's bill of rights, they do not lead in gun safety, and they do not lead in education.

So I do not know how much time they have to close, but I will be glad to yield some time to them.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me this time. I have been over in my office listening to some of this rhetoric, and I was not going to come over here, but let me just say this.

I could agree with almost everything that the Republicans have said were it not for the fact that there is not a $3 trillion projected surplus. There is only a $1 trillion projected surplus. Because all of us have agreed that $2 trillion of that $3 trillion is Social Security money and ought to stay in the Social Security System or retire the national debt.

I could agree with almost everything that has been said were it not for the fact that we have a $5.6 trillion debt, a $3.8 trillion hard debt. Now, to ask us to take 80 percent of the on-budget projected surplus over the next 10 years and obligate it now is something that I do not think any prudent business person in this country would do.

And, furthermore, I was thinking about this. This bill, if we want to call it that, is asking basically for me to say to my children, I am going to go buy a new car, but, Mr. Banker, when I borrow the money from you for that car, I am only going to pay the interest on it. And when my children become 21, send them the bill for the car. Or I am going to buy a house, but, Mr. Banker, I am only going to pay the interest on it. Send the price of the house, the money that I borrowed to buy the house, send the bill for it to my children when they get to be 21.

We are not against tax cuts. We had in our budget a $250 billion piece. That is a pretty sizable sum. But let me tell my colleagues how irresponsible I think this is and how far the American people are ahead of us on this. When they have got an $800 billion tax package that has got something for almost every citizen in this country in it, and they cannot sell it and they cannot override it, they know it is irresponsible. The American people know that it is irresponsible, and that is why I am glad the President did what he did.

The SPEAKER pro tempore (Mr. TANCREDO). Time of the gentleman from New York (Mr. RANGEL) has expired.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Kentucky. Mr. Speaker, it is really humorous tonight to listen to this debate. For 40 years the liberal spending Democrats had majority in this House. When I got here, in 1994, we had a $5 trillion debt. Now, they had control of spending for 40 years. How did we get a $5 trillion debt?

For 40 years they did not mind spending out of the Social Security Trust Fund for every kind of program they could think of. They did not worry about balancing the budget then. They did not worry about paying down the debt. Now, all of a sudden, they are worried about it. That is very, very funny. Very strange.

Well, our plan, the Republican plan, sets aside $1.9 trillion, 100 percent of the Social Security Trust Fund surplus money, to protect Social Security. One hundred percent. What are they setting aside? Twenty-seven trillion dollars is going to come into the Federal Government over the next 10 years. What is wrong with allowing the American people to have $792 billion back of their money?

Mr. SHAW. Mr. Speaker, as I understand, all time has expired on the minority side?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time, and I say to my friend from New York (Mr. RANGEL), who has asked several times why we do not move to override the veto, that he knows as well as I do the very simple fact is that we do not have enough Democrats to go in with the Republicans to raise the two-thirds majority necessary to give the American people the relief from the marriage tax penalty, relief from the death tax, and relief from so many of the other taxes that we have.

I think, too, that the Members on the other side are well aware of the fact that we have got locked away, as the gentleman from Kentucky just said, locked away sufficient dollars from the Social Security surplus in order to more than repair Social Security, more than take care of the problems that we are facing in Medicare. Indeed, it would be irresponsible to be spending that money, and that is why we passed the lockbox legislation, and that is why we have this in our budget, that was passed by the House, in order to prevent this type of spending.

But putting all this aside, and Members can say anything on this floor and it goes out like it is the truth, but the facts and the figures are there and they are there for all of us to see. But what I want to see is what is going to happen now next week as the spending bills, the appropriation bills, come to the floor. Are my friends on the other side of the aisle going to vote against them because we do not spend enough? I suggest that they will. Will the President veto them because we do not spend enough? I suggest that he will. And I wonder, when he does that, and as they vote and explain their votes on the other side of the aisle, how they will explain how they are saving this money for Social Security and saving Medicare.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE PHIL ENGLISH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Phil English, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that my office has received a subpoena for documents issued by the United States District Court for the Western District of Pennsylvania.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

PHIL ENGLISH,
Member of Congress.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-131)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

☐ 1830

NATIONAL MONEY LAUNDERING STRATEGY FOR 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. TANCREDO) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and the Committee on Banking and Financial Services:

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105-310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

PRESIDENT CLINTON VETOES TAX RELIEF PACKAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today President Clinton vetoed the much-needed tax relief package passed by this Congress. President Clinton has permanently cemented his legacy as a tax raiser and sworn enemy of tax cuts.

By vetoing this legislation, the President is denying the average middle-class family relief from the marriage tax penalty. The President is robbing millions of workers the opportunity to obtain health insurance benefits who cannot afford to do so now. He is making it more difficult for parents to save for their children's education. He is making it more difficult for people to pass on the family farm or the family business after a lifetime of toil, sacrifice, and devotion to building a great enterprise. The President is making it more difficult for people to save for their future and provide for their own retirement.

This vetoed tax relief legislation would have been a step toward more fairness in the Tax Code and it would have reduced the burden on people who are carrying the load, paying the taxes, and trying to live the American dream.

This veto is irresponsible and dangerous. Once again, Government wins and the taxpayer loses.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–330) on the resolution (H. Res. 300) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported by the Committee on Rules, which was referred to the House Calendar and ordered printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week the Office of Personnel Management announced that premiums for the Federal Employees Health Plan would increase by 9 percent next year, the third straight year of large increases.

On January 1, Medicare managed care plans in this country planned to drop 395,000 senior citizens from their plans. Last year 400,000 were dropped. Most of the remaining plans are curtailing or terminating prescription drug benefits.

Those are the numbers. Here are the stories.

Last month I received a letter from a 71-year-old widow in Sheffield Lake, Ohio, who had taken a part-time job to help pay for her prescription drugs.

Until United Health Care pulled out of her county and left her without a health plan, she had some drug coverage. But just one of her medications, lipitor, absorbed most of her entire benefit.

I recently spoke with a woman in Elyria, Ohio, who spends $350 out of her $808 a month Social Security check on prescription drugs.

What is the common thread here? The high cost of prescription drugs.

Prescription drug spending in the U.S. increased 84 percent in the last 5 years. We have spent $51 billion in 1993. Last year we spent $93 billion.

According to the Office of Personnel Management, two factors caused the steep FEHB premium increases. One of those factors is technology. The other is the mushrooming cost of prescription drugs.

According to GAO, HCFA, and market analysts, one of the key reasons Medicare HMOs fail to turn a profit and drop so many seniors is they underestimated how much it would cost to cover the cost of prescription drugs.

I receive letters every day from seniors who cannot stretch their Social Security check far enough to cover prescribed medications. Some of the increased spending derives from expanding use of prescription medicines. But according to most analyses, two-thirds of the increases are attributable to price inflation.

The American public is right to wonder why is Congress not doing something about that. The simple reason is our threats from the drug companies. The drug companies say, if you do not leave drug prices alone, we will not produce any new drugs anymore.

I believe it is time that we use market forces, by that I mean good old-fashioned American competition, to challenge that threat. We can introduce more competition in the prescription drug market and still foster medical innovation. We need information from the drug companies to go explore industries' claim that U.S. prices are where they need to be.

The bill I introduced today, the Affordable Prescription Drug Act, lays out the groundwork we need to do both. Drawing from intellectual property laws already in place in the United States for other products in which access is an issue, pollution control devices under the Clean Air Act are one example, this legislation would establish product licensing for essential prescription drugs.

If a drug price is so outrageously high that it bears no resemblance to pricing norms for other industries, the Federal Government could require drug companies to license their patent to generic drug companies. The generic companies could then sell competing products before the brand name patent expires, paying the patent holder significant royalties for that right. The patent holder would still be amply rewarded for being the first in the market, but Americans would benefit from competitively driven prices when there would be two or three or four sellers in the marketplace.

Alternatively, a prescription drug company could in fact lower their prices, which would preclude the Federal Government from finding cause for product licensing. Either way, high drug prices come down.

The bill requires drug companies to provide audited detailed information on drug company expenses.

This is not some brand new, untried proposal. Product licensing is done in France. It has been done in Canada. It is done in Germany. It is done in Israel. It is done in England.

Let me leave my colleagues with this: Through the National Institutes of Health, American taxpayers finance 42 percent of the research and development that generates new drugs, 42 percent. The private foundation and State and local governments and other non-industry sources kick in another 11 percent. That means prescription drug companies account for half the money in research and development of new drugs.

The Congress has given drug companies generous tax breaks on the R&D dollars that they do shell out. And yet, we pay the highest prices in the world in this country, sometimes two or three or four times the price for prescription drugs that people pay in any other country in the world.

Drug companies, and luck for them, drug companies score a triple-double. Congress gives the drug companies huge tax breaks. Taxpayers pay most of the cost for research and development. And yet, the drug companies charge Americans the highest price in drug world. Go figure. Drug company profits outpace those of every other industry by at least five percentage points.

Mr. Speaker, I ask the Congress to pass the Prescription Drug Affordability Act.

BALTIMORE REGIONAL CITIZENS AGAINST LAWSUIT ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I rise to acknowledge a group of citizens in my district who are working hard to address an issue affecting every citizen in our State, lawsuit abuse.

Throughout my district and all over the greater Baltimore area, local citizens are volunteering their time and energy to inform the public about the cost associated with the excessive numbers and types of lawsuits filed in today's litigious society.

The men and women of the Baltimore Regional Citizens Against Lawsuit Abuse have a simple goal, to create a greater public awareness about abuses of our civil justice system.

This type of citizen activism has had a positive impact on perceptions and attitudes towards abuses of our legal system, a problem most folks do not consider as they go about their daily routine.

While the overall mission of Baltimore Regional Citizens Against Lawsuit Abuse is to curb lawsuit abuse and abuse of our legal system, the organization's main focus is on education. Every time these dedicated Marylanders speak out about lawsuit abuse, ordinary citizens are educated on the statewide and indeed nationwide impact our civil legal system has on our daily lives.

The cost of lawsuit abuse includes higher costs for consumer products, higher medical expenses, higher taxes, higher insurance rates, and lost business expansion and product development, a serious problem in the United States of America.

I worked hard to reform our legal system at the State level during my days as a member of the Maryland General Assembly. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of our Federal Superfund program.

More specifically, Mr. Speaker, as a member of the House Committee on Banking and Financial Services during the 105th Congress, I sponsored bipartisan legislation that has helped reduce frivolous class-action lawsuits brought against small-business people employed as mortgage brokers.

Mr. Speaker, legal reform is a complex issue, as we have seen actually today on the floor of this House and in the past 5 years from the 104th Congress and the 105th Congress, as well. The legal system must function to provide justice to every American.

When our open access to the courts is abused or used to the detriment of innocent parties who happen to have money or happen to have insurance coverage, this system must be reviewed and reformed, sometimes in State legislatures, sometimes on this floor.

Let me acknowledge the board of the Baltimore Regional Citizens Against Lawsuit Abuse for giving of their valuable time and energy: The Honorable Phillip D. Bissett, Vicki L. Almond, Joseph Brown, Dr. William Howard, Sheryl Davis-Kohl, Gary O. Prince, and the Honorable Joseph Sachs.

Mr. Speaker, the Baltimore Regional Citizens Against Lawsuit Abuse has declared September 19–25 as Lawsuit Abuse Awareness Week in Maryland.

I want to commend these citizens and all involved in this worthwhile effort, for their dedication and commitment, and to acknowledge this week as a time of public awareness regarding the serious issues associated with abuse of our civic legal system.

EUROPEAN UNION SHOULD WITHDRAW UNFAIR, DISCRIMINATORY REGULATION RESTRICTING HUSH-KITTED AND REENGINED AIRCRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to join my colleagues, the gentleman from Pennsylvania (Chairman SHUSTER) the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, in supporting a resolution expressing the sense of Congress that the administration should act swift and decisively if the European Union does not withdraw its unfair, discriminatory regulation restricting hush-kitted and reengined aircraft.

In particular, the resolution strongly urges the administration to file an Article 84 complaint with the International Civil Aviation Authority, ICAO, so that it can be objectively determined whether the EU regulation violates international standards.

□ 1845

On April 29, 1999, the European Council of Ministers adopted a resolution that will in effect ban the operation of former State 2 aircraft that has been modified either with hushkits or new engines to meet the Stage 3 international noise standards. The Europeans claim that the hushkit regulation is needed to provide noise relief to residents living around airports in crowded European cities. However, the European Union has not provided any technical evidence that would demonstrate and improve noise or emissions climate around airports as a result of this rule.

This is not an environmental regulation, as the Europeans suggest. Rather, this re-regulation is an unfair unilateral action that discriminates against U.S. products and severely undermines international noise standards set by ICAO. By unilaterally establishing a new regional standard for noise, the EU is taking local control over an international issue. In addition, the EU has done this in such a way that the regulation most adversely impacts U.S. carriers, U.S. products and U.S. manufacturers.

The House of Representatives has already expressed its strong opposition to this misguided regulation by passing H.R. 661, the bill introduced by my good friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR), which would ban the operation of the Concorde in the U.S.A. Passage of H.R. 661, I believe, showed the Europeans that the United States is serious about protecting U.S. aviation interests against unfair unilateral trade actions. As a result, the effective date of the EU regulation was postponed until May 2000 in an attempt to accommodate the concerns of the United States.

Yet although the implementation date was delayed for a year, the regulation was adopted and is now law. As a result, the regulation is already having a negative economic impact on U.S. aviation. The regulation has raised serious doubts about the future market for hushkitted and re-engined aircraft, which in turn has already lessened the value of these aircraft and has put a halt to new hushkit orders. This is why the EU regulation must be completely withdrawn.

My understanding is that the European Parliament will not consider withdrawing the regulation until significant progress is made on Stage 4, the next generation noise standard. The U.S. is already working with the EU through ICAO on defining and implementing a Stage 4 noise standard. Let me state for the RECORD that the United States is fully committed to the development of a Stage 4 noise standard, however it is difficult to move forward towards a new noise standard while the EU hushkit regulation is still on the books. With its hushkit regulation the EU ignores its priority agreements with ICAO and has developed its own regional restrictions. Given this, it will be nearly impossible to convince the 185 countries of ICAO to agree to a new noise requirement on aircraft. Why would any carrier in any country want to invest in Stage 4 aircraft if any country in the world can also impose its own restrictions on aircraft? It simply does not make sense.

Nevertheless the U.S. is working patiently with the Europeans on developing a Stage 4 noise standard. However, the ongoing discussions and negotiations could continue for weeks, if not months. Yet each day that the EU hushkit regulation remain on the books costs the U.S. aviation industry more money.

For this reason the U.S. must challenge the EU regulation in an international forum. The United States must send a clear signal that it will not allow Europe to set international standards on its own. In particular, the U.S. Government should use the Article 84 process provided by the Chicago convention to resolve disputes between two or more States. The U.S. should file an Article 84 complaint at ICAO asking the international organization to determine whether the EU hushkit regulation violates its standards. This would demonstrate how serious the U.S. considers the issue. It would also show the EU that the United States has the support of the rest of the world on this very important aviation issue.

IN SUPPORT OF A MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to voice my strong support for an increase in America's minimum wage. The current minimum wage pays $10,712 a year for full-time work. That is not even enough to lift a family of three above the poverty line.

America needs families earning a decent living, wages good enough to afford a home and a car and a quality education for our children. That is how we grow the American economy.

This year my colleagues are proposing to increase the minimum wage by $1 over a period of 2 years. In my home State of Nevada more than 60,000 workers would benefit from this increase.

Opponents say that a minimum wage increase would be bad for the economy. I do not believe that. The last time we raised the minimum wage, the job market boomed, and unemployment fell to a historically low 4.2 percent. That is what we enjoy now, and our economy has never been stronger.

Keeping minimum wage workers below the poverty lines means that taxpayers everywhere are in effect picking up the tab for the costs of that poverty, Mr. Speaker, whether it be through food stamps, hospital emergency room visits or the social consequences of children neglected by their parents who work excessively long hours just to get by.

An increase in minimum wage benefits businesses, families, women, children, minorities, every aspect of our communities. It benefits all of us.

Congress just gave itself a $4600 pay increase, more than two times the pay raise that the minimum wage bill proposes. Yet here we are still debating the merits of a pay raise for the people who serve our food, care for our children, clean our office buildings and perform countless other jobs that our economy depends on and are vital to the daily functions of our society.

Americans deserve a decent day's pay for a hard day's work. Let us do the right thing in this Congress. Let us pass the minimum wage increase. America's working families need it, they deserve it, and they should have it.

TECHNOLOGY IN OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight to discuss the issue of technology in our society and how it effects us. We have all heard a lot about it. There are a lot of stories about technology companies booming and how it is changing our lives in everything from the information we get to the entertainment that we choose. But one has to wonder sometimes, as my colleagues know, just exactly how much does high tech effect all of us. We certainly read about the people who are making millions on it in Silicon Valley or elsewhere throughout our country, but how does it effect the rest of us? And that is a question I want to answer tonight because the other part of it is there is a lot of policies that we are advancing here in Congress aimed at helping the high tech industry, and in advancing those policies a lot of people wonder, as my colleagues know, why should we push something that is simply targeted out of narrow industry. Should we not look at the broader good of the country?

The argument I want to make tonight is that we are looking at the broader good of the country when we talk about advancing policies to help the high tech industry, and in fact technology and its growth and the economic opportunity that it creates is one of the most important things for all of us in this country as we face the future.

As a Democrat and, more specifically, as a member of the new democratic coalition, creating opportunity for me is supposed to be what this place, Congress and government, is all about. I grew up in a blue collar family on the south end of Seattle down by the airport and was very pleased to grow up in a society that gave me the opportunity to do a little hard work to achieve whatever I wanted in life. No one in my family had ever gone to college before. I went to college, went on to law school and basically created the life for myself that I wanted. I did not do it alone; I did it because of the society that we have created here, to make sure that that sort of opportunity is available to as many people as possible.

As we look towards the 21st century, one of the key issues in making sure that that opportunity continues to be available to everybody is technology. As my colleagues know, there is no such thing anymore as a low tech area of this country. Technology effects all of us regardless of what our business or what our interests are, and it can have a positive effect. The unemployment rate, the economic growth that we enjoy right now at 30-year low for the unemployment rate, 30-year high for the economic growth is driven in large part by technology, and again that benefits all of us.

It also benefits us as consumers. We are finally creeping towards a situation where consumers will have that level of information that is really required for a free market to work. No longer, for instance, do you have to go down to the local car dealership and hope that you are better at arguing than the car dealer who you are going to deal with to get the best price on a car. You can look it up on the Internet, get the price, get an offer, go down and get your car. You can find the lowest price without having to go through that negotiating session, Mr. Speaker, and the same is true for products across the board. That empowers consumers and enables every single family out there to stretch their budget farther.

More importantly, I think, is the information that is available, the education that is available to all of us through the use of technology over the Internet. As my colleagues know, you do not necessarily have to go off and get a four-year degree somewhere anymore to learn a skill that is going to enable you to be employable or maybe improve your current job situation. That information, Mr. Speaker, is out there for all of us.

So the big point I want to try to make tonight is that when we talk about technology policy, when we talk about, as my colleagues know, making the telecommunications infrastructure available to everybody, increasing exportation of computers and encryption softwear, investing in research and development, we are not just talking about, gosh, as my colleagues know, there happens to be a company in my district that would benefit from this so let us go ahead and help them out so we can employ a few people maybe in central Texas or in northern Massachusetts. What we are talking about is policies that are going to benefit our economy across the board.

That is why we in this body should be supportive of this agenda, this agenda that is moving towards trying to make sure that America continues to be the leader in these high tech areas that are going to be so critical to our economic future, Mr. Speaker. Are those policies that we have been advancing include certainly education at the top end of that, investments in making sure that we educate our work force and educate our children and implement the lifelong learning plans that we know are going to be necessary, are critical to reaping the benefits?

It is also critical that we build the telecommunications infrastructure necessary to make sure that this high tech economy can flow. In the 19th century building railroads was critical to economic development. In the 20th century building highways was. In the 21st century building a telecommunications infrastructure is going to be critical to our economic health. We need to advance the policies that make that happen.

Now there is a lot of debate back here about winners and losers, various telecommunications companies maneuvering for advantages or to disadvantage opponents, but for all of us in this body the Number 1 goal ought to be to build the infrastructure, set up the policies that make it happen, and I guess the biggest thing about high tech for me is that, as I mentioned, being a Democrat, a new Democrat, is about creating opportunity. But that opportunity does not always come through a government program. In fact, the best place that opportunity is created is in a strong economy where the government does not have to get involved, and that is what technology does for us. By enabling businesses to grow in the fast-growing sector of technology we create jobs, we create economic growth that benefits all of us across the board.

And I would like to, I guess, conclude by making it specific to my district. As my colleagues know, a lot of people know that I am from the Seattle area, and there is assumption that the only reason I care about technology is because, well, Microsoft just happens to be from that area. They happen to actually be from an area quite different from my district. I represent the district south of Seattle, a blue-collar suburb, mostly Boeing workers, some at Weyerhauser, a blue-collar area that is about as far away from Microsoft, at least psychologically, as Boston is from it geographically. It is a different area. It is folks who do not necessarily work directly in that tax sector. But I know that those people, the people that I grew up with and now represent, are the ones who are going to most benefit from policies that help America maintain its leadership role in technology. Because the folks at Microsoft, the folks in silicon valley, they have got it, okay? They have got it, and then some. We do not really need to worry about taking care of them. We need to make sure that our economy continues to expand in a way to include people like the people I represent, and these policies that will help technology grow will do just that. They will create more and better jobs and a stronger economy so that opportunity gets spread, and it is not locked into just a few folks.

I really hope that in this country we can understand that this talk about the digital divide really misses the point. There has always been divisions between people who have knowledge and people who do not. What technology gives us the opportunity for is to shrink that divide, not increase it. All you have to have these days to get access to the same information that everybody else in the world has is a relatively cheap PC, which is down to like almost $500, and a telephone, dial-up service access to the Internet. Technology can be the great equalizer if we build that telecommunications infrastructure that I was talking about. It can create opportunity, not just for the richest of the rich, but most importantly for the poorest of the poor.

That is why we need to be smart about these policies and advance them. We also need to be smart and realize that in advancing any industry, but certainly in the technology industry, we need access to overseas markets.

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Ninety-six percent of the people in the world live some place other than the U.S. That means if we are going to sell stuff we are going to need access to those other markets. We currently consume 20 percent of what the world produces and that is great, but that means the rest of the world is where our markets are available. We need to get access to those things.

I really believe that we have the opportunity to succeed and provide opportunity for the people we represent in this country as we never have before. We are already doing that. I think we can do even better, but we have got to be smart about embracing the policies and recognize that technology is not just about what is going on between Microsoft and AOL or NetScape or anybody. What it is about is creating opportunity for everybody in this country and showing that we can use technology to be that great equalizer, to help lift folks up out of poverty or wherever they want to go to realize these opportunities.

So when people hear us down here talking about these policies about research and development, telecommunications, patent reform, encryption, exports, whatever, understand that it is not just about talking about some specific company. It is talking about the new economy and the direction that our economy is headed; in fact, in many ways is already at. We need to be there, keep up and make sure that we advance the policies that will make sure that that opportunity spreads to all of us, not just to a select few.

I am committed to doing that. The new Democratic coalition that I am proud to be a part of is doing that, and we understand the importance that technology companies and technology policy will play in that. I urge every American to recognize that as well and work hard to advance these policies so we can continue to create the type of opportunity that we have been creating in recent years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLDEN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, September 24.

Mr. BEREUTER, for 5 minutes, September 24.

ADJOURNMENT

Mr. SMITH of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, September 24, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4389. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements [Docket No. FV99-923-1 FIR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4390. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in All Counties in Oregon, Except Malheur County; Temporary Suspension of Handling Regulations and Establishment of Reporting Requirements [Docket No. FV99-947-1 FIR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2,6-Diisopropylnapthalene; Temporary Exemption from the Requirement of a Tolerance [OPP-300918; FRL-6381-7] (RIN: 2070-AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP-300920; FRL-6381-9] (RIN: 2070-AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP-300903; FRL-6097-8] (RIN: 2070-AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Extension of Tolerances for Emergency Exemptions [OPP-300919; FRL-6381-6] (RIN: 2070-AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3,5-dimethyl-1- (1,1-

dimethylethyl)-2-(4-ethylbenzolyl) hydrazide; Pesticide Tolerance [OPP-300914; FRL-6380-1] (RIN: 2070-AB) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4396. A letter from the Secretary of Defense, transmitting a response to Section 1072 of the National Defense Authorization Act for Fiscal Year 1998, titled: "Study of Investigative Practices of Military Criminal Investigative Organizations Relating to Sex Crimes," pursuant to Pub. L. 85 section 1072(c)(2) (111 Stat. 1899); to the Committee on Armed Services.

4397. A letter from the Secretary of Defense, transmitting an update on Department of Defense efforts to comply with Section 1237 of the National Defense Appropriations and Authorization Act of 1999; to the Committee on Armed Services.

4398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition [FRL-6437-2] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Municipal Solid Waste Landfills [DE037-1015a; FRL-6439-2] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas [VA 022-5040; FRL-6436-8] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ 086-0017a; FRL-6438-1] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4402. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; Ventura County Air Pollution Control District [CA201-169a; FRL-6436-2] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oregon [Docket No. OR55-7270; FRL-6438-5] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4404. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Deficiency State of Arizona; Maricopa County [AZ 086-0017c; FRL-6438-3] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4405. A letter from the Acting Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended [FCC No. 99-227; CC Docket No. 96-115, CC Docket No. 96-98, CC Docket No. 99-273] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4406. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Northeastern United States; Northeast Multispecies and Atlantic Sea Scallop Fisheries; Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans [Docket No. 990830239-9239-01; I.D. 082499A] (RIN: 0648-AM99) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4407. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; LET Aeronautical Workers Model L-13 "Blanik" Sailplanes [Docket No. 99-CE-16-AD; Amendment 39-11320; AD 99-19-33] (RIN: 2120-AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4408. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 98-CE-119-AD; Amendment 39-11319; AD 99-19-32] (RIN: 2120-AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4409. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corp. Model S76A, B, and C Helicopters [Docket No. 99-SW-44-AD; Amendment 39-11317; AD 99-19-30] (RIN: 2120-AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4410. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 99-NM-175-AD; Amendment 39-11318; AD 99-19-31] (RIN: 2120-AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4411. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lawrence, KS [Airspace Docket No. 99-ACE-35] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; North Platte, NE [Airspace Docket No. 99-ACE-33] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sheridan, IN Correction [Airspace Docket No. 99-AGL-31] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Neuse River Bridge Dedication Fireworks Display; Neuse River, New Bern, North Carolina [CGD 05-99-079] (RIN: 2115-AE46) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-99-162] (RIN: 2115-AE47) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98-NM-251-AD; Amendment 39-11314; AD 99-19-27] (RIN: 2120-AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4417. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. 98-NM-249-AD; Amendment 39-11313; AD 99-19-26] (RIN: 2120-AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4418. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 99-NM-159-AD; Amendment 39-11312; AD 99-19-25] (RIN: 2120-AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4419. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98-NM-278-AD; Amendment 39-11316; AD 99-19-29] (RIN: 2120-AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4420. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting a the

Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 Series Airplanes [Docket No. 99–NM–11–AD; Amendment 39–11311; AD 99–19–24] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4421. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120RT and -120ER Series Airplanes [Docket No. 98–NM–261–AD; Amendment 39–11315; AD 99–19–28] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4422. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 98–NM–220–AD; Amendment 39–11310; AD 99–19–21] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4423. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airport Name Change and Revision of Legal Description of Class D, Class E2 and Class E4 Airspace Areas; Barbers point NAS, HI [Airspace Docket No. 99–AWP–11] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4424. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Arlington, TN [Airspace Docket No. 99–ASO–16] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4425. A letter from the Attorney, Office of Chief Counsel, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation (PIH) [Docket No. HM–206D] (RIN: 2137–AD37) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4426. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Biscayne Bay, Miami, Florida [CGD07–99–063] (RIN: 2115–AE46) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4427. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, Virginia [CGD 05–99–076] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4428. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Upper Mississippi River, Iowa & Illinois [CGD08–99–056] (RIN: 2115–AE47) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4429. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Movie Production, Gloucester, MA [CGD01–99–161] (RIN: 2115–AA97) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4430. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation by Reference [Docket No. 29334; Amendment No. 71–31] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4431. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29734; Amendment No. 1949] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4432. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Bryan, OH [Airspace Docket No. 99–AGL–38] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4433. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Escanaba, MI. Correction [Airspace Docket No. 99–AGL–34] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4434. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Winfield/Arkansas City, KS [Airspace Docket No. 99–ACE–44] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4435. A letter from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, NOAA, Department of Commerce, transmitting the Department's final rule—NOAA Climate and Global Change, Program Announcement [Docket No. 990513129–9129–01] (RIN: 0648–ZA65) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4436. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest on Underpayment, Nonpayment or Extensions of Time for Payment of Tax [Rev. Ru. 99–40] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 2392. A bill to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes (Rept. 106–329 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 300. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–330). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Science discharged from further consideration. H.R. 2392; referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2392. Referral to the Committee on Science extended for a period ending not later than September 23, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEKAS (for himself and Mr. Smith of Michigan):

H.R. 2922. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. ARCHER:

H.R. 2923. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. Kanjorski, Mr. Leach, Mr. LaFalce, Mr. McCollum, Mr. Castle, Mr. Riley, Mr. Jones of North Carolina, Mr. Hinchey, and Mr. Capuano):

H.R. 2924. A bill to require unregulated hedge funds to submit regular reports to the Board of Governors of the Federal Reserve System, to make such reports available to the public to the extent required by regulations prescribed by the Board, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. Peterson of Minnesota, and Mr. Fletcher):

H.R. 2925. A bill to amend the Public Health Service Act to finance the provision of outpatient prescription drug coverage for low-income Medicare beneficiaries and to provide stop-loss protection for outpatient prescription drug expenses under qualified

Medicare prescription drug coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. ARMEY, Mr. BLILEY, Mr. GOODLING, Mrs. NORTHUP, Mr. MCCRERY, Mr. GREEN of Wisconsin, Mr. TALENT, Mr. OXLEY, Mr. PORTMAN, Mr. HOBSON, Mr. BALLENGER, and Mr. SALMON):

H.R. 2926. A bill to provide new patient protections under group health plans and through health insurance issuers in the group market; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. BERRY, Mr. STARK, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KUCINICH, Mr. STRICKLAND, Mr. BARRETT of Wisconsin, and Mr. WYNN):

H.R. 2927. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself and Mr. STENHOLM):

H.R. 2928. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption to States which adopt certain minimum wage laws; to the Committee on Education and the Workforce.

By Mr. FARR of California (for himself, Ms. PELOSI, Mr. LIPINSKI, Mr. STARK, Mr. LANTOS, Mr. BLUMENAUER, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. TRAFICANT, Mr. WEINER, Mr. BOUCHER, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. WHITFIELD, Mr. GALLEGLY, Mr. HALL of Ohio, and Mr. TANCREDO):

H.R. 2929. A bill to amend title 18, United States Code, to prohibit certain conduct relating to elephants; to the Committee on the Judiciary.

By Ms. DUNN:

H.R. 2930. A bill to amend title XVIII of the Social Security Act to increase Medicare payment for pap smear laboratory tests; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 2931. A bill to direct the Secretary of Housing and Urban Development to carry out a 3 year pilot program to assist law enforcement officers purchasing homes in locally-designated high-crime areas; to the Committee on Banking and Financial Services.

By Mr. HANSEN:

H.R. 2932. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Resources.

By Mr. LARSON (for himself, Mr. UDALL of Colorado, Mr. BONIOR, Mr. BOUCHER, Mr. SHOWS, Mr. FROST, Mrs. THURMAN, Mr. ETHERIDGE, Mr. CAPUANO, Ms. WOOLSEY, Ms. DELAURO, Mr. BROWN of Ohio, Mr. WU, Mr. ROMERO-BARCELÓ, Mr. COSTELLO, Mr. OWENS, Ms. BERKLEY, and Mr. HOLT):

H.R. 2933. A bill directing the Secretary of Education to propose a comprehensive approach to providing technologically competent teachers to our Nation's schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSON (for himself, Mr. UDALL of Colorado, Mr. BONIOR, Mr. FROST, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. CAPUANO, Ms. WOOLSEY, Ms. DELAURO, Mr. BROWN of Ohio, Mr. WU, Mr. ROMERO-BARCELÓ, Mr. COSTELLO, Mr. OWENS, and Mr. HOLT):

H.R. 2934. A bill to amend the Domestic Volunteer Service Act of 1973 to provide for the establishment of a National Youth Technology Corps program, using VISTA volunteers who are highly proficient in computer technologies to recruit and organize youth to implement and maintain computer systems for public schools, community centers, public senior centers, and libraries and to teach students, teachers, senior citizens, and other persons how to use these technologies and systems; to the Committee on Education and the Workforce.

By Mr. MCHUGH:

H.R. 2935. A bill to amend title 49, United States Code, to permit the Secretary of Transportation to waive noise restrictions on certain aircraft operations; to the Committee on Transportation and Infrastructure.

By Mr. NEAL of Massachusetts (for himself, Mr. HOUGHTON, Mr. RANGEL, Mr. COYNE, Mrs. JOHNSON of Connecticut, and Mr. MATSUI):

H.R. 2936. A bill to extend the temporary waiver of the minimum tax rules that deny many families the full benefit of nonrefundable personal credits, pending enactment of permanent legislation to address this inequity; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2937. A bill to repeal the War Powers Resolution; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROEMER (for himself, Mr. BURTON of Indiana, Mr. VISCLOSKY, Mr. HILL of Indiana, Ms. CARSON, Mr. SOUDER, Mr. MCINTOSH, Mr. PEASE, Mr. HOSTETTLER, and Mr. BUYER):

H.R. 2938. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. KUCINICH):

H.R. 2939. A bill to provide the highly indebted poor countries with relief from debts owed to the International Monetary Fund, to end United States participation in and support for the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to require certain conditions to be met before the International Monetary Fund may sell gold, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 2940. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief for small parties, innocent landowners, and prospective purchasers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR:

H. Res. 301. A resolution provide for the consideration of H.R. 325; to the Committee on Rules.

By Mr. HERGER (for himself, Mr. CONDIT, Mr. RYAN of Wisconsin, Mr. PETERSON of Minnesota, Mr. CAMPBELL, Mr. FOSSELLA, Mr. SHIMKUS, Mr. GARY MILLER of California, and Mr. SHAYS):

H. Res. 302. A resolution expressing the desire of the House of Representatives to not spend any of the budget surplus created by Social Security receipts and to continue to retire the debt held by the public; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H. Res. 303. A resolution expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. MCCOLLUM.

H.R. 354: Mr. ROTHMAN.

H.R. 534: Mr. RAMSTAD, Mr. RODRIGUEZ, Mr. KLECZKA, Mr. HINOJOSA, and Mr. STENHOLM.

H.R. 601: Mr. CUNNINGHAM, Mr. GOODLATTE, and Mr. GOODLING.

H.R. 670: Mr. DUNCAN.

H.R. 684: Mr. WEINER.

H.R. 750: Mr. METCALF and Mr. DIXON.

H.R. 776: Mr. DIXON.

H.R. 832: Mrs. KELLY.

H.R. 860: Mr. BONIOR.

H.R. 870: Mr. BRADY of Texas.

H.R. 960: Mr. MARTINEZ.

H.R. 963: Mrs. FOWLER and Mrs. THURMAN.

H.R. 976: Mr. RUSH, Mr. OBERSTAR, Mr. FLETCHER, Mr. CAPUANO, and Mr. SMITH of New Jersey.

H.R. 980: Mr. GANSKE.

H.R. 1006: Mr. CAPUANO.

H.R. 1046: Mr. WU.

H.R. 1068: Mr. ISAKSON.

H.R. 1115: Mr. WELDON of Florida, Mr. WICKER, Mr. THORNBERRY, Mr. BISHOP, Mr. STUMP, Mr. LAHOOD, Mr. RILEY, Mr. BACHUS, Mr. DOOLITTLE, Mr. STUPAK, and Mr. METCALF.

H.R. 1145: Ms. PELOSI and Mr. DOYLE.

H.R. 1193: Mr. TALENT.

H.R. 1221: Mr. MCCOLLUM.

H.R. 1228: Mr. GARY MILLER of California and Ms. CARSON.

H.R. 1248: Mrs. TAUSCHER.

H.R. 1275: Mr. UDALL of Colorado, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. MATSUI, Mr. SMITH of New Jersey, Mr. GREENWOOD, Mr. LUTHER, Mr. WEINER, Ms. RIVERS, Mr.

COBURN, Mr. HEFLEY, Mr. LANTOS, and Mr. LEACH.

H.R. 1303: Mr. SALMON.

H.R. 1304: Mr. WATKINS and Mr. VISCLOSKY.

H.R. 1333: Mr. NEY.

H.R. 1344: Mr. GORDON, Mr. HINOJOSA, and Ms. STABENOW.

H.R. 1446: Mr. ISAKSON.

H.R. 1522: Mr. STEARNS.

H.R. 1523: Mr. KNOLLENBERG and Mr. HASTINGS of Washington.

H.R. 1535: Ms. WOOLSEY, Mr. RADANOVICH, and Mr. SANDLIN.

H.R. 1592: Mr. TAYLOR of North Carolina, Mr. SHERWOOD, Mr. WATKINS, and Mr. BOEHNER.

H.R. 1598: Mr. MATSUI, Mr. WATT of North Carolina, Mr. BARTLETT of Maryland, and Mr. DEMINT.

H.R. 1606: Mr. MALONEY of Connecticut.

H.R. 1621: Mrs. KELLY, Mr. NEY, Mr. PRICE of North Carolina, and Mr. GOODLING.

H.R. 1622: Mr. CONDIT and Mr. LEWIS of Georgia.

H.R. 1624: Mr. STARK.

H.R. 1629: Mr. BALDACCI.

H.R. 1650: Mr. REGULA.

H.R. 1689: Mr. CARDIN.

H.R. 1732: Mr. ABERCROMBIE, Mr. HILL of Indiana, Mr. HILLIARD, and Mrs. JONES of Ohio.

H.R. 1857: Mr. HUTCHINSON and Mrs. MALONEY of New York.

H.R. 1887: Mr. BENTSEN, Mr. JENKINS, Mr. KILDEE, Mr. DIXON, and Mr. NEAL of Massachusetts.

H.R. 1890: Mr. WU.

H.R. 1917: Mr. HINOJOSA.

H.R. 1926: Mr. METCALF and Mr. ISAKSON.

H.R. 1932: Mr. CALLAHAN, Ms. PRYCE of Ohio, Mrs. EMERSON, Mr. MANZULLO, Mrs. WILSON, Mr. BASS, Mr. FRANKS of New Jersey, and Mr. RADANOVICH.

H.R. 2000: Mr. CUNNINGHAM, Mrs. EMERSON, Mr. WALDEN of Oregon, Mr. LAMPSON, Mr. TALENT, and Mr. GOODLING.

H.R. 2066: Mr. REYNOLDS, Mr. DINGELL, Mr. BERRY, and Mr. MARTINEZ.

H.R. 2087: Mr. DIAZ-BALART.

H.R. 2200: Mr. MCHUGH and Mrs. MINK of Hawaii.

H.R. 2205: Mr. SALMON and Mr. KOLBE.

H.R. 2244: Mr. BILIRAKIS and Mr. RADANOVICH.

H.R. 2247: Mr. NETHERCUTT.

H.R. 2252: Mr. INSLEE.

H.R. 2260: Mr. SHADEGG.

H.R. 2267: Mr. SHAW, Mr. TRAFICANT, Mr. KLECZKA, and Mr. GILCHREST.

H.R. 2289: Mr. NETHERCUTT and Mr. POMBO.

H.R. 2314: Mr. TANNER.

H.R. 2365: Mr. MCDERMOTT, Mr. BROWN of Ohio, and Mr. BISHOP.

H.R. 2376: Mr. WALDEN of Oregon.

H.R. 2392: Mr. UDALL of New Mexico.

H.R. 2418: Mr. GANSKE, Mr. SPENCE, Mr. CLYBURN, Mr. FLETCHER, Ms. BALDWIN, and Mr. WATKINS.

H.R. 2420: Mr. MARTINEZ, Mr. THORNBERRY, Mr. LAMPSON, and Mr. SANDLIN.

H.R. 2423: Mr. GILCHREST.

H.R. 2463: Mr. LEWIS of Kentucky.

H.R. 2464: Mr. RAHALL.

H.R. 2491: Mr. ROHRABACHER.

H.R. 2498: Mr. BLUNT.

H.R. 2505: Mr. WAXMAN, Mr. CONYERS, and Mr. CAPUANO.

H.R. 2534: Mr. REYES and Mrs. MINK of Hawaii.

H.R. 2539: Mr. MARTINEZ.

H.R. 2592: Mr. BARTON of Texas and Mr. COBURN.

H.R. 2602: Mr. SAWYER.

H.R. 2608: Mr. GILLMOR.

H.R. 2631: Mr. FARR of California, Mr. PICKETT, Ms. PELOSI, Mr. SUNUNU, and Mr. BECERRA.

H.R. 2638: Mr. HUTCHINSON, Mr. HOSTETTLER, and Mr. SUNUNU.

H.R. 2640: Mr. SMITH of Michigan.

H.R. 2655: Mr. DUNCAN and Mr. DOOLITTLE.

H.R. 2659: Ms. MCCARTHY of Missouri and Mr. OWENS.

H.R. 2680: Mr. WYNN, Mr. MEEKS of New York, and Mr. MCDERMOTT.

H.R. 2687: Mr. WU.

H.R. 2698: Mr. LARGENT.

H.R. 2709: Mr. GREEN of Wisconsin, Ms. DANNER, Mr. EHRLICH, Mr. BLILEY, Mr. WYNN, Mr. MCINNIS, Mr. BILBRAY, and Mr. LEWIS of California.

H.R. 2719: Mr. OWENS.

H.R. 2734: Mr. BARRETT of Wisconsin.

H.R. 2735: Mr. BLUNT.

H.R. 2750: Mr. COBURN and Mr. HILL of Montana.

H.R. 2764: Mr. PASTOR and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2783: Mr. LARGENT and Mrs. CUBIN.

H.R. 2784: Mr. LAFALCE.

H.R. 2790: Mrs. KELLY.

H.R. 2809: Mr. BLUMENAUER, Ms. LEE, Mr. GUTIERREZ, Mr. TALENT, Mr. ABERCROMBIE, Mr. WU, and Mr. DEFAZIO.

H.R. 2810: Mr. ROTHMAN.

H.R. 2825: Mr. LARGENT.

H.R. 2890: Ms. VELÁZQUEZ, Mr. GEORGE MILLER of California, Mr. MENENDEZ, Mr. GUTIERREZ, and Mr. RAHALL.

H.R. 2895: Mr. NADLER, Mr. ROHRABACHER, Mr. KUCINICH, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WALSH, and Ms. SCHAKOWSKY.

H.R. 2896: Mr. FORBES and Mr. MOORE.

H.J. Res. 65: Mr. SPENCE, MR. BARRETT of Wisconsin, Mr. BEREUTER, and Mr. WOLF.

H. Con. Res. 30: Mr. LAHOOD.

H. Con. Res. 134: Mr. FOLEY.

H. Con. Res. 186: Mr. HAYWORTH, Mr. BILIRAKIS, Mr. GOODLING, Mr. MILLER of Florida, Mr. DOOLITTLE, and Mr. CRANE.

H. Res. 41: Mr. MALONEY of Connecticut, Mr. MORAN of Virginia, and Mr. PORTER.

H. Res. 109: Mr. GEJDENSON, MR. MORAN of Kansas, and Mr. LOBIONDO.

H. Res. 269: Mr. LARGENT, Mr. STEARNS, Mr. KNOLLENBERG, and Mr. BROWN of Ohio.

H. Res. 287: Mr. SMITH of Texas, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON OF TEXAS, AND MS. PELOSI.

H. Res. 292: Mr. GILLMOR.

H. Res. 297: Mr. FALEOMAVAEGA, Mr. HILLIARD, Mr. WEXLER, Mr. BLILEY, Mr. GOODE, Mr. EHRLICH, Mr. CUMMINGS, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. CASTLE, Mr. WYNN, and Mr. SALMON.

H. Res. 298: Mr. BECERRA, Mr. GOODLING, Mrs. MYRICK, Ms. LOFGREN, Mr. FRANKS of New Jersey, and Mr. STARK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 16, after line 15, insert the following subsection:

(c) CERTAIN LINKAGES REGARDING HEALTH INFORMATION.—Initiatives under subsection (a) shall include the establishment, through a site maintained by the Director on the telecommunications medium known as the World Wide Web, of linkages that enable users of the site to obtain information from consumer satisfaction agencies or other entities that perform evaluations regarding the quality of health care, including more than one link to entities that evaluate health maintenance organizations, and including a link to the National Committee for Quality Assurance.

H.R. 2506

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 13: Page 12, after line 14, insert the following subparagraph:

(C) The conduct of research to develop recommendations for a national strategy to alleviate the shortage of licensed pharmacists.

Page 12, line 15, strike "'(C)" and insert "'(D)".

H.R. 2506

OFFERED BY: MR. STEARNS

AMENDMENT NO. 14: Page 21, after line 8, insert the following subsection:

(d) CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.—The innovations in health care technologies and clinical practice that are promoted under subsection (a) shall include promoting the placement in public buildings of automatic external defibrillators as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings. Activities under the preceding sentence shall include the development of recommendations regarding the placement of such devices in Federal buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 15: Page 46, after line 2, insert the following section:

SEC. 4. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Transportation shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

EXTENSIONS OF REMARKS

DEBT RELIEF AND IMF REFORM ACT OF 1999

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. SAXTON. Mr. Speaker, today I have been joined by my friend DENNIS KUCINICH in offering legislation to advance debt relief and reform of the International Monetary Fund (IMF). While this may appear to be an ambitious undertaking, it is my view that true and lasting debt relief will be most quickly and effectively obtained through IMF reform. The bill contains four main sections: conditions on gold sales; termination of ESAF and use of its reserves for debt relief; a freeze on IMF funding until debt relief is provided; and Congressional pre-approval of future proposed quota increases.

As the research of the Joint Economic Committee (JEC) has found, the IMF in recent decades has drifted away from its original mission and towards becoming another development bank much like the World Bank. The development and economic restructuring loans made under this policy have become increasingly problematic, as the recent cases of Russia and Indonesia indicate. The leading edge of this drift in IMF policy has been the Enhanced Structural Adjustment Facility, or ESAF.

It was a fundamental policy mistake for the IMF to have established ESAF and embarked on the course of development lending that has led to so many serious problems around the world. This legislation seeks to correct this mistake by closing ESAF and using its reserves for debt relief. The legislation is based on the view that the policy underlying the establishment of ESAF is bankrupt, and therefore ESAF should be ended, and its legacy of heavy debt burdens on the poorest nations should be written off. As I have said many times, my own view is that this type of lending through the IMF's general resources should also be ended, and the IMF refocused on its original function.

The bill also would pre-condition U.S. approval of gold sales upon the following: cancellation of IMF debt owed by countries eligible for debt relief under HIPC, increased IMF financial transparency, a Congressional finding of IMF compliance with Congressional reforms, an accurate accounting of IMF costs, and use of the gold restitution provisions. The IMF's attempt to tap taxpayer funds through the new gold sales proposal about to be unveiled would be blocked. The bill would also block future IMF appropriations until debt relief is provided and require Congressional pre-approval of any future proposed quota increases.

The IMF has been generously funded by the taxpayers of its major donor nations for many years. However, these resources have often been used to implement counterproductive IMF policies around the world. The IMF and Administration approach essentially papers over IMF mistakes with additional taxpayer money tapped in ways that are not always transparent. It is our view that the cost of IMF policy mistakes should be paid out of IMF resources, and not through further contributions by the taxpayers.

For more information on the IMF and international economics, please visit our website at www.house.gov/jec.

LOS PADRES NATIONAL FOREST/ VENTURA WILDERNESS FIRE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FARR of California. Mr. Speaker, Mother Nature beckons our notice as she shakes the earth in Taiwan, destroying cities and killing thousands. She bombards the east coast with wind and water, leaving hundreds without a livelihood, home, or lifetime collection of possessions. There is hardly a community in the Nation that hasn't on some level taken notice of the eerie weather patterns striking the planet. And in my own home district, a brilliant and awe inspiring lightning storm witnessed throughout the area on September 8, leaves its mark in the form of numerous wildfires setting the northern portion of the scenic Los Padres National Forest ablaze.

The Northern Los Padres National Forest, which encompasses the Ventura Wilderness, is comprised of about 326,000 acres of rolling, forest covered mountains and open valleys, and is refuge to myriad wildlife and forage. Seventy-five percent of the park is protected as wilderness, and it is home to several of the nearly extinct species of the California Condor and houses a variety of native Indian sacred pictographs. Overlooking the Pacific Ocean along the Big Sur Coast and contained in the east side by the San Antonio Mountain range, the area, visited by 5.4 million per year, is both a national preserve and a local institution.

The rough terrain and a particularly dry season, coupled with excessive growth due to last years El Niño, has commanded the occupation of a small army of firefighters. What began with four separate blazes consuming 3,000 acres and requiring 900 firefighters, with hopes of full containment within the week, has now burned over 30,000 acres and has in excess of 3,500 fire fighters on the ground. There are now two main fires racing across the landscape, jumping fire lines and stream beds, and forcing crews to retreat into a primarily defensive position. Although the fires are considered 20 percent contained, expected total containment is unknown.

The fire now threatens residences, businesses, and retreats, and has forced the evacuation of several hundreds of people. The fire men and women hold the areas, strategically fireproofing positions, hoping to win any direct confrontations with the blaze. Included in their arsenal are 26 helicopters, 17 air tankers, and 121 fire engines. Ground fighters who were originally restricted to drawing fire lines only with shovels, chain saws and other hand tools, due to Federal wilderness regulation, now utilize 34 bulldozers, with which they can protrude up to 20 miles into the national wilderness. The project, which averages a cost of half a million per day, has now totaled $20.5 million.

Firefighters work 24 hour shifts, flanking the fire in crews of 2 and 4, each containing 8 to 24 members. The National Forest Service, Air Force "hot shots," the State Department of Forestry and other professional and volunteer firefighters attempt to contain the inferno. Smoke jumpers repel off helicopters into remote areas, cut heli-spots which allow the helicopters to bring troops in and out, and begin cutting fire lines. Thus far 17 fire fighters have sustained injury, though none serious.

Fort Hunter Liggett personnel work to provide a base camp for approximately 1,500 people and 10 helicopters, while another camp just west of the small town of Greenfield provides a mini "tent city," housing over 2,000 personnel and equipment. A Zen Buddhist retreat, the Tassajara Zen Center, plays host to 80 fire fighters, housing and feeding them their common vegetarian fare, even granting them the use of their famous sulfur hot springs.

It's a common story. Mother Nature, whose nourishment provides for us daily in a quiet and steady manner, seems to have a change of heart. Suddenly we are forced to take notice, and the heroes emerge. Men and women risk life and limb, the potential cost a paycheck will never cover, working to ensure our safety and protection. The whole incident is only a far away story of interest to us, and yet any one of us could find ourselves that homeowner; watching the ash cover our life's work, the smoke looming in the sky and the intense yellow glow over the horizon. As we pack only what we can carry and say goodbye, we hope our home will still be there when we return. Or perhaps we could find ourselves under 1,200 pounds of rubble, praying we are discovered, or boating through a canal that the day before was our home street, hoping for a hero to rescue us, because we will not survive alone. Regardless of the incident, we find ourselves dependent on the courage and strength of others.

And so we must ask ourselves, where is the lesson in all of this? How can we ever truly thank the heroes of our district, our Nation and our world? We must support their efforts. We must honor their efforts, and we must remember their efforts. We must find the courage and the strength within ourselves to follow their lead. Because Mother Nature is talking to us. She is demanding we take notice. The fire

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

now racing across our world in the form of war and oppression, hunger and disease and injustice and suffering demands immediate attention and decisive action. It demands selfless preservation and protection, perfectly analogous to that of these men and women tackling the towering blazes of the Los Padres. It requires heroes.

And so, I would ask that in strength and comradery, in thought and in action, we honor those who have honored us. Today I thank the firefighters for their efforts in the Los Padres. We salute you.

CONGRATULATING FATHER MICHAEL SCANLAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEY. Mr. Speaker, I commend the following proclamation to my colleagues:

> Whereas, Father Scanlan graduated from Harvard Law School in 1956 and served as Staff Judge Advocate in the U.S. Air Force; and,
>
> Whereas, Father Scanlan served as acting dean of the College of Steubenville and as a lecturer in theology from 1964–1966 and later became President of the College of Steubenville, now Franciscan University of Steubenville, in 1974; and,
>
> Whereas, Father Scanlan was honored in 1997 with the Sacrae Theologiae Magister, an academic degree beyond the doctorate, and the highest award given by the Franciscan Order; and,
>
> Whereas, I ask that my colleagues join me in congratulating Father Scanlan on his lifetime of service to his community as well as the College. I am proud to call him a constituent.

A TRIBUTE TO HELEN STANTON

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Ms. Helen Stanton, who is retiring this month from her position as executive director of The Creative Center, a performing arts program for developmentally disabled adults in Visalia, CA.

Ms. Stanton began her service at The Creative Center 14 years ago, serving as program manager. In 1993, she was named executive director of the Center. There, she has supervised a staff of 12 instructors who help developmentally disabled adults in the Visalia area to achieve personal growth through expression in visual arts, music, dance and theatrical performance.

Ms. Stanton has made special efforts to develop the Center's instruction in life skills. In these classes, Center instructors address such topics as independence, social graces, dealing with money, and self-advocacy.

Under Ms. Stanton's leadership, the Center has undergone significant growth, expanding from 42 students attending part-time in 1985 to a present enrollment of 84 full-time students.

Ms. Stanton has also overseen the opening of the Center's Jon Ginsburg Gallery. The gallery exhibits artwork produced by the Center's students and community members.

Ms. Stanton's commitment to the performing and visual arts is also evident by her presidency of Arts Visalia, a nonprofit group devoted to developing an art gallery in downtown Visalia.

Creative Center colleagues have been inspired by Ms. Stanton's devotion to the Center and its students. She has treated the Center's students with dignity and respect and provided them with countless creative opportunities.

Mr. Speaker, I ask my colleagues to join me today in recognizing Helen Stanton for her devoted service to The Creative Center. She has distinguished herself as a caring visionary and tireless leader. As she completes her service, we wish her a most happy retirement.

SALUTE TO JOHN M. LANGSTON BAR ASSOCIATION AFRICAN AMERICAN ANNUAL HALL OF FAME HONOREES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to four prominent and distinguished members of the legal community in Los Angeles: Attorney Mary Burrell Fulton; United States District Court Chief Judge Terry J. Hatter; Attorney Elbert T. Hudson; and Los Angeles Superior Court Judge Sherrill Luke. On October 16, 1999, these four exceptional individuals will be inducted into the John M. Langston Bar Association Ninth Annual Hall of Fame. I cannot think of four people more deserving of this distinct honor and am pleased to have this opportunity to publicly recognize their extraordinary contributions to the legal profession.

Attorney Mary Burrell Fulton received her undergraduate degree in government from Los Angeles State College where she was a member of the Delta Sigma Theta Sorority. In 1961 she became the first Black woman to graduate from the UCLA law school. She was admitted to the California State Bar on January 9, 1962, and began her career as an associate in the offices of legendary Los Angeles attorney Crispus A. Wright. In 1965 she joined the law firm of Lloyd, Bradley, Burrell & Nelson, whose client list included renowned entertainer Dr. William (Bill) Cosby. She established a solo practice in 1981 and in 1991 teamed with retired Los Angeles Superior Court Judge Henry P. Nelson to found the firm of Nelson & Fulton. Mary has served as a mentor to many young, aspiring attorneys and has contributed much to the Los Angeles community through her participation in numerous career day programs.

Judge Terry Hatter was appointed to the United States District Court for the Central District of California in 1979. On March 1, 1998, he was named Chief Judge, presiding over the court which covers the largest federal district in the nation, serving some 17 million people. Judge Hatter received his undergraduate degree in government from Wesleyan University in Connecticut and his law degree from the University of Chicago. His exemplary legal career spans more than thirty years, and includes service as an attorney, public defender, Assistant United States Attorney, Executive Assistant to Mayor Tom Bradley, and Professor of Law at the University of Southern California Law Center and Loyola University School of Law. Judge Hatter has presided over some of the most controversial and difficult cases to come before the Central District. Widely respected by attorneys and judges alike, he has served the court with great distinction for twenty years. He is a Trustee of Wesleyan University, and member of the Visiting Committee for the University of Chicago Law School.

Broadway Federal Bank Chairman Elbert T. Hudson has had a distinguished career of service to our community and nation, beginning with his service during World War II in the U.S. Army Air Corps as one of the legendary Tuskegee Airmen. He received his undergraduate degree from UCLA and his law degree from Loyola University School of Law. Prior to joining Broadway Federal, founded by his father, Dr. H. Claude Hudson, Elbert practiced law for 20 years. In 1972 he became the President and Chief Executive Officer (CEO) of the Broadway Federal Savings and Loan Association. Although he stepped down as CEO in 1992 and resumed the practice of law, he remains chairman of he bank's Board of Directors. He is a member of the Board of Police Commissioners; the Board of Directors of the Golden State Mutual Life Insurance Company; and President and Board Member of the NAACP "New Careers" JEPTA Training Center. He is a past president of the Los Angeles Branch of the NAACP, as well as the American League of Financial Institutions. He has served on numerous other boards, including the Board of Directors of Drew University Medical School.

Los Angeles Superior Court Judge Sherrill D. Luke was named to the Superior Court bench after spending nearly a decade hearing cases before the Los Angeles Municipal Court. He received his undergraduate degree from UCLA; his master of arts degree from the University of California, Berkeley; and his doctor of jurisprudence from Golden Gate University. His impressive career includes service as an attorney; Cabinet Secretary to former California Governor Pat Brown; Adjunct Professor of Law at Loyola University Law School; and President of the Los Angeles City Planning Commission. He is a member of several professional and civic organizations, including the California Judges Association, Langston Bar Association, and the California Association of Black Lawyers. He remains deeply involved with his alma mater, UCLA, where he is a member and the past president of the UCLA Alumni Association; member and cochair of the Advisory Board of the UCLA Performing Arts Program, and the Stephens House of Scholarships Association.

Mr. Speaker, these four individuals have made enormous contributions to the system of jurisprudence, and it is especially fitting that they are being recognized by their peers for their exemplary service. As they are inducted into the John M. Langston Bar Association's Hall of Fame, I am pleased to salute Mary, Terry, Elbert, and Sherrill for the contributions they have made which continue to enrich the judiciary and the Los Angeles community. Well done, my friends!

TRIBUTE TO FLORENCE CHANDLER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, it brings me great pleasure to pay tribute to a remarkable woman who has dedicated the better part of her life to an admirable career in public service. For over a half century, Florence Chandler has worked tirelessly for the Commonwealth of Massachusetts. During that time she continuously reinforced the notion that government and politics can be a noble endeavor. On the occasion of her retirement, I want to express my own personal congratulations and thanks on a job well done.

Like many patriotic American women during World War II, best characterized by the defiant Rosie the Riveter, Florence Chandler's slogan has always been "We Can Do It!" From the Town Hall to the White House, Florence brought her trademark energy and enthusiasm to every challenge. She was a strong, resilient, and sometimes singular voice for the people of Southbridge. For nearly a decade, I watched her place the town's best interests before her own. She would lobby local, state and national officials for what she believed in. And she always earned respect and admiration along the way.

A new police station, daycare center and water treatment facility are part of the legacy she will leave behind. A stabilized tax rate and major school renovations have also been achieved during her tenure. But her finest hour was bringing the Department of Defense training facility to Southbridge. It is her signature accomplishment. Quite simply, without the charismatic leadership of Florence Chandler that exciting project and those new jobs would not be in this community.

A town manager, an attorney, a friend, a sibling and a grandmother, Florence has been a success in life on many different levels. She is the rare individual who succeeded at bringing the town of Southbridge to the attention of the President of the United States. For those who say it can't be done, I would recommend spending a day with Saugus native Florence Chandler. Like Rosie the Riveter, she has shown that anything is possible.

SISTER HARRIET HAMILTON, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sister Harriet Hamilton for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of women in high levels of government service.

Sister Harriet, a member of the Sisters of Saint Joseph and one of this year's award recipients, began her career serving Hudson County under the auspices of Catholic Community Services, providing counseling and support services to pregnant teens and their families. For the last 12 years, Sister Harriet has dedicated full-time service to the needs of multi-handicapped blind children at St. Joseph's School for the Blind.

In addition, Sister Harriet is the executive director of the York Street Project in Jersey City, New Jersey. A nonprofit social service organization, the York Street Project provides transitional housing, education, child care, and counseling to the homeless and economically-disadvantaged women and children of Hudson County. From the Project's planning years in the early 1980's Sister Harriet's commitment, leadership, and faith have helped bring about positive change in the lives of hundreds of area residents.

Sister Harriet was also proactive in the establishment of Kenmare High School, an alternative school offering a second chance for young women forced to drop out of high school, and founded The Nurturing Place, an Early Childhood Development Center for homeless and at-risk children.

Born and raised in Newark, New Jersey, Sister Harriet is a well deserving recipient of the United Way's Congresswoman Mary T. Norton Memorial Award. For the past 36 years, she has dedicated her life to compassionate service for others. I ask my colleagues to join me in congratulating Sister Harriet for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

FRIEDMAN BAG COMPANY CELEBRATES OVER 70 YEARS OF OPERATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the Friedman Bag Company for over 70 years of continuous operation in my congressional district and to highlight its leadership as a responsible corporate citizen.

In 1927, four Russian immigrant brothers started a small bag manufacturing company in the heart of Los Angeles. Sam, Saul, Harry and Morris Friedman fled Imperial Russia with their family in search of freedom, settling temporarily in Mexico until they were granted permission to enter the United States. Over the years, Friedman Bag Company grew almost as quickly as the city around it.

In many ways, the founding and growth of Friedman Bag Company personifies our nation's immigrant experience. The company was born from an immigrant family's dream to provide their children with a better life. The Friedmans succeeded, eventually becoming one of the largest suppliers of textile and polyethylene bags in the West. Their bags were primarily used for agriculture products such as Idaho potatoes, walnuts and other crops such as carrots and lettuce from the Central Valley of California.

But like many manufacturing companies in the United States, fierce competition from lower cost producers, in countries like China, eventually threatened the survival of Friedman Bag Company. To endure, the company needed to change and adapt to the new economy, and the successful effort was lead by two sons of the founding members.

Friedman Bag Company desperately needed to invest money in new equipment. Company workers were still sewing burlap and mesh bags by hand. Morale and sales were suffering. Having never taken on debt financing in its history, the company embarked on a somewhat radical and risky venture to make sure it could remain competitive. Working with a financial institution that recognized its special history as a family business, and overcoming internal and external challenges, Friedman Bag Company secured the resources to continue its operations in the 33rd Congressional District.

Friedman Bag Company also worked with the Mayor and City Council to consolidate operations, ultimately bringing more jobs to Los Angeles.

Today, Friedman Bag Company employs more than 250 people, with operations in Idaho, Washington and Oregon. The company's morale has soared as its future prospects have brightened. Friedman Bag Company is now firmly positioned so a third generation of the Friedman family can continue the dream started by their family's ancestors.

I am proud of Friedman Bag Company's long tenure in southeast Los Angeles. Their efforts to modernize and adapt to an ever-changing economy in order to stay competitive are to be commended. Many men and women in my congressional district have worked at

Friedman Bag Company, supporting their families and contributing to our community. I congratulate Friedman Bag Company for over 70 years of success which has epitomized the contributions to America made by our immigrant community, and I wish them many more years of successful operation to come.

COMMEMORATING ARMENIA'S INDEPENDENCE DAY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. McCOLLUM. Mr. Speaker, we commemorate modern Armenia's eighth independence day—counted since the collapse of the U.S.S.R. This independence is a long overdue recognition by the world community of a proud and ancient people. Since independence, Armenia continued to face numerous challenges—from the economic and political blockade orchestrated by Azerbaijan and Turkey, to the war with Azerbaijan, to the lingering socio-economic legacy of the horrendous earthquake of 1988. Nevertheless, Armenia has overcome these existential threats, establishing itself as a functioning democracy, and can now feel sufficiently secure to look forward to charting and determining its own progress into the next millennium.

As a young modern nation for an ancient people, Armenia should rely on its rich heritage for inspiration and guidance. Since the dawn of history, Armenians have held to their land despite repeated occupations, oppression and slaughter. They have retained their distinct heritage, language, culture and Church. All this time, Armenians have not only yearned for independence or self-determination but have repeatedly paid a heavy price in numerous attempts to realize these aspirations.

Armenia is one of the oldest peoples with a recorded history. According to tradition anchored in the Bible, Armenia is the place where Noah's Ark set down on Mt. Ararat and where life was resurrected on earth. Ultimately, Armenia's is a documented history of one of the oldest nations that has retained distinct political entry for close to three thousand years. In the early 6th Century B.C., Prophet Jeremiah spoke about the "Kingdom of Ararat" as one of the key states that would challenge and ultimately break the dominance of the Babylonian Empire. In the 4th Century B.C., the great Greek commander Xenophon wrote about a distinct political entity called Armenia within the Persian sphere of influence through which he marched his troops on their way back to Greece.

Since the 2nd Century B.C., Armenia constituted the northern tier of imperial advances—initially of the Romans, the Selucids, and the Parthians; and then of all the successor empires. Throughout these times, Armenians have repeatedly tried to assert self-determination against repeated campaigns of empires determined to consolidate dominance. over this most important geo-strategic asset. For the next two millennia, Armenia was destined to become a key battleground between the Empires of Eurasia for the control over the geo-strategic road junction between West (Europe) and East (Heart of Asia), North (Russia) and South (Middle East).

Armenia's acceptance of Christianity in the early 4th Century A.D. constitutes a turning point. Armenia was the first country to adopt the socio-political connotations of Christianity, leading King Tiridates to establish an independent state. However, given Armenia's geostrategic importance, neither the Romans nor the Persians permitted the existence of an independent Armenia. Indeed, by the end of the 4th Century, Armenia was partitioned between the two leading empires of that era—Rome and Persia. Since then, and essentially until the end of the Cold War, Armenia repeatedly succumbed to bigger armies and bigger states or empires—all coveting the geo-strategic key locale that Armenia is.

By the 6th Century, despite Armenia's loss of independence, the Armenian Church separated itself from Rome in order to ensure the people's distinct and unique character. This distinction has since enabled Armenians to endure the prevail even as eastern Christendom succumbed to the advent of Islam and its civilization was lost forever. All this time, Armenian civilization and cultural legacy has been maintained by the Church through the countless invasions, occupations, destructions and mass killings that would impact Armenia until the late 20th Century.

The lait motif in this brief history is simple: a small people steadfastly holding to their land and heritage as their country is repeatedly subjected to occupations because of its unique geo-strategic importance. As Bismarck once said: "Of all the elements that make up history, geography is the one that never changes." We, the U.S. and the West, still need this geo-strategic road junction. But unlike empires of past, we must secure it not through occupation but through the empowerment and support of the true "owners" of this land—the Armenians. They have demonstrated throughout their history their determination to hold to independence against overwhelming odds. It is in our national interest to help the Armenians safeguard their current freedom and independence.

Armenia is now independent as the consequence of the determination, commitment and sacrifices of its own people. Its geo-strategic location remains as important as ever before. And although the tenuous cease-fire with Azerbaijan is holding, Armenia's overall security posture is worsening. The entire Caucasus is now being set aflame by Islamist radicalism. The Islamist leaders of the insurrection in Dagastan have repeatedly vowed to "liberate" and "cleanse" the entire Caucasus of the presence of non-Muslims so that they can establish a unified Muslim state. Moreover, the flames of terrorism and radicalism not only affect Russia—now subject to Islamist terrorism and subversion—but also penetrate and profoundly affect Turkey, an allay and a NATO member. Further more, this eruption has a direct bearing on vital economic interests of the U.S. and its closest allies. The Caucasus is the West's primary gateway to the energy resources of the Caspian Sea basin and Central Asia—a region commonly known as the Persian Gulf of the 21st Century. An Islamist state in the Caucasus is bound to endanger the West's freedom of access to these energy resources.

Hence, it is imperative for the U.S. to have a bulwark of stability in this crucial geo-strategic road junction. The U.S. needs an ally in place that is not susceptible to the lure of, and/or vulnerable to the ruthlessness of, the rising Islamist militancy. Determined to remain a loyal member of the West without forsaking its distinct heritage and culture, independent Armenia is uniquely eligible to be as such a bulwark. Now, on the eve of the next millennium, it is imperative for us to ensure the growth, development and betterment of Armenia so that a strong and free Armenia continues to serve as a source of stability and Judeo-Christian civilization, as well as Western security and economic interests, in this most important and increasingly volatile region. It it therefore, in our national security interest to ensure that Armenia's eighth independence day is just one of many more to come.

THE CAPTIVE ELEPHANT ACCIDENT PREVENTION ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FARR of California. Mr. Speaker, today I am introducing the Captive Elephant Accident Prevention Act to make circuses more humane for the animals and safer for the spectators. I would like to make it clear that I am not interested in seeing the circus industry unduly hindered or encumbered. My bill is a practical, reasonable one that addresses a fundamental wrong in the entertainment industry.

When an elephant rampages it can injure and kill spectators, not to mention damage property. There is simply no stopping a rampaging elephant until the animal is dead, a tragedy which is obviously a symptom of a larger problem. Because of circuses and elephant rides, we've grown accustomed to seeing elephants perform tricks or being ridden as if they are domesticated animals such as horses. But these are not domesticated creatures. Elephants are wild animals—animals for whom all the coaxing in the world will not encourage them to let you ride on their backs, or get them to stand on their heads, rear up on their hind legs, walk a balance beam, or any of the other unnatural stunts they perform in circuses.

To get a 5 ton, 10 foot tall animal to perform these stressful, often painful stunts 2 or 3 shows per day, animal trainers use fear and torture. In his arsenal, the elephant trainer has devices such as high-powered electric prods, ancuses, bull hooks (long sharpened metal hook at the end of a handle), and Martingales (heavy chains binding an elephant's tusks to his front feet). To get these giant, willful, wild animals to behave like trained dogs, elephants are brutalized. It is therefore understandable that when they get the chance, they kill people.

Since 1983, at least 28 people have been killed by captive elephants performing in circuses and elephant ride exhibits. More than

70 others have been seriously injured, including at least 50 members of the general public who were spectators at circuses and other elephant exhibits. In fact, 9 states have banned elephants from close contact with the public. This includes giving rides or even photo ops, because of the danger of rampages.

Why do we continue to use taxpayer dollars to murder endangered species in the middle of our major metropolitan areas when we could simply address the problem by removing elephants from these tragedies waiting to happen.

My bill proposes to exclude elephants from traveling shows and to eliminate elephant rides, not to close down circuses. I ask my colleagues to join me as a cosponsor on the Captive Elephant Accident Prevention Act. I also want to thank game show host Bob Barker for coming to Washington, D.C. to support this bill H.R. 2929.

CONGRATULATING DR. EDWARD L. FLORAK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEY. Mr. Speaker, I commend the following proclamation to my colleagues:

> Whereas, Dr. Florak served as the President of Jefferson Community College for 13½ years and under his leadership the College expanded its curriculum and aligned itself with major higher education institutions around the country; and,
>
> Whereas, Dr. Florak has represented the College throughout the state in the Ohio Association of Community Colleges; and,
>
> Whereas, Dr. Florak represented JCC and Jefferson County as one of America's Community Heros and carried the Olympic Torch during the ceremonies in June 1999; and,
>
> Whereas, I ask that my colleagues join me in congratulating Dr. Florak on his lifetime of service to his community as well as the College. I am proud to call him a constituent.

A TRIBUTE TO FRED MARTELLA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Mr. Fred Martella, who has been named the 1999 Agriculturist of the Year by the Lemoore Chamber of Commerce and Kings County Farm Bureau.

Mr. Martella was born in Lemoore in 1917, the second of Louis and Elvezia Martella's seven children. He attended Hanford High School before leaving to assist with the family dairy operation. Mr. Martella started milking cows for $25 a month, and later held positions at numerous sales yards in the San Joaquin Valley.

In 1944, Mr. Martella entered into a dairy partnership, selling the dairy two years later. In 1952, he entered into another partnership with his brother, Art. Throughout his career, Mr. Martella has also been active as a professional auctioneer, and has donated his services to Valley charities on countless occasions.

During his 82 years in the Valley, Mr. Martella has been active in the farming community and the life of Kings County. He served on the Agricultural Kings Fair Board of Directors until 1986, was named Grand Marshall at this year's Kings County Homecoming Parade, and was named Citizen of the Year in 1993.

Mr. Martella is also well-known throughout the Valley as a supporter of Kings County youth. He has been a regular fixture at the Kings County Fair's Youth Auction, helping 4–H and Future Farmers of America (FFA) participants auction off their projects at top prices, and assisting with their annual Lamb Barbecues.

Finally, Mr. Martella is a dedicated family man. He is married to Ann Martella, and has three daughters, two stepdaughters, twelve grandchildren, and nine great-grandchildren.

Mr. Speaker, I ask my colleagues to join me today in recognizing Fred Martella for his contributions to the agriculture field and to his community. We send our sincere congratulations for the well-deserved honor of being named Agriculturist of the Year.

TRIBUTE TO OPHELIA COLLINS McFADDEN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DIXON. Mr. Speaker, I am pleased to join with my distinguished colleagues, Representatives HOWARD BERMAN, MAXINE WATERS, LUCILLE ROYBAL-ALLARD, XAVIER BECERRA, and JUANITA MILLENDER-MCDONALD, in paying tribute today to Opehelia Collins McFadden, legendary leader of Local 434 of the Service Employees International Union in Los Angeles, California.

One of labor's most extraordinary and influential leaders, Ophelia is retiring and will be feted at a celebration in her honor in Los Angeles on October 8, 1999. We are, therefore, especially pleased to honor her today and to publicly acknowledge her more than three decades of outstanding service to the labor movement, to the Los Angeles community, and in particular, to the thousands of working men and women throughout Los Angeles who have achieved greater economic parity because of her steadfast leadership. Indeed, it is impossible to talk about the labor movement or the advances achieved in Los Angeles during the past thirty-plus years, without invoking Opehelia's name.

The story of Ophelia Collins McFadden begins, of course, with her birth in Kendleton, Texas. She attended schools in Conroe, Texas and received her undergraduate degree from Conroe Christian Teachers College. She moved to Los Angeles in 1959 and immediately joined the civil rights movement where she quickly gained a reputation as an indefatigable soldier in the fight to remove the insidious discriminatory barriers that were prevalent throughout this great nation.

In 1968 Ophelia joined local 434 of SEIU as a staff representative. She was promoted to senior staff representative in 1974 and one year later was elevated to Assistant General Manager. On January 1, 1978, she made history in the labor movement with her appointment as General Manager of SEIU Local 434—at the time the third largest County workers union in California. She is the first African American woman Vice President of SEIU, AFL–CIO and the first African American woman to serve on the Los Angeles County Federation of Labor board. Ophelia can lay claim to numerous accomplishments during her long tenure with SEIU, not the least of which is the critical role she played in helping to establish the Los Angeles County Affirmative Action guidelines.

As an activist, Ophelia is a formidable ally to have on your team. She has been involved in every major political race in Los Angeles County for the past thirty-one years. She has worked in voter registration drives throughout the county and was among the first SEIU members to work with former California State Legislators Richard Alatore and Art Torres in registering voters in the Latino community. She worked on the presidential campaigns of Walter Mondale and TED KENNEDY, and played a vital role in helping Los Angeles County Supervisor Yvonne Brathwaite Burke Capture her first victory for a seat on the Board of Supervisors.

She is a founding member of the Coalition of Black Trade Unionists, as well as the Coalition of Labor Union Women; Vice President of the Los Angeles County Federation of Labor and the Western States Conference, SEIU, AFL–CIO; member of the Advisory Board of the Los Angeles Chapter of the Black American Political Association of California (BAPAC); and Chancellor of the Elinor Glenn Joint Council of Unions, Scholarship Trust.

In addition to her enormous responsibilities as the influential head of one of the most important labor locals in Los Angeles County, Ophelia serves as a member of the Conroe College Alumni Association, and is Vice President and a life member of the Los Angeles Branch of the NAACP. She is a member of Praises of Zion Church.

Ophelia Collins McFadden has taken her place on the front lines of every major labor initiative in the Los Angeles community. In 1986 she led the kick-off Homecare campaign and in 1989 was appointed General Manager of the Homecare Workers Union of local 434B. Each of us paying tribute to her today can, I am sure, offer a personal anecodote of a time when she has prevailed upon us to help her in her tireless fight for the rights of county workers.

Mr. Speaker, we are proud to honor Ophelia Collins McFadden as one of the greatest labor unionists of this century. We are privileged to know her and to thank her for the many contributions she has made to the Los Angeles community, and in particular to the thousands of health care and homecare workers in our respective congressional districts. We salute and commend her and ask that you join us in extending our heartfelt best wishes to her for a long and joyous retirement.

TAX RULES WAIVER EXTENSION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing for myself and Mr. HOUGHTON, Mr. RANGEL, Mr. COYNE, Mrs. JOHNSON of Connecticut, and Mr. MATSUI, legislation to extend for one additional year the temporary waiver of the minimum tax rules that deny many families the full benefit of nonrefundable personal credits, pending enactment of permanent legislation to address this inequity.

This problem is well known. The tax credits for education and children are limited by the alternative minimum tax. Consequently, more and more average Americans who use the dependent care credit, the new child credit, the HOPE credit or the lifelong learning credit, will be forced to fill out the time consuming, complex alternative minimum tax form. Even worse, a growing number of Americans will have all or part of these credits denied because they are part of the AMT base. For families with three or more children, the refundable portion of the child credit is also subject to the AMT cutback, which this bill also fixes for 1999.

The Department of the Treasury estimated that in 1998, without the "one year" waiver that was enacted last year, eight hundred thousand taxpayers who were entitled to the child credit or the education credits would have been denied the full benefit of these credits by the AMT. And although the AMT was enacted into law to ensure that wealthy individuals pay some tax, a large percentage of these new AMT taxpayers will be married couples who earn between $45,000 and approximately $100,000.

Mr. Speaker, we know that there is widespread agreement to fix this problem either on a permanent basis, or if that is not possible, for one additional year. The Clinton Administration, the House and Senate, and both parties agree. Yet, it has not been accomplished. We are introducing this bill, which extends last year's waiver for one additional year, to highlight the problem once again and to urge quick action to solve it for tax year 1999. Given the lead time the Internal Revenue Service needs to draft and print tax forms for next year, it is necessary for us to take action early next month. Hopefully, legislation that is acceptable to all of us will be enacted on a bipartisan basis shortly.

HONORING OF DR. LORETTA LONG, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Dr. Loretta Long for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of woman in high levels of government service.

Dr. Loretta Long, one of this year's award recipients, has been with the goundbreaking children's show Sesame Street since its first season. As television has been evolving to portray a more real and true vision of American life, particularly in roles for women and minorities, Dr. Long has enjoyed watching her role as Susan grow from housewife to nurse to working mother.

In addition to her work on Sesame Street, the former schoolteacher is a sought-after educator and consultant who holds a doctorate degree in education from the University of Massachusetts. She has joined several institutions as a distinguished visiting scholar and has taught at Sage College, Rowen University, the University of Scranton, the University of Massachusetts, and Western Michigan University.

Dr. Long extended her years of knowledge and experience in the field of education on topics such as the media and cultural diversity in the following school districts: Albany City Schools; Troy City Schools; Schenectady City Schools; Atlantic City School District; Pittman Consolidated School; Cape May County Schools; Pocono Valley School District; Scranton City Schools; North Pocono Valley Schools; Valley View School District; Scranton Prep; and the Laboratory School at the University of Scranton.

A much deserving award recipient who embodies the life work of Congresswoman Mary T. Norton, Dr. Long has dedicated her life to the education of America's children. I ask my colleagues to join me in congratulating Dr. Long for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

VOICES AGAINST VIOLENCE CONFERENCE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak of an issue of critical importance: the young people of our nation. In a recent essay competition I held in the 3rd district of New Mexico, students shared the following comments:

"It is extremely sad wondering if we are safe when we go to school everyday. Teenage violence is soon going to be a bigger concern than college preparation for teens if something is not done about the issue soon."—Liz Gonzales, senior, Santa Fe High School.

"Most kids need the adults in power to continue to tell us that we can do it and we can be more, because through knowledge there is power to make your dreams come true."—Erin D. Muffoletto, 9th grade, Mesa Vista High.

Mr. Speaker, I am here today to tell the young people of my district and of the nation that we hear them. They are asking for help and we are listening

On October 19th and 20th Sierra Anne Blue from Kirtland and Erin Muffoletto from South Ojo Caliente will come to Washington, D.C. to participate in the national Voices Against Violence Conference. These dedicated young people will meet with their peers, federal law enforcement and education officials, and many others to help develop solutions to problems related to youth violence.

In addition, I have selected Matthew Garcia from Springer, Amanda Lynn Chavez from Bernalillo, Domnic Biava from Gallup, Liz Gonzales from Santa Fe, Christopher Morris from Navajo, Randy Maestas from Mora, Twana Seschille from Crownpoint, and Deema Rashad from Gallup, to represent their schools on my Student Education Forum in New Mexico. These students will work throughout the school year to explore solutions to problems that plague our schools.

Youth violence is an issue we are all responsible for solving. The Voices Against Violence Conference and the Student Education Forum are two ways to start this process.

To all of the students of New Mexico and the nation, know that I am listening, know that we are listening, know that your voices are being heard.

PULASKI DAY TRIBUTE TO POLISH-AMERICANS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FOLEY. Mr. Speaker, as the Polish American Club of Lake Worth, Florida is preparing to celebrate Pulaski Day on October 1st, 2nd, and 3rd, I rise today to pay tribute not only to Casimir Pulaski but to all men and women of Polish descent who have helped to make this Nation the greatest in the world.

Casimir Pulaski was an energetic and fiery soldier who, in July 1777, came to America to offer his services in the Revolutionary War. As a cavalry general he fought courageously and won distinction in several campaigns.

Pulaski was to the American Revolution what Patton was to World War II. Though he was mortally wounded in the Battle of Savannah, he left behind a cavalry unit that earned him the title "Father of the American Cavalry."

Casimir Pulaski knew that freedom isn't free and that America is a great nation because it provides an opportunity for every person regardless of ethnicity.

So Mr. Speaker, once again, I wish to pay tribute to all Polish-Americans as we prepare to celebrate Pulaski Day.

TRIBUTE TO THE GREEN BAY POLICE DEPARTMENT FOR RECEIVING THE HERMAN GOLDSTEIN AWARD FOR EXCELLENCE IN PROBLEM-ORIENTED POLICING

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I am proud to be able to share with my colleagues some wonderful news from my district—the Green Bay Police department was recently awarded the prestigious Herman Goldstein Award for Excellence in Problem-Oriented Policing.

The national award formally recognizes the truly outstanding job the Green Bay P.D. continues to do to serve and protect our community. I would particularly like to recognize Green Bay Mayor Paul Jadin, Police Chief Jim Lewis, as well as Steve Scully and Bill Bongle. Officers Scully and Bongle are the community policing officers who submitted the presentation for this award, and continue to do the innovative police work that earned it.

The community policing program is so successful because it tackles crime in a creative new way—giving police the flexibility to work within communities to find the best solutions to the problems certain at-risk neighborhoods face. Rather than simply reacting to crime and pushing it out, community policing seeks to attack crime at its source—focusing on prevention, and effectively choking off the root problems that cause crime in the first place.

The department's community policing program in Green Bay's North Broadway area achieved much more than just this award. Police calls dropped 25 percent from 1997 to 1998, and they're down a whopping 58 percent since 1993. This impressive reduction means so much more than any award could ever express. This success story means local residents and businesses have experienced a genuine and dramatic improvement in their quality of life and and work. The officers involved, the Green Bay P.D. and the entire community can be proud of this extraordinary accomplishment.

A TRIBUTE TO ROGER DURBIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. KAPTUR. Mr. Speaker, our World War II veterans remind us of a time when our country stood united in the pursuit of independence and liberty, whether it be for others on foreign soil, or here at home. Twelve years ago, Roger Durbin, my constituent and a World War II combat veteran, asked me why there was no national monument to honor those who served in this war. Legislation I sponsored and Congress passed will rectify that grievous oversight. However, until the memorial is completed, a new postage stamp will serve to recognize those contributing to the war effort. I am inserting in today's RECORD the following speech by Roger Durbin, documenting the bravery of those who served and celebrating the release of the new stamp in their honor.

AN ADDRESS BY ROGER DURBIN CELEBRATING THE STAMP UNVEILING, NOVEMBER 19, 1998

Mr. Vice-President, Mr. Postmaster General, General Woerner, thank you for allowing me to share this honor with you today.

It's a double honor for me to participate in a ceremony to unveil a stamp commemorating World War II. In 1979, I retired from the U.S. Postal Service after spending 32 years as a rural carrier in Berkey, Ohio, near Toledo. I've been told that I am that last surviving member of branch 4408 of the National Association of Letter Carriers.

I am proud of my career as a letter carrier. But today, on the eve of Veteran's Day my thoughts are focused on a different uniform-one I wore in Europe in the 1940s. I was a member of the Tenth Armored Division and participated in the Battle of the Bulge, one of the costliest battles ever fought by Americans. I have memories of those cold bitter days that will be with me until I die.

One memory I wish to share with you is about the Battle for Metz. It was the first time Metz had been captured in 1,500 years. Three bridges had to be built to cross the Mozells River at Thionville, France, while the 4th and 90th Infantry established a bridgehead. They met a terrible resistance. During the night, civilians pointed out to the Germans where the Americans were sleeping. By morning, only one man was still alive from the German counter-attack. Later history called this attack the "Killing Fields of Kerling."

When daylight came, it was a terrible sight-a sight that cannot be forgotten by those who saw it. The American dead were neatly stacked in the ditches like cords of wood. The German dead were in their foxholes, eyes wide open still keeping their vigil of surveillance. The retreating Germans had body-trapped their dead. They had to be removed by our engineers. Right then I decided that those Germans were really trying to kill me.

"Saving Private Ryan" has brought attention to the horror of war to those born since World War II ended. The D-Day depicted was but one battle. Six hundred thousand American soldiers fought in the Battle of the Bulge. There were 91,000 casualties in just 30 days. The bitterness of that 1944 December cold cannot be forgotten. A wounded, bleeding soldier could be dead and frozen solid in just three hours. It was so cold that on Christmas night I had lain on top of the half-track transmission in an effort to get warm.

We moved back east of Metz after the battle had ended to draw new equipment and to get replacements. The replacements were eighteen and nineteen year old boys that had been home with families for Christmas dinner in 1944.

Those of us in the Tenth Armored Division who survived the Battle of the Bulge had the honor of being the first American soldiers from Patton's Third Army to cross the German border. The Tenth seized 450 towns and cities and earned more than 3,000 medals. But it was achieved at a terrible cost. When finished, the Tenth Armored had 8,381 killed, wounded, and missing casualties. There was a 78.5 percent turnover of personnel.

As a nation we must never forget that cost.

The stamp we are unveiling today commemorates World War II as one of the most significant events of the Twentieth Century. It is a fitting tribute for all who were involved in this struggle for a way of life, a world. This was the war that had the involvement of almost the entire population.

Three years ago I had the honor of joining President Clinton in dedicating a World War II Memorial site on the Mall between the Washington Monument and the Lincoln Memorial. We sprinkled sacred soil from sixteen overseas American cemeteries in which are buried thousands of Americans who were not as fortunate as I am. They never made it home.

Ground is to be broken in 2000 and the memorial dedicated in 2002. When Congresswoman Marcy Kaptur started the memorial legislation eleven years ago there were 13.5 million living World War II veterans. An average of 30,000 World War II veterans now die each month. Only 7 million remain of those alive twelve years ago. For most of those now remaining, this stamp will be the nation's tribute to their service.

LOPEZ FOODS, INC.—MBE MANUFACTURER OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Mr. John Lopez, an Arizona native and Hispanic-American leader. Recently, Mr. Lopez' company, Lopez Foods, Inc., was named the 1999 National Minority Manufacturing Firm of the Year by the U.S. Department of Commerce.

After beginning his career as an owner-operator of several McDonald's restaurants, seven years ago, Mr. Lopez sold them and obtained controlling interest of the company that now bears his name: Lopez Foods, Inc. As one of the select few beef and pork suppliers for McDonald's restaurants, this Oklahoma City company plays a vital role in the success of more than 25,000 McDonald's restaurants.

As the Chairman and Chief Executive Officer of Lopez Foods, Mr. Lopez has guided his company to great success. Under Mr. Lopez' leadership, this firm has steadily expanded their workforce diversity program. As a result, currently, nearly 55 percent of Lopez Foods employees are minorities. Because of his efforts, first as a McDonald's owner-operator, and now as the head of Lopez Foods, Mr. Lopez was selected by the National Hispanic Employee's Association as its 1997 Entrepreneur of the Year.

Throughout his career, Mr. Lopez has worked tirelessly to promote economic progress for minorities well beyond his own firm. He is a member of several influential boards, including: the McDonald's Supplier Diversity Council, the Oklahoma City Latino Community Development Agency, the National Advisory Board of the Hispanic American Commitment to Educational Resources, and the National Minority Supplier Development Council.

I applaud the Commerce Department for recognizing the outstanding efforts of Mr. John Lopez, and for designating Lopez Foods, Inc. as its 1999 National Minority Manufacturing Firm of the Year. In closing, I commend this gentleman for all of his admirable accomplishments and societal contributions.

IN HONOR OF MS. SUSAN CORRIGAN, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Ms. Susan Corrigan for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of women in high levels of government service.

Ms. Corrigan, one of this year's award recipients, is the founder and President/CEO of Gifts In-Kind International, the world's leading charity in product philanthropy. Under her guidance, Gifts In-Kind International is now the 13th largest charity in the United States. And, as the organization has continued to have a very positive impact on the nonprofit sector, Ms. Corrigan has twice been named in The NonProfit Times' list of the Top 50 Most Influential Leaders in Philanthropy.

Because of her commitment to community service, Ms. Corrigan received the 1991 Cantor Award for Excellence in Nonprofit Management from the Pacific Graduate School in Stanford, California, and the Samaritan Foundation's 1996 Humanitarian Partnership Award. In addition, she is a member of The Washington Center's Independent Sector Program Initiative Honorary Advisory Committee.

A graduate of Carnegie Mellon University, Ms. Corrigan has served as Assistant to the President at United Way of America and is the author of several publications, including Establishing an In-Kind Program, The Business Sense of In-Kind Giving, and Employment Generating Services.

A well deserving award recipient who embodies the life work of Congresswoman Mary T. Norton, Ms. Corrigan has dedicated her life to community service. I ask my colleagues to join me in congratulating Ms. Corrigan for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

YOUTH SUICIDE AWARENESS AND PREVENTION WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to urge support of H. Res. 286. The purpose of this legislation is to recognize the week of September 19–25, as Yellow Ribbon Youth Suicide Awareness and Prevention Week.

This resolution is important to any person who has children, and to any family that has lost loved ones through suicide. The bill recognizes that there is a need to increase awareness about youth suicide and make it a national priority.

I would like to recognize the Light for Family Foundation of America and their founders, the Emme family, who tragically lost their teenage son, Michael, to suicide in 1994. It was through the vision of the Emme family that the Yellow Ribbon Program, which has helped save countless lives, has become an integral part of the fight against youth suicide.

Mr. Speaker, teenage suicide is extremely tragic. I hope and pray that this resolution can increase awareness and hopefully prevent the loss of more of our Nation's children.

MAJOR GENERAL MICHAEL K. WYRICK GIVES 30 YEARS OF SERVICE TO THE UNITED STATES AIR FORCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. COMBEST. Mr. Speaker, I rise today to honor one of our nation's finest military leaders. General Michael K. Wyrick proudly has given 30 years of uniformed service to our country, and now begins his retirement. Capping his stellar career by serving as Deputy Surgeon General of the United States Air Force, he is the only healthcare administrator in the Air Force to ever attain this position. It is both fitting and appropriate to take a moment to celebrate the accomplishments of this decorated officer.

General Wyrick, a young West Texas gentleman, entered the military in 1969 as a graduate of the Texas Christian University Air Force Reserve Officers' Training Corps. General Wyrick displayed his natural leadership abilities in successful early, military assignments at Charleston Air Force Base, South Carolina and Elmendorf Air Force Base, Alaska. General Wyrick then earned a Master's Degree in Health Service Administration from Baylor University. His vast knowledge of administrative strategy and leadership was complemented by additional, highly competitive academic endeavors. Graduation from Air War College and participation in select leadership development programs at Duke University and Cornell University are included among his most recent academic accomplishments. Baylor University has since recognized General Wyrick with the Distinguished Alumni Award from the Graduate Program in Health Care Administration. Many additional honors have also been bestowed upon the General for his administrative excellence, including the Outstanding Federal Services Administrator Award from the Association of Military Surgeons of the United States and the Healthcare Administration Award from the American Academy of Medical Administrators.

General Wyrick has held numerous key domestic and overseas assignments in the Air Force Medical Service. In addition to being named the Chief Administrator of four Air Force hospitals, he directed the medical programs and resources in the headquarters of the Office of the Surgeon General prior to being named the Deputy Surgeon General of the Air Force. As Chief of the Air Force Medical Service Corps, General Wyrick's vital task was coordinating and executing the health care mission of the United States Air Force. The finesse with which he shoulders every responsibility has helped General Wyrick become such a highly decorated leader. Today, he proudly wears the Air Force Commendation Medal with two oak leaf clusters, the Meritorious Service Medal with four oak leaf clusters, and the prestigious Legion of Merit.

Major General Wyrick's wife, Carol, and children, Brian and Lauri, and his hometown of Amarillo, Texas look to General Wyrick as a source of great pride. He has brought honor to the distinguished uniform of the United States Air Force that he has proudly worn for the past 30 years. His unmatched leadership ability and strength of character set him apart as one of our nation's finest citizens and most valued military officers. It is my pleasure to recognize General Michael K. Wyrick's outstanding career of exemplary service.

SIKHS SHOULD NOT BE HARASSED FOR CARRYING A RELIGIOUS SYMBOL, THE KIRPAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. TOWNS. Mr. Speaker, America is a country where everyone enjoys religious freedom. There are about 500,000 Sikhs in this country and they have every right to practice their religion in this country. Sikhs have contributed to America in many walks of life, from agriculture to medicine to law, among others. Sikhs participated in World War I and World War II, and a Sikh even served as a Member of Congress in the 1960s. His name was Dalip Singh Saund and he was from California.

When a Sikh is baptized, he or she is required to have five symbols called the five Ks. They are unshorn hair (Kes), a comb (Kanga), a tracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). Sometimes law enforcement officers in this country consider a Kirpan a concealed weapon and arrest the Sikh carrying a Kirpan.

Earlier this week, Gurbachan Singh Bhatia, a 69-year-old Sikh, was arrested in the suburbs of Cleveland for carrying a concealed weapon. He is to appear at a pretrial hearing on October 4. I hope that the case against Mr. Bhatia will be dismissed.

A similar case happened in Cincinnati in 1996. The First Ohio District Court of Appeals overturned a municipal court conviction of a Sikh man for carrying a concealed weapon. Judge Mark Painter of that court wrote that "to be a Skih is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon."

Like Christianity, the Sikh religion is a monotheistic, divinely revealed and independent religion which believes in the equality of the whole human race, including gender equality. They pray, work hard to earn an honest living, and share their earnings with the needy.

I know many Sikhs in my district who are baptized and carry this symbol Kirpan. I would not like any of my constituents to be harassed for practicing their religion. We must educate our law-enforcement agencies regarding this religious symbol of the Sikhs.

Our Constitution grants religious freedom to all. We want Sikh Americans to practice their religion without any interference, even if we have to pass special legislation allowing the Sikhs to carry Kirpans.

I would like to put the Detroit News article on the Bhatia case into the RECORD.

[From the Detroit News, Sept. 23, 1999]

CAN A WEAPON BE A RELIGIOUS ICON?

MENTOR, OHIO—When he was baptized a Sikh in India, Gurbachan Singh Bhatia, now 69, vowed to always wear a kirpan, a 6-inch knife symbolizing his willingness to defend the faith.

But during investigation of a minor traffic mishap in this Cleveland suburb, Bhatia was arrested for carrying a concealed weapon. At the time, he was returning home from a religious ceremony blessing the new home of a Sikh family.

Police Chief Richard Amiott said his officers acted properly in enforcing the law banning concealed weapons. "How can you describe for me the difference between a ceremonial knife and any knife?" he asked.

Bhatia must appear for a pretrial hearing Oct. 4. If convicted, he could face up to six months in jail and a $1,000 fine. But Ron Graham, city prosecutor, said he may be willing to drop the charges if the Sikh priest can demonstrate that he is required by his religion to carry the kirpan.

Although state law does not allow for exceptions, Graham said, "We don't want to prosecute anyone for exercising religious freedom."

In a similar case in Cincinnati in 1996, the 1st Ohio District Court of Appeals overturned a municipal court conviction of a Sikh man for carrying a concealed weapon.

"To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon," Judge Mark Painter wrote.

RECOGNIZING OF JOANNA LUBKIN AND THE STUDENT HISTORIC PRESERVATION TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. BASS. Mr. Speaker, I rise to bring to your attention an event in which I participated celebrating the 35th anniversary of the Land and Water Conservation Fund, and to bring recognition to the remarkable young girl I met and the group to which she belongs.

On July 22, 1999, I joined civic and conservation leaders on a bicycle tour of Mine Falls Park in Nashua, New Hampshire, which has received four separate state-side grants totaling $684,496. During the tour, we stopped at a gatehouse built in 1886. Fairgrounds Junior High School student Joanna Lubkin told us about her involvement with the Student Historic Preservation Team (SHPT) and their efforts to restore the building.

The team's restoration efforts began last May with the removal of graffiti from the building's exterior. Once the removal is complete, the students plan to landscape the area surrounding the building and create inside a museum. The museum would highlight the gates that regulated the flow of water into a canal that runs from Mine falls to Nashua's millyard, providing power to the textile mills that were a vital part of Nashua's development as a manufacturing center in the 19th century.

This project is important, not only because of the gatehouse's historic value to the community, but also because of the impact participating in its restoration has had on Joanna Lubkin. I hope that Joanna's experience will encourage other young people to get involved in their community.

Mr. Speaker, I submit to you a copy of Joanna Lubkin's remarks for the RECORD:

My name is Joanna Lubkin and I have been an active part of the Student Historic Preservation Team for about a year. I hope to see this project out to the end and beyond. Being in SHPT has really changed my outlook on life and the world around me. I have met many new friends and have been able to meet with city officials and have conversations with them about our generations vision for the future. For once I felt that I could really make a difference in our community.

When Ms. Coe told my class about the Gatehouse and its role in the making of our city and its sad story of neglect, I felt compelled to join the club, if nothing else to learn some more about the history of Nashua. Over that school year, I learned about more than just my city's past, I realized that we cannot hope to achieve a new future without maintaining the links to our past. I accomplished things that I didn't think I'd ever be able to do, (or want to do for that matter—but I had a blast!) such as editing the first issue of our newsletter.

I also spent many hours fundraising and planning with the group. During that time, I often found myself thinking about what a monumental task it was that we were trying to accomplish, but the more I thought about it, the more I felt proud to be a part of such a group of people.

I'll never forget how nervous I was at the first Charrette that we held at City Hall. Other older members in the group had meetings with big professionals like this before, but for me, I had never even been in City Hall except once on a tour. The feeling I had when I saw the other adults in the room nodding in agreement with our plans was almost indescribable. Until then, I had this tiny voice in the back of my head saying, "What are you nuts? You're a kid! No one's going to listen to you." But they did listen. And for once someone thought of kids not as a bunch of little gremlins to keep control of, but as real people who could be just as serious as any adult.

I look at things now from a point of view where if there is something that I see as unjust I can do something to make a difference. I find myself sticking up for other kids more often now and voicing my opinions about what is going on in the world. I realize that I can no longer be a passive person who sits and watches the news and says, "Wow. Wish I could do something like that." I have the chance to actually be the person making the news, and that I can really do things to help other people.

JOANNA LUBKIN,
SHPT Member.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mrs. CLAYTON. Mr. Speaker, on Tuesday, September 21, 1999 I was in my district assisting my constituents with the devastation of Hurricane Floyd.

Had I been present, the following is how I would have voted: Rollcall No. 427 (H.R. 2116) "aye"—Veterans' Millennium Health Care Act; rollcall No. 428 (H.R. 1431) "aye"—Coastal Barrier Resources Reauthorization; and rollcall No. 429 (H.R. 468) "aye"—Saint Helena Island National Scenic Area Act.

DOLLARS TO THE CLASSROOM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PITTS. Mr. Speaker, today, I am introducing the Dollars to the Classroom Resolution, to benefit schoolchildren and teachers all across this country, by calling on education agencies at all levels to get 95 percent of federal education dollars into the classrooms of this country. A similar resolution passed the House 310–99 in the 105th Congress.

Further, the Dollars to the Classroom Act language to codify the principles in the resolution also passed the House in the 105th Congress.

I have been working on this legislation because I believe in the importance of doing all that we can to improve the academic achievement of our public school children. How is this accomplished? We believe that empowering the teachers and bolstering the classroom resources of our kids directly improves their learning process.

When we think of our childrens' efforts to learn, we often think of the tools that go into forming and shaping their young minds: tools like books, globes, computers . . . and things like flash cards, spelling tests, and calculators. We do not think of bureaucratic programs and stacks of paperwork. Yet, many of our federal dollars that go to elementary and secondary education do not reach our kids. That's why Dollars to the Classroom is so important. This is a simple concept. Instead of keeping education dollars here in Washington, let's ensure that 95 cents on every federal dollar is sent directly to parents, teachers, and principals who are truly helping our children in the learning process.

Passage of the Dollars to the Resolution, followed by the Dollars to the Classroom Act would mean millions in new dollars for schoolchildren across the country.

This is the next common sense step in our efforts to improve public education for the students of the next millennium.

RACIAL TERRORISM AT FLORIDA A&M UNIVERSITY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. BOYD. Mr. Speaker, many of you have seen in the Washington Post today that Florida A&M University, a historically black college in Florida's Second Congressional District, has been targeted by a racist bomber. In the last month, the school has received several bomb threats and has suffered two random blasts in an administrative facility and an academic building. While we are grateful that none of the students or faculty have been injured in these horrible incidents, a caller to a local television station, using racial slurs and profanity, indicated that these two bomb blasts are "just the beginning."

This racial terrorism has brought classes at Florida A&M to a halt, frightened students and faculty, and stunned the surrounding Tallahassee community. Following this most recent bombing, I spoke with the President of Florida A&M, Dr. Frederick Humphries, about his efforts to avoid further tragedy. With the assistance of local and federal law enforcement officers, school officials have been working to improve security and identify suspects. Dr. Humphries has increased mechanical surveillance and the number of police officers patrolling campus. However, as with any large school, the challenge of scouring every inch of campus is monumental.

Today, I ask for your prayers and support for my constituents whose lives have been turned upside down by this evil plot. Florida A&M has a history of excellence, and the school's efforts to provide superb educational opportunities to its students should not be hindered by the acts of one hateful individual. I pray that these terrorist acts will not only be brought to a quick demise, but they will also serve to unite the Tallahassee community against the racial hatred of a select few.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HUNTER. Mr. Speaker, I would like to express my strong support for the National Defense Authorization Act for Fiscal Year 2000, S. 1059, which includes legislation to reform the Department of Energy (DOE) to ensure the security of our strategic nuclear defense.

I rise today to address the concern that by creating the National Nuclear Security Administration (NNSA) there may be a negative effect on Defense Facilities Closure Projects. In fact, the language establishing the NNSA is intended to complement the ongoing work at Closure Project sites rather than to hinder it.

Specifically, the NNSA should have a positive effect at Closure sites because a greater priority will be placed on the consolidation of defense program and material disposition inventories from Closure sites to other DOE facilities with an ongoing national security mission. In addition, the creation of the NNSA does not impact the funding structure of the Environmental Remediation and Waste Management activities.

Part of the reason we have seen progress at the Closure sites has been the use of integrated funding under a separate Closure Projects line item and the Department should continue this approach in order to ensure that Closure sites retain maximum funding flexibility and expedited nuclear materials movement.

TRIBUTE TO MS. BARBARA BROWN'S EFFORTS FOR PROSTATE CANCER AWARENESS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. STENHOLM. Mr. Speaker, I rise today to pay tribute to Barbara Brown of Coleman, Texas who is crusading for increased awareness of prostate cancer in honor of her late father, Carl Houston Hale, of West Memphis, Arkansas, who lost his life to this cancer on December 12, 1997. Known as a silent killer, prostate cancer will affect over 175,000 men in the United States this year. Today alone, approximately 100 men will die from this disease, and in one year over 37,000 will be lost as well. Excluding skin cancer, cancer of the prostate is the most common malignancy and the second leading cause of death among men in the United States. The risk of prostate cancer increases with age; more than 80% of all prostate tumors are diagnosed in men over age 65. And while 1 in 5 men will develop prostate cancer in their lifetime, we still know far too little about the cause and behavior of this silent killer. Clearly, it is a national problem that has a severe impact on our nation.

In her younger years, Barbara sang in gospel groups, and dreamed of recording her own album. Through the grief of her father she wrote two songs, "Resting In the Arms of the Lord" and "Wind That Blows From Heaven," in an effort to cope with the overwhelming emotion of losing her father. These two songs eventually led to the recording of her first album in March 1998, entitled "Resting In the Arms of the Lord." With this Barbara achieved a life-long aspiration amidst unfortunate circumstances, and she is committed to donating a part of her tapes' proceeds to the American Cancer Society. As each tape is sold, a part of her father's life and his memory touches the lives of so many others, all while working towards the ultimate goal of a cure.

Additionally Barbara has devoted her life to bringing more awareness to this disease by urging men to seek regular check-ups and treatment if necessary. At Barbara's urging, the Coleman County Commissioners Court passed a proclamation declaring September 21st through September 27st as Prostate Cancer Awareness Week and advocating all to be aware of prostate cancer. With this proclamation, countless lives could be saved. Barbara also has plans to continue to promote awareness of this disease in the community of Coleman as well as surrounding areas by hosting various on-going promotional events raising money for the American Cancer Society.

I close by using Barbara's words which I believe have distinguished her as a heroic woman: "Out of our pain comes some of our greatest accomplishments. As I continue to educate men on this disease, hopefully it will prevent another person from having to face this needless pain. I have a responsibility to do this: in honor of my father's memory."

I ask that all of my colleagues join me in honoring Barbara for her efforts, and I encourage all Americans to take that crucial step of participating in important health screenings and visiting your doctor regarding health concerns. Early detection is critical for survival.

CELEBRATING OF LORRIE NELSON'S DEDICATION TO EDUCATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate the energy and dedication that Lorraine "Lorrie" Nelson, a fifth-grade teacher in my district, brings to her classroom and her profession. The Poinsettia Elementary School educator was honored this week as Ventura County's Teacher of the Year.

Mrs. Nelson was raised to be a teacher, although she didn't realize it until she was engrossed in law school. Her parents encouraged the young Lorrie and her brother to engage in family discussions, to ask questions and expect answers. She learned to listen from her parents' example. Now, after some 10 years of encouraging other young minds to learn, Mrs. Nelson couldn't see herself doing anything else.

Children in the Ventura Unified School District who have experienced her lesson plans calls her "funny" and even "crazy." But it's fun with a purpose. Mrs. Nelson encourages her students to set high standards and helps them achieve them. She believes teachers should be skillful in the topics they teach our children, a subject I have strongly supported legislatively for several years.

To achieve her goal, Mrs. Nelson directed the Ventura Unified Writing Project from 1993 to 1997. The Writing Project is a mentoring program for teachers who write extensively, demonstrate instructional techniques and examine research in the teaching of writing.

This past summer, Mrs. Nelson taught a two-week course titled "Integrating Standards with Inspirational Teaching." She has been a presenter for the South Coast Writing Project Summer Institutes for the Ventura Unified School District and Santa Barbara School Districts, in such topics as Writing Workshop, Writing Response and Reading Comprehension. In the fall, she will work the Shoah Foundation to develop a curriculum for oral histories of Holocaust survivors.

She is, of course, a published writer.

But her real accomplishments are in inspiring her students. One way she has done that is by pairing her students with some influential adults—their parents—in a writing program suitably titled "Family of Writers."

Not surprisingly, Mrs. Nelson has garnered numerous honors, starting with her first year of teaching, when she was recognized as the Ventura Unified School District Sallie Mae First Year Teacher of the Year.

Mr. Speaker, Ventura County has rightly honored Mrs. Nelson as the model other educators should strive to be. She holds her students accountable in a fun, productive learning environment. She holds herself and her peers accountable by stressing the skills teachers need to be effective educators.

Next month, Mrs. Nelson will compete for California Teacher of the Year. Win or lose, education will always be victorious in her classroom.

Mrs. Speaker, I'd like to close with Mrs. Nelson's own thoughts, her closing words in her Professional Biography. After hearing these words, I know my colleagues will join me in congratulating her for her award and thank her for dedicating herself to our children.

"Even though students leave my classroom with beautifully bound poetry anthologies, framed self-portraits, and cherished pet beetles, my greatest contribution as a teacher is invisible. Students leave with an understanding that their opinions are important. They know that life is a process of learning, questioning and revising. They become lifelong learners.'

We couldn't ask for anything more.

HONORING THE 45TH ANNIVERSARY OF THE BIG BROTHERS BIG SISTERS OF GREATER LANSING

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. STABENOW. Mr. Speaker, the Big Brother Big Sisters of Greater Lansing program celebrates 45 years of bringing together young people at risk with older people willing to serve as a role model and mentor.

Before terms like "quality time," "mentoring," or "at risk youth" were buzz words in our society, Big Brothers and Big Sisters has been helping to give young people something we all need—a friend.

Perhaps more than any other program this century, the Big Brothers Big Sisters program offers an inspiring example of what can happen when an adult is willing to be a friend to a young person in need of a positive influence. Like similar programs throughout the country, the Big Brothers Big Sisters Program of Greater Lansing has been a smashing success.

I would like to thank the Big Brothers Big Sisters of Greater Lansing and everyone who has made the commitment to serve as a big brother or big sister for a child. Thousands of children have found the friend, the confident, the role model they never had in their big brothers and big sisters. I send my sincere thanks to the Big Brothers Big Sisters of Greater Lansing for taking the time to care and make the Lansing community a better place for all children.

PRAISING THE CAREER OF P–I PUBLISHER, BILL WILLIAMS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. TANNER. Mr. Speaker, Bill Williams understands what community journalism is all about: ensuring an informed citizenry.

And he practiced that kind of community journalism in the pages of the Paris Post-Intelligencer every day.

Now at 65, he has decided to retire as publisher of the Paris Post-Intelligencer on August 20, 1999. He had been the paper's publisher since 1978, when he took his father's place at the paper's helm.

Bill took seriously the responsibility that comes with a free press, and you knew it immediately when you read his editorial page. Whether it involved the Land Between the Lakes, the Tennessee Valley Authority, State government, or even national issues, Bill Williams stood up for his community and he wasn't afraid to take a controversial position when he believed it was the right thing to do. Indeed, in 12 of the past 21 years his editorials were recognized among the best in the state.

Bill's family has owned the Paris Post-Intelligencer since 1927, when his great grandfather, W. Percy Williams moved to Paris from Alabama and purchased the P–I.

Upon his retirement, Bill Williams said he "is very proud of the newspaper." It's safe to say that the citizens of Henry County and many beyond the county's borders are proud of Bill and his commitment to this community.

His son, Michael Williams, takes over as the fourth-generation publisher and will continue the tradition of community journalism that has made the P–I an award winning newspaper.

An article published in the Paris Post-Intelligencer in Paris under the headline, "Publisher bill Williams steps down; Has been with P–I most of adult life" as well as his last column are printed below in honor of Bill's service and commitment to his community.

PUBLISHER BILL WILLIAMS STEPS DOWN; HAS BEEN WITH P–I MOST OF ADULT LIFE

With the retirement today of Bill Williams and the promotion of Michael Williams, The Post-Intelligencer will have a fourth-generation Williams as editor and publisher.

Bill Williams has been with the paper most of his adult life and has been publisher since 1978. His son, Michael, 40, who has served as editor since 1992, will add the duties and title of publisher.

Bill Williams, who turns 65 today, became editor and publisher at the retirement of his father, Bryant. Bryant Williams in turn had taken over as publisher at the retirement in 1967 of his father, the late W. Percy Williams, who had come from Alabama to purchase The P–I in 1927.

Bill Williams said Thursday he "is very proud of the newspaper."

"I tired to see that it's been a good citizen of our community," he added.

He said that even though it's no fun dealing with an irate advertiser or a reader who thinks he's been wronged in the newspaper columns, he "never seriously considered doing anything else."

While attending Atkins-Porter and Grove High schools, Williams was a paper carrier. During his high school years, he also worked as a reporter after school, on Saturdays and during the summers.

After graduating third in his high school Class of 1952, Williams went on to graduate with honors as a journalism student at Murray State University. During his summers, Williams took a break from his college work to be a reporter for the P–I.

Throughout his college years, Williams was also a member of The College News staff. He was named the outstanding journalism student during his senior year.

After graduating from college, he was a reporter for the Memphis Press-Scimitar for a brief period, then for The Tullahoma News for three years before he returned to Paris in 1960 to become The P–I's news editor.

One of the things he said he enjoyed about his work was that at the end of each day, he was able to hold a paper in his hands and say, "Here's what we did today."

"It's also a joy to hear from people who used to work here and have gone on to do well in the newspaper business or elsewhere, and heard them speak fondly of their time at The P–I," Williams said. "You feel like you had a small part to play in making someone's life a little more complete."

Williams also added he appreciated the contact he had with people both inside The P–I building and out, and that he enjoyed meeting people and being involved in various activities.

"Not every job offers that opportunity," Williams said.

The P–I has won awards and honors while under Williams' guidance. His editorials won state press awards in 12 of the past 21 years, including the best single editorial in 1998. That editorial lauded U.S. Rep. John Tanner, D–Tenn., for his controversial vote against a constitutional amendment to outlaw flag-burning.

A 125th anniversary edition of The P–I, published in 1991, won first prize in contests sponsored by the University of Tennessee and the TPA. Those judging the entrants declared it the best daily newspaper promotion in Tennessee during that year.

"This is an exceptional service not only for the reader but for the entire community, present and future," a contest judge from the Washington State Press Association commented about the anniversary promotion. "Many newspapers do something similar, but none with the depth and attention to detail so evident in your entire project."

Williams has served as president of the Tennessee Press Association and of the Tennessee Associated Press Managing Editors. He was a founding member of the board of directors of the Mid-America Press Institute.

In retirement, Williams said he plans to stay involved in civic activities, including the Optimist Club, where he's past-president; the Heritage Center, where he's past-executive director; and the Presbyterian Church, where he's an elder and Sunday school teacher.

He added he and his wife, Anne, also plan to do some traveling—"possibly snow birding to Florida or Texas in the winter."

They also have three daughters, Cindy Barnett and Joan Stevens, both of Henry County, and Julie Ray of Clarksville; and 11 grandchildren.

[From the Paris Post-Intelligencer, Aug. 20, 1999]

I'M NOT VERY RETIRING ABOUT THE ROLE OF THE NEWSPAPER

(By Bill Williams)

Upon retirement, a fellow gets asked the usual questions about the most memorable experiences or what it all has meant. I suppose a valedictory is called for.

I will not fib and say that every moment has been pure joy or that I can't understand why I get paid for doing something that is so much fun.

There have been times that publishing a newspaper was pure hell. It's no fun dealing with an irate advertiser. It's even worse to talk with someone who's been hurt because we made a mistake in print.

I can truthfully say, though, that I've never seriously considered any other line of work.

If there any regrets, they're that I didn't spend more time and energy preaching to our staff and to you, dear reader, that newspapering is a noble business.

When we think of the highest callings, what usually come to mind are the ministry, the healing arts, teaching and perhaps law and law enforcement. A lot of people put the press down near the bottom, somewhere close to congressmen.

Pardon my conceit, but I put the press up in that top batch. We are in effect in the public education business. People depend on us to know what's going on in the world so they can react—where to spend their money, whom to vote for, what to do this weekend.

The function is contained in the name of our newspaper. An intelligencer, as I understand it, was a town crier, one who spreads intelligence (in the information sense) among the public.

I've always thought that Mirror is a good name for a newspaper, too. I believe a newspaper's highest function is to reflect as perfectly as possible what the world looks like—both warts and dimples—so that the people will know what to do. It's the philosophy of the Scripps-Howard newspaper chain, which uses an image of a lighthouse and the slogan, "Give light and the people will find their own way."

It's a view that puts the public in an exalted position. Some think that people are basically stupid and can be led this way or that by anyone who is smart, glib and media savvy. I disagree; I think when people are fully informed, they usually make the right choice.

Others believe that the basic duty of a newspaper is to be the community leader, beating the drum for needed improvements and pushing people to do the right thing. That's a high purpose, all right, but I really believe that an even higher is the duty to tell just as fully as we can what's happening and to trust the people to come to the right conclusions.

Well, I didn't intend to preach so, but this is a bully pulpit.

Let me take this opportunity to thank you for allowing The P–I to be part of your life. I trust it will continue to be for many years to come.

LEWIS FLACKS OF THE U.S. COPYRIGHT OFFICE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. COBLE. Mr. Speaker, Lewis Flacks, who was employed nearly 25 years in the U.S. Copyright Office, died on July 23, 1999, in London. As Chairman of the Subcommittee on Courts and Intellectual Property, I have come to rely on the technical expertise on copyright matters that are available through the auspices of the Office. The men and women who work there provide a great and needed service to the Congress and the American public, and their contributions should be recognized with greater frequency. In this regard, while I was saddened to learn of Lewis' death, I am honored to have this opportunity to acknowledge his life and his work.

I wish to enter in the CONGRESSIONAL RECORD the following article regarding Lewis Flacks' accomplishments. It originally appeared in the August issue of Copyright Notices, the staff newsletter of the Copyright Office.

[Reprinted from Copyright Notices, Vol. 47, No. 8, Aug. 1999]

LEWIS FLACKS, AN APPRECIATION

(By Ruth Sievers)

Lewis Flacks, 55 whose career at the Copyright Office spanned over 20 years, died of cancer in London on July 23, where he had lived for the past 6 years since leaving his position as a policy planning advisor to the Register. He was the director of legal affairs for the International Federation of the Phonographic Industry (IFPI).

Known for his brilliance, his wit, and his devotion to his family, Lewis (also known as Lew in the Office) played major roles in the revision on the Copyright Act in 1976 and in the decision for the United States to adhere to the Berne Convention in 1988. He was the senior copyright advisor to the U.S. delegation during the TRIPS negotiations at the Uruguay Round of the General Agreement on Traffics and Trade (GATT). He served on virtually every Committee of Experts convened by the World Intellectual Property Organization (WIPO) from 1984 to 1992 to deal with the Berne Convention and the Universal Copyright Convention, and he was influential in negotiating the final texts of the Geneva Phonograms Convention and the Brussels Satellite Convention. More recently, his work was critical in the adoption of two important intellectual property treaties in December 1996, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

It was not only the incredible depth of his knowledge of copyright law that made him an important resource in negotiations, but his role as a "peacemaker," as former Register of Copyrights Barbara Ringer characterized him.

During the revision process, the lengthy period leading up to the passage of the 1976 Act, Lewis came up with "brilliant solutions" enabling "innumerable compromises," said Ringer. He was essential "in putting out all those brush fires."

"He was a man of ideas," said Register of Copyrights Marybeth Peters. "He was brilliant at strategies. He could talk about any subject in a way that bound his audience to his ideas."

"Because of his unsurpassed copyright expertise, his deft diplomatic touch, and his legendary ability to forge compromises, the United States spoke with a strong voice at the international bargaining table," said Ralph Oman, a former Register of Copyright.

A native New Yorker, Lewis was a 1964 graduate of the City College of New York and a 1967 graduate of Georgetown Law School. That was the same year he began his career in the Copyright Office, when Barbara Ringer hired him as an examiner, though she says her primary purpose in bringing him on board was to get a project underway at the Library for the preservation of motion pictures. A mutual friend had recommended him to Ringer, who talked with him twice before passing him along to Former Examining Division Chief Art Levine for the actual hiring interview. "As I recall, we talked nothing but movies," she said. "Nobody knew more about movies than he did."

He served the Office in various positions: senior examiner, attorney-advisor in the General Counsel's Office, special legal assistant to the Register, International copyright officer, and policy planning advisor.

In speaking with his friends and colleagues to write this piece, what comes across in his complete uniqueness.

"I've never known a more brilliant person, but he covered it with his wild, modant humor," said Ringer. "That's what people remember him for, but he had a great deal of depth."

"The most remarkable thing about Lewis was that time was of no relevance to him," said Neil Turkewitz of the Recording Industry Association of America (RIAA) who has known him since 1987. "It was the real genius of him; it allowed him to explore the very details of things. He learned from everything, because he was so patient. . . . What really set him apart was his ability to learn."

"He would recognize the little nugget tucked away" that others overlooked, said Ringer. "He was a fantastic legal technician; he could grasp things that would take others weeks to see, and he could see all the ramifications."

Furthermore, she said she knew she could rely on him to "tell things like they are. He'd tell you if he thought you were off on the wrong track. . . . So many people have their own agendas or they just tell you what they think you want to hear. You could always trust what Lewis said—he always saw both sides of the picture."

Said his wife, Frances Jones, who was his partner for 31 years, "He had a strong sense of ethics . . . a sense of fairness."

To a person, everyone mentioned his wit. "He had keen insights into people, and he was always a wonderful and entertaining person to be around," said Art Levine. "I'd introduce him to some of my clients at WIPO [meetings], and they would always be eager to get together with him again."

"He could be very funny, trotting out a variety of voices, especially Yiddish ones, that left his listeners laughing in the aisles," said David Levy, former attorney in the Examining Division.

"He was the funniest person I ever met," said Eric Schwartz, a former policy planning advisor who worked with Lewis. Schwartz recounts a story of how Flacks met comedian and actor Jerry Lewis in Paris—where Jerry Lewis is revered—in 1987 at a meeting on moral rights. "Lewis (Flacks) approached Jerry Lewis and introduced himself as Jerry Lewis' 'only American fan,' since only the French really appreciate Jerry Lewis' films. Jerry Lewis thought it was the funniest thing he'd heard."

"He was a perfect colleague—smart, funny, and bluff; a much sought-after dinner companion, he always had the best jokes, the hottest news, and the latest photographs of his beloved son, Paul," said Ralph Oman.

His love and devotion to his son Paul, who is now 14, is something else that no one failed to mention in talking about Lewis. As Peters said, "His son was one of his greatest joys."

His wife mentioned another important role that Lewis played in private life and in the Office—that of teacher. Said Schwartz: "He was a great teacher. He taught me international copyright law in a series of long talks in his office, which, combined with our love of films and his sense of humor, made it fun to come to work." Said Peter Vankevich, head of the Public Information Section, "Lewis made copyright come alive, after talking with him, you felt really proud to work in the Office."

Lewis had many passions—among them books, wine, theater, and more recently, music. He was teaching himself to play the guitar, Chicago-style blues. But above all, he was passionate about movies.

"He knew more about film and film preservation than anyone I've ever met, except for Barbara Ringer," said Schwartz, who served as the Library's counsel to the Film Preservation Board. "I incorporated many of his ideas about film preservation into the legislation creating and reauthorizing the National Film Preservation Board (1988 and 1992) and Foundation (1996). His suggestions really helped the cause of film preservation, and he was very highly regarded in the Motion Picture and Recorded Sound Division."

Admittedly, Lewis was not perfect. He was famous—or notorious—for not meeting deadlines. "People had to flog him to get him to finish," said Ringer. "It could be infuriating," said Levin, "because he'd never get anything done on time. But then, when he finally produced a piece, it would be so brilliant, he'd get away with it."

"Lewis did everything slowly," said Turkewitz. "He even walked slowly. You had to be careful or you'd be three blocks ahead of him. . . . He was someone who just decided that the decline of western civilization was being caused by its frantic pace, and he wasn't going to live that way." Turkewitz said you might think that would mean Lewis was, in terms of technology, a dinosaur, "but he was just the opposite. He was very interested in technology. . . . He was a true renaissance man. He was complete sui generis."

Or, as Ringer said, "I never met anyone like him. He was utterly unique."

Or, as Jason Berman, head of IFPI said, "The legacy of Lew Flacks remains the legions of friends and admirers he made around the world in a distinguished 30-year career."

The Copyright Office is holding a memorial program for Lewis Flacks on September 24 in the Mumford Room of the James Madison Memorial Building.

COLLEGE MISERICORDIA ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 75th anniversary of a fine institution of higher learning—College Misericordia of Dallas, PA. I am honored to have been asked to participate in the kickoff event of the anniversary on September 24.

Founded and sponsored by the Religious Sisters of Mercy in 1924, Misericordia was the first 4-year college, the first Catholic college, and the only all-female institution in Luzerne County, with 37 young women in its first freshman class. Offering both bachelor of arts and bachelor of science degrees, the college boasted 22 faculty members, 16 of them Sisters of Mercy. Today the bustling campus is home to more than 1,700 students, 83 full-time faculty and 65 part-time faculty. Misericordia offered its first summer courses in 1927 and began its graduate program in 1960. In 1975, Misericordia opened its enrollment to men and began to offer continuing education courses.

Mr. Speaker, College Misericordia is an integral part of the Northeastern Pennsylvania community. In 1972, when Tropical Storm Agnes caused the Susquehanna River to overflow her banks, more than 100,000 people were left without food and shelter. College Misericordia became a shelter and hospital, with the benevolent Sisters of Mercy administering aid to the victims of the disaster. Mercy Hospital, totally inundated by raging flood waters, evacuated its patients and staff to College Misericordia.

The college annually offers community-based cultural and athletic programs. Each summer, former members of the National Players, a Shakespearian theater company, present Theater-on-the-Green, bringing the wit and wisdom of William Shakespeare to the area. The college boasts an outstanding art gallery, the MacDonald Gallery, and the Anderson Sports and Health Center, which offers community-based, health-related activities for young and old.

Still under the sponsorship of the Sisters of Mercy, the college currently has a lay president, Dr. Michael A. MacDowell. A liberal arts college, it is especially known for its Education, Health Sciences, Humanities, Social Work, Business, Mathematics, and Natural Sciences programs.

The kick-off of the anniversary celebration is the dedication of the Mary Kintz Bevevino Library on Friday, September 24. A 1987 graduate of College Misericordia and later a Trustee until her death in 1993, Mary saw a real need for a new library at Misericordia. Her family has helped to make this dream a reality in Mary's honor. Beginning with one building 75 years ago, the college now proudly boasts 13 beautiful buildings.

Mr. Speaker, many alumni, students, faculty, staff and Sisters will pay tribute on Saturday to the spirit of giving which was the ideal of the Founding Sisters. They will volunteer their time and efforts around the community in various projects of Habitat for Humanity, St. Vincent Soup Kitchen, Catherine McCauley House, and Mercy Center, just to name a few. It is a fitting start to an anniversary year and a fitting tribute to an order of religious Sisters whose very purpose is to help others. I am extremely pleased and proud to have had the opportunity to bring the history of this fine institution to the attention of my colleagues. I send my sincere best wishes for continued success to College Misericordia.

THE HIGH COST OF PRESCRIPTION DRUGS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. LEE. Mr. Speaker, I rise to join my colleague today in strong support for implementing legislation to substantially reduce the exorbitant prices of prescription drugs for Medicare beneficiaries. Our current Medicare program drastically fails to offer protection against the costs of most outpatient prescription drugs. H.R. 664, the Prescription Drug Fairness for Seniors Act of 1999 aims to create an affordable prescription drug benefit program that will expand the accessibility and autonomy of all Medicare patients. This bill will protect Medicare beneficiaries from discriminatory pricing by drug manufacturers and make prescription drugs available to Medicare beneficiaries at substantially reduced prices.

Currently, Medicare offers a very limited prescription drug benefit plan for the 39 million aged and disabled persons obtaining its services. Many of these beneficiaries have to supplement their Medicare health insurance program with private or public health insurance in order to cover the astronomical costs not met by Medicare. Unfortunately, most of these plans offer very little drug cost coverage, if any at all. Therefore, Medicare patients across the United States are forced to pay over half of their total drug expenses out-of-pocket as compared to 34 percent paid by the population as a whole. Due to these burdensome circumstances, patients are forced to spend more of their limited resources on drugs which hampers access to adequate medication needed to successfully treat conditions for many of these individuals.

In 1995, we found that persons with supplementary prescription drug coverage used 20.3 prescriptions per year compared to 15.3 for those individuals lacking supplementary coverage. The patients without supplementary coverage were forced to compromise their health because they could not afford to pay for the additional drugs that they needed. The quality and life of these individuals continue to deteriorate while we continued to limit their access to basic health necessities. H.R. 664 will tackle this problem by allowing our patients to purchase prescription drugs at a lower price.

Why should our patients have to continually compromise their health by being forced to decide which prescription drugs to buy and which drugs not to take, simply because of budgetary caps that limit their access to treat the health problems they struggle with? These patients cannot afford to pay these burdensome costs. We must work together to expand Medicare by making it more competitive, efficient, and accessible to the demanding needs of our patients. By investing directly in Medicare, we choose to invest in the lives, health, and future of our patients. By denying them access to affordable prescription drugs, we deny these individuals the right to a healthy life which continues to deteriorate their well-being and quality of life.

The House Committee on Government Reform conducted several studies identifying the price differential for commonly used drugs by senior citizens on Medicare and those with insurance plans. These surveys found that drug manufacturers engage in widespread price discrimination, forcing senior citizens and other individual purchasers to pay substantially more for prescription drugs than favored customers, such as large HMO's, insurance companies and the Federal Government.

According to these reports, older Americans pay exorbitant prices for commonly used drugs for high blood pressure, ulcers, heart problems, and other serious conditions. The report reveals that the price differential between favored customers and senior citizens for the cholesterol drug Zocor is 213 percent; while favored customers—corporate, governmental, and institutional customers—pay $34.80 for the drug, senior citizens in the 9th Congressional District may pay an average of $109.00 for the same medication. The study reports similar findings for four other drugs investigated in the study: Norvase (high blood pressure): $59.71 for favored customers and $129.19 for seniors; Prilosec (ulcers): $59.10 for favored customers and $127.30 for seniors; Procardia XL (heart problems): $68.35 for favored customers and $142.21 for seniors; and Zoloft (depression): $115.70 for favored customers and $235.09 for seniors.

If Medicare is not paying for these drugs, then the patient is left to pay out of pocket. Numerous patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medical problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, senior citizens must choose between buying food or medicine. This is wrong.

Reports studying comparisons in prescription drug prices in the United States, Canada, and Mexico reveal that United States individuals pay much more for prescription drugs than our neighboring countries. In 1991, the General Accounting Office (GAO) revealed that prescription drugs in the United States were priced at 34 percent higher than the same pharmaceutical drugs in Canada. Studies administered on comparisons between the United States and Mexico also reveal that drug prices in Mexico are considerably lower than in the United States. In both Canada and Mexico, the government is one of the largest payers for prescription drugs which gives them significant power to establish prices as well as influence what drugs they will pay for.

Many Medicare patients have significant health care needs. They are forced to survive on very limited resources. They are entitled to medical treatments at affordable prices. H.R. 664 will benefit millions of patients each year. This bill will address many of the problems relating to prescription drugs and work to ensure that patients have adequate access to their basic health needs. Let's stop gambling with the lives of Medicare patients and support this plan to strengthen and modernize Medicare by finally making prescription drugs available to Medicare beneficiaries at substantially reduced prices. It is a matter of life or death.

HOUSE OF REPRESENTATIVES—*Friday, September 24, 1999*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know, O God, that people in distress pray for peace and there is no peace; people pray for the stilling of the storm and there is none; people look for healing and yet the illness rages. O gracious God, creator of life and the rock of ages, speak to us in the depths of our souls with eternal hope and grace and strength that You alone can give so we can face the ravages that seem often to rule the world and face that world with confidence and with inner peace. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2466. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2466) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side.

PRESIDENT VETOES TAX RELIEF PACKAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, oftentimes politicians talk about improving people's lives, but usually that is about as far as it goes, just talk.

Well, true to form, yesterday the President had an opportunity to sign into law a bill that would directly help the American taxpayers, but he did not.

The tax relief package just vetoed by this President would have given working families more freedom to run their lives the way they see fit, more freedom giving them more power, more time, more control over their lives. It would have reduced the marriage tax penalty, one of the most blatantly unfair demons in the Tax Code. It would have made it easier for workers to buy and cover themselves with health insurance. It would have made it easier for parents to save for their children's education. It would have eliminated the death tax, making it easier to pass on the family farm or family business to loved ones after a lifetime of work. It would have made it easier to invest and save for our future.

Balanced and fair, it would have provided substantial debt reduction, protected Social Security and Medicare, and provided tax relief to American taxpayers. And Washington would have gotten a little less so that hard-working, taxpaying families could have a little more.

I yield back the balance of any money Mr. and Mrs. America have left in their pockets.

GUN CONTROL LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for 5 months, common sense gun safety measures have been stymied by the Republican leadership. Our efforts to close the loopholes that give kids and criminals easy access to guns have been repeatedly stifled. Every day results in lives that are lost.

Thirteen children in this country are killed by guns every day, 13 American youngsters every single day. The other side argues that no laws can stop bad men with evil in their hearts from shooting innocent people. Perhaps they are right. But they are masking a very important truth.

I am sad to say that thousands of children are killed by guns by accident. These children find loaded guns without safety locks and they pull the trigger. The frequency of these deaths is heartbreaking, and they could be prevented.

I urge my colleagues to pass the common sense measures that could reduce our country's epidemic of gun deaths.

Today I continue reading the names of children who have been killed by guns since Columbine:

Kenneth Acoff, age 17, killed by gunfire on September 4, 1992, Cleveland, Ohio; Casey Crow, age 15, killed by gunfire on September 6, 1999, Maple Heights, Ohio; Nicholas Lenz, age 13, killed by gunfire on September 9, 1999, Clear Lake, Iowa; George Mark, age 17, killed by gunfire on September 12, 1999, Quinhagak Alaska; Joseph B. Frazier, age 16, killed by gunfire on September 14, 1999, Durham, North Carolina; Cassandra Griffin, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas.

PROGRESSIVE INCOME TAX SOCIALISM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1848, Karl Marx said, a progressive income tax is needed to transfer wealth and power to the state. Thus, Marx's Communist Manifesto had as its major economic tenet a progressive income tax.

Think about it, 1848 Karl Marx, Communism. Now, if that is not enough to tax our history, 1999, United States of America, progressive income tax socialism. Stone cold socialism.

I say it is time to replace the progressive income tax with a national retail sales tax, and it is time to abolish the IRS, my colleagues.

I yield back all the rules, regulations, fear, and intimidation of our current system.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CRIME OUGHT NOT TO PAY

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I believe that crime ought not to pay and the public agrees with me that crime should not pay and that is why a recent national survey has concluded that a vast majority of the American people oppose the privatization of America's jails and prisons.

In fact, 51 percent oppose and 34 percent strongly oppose the privatization of these institutions. Voters believe that government-run prisons are more accountable to the public, do a better job of preventing escape and do a better job of protecting public safety.

Further, voters also think that prisons run by private companies are more likely to be understaffed, to have poorly trained staff, and to be less accountable by cutting corners.

That is why I urge my colleagues to join me in cosponsoring the public safety act, which is an act which would prevent the further privatization of our Federal institutions and would discourage our States from privatizing their jails and prisons.

CARDIOPULMONARY RESUSCITATION TRAINING

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, we often hear the acronym for cardiopulmonary resuscitation, CPR, and know what it means. But do we know what to do if, say, someone walking next to us goes into sudden cardiac arrest? Sadly, most people would answer no.

Cardiac arrest is one of the leading causes of death in the U.S., with a survival rate of only 5 percent. CPR can link an arrest victim with professional emergency care. But its success is dependent on the knowledge of our general population. And only 2 to 3 percent of Americans are trained to perform CPR.

I have introduced a resolution supporting National CPR Weekend, an effort by the American Heart Association and Red Cross to train 15,000 people in CPR. Free training sessions will be held this weekend in Medina, Ohio, and Cleveland, Ohio, and nine other cities across the country. Medina General Hospital will train over 300 volunteers in five training sessions throughout the day.

We do not have to be a doctor. We do not have to be in top physical condition. We just have to be willing to join in an important cause, saving lives.

Please call the local Heart Association for CPR trainings in the area.

TAXPAYERS HAVE TO WAIT FOR A REPUBLICAN IN THE WHITE HOUSE FOR TAX RELIEF TO BECOME A REALITY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, yesterday the President vetoed the tax relief legislation passed by Congress.

In the face of a $3 trillion budget surplus over the next 10 years, the President concluded that there was no room for any of it to go to the taxpayers. Liberals everywhere cheered. The taxpayers, on the other hand, did no celebrating. Wall Street crashed, the Main Street was told that small business would not be getting any help anytime soon.

Those who are so ardently opposed to tax cuts do not do so because they want the money to go towards debt reduction, despite the rhetoric.

If they were sincere, then they would not be proposing billions and billions of dollars in new spending, creating new entitlements, and expanding Government programs.

They oppose tax relief because they want to grow Government. They want to spend the money. And they do not want us to spend the money.

Washington knows best. That is their bedrock principle.

Taxpayers will just have to wait for a Republican in the White House for tax relief to become a reality.

PRESIDENT'S VETO—A RESPONSIBLE COURSE OF ACTION

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I understand that the President's vetoing yesterday the tax bill was disappointing to the majority of our colleagues in the House. But I would suggest that, given the alternatives, there was no other course of action that could responsibly be taken.

The fact is we are less than a week away from the beginning of a fiscal year and, by and large, the House and Senate have not even come to agreement on most of the major spending bills. We have only presented three or four bills to the President really of a noncontroversial nature, and most of the controversial issues and big issues still have not been resolved even for the next fiscal year.

So in attempting to try and portray or to put in place tax policies that are based on projected revenues and we cannot even deal with fiscal year 2000, which begins October 1, I think speaks out loud as to the fact that we are not getting our work done and we are not prepared.

I mean, we should put the decisions in terms of our spending policies, the decisions in terms of our revenue policies on the table first before we begin to undercut the ability to deal with those issues.

So I commend the President.

□ 0915

GUN SAFETY LEGISLATION—NOW

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Mr. Speaker, once again we are calling on the House leadership to move gun safety legislation now.

Wherever I go in any district, whether it is in the supermarket; at the post office; on the streets, local streets; my constituents cannot understand it. People are afraid. In the United States of America, 1999, to be afraid to go to school, to be afraid to go to church, to be afraid to go to a synagogue: This is madness. It does not make any sense.

Mr. Speaker, we have to have the courage to stand up for what is right and not cave to the special interests.

I will continue to read the roll of those children who have lost their lives since Columbine:

Kristi Beckel, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas; Justin M. Ray, age 17, killed by gunfire on September 15, 1999, Fort Worth, Texas.

RENDEZVOUS WITH OBSCURITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, when this House recesses early today at 2:00 in the afternoon, it will be another recess from reality. To continue the normal operation of our Federal Government, Mr. Speaker, 13 appropriation bills should be passed by next Thursday, the last day of the Federal fiscal year. One has thus far been signed into law. With so much yet to be done and so many other issues, from gun safety to public education that this Congress should be addressing, the Republican leadership response is to declare a long weekend recess and to meet next week for 3½ days before the end of the fiscal year.

Mr. Speaker, if this plan represents "making the trains run on time," as the Republican leadership has so often professed, maybe we would be better off taking a plane or even a bus.

Little wonder that one distinguished congressional historian recently observed that "this Congress has a rendezvous with obscurity."

PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida).

The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 296 would grant H.R. 1487, the National Monument NEPA Compliance Act, an open rule providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purpose of amendment which shall be open for amendment at any point. The rule further authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

H.R. 1487, the National Monument NEPA Compliance Act, would provide for much needed public participation prior to the designation of national monuments under the Antiquities Act of 1906. Unfortunately, under current law such designations can be made by the administration acting without the benefit of public input into the decision-making process.

For example, on September 18, 1996, President Clinton designated the Grand Staircase-Escalante National Monument in Utah without informing or consulting with the citizens of the State or their elected congressional representatives. This incident is especially troubling in light of documents obtained from the Clinton administration indicating that the monument in question was being planned for months. Incredibly, Mr. Speaker, State officials in Utah were not even notified, or I should say were notified only at 2 a.m. in the morning of the day that the proclamation was signed into law.

Enactment of H.R. 1487 will ensure that this never happens again. Mr. Speaker, the bill requires the President to actively solicit public participation and comment before creating any national monument and to consult with the Governor and the congressional delegation of the affected State at least 60 days prior to the designation.

After all, the establishment of a national monument is a significant step with far-reaching consequences for surrounding States and communities. Simple common sense dictates that local jurisdictions at least should be consulted before any land use change as dramatic as the designation of a national monument.

The authors of H.R. 1487 have proposed a mechanism for doing exactly that. The bill received bipartisan support in the Committee on Resources, and the Congressional Budget Office estimates that enactment of H.R. 1487 would have no significant impact on the Federal budget.

Accordingly, Mr. Speaker, I urge my colleagues to adopt both this open rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington for yielding me the time.

This is an open rule which will allow consideration of H.R. 1487, a bill to clarify the requirement for public involvement in the designation of national monuments under the Antiquities Act.

As my colleague from Washington explained, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. Under this rule germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Antiquities Act of 1906 permits the President to protect a historic or scientific landmark by designating it as a national monument. This bill requires that the President seek public participation and consult with the affected Governor and congressional delegation before making such a designation. Although the bill was reported out of the Committee on Resources on a voice vote with bipartisan support, some changes are needed in the bill to clarify congressional intent. Since this is an open rule, Members will have the opportunity to offer amendments improving the bill. The rule was adopted by a voice vote of the Committee on Rules. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Utah (Mr. Hansen), the chairman of the subcommittee dealing with this legislation.

Mr. HANSEN. I appreciate the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. Today is an important day where we have a chance to restore the right to the American people and their elected representatives to have input in public land discussions.

Mr. Speaker, I would like to talk about two things. First, I want to talk about United States Constitution.

The Constitution gives the authority over the public lands to the Congress. It does not give the authority to the President. Yes, Congress can delegate a certain amount of that power to the Executive Branch, but Congress also has indisputable right to take that power back if it is being abused. The antiquities law is being abused. Huge national monuments have been created and are currently in the process of being created for political reasons and to avoid congressional scrutiny and public input. Congress has the right to stop this abuse and has the obligation to stop this abuse.

This public participation, Mr. Speaker, it is very important in a democracy that the public have the right to participate in important decisions. I think it is particularly important for all the public to participate in public land decisions. It is after all, it is their land; is it not?

As my colleagues know, Mr. Speaker, on September 16, 1969, the President of the United States did the same thing in Arizona and declared 1.7 million acres a national monument. How many of us were aware of this? Very, very few. In fact my AA called up the White House the day before and said, We are hearing this rumor. Is it true that the President is going to declare part of southern Utah, a piece bigger than most of our eastern states; it would take all of the eastern States for a lot of my colleagues in one fell swoop.

Oh, no, we do not know anything about it; we have heard the same rumor. Yet later in that day, the next day they declared this huge, huge piece of land a national monument.

Now why did they do it? Well, we wanted to know. Of course we wanted to know. I chair the Subcommittee on Public Lands and National Parks; I really thought I had a right to know. Did not Governor Leavitt have a right to know? Did not our two senators have a right to know? Did the rest of the delegation? What about the people in Utah; did they not have a right to know? Apparently not, Mr. Speaker.

So we subpoena all these papers, the volumes of papers after a little hassle with the White House. Do my colleagues know what they said? We are doing it for political reasons. We are doing it because the environmental community will think it is wonderful. As my colleagues know, these folks from New York and other areas, they think that is great. What about the people who live there? Do they not have a say in anything?

So we have a national monument, yet to this day I do not think anyone has delineated what it really protects. So we have this huge piece of ground of rolling hills, of sagebrush and rattlesnakes, and I sure hope somebody enjoys it because everyone that goes there only goes once, and anyway all this little simple bill is about is to say: "Let us have a little notice, Mr. President. We don't want to take away your rights."

In the last term on this floor, we passed one that said let us reduce it to 50,000 acres. We have 73 national monuments, most of them are very small, and let us make sure that the President names what the historic or scientific area is.

How big is 50,000 acres? Pretty good chunk of ground. Realize all of Washington, D.C. is 38,000 acres; bigger than Washington, D.C., and yet the other body did not see fit to pass the legislation.

So this bill is about public participation. All we are saying is the Governor of the State, the congressional delegation of the State really ought to have the courtesy, that word that does not seem to be so prevalent recently, just the courtesy for someone to let us know when we are going to do this, 60 days so someone can react.

I urge support of this rule, Mr. Speaker.

☐ 0930

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the rule. I appreciate the work of the Committee on Rules providing for an opportunity to fully consider this matter. Hopefully we have come to a resolution and an agreement with regards to public participation in the notification.

The 1906 law that we are amending has had an important history. Over 105 monuments have been declared over the history of presidential use of this power, which is, I think, essential to try to keep intact with some public participation, notification requirements as are outlined in the bill. This is a meaningful step, a necessary step, and I think it will provide for the opportunity where emergencies dictate for the President to take alternative action. I intend to offer an amendment during the consideration of the bill. I appreciate the format and the House consideration of this matter, and this process.

Mr. Speaker, I rise in support of an open rule to H.R. 1487.

H.R. 1487 was written out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act. Although I had several concerns with the original legislation, Mr. HANSEN and I worked together and offered an amendment that Members on both sides of the aisle could support. As a result, I offered an amendment in the nature of a substitute that passed the committee by voice vote.

Because of the bipartisan work on this legislation, I see no reason why this Chamber should not fully discuss the merits of this legislation under an open rule. Mr. HANSEN and I worked through our differences to achieve an equitable solution to a problem that divided this House last year. I plan to offer an amendment today whose intent states that nothing in this Act shall be construed to modify the current authority of the President to declare a national monument as provided to him under the Antiquities Act. I am offering this amendment because the Resource Committee's report didn't accurately represent the intent and scope of my substitute amendment.

I realize that this legislation does not accomplish everyone's goals, but I also must acknowledge that it is legislation that we can all support. Mr. HANSEN and I have worked on this legislation to try and resolve the issue of the monument declaration procedures and are pleased to offer a proposal that hopefully can win broad support. I would like to express my thanks to the Rules Committee for the positive response and action in approving an open rule for the House consideration. This House should openly debate and openly discuss the merits of this proposal and this important presidential power. I urge my colleagues to vote in favor of this rule.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a "dear colleague" letter will be sent to all the Members informing them that the Committee on Rules is planning to meet the week of September 27 to grant a rule for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The Committee on Rules may grant a rule which would require that amendments be pre-printed in the CONGRESSIONAL RECORD. In this case, amendments must be pre-printed prior to consideration of the bill on the floor. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the office of the parliamentarian to be certain that their amendments comply with the House rule.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1487.

☐ 0932

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the

Antiquities Act of 1906, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1487 was designed to inject more public participation and input into national monument proclamations. The bill as reported from the Committee on Resources is the result of a bipartisan cooperation between the gentleman from Minnesota (Mr. VENTO) and myself and would amend the Antiquities Act to require the President to allow public participation and solicit public comment prior to creating a national monument.

It would also require the President consult with a congressional delegation and governor of the affected States at least 60 days prior to any national monument proclamations. H.R. 1487 as reported from the Committee on Resources requires the President to solicit public participation and comment while preparing a national monument proposal, to the extent consistent with the protection of historic landmarks, historic and pre-historic structures and other objects of historic or scientific interest located on the public lands to be designated.

In addition, H.R. 1487 as reported requires the President to consult, to the extent practical, with the governor and the congressional delegation of the State in which the lands in question are located, at least 60 days before declaring a monument.

I have several specific concerns regarding the qualifiers. The first is the possibility that a President could still ignore the public consultation and official notice provisions of the Antiquities Act because of ambiguous phrases such as, quote, "to the extent consistent," and, quote, "to the extent practical."

While such phrases are intended to give the President a certain amount of latitude to cope with unusual circumstances, they are not intended to give the President carte blanche to ignore the provisions of the Antiquities Act. Nor were they intended to preclude judicial review if the President does abuse the limited discretion.

The committee strongly intended that the phrases "to the extent consistent" and "to the extent practical," should not be interpreted as allowing the President to ignore the public participation and consultation provisions of the Antiquities Act simply because he can point to possible problems that may occur from delay.

A certain amount of delay is inherent in a statutory scheme that requires public participation, and subsequent to the passage of this bill, Antiquities Act decisions should take considerably more time to make. The President, however, may not skip the public participation phase simply because it may take time. The President is expected to use other available provisions of law to protect the land if such protection is needed while public participation proceeds.

For example, the President should use all other tools at his disposal to protect lands short of a monument declaration. An example of this would be the secretarial ability to conduct a segregation or withdrawal, under Section 204 of the Federal Land Policy and Management Act, while public debate on the proposed monument proceeds.

The second issue is the nature of public participation that the President is required to allow prior to a national monument declaration. The original bill would have required the preparation of an environmental impact statement pursuant to NEPA. The bill as amended does not address, I want that point to be clear, does not address the NEPA issue, but comparable public participation is still required.

It is the committee's strong intent that the President, subject to a few modifications reflecting the peculiarities of national monument declarations and the intent of this legislation, should follow the same general public participation pattern that the Interior Department follows in compliance with NEPA.

The President should provide at all stages of the public process full dissemination of appropriate information, meaningful hearings and allow generous comment periods.

It is anticipated that the President may delegate the creation and administration of these procedures to an appropriate agency, such as the Department of Interior or the Department of Agriculture.

The committee also expects any designation process under the Antiquities Act to address pertinent issues that are necessary for meaningful public comment and sound decision-making.

Finally, H.R. 1487 would require any subsequent management plan developed for a national monument to comply with NEPA. The fact that the President has gone through an extensive public input process on a decision whether to declare a monument should not be interpreted to replace the NEPA process that is associated with the subsequent management plan.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my colleague, the gentleman from Utah (Mr. HANSEN), the chairman, for his work on this process. For the past 5 years, there has been a great deal of concern and some acrimony concerning the designation of the Escalante-Grand Staircase National Monument by President Clinton in his home State of Utah.

Clearly, that has propelled us to a point where we are seeking to try to make the Antiquities Act, the presidential power to declare national monuments, work in a way that does engage the public and does provide notification to elected Members of the House and Senate, and to the governor of the State. That is basically what this legislation does.

I know that there are a lot of other initiatives that he has put forth with regard to this, but I think this one does get to the issue at least of notification so that there can be perhaps somewhat of a more open debate with regards to this matter.

The legislation, as was amended in the Committee on Resources, offers a common sense approach to the designation of monuments under the Antiquities Act. I was pleased to work out the provisions with the chairman of the Subcommittee on National Parks and Public Lands. He initially wrote H.R. 1487 out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act.

Congress, of course, established the Antiquities Act in 1906 to provide the President an opportunity to protect historic landmarks, and pre-historic structures and other objects of historic or scientific significance that face possible damage or destruction due to Mother Nature or man's encroachment.

I might say that the Antiquities Act only applies to public lands. Generally, of course, we are talking about Federal lands. It does not apply to State lands. It does not apply to private lands, although sometimes there are, in terms of the Federal lands, those lands could be within those parcels.

At the time, of course, of its passage early in this century, Congress realized that its very nature as a deliberative body precluded the House and Senate from acting swiftly when important scientific and cultural objects or landscapes were at risk. Because of the potential threat with conflicting Federal land policies impacting public land, Congress recognized the need to expedite national monument designations and accorded presidents broad new powers embodied in the Antiquities Act of 1906. Congress did not identify a specific plan for the level of public involvement, or notification that may be appropriate in the designation of national monuments by the President.

The fact of the matter is, even at that early date there was great controversy over it. In fact, then President Theodore Roosevelt was taken all the way to the Supreme Court for his designation of the Grand Canyon, which, of course, was something over a million acre designation. It was a very large designation at the time, because Congress has, then and now continued to jealously guard its role in terms of land use questions.

I mean, in fact, the committee that the chairman presides over is a committee that I chaired for almost 10 years; and I think that he will attest to, certainly I would, to the level of work that we are involved with. I think as a subcommittee, it probably acts on more legislation than almost any other subcommittee in the Congress. So it is, I think, an indication of not just the role of Congress but the exercise of that role in terms of making these land-use decisions.

The President at that time, when this issue was contested in the Supreme Court, the President's powers were upheld and to, in fact, make the types of designations that he has made. Since then, as has been rolled off my tongue so many times, there has been 105 such designations. Many of them have, such as the Grand Canyon, become really the gem stones, the jewels and the crown, we might say, of our national land conservation system.

Today, with the passage of various other public lands bills, such as the Organic Act or the Federal Lands Policy and Management Act, the laws that govern parks, wild and scenic rivers, the Antiquities Act has leveled the playing field for the President. That is, we do a lot more. If Congress languishes on a public land designation, of course, the President possesses the authority to immediately protect the land in question under the Antiquities Act, as he did in 1906. Congress, conversely, has been, I think, very aggressive over the last 2 or 3 decades in terms of moving to declare wilderness, to, in fact, designate parks and to, in fact, recognize the special qualities of our lands.

□ 0945

I might say that one of the issues in terms of the Antiquities Act is that Congress has given great authority to in fact the use of our lands for public education purposes, under the Morrill Act and the 1872 Mining Act. There are laws that govern the appropriation of surface waters, largely, obviously, governed under the jurisdiction of some of the States, but nevertheless embodied in Federal policy. So there are many potentially conflicting uses of public lands under the governance of laws that frankly run to the earliest history of our Nation.

The Antiquities Act obviously was intended to recognize largely, as is indicated in its body, and as I have repeated, the cultural, the historic, the natural qualities, the natural landscapes that have become recognized as being very important.

As originally introduced, the measure we are considering I think was unworkable language that effectively would have undermined the authority of the President to designate threatened public lands as national monuments. This important power, while as important today as it was yesterday, obviously, being limited by other laws would have prevented the President from acting in a timely manner, indeed, if the need would arise.

The legislation led Members to believe it required the President to follow, for instance, the National Environmental Policy Act compliance requirements, although the requirement was unusual in itself, since actions taken, congressional or judicial or presidential actions, are not subject to NEPA. This legislation actually forced the President not just to follow NEPA, but even go beyond the requirements of NEPA.

The measure that was introduced attempted to identify the effects before any cause could be studied, and seriously deviated from the public view and comment period mandated in NEPA. It set, I think, an unfortunate precedent by subjecting the presidential actions to judicial review before a final decision on land designation was made. It allowed the President to withdraw land on an emergency basis for only a 24-month period.

Even after all of that process, any time you have a deadline of this nature, it works against the land designation, because surely that would run out. Congress may not act. There are, obviously, a group of competing interests in place practically, by definition, when the President would make such a declaration.

Finally, the time requirements on the environmental impact statement are such that land could still be open to development prior to the designation being made. For these reasons and many others, my colleagues in the committee and the administration, of course, strongly opposed the initial bill.

Prior to the committee meeting, the gentleman from Utah (Mr. HANSEN) and I agreed to a substitute amendment. We achieved, I think, the goal of public participation and notification, and also an amendment that Members on both sides of the committee could support. The substitute amendment directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment in the development of the declaration, to consult the Governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

As a result, of course, of this agreement, the amendment passed the full committee by voice vote. I would say with regard to NEPA that very often our public lands, whether it is under the Bureau of Land Management, resource management plans under the Forest Service, where we have the Forest Practices Act, there is a plan under Park Service lands, Fish and Wildlife, almost all of our public lands come under a guideline where periodically, ideally, at least every 10 years, there is a revision of that plan. That plan for the land use has to go through a NEPA process. So I would say embedded in the data system that we have, there are NEPA plans that exist that give us a good view or at least a current view of what the National Environmental Protection Act policy is with regard to plans that are proposed, so there is a body of information concerning that.

In fact, that does require public participation, and it is the action of the President, in this case in terms of the declaration of a monument, that does not in this instance, just as the actions of Congress or a court, do not require NEPA participation. Of course, once a monument is declared and a plan is put forth with regard to how to manage that, again, that would be subject. But the action itself would not be subject to NEPA.

I am also going to be offering an amendment today to this measure. This amendment, which the gentleman from Utah (Mr. HANSEN) has indicated his acceptance of, states that nothing in the Act should be construed to modify the current authority of the President to declare national monuments, as provided to him under the Antiquities Act. It reaffirms the intent of the bill's substitute amendment, which establishes public participation and consultation on the national monument designation to the extent consistent with the protection of the resource values of public lands to be designated.

I, of course, feel it is necessary to offer this amendment to rectify confusing report language to H.R. 1487 which did not accurately reflect the intent and the scope of our agreed-to substitute amendment.

Mr. Chairman, the Antiquities Act is a cornerstone, really, of the United States environmental policy. It springs from the earliest origins, in a sense, of the conservation movement under then President Theodore Roosevelt. It has been used throughout this century.

I believe this legislation is a good compromise. It allows this Antiquities Act to come full circle regarding its participation provisions, something I think that is desirable. It still grants the President full authority to designate national monuments. It provides for public input, and allows for each congressional delegation to take part in the consultation process.

I am pleased that the gentleman from Utah (Mr. HANSEN) and I were able to work together on a potentially difficult issue that has divided the House for 5 years. I urge my colleagues to support this legislation, and hope that the Senate will act on it. I am optimistic that the President will accept these qualifications and process issues with regard to the Antiquities Act of 1906.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 90 seconds to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise today to support H.R. 1487, the National Monument NEPA compliance Act of 1999. I thank the gentleman from Utah (Mr. HANSEN) for his efforts in bringing this legislation to the floor.

Since President Clinton abused the 1906 Antiquities Act in 1996 and designated the Grand Staircase Escalante National Monument without any participation from the surrounding public interest directly affected, citizens from across eastern Washington have contacted me to express their concern about how this type of action could happen again and affect their livelihood.

While I, too, want to preserve the heritage of our public lands, especially given their importance to the history, commerce, and recreational possibilities of our region, we should not be afraid to let people participate in this process.

Mr. Chairman, experience has taught us that ambiguous laws and Federal directives give the power of interpretation and enforcement not to citizens and local elected officials, but to Federal agencies. This often means that they could set policy at odds with the priorities of local government, businesses, property owners, and other citizens. A great variety of individuals, from fishermen to farmers to businessmen to loggers to Native Americans, depend upon the public lands in the Pacific Northwest for their recreation and livelihood.

I have made it a priority to protect the people's right of access against intrusive Federal programs, and most importantly, to give my constituents an opportunity to participate in such important public policy decisions. Such public input should be an integral part of this process, and can still lead to environmentally sensitive policies.

Mr. Chairman, I urge my colleagues to vote to include the public, and join me in supporting H.R. 1487.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I rise in support of this bill introduced by my good friend, the gentleman from Utah (Mr. HANSEN), the National Monument NEPA Compliance Act.

H.R. 1487 will provide a much needed fix to a very antiquated law. I commend the gentleman for introducing this bill.

Mr. Chairman, in 1906, the United States Congress provided the President of the United States or a representative, the opportunity to designate national monuments. When done correctly national monument designations are an important tool in preserving historic landmarks, and objects of historic and scientific interest. But, Mr. Chairman, the use of the Antiquities Act has been severely abused, most recently by the current Administration.

Mr. Chairman, H.R. 1487 will provide a much needed fix to an antiquated law. H.R. 1487 ensures public participation in the declaration of national monuments. H.R. 1487 would require the President to consult with the Governor and Congressional delegation of the affected State at least 60 days before a national monument proclamation can be signed. This legislation would also require the President to consider any information developed in forming existing plans before such declaration.

Mr. Chairman, I support this bill wholeheartedly and urge full House support of The National Monument Public Participation Act.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to commend the gentleman from Utah (Chairman HANSEN) for this legislation, the work that he has done, and the cooperation we have seen from the other side, as well.

I rise today in support of H.R. 1487, a bill that would require public participation, public participation in the declaration of national monuments under the Antiquities Act.

Today the President can create a national monument on virtually any Federal land that he or she believes contains an historic landmark, an historic structure, or other object of historic or scientific interest. In doing so, the President is to reserve "the smallest area compatible with the proper care and management of the objects to be protected."

Do we suppose when Congress passed the Antiquities Act in 1906 that they thought a future president would use the act to protect 56 million acres in one fell swoop, as President Carter did in Alaska? Did Members think that the residents of Utah would one day wake up to learn that 1.7 million acres of their State had in effect secretly been declared a national monument, again without any public hearings or comments?

That is the real issue here: Did Congress truly intend to abdicate its jurisdiction and empower a sitting president with the authority to designate literally millions of acres, without even notifying the Governor or the elected congressional delegations of the affected States? I do not think so.

This really hits home in my district. Farmers, ranchers, landowners in my district are frankly concerned. They are scared. They are scared that one morning they, too, will wake up to learn that the President has designated Steens Mountain as a national monument. They are afraid that the characteristics of that mountain will change with the impending influx of tourists who would travel to visit a national monument. We have seen this, and we have heard reference to the Grand Canyon. We know the kind of tourist activity that occurs after these things are highlighted.

Last month the Secretary of the Interior visited Steens and made it clear that if some form of legislative designation is not placed on the Steens, then this administration will act before they leave office.

Do Members understand why my constituents are afraid? They are afraid because something is going to happen that they do not have any ability to have any say in. That is what they are concerned about.

I went down there over Labor Day weekend and spent a couple of days looking firsthand at Steens Mountain. I toured it with ranchers, recreationalists, local Department of the Interior employees, and others who live and work, and have for centuries, around this mountain. I wanted to understand what it was the Secretary was talking about, and what it was that was going on in the Steens.

After a couple of days of walking and flying and horseback riding over this mountain, I ended up with more questions than answers about why the Secretary was making this threat. From what or from whom was he rushing to protect the Steens, and what will the local effects be of another divisive edict from Washington, D.C.?

That is what people are concerned about about our Federal Government, is that they pay the taxes and have no say; that these things come down in the middle of the night, and they are left out of the process. That is wrong.

Before someone blindly places a designation on Steens Mountain, we need to carefully ask, does the mountain really need Washington, D.C.'s protection or meddling, beyond the public and private cooperation that exists today, and has for nearly a century? From what I have seen, I am not convinced it does.

Steens Mountain is a treasure. The current management and protection of it appears to be working well. But as we progress, let us first clearly identify what the problems are, and then take the time to carefully consider the needs of the mountain and those whose livelihood depends on it for ranches, recreation, and tourism, before it is subject to some sort of executive mandate driven by political whim.

That is why this bill is so important, Mr. Chairman. It is an excellent bill because it gets at the very issue of public participation. What is wrong with requiring the President to solicit public participation and comment and then consider it? What is wrong with requiring consultation with a State's delegation to Congress and the State's Governor? What is wrong with asking that a significant action affecting everyone have to meet the procedural requirements of the National Environmental Protection Act?

This bill is an important piece of legislation that will go a long way toward alleviating the fears of the residents of Harney County and others who live near proposed monuments.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

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Mr. GIBBONS. Mr. Chairman, I congratulate the gentleman from Utah (Mr. HANSEN) for his leadership on this issue, and I rise in strong support of the bill H.R. 1487, a bill that will ensure public participation in the creation of national monuments.

Quite frankly, I am surprised that there would be any type of opposition to this legislation. We are not abrogating the President's power or his authority under the Antiquities Act in any way except to require him to allow public participation into the process.

He can still create monuments. No size limitations will be imposed except those already existing or contained in the original 1906 act. The President can still act quickly. In fact, he can even avoid public participation provisions in this bill if there is some unforeseen emergency that cannot be taken care of by existing withdrawal authorities.

There is simply no reason to oppose this bill. All we are asking is that national monument proposals see the light of day before being sprung on Congress, a State, and the American public. Even President Clinton's most ardent supporters admit that the creation of the Grand Staircase-Escalante National Monument was unfair, discourteous, and partisan.

I would like to add that it was also a slap in the face of the people of Utah and showed general disdain and lack of respect for democratic principles. There is nothing to stop it from happening again in my State or in my colleagues'.

If we pass this legislation, the American public will be able to participate in the national monument proclamation process. That should not be too much to ask from any administration. In almost every other public lands decision, they are afforded the right to receive information on pending public lands decisions and afforded the right to submit comments.

This is not anything unusual. In fact, it is the right way to conduct business. Mr. Chairman, if the public participation is good, and I submit that it is, then it should be applied across the board.

H.R. 1487 is a great bill. It will inject light and open us into a process that needs to be more open. I intend to vote for H.R. 1487, and I urge all my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. CANNON). The district of the gentleman from Utah has the entire Grand Staircase in it.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 1487, which is a bill to ensure public participation in the monument designation process.

Our colleagues know all too well how President Clinton recently used the 93-year-old Antiquities Act to create the Grand Staircase-Escalante National Monument in my district in Utah. Although there are certainly lands within the monument that are worthy of designation, I believe that the process, or the lack thereof, was fundamentally flawed. Not one local elected official was included in the planning or evaluation of this designation. This, Mr. Chairman, is wrong and should not continue.

Mr. Chairman, millions of people have moved to Utah or remained in Utah for generations to enjoy our beautiful landscape and pristine environment. Utahans are very proud of and cherish our State and want to work to protect our lands. To suggest that Utah officials that have been elected by these Utahans are incapable of making or at least being included in land management decisions affecting our lands is deeply offensive.

This is exactly what occurred in 1996 when, literally, during the dark of night, the designation of the Grand Staircase-Escalante National Monument was drafted. Each and every public official in Utah was blindsided. For the last 2 years, businesses, citizens, and local government have had to react to the designation rather than to work with the administration to achieve some kind of beneficial outcome.

Since 1906, when the Antiquities Act became law, Congresses have passed legislation which requires public participation and input. Unfortunately, in 1996, the people of Utah were never given the opportunity for input. Had we been included in the deliberations of how to protect this land, much of the bitterness and heartache that is felt in southern Utah regarding the monument could have been avoided.

The use of the Antiquities Act in my district was wrong. It should not happen again. I am pleased that the gentleman from Utah (Chairman HANSEN) and the gentleman from Minnesota (Mr. VENTO) were able to craft language to improve the process. I congratulate them both on their work. The Hansen-Vento language simply requires the administration to notify, and consult with, the governor and the congressional delegation of the State at least 60 days prior to any monument designations in the State.

Mr. Chairman, there are rumors that many other monument designations are planned before the end of this administration, and to simply to require that the affected local officials be consulted is common sense and consistent with current law and congressional intent.

This is a common sense approach that will require that a little light be shed on the land management practices of this administration. The gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) worked hard on this bipartisan compromise legislation, and I urge all of our colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Utah (Chairman HANSEN), and I want to congratulate him for his good work on this bill.

We have a National Environmental Policy Act, and the intent of that act is so that, when public land management decisions are made in this country, those making the decisions are required to examine the environmental impacts, economic impacts, and social impacts. The process requires them to scope all those potential impacts and then to try to balance and mitigate how those will affect that decision-making process.

The 1906 Antiquities Act obviously was drafted before the National Environmental Policy, and so it is not subject to the NEPA process. So we really do not have a very good process for how those decisions will be made.

Of course, we have heard the President designated 1.7 million acres in the Escalante-Staircase as a national monument. He did so without any public comment at all. In fact, he sought secret input from selected groups but, in the process, actually ignored, even misled members of his own party and the local political leaders in making this decision.

This was a profound decision. It impacted 1.7 million acres. In the past, monument designations were relatively small parcels. So this decision by the President highlighted the weakness and the shortcomings of the Antiquities Act.

So this bill, while it does not subject that decision to the NEPA process, which I personally would prefer, does begin the process of opening it up. It requires the President to seek public comment and to consult with local leaders before making that decision.

We have always felt, or in recent years we felt, that public land management decisions should be made in an open process, that we ought to seek the input of citizens in making that decision. Why? So that we get input from the wide variety of different opinions about how that decision should be made.

This decision was made in secret. This decision was made in a fashion that actually misled local landowners, local political leaders, the governor, even the congressional delegation.

So this bill, in opening up the process, is really about good government. I think open government is good government.

Will this bill have any negative impact on the President's authority to protect the environment? No, it will not. The President has other emergency powers to withdraw lands temporarily and to propose permanent withdrawals to development if he feels there is a threat to the environment. This bill does not affect that at all.

However, I would point out to my colleagues that that kind of a decision is subject to the National Environmental Policy Act, and it would be my preference that we make this designation that way, too.

But this does not affect the President's emergency powers, temporary powers, or his permanent powers. This is a good government bill. I urge that we support this bill because it will open the process. I urge all my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very modest, common sense, and much-needed proposal. I thank the gentleman from Utah (Mr. HANSEN) for yielding me this time, and I commend him for bringing this very fine legislation to the floor of this House.

Our Founding Fathers established a Government which is supposed to be of, by, and for the people. Unfortunately, what happened in Utah shows that what we have now is a Government of, by, and for the bureaucrats and a few elitists at the top.

Unfortunately, what we saw with this Utah land grab was an abuse of power through a very old law that is really no longer needed. There were no checks and balances. There was no public discussion. There was no consultation with the Utah congressional delegation or the Governor of Utah. There was a deliberate attempt to keep this thing as secret as possible for as long as possible.

H.R. 1487 simply requires the administration to solicit public participation and comment while preparing a national monument proposal. It also requires that the President consult with the governor and congressional delegation of the State in which the lands are located.

To oppose this bill is to oppose even very minimal public participation in this process. What we saw with the designation of this 1.7 million acres in Utah was a very real abuse of power.

During a hearing before the House Committee on Resources in 1997, the Governor of Utah testified that the first reports that he had received regarding this proposal were from a story in the Washington Post. In addition, he testified that he did not receive official word of this proposal until 2 a.m. in the morning the night before the announcement was being made.

At this same hearing, Senator ROBERT BENNETT testified that his staff found a letter from the Interior Department to a Colorado professor who was responsible for drafting the proclamation. In this letter, the Interior Department official stated, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen so take care."

This almost makes one wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union and other dictatorships.

People in other parts of the country should be concerned about this. We should all be concerned because of the political wheeling and dealing, the arrogance, the extremism of the way this designation in Utah was carried out. But perhaps even more importantly, if they do it in one place, they will do it in another if people do not speak out against this type of political shenanigans.

With that said, let me just note that all this legislation would do is make a minor modification to make sure that the public can be involved in decisions that affect large portions of public land. This Utah land grab affected 1.7 million acres, which is three times the size of the Great Smoky Mountains National Park, the most heavily visited park in the country. So millions of people all across this country realize how significant this is.

Mr. Chairman, is it really so bad that we allow the public to participate in such important decisions? I do not believe the President should be able to designate such a huge amount of land as a national monument without some extensive public discussion and meaningful participation.

Mr. Chairman, this legislation is a modest proposal. This is not a Western or an Eastern issue; this is a democratic issue that affects us all. If my colleagues think that we should have just a small group of people at the top making significant, important decisions like this in secret, without any real meaningful public involvement, then they should vote against this bill. However, if they think it should be the right of the American people to have at least a small say in what their Government does, then I hope they will vote for this legislation.

I urge my colleagues to support H.R. 1487 so that we can put the people back in the process at least in a small way.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from the second district of Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise in strong support of H.R. 1487. This excellent bill will allow the public to participate and comment on any proposed national monument declaration. I commend the gentleman from Utah (Mr. HANSEN) for his tireless effort to protect democracy.

This bill requires the President to consult with the governor and the congressional delegation of the affected State 60 days prior to the designation of a monument. Now, this modification of the Antiquities Act, an act in large measure brought forth by one of the greatest Presidents of the United States, Teddy Roosevelt, is absolutely necessary to prevent the kind of abuse that this President was involved in in the creation of the Grand Staircase monument in Utah.

The bill of the gentleman from Utah (Mr. HANSEN) still gives the President the ability to move more quickly, if necessary, to protect an endangered site. I urge my colleagues to support the bill and to vote to protect America from presidential excesses.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to point out the dilemma, frankly, that any chief executive faces with regards to these land-use decisions. As has been articulated accurately by my colleagues from the committee, the President has some emergency powers for 36 months to, in fact, withdraw public lands from mineral entry. Of course we have, through other land designations, excluded lands, some lands from mineral entry under the Wilderness Act and under other conservation designations that we make.

But we are still, in terms of looking at our National Forests and looking at our BLM lands, looking at about a half million acres of lands that lie within them; and better than about two-thirds of them are still open to mineral open, which would constitute some 300 to 350 million acres of land that would be open to such mineral entry and for other appropriations for water, for other uses, even under the Homestead Act and under other uses.

So the President, one of the phenomena that occurs whenever there is a suspicion that a chief executive or, for that matter, that Congress is going to take some action to, in fact, prevent the use under the mining acts, under various other limitations, wilderness designations, road-type of access issues, very often we see a phenomena where those interests that have an interest in mining claims or perfection of those mining claims or access questions or riparian questions with regard to water, when they see we are going to take any such action, they begin to make such claims on these lands.

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This is a problem that we face. And, of course, because we are much more encumbered in Congress in terms of moving, we cannot just move without the Senate and without the President and without our colleagues supporting us, very often these instances of claims can take place and they really, in a sense, very much provide new barriers and provide new obstacles in terms of trying to clarify the use of such lands.

So, too, the President faces the same problem in this issue of monument declaration. It is sort of all or nothing. If in fact, he shares with the public the fact that he intends to designate a piece north of the Grand Canyon, in the case of my colleague's concern, my friend and classmate, the gentleman from Arizona (Mr. STUMP), then, of course, there could be, obviously, activities that take place that would, in fact, contradict the various features that the President may seek in the end to protect. The particular corridor of my friend, who has introduced the bill, might be compromised in the process because we are not moving ahead on it. So I think this is the issue.

In terms of being open, yes, I think we want to be open, but we do not want to undercut the very purpose that the Antiquities Act or, for that matter, any proposals that we might make in Congress dealing with wilderness or dealing with park designations. So there has to be some degree of nondisclosure, I guess, with regards to specific actions. And that is one of the dilemmas that the President faced in this case in terms of not sharing all the actions he was going to take.

I would just say that there has been some challenge as to the nature of this, the appropriateness of this area, and some aspects about what is important about it. But it is a spectacular area. Southern Utah, since early in this century, has been recognized for the outstanding characteristics and landscapes that exist there. They are among some of the most remote areas on the North American continent. They were some of the last areas, in fact, to even be surveyed because of the remote nature of these vast lands that exist in southern Utah. In the 1930s, then Secretary of the Interior Ickes had proposed the designation of a significant-sized park in that area.

Now, some pieces of that had subsequently been declared national monuments and have evolved into becoming part of the park system, including Zion National Park, and, of course, we had spoken earlier about the Grand Canyon, but I do not know if Bryce was specifically in that area or how it was declared. But, again, as I talk to friends that have visited these areas, they are absolutely astounded at the beauty and the serenity of these magnificent landscapes in Utah.

And, of course, beyond that, since 1930, at the very least, all of my colleagues that are participating in this have been sponsoring legislation one way or another to place parts of what is the Grand Staircase-Escalante National Monument, prior to its being designated, putting part of it into wilderness. There have been proposals from Members of Utah, from the gentleman from Utah (Mr. HANSEN), from others that have served in this chamber, Congressman Wayne Owens, to, in fact, declare significant portions of this area as wilderness.

So they, too, have recognized that some of these landscapes are very special and deserving of our highest degree of protection that Congress and the national laws can accord; that these are special lands. Whether they agreed to precisely the boundaries and the final action and the process decision here will be debated for a long time. I will not get into that. I think the idea of having public participation, having notification is appropriate, where possible.

We also have to understand the dilemma that we are actually in a sense trying to face and that has to be resolved in these cases where conflicting claims can be made, even after we have made proposals in Congress, or if the President were to lay his cards on the table, so to speak, any president, with regards to this. He would be faced with conflicting uses and claims that may be made, may be made in some cases not even in good faith, solely to extract a payment from the national government for the purchase of that use or that right to use that public land for water, for mineral entry, for access and for other factors.

So we have to be cognizant of what is possible. We would hope that everyone would act in the spirit of good faith that this legislation would envision; that they would, in fact, conduct themselves in a way that would make the public participation meaningful, without contradicting and undercutting, at the expense of the U.S. taxpayer, the efforts to protect these conservation lands.

Mr. Chairman, I provide for the RECORD the Presidential Proclamation regarding the Grand Staircase-Escalante.

PRESIDENTIAL PROCLAMATION—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia, Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Now, therefore, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interest in lands owned or controlled by the United States within the boundaries of the area described on the document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON.

Mr. Chairman, may I inquire of the time remaining on each side at this point?

The CHAIRMAN (Mr. MILLER of Florida). The gentleman from Minnesota (Mr. VENTO) has 10 minutes remaining, and the gentleman from Utah (Mr. HANSEN) has 6 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), who has long been an advocate of participation in the land use decisions of the great State of Utah.

Mr. HINCHEY. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for offering me the opportunity to speak on behalf of the Grand Staircase-Escalante National Monument and the need to protect and preserve this very valuable piece of American heritage.

The first point that I think that I would like to make in this context is that the land in discussion with regard to Grand Staircase-Escalante is, of course, public land. It is land that is held in trust by the Federal Government for all of the people of the United States. And as the gentleman from Minnesota (Mr. VENTO) pointed out so clearly just a few moments ago, this is land that has been regarded as having great value for archeological reasons, historical reasons, and for the sheer extraordinary beauty of the landscape itself. And that regard dates back to the early days of exploration of the West in our country. And in terms of political action, it dates back to the early days of the Roosevelt administration, that is the Franklin Delano Roosevelt administration, and even, in fact, to the administration of Teddy Roosevelt, who recognized also the extraordinary importance of this landscape.

President Clinton, I think much to his credit and to the great joy and admiration of many people around the country, designated the Grand Staircase-Escalante as a national monument. He did so not completely out of the blue, as some people would contend, but he did so with very substantial indication and notice. It came as no surprise to me, it came as no surprise to any member of the Interior Committee at that time in the House, and it came as no surprise to a great many Americans who are concerned about these issues. The designation was a welcome one in almost every quarter.

And, in fact, that designation has resulted in very substantial and significant economic benefits as well as those benefits that arise from the protection of this federally protected, publicly-owned land held in trust by the Federal Government. Those economic benefits can be seen very dramatically in the communities surrounding the Grand Staircase-Escalante National Monument. They can be witnessed in the fact that a great many small businesses have now sprung up in that area. These small businesses are providing jobs for people in the community and they are also creating significant amount of wealth for those people who are the owners of these small businesses.

That is true entirely for only one reason, the designation of this national monument and the hundreds and thousands of people who have traveled to that part of the country to witness this national monument. And in so doing, of course, they spend their money in the surrounding region, in hotels and motels, and restaurants, and in various other establishments, all of which has been to the benefit of the local economy.

So the designation of this national monument was a very wise one. It was the culmination of a tradition of interest by various administrations, both Republican and Democratic, over the course of this century in the United States. It is much to the credit of President Clinton that this designation went forward, and it is much to the benefit not only to the Nation and to every member of our public who values the extraordinary beauty that is so apparent in this part of the country, the most dramatic that can be found anywhere in the West, but also for the preservation of the ecological resources of this region, the archeological resources of this region, and the opportunity that it has provided for significant economic growth in the surrounding communities.

So this is a fine act, and any attempt, I think, to subvert the process by which presidents, again both Republican and Democrat, have used over the course of the years since it was first established to recognize the unique value of certain portions of our country and to so designate them then as national monuments, that process should not be subverted. It should be allowed to continue in the same vein that it has for many decades.

Notice, of course, is fine, and the amendment that the gentleman from Minnesota (Mr. VENTO) proposed in the Committee on Resources, and which was adopted by that committee, is very neat and fitting and suitable. However, any attempt to undermine the intent of that amendment, which was adopted by the majority of the members of that committee, and which I believe would be supported by the majority of the Members of this House, any attempt to subvert that language is wrong, it is out of place, and it ought to be rejected.

So I rise here in support of the activities of the gentleman from Minnesota on the Committee on Resources, in support of the President's naming of the Grand Staircase-Escalante as a national monument, and opposed to any action that might subvert those efforts.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

In closing, I would just suggest that there will never be agreement, I expect, on the process that occurred with regard to Grand Staircase-Escalante. Our purpose here today is to obviously demonstrate the features of this area, to somehow talk about the problems that the President faces under the existing process, some of the problems we face under the process we have for designation of lands for various purposes, and some of the conflicting laws that we are trying to untangle in terms of clarifying or providing for public participation and notification so that there is a good understanding.

In any case, I think this legislation is a positive step, a very positive step in terms of addressing what has been, obviously, a contentious matter with regards to this recent designation and throughout the history, frankly, of the Antiquities Act. So, hopefully, with that said, Mr. Chairman, and with the action today and action on our amendments, we will help alleviate some of these problems.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have heard a lot about this 1906 Antiquities Act. Keep in mind that that is when it was passed, 1906; and from that time to this time, do we have other laws that protect the lands in the State of Utah? We have probably more than we need. We have the 1916 Organic Act, where the parks came from; we have the 1976 FLPMA; we have the 1969 NEPA; we have the 1964 Wilderness Act; we have the Wild and Scenic River Act. We have so many acts we do not know which ones we are dealing with. So we have all these acts. This truly is an antiquated law.

But we are not trying to change it, contrary to what some people are trying to allude to. We are merely making a minor, minor change in the law that says people should do things in the light of day. We are not going to do it in closets. We are going to do it on sunshine laws. Yesterday, as I sat in the Chair that is all I heard from the other side, there should be sunshine laws, when we were talking about juvenile justice and things such as that.

What is this bill about, Mr. Chairman? It is about the word abuse. That is what the word is, it is abuse. The 1906 Antiquities Act says this, it says that the President will designate why he is doing something; is it historic or an archeological reason.

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Now we look at things like where the two trains met, the Golden Spike, obviously a historic area of less than a hundred acres. Now look at the beautiful things such as the Rainbow Bridge, obviously archaeological.

Now read the proclamation of the 1906 Antiquity Law. Does anyone see anything in there where the President says, I am doing this for a historic area; I am doing it for an archaeological area? No, it does not say that anywhere. So why is he doing it? Again, it goes back to the word "abuse."

As my colleagues know, we were completely ignored in this issue, all members of the delegation, no member of our State legislature, no member of the governor's office, including the governor himself. And so, we subpoenaed all of these papers, we got them in our own hands, why did you do this? And we wrote a pamphlet and we happen to have copies of it here. It is called "Behind Closed Doors: The Abuse of Trust in the Establishment of the Grand Staircase-Escalante National Monument."

What did they say in this? Did anyone overhear or did anyone read it? Well, maybe we ought to take a look at some of the things that were said, which I find very interesting.

In a memo of August 14, 1996, a memo to the President from Kathleen McGinty, chair of the CEQ, candidly discusses this thing:

"The political purpose of the Utah event is to show distinct, Mr. President, your willingness to use the Office of President. It is our considered assessment that an action of this type of scale would help to overcome the negative effects toward the administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support you."

On March 25, 1996: "I am increasingly of the idea that we should drop these Utah ideas. We do not really know how the environs, how are the environs going to respond? I do think there is a danger of abuse."

March 22: "The real remaining question is not so much what this letter says but the political consequences."

And then they go on to say: "This ground is not worthy of protection." Is that not interesting? "This ground is not worthy of protection."

Well, did anybody know, yes, some people did know, the environmental community was told, I guess they are more important than the elected officials of the State of Utah, and a lot of movie actors were told; and they were standing there and cheering, and these people do not have a clue of what is going on in the West or any of our laws, not a clue; and yet they are told and they are standing there working on these particular issues.

So, Mr. Chairman, we may ask ourselves, I guess we get a little paranoid in this job and we start wondering what is happening. The paranoia, now we are hearing these rumors again, much like my AA calling up and saying is this going to happen and Ms. McGinty saying, no, we do not know anything about it; and yet this pamphlet here shows she knew about it for nine months and planned it herself, and the administration knew about, and the Department of the Interior knew about it and all these movie actors knew about it. But, of course, we are not told about it.

So here we find ourselves in a position, is anybody else going to get this? Who of the 435 districts is next? Who is the lucky guy that is next, has this thing come zooming down on him and all of a sudden he has it?

I am amazed at my Eastern brethren, who I have great respect for, who love to come out to Utah and the West and tell us how to run our ranches. I guess we are too stupid to know ourselves. But still, on the other hand, I would think the people that are there should have some input on what goes on.

People who have never been to the West drop bills in that particular area. Maybe it is a good throw-away vote. It does not mean anything to us if they take 1.7 million acres of Utah, bigger than their entire State in many cases. Why do we care, or Nevada, or Wyoming, or any of those areas? Why do we care? It is nothing to us, who are a bunch of redneck Westerners. What do we care? They do not know anything.

So I really think a lot of us from other areas ought to think seriously. Maybe we ought to follow the administration of the gentleman from Alaska (Mr. YOUNG) when he says, why do they not just take care of their own district.

That is the theory of the gentleman from Alaska (Mr. YOUNG). I do not know if that entirely works. But still, on the other hand, still I think everybody in their own district knows what is going on there and does a good job of it.

Mr. Chairman, this is about abuse, that is the whole thing, and how to stop it. We are not changing the law that much. I urge people to support this bill.

Mr. UDALL of Colorado. Mr. Chairman, when the Resources Committee held a hearing on this bill earlier this year, I found it a very troubling measure—one that I could not then support. However, because the Committee made significant revisions in the bill, I joined in voting to send it forward for consideration and further refinement by the House.

Shortly, we will consider an amendment to further clarify the bill's very limited scope. I will support that amendment, and, if it is adopted, I then will support the bill for two reasons—because of what the bill as so amended will do, and because of what it will not do.

What it will do is highlight the value of public input about managing public lands—lands that belong to all the American people.

It will do that by urging the President, so far as practicable, to seek public participation and comment and to consult with relevant Governors and Members of Congress about possible actions under the Antiquities Act. It also will call on those involved with such possible actions to consider relevant information, including previous public comments about the management of the lands involved.

These are very modest provisions, but I think they are worthwhile.

Even more important is what the bill will not do. It will not weaken the Antiquities Act, and it will not diminish the ability of the President to act quickly when that's required to protect vulnerable resources and values of the public lands.

Mr. Chairman, the Antiquities Act is a very important law that has proved its value over the years. Since its enactment, almost every President—starting with Theodore Roosevelt—has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations. In some instances, those Presidential actions have been controversial when they were done. But they have stood the test of time.

In my own State of Colorado, we are very proud of the special places that have been set aside. We do not want to abolish the Colorado National Monument, as established by President Taft and enlarged and revised by Presidents Herbert Hoover and Dwight Eisenhower. We do not want to weaken the protection of Dinosaur National Monument, as established by Presidents Woodrow Wilson and Calvin Coolidge. We highly prize the archeological and other values of Yucca House, protected by President Wilson, just as we do those of Hovenweep, a National Monument set aside by President Harding and enlarged by Presidents Truman and Eisenhower.

And we are very protective of two more of our brightest gems—the Great Sand Dunes National Monument, first proclaimed by Herbert Hoover, then enlarged by Presidents Truman and Eisenhower, and the Black Canyon of the Gunnison National Monument, which also was established by President Hoover.

Coloradans do not want to lose those National Monuments—we know their value. That's why the Colorado delegation has taken the lead to further expand the Black Canyon monument and to redesignate it as a National Park—something I strongly support.

In Colorado, we know the value of the Antiquities Act, and we know why it should remain available to future Presidents. If the amendment I mentioned is adopted—as I hope and expect—this bill would not deprive future Presidents of this important tool.

Also, if amended as I expect, the bill would still let a future President act quickly—another reason I can then support it. So long as the mining laws allow anyone to stake a claim on public lands that aren't withdrawn, a President needs to be able to swiftly withdraw special areas before a speculative land rush could make it harder—maybe impossible—to give needed protection to threatened resources.

And, frankly, sometimes a future President may need to use the Antiquities Act on short notice to make sure that Congressional deadlocks don't endanger priceless parts of the public lands. That was why President Carter invoked the act when a filibuster threat by one member of the other body stalled passage of an Alaska lands bill shortly before the expiration of the statutory withdrawal of vulnerable areas in that state.

Thanks in large part to that timely use of the Antiquities Act, those areas now include important National Parks and National Wildlife Refuges as well as outstanding units of our National Wilderness Preservation System, all established by the Alaska National Interest Lands Conservation Act—that is, by Congressional action that built on and revised what the President had done.

In fact, Mr. Chairman, that's really the bottom line here—the Antiquities Act lets the President act, but what a President does Congress can undo. For example, by actions of Congress the Mount of the Holy Cross, that famous landmark near Minturn, Colorado, is no longer a national monument—instead now it is protected as part of the Holy Cross Wilderness within the White River National Forest.

As that and other examples show, if we in the Congress disagree with a President's decision to use the Antiquities Act, we can reverse or modify anything that the President has done through that authority—provided that our own preferences have enough support for them to be enacted into law. That's balanced and fair—and that would not be changed by this bill if it's amended as I expect. So, Mr. Chairman, I urge adoption of the amendment I mentioned—and, if that amendment is adopted, and if the bill is not further amended in a way that would throw it out of balance, I think the bill should be passed.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation, though I believe it doesn't go nearly far enough to rein in the political chicanery surrounding Antiquities Act withdrawals and declarations.

I don't know whether to laugh or cry when I hear opponents of this bill deplore the simple requirement that the President follow the National Environmental Policy Act—NEPA—the same stringent environmental review law that other federal agencies have to follow.

Why does the President of the United States have the prerogative to make a small inholder in my state, owning just 20 acres inside a 6-million-acre park, pay hundreds of thousands of dollars to conduct extensive NEPA studies (on behalf of the Park Service) just to have access to his property. How can he justify this at the same time the public—American citizens—cannot demand these studies when millions of acres of land are about to be declared a monument?

This is about accountability and credibility. It's hard to believe, but the public knew less about the President's motives behind the Grand Staircase Escalante withdrawal, than about his mysterious motives behind the pardoning of Puerto Rican terrorists!

Only through the untiring work of my Committee on Resources did we reveal the politically motivated, back-room, election-year deal-making to sacrifice the rights of Utah school children just to please a few Hollywood actors.

I am outraged at the abuse of the Antiquities Act, and it only makes me wonder who's next. Alaska? Arizona? Missouri? I guess that depends on where Republican districts are located, and which Hollywood celebrity bedazzles the President and his aides. But we all know that this is just politics as usual.

This bill simply makes the President do what all other Americans are forced to do for major federal actions: do a NEPA Environmental Impact Study.

If they truly believe that NEPA is a worthy law and protects our environment, then the Clinton/Gore Administration should be required to comply with it, just like everyone else.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC PARTICIPATION IN THE DECLARATION AND SUBSEQUENT MANAGEMENT OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431; popularly known as the Antiquities Act of 1906), is amended—

(1) by striking "SEC. 2. That the" and inserting "SEC. 2. (a) The"; and

(2) by adding at the end the following:

"(b)(1) To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest located on the public lands to be designated, the President shall—

"(A) solicit public participation and comment in the development of a monument declaration; and

"(B) consult with the Governor and congressional delegation of the State or territory in which such lands are located, to the extent practicable, at least 60 days prior to any national monument declaration.

"(2) Before issuing a declaration under this section, the President shall consider any information made available in the development of existing plans and programs for the management of the lands in question, including such public comments as may have been offered.

"(c) Any management plan for a national monument developed subsequent to a declaration made under this section shall comply with the procedural requirements of the National Environmental Policy Act of 1969.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO:

At the end of the bill, add the following:

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to enlarge, diminish, or modify the authority of the President to act to protect public lands and resources.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I rise to offer an amendment to H.R. 1487.

When the bill was brought before the Committee on Resources, the gentleman from Utah (Mr. HANSEN) and I, of course, worked out a compromise legislation that all of our colleagues in the committee could support. I appreciate that ability to work with the gentleman on that.

The amendment that I offered was accepted in the committee, and it directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment on the development of the national monument declaration, to consult the governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

The intent of the amendment that I will offer today says nothing in this Act shall be construed to modify the current authority of the President to declare national monuments as provide to him under the Antiquities Act.

I feel obligated to offer such an amendment due to the report of the Committee on Resources on this measure which did not actively represent the intent and scope of my substitute amendment adopted in the committee. Since the committee did not discuss the substance of this report with me before it was printed, the intent of my substitute amendment was significantly misunderstood and I believe inaccurately represented.

I am concerned that the report directs the President before designating national monuments to go far beyond even the specifics of current law or the changes in the proposed legislation. The report, like the original legislation, discusses a public participation process that goes beyond that of NEPA public participation requirements. Such procedure and requirements discussed in the report would threaten to harm and possibly destroy the natural and cultural artifacts that the President is trying to protect under the Antiquities Act.

In addition, the report further misrepresents and rewrites the consultation provisions adopted by the full committee by making these consultations distinctly separate from the public participation provisions.

Therefore, Mr. Chairman, I offer this amendment, which is obviously a repeat of the powers of the President. It does not modify our intent that there be public participation and consultation unless it is not practicable, but the fact remains that these designations when necessary can and will and should override these procedures. I would hope and I think that in most instances that these public participation and consultation processes will be workable and will alleviate much of the misunderstanding and acrimony that has obviously surrounded the most recent declaration that the President has made in Utah.

Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. VENTO) for his efforts to work out legislation that could be supported on both sides of the aisle.

I believe the substitute amendment offered by the gentleman in committee is very clear and the amendment offered here is somewhat superfluous. But it is there. There appears to be concern that that legislation will somehow restrict the authority of the President to act quickly if necessary. This certainly is not the case.

The committee language of the gentleman from Minnesota (Mr. VENTO) reads: "To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures" the President shall solicit public participation and comment.

The language goes on to state that the President shall also consult with the governor and the congressional delegation of the affected State "to the extent practicable."

This is clear that in a real emergency the President may act under the authority he enjoys today. So I think the amendment is unnecessary and really has no effect, but it is fine with me.

The language of the reported bill may be considered somewhat vague and does not specifically address what is meant by the phrase such as "to the extent consistent" and "to the extent practicable."

I assume this amendment is offered to clarify that if existing withdrawal authorities available to the President or his subordinates would not adequately protect endangered lands, the President can act under the Antiquities Act without following the public participation procedures.

The present administration also clarifies the point that while this bill will establish some prerequisites to the President's authority to act, it does not diminish his ultimate authority, after he has jumped through the appropriate hoops to act to protect public lands and resources. Thus, while it does not affect the timing and procedure of the President's authority to use the Antiquities Act, it does not restrict his authority to act to protect public lands and resources.

Mr. Chairman, when the Vento language was accepted at full committee, it was agreed between the gentleman from Minnesota (Mr. VENTO) and myself that bill report language would be written that would make it clear that the President could only avoid the public participation and consultation requirements of this bill in an emergency, specifically, when there is land in some sort of legitimate peril and the President or his appropriate secretaries could not protect the land in question under other withdrawal or protection authorities.

Mr. Chairman, we made that agreement in committee. We drew up appropriate report language. And the gentleman from Minnesota (Mr. VENTO) filed supplemental views. The supplemental view of the gentleman did not contradict the report language in any way. I assume that this was because the report language accurately reflected our agreement and sharpened the points that we agreed should be clarified.

We agreed that the acceptance of the Vento language was contingent on a bill report that would add some teeth to the Vento language. The agreement and the resulting bill report are part of the legislative history of this bill. Nothing in the Vento amendment now under consideration appears to change that fact, and that is the reason I support the amendment. With this understanding, I support this and I ask my colleagues to do that.

Mr. Chairman, I would like to clarify a couple of points here that were brought up earlier when some people reported that this was all public land in the Grand Staircase-Escalante. That is completely false. 200,000 acres of this was not public land that is surrounded in the Staircase.

Also, the idea the great economic benefits brought about. The children of the State of Utah, those kids we are trying to educate, lost over $1 billion out of this. I would like to see somebody make up that appropriations that we lost.

Mr. Chairman, I support the Vento amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having resumed the chair, Mr. MILLER of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, pursuant to House Resolution 296, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of clause XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1045

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. MCHUGH). The Clerk will report the motion.

The Clerk read as follows:

> Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 be instructed to insist that the conference report not include Senate provisions that—
>
> (1) do not recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and
>
> (2) impose unconstitutional restrictions on the second amendment rights of individuals.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from California (Ms. Lofgren) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have heard numerous statements made about the further efforts to secure gun control which I believe to be in violation of our fundamental liberties as citizens of this Republic and which I believe do violence to our United States Constitution and the Second Amendment contained therein. And I offer this resolution to instruct our conferees to abide by the Constitution and to do no harm thereto in the deliberations that will occur in the points of agreement arrived at in this conference committee.

Mr. Speaker, let us begin with the Second Amendment: "A well-regulated militia being necessary for security of a free state, the right of the people to keep and bear arms shall not be infringed."

I would submit that it is not the right of the Army, not the right of the National Guard; it says the right of the people, an individual right.

In the Second Amendment, James Madison used the phrase: right of the people, as he often did throughout the entire Bill of Rights. In each case the right secured has been considered an individual right.

For example, the First Amendment contains the right of the people peaceably to assemble and to petition the government for a redress of grievances. The Fourth Amendment contains the provision, the right of the people to be secure in their persons, houses, papers, and affects against unreasonable searches and seizures.

The structure of the Constitution is persuasive, I believe, in upholding the right of the individual to exercise his Second Amendment rights. The right to bear arms appears early in the Bill of Rights, listed with other personal liberties such as the personal right to free speech, the right to the free exercise of religion, the right to assembly as well as the freedom from unreasonable searches and seizures. Even more persuasive evidence comes from Madison's original proposal to interlineate the new rights within the Constitution's text rather than placing them at the end of the original text as, in fact, actually happened. Madison in his proposed Constitution placed the First and Second Amendments immediately after Article 1, section 1, clause 3, which includes the Constitution's original guarantees of individual liberties, freedom from ex post facto laws, and from bills of attainder.

If, as some claim, that the Second Amendment protects a collective right that resides with the State or the local militia, in his original plan Madison surely would have placed the Second Amendment in Article 1, section 8, which deals with the powers of Congress including Congress' power to organize and call out the militia. But Madison did not do that. He placed it with the individual rights because that is what it was intended to protect.

In Federalist Paper No. 46, James Madison, who later drafted the Second Amendment, argued that, quote,' the advantage of being armed, which the Americans possess over the people of almost every other Nation, would deter the central government from tyranny. That view was consistent with Madison's contemporaries and certainly with the framers of the Constitution.

The new Constitution respected individuals' rights, Madison wrote, whereas the old world governments, quote, were afraid to trust the people with arms. Surprise, surprise. Nothing has changed over 200 years later, and the present governments of the world are afraid to trust people with arms, and unfortunately some in their own government have now succumbed to that fear.

But indeed that is what we face today, a distrustful government that wants to take away guns from the people in the name of safety and which unfortunately at State and local levels all too often has been successful, and we see a direct rise in violent crimes as a result of that limitation of handguns.

Not only does this effort discount the thousands of lives saved by firearms each year, it strips away a precious freedom. Let us not forget what Benjamin Franklin said, quote:

Those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety.

The importance of individual gun rights was a point on which both the Federalists led by Madison and the anti-Federalists agree.

Though he was strongly critical of Madison in the course of many other constitutional disputes, Richard Henry Lee wrote, quote:

To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them.

Patrick Henry, the great Virginian, said, quote:

The great object is that every man be armed.

When Madison wrote the Constitution and Bill of Rights, he was not writing on a clean slate. Many States were demanding inclusion of a list of fundamental rights before they would agree to ratify the Constitution. Madison' purchased a pamphlet containing the demands of the States of over 200 rights listed therein. He chose a total of 19 for express listing. This number was eventually whittled down, but one right Madison had to include, which was demanded by State conventions in Pennsylvania, Massachusetts, New Hampshire, Virginia, and New York was the express right to keep and bear arms. The States did not equivocate as to whether this right belonged to individuals or the State militia. Here from Pennsylvania is what was contained in their Constitution, quote:

That the people have a right to bear arms for the defense of themselves and their own State or the United States or for the purpose of killing game.

New Hampshire Constitution says this, quote:

Congress shall never disarm any citizen unless such as are or have been in actual rebellion. End of quote.

New York has this. Quote:

That the people have the right to keep and bear arms, that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defense of a free state.

Here is a great one. I am not going to tell my colleagues who said this, but let me just read it, and I will tell them at the end. Quote:

What country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.

That was not a quote from a modern militia member. That was a quote. It was not Charlton Heston talking or it was not some official from the National Rifle Association. Those words were spoken by the author of the Declaration of Independence himself, Thomas Jefferson.

Mr. Speaker, I have taken the time to go through these quotes by way of background to illustrate that the Second Amendment is a precious personal right of every American. I believe, if we gave full force and effect to it, that we would see a safer society, and it is my desire to have a safer society that leads me to stand up and make this privileged motion. I believe it is very wrong to continue to head down this path of Federal regulation, taking away fundamental rights on the supposed premise that somehow this is going to improve our society when, in fact, all of the empirical evidence shows that restrictive gun control makes us a less safe society, that it makes our cities very dangerous places to be. The urban areas have the most violent crime, have the least number of handguns. There is a direct correlation, and later on here I will talk about that, but for now, Mr. Speaker, I will conclude.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from California (Mr. DOOLITTLE) has offered a motion that, if adopted, would impair the ability of the House and Senate to adopt reasonable gun regulations, gun safety measures, and that is because in his motion he distorts the actual interpretation of the Second Amendment and interprets it in such a way that courts do not.

I would like to briefly reference some of the U.S. Supreme Court decisions that have addressed the issue of the Second Amendment. The most prominent one is U.S. versus Miller, a 1939 case where the court said, In the absence of any evidence tending to show the possession or use of a shotgun at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia. We cannot say that the Second Amendment guarantees the right to keep and bear such an instrument with obvious purpose to assure the continuation and render possible the effectiveness of such forces the Declaration and guarantee of the Second Amendment will note it must be interpreted and applied with that end in view.

In another case, U.S. versus Hale, a 1992 case from the 8th Circuit and not overturned, but the Supreme Court opined that the purpose of the Second Amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia.

The Second Amendment has often been used to try and thwart sensible gun safety measures. In 1992, six of the Nation's former attorneys general wrote in a joint and bipartisan letter, and I quote:

For more than 200 years the Federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized State militia. It does not guarantee immediate access to guns for private purposes.

Mr. Speaker, the Nation can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy towards guns and crimes, and that was signed by attorneys general Nicholas Katzenback, Ramsey Clark, Elliot Richardson, Edward Levy, Griffin Bell, and Benjamin Civiletti. I think it is important to outline the vast number of cases that have reached the same conclusion, and I submit for the RECORD a list of all of the court citations that established this point:

Court decisions supporting the "militia", rather than "individual rights" reading of the second amendment

U.S. SUPREME COURT

U.S. v. Miller, 307 U.S. 174 (1939)
Lewis v. United States, 445 U.S. 55 (1980)

U.S. COURTS OF APPEALS

U.S. v. Oakes, 564 F.2d 384 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978)
U.S. v. Swinton, 521 F.2d 1255 (10th Cir. 1975)
Hickman v. Block, No. 94-55836 (9th Cir. April 5, 1996)
U.S. v. Farrell, 69 F.3d 891 (8th Cir. 1995)
U.S. v. Hale, 978 F.2d 1016 (8th Cir. 1992)
U.S. v. Nelsen, 859 F.2d 1318 (8th Cir. 1988)
U.S. v. Cody, 460 F.2d 34 (8th Cir. 1972)
U.S. v. Decker, 446 F.2d 164 (8th Cir. 1971)
U.S. v. Synnes, 438 F.2d 764 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972)
Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), cert. denied, 464 U.S. 863 (1983)
U.S. v. McCutcheon, 446 F.2d 133 (7th Cir. 1971)
U.S. v. Warin, 530 F.2d 103 (6th Cir.), cert. denied, 426 U.S. 948 (1976)
U.S. v. Day, 476 F.2d 562 (6th Cir. 1973)
Stevens v. U.S., 440 F.2d 144 (6th Cir. 1971)
U.S. v. Johnson, Jr., 441 F.2d 1134 (5th Cir. 1971)
Love v. Pepersack, 47 F.3d 120 (4th Cir.), cert. denied, 116 S.Ct. 64 (1995)
U.S. v. Johnson, 497 F.2d 548 (4th Cir. 1974)
U.S. v. Tot, 131 F.2d 261 (3rd Cir. 1942), rev'd on other grounds, 319 U.S. 463 (1943)
U.S. v. Toner, 728 F.2d 115 (2d Cir. 1984)
U.S. v. Friel, 1 F.3d 1231 (1st Cir. 1993)
U.S. v. Graves, 131 F.2d 916 (1st Cir. 1942), cert. denied, sub nom., Velázquez v. U.S., 319 U.S. 770 (1943)
Fraternal Order of Police v. United States, 173 F.3d 898 (D.C. Cir. 1999)
United States v. Wright, 117 F.3d 1265 (11th Cir. 1997)
Gillespie v. Indianapolis, 1999 WL 463577 (7th Cir. July 9, 1999)
United States v. Broussard, 80 F.3d 1025 (5th Cir. 1996)
United States v. Williams, 446 F.2d 486 (5th Cir. 1971)
United States v. Graves, 554 F.2d 65 (3d Cir. 1977)
Thomas v. City Council of Portland, 730 F.2d 41 (1st Cir. 1984)
National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F. Supp. 1564 (N.D. Ga. 1997), aff'd, 155 F.3d 1276 (11th Cir. 1998)

U.S. FEDERAL DISTRICT COURTS

Hamilton v. Accu-Tek, 935 F. Supp. 1307 (E.D.N.Y. 1996)
In re Brown, 189 B.R. 653 (M.D. La. 1996)
In re Evans, 57 Cal. Rptr. 2d 314 (Cal. Ct. App. 1996)
National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F Supp. 1564 (N.D. Ga. 1997), U.S. v. Gross, 313 F. Supp. 1330. (S.D. Ind. 1970), aff'd on other grounds, 451 F.2d 1355 (7th Cir. 1971)
U.S. v. Kraase, 340 F. Supp. 147 (E.D. Wis. 1972)
Thompson v. Dereta, 549 F. Supp. 297 (D. Utah 1982)
Vietnamese Fishermen's Association v. KKK, 543 F. Supp. 198 (S.D. Tex. 1982)
U.S. v. Kozerski, 518 F. Supp. 1082 (D.N.H. 1981), cert. denied, 496 U.S. 842 (1984)
Moscowitz v. Brown, 850 F. Supp. 1185 (S.D.N.Y. 1994)

Mr. Speaker, I think we should be clear about what we are doing here today. The maker of the motion does not believe that we ought to have gun regulation, he does not believe we ought to have gun safety measures. He has a right to that opinion. He voted against the Brady bill. He voted to repeal the assault weapons ban. He voted to repeal the ban on the domestic production of large capacity clips. He and I do not agree on the issue of sensible gun safety regulation.

But I think we ought to be clear that his motion is to prevent gun safety regulations from being adopted by this House. The Second Amendment has nothing to do with it, and I would urge my colleagues to see through the kind of legal murkiness that is being put forth here today and to understand that this is really once again a disagreement between those who stand for sensible, moderate, reasonable gun safety regulation and those who believe we ought not have that.

Mr. Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

The Second Amendment has everything to do with it; that is my point. The proponents of unconstitutional gun control want to avoid the Constitution because we do have a Second Amendment, and that cuts against them, so they want to talk about gun safety and how they have such reasonable, responsible proposals, proposals which have never worked, which have utterly failed.

Crime continues to get worse or has gotten worse until demographic trends kicked in in the early 1990's, having nothing to do with gun control, and yet we continue to see these relentless efforts by our left wing advanced to take away our precious fundamental rights.

□ 1100

So I believe it has everything to do with it. The issue is precisely joined here, and that is why I began with talking about the Second Amendment and with the statements of the author of the Second Amendment, and with contemporaries who wrote and voted on the Second Amendment back in the days when it was approved. I just think it is important, Mr. Speaker, that that be noted.

I also want to point out that the Supreme Court has never ruled that the Second Amendment is not an individual right. Interestingly enough, Justice Scalia has come out with a book recently where he says it is a personal right. Now, that is one member of the Court, I stipulate, but nevertheless it is a member of the Court.

Justice Thomas in the Printz case, which thankfully overturned the Brady law, it was a great decision, made this observation,

> This court has not had recent occasion to consider the nature of the substantive rights safeguarded by the Second Amendment. If, however, the Second Amendment is read to confer a personal right to keep and bear arms, a colorable argument exists that the Federal Government's regulatory scheme, at least as it pertains to the purely intrastate sale or possession of firearms, runs afoul of the amendment's protections.

So the fact of the matter is, it has been some 60 years since the Supreme Court has actually interpreted the Second Amendment. We may have a case heading there now, and we will finally get to hear what the justices think that it means.

I just want to emphasize, we have never had a U.S. Supreme Court decision where they have held that the Second Amendment is not an individual right, nor could they reasonably so hold, because it is so clearly in the history of statements of Madison, the other Founders, meant to be an individual right.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I rise in strong support of the Doolittle motion which simply reaffirms the importance of our Second Amendment right. Mr. Speaker, we take for granted the amount of lives that the Second Amendment right has saved, and I would like to take a moment and share with the House just a few experiences of actual people who in the last year have been able to protect their own lives and their property because of this very necessary and critical right.

In December of 1998, Kenneth Thornton of Memphis, Tennessee, protected himself from a personal assault at his business. In January of 1999, 62-year-old Perry Johns of Pensacola, Florida, was able to stop an assailant from taking him to the bank and forcing him to withdraw his money. In December of 1998, Jerry and Mary Lou Krause were able to ward off two intruders in their Toledo, Ohio, home, and in January of 1999, Gregory W. Webster of Omaha, Nebraska, was able to defend himself from three individuals wearing masks who fired shots at him in his own basement.

Now, in June of 1999, David Zamora was able to stave off an attempted highjack of his car at a fast foods drive-in at Phoenix, Arizona, and in June of 1999, 83-year-old poet Carlton Eddy Breitenstein of Rhode Island was able to defend himself from a repeated intruder.

Now, in June of 1999, Jack Barrett of Augusta, Georgia, was able to stop a prowler from invading his home who was dressed in black military clothing and brandishing a knife. In July of 1999, a former Marine was able to protect seven of his family members from five gun-toting thugs who descended on him and his family in their Tucson, Arizona, home.

In July of 1999, a Boulder, Colorado, woman was able to ward off and detain her estranged husband who threatened to murder and burglarize her in her very own home.

Mr. Speaker, the stories go on and on, and, in fact, in 1997, the Clinton Justice Department study found that as many as 1.5 million people use a gun in self-defense every year.

Mr. Speaker, it is so important that we not learn to appreciate what we have by losing it. If we even slightly diminish our Second Amendment rights, millions of Americans will be left vulnerable to attack. Let us continue to uphold that very right, which has allowed law-abiding citizens to protect themselves from cold blooded criminals. I urge a yes vote for the Doolittle motion.

Ms. LOFGREN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding the time.

Mr. Speaker, I rise in opposition to the motion to instruct, first because there are no provisions in either the House or Senate version of H.R. 1501 which violate the Second Amendment to the Constitution, and second because the motion suggests an individual right to bear arms, which is, in fact, not found in the Constitution.

The argument offered by some and by the sponsor of the amendment is that the Second Amendment prohibits Congress from passing laws regulating individual gun laws.

The Second Amendment provides, quote, "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Mr. Speaker, the United States Supreme Court declared in 1939, in the case United States versus Miller, that the Second Amendment right to keep and bear arms applies only to the right of a State to maintain a militia and not to an individual's right to bear arms. More specifically, the Court stated that the obvious purpose of the Second Amendment was to assure the continuation and render possible the effectiveness of the State militia and that the amendment must be interpreted and implied with that end in view.

Following the Miller decision, numerous court decisions have consistently held that the Second Amendment guarantees a right to be armed only by persons using the arms in service to an organized State militia. The modern, well-regulated militia, is the National Guard, a State-organized militia force made up of ordinary citizens serving as part-time soldiers. Courts have consistently held that gun control laws affecting the private ownership, sale and use of firearms do not violate the Second Amendment because such laws do not adversely affect the arming of a well-regulated militia.

In fact, during the May 27, 1999, hearing on firearm legislation before the House Committee on the Judiciary's Subcommittee on Crime, I personally asked the executive director of the National Rifle Association to cite any court decision which interpreted the Second Amendment as granting an individual right to bear arms, and he could not cite a single court decision.

The sponsor of the amendment likewise has offered his analysis but has been unable to cite a single Supreme Court decision which supports those views. Thus, the Second Amendment does not constitute a barrier to congressional regulation of firearms. Rather, the real challenge before us is to determine what Congress can do in the form of regulating firearms which will actually result in the reduction of gun violence.

Now, we do know that some modest provisions currently in existence have made a difference. 300,000 felons, fugitives and others prohibited from receiving firearms were prevented by the Brady law between 1993 and 1998 from making those purchases. Provisions passed in the Senate would bring about a significant reduction in the number of criminals acquiring guns.

Unfortunately, those good provisions in the Senate version of 1501 are coupled with counterproductive provisions affecting the system of juvenile justice in this country. Several of those provisions, such as jailing more children with adult criminals and kicking children with disabilities out of school without alternative educational services have been shown to be counterproductive.

On the other hand, the bill also contains bipartisan legislation reflecting proven initiatives which will, in fact, reduce juvenile crime. So, Mr. Speaker, we should focus on these reasonable gun safety provisions and proven juvenile justice provisions which will assist localities in substantially reducing the carnage of youth violence in this country and focus not on the counterproductive sound bites and flawed interpretations of the Constitution. I, therefore, ask my colleagues to oppose the motion.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just observe how odd that the Constitution would give the individual the right to freedom of religion, the right to free speech, then give a right to the State about keeping and bearing arms and then go back to the right of the individual to be free from unreasonable searches and seizures. It just does not flow.

The fact of the matter is, the gentleman says there is no Supreme Court decision that supports my position. I have quoted the author of the Second Amendment and of the Constitution, James Madison, and of contemporaries who voted on the amendment themselves. Those are the ones the Supreme Court looks to when it renders its decision.

Are the Supreme Court decisions muddled on this issue? Yes. Have we had a Supreme Court decision on the Second Amendment in the last 60 years before the gentleman and I were even in existence here on this Earth? We have not. So the fact of the matter is, we need the Supreme Court to speak out, but I did say what one member of the Court said, Justice Scalia.

I do want to just also point out with reference to the Brady law, this book contains the most comprehensive study of gun control laws ever done. It is entitled, More Guns, Less Crime, Understanding Crime and Gun Control Laws. It is by John R. Lott, Jr.

So with that background, I just want to cite this statement in rebuttal of what the gentleman said.

> No statistically significant evidence has appeared that the Brady law has reduced crime and there is some statistically significant evidence that rates for rape and aggravated assault have actually risen by about 4 percent relative to what they would have been without the law.

So here are the facts and the statistics, but better than that we have the Constitution itself.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, when our forefathers came here a number of years ago and in 1776 wrote the Declaration of Independence, they broke with a tradition in essentially all of the countries they came from, mainly then from Europe and the British Isles. That tradition was a divine right of kings, that somehow people accepted the notion that the rights came from God to the king and the king would then give what rights he wished to his people.

In the Declaration of Independence, they made a radical departure from that because they said that we, we the people, are endowed by our Creator with certain unalienable rights and among these are the right to life, liberty and the pursuit of happiness.

Consistent with this notion that the rights belong to the people, and with their concern about the tyranny of the crown, the tyranny of the State, they wrote and it was ratified in 1791, 4 years after the ratification of the Constitution, the Second Amendment, part of the first 10 amendments which we know as the Bill of Rights, and there they continue this theme that has been mentioned a couple of times now by my good friend, the gentleman from California (Mr. DOOLITTLE), that they really were concerned that the people should have this right, the people.

Let me read the Second Amendment. My liberal friends rarely read the whole amendment. They read the second part of it: "a well-regulated militia being necessary to the security of a free State."

What does one think that means? What that means is that they were concerned that without a well-regulated militia, without the people having the right to keep and bear arms, that we could not be assured of all of the freedoms guaranteed to us, given to us by God, and guaranteed to us by the Constitution.

Let me read again: "A well regulated militia, being necessary to the security of a free State, the right of the people," the right of the people, not the National Guard, not the Army, not the Navy, the right of the people, "to keep and bear arms shall not be infringed."

We meddle with this at the risk of losing all of those great guarantees of freedom, of rights that we have in the Constitution. I support wholeheartedly this privileged motion.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to note that although reasonable people can differ, there are many cases that have held that the Second Amendment allows for reasonable regulation, and I have submitted to the RECORD two pages of the names of those cases which will be printed in the CONGRESSIONAL RECORD today.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

□ 1115

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The eloquent statements that are referred to by James Madison, Richard Henry Lee, and others made 200 years ago were proper and a reflection of their great leadership at that time. But it was also a time when slavery was legal and we slaughtered Native Americans to take their land; when we resolved disputes by gunfights at the OK Corral or wherever. We were a pioneering Nation and, in fact, most families had guns. It was a small population. It was a population in danger. Our enemy was England at that time.

However over the last 200 years, we have progressed to become the greatest democracy in the history of western civilization. And yet, this issue is the one aspect of our society and our democracy which is the least civilized, which is the most embarrassing distinction of our country because every other civilized Nation in the world today has a handful of deaths by firearms. Whereas, the United States has more than 20,000 deaths by firearms, most of them innocent, accidental, or victims of the kind of carnage that we have witnessed this year and in so many subsequent years: teenagers getting their hands on lethal weapons.

There is a reason, and it is because of this perverse distortion of the meaning of the Constitution.

Let me just cite the words of Chief Justice Warren Burger, who was a gun collector. He loved guns. He had almost every major gun in his collection. He prized them. He was also a Republican appointee to the Supreme Court, became Chief Justice, served with great distinction. This is his public statement: "One of the greatest pieces of fraud," and he said, "I repeat the word 'fraud,' on the American people by special interest groups that I have ever seen in my lifetime is this interpretation of the Second Amendment."

Our Federal courts have ruled that this did not give individuals the right to bear arms. The purpose of this language was clearly to enable people to bear arms to the extent that it contributed to a well-regulated militia that was essential at that period of our growing Nation.

We have statements that reflect this interpretation of the Constitution that explain why the NRA has never challenged a gun control law by taking it to the Federal courts. They try the Tenth Amendment, they try other ways; they know they would lose on the Second Amendment. Nicholas Katzenbach, Ramsey Clark, Elliot Richardson, Edward Levi, Griffin Bell, Benjamin Civiletti, all of our U.S. Attorneys General, they say, For more than 200 years, the Federal courts have determined that the Second Amendment concerns the arming of the people in service to an organized State militia; it does not guarantee access to guns for private purposes.

All we are trying to do is to reflect the intent of the American people in a democratic society. The vast majority of the people want reasonable gun control. They want their children to live safely in their streets and to be safe in their schools. That is why this amendment should be soundly rejected.

Mr. DOOLITTLE. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California (Mr. DOOLITTLE) has 11 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 17 minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I just wanted to make the point that there are, in fact, have been presented two interpretations of the Second Amendment to the Constitution. One, that there is an individual right; another is that the right is connected to the well-regulated militia.

I would point out and remind the Speaker that the gentlewoman from California has entered into the record a list of court cases, including Supreme Court cases in 1939 and 1980, and over 20 cases decided in the United States Court of Appeals that support the militia interpretation of the Second Amendment. We have not found a single court decision offered today or previously, just public statements and interpretations supporting the individual right to bear arms.

I think that the people can read the court cases for themselves. They will be listed in the CONGRESSIONAL RECORD. It is an important documentation of the militia interpretation of the second amendment.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

In a way, I appreciate the debate this morning, because I think it is a more direct division of where we are with the Members of the House, and the American people can really see what the dispute is about.

We have heard a lot of cases and quotes today, but former Supreme Court justice Warren E. Burger, a very conservative Chief Justice who served on the court from 1969 to 1986, had a quote that I think really does sum it up quite well, and I would like to mention that to my colleagues. He said, and I quote,

> It is the simplest thing, a well-regulated militia. If the militia,

which is what we now call the National Guard essentially,

> has to be well regulated, in heaven's name, why shouldn't we regulate 14, 15, 16-year-old kids having handguns or hoodlums having machine guns. I was raised on a farm, and we had guns around the house all the time. So I am not against guns, but the National Rifle Association has done one of the most amazing jobs of misrepresenting and misleading the public.

The issue here is whether or not we will take modest steps to make the children, and I would add, the adults of America a little bit safer from crazed individuals who want to harm them with weapons of destruction.

I think of the bills that we have put in place, and although they are not enough, they have done some good. The Brady law, which the author of the motion to instruct voted against, and the Federal assault weapons ban, which he also voted against, have proven to be successful and effective tools for keeping the wrong guns out of the wrong people's hands. In fact, violent crime has fallen for 6 straight years, thanks, in some part, to the strong gun laws that provide mandatory background checks and banned the most dangerous types of assault weapons and limited, to some extent, the accessibility to kids and criminals. The Brady law has proven that criminals do try to buy handguns in stores. The background checks nationwide stopped approximately 400,000 felons and other prohibited purchasers from buying handguns over the counter from federally-licensed firearm dealers.

Now, what does this mean? Thousands of murderers, spousal abusers, drug traffickers, fugitives from justice, people who were mentally unstable were unable to get a gun and go out and harm someone. That is important, and what we want to do here today, and the reason why we are continuing to discuss this issue is that we want to close the loopholes that exist in current law so that those same murderers, spousal abusers, mentally ill individuals cannot, when they are turned down for the gun at the licensed gun dealer merely go over to the flea market and buy that weapon. That is really what we are here about.

We are here because, without closing that loophole, real people are suffering real harm.

Now, I have heard a lot of discussion that we have problems in American society. Clearly, we are not a trouble-free society. Clearly, regulation and 'sensible gun safety measures will not solve all of the problems of American society. We know that. But we also know that if those boys who were so distorted and filled with evil had walked into Columbine High School without arms, without guns, they would not have been able to kill as many children as they did. We know that if that middle-aged, hate-filled maniac who shot little 5-year-old children in the day care center in the Jewish community center in Los Angeles, if he had not had access to those weapons, he would not have been able to do the damage that he did.

So these are modest issues that we are trying to deal with. We are opposed by people who have, I believe distorted the law, but who, in fact, just oppose having regulations of any sort on guns. Now, they can have that opinion. They answer not to me, but to their own constituents. But I would like this House to give an answer to the mothers of America and say, we are going to put the gamesmanship behind us; we are going to focus on what matters to the mothers and fathers of America, which is to do something reasonable, modest, rational, that will make guns less prevalent in our society, that will make it harder for people who have no business having those weapons to have them, so that children like those little kids who were in the day care center will not have to face some crazed maniac with a gun, so that children like those in Columbine High School will not have to live in fear that they will suffer, be killed or be harmed by young people so disturbed and well armed. That is what this debate is about.

Mr. Speaker, I would urge my colleagues to search their heart and to understand that we ought to reject this motion. This motion really is about shall we have any gun control or gun safety legislation, or not. That is what this motion is about. I hope that this House will stand proudly and say, yes, we do think we can have some gun safety measures that make sense. We can yield that result to the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it unbelievable, that we are the ones who are accused of distorting the Second Amendment. The gentleman from Virginia submitted a list of cases which he claims supports his position. I will tell my colleagues, not one of those cases that he has submitted supports the proposition that the Second Amendment is not an individual right, because the U.S. Supreme Court has never so held.

I heard Justice Burger quoted. He is not a member of the Supreme Court anymore. But Justice Scalia is, and he just wrote it is an individual right. He is a well-known conservative on the court, but let us take a well-known liberal, not on the court, but a legal scholar known to all, Laurence Tribe who, in his latest treatise, has just acknowledged that the Second Amendment is, surprise, a personal right. Is Laurence Tribe committing gross distortions?

I think, Mr. Speaker, that it is clear what Madison and the founders intended, and I have submitted a list of his statements and other statements of the Founders to be in the RECORD. It is very clear they believed it to be an individual right. The gentleman from Virginia (Mr. MORAN) got up here and said well, the Second Amendment is outdated. Well, in view of all of the violent crime we are seeing, we ought to have a little more of the Second Amendment, and we would reduce some of that crime.

□ 1130

But the fact of the matter is if the Second Amendment is outdated, then introduce a bill in Congress to repeal it and submit it to the States for ratification. That is the procedure we go through.

Alternatively, he can abandon or waive his Second Amendment rights, but do not waive mine and do not waive the rights of the people I represent and the people we collectively represent. Mr. Speaker, I would submit that it clearly is an individual right.

Reference to slavery was made. I cannot resist doing this. The Supreme Court, in the Dred Scott decision, rendered a lengthy opinion. In that opinion, the supporter argued that the States adopting the Constitution could not have meant to consider even free blacks as citizens, and outlined the rights which black Americans would have if given citizenship. And then in Dred Scott they outlined these rights that blacks would have if indeed they had been citizens at the time.

Guess what one of them was? I am quoting from Dred Scott: "And to keep and carry arms wherever they went." So that was Dred Scott. Now, we fought a Civil War over that. When the slaves were freed as a result of the Civil War, the southern States reenacted the slave codes, which made it illegal for blacks to exercise basic civil rights, including the right to purchase, own, and carry firearms.

So then the co-equal branch of Congress to the Supreme Court responded to this action of the States by passing the Freedmen's Bureau Act of 1866, which provided "the right . . . to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of each State or district without respect to race or color or previous condition of slavery."

That was what the Congress did in 1866 by passing that law. Obviously, they believed that citizens had the right to keep and bear arms because they put it right there in the Federal statute.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, as I was listening to the debate in my office, I could not help but realize that there are times when students all across the United States tune in to C-Span, and not only students in school but individuals tune in to find out how their government operates, even to learn a little bit about constitutional issues, and how constitutionally the branches should operate, sometimes referred to as co-equal, discussions of separation of powers, and the like.

I find it intriguing that in many of these discussions and debates there are a great many people that rely on the opinion of the Supreme Court, somehow giving the inference to those who view and those who want to learn a little something about government when they view C-Span to believe that the Supreme Court guides the decision-making of the United States House of Representatives or United States Congress.

Mr. Speaker, this is a very intriguing doctrine. It is one that I know is stressed in many law schools. However, I am not an attorney, I am not a lawyer. I do not really know a lot about what Supreme Court Justices have said in the past about the Constitution. All I know is what the Constitution says.

We have to go back from time to time and actually read the Constitution, which the Framers made very simple so that an individual that was not a trained attorney could realize just what in fact the government was recognizing as rights, for example, in the Bill of Rights.

This is so prevalent in days gone by that Congress and the President have not felt the need or an obligation to give in to the wills and whims of whoever may be sitting on the Supreme Court, in that President Jackson, in his veto message regarding the creation of the Bank of United States on July 10, 1832, spoke directly about this issue of what Congress or the President should do with regard to the opinion or decision of the Supreme Court, when he said, "Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others," for example, the Supreme Court.

"The opinion of the judges has no more authority over the Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executive."

Mr. Speaker, I could go on and on quoting from people who actually knew what the Constitution says, and were not necessarily impressed by the opinions of another branch of the Federal Government.

What I want to say in conclusion is that the gentleman from California has offered a great deal to the debate on the Constitution itself, and specifically the Second Amendment. I believe his motion to instruct is reasonable, rational, and bottom line, constitutional. I thank him for doing it.

POINT OF ORDER

Ms. LOFGREN. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. MILLER). The gentlewoman will state the point of order.

Ms. LOFGREN. Mr. Speaker, I believe that unless one is a member of the committee, one does not have the right to close.

The SPEAKER pro tempore. The proponent of a motion to instruct has the right to close.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment very briefly on the comments just made regarding our constitutional system.

I think it is actually a frightening concept to, at this late date, as we enter the next century, question the role of the Supreme Court in our Constitution as the interpreter of the Constitution itself. That is well settled law.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, just for the record, I would like to state that I disagree the with the Dred Scott decision. It has been overturned and is not good law at this time.

Second, I would like to point out that some citations made by the supporters of the motion that certain Supreme Court Justices have made certain statements in regard to their interpretation, no case for which those statements were in the majority has ever been cited.

Mr. Speaker, I would like to read part of the 1939 Miller case, so that it is clear what the Miller case said: "In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view."

That is the Miller case in 1939. Later, in 1980 in the Lewis case, we have this language from the case: "These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria nor do they trench upon any constitutionally protected liberties. The Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia."

Mr. Speaker, if we are going to state our opinion about what the constitutional law ought to be, we ought to acknowledge that the clear state of the law is that the Supreme Court and U.S. Court of Appeals decisions are clear that there is no individual right. It has to be connected with the militia.

If we wish the Supreme Court would change its mind, then we ought to say that. But the constitutional interpretation by the Supreme Court is clear that any right to bear arms must be reasonably related to the well regulated militia.

Ms. LOFGREN. Mr. Speaker, I yield 5½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me acknowledge my colleague, the gentlewoman from California (Ms. Lofgren), for continuing the fight on this issue, and as well, my colleague, the gentleman from California (Mr. Doolittle), for allowing us, I think, to have a very important debate on the Second Amendment.

The reason why I am delighted that he has brought this to the attention of the American people and to this body, and I would hope the Senate would have the equal opportunity to debate the Second Amendment, is that the Second Amendment has been used and abused by the opponents of what we would like to think is real gun safety reform, reasonable gun safety reform; gun safety reform in fact, Mr. Speaker, that has been supported by almost 80 percent of the American people, and I might add the large numbers of communities and parents tragically who have lost their children, their babies, in the midst of gunfire and the use of guns.

The reason why I think this debate is extremely important is because the Second Amendment has been used to create unnecessary hysteria among those in all of our communities. It has created hysteria in the African-American community. It has created hysteria in the rural and suburban communities. It has created hysteria among those groups that I believe have a right to express their view, but I disagree with, many of them militias, many of the people who feel the government is out to get them, and they must undermine the government and must keep themselves armed.

I disagree with that philosophy, I think it is not a reasonable perspective to take at this point in time in our history, but they have every right under the First Amendment to enjoy that position.

But as they enjoy that position, the fuel and fire is being lit, using that fear and apprehension. They are then being stimulated with real misinformation that this Congress or those of us who propose reasonable gun regulation, gun safety, are opposed to or are eliminating the Second Amendment.

Let me first of all provide those who may be somewhat confused as to what it means to undermine a constitutional amendment. One, it can be done. Certainly there is some suggestion that statutes may in fact undermine particular constitutional amendments. But if that is the case, if a statute passed by this body is viewed to undermine a constitutional amendment, the petitioner has every right to go to the other body of government, the judiciary, and challenge that that law is unconstitutional.

Might I say, Mr. Speaker, that in many instances those petitioners have prevailed; that laws in this Congress, passed with good intentions and good minds and good hearts, have been ruled unconstitutional by our Supreme Court or by our Federal court system. I might say, some of that I agree with. Some I disagree. It means that the system of checks and balances does work in this particular Nation.

The motion to instruct offered by the gentleman from California is again fueling the fire of that hysteria. But might I educate the listening and viewing public, and maybe Members on both sides of this issue. My understanding is that if we were to eliminate the Second Amendment, as has been suggested, or we might do such damage to it, that is in actuality putting forth a constitutional amendment that takes away the Second Amendment. If this body did that, it would take a two-thirds vote of this House, a two-thirds vote of the Senate, and a three-fourths vote of the State legislatures.

My question to my colleague is, have any of us done that? Do we have a motion to instruct from any of us who are advocates of strong gun safety reform to eliminate the Second Amendment? I think not. The Second Amendment stands on its own two feet. But let me cite again for my colleagues the 1939 Miller case, which has been stated previously before.

It says, "In the absence of any evidence tending to show that the possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view."

What we are saying, or what I believe the Miller case is saying, the U.S. Supreme Court, 307 U.S. 174, 1939, is saying, we are reasonable people, here. We understand the intent of the Founding Fathers on retaining a well-organized militia under the Second Amendment. It was to protect us, this fledgling Nation, against the invasion of outside forces.

We are not intending, with real gun safety regulation, to go into the homes of law-abiding citizens and take away the arms that they might have. We are not asking for that, Mr. Speaker. We are not asking to stop the sports activities.

Some of us may disagree with the overproliferation of guns. We have too many guns in this country. But all we are asking for is a reasonable background check. We are asking for the unlicensed dealers who willy-nilly sell guns illegally, by the ATF's own documentation, the Bureau of Alcohol, Tobacco, and Firearms, we are asking for the ban of ammunition clips, for child safety locks, for a ban on juvenile possession of semi-automatic assault weapons. We should reasonably ask that children be accompanied by adults when they go to gun shows. We are asking for juvenile Brady.

What we are really asking for is to ensure, for the mothers and fathers of those who have died, who have lost their children, that those children not die in vain.

□ 1145

How many more of our children's funerals can we go to? My community, Houston, Texas, the fourth largest city in the Nation and colleagues of mine in other inner cities have suffered year after year when no one was paying attention to gun violence, when our children were dying, when, yes, they were taking guns against each other; but also they were caught in the midst of adult violence and they lost their lives. No one was crying out. Now we are crying out together, Mr. Speaker.

I think the Second Amendment is an unfortunately bogus argument. I ask for my colleagues to vote against this instruction and that we get down to business in saving the children of America.

Mr. Speaker, today I rise in opposition to the Doolittle Motion to Instruct. The Doolittle Motion to Instruct would do little other than upset 60 years of American Jurisprudence. The Doolittle Motion is yet another attempt by the Republican leadership to delay and distract Americans from the real issues facing this nation.

The NRA is trying to kill any gun safety legislation and the Republican leadership is the trigger man. This phony argument, long floated by the NRA, has been rejected by virtually every court and is merely an effort to distract from the reasonable and commonsense gun safety measures the Senate passed that would help keep guns out of the hands of dangerous criminals and protect children from gun violence: Requiring a criminal background check on every sale of a gun at a gun show; Banning the Importation of high capacity ammunition clips that have no other purpose than to kill lots of people very quickly; Requiring that a child safety lock be sold with every handgun; Banning the juvenile possession of semiautomatic assault weapons; and Juvenile Brady.

The NRA wants to kill gun safety legislation of any kind and has launched a massive lobbying campaign. Under the headline "NRA Achieves its Goal: Nothing," James Jay Baker, the chief Lobbyist for the NRA said: "Nothing is better than anything. "NRA Achieves its goal: Nothing," Washington Post, June 19, 1999, A01.

The Republican Leadership never wanted a gun safety bill—"(The defeat of the gun safety bill in the House) is a great personal victory for me."—Tom Delay, House GOP Whip," House Defeats Gun Control Bill," Washington Post, June 19, 1999, A01. Despite the GOP's accusations, it is the GOP that is using the gun safety issue for partisan political gain. DELAY's spokesman, Michael Scanlon said, by November 2000, "the gun debate this month will be long forgotten, with the exception of 2.8 million screaming mad gun owners who belong to the NRA. And I can tell you this, my friend: They will be lined up at the voting booth three days in advance to vote on this issue along, and they'll be pulling the Republican lever each time." "Strategy Change Seen in Battle Over Gun Control," Baltimore Sun, June 28, 1999, A1.

The Doolittle Motion would preclude adoption of any provision of the Senate bill because it is so poorly drafted. By its own terms, the Doolittle motion's instruction that the conferees reject any Senate-adopted provision which does not affirmatively "recognize" that the second amendment to the Constitution applies to the rights of individuals would preclude the conferees from adopting virtually any Senate provision, since every Senate provision is silent with respect to the second amendment.

The second amendment is a nonissue in this debate, virtually every court has held that reasonable restrictions on gun ownership. The substance of the motion doesn't hold up to logical scrutiny any better than its form. The bottom line is that, until April of 1999, every federal court which has examined the question—the Supreme Court, every Circuit Court of Appeal and every Federal District Court—has flatly rejected the utterly baseless claim that the second amendment has anything to do with an individual's rights as opposed to the collective rights of the people (with a capital "P") to form a "well regulated militia."

In the 1939 Miller case, the Supreme Court said on the facts there that: "In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view." U.S. v. Miller, 307 U.S. 174 (1939).

Forty years later, the Court reaffirmed this principle in Lewis v. United States (445 U.S. 55 (1980)) even more explicitly:

> These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties . . . the Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia.

Since Miller was decided in 1939, only a single Federal District Court (last April) has interpreted the second amendment to confer an individual right and that interpretation was immediately rejected by both federal courts that have since addressed the issue. In United States v. Boyd, 52 F. Supp. 2d 1233 (D.Ct. Kan. 1999) Boyd challenged his indictment under 18 U.S.C. 922(g)(9) the domestic restraining provision Emerson challenged as violative of the Second and Tenth Amendments.

The court cited United States v. Oakes, 564 F. 2d 384, 387 (10th Cir. 1977) which held that "[t]o apply the [Second][A]mendment so as to guarantee appellants' right to keep an unregistered firearm which has not been shown to have any connection to the militia,", would be unjustifiable in terms of either logic or policy." The Tenth Circuit has relied on Oakes to summarily reject all subsequent Second Amendment challenges. Boyd's Second Amendment challenge failed.

Similarly, in United States v. Henson, 1999 U.S. Dist. LEXIS 8987, *3 (S.D. W. Vir., June 14, 1999) the Court held that:

"Defendant's reliance on Emerson is misplaced (in his attempt to overturn his indictment under the same federal statute prohibiting those under a domestic restraining order from possessing weapons). Our Court of Appeals has held consistently that the Second Amendment confers a collective, rather than an individual right to keep and bear arms."

Moreover, very recently in Gillespie v. City of Indianapolis Police Department, et al., 1999 U.S. App. LEXIS 15117, *42 (7th Cir. July 9, 1999) yet another Federal Court has found that:

"Whatever questions remain unanswered, Miller and its progeny do confirm that the Second Amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a state militia."

No one has gotten to the bottom line on the second amendment myth ruthlessly promoted by the gun lobby better than six of the nation's former Attorneys General in a joint and bipartisan letter to the Washington Post on October 3, 1992. They wrote:

"For more than 200 years, the federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized state militia; it does not guarantee immediate access to guns for private purposes. The national can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy toward guns and crime." Nicholas deB. Katzenbach, Ramsey Clark, Elliot L. Richardson, Edward H. Levi, Griffen B. Bell, Benjamin R. Civiletti

It is precisely such distortion for precisely the purpose of thwarting an "effective national policy toward guns and crime" that is transparently at the core of the Doolittle Motion. Will we have the courage—once and for all—to turn our backs on an argument that Warren Burger, former Chief Justice of the Supreme Court, called "one of the greatest pieces of fraud, I repeat the word "fraud," on the American public by special interest groups that I have ever seen in my lifetime." [Appearing on McNeil/Lehrer News Hour]

But the best proof of the bankruptcy of the "individual rights" claim comes from the NRA and the rest of the gun lobby itself. How many times do my colleagues think that the second amendment has served as the basis of an appeal by the NRA or anyone else trying to invalidate a gun control statute? Exactly NEVER; not once. Not when the Brady Law was challenged by sheriffs. Not when the NRA sued to block the assault weapons ban. NEVER. It isn't even mentioned. They cite the 10th Amendment, other amendments; NEVER the second. Why? Because they know themselves that no court in the nation (now save one likely to be reversed on appeal) will tolerate such nonsense.

For the Framers. For our children. Reject the Doolittle Motion and its gun lobby authors.

Ms. LOFGREN. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining. The gentleman from California (Mr. DOOLITTLE) has 4½ minutes. The gentleman from California has the right to close.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we can make this very simple for the Members today. This motion basically asserts, and the debate has emphasized, that the Second Amendment prohibits the ability of Congress to regulate in any manner guns or weaponry. I think that is clearly not what the Second Amendment does.

What we are really wanting it do here is to come up with some modest, reasonable, sensible gun safety measures. Why? Because children all across America are at risk from evildoers who are armed at the teeth; and children, in fact up to 13 children a day, are losing their lives to arms and to weaponry.

We are not talking about the duck hunter. Duck season, duck hunting season will go on again this year, and that is absolutely fine. The Brady bill and its extension to juveniles is intended to keep guns out of the hands of criminals, not the duck hunters, but of criminals.

We are trying to close a loophole that has allowed criminals and people who are mentally unstable to get guns from flea markets and the like because the Brady law has prevented them from getting their hands on those weapons at licensed gun dealers. That is really all this is about. I believe that the American people strongly want us to do that very simple thing. Why? Because they know it is in their best interest.

So I would urge my colleagues to oppose this very ill-founded motion.

Mr. DOOLITTLE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, what is great about this issue is we can quote liberals and make our point. I quoted Lawrence Tribe who says it is a personal right. I am going to quote the icon of liberal journalism throughout the country, the Washington Post. Sunday, September 19, 1999, the headline, and this is in the front page of the paper by the way, "Gun controls limited aim bills. Would not have stopped recent killings".

For weeks we have heard people come up here on the other side and orate about the terrible killings that have occurred, and, yes, they are terrible. What is also terrible is that they have represented that the bills, the legislation that they are trying to pass would have prevented them.

What this article goes on to say, if I may quote, "None of the gun control legislation under discussion in Congress would have prevented the purchase of weapons by shooters in a recent spate of firearms violence, including last week's massacre at a Texas church, gun control supporters and opponents agree."

The fact of the matter is I find the left's approach on gun control is just like it is on the so-called campaign finance reform. The assault on the Second Amendment is just like the assault on the First Amendment. These things do not work. They are undesirable. They are unconstitutional. But they do not give up. The more violence we hear about, the more shootings we have, the more bad legislation that comes forward promising to do something when, in fact, what they have already given us has utterly failed. For that reason, Mr. Speaker, we need to take a new approach.

Here is an interesting quote by the way, just to see what the other half of society thinks about all of this, the criminal half. This is a quote from Sammy "The Bull" Gravano, former Mafia member. Check this one out:

> Gun control, it's the best thing you can do for crooks and gangsters. I want you, the law-abiding citizen, to have nothing. If I am the bad guy, I am always going to have a gun. Safety locks? You will pull the trigger with a lock on, and I will pull the trigger without the safety lock. We will see who wins.

This is tragic that we continue to push this disastrous legislation which strips us of our constitutional right and, further more, which does not even work, which disarms the very communities that need protection.

I told my colleagues about this book, More Guns, Less Crime, by John R. Lott, Jr., the most exhaustive authoritative statistical analysis of gun control laws in the United States.

Let me just quickly cite some points that he makes in his conclusions in this book, because I think it illustrates what we are really up against.

Point number one, "Preventing law-abiding citizens from carrying handguns does not end violence; it merely makes victims more vulnerable to attack." So now we have the professor saying this, agreeing with the former Mafia member, and, by the way, agreeing with what we all know is perfect common sense.

Number two, "My estimates indicate that waiting periods and background checks appear to produce little if any crime deterrence."

Most exhaustive study ever done.

Point number three, "The evidence also indicates that the states with the most guns have the lowest crime rates. Urban areas may experience the most violent crime, but they also have the smallest number of guns."

Point number four, "Allowing citizens without criminal records or histories of significant mental illness to carry concealed handguns deters violent crimes and appears to produce an extremely small and statistically insignificant change in accidental deaths. If the rest of the country had adopted right-to-carry concealed-handgun provisions in 1992, about 1,500 murders and 4,000 rapes would have been avoided."

This approach works. Our constitutional approach works. Our constitutional approach is still the law. Because the other side cannot manage to change the law, it does not give them the right to do an end run and try and pass a bill through Congress which strips us of our sacred constitutional rights.

I ask my colleagues to vote for my motion.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for the motion to instruct conferees offered by the gentleman from California (Mr. DOOLITTLE) because, like him, I want the conferees on the Juvenile Justice legislation to omit any provisions that would be contrary to the Constitution. However, I do not think that the Constitution prohibits carefully-drawn, measured provisions dealing with access to firearms by minors and criminals or with firearm safety. In particular, I agree with the gentlewoman from California (Ms. LOFGREN) that there is no constitutional impediment to the kind of provisions specified in her motion to instruct, which is why I also will vote for that motion.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed that the committee on the conference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) Juvenile Brady).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. MCCOLLUM) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year, an estimated 2,000 to 5,000 gun shows take place across the Nation in convention centers, school gyms, fairgrounds, and other facilities paid for and maintained often with taxpayer money. These arms bazaars provide a haven for criminals and illegal gun dealers who want to skirt Federal gun laws and buy and sell guns on a cash-and-carry, no-questions-asked basis.

The Brady law background check applies to licensed gun dealers only. The same is true of most State firearm background checks. At gun shows, it is perfectly legal in most States and under Federal law for individuals to sell guns from their private collections without a waiting period or background check on the purchaser. However, licensed Federal firearm dealers operating at these same shows must comply with background checks and waiting periods.

Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following Federal gun laws. Since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace.

When the United States Senate debated juvenile justice legislation in June of this year, an amendment proposed by Senator FRANK LAUTENBERG to require that background checks be done on all purchases made at gun shows was passed and included in the legislation. However, when this House debated its version of the juvenile justice legislation, no such amendment was included.

It is not clear what the outcome will be in the conference committee, but we believe it is important, and I believe, to instruct the conferees to include this crucial loophole closure on the Brady bill.

The Brady bill has made our country safer. It has proven that criminals do try to buy handguns at many shows and has stopped over 400,000 criminals and other prohibited persons from obtaining weapons in the licensed gun offices.

The second provision in the motion to instruct is the banning of juvenile possession of assault weapons. The assault weapons ban has been effective, but it could be even more effective.

In 1989, when President Bush stopped the importation of certain assault rifles, the number of imported assault rifles traced to crime dropped by 45 percent in 1 year. After the 1994 ban, there were 18 percent fewer assault weapons traced to crime in the first 8 months of 1995 than were traced in the same period in 1994. The wholesale price of grandfathered assault rifles nearly tripled in the post-ban year.

Assault weapons are terrific weapons if one wants to do a lot of damage to innocent people in a hurry. I remember so well the shooting in the school yard in Stockton, California, in 1989 when a maniac with an AK–47 that held 75 bullets killed five little children on the school ground and wounded 29 others.

In San Francisco, California, just about 40 miles to the north of my home in San Jose, a disturbed person with a TEC–9 holding 50 rounds went into a San Francisco law firm and killed eight people and wounded six others with these assault weapons; to kill four ATF special agents and wound 16 others at the Texas incident.

Although assault weapons comprise only 1 percent of privately owned guns in America, they accounted for 8.4 percent of all guns traced to crime in 1988 and 1991.

Now, although juveniles 18 and younger are prohibited by Federal law from purchasing handguns, neither the Federal Government nor most States restrict the purchase and ownership of these guns. This loophole allows teenagers with rifles and shotguns. It also allows them to possess semi-automatic AK–47s, AR–15s, and other assault rifles manufactured before 1994 and grandfathered under the 1994 assault weapon ban.

□ 1200

No kid should be allowed to buy or possess an assault weapon. And the gun lobby and the NRA, who has opposed the assault weapon ban and attempted to get the assault weapon ban repealed in an earlier Congress, has actually in some cases said that maybe it would be okay to keep assault weapons out of the hands of teenagers. So I would hope that that small concession might allow us to move ahead on this provision.

Section 3 of the motion would require that child safety locks be sold with every handgun. Every day in America, 13 children under the age of 19 are killed with firearms. Some of those are the result of violent assault, but some of them are easily preventable. They are accidents or suicides. And one of the best ways to prevent and keep children from gaining access to a gun at home is to make sure that it is locked.

Public opinion surveys indicate that, really, the public does not understand why we would not do this simple thing. It has nothing to do with duck hunting, it just would keep children safer throughout our country.

And, finally, the background check that is applied under current law to adult criminals should be applied equally to juveniles who have committed a criminal offense. I think that just makes good common sense.

So I am hopeful that we can support this motion to instruct. It is completely modest. It is consistent with what the Senate was able to achieve. It would give an increased measure of safety to the children of this country. And I believe that it is the least we can do for the mothers and fathers of America.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. MCCOLLUM) is recognized for 30 minutes.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a conferee on this bill, and the original sponsor of the underlying bill, I claim the time in opposition, but I do not oppose the actual measure here. I support the gentlewoman's motion. It states several provisions that I agree with and that I believe that the majority of the Members of the House agree with.

I believe most of us agree today that there ought to be a background check before somebody can buy a gun at a gun show. And most of us agree today that juveniles should not possess assault weapons, except in the narrowest of circumstances under direct parental supervision. And most of us believe, without much convincing, that it is a good idea to require gun dealers to give customers who buy a gun a gun safety lock, which they can decide whether to use or not. In fact, this idea is so good that 90 percent of gun dealers already do this without the government telling them to do so. And I believe most of us today support the concept of a juvenile Brady law, in other words, a law that will prevent people who commit serious violent acts as juveniles from owning a gun, even after they reach the age of 18.

And so, as written, this motion is not objectionable. But while I will support the motion, I must also say I fear it is so general that some Members may get the wrong impression. This motion may lead other Members to think that these provisions are still in dispute. In fact, most of us working to achieve a compromise between the two bodies on this issue have already agreed to include these provisions. The real problem that remains is that Members on the gentlewoman's side of the aisle will not seem to accept any language other than that which passed in the other body.

The provision they insist on, the so-called Lautenberg provision, would do the following: It would require anyone visiting a gun show, who merely discusses selling a gun, to sign a ledger and provide identifying information even if they do not bring a gun to the gun show to sell.

It would make gun show promoters liable if a person who is not a vendor at the show sells somebody else a gun without first doing a background check.

It would require persons who merely discuss selling a gun during the gun show, but who do not sell the gun for weeks after the show, to nevertheless have a background check performed. Even current law does not require background checks for gun sales by private citizens.

It would require licensed dealers to perform all of the background checks at the gun show, even for purchasers who do not intend to buy a gun from that dealer.

And it could turn estate sales, yard sales, even casual gatherings of friends who collect or trade guns into a gun show by definition, with all of the regulatory requirements and attendant liability for failing to follow these regulations.

In short, the Lautenberg provision goes far beyond simply requiring background checks to be done for the sale of a gun at a gun show. And so I say to the gentlewoman, if she means what she says in her motion, that she wants background checks at gun shows, then I am confident we can produce a bill that will pass and do exactly that. But if what she means is to insist on the language from the other body, then she is seeking to regulate in a manner that goes far beyond what is stated in her motion.

So I support the motion. But I caution Members that this issue is not as simple as this motion might make it seem to look on first appearance. And I urge the gentlewoman and the Members of the other side of the aisle to work with us on a provision that will do what she seeks to instruct today but which does not bring with it all of the other regulatory requirements of the Lautenberg amendment in the other body's bill.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentlewoman from California, because I would just like to comment that I would love to work on this supposed compromise.

I know that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and the gentleman from Illinois (Mr. HYDE) have had some discussions. I am a conferee. I am a member of the conference committee. And the only time I have ever had an opportunity to discuss this was on August 3. And we did not have an opportunity to discuss it then. We gave speeches to each other and we left town, and there has been no communication. We have asked for these proposed compromises. I would like to see the language. I would like to come up with good, strong legislation. I am willing to work through this so long as it actually achieves something.

However, what it has to achieve is a background check that will catch individuals who have restraining orders against them. It cannot define a gun show in a way that would exempt events where thousands of guns are sold. I would hope and absolutely insist that it would not repeal or reopen the question of the Lee Harvey Oswald law that prevents the interstate mailing or shipment of firearms. Those would not be an advance. That would not be an improvement under current law.

So I am eager to look at this supposed compromise. And if it is, as the gentleman says, an improvement on gun safety laws, I will be eager to support it. I cannot really understand why the members of the conference committee have not yet been afforded the opportunity to see this great proposal that is supposedly a compromise.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of the motion to instruct of my colleague, the gentlewoman from California (Ms. LOFGREN), as she has described it. I value the views of my colleagues who are speaking today of protecting our fundamental rights. America's children also have rights. They have the right to be safe from gun violence.

As a school nurse, I feel so strongly that we must keep guns out of our schools and away from our children. These feelings are not unique to Congress. Just last week, the Mayor of Santa Barbara came to Washington, D.C., along with mayors and police chiefs from around this country. Speaking for thousands of people in my hometown, our mayor called for passage of common-sense gun safety legislation.

Mr. Speaker, Americans around the country are shocked by the shootings that are plaguing this Nation, and they are stunned by the inaction and delay of this Congress. With this vote we must take a stand against gun violence and we must do it today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I would say to my colleagues on this side of the aisle, as we debate these motions to instruct the conferees on the juvenile justice bill, that I would like to just share with them some recent information on the decline of Federal firearm prosecution. I do not ever hear the other side talk about this, and I think this should be something that we should all be concerned about.

Federal firearms prosecutions have dropped by 44 percent since 1992. And we know all too well it is not because criminals have started to obey the law, it is because our government does not enforce the law. We can sit here this afternoon and pass all kinds of gun laws, but if we are not going to prosecute, it does not matter.

The Brady Act prevented 400,000 illegal firearm purchases. Let us take for a moment that those statistics are correct. Two-thirds were attempted by prior felons. Let me repeat that. Two-thirds were attempted by prior felons. But there is barely a prosecution of these 400,000 illegal firearms.

So what I am saying this afternoon is that if we place our entire focus on gun control, which this side of the aisle continues to do, we miss the larger picture of this rampant violence. What is causing the depravity of our young people today? What makes one person's bad day turn into an act of taking another person's life?

Until we focus on the underlying cause of these horrific acts, no Band-Aid gun control laws will prevent another occurrence. And, more importantly, whatever gun laws are on the books, we need the Justice Department to prosecute and not just sit there and talk about more gun control.

So what we need to do is to instruct the Justice Department today to prosecute the laws that already exist on our books.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

It occurs to me that some of the arguments being made about gun control are sort of like when we cook spaghetti at home. When we try to see if it is ready, or one of the techniques, is we can throw it at the wall to see if it sticks. And if it sticks, it is done. We have had now this morning three different things: The Second Amendment does not allow us to do any regulation of weapons. Or, well, we should not do anything about regulating weapons because we are not happy with enforcement. It should be better. Or, we should not have any regulation of assault weapons or other things because the laws do not work. And I think each one of those points is off base and will not stick to the wall.

First, we had a great discussion about the Second Amendment earlier. I will not go on at too great a length about that, but I would note that, clearly, we have the ability to do sensible regulation in this arena.

On the issue of enforcement, I have heard a lot of comments made about this. And, of course, there are darn lies and statistics, and so we all are a victim of that phenomena, but I do want to just lay out some facts.

Since 1992, the total number of Federal and State prosecutions has actually increased. About 25 percent more criminals are sent to prison for State and Federal weapon offenses than in 1992. And the numbers are 20,681 in 1992 to 25,186 currently. The number of high-level offenders, those sentenced to 5 or more years, has gone up nearly 30 percent. That is 1,409 to 1,345 in 5 years. The number of inmates in Federal prison on firearm or arson charges, the two are counted together, increased 51 percent from 1993 to 1998 to a total of 8,979. In 1998, the Bureau of Alcohol, Tobacco and Firearms brought 3,619 criminal cases involving 5,620 defendants to justice.

Now, on the issue of it would not make a difference, and none of the tragedies that have occurred would have been prevented had these gun safety measures been adopted, that is just not correct. Michael Fortier, the friend of Timothy McVeigh and Terry Nichols, helped both fence stolen guns at a Midwest gun show. If he had not been able to do that, we might have had a different outcome. We have had the serial murderer in Ohio, Thomas Dillon, who bought his murder weapon at an Ohio gun show so that he would not be detected at a licensed dealer. Gian Ferri, who did the massacre in San Francisco at the law firm, used a pistol, an assault weapon, that he bought at a Nevada gun show. If he had had a background check, that might not have occurred either.

So these many arguments are a little bit of protest here over what most of America knows should occur and would help make our country a safer place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for once again sparking this important debate on the House floor.

□ 1215

Another day has passed and another 13 of our children have been lost to gun violence. But still the majority stalls and stonewalls, ignoring the cries of parents, of siblings, and of friends who continue to lose their loved ones.

Another day has passed. And while we debate gun safety in this room, on the streets of our cities and town, felons with guns threaten American families. While we debate, our constituents are left to fight the daily battle against gun violence alone. Another day has passed, and still handguns in homes where children play remain unsecured, criminals build collections at gun shows, and the numbers of victims mounts.

Passing comprehensive gun safety legislation does not limit the rights of people. The Constitution, the cornerstone of the philosophy of this Nation, is not compromised by protecting children and families from deadly weapons. Freedoms and responsibilities go hand in hand, and it is reasonable to require citizens to exercise their freedoms safely and responsibly.

Ensuring the safety of our schools, streets, and places of worship enables people to enjoy the inalienable right to which they are entitled under the Constitution.

We have simple goals: ensure that unlocked guns do not get into children's hands; ensure that juveniles are prohibited from possessing assault weapons; ensure that all people buying a gun, in any venue, are subject to the same thorough background checks. This is what the American people are asking for, and we have an obligation to respond.

With each passing day, the price of our inaction rises, the human toll of our procrastination increases, the loved ones of victims of gun violence plead with Congress to lead the charge to make our communities safe again. Each day that we turn our backs on the American people, we undermine the freedoms and rights that make the United States a safe and stable place to live.

I urge my colleagues in Congress to join me in showing the American people that their cries have not gone unanswered. Let us not delay one more day in passing comprehensive gun safety legislation. Again, I support the motion of my good colleague.

Ms. LOFGREN. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has 24½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we come to the floor again to talk about the Republican leadership's failure to enact common sense gun safety measures for one simple reason, children's lives are at stake. We remember the tragedy at Columbine High School, where at the end of the day, 14 students and one teacher were dead because of guns. Columbine captured headlines 5 months ago, but it should not obscure the fact that 13 children die every day due to gunfire.

Many of the 13 children that die each day do so because handguns are not properly secured. This is not a question of whether or not someone should or can own a handgun. They can. This is about properly securing the handgun.

The motion of my colleague from California (Ms. LOFGREN) appropriately calls for child safety locks to be provided with handguns. It is a common sense measure that will stop the heart-wrenching deaths where young children find a gun in the house and they accidentally kill themselves or a friend or a brother or a sister. Providing a lock with a handgun is common sense.

I think that Westbrook, Connecticut's Police Union President Douglas Senn, put it well when he said, "You keep plugs in outlets and medicine up in high cabinets to keep children safe. Why not put a lock on a gun?" He said this during a program to provide free gun locks to Connecticut gun owners.

The Connecticut Police Union and, I might add, in conjunction with a company in Connecticut that, in fact, is a gun company, but they were cooperating in this effort in order to provide free safety locks so that our youngsters can be safe.

The Connecticut Police Union president gets it. The company gets it when it comes to gun locks. What we are asking is that the Republican leadership get this.

If there was any question about the effectiveness of child safety locks for guns, that should be answered by a potential tragedy in Florida, a tragedy that was in fact averted because of a gun lock. An obviously troubled young 14-year-old girl planned to kill first her mother and then her father and her sister, too. She was a troubled youngster. She held a gun to her mother's head but could not fire the gun because of the trigger lock.

We must and we can do something about keeping guns out of the hands of children and of criminals. We do not want to prevent law-abiding citizens from their opportunity to own a gun and to do what is right. We want to provide a safety lock to make sure that our kids are safe.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just make one comment. I commend the gentlewoman for recognizing the Second Amendment rights in her motion.

Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that this body will approve this motion. But when we convene for the votes that have been postponed, we will have several motions that we will be asked to cast a vote upon.

First, of course, there is the parks measure that is not the heart of the gun safety discussion we have had this morning. Then there will be a vote on the motion to instruct offered by my colleague, the gentlewoman from New York (Mrs. MCCARTHY), that basically says this, conferees, get to work, produce something, work every day until you come up with common sense, reasonable gun safety measures.

We have a motion to instruct offered by my colleague from California (Mr. DOOLITTLE) that distorts, I believe, the meaning of the Second Amendment and, as the Members who listened to the debate well understand, really asserts that we have no ability to do any regulation of guns at all because of the Second Amendment. That is clearly not what the Supreme Court has found. It is not the law in America. And it is also not what the American people want.

Finally, we will have a vote on this motion to instruct that says let us ask and instruct the conferees to adopt meaningful reasonable gun safety measures that are consistent with the Second Amendment.

Now, we have been here several days now engaged in these motions to instruct; and I am mindful that, instead of being here talking about these issues, instructing conferees through votes, we could have been meeting as conferees. I hope that we will finally have a meeting.

On August 3, when we had our first and only meeting of the conference committee when we gave the speeches to each other, the hope was that the staff, at least we were told by the chairman of the conference committee, that it was necessary for the staff to get together over the August recess and the hope was that we would have something we could get behind as schools started.

Now, I have two teenagers. They are both in high school. School started quite some time ago. As a matter of fact, they are starting to get a little nervous about midterms coming up. And we have not produced a darn thing.

Now, I hear about these compromises and how difficult it is, and I am sure it is not the easiest thing to find that sensible middle ground that really is the genius of the American political system, to find this sensible reasonable measure that we can send to the President that will make the American people safe. But we are not going to find that sensible middle ground if we never talk to each other.

Now, I am mindful that the chairman of the committee and the ranking Democrat on the committee are having discussions, and I commend them for that; but we have not seen the product of their discussions. And I really do believe that, while I am sure their discussions are undertaken in good faith, that if we were to shine the light of public view on what is being done, we would get to a conclusion a little bit faster.

Because some of the things that were said in this chamber today about the inability to do anything to regulate assault weapons, to keep criminals from getting guns is preposterous, it is preposterous, and the American people will have none of it.

So let us have that discussion in open session. Let us have the conference committee meeting. Let us come up with a measure. None of us can be in love with our own words. We need to be flexible and reasonable. But the bottom line is we need a measure that closes the loophole that does not purport to do so and not actually achieve that goal. If we can come together on that, we will end up with a bill that we can send to the President and sign into law. I hope that we can. But we are not going to do so if all next week we have to once again have motions to instruct instead of meetings of the conference committee.

I know that we will be in recess to go home to our districts for the weekend, coming back on Monday. I hope that Members can listen closely to what mothers are telling them in the supermarkets when they are home this weekend. Do the right thing, vote "yes" on the McCarthy motion to instruct. Oppose the Doolittle flawed motion and please vote "yes" on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

Passage of H.R. 1487, de novo; the motion to instruct of H.R. 1501 offered by the gentlewoman from New York (Mrs. MCCARTHY), by the yeas and nays; the motion to instruct on H.R. 1501 offered by the gentleman from California (Mr. DOOLITTLE) by the yeas and nays; and the motion to instruct on H.R. 1501 offered by the gentlewoman from California (Ms. LOFGREN) by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1487, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 23, as follows:

[Roll No. 444]

YEAS—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Mollohan
Nadler

NOT VOTING—23

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Frost
Gallegly
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

□ 1249

Messrs. BRADY of Texas, KING, CHAMBLISS and REYES changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above reocorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1487, the bill just passed.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from New York (Mrs. MCCARTHY), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Mrs. MCCARTHY of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and

(2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute.

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentlewoman from New York (Mrs. MCCARTHY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 218, not voting 25, as follows:

[Roll No. 445]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Menendez
Millender-McDonald
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nussle
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Wilson
Woolsey
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Buyer
Callahan
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Frost
Gallegly
Holden
Hunter
Jefferson
Jones (OH)
Kaptur
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

☐ 1258

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

Messrs. GILMAN, WELLER and LEACH changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentleman from California (Mr. DOOLITTLE), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentleman from California (Mr. DOOLITTLE).

This will be the 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 73, not voting 23, as follows:

[Roll No. 446]

YEAS—337

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—73

Abercrombie
Ackerman
Becerra
Blagojevich
Blumenauer
Campbell
Capuano
Clay
Conyers

Coyne
Davis (IL)
DeGette
Delahunt
Dixon
Engel
Eshoo
Farr
Frank (MA)
Franks (NJ)
Frelinghuysen
Goodling
Gutierrez
Hastings (FL)
Hoeffel
Horn
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy
Kilpatrick
Lee
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Markey
Martinez
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pastor
Payne
Pelosi
Porter
Rangel
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Slaughter
Stark
Tierney
Towns
Velazquez
Vento
Waters
Watt (NC)
Wexler
Woolsey
Wynn

NOT VOTING—23

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Diaz-Balart
Gallegly
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

☐ 1306

Mr. TOWNS and Mr. BLUMENAUER changed their vote from "yea" to "nay."

Mrs. ROUKEMA, Mrs. CAPPS, and Messrs. BOEHLERT, HALL of Texas, SMITH of Michigan and DEUTSCH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes 444, 445, and 446, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted "yea" on rollcall vote 444, "nay" on rollcall vote 445, and "yea" on rollcall vote 446.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question on the motion to instruct conferees on the bill, H.R. 1501, offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 167, not voting 25, as follows:

[Roll No. 447]

YEAS—241

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Capuano
Cardin
Castle
Clay
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Mink
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Northup
Nussle
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stearns
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wynn
Young (FL)

NAYS—167

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boucher
Brady (TX)
Bryant
Buyer
Callahan
Campbell
Cannon
Chabot
Chambliss
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Duncan
Emerson
Everett
Fletcher
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
King (NY)
Kingston
Knollenberg
Lampson
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Nethercutt
Ney
Norwood
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Radanovich
Rahall
Riley
Rogers
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Souder
Spence
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Whitfield
Wicker
Wilson
Wise
Young (AK)

NOT VOTING—25

Baker
Burr
Burton
Calvert
Carson
Chenoweth
Clayton
Coble
Cunningham
Gallegly
Greenwood
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Visclosky
Weygand
Wu

☐ 1315

Mr. ENGLISH changed his vote from "nay" to "yea."

Mr. SWEENEY changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on Friday, September 24, 1999, I was in my district visiting with my constituents and local representatives of various sites devastated by the ravages of Hurricane Floyd. As a result, I missed four rollcall votes.

Had I been present, the following is how I would have voted: Rollcall No. 444, H.R. 1487, Public Participation in the Declaration of National Monuments, "yea"; rollcall No. 445, McCarthy Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea"; rollcall No. 446, Doolittle Amendment to H.R. 1501, Juvenile Justice Reform Act, "nay"; and rollcall No. 447, Lofgren Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2579

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2579.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring from the distinguished majority leader the schedule for the rest of the day and the week and for the following week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that we have completed legislative business for this week.

The House will next meet on Monday, September 27, at 12:30 p.m. for morning hour and at 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Monday, Mr. Speaker, we do not expect recorded votes until 6 o'clock p.m.

Mr. Speaker, next week appropriations conference reports will obviously be our top priority, and as we approach the end of the fiscal year. Conference reports may become available as early as Monday and throughout the week for consideration by the House.

On Tuesday, September 28, and the balance of the next week the House will take up the following measures, all of which will be subject to rules: H.R. 2506, the Health Research and Quality Act; H.R. 2559, the Agricultural Risk Protection Act; H.R. 2436, the Unborn Victims of Violence Act; and H.R. 2910, the National Transportation and Safety Board Amendments Act.

The House is also likely to consider a continuing resolution at some point next week.

Mr. Speaker, I would like to also take the opportunity to remind Members that the annual congressional basketball game is scheduled for this coming Wednesday evening. That basketball game will benefit the country's only college for the deaf. This is a very worthy cause, Mr. Speaker, and I wish all the participants the best of luck.

Mr. Speaker, on Friday, October 1, no votes are expected after 2 o'clock p.m. I wish all my colleagues a safe travel back to their districts.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

Just a couple of questions, Mr. Speaker. Does the gentleman from Texas expect any late evenings next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, the gentleman is correct in asking. We have a large number of conference reports that we expect in the appropriations cycle. We should expect that we would be late Monday night. We would hope to do as many as two conference reports on Monday night.

With the exception of Wednesday, where we will try to accommodate that charity event, I think we would need to be prepared to work late every night. We will try to keep the Members apprised as conference reports are available.

Mr. BONIOR. I thank my colleague. With only three signable appropriation bills that have been sent to the President, I can understand the gentleman's concern to work the evenings next week.

We appreciate the slot for the Gallaudet basketball charity biennial game that is held every year.

Can the gentleman from Texas tell us about the tax extender bill and when that might be expected?

Mr. ARMEY. Again, if the gentleman will yield, I understand that the Committee on Ways and Means has marked up today a tax extender bill. This is a matter of some urgency to a great many Members. It is certainly under consideration. I can only say with some confidence that while it will be considered, it would not be something we would look for next week on the floor.

Mr. BONIOR. How about the minimum wage bill? Does the gentleman have any further news on that?

Mr. ARMEY. Again, let me thank the gentleman for asking.

I might mention, prior to responding to the question, while I collect my thoughts on that part of the question, Mr. Speaker, that we will be trying to do a rule early so we can have same-day consideration for the appropriations conference reports.

There are a great many people working on minimum wage legislation. It is a matter of great interest to a large number of our Members and to constituents across the country. We are receiving reports from these various efforts, the committees of jurisdiction obviously being involved.

While I anticipate some action may occur on that subject during this year, I do not see anything clearly consolidated for presentation to the floor yet at this time.

Mr. BONIOR. But it is the gentleman's desire, or has it been a subject of conversation in the leadership, to try to bring something to the floor this year, is that what the gentleman has just said?

Mr. ARMEY. Again, if the gentleman will yield, the leadership is well aware of the number of Members on both sides of the aisle that are interested in this subject. We are watching their work as it proceeds. They are doing this on a very methodical basis, checking always with the committees of jurisdiction, the committees also exercising their jurisdiction.

We see hearings, for example, in the Committee on Education and the Workforce. I can only say at this point we do not have something that we expect to put on the floor, but we do anticipate that some legislation could be consolidated for consideration prior to our closing this session of Congress.

Mr. BONIOR. Mr. Speaker, I will have to digest that last answer of the gentleman. Thank my colleague. Could I just ask one other question, because it relates to the scheduling.

We are entering the new fiscal year, as we all know, next week, and the prospects of a session next weekend was not discussed in the majority leader's statement. Are there any comments the gentleman would like to make with respect to that?

Mr. ARMEY. Again, Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request. This is a matter of concern to a great many Members.

The gentleman from Michigan will notice that I included in my prepared remarks that we would expect votes to be concluded by 2 o'clock on Friday. That is our expectation. Obviously, we place a high priority on conference reports, but it is our anticipation that that urgent business will be completed by that time.

If there is a change, it will be my purpose to notify all Members as quickly as possible, but right now I think the safe presumption for us to make is that we would conclude business by that time.

Mr. BONIOR. I thank my colleague, Mr. Speaker.

ADJOURNMENT TO MONDAY, SEPTEMBER 27, 1999

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CLEMENCY FOR FALN TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am disappointed that the House did not get an opportunity earlier this week to discuss the Senate's resolution condemning the President's decision to grant clemencies to members of the FALN.

I draw Members' attention to the USA Today's headline, "FALN Brought Bloody Battle Into America's Streets." Let me read part of this newspaper article.

> The Puerto Rican separatist group FALN exploded into public view on January 24, 1975, by attacking an icon of American history. It quickly became the most feared domestic terrorist group operating on U.S. soil.
>
> The 1975 bombing of the Fraunces Tavern in New York City, where General George Washington bid farewell to his troops in 1783, left four dead and 54 wounded. It was the deadliest of more than 130 attacks linked to this group from 1974 to 1987, when most members were jailed.

Some Members here feel we are wasting our time talking about an issue that is already a fait accompli because the President has in fact signed the clemency and they are out of jail. They say we should be discussing social issues important to the American people.

Let me tell the Members, that is exactly what we are doing here in discussing the clemencies for FALN Members. We are talking about whether we should be a society that tolerates violence or a society that condemns it. It seems to me the people who propose more gun control measures, and some of it was discussed here today, as a solution to prevent future tragic acts of violence are the same ones who preach forgiveness and understanding for past acts of violence.

Following this twisted logic, we should create new gun control laws and then offer clemency to the people convicted of violating those laws.

It sounds like a bizarre scenario to me. But anyone who supports the President's decision to offer clemency to Members of the FALN is not serious about locking up those who violate our Nation's existing gun laws.

Of the 16 terrorists offered clemency by the President, 12 were convicted of the following violations of Federal firearm laws:

Possession of an "unregistered firearm," a machine gun or sawed-off rifle or shotgun. Twelve were convicted of those crimes.

Nine were carrying a firearm during the commission of a seditious conspiracy and interference with interstate commerce by violence.

Nine were arrested and convicted for interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence;

Three, conspiracy to make a "destructive device", such as a pipe bomb;

Two, possession of a firearm without a serial number.

These are people we let out of jail last week. For anyone who thinks that these terrorists will now be model citizens, let me share with them the 1997 statistics from the Bureau of Justice. Of the 108,580 persons released from prisons in 11 States in 1983, representing more than half of all released State prisoners that year, an estimated 62.5 percent were rearrested for a felony or serious misdemeanor within 3 years, 46 percent were reconvicted, 41 percent returned to jail. A high recidivism rate, I would assume.

Maybe those same people we let out last week will have a chance to display their good citizenship, as they did when they maimed, injured, and killed others.

I do not care if those offered clemency actually pulled the trigger, detonated the bomb, or drove the get-away car. The fact is they were active members of a terrorist organization dedicated to violence. Now they are free by an act of this president. That is more than a shame, it is tragic.

Let me also read, because people say that it is time for healing, time to get along, time to accept their apologies, time to recognize they have said they are sorry. Let us let them out of jail.

Jailhouse statements of FALN Members given clemency contrast with their recently stated claims to have renounced violence.

In October, 1995, for example, Luis Rosa, Alicia Rodriguez, and Carlos Torres told the Chicago Tribune that they have nothing to be sorry for and have no intention of renouncing armed revolution.

Another FALN member granted clemency, Ricardo Jimenez, told the judge in his case, "We are going to fight. Revolutionary justice will take care of you and everyone else." I think that is a fairly strong threat.

Talk about four killed, 54 injured.

On October 26, five bombings in downtown New York City, more than $1 million in damage.

December 11, New York police were called to an upper east side building to collect a dead body. A booby-trap was set for them. A police officer was injured and lost an eye.

June 15, two bombs detonated in Chicago's loop area.

February, 1973, Merchandise Mart in Chicago bombed, damage totaled $1.3 million.

□ 1330

August 3, 1977, Mobil Oil employment office in New York bombed, one killed, several injured; November 1979, two Chicago military recruiting offices and an armory bombed; March 1980, FALN members seized the Carter-Mondale campaign office.

My colleagues, these people should not have been released. This is an outrage, and the citizens of America should recognize it for what it is. It was a political act and not a just act.

FAREWELL TRIBUTE TO ROUBEN SHUGARIAN, OUT-GOING AMBASSADOR OF THE REPUBLIC OF ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, earlier this week I spoke about the 8th anniversary of the Independence of the Armenian Republic, which is celebrated by the citizens of Armenia and by people of Armenian descent here in the United States on September 21. But one individual who has played a significant role in solidifying the bonds between the United States and Armenia during these early years of Armenian independence is the current ambassador, Rouben Shugarian. Mr. Shugarian has represented Armenia in Washington since March 1, 1993, and in a few weeks Ambassador Shugarian will be leaving Washington to take another post in the foreign ministry in Yerevan, Armenia's capital. Still only in his late 30s, Ambassador Shugarian obviously has a great future ahead of him in service to the Armenian Republic.

During his very distinguished tenure here, Ambassador Shugarian has done a great deal to help raise the profile of Armenia in the Capitol of the free world. For his efforts, he has earned the respect of Members of Congress, the administration, and his colleagues from many other nations in the Washington diplomatic corps. He has also earned the gratitude of the Armenian-American community for helping to advance Armenia's cause, while making the embassy an important focal point for Armenian Americans.

When Ambassador Shugarian arrived in Washington, Armenia did not really have an embassy per se, making do with cramped office space. But during his tenure, the Armenian mission in Washington moved to a beautiful facility in the embassy row area near Massachusetts Avenue. The physical presence of the embassy and its central location serves to symbolize Armenia's arrival as one of the emerging nations of the post-Cold War world.

Yesterday, Wednesday, September 23, The Washington Post had an article on Ambassador Shugarian entitled "A Reflection on Washington's Ways." The article says, "The image of a nation that is coming back home," was the way the ambassador described to The Washington Post how he has sought to represent his country abroad. Again quoting from the article, it says, "In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first 2 years he and his staff learned what not to do in Washington, and in the next 5 years they learned about what to do."

Mr. Speaker, it is no secret that Washington is considered the most prestigious and high-profile post for international diplomats. Ambassador Shugarian's appointment to this prestigious post at such a young age demonstrates the high regard he was held in by the leaders of the newly independent Armenian Republic. Indeed, his relative youth in some ways symbolized the energy and optimism of the newly born country that he represented. His success here shows how well deserved that reputation was.

Since becoming an independent country, Armenia has signed a wide range of agreements with the United States on trade and investment, on science and technology, on humanitarian issues, and the establishment of a Peace Corps program in Armenia. Ambassador Shugarian has played an important role in much of this progress, and his leadership will be sorely missed.

As The Washington Post article notes, Ambassador Shugarian recently had an opportunity to interact with his Turkish counterpart, Ambassador Baki Ilkin in the aftermath of last month's devastating earthquake in Turkey. Since Armenia came through a devastating earthquake in 1988, it has some experience with this type of natural disaster. Armenia offered to help its neighbor, despite their strained relations. Although the initial delivery of aid was rejected at the insistence of certain extreme nationalists in Turkey, eventually Armenian relief supplies did arrive in the stricken earthquake area.

A further hopeful sign was seen here last week when Turkish Ambassador Ilkin made an appearance at Ambassador Shugarian's farewell party. And that really was the first time in the annals of Washington diplomacy that the ambassadors of the two countries had met together formally.

Mr. Speaker, Ambassador Shugarian is in the process of completing a book on his recollections of his service in Washington, entitled On the Overgrown Path. And as he leaves Washington to return to Armenia, I want to wish Ambassador Shugarian, his wife Lilit Karapetian, and their two sons all the best. I hope we will have the opportunities to receive them as visitors in the country they called home for more than 6 years.

Mr. Speaker, I submit for the RECORD the article I referred to above.

[From the Washington Post, September 22, 1999]

DIPLOMATIC DISPATCHES—A REFLECTION ON WASHINGTON'S WAYS

(By Nora Boustany)

Seven years after arriving as Armenia's first ambassador to Washington, Rouben Robert Shugarian is moving on to greener pastures at the Foreign Ministry in Yerevan. The former university professor, specialized in American and English literature and philosophy, said that despite the maddening tempo of diplomatic life here, every day has been a revelation and a discovery.

"There is never a second chance to make a first impression," Shugarian noted stoically about his stiff learning curve in Washington. He is completing a book on some of his recollections here titled "On the Overgrown Path," which looks at his homeland's independence since it broke away from the Soviet Union eight years ago tomorrow. It offers a conceptual look at U.S.-Armenian relations, touching on stereotypes and real perceptions of Armenia here and focusing on how best to represent Armenia abroad in its new incarnation.

"The image of a nation that is coming back home," was the way he described it. He said Armenia is a country that has suffered from extensive man-made and natural disasters, that is now trying to build its future differently. In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first two years, he and his staff learned what not to do in Washington and the next five years they learned about what to do.

"This is a tough city. Any sign of exhausted creativity or ineffectiveness is not easily pardoned. This is an open society. Old career diplomacy tricks and buttoned up social graces don't get the job done," he said in an interview yesterday. "This is a country where you have to be engaged in a sincere dialogue to reach your objectives." A country that had no diplomatic representation, Armenia now has 15 students at Tufts' Fletcher School of Law and Diplomacy who Shugarian hopes will benefit from his impressions. The book will not be a memoir as such because he will not be able to share some secrets until some time has elapsed. His most exhilarating moments in Washington came in 1993 when he celebrated Armenia's second anniversary of independence at Meridian International House.

"We did not have an embassy at the time. One felt the country becoming a reality, however, and that we were really going back home," he reminisced.

He said his first extended exposure to Turkey's ambassador, Baki Ilkin, was in the aftermath of the devastating earthquake Aug. 17 that killed more than 15,000 people. Armenia arranged to send a plane with seismologists, doctors, generators, blankets and medicine to the stricken areas. "We went through a terrible earthquake 11 years ago in which 25,000 people were killed. It was a purely moral step, not a political one and we do not expect anything in return. We went through something like that and we know what it is like," the ambassador said.

Although Turkey and Armenia do not have embassies in one another's capitals, Ilkin made a 20-minute appearance at Shugarian's farewell reception, a first in the annals of Washington diplomacy. "This is such a wonderful country where there is so much to see, to learn and to understand," Shugarian said in summing up his time here. "The most striking thing about life here is the freedom that exists, the freedom that gives you an opportunity."

AMERICANS DESERVE A BREAK WHEN IT COMES TO TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, the typical American family pays 38 percent of its income in taxes, more than it spends on food, clothing and shelter combined. We are taxed when we save for school, taxed when we get married, even taxed when we die. Mr. Speaker, it is about time the American family got a break. That is why this Congress passed comprehensive tax relief that includes the most meaningful tax relief passed in a generation.

The strongest evidence of all that Americans are paying too much is the size of the budget surplus. Conservatively projected at $2.9 trillion over the next 10 years, this surplus was earned by taxpayers. They are the ones who deserve to reap the benefits of their labors. The Republican tax relief package returned only a portion of that money to taxpayers, despite all that spin from this floor and the administration to the contrary.

Specifically, Mr. Speaker, our proposal returns 27 cents on each dollar of surplus over the next decade. The remainder we locked away to be used for protecting Social Security, strengthening Medicare, and paying off the national debt. Our tax relief package benefits all Americans, married couples, senior citizens, working families, the self-employed, public schools, and distressed neighborhoods.

We provide tax relief for married couples. One of the most unfair provisions in our present Tax Code requires married couples to pay more in taxes simply because they are married. Our plan eases this unfair penalty to the benefit of 42 million taxpayers.

We provide tax relief for education. Our plan helps parents and students facing educational expenses by raising the ceiling on education savings accounts and permitting their use for K through 12 costs, and changing bond rules to assist local school construction issues.

We provide tax relief for retirement. Our plan helps American workers gain access to a pension plan and enjoy greater retirement security by increasing limits to 401(k) plans and other retirement options, increasing portability of pensions, and simplifying pension rules.

We provide tax relief for medical expenses. Our plan makes health care and long-term care more affordable and accessible for all Americans. It allows a 100 percent deduction for health insurance premiums and long-term care insurance premiums, and provides an additional personal exemption for financial hardships associated with caring for elderly family members at home.

We provide tax relief for survivors. Our plan gradually eliminates the hated death tax, the Federal estate tax, a monstrous tax bite that has shut down far too many family farms, ranches and small businesses. And we provide tax relief to create jobs and growth.

Finally, our plan also promotes investment, risk-taking, and job creation. We provide pro-growth incentives to help attract business and create jobs in at-risk communities, and stimulate growth and investment by providing capital gains tax relief.

Let us compare the Republican plan with the Democrat alternative, which would have raised taxes by $4 billion. That plan was defeated by this House 173 to 258. The minority leadership apparently does not believe American taxpayers deserve to get back at least some of their hard-earned dollars, nor apparently does the present Clinton-Gore administration.

The President has vetoed the tax bill. He is not committed to cutting taxes, saving Social Security, strengthening Medicare and paying off the public debt. If he were, he would realize that our plan devotes $2 of every $3 to the tax surplus specifically for those purposes.

Finally, Mr. Speaker, our logic is clear and simple. If we fail to give a portion of the budget surplus back to where it belongs, to the hard-working American taxpayers, Washington will spend every dime of it and more. Everybody knows it. That is the way this town operates. Always has been, always will be.

On the other hand, I am always happy to cast my vote for putting more money in the hands of the people who earned it, the American taxpayer, not in the hands of Washington big spenders.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WU (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, September 28.

Mr. EHRLICH, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4437. A letter from the Federal Register Liaison Officer, Regulations & Legislation Division, OTS, Department of the Treasury, transmitting the Department's final rule—Management Official Interlocks [Docket No. 99–36] (RIN: 1550–AB07) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4438. A letter from the Under Secretary Rural Development, Department of Agriculture, transmitting the Department's final rule—Manufactured Housing Thermal Requirements (RIN: 0575–AC11) received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4439. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Drug Elimination Program Formula Allocation [Docket No. FR–4451–F–04] (RIN: 2577–AB95) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4440. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Conversion of Insured Credit Unions to Mutual Savings Banks—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4441. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4442. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4443. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4444. A letter from the Secretary, Health and Human Services, transmitting a consolidated report on the Community Food and Nutrition Program for Fiscal Years 1996 and 1997; to the Committee on Education and the Workforce.

4445. A letter from the Secretary, Department of Health and Human Services, transmitting the report The National Breast and Cervical Cancer Early Detection Program, 1996, pursuant to Public Law 101–354, section 2 (104 Stat. 415); to the Committee on Commerce.

4446. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4447. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety & Health, Department of Energy, transmitting the Department's final rule—Air Monitoring Guide [DOE G 441.1–8] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4448. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Sealed Radioactive Source Accountability and Control Guide [DOE G 441.1.13] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4449. A letter from the Special Assistant to Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97–234] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4450. A letter from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262] Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94–1] Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers [CCB/CPD File No. 98–63] Petition of US West Communications, Inc. for Forebearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA [CC Docket No. 98–157] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4451. A letter from the Supervisory Attorney/Advisor, Common Carrier Bureau Accounting Safeguards Division, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review— Review of Accounting and Cost Allocation Requirements [CC Docket No. 98–81, FCC 99–106] August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4452. A letter from the Chairman, Federal Communications Commission, transmitting the Federal Communications Commission's "Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services"; to the Committee on Commerce.

4453. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices [ET Docket No. 98-42] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4454. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal years 1995 through 1997, pursuant to 40 U.S.C. 483(e); to the Committee on Government Reform.

4455. A letter from the Deputy Archivist of the United States, Information Security Oversight Office, National Archives & Records Administration, transmitting the Administration's final rule—Information Security Oversight Office [Directive No.1; Appendix A] (RIN: 3095-AA92) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4456. A letter from the Director, Office of the Secretary of Defense, Office of the Secretary of the Army, transmitting a report of vacancy; to the Committee on Government Reform.

4457. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1998, through March 31, 1999, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4458. A letter from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999-2000 Late Season (RIN: 1018-AF24) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4459. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX-041-FOR] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4460. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AF24) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4461. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan [SPATS No. AR-029-FOR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4462. A letter from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Magnuson-STEVENS Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations; OMB Control Numbers [Docket No. 981228324-9168-02; I.D. 121697A] (RIN: 0648-AJ70) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4463. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Bluefin Tuna Quota Adjustments [I.D. 080999K] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4464. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 090999A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4466. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082399A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4467. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Commercial Fishery Closure Change [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4468. A letter from the Deputy Assistant Administrator, Drug Enforcement Administration, transmitting the Administration's final rule—Special Surveillance List of Chemicals, Products, Materials and Equipment Used in Clandestine Production of Controlled Substances or Listed Chemicals [DEA-172N] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4469. A letter from the Chief Justice, Supreme Court, transmitting a notice that the Supreme Court will open the October 1999 Term on October 4, 1999 and will continue until all matters before the Court, ready for argument, have been disposed of or declined; to the Committee on the Judiciary.

4470. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Amendment to Section 5333(b) Guidelines To Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century (TEA 21) (RIN: 1215-AB25)—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Secretary of Transportation, transmitting the Demonstration Project Final Report on The Chittenden County Circumferential Highway; to the Committee on Transportation and Infrastructure.

4472. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures—received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4473. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Placer Mining Industry—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4474. A letter from the Deputy Executive Secretary to the Department, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Graduate Medical Education (GME): Incentive Payments under Plans for Voluntary Reduction in the Number of Residents [HCFA-1001-IFC] (RIN: 0938-AI27) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1102. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 106-331, Pt. 1). Ordered to be printed.

Mr. CANADY: Committee on the Judiciary. H.R. 2436. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; with an amendment (Rept. 106-332, Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2679. A bill to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes (Rept. 106-333). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 187. Resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft (Rept. 106-334 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2436. Referral to the Committee on Armed Services extended for a period ending not later than September 29, 1999.

House Concurrent Resolution 187. Referral to the Committee on International Relations extended for a period ending not later than October 8, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself, Ms. BALDWIN, and Mr. PICKERING):

H.R. 2942. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BISHOP (for himself and Mr. KENNEDY of Rhode Island):

H.R. 2943. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Education and the Workforce.

By Mr. BARTON of Texas:

H.R. 2944. A bill to promote competition in electricity markets and to provide consumers with a reliable source of electricity, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself and Mr. STRICKLAND):

H.R. 2945. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS:

H.R. 2946. A bill to amend title 5, United States Code, to authorize the Merit Systems Protection Board to conduct an alternative dispute resolution pilot program to assist Federal Government agencies in resolving serious workplace disputes, and to establish an administrative judge pay schedule for administrative judges employed by the Merit Systems Protection Board; to the Committee on Government Reform.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. BAIRD, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. COOK, Mr. DEFAZIO, Mr. DICKS, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. LEACH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. METCALF, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, and Mr. VENTO):

H.R. 2947. A bill to amend the Federal Power Act to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Commerce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CARDIN):

H.R. 2948. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2949. A bill to amend the Individuals with Disabilities Education Act relating to the minimum amount of State grants for any fiscal year under that Act; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon:

H.R. 2950. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Resources.

By Mr. ROHRABACHER (for himself and Mr. LIPINSKI):

H. Res. 304. A resolution expressing the sense of the House of Representatives concerning the war crimes committed by the Japanese during World War II; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

231. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to the Enrolled Joint Resolution memorializing the Congress of the United States to enact legislation that would specify that no portion of the money received by the states as part of the tobacco settlement or of any other resolution of the tobacco litigation may be withheld, offset or claimed by the federal government; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. JONES of North Carolina, Mr. HULSHOF, and Mr. SANDLIN.

H.R. 41: Mr. PETERSON of Minnesota.

H.R. 53: Mr. KOLBE and Mr. SANDLIN.

H.R. 65: Mrs. CAPPS and Mr. PETERSON of Minnesota.

H.R. 72: Mr. TALENT.

H.R. 202: Ms. SCHAKOWSKY.

H.R. 303: Mr. SESSIONS, Mr. HOLT, Mrs. NORTHUP, and Mr. GOODLING.

H.R. 354: Mr. MOAKLEY and Mr. SALMON.

H.R. 382: Mr. MATSUI, Mrs. THURMAN, Ms. MILLENDER-MCDONALD, Mr. LIPINSKI, Ms. BROWN of Florida, Ms. DELAURO, and Mr. THOMPSON of California.

H.R. 460: Mrs. CAPPS.

H.R. 534: Mr. PRICE of North Carolina and Mr. BARTON of Texas.

H.R. 595: Mr. MARTINEZ and Mr. LEWIS of Georgia.

H.R. 637: Mr. ROGERS.

H.R. 664: Ms. KAPTUR, Mr. BAIRD, and Mr. GUTIERREZ.

H.R. 710: Mr. PICKETT.

H.R. 783: Mr. ISAKSON and Mr. PETERSON of Minnesota.

H.R. 784: Mr. GOODLING.

H.R. 802: Mr. MORAN of Virginia, Mr. HOYER, Mr. FORD, Mr. DOOLEY of California, Mr. STUPAK, and Ms. MCCARTHY of Missouri.

H.R. 864: Mr. YOUNG of Alaska and Mr. HOSTETTLER.

H.R. 865: Mr. CUNNINGHAM and Mr. SAM JOHNSON of Texas.

H.R. 946: Mr. LANTOS.

H.R. 1168: Mr. BOSWELL, Mr. RADANOVICH, and Ms. DANNER.

H.R. 1194: Mr. MCGOVERN amd Mr. CARDIN.

H.R. 1221: Mr. ISAKSON.

H.R. 1234: Ms. PRYCE of Ohio and Mr. STUMP.

H.R. 1300: Ms. BERKLEY, Mr. HYDE, Mr. OSE, Mr. WHITFIELD, Mr. SESSIONS, Ms. BROWN of Florida, and Mr. HOBSON.

H.R. 1336: Mr. DUNCAN.

H.R. 1531: Mr. GONZALEZ.

H.R. 1621: Mr. PETERSON of Minnesota.

H.R. 1660: Mr. UNDERWOOD and Mr. MOLLOHAN.

H.R. 1708: Mr. ENGLISH and Ms. ESHOO.

H.R. 1746: Mrs. CUBIN and Mr. REGULA.

H.R. 1776: Mr. SHAYS.

H.R. 1785: Mr. CLYBURN, Mr. HALL of Ohio, Mr. WEYGAND, Ms. STABENOW, and Mr. BORSKI.

H.R. 1899: Mr. SWEENEY, Ms. WOOLSEY, and Mr. BERMAN.

H.R. 2053: Mr. MCNULTY, Mr. RODRIGUEZ, Mr. TOWNS, Mr. FORBES, and Mrs. MCCARTHY of New York.

H.R. 2162: Ms. CARSON and Mr. HALL of Texas.

H.R. 2228: Mr. ABERCROMBIE.

H.R. 2240: Mr. SAWYER.

H.R. 2363: Mr. PICKERING, Mr. DICKEY, Mr. BOYD, Mr. MCINTOSH, Mr. BURTON of Indiana, and Mr. HINOJOSA.

H.R. 2389: Mrs. CLAYTON and Mr. SMITH of Michigan.

H.R. 2420: Mr. FORD.

H.R. 2433: Mr. SANDLIN and Ms. KILPATRICK.

H.R. 2436: Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. DEAL of Georgia, Mr. COLLINS, Mr. BEREUTER, Mr. COOK, Mr. HULSHOF, Mr. HASTINGS of Washington, Mr. CHAMBLISS, Mr. SHADEGG, Mr. MICA, Mr. HANSEN, and Mr. BARTLETT of Maryland.

H.R. 2441: Mr. SAM JOHNSON of Texas and Mr. COBURN.

H.R. 2492: Ms. SLAUGHTER and Mrs. MALONEY of New York.

H.R. 2500: Mrs. MALONEY of New York.

H.R. 2543: Mr. SHAW, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, and Mr. BALLENGER.

H.R. 2741: Mrs. MORELLA.

H.R. 2801: Mr. BALDACCI.

H.R. 2819: Mr. COSTELLO, Mr. HINCHEY, Mr. GILMAN, Mr. CAPUANO, and Mrs. NAPOLITANO.

H.J. Res. 48: Mrs. TAUSCHER, Mr. LEWIS of California, Mr. STARK, Ms. ESHOO, Mr. PASTOR, Mr. BAIRD, Mrs. CLAYTON, Mr. ETHERIDGE, Mr. HILL of Indiana, and Mr. GOODLING.

H.J. Res. 53: Mr. BILBRAY and Mrs. WILSON.

H.J. Res. 65: Mr. BASS and Mr. UDALL of New Mexico.

H.J. Res. 66: Mr. BACHUS, Mr. JOHN, Mr. STEARNS, Mrs. EMERSON, Mr. PITTS, Mr. SMITH of New Jersey, Mr. ROGAN, Mr. TIAHRT, Mr. HILL of Montana, Mr. BLUNT, Mr. DICKEY, Mr. BRADY of Texas, Mr. RAHALL, Mr. BARRETT of Nebraska, Mr. ROGERS, Mr. BISHOP, Mr. WAMP, Mr. POMBO, Mr. RILEY, Mr. WICKER, Mr. TRAFICANT, Mr. DOOLITTLE, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. BARR of Georgia, Mr. BEREUTER, Mr. BLILEY, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. HAYWORTH, Mr. BARCIA, Mr. NORWOOD, Mr. HULSHOF, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. COBURN, Mr. RADANOVICH, Mr. GARY MILLER of California, Mr. WELDON of Florida, Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. HILLEARY, Mr. CUNNINGHAM, Mr. TANCREDO, Mr. COOKSEY, Mr. GOODE, Mr. ARMEY, Mr. CONDIT, Mr. ROHRABACHER, Mr. LEWIS of Kentucky, Mr. HOEKSTRA, Mr. NEY, Mr. SHOWS, Mr. HERGER, Mr. CAMPBELL, Mr. YOUNG of Alaska, Mr. WATTS of Oklahoma, Mr. HUTCHINSON, Mr. GOODLATTE, Mr. HEFLEY, Mr. ADERHOLT, Mr. MCCRERY, Mr. KASICH, Mr. LUCAS of Oklahoma, Mr. BALLENGER, and Mr. LINDER.

H. Con. Res. 186: Mr. COX, Mr. HOSTETTLER, and Mr. RILEY.

H. Res. 292: Mr. RADANOVICH.

H. Res. 297: Mr. HOYER, Mr. BARTLETT of Maryland, Mr. GILLMOR, Mr. CHABOT, AND Ms. DANNER.

H. Res. 302: Mr. SCHAFFER, Mr. DOOLITTLE, Mr. LUCAS of Kentucky, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. TANCREDO, Mr. COBURN, Mr. JONES of North Carolina, Mr. DEMINT, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. VITTER, and Mr. RADANOVICH.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2579: Mr. INSLEE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

50. The SPEAKER presented a petition of The National Conference Of Lieutenant Governors, relative to a Resolution petitioning the Federal Government to keep its promise to meet its responsibility and to fund special education; to the Committee on Education and the Workforce.

51. Also, a petition of National Conference Of Lieutenant Governors, relative to a Resolution petitioning Congress to amend the Internal Revenue Code to increase the annual state ceiling on tax-exempt Private Activity BONDS and to index the ceiling to inflation; to the Committee on Ways and Means.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: Mr. Robert E. Wise, Jr., Mr. Tom Lantos, James A. Barcia, and Jay Inslee.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 16: Page 6, strike lines 6 through 10 and insert the following:

"(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are members of one of the priority populations and the number of trained researchers who are addressing the priority populations.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 17: Page 7, after line 14, insert the following subsection:

"(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

SENATE—*Friday, September 24, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Mark Dever, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Mark Dever, offered the following prayer:

Great, all-powerful God, we come to You this morning in acknowledgment of Your greatness. We know something of Your power, that You have no need of us, that You are in no way dependent on our actions, that Your existence awaits no vote of this Chamber nor even our own personal assent.

We praise You that, being the One You are, out of Your love, You have made us in Your image.

We pray that You would today help this body in its deliberations. You know, Lord, the needs of the day, and You have promised Your daily provisions to those who truly call on You.

We ask that You would give a measure of Your wisdom to those gathered here today. Help them to pass laws that ennoble rather than enervate people. Give them wisdom to speak today with the liberty of knowing that they are about purposes that are not only great but are also good.

For those who are weary in well-doing and discouraged, finding only emptiness amid all the success which the world tells them they have, show them Yourself.

Thank You for the freedom of speech which we enjoy in this land. Help these Senators today to use that freedom, realizing what a privilege it is, for our good and for Your glory. In Christ's name we ask it. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Missouri is recognized.

SCHEDULE

Mr. BOND. Mr. President, on behalf of the leader, prior to beginning the time, I would like to announce that this morning the Senate will resume consideration of the VA–HUD appropriations bill and the pending Wellstone amendment regarding atomic veterans. Following the 2 minutes for closing remarks, the Senate will proceed to a vote on or in relation to the Wellstone amendment. Senators can therefore expect the first rollcall vote this morning in just a couple of minutes. Following that vote, Senator KERRY of Massachusetts will be recognized to offer an amendment regarding section 8.

There are further amendments on the list that must be disposed of prior to the vote on final passage. However, we hope the Senate will complete action on the VA–HUD bill today at a reasonable time. Therefore, Senators can expect votes throughout the morning.

I thank my colleagues for their attention. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2684, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

> Wellstone amendment No. 1789, to express the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases.

AMENDMENT NO. 1789

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate prior to the vote on amendment No. 1789.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment is to express the sense of the Senate—that is all we are doing—that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases.

Colleagues, I am talking about Nagasaki and Hiroshima, atomic veterans who were in Nevada and Utah. They went to ground zero. Our government never told them they were in harm's way, never gave them any protective gear. It is just unbelievable, the incidents of cancer, and all I am saying is that we just right an injustice. We should make sure they get the health care they deserve; they should get the compensation they deserve. We do this presumption for Agent Orange and Vietnam vets. We should. We do it for Persian Gulf veterans. We should. We ought to do it for these atomic veterans. They have been waiting a half century. I understand the Department of Veterans Affairs is opposed to the Senate going on record with a sense-of-the-Senate amendment.

Let me just say that Ken Kizer, former Under Secretary of Health for the Department of Veterans Affairs, wrote that this is a mistake and that given our position on gulf war veterans and Agent Orange veterans, it is a matter of equity and fairness.

Please vote for this, colleagues. It is absolutely the right thing to do. These veterans have been waiting for justice for a half century.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know the Senator from Minnesota has been a devoted advocate for veterans who have been exposed to atomic radiation. I commend him for his advocacy. He has for 3 years pursued attaching legislation to this bill. However, the legislation is properly under the VA subcommittee's jurisdiction. The VA has opposed amending this law because, No. 1, it would cost over $500 million in additional entitlement payments over 5 years. The VA has the authority and the responsibility to make the medical judgments as to whether these are, in fact, service-connected disabilities, and I suggest that this body does not have before it the medical evidence or the scientific proof needed to make that kind of judgment. We commend the Senator for being interested and concerned about these veterans, but we are not in a position to make the medical judgment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1789. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRAIG. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 76, nays 18, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—76

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Cleland
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—18

Allard
Bond
Campbell
Chafee
Cochran
Enzi
Gorton
Gramm
Gregg
Helms
Kyl
Lott
McConnell
Murkowski
Shelby
Thomas
Thurmond
Voinovich

NOT VOTING—6

Inhofe
Inouye
Mack
McCain
Nickles
Rockefeller

The amendment (No. 1789) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I will be proceeding momentarily on two amendments, one of which will be accepted, and one of which, it is my understanding, we still want to have a discussion about to see how we can proceed.

Before we do that, last evening, the chairman and the ranking member graciously agreed to include in the legislation an amendment with respect to the Montreal Protocol. Senator CHAFEE and I, the original cosponsors, along with Senator BROWNBACK and others, were not able to be here at that time. We wanted to take a very quick moment on that amendment, if we could. We promise not to tax our colleagues' patience. We want to say a few words about this because of its importance. We are very grateful to Senator BOND and Senator MIKULSKI for working with us to accept this amendment.

I am very grateful to Senator CHAFEE for his long commitment and labor in this area. He is chairman of the Environment and Public Works Committee, and he is one of the architects of the very successful Montreal Protocol.

I also want to thank our colleagues, Senators BROWNBACK, SNOWE, LIEBERMAN, LEAHY, MOYNIHAN, KENNEDY, BINGAMAN, JEFFORDS, DASCHLE, ROTH, BOXER, and GRAMS, who are cosponsoring this amendment.

Let me say very quickly where we are with respect to this.

The Montreal Protocol is the landmark international agreement to halt and eventually reverse the growing hole in the Earth's ozone layer. It is extremely important as an agreement in the context of international efforts for the environment as well as for public health. The destruction of the ozone layer and the resultant increase in ultraviolet radiation has been clearly scientifically linked to higher instances of skin cancer, premature aging, and other skin problems; to cataracts and other eye damage; and the suppression of the human immune system.

The American Cancer Society reports melanoma, the most serious form of skin cancer, is expected to be diagnosed in 44,200 people in 1999. It is one of the fastest growing cancers in the United States—growing 4 percent per year since the early 1970's. And, according to the EPA, one in five Americans will develop skin cancer in their life time—and that amounts to one American dying every hour from this disease.

According to a scientific assessment called the Environmental Effects of Ozone Depletion and published in 1998 by the United Nations, exposure to increased UV radiation can be highly destructive to the human eye. The assessment concludes that, "The increases of UV-B radiation associated with ozone depletion are likely to lead to increases in the incidence and/or severity of a variety of short-term and long-term health effects." The effects, according to the report, will include cataracts, blindness from cataracts, ocular melanoma and other eye cancers, and death associated with cancers of the eye. Cataracts are the leading cause of blindness in the world, and in 1992 alone, the United States spent $3.1 billion treating cataracts.

It is because of this danger to human health that American Academy of Dermatology and the Physicians for Social Responsibility are supporting this amendment.

In addition to these health impacts, increased exposure to UV radiation can degrade terrestrial and aquatic species, including commercial crops. The damage caused to ecosystems can vary widely depending on the species in question—and we're learning more about how UV radiation can subtly—and not so subtly—damage a species. For example, it is becoming increasingly evident that UV-B and UV-A radiation have adverse effects on photoplankton, macroalgae and seagrasses. Now, I know it's not every day that we talk about photoplankton, macroalgae and seagrass, but if you care about fisheries and the well-being of our oceans, then to you these things matter. They are the building blocks of the marine ecosystem, the matter of the web of life and if they're not healthy, then our ocean and fisheries will not be healthy.

The multilateral fund, which is the specific program that our amendment supports, is the policy mechanism within the Montreal Protocol to reduce the emissions of ozone-depleting substances from developing countries.

I want to emphasize this. It happens by chance that the Chair at this moment is deeply involved in the issue of Kyoto and global warming. This is not global warming. But it does reflect the same principle of getting less developed countries to participate in the effort to be responsible about environmental damage.

The Montreal Protocol specifically brought developing countries into the process through the efforts of the multilateral fund.

The United States and other nations leading the effort to protect the ozone layer have long understood that emissions from developing countries which were not included in the last round of cuts because of their relatively low emission levels and their relative inability to act in the long run would be equally as destructive to the ozone layer as the emissions from the United States.

So to address the problem in 1990 we passed this effort, and we are now restoring $12 million to the funding within EPA's budget in order to support the Montreal Protocol.

To address this problem, the United States negotiated in 1990 the Multilateral Fund to provide technical and financial assistance to developing nations to undertake projects to reduce their emissions. It has been extraordinarily successful.

Mr. President, let me say now what this amendment would do—it's very simple. It restores $12 million in funding within EPA's budget to support the Montreal Protocol's Multilateral Fund.

Unfortunately, the VA-HUD bill now provides no funds for the EPA to participate in the Multilateral Fund—despite President Clinton's request of $21 million.

To fund this $12 million increase in the Multilateral Fund, the amendment makes an across-the-board cut to other accounts in the EPA's budget. I have sought this offset reluctantly. I strongly believe that Congress is making a mistake by cutting our national investment in environmental protection and natural resource conservation year after year. If it were my decision alone, this Senate would not have capped natural resource spending at $2.4 billion below last year's budget and $3.1 billion below the President's request. I opposed these low caps precisely because they jeopardize important federal programs Multilateral Fund. And, I want to stress that I commend Chairman BOND and Ranking Member MIKULSKI for the work they done to craft the VA-HUD Appropriations bill—under what I believe are more demanding constraints than any other appropriations committee.

Nonetheless, I strongly believe that we should fund this program, and I want to stress that it is only because of critical importance of the Multilateral Fund that I accept this shifting of funds within the EPA accounts.

Mr. President, I have asked my colleagues to support this amendment for the following reasons.

First and foremost, the Montreal Protocol is a success. In 1998, NASA, NOAA and other scientific bodies coauthored a report called the Scientific Assessment of Ozone Depletion. The assessment concluded—and it could not have been more direct or more succinct—that "The Montreal Protocol is working."

Too often we come to this floor to debate the failure of international agreements, whether they're about the environment, trade or peace—but not today. The Montreal Protocol, with the participation of over 162 nations, is working.

To support this claim, NASA and NOAA cited two compelling observations that clearly demonstrate the effectiveness of the Protocol:

Firstly, the abundance of ozone depleting chemicals in the lower atmosphere peaked in 1994 and is now slowly declining. Thanks to the Protocol we have turned the corner and we are now reducing the accumulation of these destructive substances in the atmosphere.

Secondly, the abundance of substitutes for ozone depleting chemicals in the atmosphere is rising. The abundance of chemicals that have been created to replace CFCs and other ozone depleting chemicals are on the rise in the atmosphere. These chemicals are providing us the same services we require, but not destroy the ozone.

This isn't to say that a danger doesn't still exist. One does—and that's the point of this amendment. The fact is that the ozone hole over the Antarctic was the largest it has ever been in 1998. While we have turned the corner, we must stat vigilant, follow through and get the job done.

Mr. President, I want to make an important point: In their report, NASA and NOAA concluded that the success of the Protocol would not have been possible without the strengthening amendments of 1990 that created the Multilateral Fund. The report reads "It is important to note that, while the provisions of the original Montreal Protocol in 1987 would have lowered the [growth rates in ozone depletion], recovery would have been impossible without the Amendments and Adjustments."—and it specifically includes the 1990 amendments creating the Multilateral Fund.

Second, the Multilateral Fund itself is working. Since its inception in 1990, 32 industrialized nations have contributed $847 million to the Multilateral Fund. These funds have sponsored more than 2,700 projects in 110 nations, whose implementation will phase out the consumption of 119,000 tonnes of ozone depleting substances.

These projects for technical and financial in developing countries are selected by an Executive Committee, which the U.S. chairs. In fact, it is the EPA that takes the lead in the U.S. role as chair of the Executive Committee. The Agency provides technical expertise and experience that has been crucial to the Multilateral Fund's success.

And the program has been well-run. In 1997, the GAO reviewed the Multilateral Fund's performance and concluded that it was well managed and fiscally sound. GAO reported that the Executive Committee reviews projects for their cost effectiveness and rejects projects that fail to meet cost standards. Further, the GAO concluded that the administrative costs of operating the Fund were appropriate. In fact, the GAO made a single recommendation to improve the program's fiscal operation relating to use of promissary notes—which the Clinton Administration has since instituted at the EPA.

Third, the Multilateral Fund has strong business support. I have a letter from the Alliance for Responsible Atmospheric Policy urging Congress to fund the U.S. treaty obligations. This letter demonstrates America's leadership in the development, manufacture and marketing of ozone-safe products. Alliance members include General Electric, Ford Motor Co., General Motors Co., Whirlpool, Johnson Controls, AlliedSignal and dozens of the others. These are some of leading names in American business.

In their statement, the Alliance writes that they support the fund for very simple reasons:

Firstly, the Multilateral Fund was part of the deal when the Montreal Protocol was negotiated in the late 1980s. They argue that American industry has been supportive because a fund to assist developing nations assured world wide compliance.

Secondly, U.S. industry has invested billions of dollars in ozone-safe technologies and the Multilateral fund will facilitate the world wide use of these technologies, creating markets for U.S. companies and reducing pollution. These companies know that we are creating jobs and profits by exporting American-made, ozone-safe technologies. According to EPA, the overwhelming majority of ozone-safe products utilized in the Fund's projects are American.

Thirdly, these more than 100 companies recognize that the phase out of ozone depleting chemicals in developing nations is the final step in protecting the atmosphere.

In a statement to Congress, the Alliance writes,

> The international effort to protect the Earth's stratospheric ozone layer has been one of the most successful global environmental protection efforts ever, with an unprecedented level of cooperation between and among governments and industry. To not fulfill our treaty obligations at this time is bad environmental policy, hurts U.S. credibility around the world, especially in important developing country emerging markets, and is self-destructive toward U.S. industry and workers who have, in effect, already paid for this contribution.

I ask unanimous consent that the statement of the Alliance for Responsible Atmospheric Policy, and a list of its member companies be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. KERRY. Mr. President, I want to discuss how it is that we decided to seek $12 million. This year the U.S. commitment to the Multilateral Fund is $38 million. The Senate has approved roughly $26 million in the International Operations Programs at the State Department. By restoring $12 million into the EPA program, this amendment will allow us to fulfill the U.S. commitment of $38 million. Further, we have funded the EPA program for the Multilateral Fund at $12 million in FY96, FY97 and FY98, and at nearly $12 million in FY99. Therefore, by providing $12 million we will meet our 1999 obligation and essentially level fund this program.

I want my colleagues to know that even if this amendment is accepted, it will do nothing to pay down the U.S. arrears to the Multilateral Fund—which is now at $23.8 million. Mr. President, that is unfortunate. I wish that we could do better—and I applaud President Clinton for requesting enough to pay our debt to the Fund—

and urge my colleagues to support this amendment so that, at the very least, we can meet our obligations for this year.

In closing, I want to stress the bipartisan nature of this effort, and not just this amendment. The Montreal Protocol was finalized in 1987 by the Reagan administration, and it passed the Senate by a vote of 93–0. The Multilateral Fund was created in 1990 by the Bush administration. Under the Clinton administration, with the EPA and the State Department's stewardship, the Protocol has been strengthened and the Multilateral Fund operated effectively and efficiently. And today, our amendment is sponsored by 9 Democrats and 6 Republicans.

The Montreal Protocol's Multilateral Fund deserves our nation's full support. I believe the offset we have chosen is reasonable and fair. I thank my colleagues who have sponsored this amendment, and want to thank again Senator BOND and Senator MIKULSKI for accepting the amendment.

EXHIBIT 1—THE ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY

SUPPORT FUNDING FOR THE STRATOSPHERIC OZONE MULTILATERAL FUND IN EPA FY 2000 APPROPRIATION

The Alliance for Responsible Atmospheric Policy, the largest industry coalition involved on the issue of stratospheric ozone protection, urges the continued funding of the US treaty obligations to the Stratospheric Ozone Protection Multilateral Fund.

The Administration budget request for FY 2000 is $21 million in the EPA budget. This amount, plus funding under the State Department budget would allow the US to meet its year 2000 treaty obligations and to allow it to make up its arrears to the fund. FY 99 funding for this activity in the EPA budget was approximately $12 million.

Industry supports this fund for several simple reasons. First, the fund to assist developing countries in the phase out of ozone depleting substances was part of the original bargain when the Montreal Protocol was negotiated in the late 1980s. Industry has been supportive of this treaty because it assured world wide compliance rather than damaging unilateral action.

Second, the developing country phase out of these compounds is the last critical step towards restoring the Earth's protective stratospheric ozone layer, without developing country phaseout the environmental objective cannot be completed.

Third, US industry has invested billions of dollars in substitute technologies to replace the ozone depleting compounds. The Multilateral Fund is designed to facilitate the shift to these new technologies. If the US does not meet its treaty obligations, it puts US industries at a disadvantage against competitors from Japan and Europe.

Fourth, US industry has been taxed more than $6 billion in excise taxes since 1990 on the ozone depleting compounds! Total contributions to the Multilateral Fund since 1991 have been less than $300 million!

The international effort to protect the earth's stratospheric ozone layer has been one of the most successful global environmental protection efforts ever, with an unprecedented level of cooperation between and among governments and industry. To not fulfill our treaty obligations at this time is bad environmental policy, hurts US credibility around the world especially in important developing country emerging markets, and is self-destructive towards US industry and workers who have, in effect, already paid for this contribution.

The Senate Appropriations Committee is urged to restore the funding for this important United States treaty obligation. A list of the Alliance members is attached. Please contact us if you have further questions regarding this matter.

1998–1999 MEMBERSHIP LIST

3M Company, Abco Refrigeration Supply Corp., Aeroquip Corporation, Air Conditioning Contractors of America, Air Conditioning & Refrigeration Institute, Air Conditioning & Refrigeration Wholesalers Association, Air Mechanical, Inc., Alliance Pharmaceutical Corp., AlliedSignal Inc., Altair Industries, American Pacific Corp., Anderson Bros. Refrigeration Service, Inc., Arthur D. Little, Inc., Ashland Oil, Association of Home Appliances Manufacturers, Ausimont USA Inc., Bard Manufacturing Co., Beltway Heating & Air Conditioning Co., Inc., Branson Ultrasonic Corp.

Cap & Seal Company, Carrier Corporation, Central Coating Company, Inc., Cetylite Industries, Inc., Chemical Packaging Corp., Chemtronics, Inc., Commercial Refrigerator Manufacturers Association, Commodore CFC Services, Inc., Copeland Corporation, Department of Corrections—Colorado, Dow Chemical U.S.A., Dupont, E.V. Dunbar Co., Elf Atochem, Engineering & Refrigeration, Inc., Envirotech Systems, Falcon Safety Products, Inc., Foam Enterprises, Inc., Food Marketing Institute, Ford Motor Company.

Forma Scientific, FP International, GE Appliances, Gebauer Company, General Electric Company, General Motors, Gilman Corporation, H.C. Duke & Son, Inc., Halogenated Solvents Industry Alliance, Halotron Inc., Halsey Supply Co., Inc., Hill Phoenix, Hudson Technologies, Inc., Hussmann Corporation, ICI Klea, IMI Cornelius Company, Institute of International Container Lessors, International Assoc. of Refrigerated Warehouses, International Pharmaceutical Aerosol Consortium.

Join Journeymen and Apprentice Training Trust. Johnson Controls, Joseph Simons Company, Kysor Warren, Lennox International, Library of Congress, Lintern Corporation, Luce, Schwab & Kase, Inc., MARVCO Inc., Maytag Corporation, McGee Industries, Inc., MDA Manufacturing, Mechanical Service Contractors of America, Merck & Co., Inc., Metl-Span Corporation, Mobile Air Conditioning Society, Montgomery County Schools, Nat. Assoc. of Plumbing-Heating-Cooling Contractors, National Refrigerants, Inc., New Mexico Engineering Research Institute, North American Fire Guardian. North Carolina State Board of Refrigeration Examiners, Northern Research & Eng. Corp., NYE Lubricants, Inc.,

Owens Corning Specialty & Foam Products Center, Polyisocyanurate Insulation Manufacturers Association, Polycold Systems International, Refrigeration Engineering, Inc., Refron, RemTec International, Revco Scientific, Ritchie Eng. Co., Inc., Robinair Div., SPX Corp., Salas O'Brien Engineers, Sexton Can Company, South Central Co., Inc., Society of the Plastics Industries, Sporlan Valve Co., Stoelting, Inc., Sub-Zero Freezer Co., Inc., TAFCO Refrigeration Inc., Tech Spray, Inc., Tecumseh Products Co., Tesco Distributors, Inc., Thermo-King Corporation, Thompson Supply Co., Tolin Mech. Systems Co., Total Reclaim, Inc., Trane Company, Tu Electric, Tyler Refrigeration Corp., Union Chemical Lab, ITRI, United Refrigeration, Inc., Unitor Ships Service, Inc., Valvoline Company, Vulcan Chemicals Co., Wei T'O Associates, Inc., Whirlpool Corporation, White & Shauger, Inc., W.M. Barr and Company, Worthington Cylinder, W.W. Grainger, York International Corp., Zero Zone Ref. Mfg.

Mr. CHAFEE. Mr. President, I wish to express my thanks to the distinguished Senator from Massachusetts and also to the managers of the bill for accepting this amendment. Once in a while, we pass some legislation that really works. With the Montreal Protocol, we have an example of that.

The Montreal Protocol has always enjoyed broad bipartisan support in the Congress and public support across the country.

As our colleagues well remember, it was President Reagan who negotiated and signed the Protocol in 1987. Since that time, many strengthening amendments have been adopted and ratified during the administrations of both President Bush and President Clinton.

One of the most effective provisions of the protocol is an international fund that provides assistance to developing nations to aid their phaseout of ozone depleting substances. This is not a U.S. aid program. It is an international fund supported by 35 countries. It has assisted projects to reduce ozone use in 120 developing countries.

Mr. President, I can tell the Senate that the Montreal Protocol Fund is a very cost effective program because the U.S. General Accounting Office audited the program in 1997 and gave it high praise. GAO had only one recommendation to make to improve its performance and that recommendation has since been implemented. I would note that the U.S. business community also strongly supports this program. Quite often the assistance provided by the fund is used by developing nations to buy our technology to reduce CFC use. So, there is no question that this program works and has been highly successful.

The only issue is whether there is room for the U.S. contribution in this budget. We have pledged approximately $39 million for this coming year. There is $27 million in the foreign operations appropriation. Which means that we need an additional $12 million to honor our commitment. The amendment by the Senator from Massachusetts would provide that $12 million from EPA's budget. This follows a long tradition of paying for part of our contribution from State Department funds and part of our contribution through the EPA budget.

Can EPA afford $12 million for this purpose? We know that the budget is tight this year. But it is not so tight that we need to entirely eliminate this expenditure. In fact, I would note that this bill provides EPA $116 million more than the President requested. As the Senator from Maryland, Senator MIKULSKI, has said many times here on the floor, this bill is still a work in progress. I am confident that the very able managers of the bill can find room for the Montreal Protocol Fund in a budget for EPA that provides $116 million more than the President's request for the coming year.

We have our differences here in the Senate over environmental policy. But everyone has to admit that the international program to protect the stratospheric ozone layer negotiated by President Reagan has been a tremendous success. The work is not quite done. CFCs are not entirely out of our economy. In fact, the U.S. remains the third largest user of CFCs. But we are well on the way to a CFC-free world. And this program, the Montreal Protocol Fund, has been a very important part of the effort. It deserves our continued support.

We have been able to curb the CFCs. We are on a downward glidepath, not only among those nations that signed the Montreal Protocol, but the international fund is supported by 35 countries. We have also reached out to reduce the CFC use in 120 developing countries.

The CFCs are extremely dangerous substances in the destruction of the ozone layer. We are gradually eliminating them. This is a step forward.

This amendment takes from the total EPA budget some $12 million, which is then added to the $27 million in the foreign operations appropriations so that we then meet our commitment of $39 million for this international fund, which is the contribution of the United States. It is not the United States alone, as I mentioned before; we have some 35 other countries that are contributing.

Mr. KERRY. Mr. President, it is my understanding that Senator BROWNBACK wants to make a brief comment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of this amendment put forward by Senator KERRY, Senator CHAFEE, and myself and a number of other Senators. Also, I want to thank Senator BOND and Senator MIKULSKI for accepting it.

I think this is a great statement and a great amendment for us to push forward. It provides funding for the Montreal Protocol with the multilateral fund. The fund sponsors technical assistance to 110 developing nations to reduce the ozone-depleting substances. It is supported by 120 industrialized nations. I think it is an important way for the world to combat pollution cooperatively.

It will help phase out ozone-depleting substances in developing countries. GAO's 1997 report says this was a good working solution. It was working well. The amendment is fiscally responsible as well. It provides $12 million for the fund, offset with a tiny reduction—less than .02 of a percent—in EPA's discretionary spending.

Today's world is an international, interactive relationship, particularly on the environment. Here is a very commonsense, practical approach for us to be able to work cooperatively with other nations. Twelve million dollars is economically responsible, budget-wise, coming out of the EPA discretionary fund.

This is a good way to work forward.

I thank my colleagues for their leadership. I think this is an excellent way for us to work toward international environmental cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1756, AS MODIFIED

(Purpose: Amend Housing Opportunities for People with AIDS to increase by $7 million and section 811 by $7 million)

Mr. KERRY. Mr. President, I thank my colleagues.

Let me quickly proceed to the amendment that I know is going to be accepted. I have an amendment at the desk, No. 1756. We have worked out a modification with the ranking member and the Chair.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Massachusetts (Mr. KERRY), for himself and Mr. BOND, proposes an amendment numbered 1756, as modified.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, strike "$904,000,000" and insert in lieu thereof: "$911,000,000".

On page 36, line 8, strike "$194,000,000" and insert in lieu thereof: "$201,000,000".

On page 28, line 2, strike "$225,000,000" and insert in lieu thereof: "$232,000,000".

Mr. KERRY. Mr. President, this amendment increases housing opportunities for people with AIDS—the AIDS account—and the section 811 disabled housing account by $7 million each.

As I said, this is with the consent of the Chair and the ranking member. I appreciate their willingness to work with me on this amendment.

These funds are going to help provide housing for an additional 1,850 people with HIV-AIDS, and also crucial new housing for the disabled.

This particular effort, housing opportunities for people with AIDS, serves a unique function within the HUD budget. It is a vital program for people with HIV-AIDS. Fully 60 percent of them will face a housing crisis at some point during their illness. Tragically, at any given time, half the people with AIDS are either homeless or on the brink of losing their homes.

This amendment would go a long way to solving that problem. I look forward to working with the Chair and the ranking member to maintain this in conference.

Mr. WYDEN. Mr. President, will the Senator yield briefly?

Mr. KERRY. I think we are going to pass this amendment. I am happy to yield for a quick comment.

Mr. WYDEN. I will be very brief. I, too, appreciate Senators MIKULSKI and BOND supporting this. I think the point Senator KERRY is making with this amendment—I hope in the days ahead it yields to a broader debate—is that at a time of record economic prosperity, we are having extraordinary crises in terms of access to affordable housing. All across this country we have waiting lists, sometimes for years, for the kind of people that Senator KERRY is trying to assist with this amendment. I think this is a start. Senator MIKULSKI and Senator BOND have been very gracious to accept this amendment. I commend them for it. But I hope in the days ahead that we can build on the Kerry amendment and really drive these waiting lists down. If anything, the hot economy we are seeing is driving up rents and, in effect, contributing to the problems we are having with these waiting lists.

I didn't want to take a lot of time of the Senate, and I am very pleased Senator KERRY is leading this effort. I hope this is seen as the beginning of a bipartisan effort to drive down these waiting lists that are years and years in some communities for disabled folks, seniors, and those with HIV.

I thank the Senator from Massachusetts for yielding time. I am glad this amendment has been accepted on both sides of the aisle.

Mr. KERRY. Mr. President, I thank my colleague from Oregon for his comments and for his own personal dedication to this issue.

Mr. BOND. Mr. President, we are pleased to be able to work with the Senator from Massachusetts, the ranking member on the housing authorization committee. We know there are great needs. We are very pleased we have been able to work with the Senator and provide an additional $7 million for section 8, for the HOPWA program and the section 811 program. When we talk about availability of housing, section 811 does provide additional housing. In many of the section 8 programs, we find they cannot create new housing. Having a certificate without a place to live, without a place to use it, doesn't do any good. The section 811 program has been at a static level of $194 million over the last decade. We were able to provide in the original mark for an additional $40 million in section 8 for persons with disabilities.

Section 811 is a construction program for persons with disabilities. This is a modest increase. It is well deserved. I appreciate working with my ranking member, Senator KERRY, to get this done.

I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, lend my support for this amendment. I thank the Senator from Massachusetts for his advocacy, and I thank the Senator from Missouri for the staff, along with my own staff, who helped find the funds.

For any person disabled or with AIDS, finding the kind of suitable housing with the appropriate physical architecture, the kind of things needed for the aged or for someone quite ill, is important. We need to make sure we provide the opportunity for people to be able to maintain self-sufficiency in the community and be able to get the treatment they need.

This goes a long way to adding help for 1,800 more people. I am willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1756), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1761

(Purpose: To provide funding for incremental section 8 vouchers under section 558 of the Quality Housing and Work Responsibility Act of 1998)

Mr. KERRY. Mr. President, we now move to the last amendment I have, amendment No. 1761.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1761.

Mr. KERRY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 3, strike "$10,855,135,000" and insert "$10,566,335,000".

On page 18, line 4, strike "$6,655,135,000" and insert "$6,366,335,000".

On page 18, line 19, insert before the colon the following: ": *Provided further*, That of the total amount provided under this heading, $288,800,000 shall be made available for incremental section 8 vouchers under section 558 of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2614): *Provided further*, That the Secretary of Housing and Urban Development may not expend any amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, for tenant-based assistance under the United States Housing Act of 1937 to help eligible families make the transition from welfare to work until March 1, 2000".

Mr. KERRY. Mr. President, again, let me summarize this as succinctly as I can. It is a critical topic and one I want to talk a couple of minutes on in order to share with my colleagues where we stand with respect to housing and section 8 in the effort to try to provide affordable housing in the country.

I have nothing but enormous respect for the difficult circumstances under which the Chair and ranking member of the Appropriations Committee have labored. It is fair to say their situation has been unfair, untenable, and it wasn't until there was a raid on the labor and education money that they conceivably had enough money to try to bring a bill to the floor.

Most Members know what will happen: There will be some other kind of raid which will take place to try to restore some money back into the labor and education fund so we can somehow bring a bill to the floor and create a fiction that we were able to do something.

My comments are not directed at the Chair or the ranking member, who have done an exemplary job of dealing with the most difficult constraints of almost any committee within the Senate. But there are some tough realities about which the rest of us, properly representing our States and our citizens, need to talk. Those tough realities are the situations we face with respect to housing in the country.

The amendment I have offered redirects $288 million in funds needed to renew the existing section 8 contracts, and to use those funds to provide an additional 50,000 section 8 vouchers. I come after this as the ranking member of the authorizing committee with an understanding there are back-end costs. I know the Chair will say it is not just the 50,000 you put up today; there will be back-end costs. I will talk about that in a moment. I fully acknowledge that reality.

However, the amendment we offer is supported by the National Low Income Housing Coalition, by the National Alliance to End Homelessness, the National Housing Conference, the Catholic Charities USA, the Center for Community Change, the National Housing Law Project, and the National Association of Home Builders which call for an increase in section 8 vouchers. I also point out the statement of administration policy in their letter on this bill says they object to the committee's decision not to fund new incremental section 8 vouchers.

The President asked for 100,000 new vouchers. I think the President's request for 100,000 new vouchers represents the commitment we reinstituted last year to try to begin a process of recognizing what was happening to housing in the country. The fact is we now face an extraordinary and growing shortage of affordable housing for poor and working families in America. It seems to me, and to a lot of my colleagues, in the economic times we have in this country, when the stock market—though obviously it is up and down, and yesterday was down—is at its highest level, the economy has been remarkable in its sustained consecutive months of growth, unemployment is at a record low—we all know those statistics—in the middle of this remarkable growth, when ownership of homes is at a new and historic high, we are seeing the stock of affordable housing decline. Indeed, we now have a record number of families that face a housing crisis of some proportion. Nearly 5.6 million American families have what is called worst case housing needs. Yesterday, HUD released new data showing that number was added to by some 260,000 households in the past 2 years. We are talking about worst case needs, according to our own definition.

These families pay one half of their income in rent. I ask all of my colleagues to think about that. We have a pretty good salary and a lot of Members in the Senate have income from other sources and don't face some of the choices that a lot of our fellow citizens have, but one half of family income going to rent for these families is an unacceptable level by any of the standards or guidelines we offer. Increasingly, these families are working families. For them, the economic bump in the road that can result is a bump that brings shortages of food, utility cutoffs, and even evictions and homelessness.

This is illustrated by a study recently completed by the Institute for Children and Poverty which shows that homelessness is rising among working families. The study shows that in Newark, working families constitute 44 percent of the homeless families. Mr. President, 44 percent of homeless families are also working families. In Boston, I know we found a huge increase in the rental market. So there is increasing difficulty for working families with students to be able to find adequate housing.

I might add, it is not just in the short term that this presents us a problem, it is in the long term that it presents us a problem. We have 50,000 or 100,000 vouchers we are looking for, which will only take care of a fraction of the need or the demand. But it is help that is sorely needed, and it reflects the efforts of the Government to try to respond within the limits we face today. I might add, this money is available. We are not taking it from somewhere else. We are taking it from unspent funds within HUD itself because of their lack of expenditure at this point in time.

Let me share with my colleagues one of the aspects of this problem on which a lot of people do not focus. Dr. Alan Meyers, who is a pediatrician at the Boston Medical Center, did a series of studies on the impact of high housing costs on child nutrition. In each case, he found that children of poor families receiving housing assistance were better nourished and in better health than similar families without such assistance. In a stark illustration of the choices the unassisted families face, he found children were most likely to be undernourished during the 90 days after the coldest month of the year, highlighting what he called the "heat or eat dilemma."

In addition, let me underscore that lack of proper nourishment is only one problem that comes out of the housing crisis. The fact is, children who have a housing crisis are also forced to move from school to school. Social workers in Charlotte, NC, have told us about children they have seen going to as many as six different elementary schools in a single year. One expert estimated that as many as half the children in the Washington, DC, foster care system could be reunited with their parents if their families had access to stable housing.

So here we are in the Senate, arguing about changes in the welfare culture, arguing about schools that do not work, arguing about the need to have parents involved in families, and clearly one of the links that reunites parents with families and provides stability in the school system and capacity for children to stay out of trouble is available, affordable housing. It is an astonishing statistic, that half the children in Washington, DC, in the foster care system could actually be reunited with their parents if we had adequate housing available.

Some people will say to us that this costs a lot of money and is hard to do. There was a report that came out recently called "Out Of Reach," which was done by the National Low-Income Housing Alliance. In my home State of Massachusetts, a person would have to work 100 hours every week at the minimum wage just to afford the typical rental on a two-bedroom apartment. It is even worse in a number of other cities where you need to work 135 hours a week or earn the equivalent of $17.42 hourly, more than three times the minimum wage, in order to afford to put a roof over your head. Massachusetts is not alone. Virginia, Maine, Maryland, Montana, New Hampshire, and other States are feeling the economic crunch of the housing shortage and the impact on families as a consequence of that.

We also talk a lot around here about making work pay. The fact is, if people go to work and work according to all the rules but they have a work-week of 135 hours, or 100 hours, at a wage of $17, which is three times the minimum wage, we are obviously creating a gap that breaks faith with the capacity of the Government to provide value for that work. I think that is a serious issue.

In addition, let me point out, this is not an enormous request. I ask my colleagues to look at this chart. In 1978, we were putting out 350,000 housing units a year; in 1979, close to 350,000; in 1980, 200,000; 1981, about 200,000; and from 1981 through the entire 1980s we went through a dramatic drop in housing, and in 1984, with the passage of the Balanced Budget Act, we went through the most dramatic decrease in housing, and we have had zero increase in housing starts until last year when, thanks to the good efforts of the chairman of the committee and ranking member and others working on it, we were able to get the first year's increase in 50,000 initial, new vouchers for section 8 housing.

But that only tells one part of the story. My colleagues in the Senate—and I share this belief—understand we have a lot of budget problems. But we ought to be treating things fairly. Every time we have a crisis in the Senate, in the budget, whether it is a hurricane, whether it is a farm problem, whether it is some other issue of Government, where we need to find funding for some project, the piggy bank is housing. What we have seen over the last years is what I call the "Great HUD-Way Robbery."

From 1995 until 1999, we have seen a year-by-year cut, or rescission, or diversion from housing. So it is not that housing was not originally on people's minds. It was not that we did not have an original sense that housing ought to be part of the budget process. But every time somebody wants to fund something else, they take it out of housing's hide.

The fact is, in 1995 we had $6.462 billion of rescissions; the next year, $114 million; the next year $3.8 billion; $3.03 billion the next year; $2 billion the next year. So we have had rescissions of $15.41 billion. We have had program cuts of $4.8 billion. So housing has lost $20 billion-plus in the course of the last years.

It is absolutely imperative that housing receive its fair share within this budget. In the final analysis, it is as critical a component of the social fabric and the social security of this country as almost anything else we do. We need to make work valuable. We need to ensure our citizens understand, if they play by the rules, it pays off. It is most important for our children and for a generation that are shunted from place to place, or separated from their parents, or taken from school to school to school. This is one of the things that contributes to juvenile violence, to the problems we have in our cities, people feeling disconnected—not just in the cities, also in rural communities—and I hope we will change it.

I look to our colleagues on the committee, who I know are committed to trying to do something, to hopefully share with us this sense that, even though in the conference ultimately there will be a negotiation—we all know that; ultimately there is going to be a showdown on what the final numbers are going to be—to guarantee, when that showdown comes, housing is not again going to be the piggy bank for everything else; it will be a priority at the forefront of our efforts and we will be able to continue the good work the chairman, I know, cares about, and the ranking member is equally committed about, that they began last year where they began to increase funds for housing.

Again, this is not a problem of their choice or their making. I know they share a belief this ought to be different. They were given the toughest budget figures of anybody in the Senate. That is why this is one of the last appropriations bills to be able to come to the floor. Everyone knows it only came to the floor by robbing Peter to pay Paul, by taking money from education and from the labor account in order to even make this possible. I hope we are going to change that trend in the next weeks. We certainly have that opportunity. I also believe we have that obligation and responsibility.

I know a couple of others of my colleagues wanted to say a few words.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank the Senator from Massachusetts for his eloquent leadership and his determination to keep this issue of affordable housing in front of us. We have 5 million American households that have either inadequate or unaffordable housing. We have 2 million of those families with children, and 1 million of them are seniors.

Each one of our communities is faced with this kind of a shortfall. We have a waiting list of over 1 million people for the vouchers, and this amendment will add a few.

There are three realities about which we are talking. One is a reality out on the street. That is the reality which millions of families face that do not have affordable housing or adequate housing. We have a budget reality which is driven by allocations through our appropriations subcommittees. This subcommittee has labored mightily to see what it could do with a very inadequate—totally inadequate—allocation. It has done an amazingly good job in fighting for at least a reasonably adequate number.

I commend the chairman and the ranking member of this subcommittee for what they have done, for the fight they have waged. It has been a long fight, and I know it has been a hard fight. They were shorted severely at the beginning and less severely now. Nonetheless, they have been shorted, and that means America has been shorted.

The third reality is the conference, and that is the reality to which the Senator from Massachusetts made reference in closing. In supporting his effort to add back half of the vouchers which were requested by the administration for section 8, I can only add my voice, far less eloquently than his, to the hope that our chairman and our ranking member in conference will strive to find a way to do some justice for section 8 housing this year. Again, I thank him and thank both of our floor managers.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I very much appreciate the comments that have been made about the need for affordable housing. Unfortunately, this problem is bigger than just section 8. Section 8 is a real problem, as I outlined several days ago.

To repeat, we used to have multiyear section 8 contracts, 10-, 15-year section 8 contracts. That allowed landlords to obtain financing to build housing.

In the last 10 years, we have gone from 10-, 15-year contracts down to 2-year and 1-year budget authority appropriations. In order to save money in the overall spending caps in budget authority, they shortened the contracts. That means, No. 1, as these contracts expire, we are spending over $20 billion a year in outlays on section 8 contracts. Those outlays are in the budget. But the budget authority needed rises every year, from $3.6 billion in 1997 to $8.2 billion in 1998 to $11.1 billion in 1999, and the need is $12.8 billion for fiscal year 2000. That number goes up to $18.2 billion by the year 2004. Unfortunately, that is how we budget around here, on how much budget authority you request.

The problem we have with the administration seeking additional section 8s is that in their recommendations, their OMB budget request, they say they are going to appropriate $11.3 billion for the next 10 years. As those needs for more appropriations continue to rise, we will wind up kicking 1.3 million families out the back door.

First, let's make clear, we are not going to let that happen. We have to protect those who are actually in publicly assisted housing. We have to scrape, we have to do everything we can to find the funds to do so.

The Senator from Massachusetts mentioned the 50,000 additional vouchers the administration sought. Two things: I was promised by the Secretary of HUD the budget submission this year will account for those additional 50,000 vouchers, which we will accept into the stock, and we are renewing all the vouchers that are coming due. Unfortunately, instead of making provision in the budget for the additional 50,000, the administration proposed, and we have had to accept, a deferral on an advanced appropriation of $4.2 billion. In other words, we were $4.2 billion short of the budget authority needed to continue all of the section 8 certificates expiring this year. This means we rolled over into 2001 $4.2 billion. So we are falling way behind in the budget authority and being able to maintain the section 8 certificates we have now.

In addition, we have heard people say: The need is now for section 8 certificates. None of the 50,000 vouchers we approved last fall have been used. None. Zero. Zip. Nada. None of them have been used. The administration has not gotten them out. We have discussed this problem, but they have not gotten them out. We are trying to renew vouchers that have not been used this year. We cannot use money that was not used this year to add new vouchers next year when we have already included provisions for the vouchers that we authorized last year and they have not been used.

Probably the most important thing—and this is the point on which we really are going to have to get to work—is that a 1-year section 8 voucher does not create a house. It does not create an apartment. It does not create a condominium. Nobody can finance the construction of housing on the promise of a 1-year section 8 voucher.

Right now in St. Louis County, for every 100 vouchers they issue, only 50 of them are used because there are no places physically to house the people who need housing. That is why we put money into HOME, into CDBG, to increase the stock of housing. That is why we have the low-income housing credits. That is why we have section 202 which does build housing for the elderly.

We are not suffering a lack of housing because of a lack of section 8 certificates. We are suffering a lack of housing because in many areas they just have not been built.

We will work with people on both sides of the aisle to create housing that is needed, to give somebody a certificate. That certificate does not keep the rain off them; it does not keep them warm in the winter. They have to have shelter. Merely giving them a section 8 voucher does not create a shelter when there is no shelter available. It will enable them to pay the rent if there is one available, but in too many areas there is not.

This is a subject for much discussion later on. I look forward to working with the Senator from Massachusetts and the others who have talked about it. This is not a section 8 problem. We have our own section 8 problems with the budget authority needed. The real problem is providing housing.

I commend groups such as Enterprise and LIST. I commend local units. I commend people who are working under the low-income housing tax credit, housing authorities across the Nation such as the Missouri Housing Development Commission, and Habitat for Humanity. They are the ones who are providing shelter. These are the places we have to look in many areas for a house.

I thank the Senator from Massachusetts for his insights on this measure. Unfortunately, we are in a budgetary situation where we cannot provide additional section 8 certificates in this current budget.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. Mr. President, I rise in strong support of Senator KERRY's amendment. Also, I recognize the very thoughtful analysis that Chairman BOND has done about the budget problems that face this committee as it struggles to fill many different needs in the area of housing.

All this discussion underscores a very fundamental question that transcends all of our considerations in the Senate and that is, we have many unfulfilled obligations in the country which make us very wary of significant reductions in our revenues and significant changes in policy until we address these very fundamental concerns: How would we provide going forward with resources so every American can have a safe, decent, affordable home?

I also agree with Senator BOND that we have to do a lot more in terms of construction policies, in terms of encouraging the creation of housing units. But the section 8 program is particularly critical to so many people throughout this country.

I think it is also very important to note that this is one of those very significant and very efficient combinations of public purpose and private enterprise because we are not, in most cases, operating at public facilities these housing units. They are private housing units which are receiving, through the section 8 subsidies, supports which are available to low-income people—again, a very efficient, very effective way to use very scarce Federal resources to allow individual Americans access to safe and decent housing.

I think we have to, in this situation—even recognizing the significant budgetary constraints—move forward because this is one of those situations where if we make the commitment we will find a way to fund it.

I think the essence of Senator KERRY's amendment is: Let's make this commitment. Let's make this commitment this year again to expand the section 8 voucher program so we can offer the real possibility of safe, decent, affordable housing to more citizens of this country.

I, too, agree with Senator BOND's analysis, which I have been listening to intently over the last several days, about the need to go deeper with our targeting for the low-income housing tax credit program, to support the HOME program, to support the CDBG program. All of these contribute to the housing market, to the availability of adequate, decent housing for all of our citizens. All of them will contribute to the solution of the dilemma facing us all: How do we provide affordable, decent, safe housing for all of our citizens?

I support very strongly Senator KERRY's amendment and commend him for doing this. I also commend, as I have said before, both Senators BOND and MIKULSKI for their great efforts to try to work through this very difficult thicket.

Let me, before I conclude, also raise another topic which I have addressed previously on the floor; that is, the staffing level within the Department of HUD, but in particular the HUD Community Builders Fellowship. I must confess I did not know too much about this particular program until we began this debate. But it has come to my knowledge this is an innovative program which is essentially selecting through some very rigorous means professionals in the area of urban policy planning, housing policy, to spend 2 years as a fellow at the Department of HUD after training at the Harvard Kennedy School of Government, to try to create an entrepreneurial spirit in HUD, to go beyond the box to create new opportunities in housing. Then these individuals, having served their fellowship, have the opportunity to go back to their communities and take these skills, this training, and their expertise and again contribute to their communities.

I think it is a worthwhile program. But I am prompted to speak not so much because of what I have heard on this floor but because of what I am hearing back in Rhode Island as a result of the success of this program. Stephen O'Rourke is the executive director of the Providence Housing Authority. He is a tough-minded administrator who stepped into a difficult situation decades ago in a housing authority that was crumbling, both physically and in terms of its management style, a housing authority that was beset with all the problems of urban cities—crime, drug use, violence, dilapidated units—and he has done a remarkable job. He has done it by being hard-nosed, aggressive. I suspect people would probably characterize his approach as "tough love." And it has worked.

He has seen every fad and fancy in housing in the last two decades. He has taken it upon himself to communicate with the regional HUD office, commending the Community Builders Fellowship Program. In fact, in his words:

> I find their enthusiasm and "can-do" attitude infectious. They constitute a new, special breed of government workers.

When I start hearing about that kind of performance from a local official, I think there is something here we cannot discard totally.

In Rhode Island, this program is working to do things that people have wanted to do for years. But they have never been able to think outside the box or cross the bureaucratic lines of organization to get the job done. These fellows are doing that. They started a statewide ownership center so we can do what I think we all want to see—get people into their own homes.

They are working with the Welfare-to-Work Program to develop an innovative program where a housing authority is sponsoring a microbusiness, a van service, that not only employs individuals but contributes to one of the most significant issues facing people making the transfer from welfare to work—how do you physically get to work? This van service helps that.

These are the types of out-of-the-box, innovative, entrepreneurial solutions we should encourage and not discourage. There have been several preliminary assessments of the program.

Anderson Consulting company has looked at the program and has concluded that it has a positive effect on the ability of HUD customers to conduct their business and get the job done. Ernst & Young has interviewed many people involved in this program. They, too, are convinced. These are their words:

> They consider Community Builders to be responsive to their concerns and timely in addressing them.

Finally, the individuals at the Harvard Kennedy School of Government who were training these professionals believe the program is worthwhile. So I think at this juncture, after barely a year of experience, to totally eliminate the program is the wrong approach.

The other aspect we should know is that HUD has already seen significant reductions in its personnel rolls from 13,000 to 9,300. In fact, both GAO and the HUD IG are arguing that perhaps they have reached the limits of cuts that can be made reasonably. There is no way we can demand a new reformed, reinvigorated, entrepreneurial HUD if they do not have physically the men and women to hold the jobs and to do the jobs. If this program is eliminated totally, as proposed in this appropriation, 81 communities throughout the country will be affected, including Providence, RI, and others. In fact, for the sheer lack of personnel, many significant functions of HUD will be lost if this program is abandoned. If we are asking HUD to be more efficient, more effective, more customer conscious, I do not think at this juncture we should eliminate a program that shows promise.

There also has been a suggestion on the floor that there are some internal criticisms. There was reference, I think, to the Commissioner of the Federal Housing Administration, of Mr. Apgar's criticism. He, in fact, indicates there is potential for this program.

At this juncture, I ask unanimous consent to have printed in the RECORD a letter from Mr. Apgar.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 21, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I understand that in the Senate Appropriations Committee discussion on the FY2000 HUD/VA Appropriations Act, you attempted to discredit HUD's Community Builder initiative by referencing a memo dated September 2 and signed by me. By taking this routine internal communication out of context, you presented a distorted picture of my views on the critical role Community Builders play in helping the HUD's Office of Housing manage its programs.

I would like to take this opportunity to set the record straight. My views on this topic are informed both by my experience as the Federal Housing Commissioner, as well as by two decades of research and teaching on housing and community development issues at Harvard's Joint Center for Housing Studies and Kennedy School of Government. Based on this experience, I truly believe that your efforts to "fire" some 400 Community Builders will significantly harm HUD's ability to accomplish its mission and protect the public trust. Initially, over 20 offices could be forced to close as they would not have adequate staff to function. To close these offices would be disastrous. In particular, the loss of 400 HUD employees could cripple HUD's ability to dispose of HUD held assets (Real Estate Owned Properties) in a cost effective manner and seriously undermine the financial integrity of the FHA fund.

The Community Builder initiative is an innovative effort to clarify the roles and responsibilities of HUD staff. Leading management experts frequently write and speak about the dysfunction that results from requiring employees to assume dual roles—at times offering assistance, facilitating and problem solving, and at other times performing oversight and enforcing compliance. Through a series of public forums on the future of the Federal Housing Administration that I led in 1994, I gained extensive first hand knowledge about the adverse consequences of the Department's historical failure to separate the service and compliance functions.

Even before joining the HUD team, I applauded Secretary Cuomo's plan to identify two distinct groups of HUD employees, "Public Trust Officers," with responsibility for ensuring compliance with program rules and requirements and protecting against waste, fraud and abuse; and "Community Builders," who function out in the communities as the Department's "front door" and access point to HUD's array of program resources and services. While working at HUD, I have watched the Secretary's vision become a powerful reality as each day Community Builders serve HUD, and FHA, taxpayers and low- and moderate-income families and communities.

I appreciate that you and many of your Senate colleagues are concerned about the effective and fiscally responsible operation of FHA and HUD. I am therefore hard pressed to understand how the Subcommittee's effort to terminate 400 essential HUD employees will help. Community Builders are vital to the success of FHA's homeownership and rental housing initiatives. Community Builders have primary responsibility for all marketing activities including ensuring that FHA's single-family programs effectively serve minority and other underserved communities. They work with community based organizations to implement the new Congressionally mandated single-family property disposition initiative. They also work with state and local agencies to expand availability of services for HUD's elderly and family developments. These are just a few of the ways that Community Builders assist the Office of Housing in meeting the needs of low- and moderate-income families and communities.

Community Builders play a particularly important role in HUD's effort to manage and dispose of distressed multifamily properties. The September 2 memo reflects HUD's ongoing commitment to manage these disposition efforts in a way that both empowers communities and preserves the public trust. Property disposition must be a team effort involving Community Builders working in cooperation with the Department's Enforcement Center, Property Disposition Centers, and Office of Multifamily Housing. As indicated in the memo, Edward Kraus, Director of the Enforcement Center, Mary Madden, Assistant Deputy Secretary for Field Policy and Management and myself constantly monitor the work effort of both Community Builders and Public Trust Officers to insure that each HUD employee knows his or her role and responsibility, and that through effective communication these employees operate as a team.

The Community Builders play an essential role in property disposition efforts. While all monitoring, compliance, and enforcement decisions must be made by Public Trust Officers, Community Builders serve as HUD's "EYES AND EARS" in the neighborhood, providing important early information about HUD insured and HUD subsidized properties obtained from their ongoing meetings with tenant and community-based organizations and state and local officials. Clearly, effective early communication with all interested parties is essential for the fair and quick resolution of issues associated with troubled properties, and if need be the cost-effective disposition of assets through foreclosure and sale.

In closing, I ask you to stop this wrong headed effort to fire 400 HUD employees. As you know, the management of HUD's portfolio of troubled properties has long been a source of material weakness in our operations. The loss of 400 front line workers, combined with the Subcommittee's equally questionable decision to cut back funding for Departmental salaries and expenses, could very well cripple HUD's capacity to manage these troubled assets. Rather than continue to use the memo of September 2 to present a distorted picture of the Community Builder program, I trust that you will share this letter with your Senate colleagues so that they will have a fair and accurate accounting of my own views on this matter.

Sincerely,

WILLIAM C. APGAR,
Assistant Secretary for Housing—Federal Housing Commissioner.

Mr. REED. Again, this is an example of a program that has great potential. I think it would be unfortunate to eliminate it in its first year of operation. Let us step back objectively and review it, look at it, and make a judgment. I think that judgment, based on what I am hearing from my home State of Rhode Island, would be a very favorable one. So I urge reconsideration of this program to go forward.

Again, I thank Senator KERRY for his leadership on this issue of Section 8. I recognize the difficulty both Senators BOND and MIKULSKI face, but this might be an issue, when it comes to section 8—particularly if we move forward boldly to serve the people who sent us here—we will find the means to do that.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will take a quick minute. Other colleagues are waiting.

I thank the Senator from Rhode Island very much. He is a valuable and very thoughtful member of our committee; and clearly representing Rhode Island, he understands the pressures people are under in this respect. I thank him also for raising the issue of community builders and putting the letter from Secretary Apgar in the RECORD.

I ask unanimous consent that a memorandum from Ernst & Young, which discusses the Community Builder Program, and a letter from Harvard University regarding the training process for the community builders be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ERNST & YOUNG LLP,
Washington, DC.

To: Douglas Kantor, HUD.
From: Ernst & Young LLP.
Date: September 21, 1999.

"ANALYSIS OF COMMUNITY BUILDER PROGRAM"

BACKGROUND

Ernst & Young is providing this memorandum as an interim status update of our Analysis of the Community Builder Program engagement.

We are finalizing our procedures and drafting our report on the effectiveness of the Department of Housing and Urban Development's Community Builder Program. Based on the case studies reviewed and the interviews conducted to date, Community Builders have been successful in facilitating positive communication between HUD and the communities they serve. Participants interviewed indicated that Community Builders are effectively serving as the "front door" of HUD, as envisioned in the Department's *2020 Management Reform Plan.*

Our work to date has included:

Review of a sample of 25 case studies provided by HUD covering a cross section of programs and each HUD region;

Research regarding the history, design and purposes of the Community Builder program;

Interviews of Harvard University Kennedy School of Government personnel; and

Interviews of over 50 HUD customers and stakehoders listed in the case studies with knowledge of the selected cases. The interviewees included Housing Authorities, Civic Leaders, other Federal, state and local government personnel and others.

INTERVIEWEE RESPONSES

Interviewees generally provided very positive feedback regarding the work of the Community Builders. They consider Community Builders to be responsible to their concerns and timely in addressing them. A number of interviewees indicated that:

The Community Builders have been very effective in bringing their private sector expertise to the public sector.

The Community Builders have been proactive in identifying opportunities and areas of need within their communities.

The Community Builders are acting as a point of contact which makes HUD seem much more accessible to interviewees.

The Community Builders are very knowledgeable about HUD programs and non-HUD programs alike.

The Community Builders are efficient. They are able to provide information on several programs rather than the client having to contact numerous departments.

The Community Builders are professionally competent and are well respected figures in their communities.

The Community Builders are a "New Face" for HUD. Several respondents commented that their perception of HUD is much improved due to their interactions with the Community Builders.

In fact, one interviewee indicated the Community Builder program was the most innovative program he has seen in his twenty (20) years of government service.

WORKING PARTNERSHIPS

The case studies indicate that Community Builders have performed outreach to a diverse group of community partners including private businesses, not-for-profits, health organizations, Federal agencies, resident groups, religious organizations, universities, investment banks, local government entities, and Housing Authorities. According to the case studies and the interviews, successful partnerships have been developed to date with a number of groups including:

National Housing Ministries,
Non-Profit Center of Milwaukee,
Cleveland Browns football team,
Federal Reserve Bank of Los Angeles,
Cherokee Nation Housing Authority,
AIDS Task Force,
Hawaii Governor's Office of State Volunteers,
Credit Counseling Center, Inc.,
Capitol Region Council of Churches,
Temple University,
University of Pennsylvania,
Harrison Plaza Resident Council,
Northwest Opportunities Vocational Technical Academy,
Council of Churches of Bridgeport, CT,
Valley Catholic Charities,
FEMA.

CUSTOMER AND STAKEHOLDER CONCERNS AND RECOMMENDATIONS

When asked, most of the interviewees did not express concerns or provide recommendations regarding the Community Builders. Some interviewees who did respond in this area provided comments such as additional clarification is needed regarding the roles and responsibilities of the Community Builder as well as Community Builders should have better familiarity with the community they serve. In addition some interviewees indicated that some individual Community Builders had not yet been in place long enough to see all of their projects to completion. There were some differences of opinion among customers and stakeholders. For example, some customers thought that Community Builders should receive more of the Department's resources while others did not want resources diverted away from enforcement activities.

SUMMARY

Almost all of the interviewees told us that the Community Builder Program positively changed their perception of HUD. Please note that this is an interim status report. We will give you a final report on this project shortly after we complete our procedures and finish summarizing the results.

Harvard University,
Cambridge, MA, September 22, 1999.

Christopher Feeney,
Ernst and Young.

Dear Christopher. I'm writing to follow up your inquiry and our discussion about the Community Builders program of the US Department of Housing and Urban Development. I currently serve as the school's director and dean for executive education, though I should stress that the thoughts herein are my own.

Executive education is an important element in the Kennedy School's mission to train people to play leadership roles in their organizations, communities and in the larger society. In this capacity, we conduct dozens of executive education programs for public officials from the US and abroad. We have developed a three-week program (taught in two modules, of two and one week respectively) on community building, strategic management and leadership, which has been elected by the newly appointed Community Builders from inside and outside HUD. Over the past year and a half more than four hundred community builders have participated in the program. This involvement provides a vantage point to offer some observations about the program.

PURPOSE AND CONCEPTION

The need for and potential value of the program arises from several observations.

First, the federal government, through the vehicle of the Department of Housing and Development (HUD) has significant potential to add real value to the development process in America's communities and neighborhoods. HUD can draw upon a wide range of resources, including its knowledge and comparative perspective, research, its convening and coordination capacity as well as its legal and financial resources.

Second, I doubt that anyone would argue that HUD is as effective as it could be in bringing value to the process. Its program and activities have been historically organized and delivered through a number of specific programmatic and regulatory channels, stove pipers, in effect, each with its own discrete organizational structure, personnel, procedures, and norms. From the standpoint of community leaders, this often appeared as a bewildering array of possible channels and activities, no doubt at times it has seemed that HUD's left hand and right hand (and feet) were pointing in different directions.

Third, like many other federal agencies, HUD has been buffeted by the erosion in trust and confidence in government, has seen its budget and personnel levels cut, in some areas sharply, and the morale and commitment of HUD's career staff has certainly suffered.

Against this background, the concept of the community builders program, bringing in a mix of experienced HUD staff and diverse professionals from outside HUD; charging them to bring new energy and vitality to HUD's activities, to help communities around the country develop strategies that draw together resources from the complex array of federal programs, to bridge the various stovepipes on behalf of community needs and priorities, this makes a good deal of sense.

It is also predictable, as night follows day, that an initiative such as this, bringing several hundred new HUD officials into the field, charged up and inspired as they have been, is bound to generate friction, misunderstandings, and ill will in some locations, as the newly authorized community builders encounter the existing HUD establishment.

This surely has happened in a number of locations, and is a function of how well HUD's staff has prepared the ground for the community builders arrival, and the personalities, temperament and professionalism of the HUD staff both new and of longstanding (including, of course, the community builders). Anecdotal reporting suggests a wide range of experiences—both positive and negative—for the community builders and existing HUD staff.

EVALUATING THE PROGRAM

It is much too early to assess or properly evaluate the program. Some community builders have only recently taken up positions. Those of longest standing have been in their assignments less than one year of their two year contract. This is very much the shakedown and learning period for a venture such as this.

To do a reasonable evaluation, one would ideally wait until well into the second year of the initial cohort, then direct an assessment to key officials in local communities where the community builders are working, to the community builders themselves and to other HUD professionals, both in the field and headquarters.

One would look at whether and how communities had been able to concert resources from HUD (and elsewhere), bridging stovepipes and boundaries and taking full advantage of public and private resources. If a number of communities were able to cite such successes (as departures from past practice), and the community builders and demonstrably involved, there is a pretty good indication that the program is having the desired effect. But, it is just too early to expect such as accounting or to find this kind of evidence.

TEACHING AND LEARNING

We have had the experience of working with several hundred community builders—both from within HUD and those hired from outside, over the past year or so. In our classrooms, they have shown themselves to be serious, committed, bright, and thoroughly professional. They work hard, are open to learning and are well regarded by the faculty who teach them. It is my impression that their performance compares favorably with other groups of officials we teach in programs here and in government agencies at federal, state and local level.

Overall, the program holds considerable promise (not fully realized as it is still early) to make a distinctive contribution to community development in the US, helping local communities advance their development goals and contributing to more effective partnership between the federal government and those at the local level.

If I can answer any further questions, I'm happy to do so.

Sincerely,

Peter Zimmerman.

Mr. KERRY. With respect to the community builders—and I think the Senator from Rhode Island summarized it; I will not repeat that—I have heard from many people in Massachusetts concerned about the cut. Many of them have had very positive experiences with the community builders.

I ask unanimous consent that letters supporting the Community Builders Program from the mayor of Boston, Mayor Menino; from the mayor of Springfield, Mayor Albano; from the Boston Police Department; and from the Veterans Department be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

State of Massachusetts,
City of Boston, September 17, 1999.

Ms. Mary Lou K. Crane,
Regional Director,
U.S. Department of Housing and Urban Development, Boston, MA.

Dear Mary Lou: I appreciate your discussion with me concerning the Community Builders Fellowship program which Secretary Cuomo has initiated, and I am very pleased to see the degree to which Community Builders in the Boston HUD Office have been involved with the City. I also like the fact that you have assigned several different people to work with us.

Certainly Community Builder Juan Evereteze has brought much knowledge and enthusiasm to his liaison work with our massive Disposition Demonstration program. In that same vein, it has been quite helpful to have Community Builder HOPE VI Specialist Abbey Ogunbola assisting the Boston Housing Authority on the complicated Orchard Park development.

One of my special initiatives has been the after-school program know as From 2 to 6, and Bonnie Peak-Graham has been a dynamic addition to our team for that program.

I would be remiss if I did not mention the substantive contributions Deborah Griswold makes in her role representing you as liaison to our Empowerment Zone. She has been very skillful in helping our folks craft their governance structures.

It is great having so many talented Federal partners working with my professional team. I know you have always been available to help us, but I also know that you have competing demands for your time. Having the Community Builders here has been very useful. Thank you for your careful attention to our myriad issues.

Sincerely,

Thomas M. Menino,
Mayor of Boston.

State of Massachusetts,
Springfield, MA,
September 13, 1999.

Mary Lou K. Crane
HUD Secretary's Representative for New England, Boston, MA

Dear Secretary Crane: It has come to my attention that Senator Kerry has asked Secretary Cuomo to provide some objective analysis of the added value which the new Community Builders are bringing to HUD's relationship with its many partners. I would like to comment on the significant contributions I believe this gentleman assigned to Springfield, MA, Jim Wenner, has made.

While I know that I have but to call you office whenever I have a question, it is very helpful to have a generalist with the skills and experience of Jim Wenner basically "on call" to our great city whenever we need him. Mr. Wenner has made a substantive difference in so many of the pending issues we must deal with on a daily basis. My Housing Department has praised his involvement in the Lower Liberty Heights neighborhood as we continue our work to bring back that area of Springfield. Jim has worked with the Board of Director's of a low-income cooperative housing development assisting in building their management capacity. In addition, Jim was quite helpful to Herberto Flores, Executive Director of Brightwood Development, Inc., on major foreclosure issue.

I can't tell you how pleased I am to learn that we have been selected to be a pilot city for the Asset Management Pilot Program which your property disposition team is launching. I know that Mr. Wenner's representation to tackle difficult projects was persuasive in your selection.

As Mayor of a city located a distance from Boston, we frequently complain that we never see our Federal and State partners. I can no longer say that now that we have a Community Builder. Jim Wenner has brought our partnership with HUD to a very professional and responsive level and I want to be sure you know how appreciative I am.

Sincerely,

MICHAEL J. ALBANO,
Mayor.

BOSTON MUNICIPAL POLICE,
Dorchester, MA, March 2, 1999.

MS. DEBORAH GRISWOLD,
Community Builders,
U.S. Department of Housing and Urban Development, Boston, MA.

DEAR MS. GRISWOLD: I was very impressed with your presentation of the "Community Builders" program at the Ramsay Park Coalition last week, and I was wondering if you would be available on March 9, 1999 to speak to the Grant Manor/Camfield Gardens/Roxse Homes and Lenox Camden Safety Task Force. The Task Force was established to coordinate safety and security for the H.U.D./M.H.F.A. Demonstration Disposition Program, and I feel many of the initiatives of the Community Builders Program would be an invaluable resource for the various tenant associations.

The Safety Task Force meeting will be held at the Lenox Camden Residents Association Office at 515 Shawmurt Ave. Also, if possible, could you send me a copy of your booklet "Boston Connects".

Thank you for your cooperation.

Sincerely,

ROBERT FRANCIS,
Deputy Director.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, November 27, 1998.

Mr. RON ARMSTEAD,
U.S. Department of Housing & Urban Development, Boston, MA.

DEAR MR. ARMSTEAD: Thank you for your help in putting together and executing the Center for Minority Veterans most successful training conference to date.

Over 150 Minority Veterans Program Coordinators (MVPC) participated in this year's conference. Initial feedback indicates that conference goals were overwhelmingly accomplished. Participants walked away better prepared to build effective minority veterans programs at their local facilities. They have a more comprehensive understanding of VA benefits and programs, as well as ways to promote the use of these services.

This success was achieved through the collaborative efforts of everyone involved. Again, thanks for your role in making this a great event.

Sincerely,

WILLIE L. HENSLEY,
Director.

Mr. BINGAMAN. Mr. President, I would like to express my support for more section 8 housing vouchers to help local housing agencies meet local housing needs. Although many Americans have benefited tremendously from the current economy, many others have not shared in that wealth. In my state, housing costs in communities like Santa Fe and Albuquerque have risen faster than the incomes of low- and middle-income workers.

Many working families can no longer afford housing in the cities where they work, and many are forced to commute long distances just to stay employed. Section 8 vouchers fulfill a very great need in the communities where entry level housing costs are seven to eight times the annual income of its residents.

The need for vouchers in New Mexico far exceeds the number of vouchers currently available. The waiting list for section 8 vouchers is 14 months in New Mexico. The waiting time is even higher in places like Albuquerque and Santa Fe. Mr. President, the elderly, disabled and working families with children cannot wait 2 years to get into decent, affordable housing. Those on the waiting list do not have many alternatives in New Mexico as the waiting time to get into public housing is 9 months. Voucher recipients are not asking for free housing, they are asking for assistance in obtaining one of the most basic needs we have—shelter.

Although Congress authorized 100,000 new vouchers for fiscal year 2000, this bill failed to fund those new vouchers. Mr. President, I hope we can pass an amendment today that will adequately address the housing needs of our working families, disabled, and elderly.

Mr. KERRY. A final, quick comment. I couldn't agree more with what the Senator from Missouri, the chairman, said about the problems of the budget. What we are asking today is, when we go into the final negotiations and the numbers that are being fought over as to what the allocations really will be, when we have an opportunity to perhaps make good on certain efforts, that this program, this effort of housing, will be at the forefront of those priorities. We understand the limitations of the current allocation, but most people are assuming we have an opportunity to change that.

Secondly, the Senator from Missouri is correct about the problem of building housing, but that will never resolve the current problem of low-income working families who are simply out of reach of affordable housing. I think everybody understands that section 8 and other affordable housing efforts within HUD are the key measures that try to lift people up when they play by the rules, go to work, do their best to try to get ahead, but simply can't afford to put one half of their entire earned income into rent, therefore, at the expense often of health care, of food, of adequate clothing, and of the other essentials of life. I think that is really what we are talking about. Even in the best of circumstances, if we start building housing today, there will still be millions of American families in that worst-case situation.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise before you today in support of increased funding for the U.S. Department of Housing and Urban Development. Specifically, two programs—housing vouchers for low-income families and the Community Builders program—of interest to both Delaware and the nation, need additional funding that is not in this bill. I hope that my comments will be helpful to my colleagues when we eventually head into conference on this bill.

Before I speak, I wish to commend the managers of this bill. Competing demands and good programs are a recipe for tough choices. These managers have done an excellent job in moving this bill along smoothly and effectively and with a spirit of comaraderie.

But this bill would not fund a single new housing voucher for low-income Americans to obtain housing. Not a single one. This just makes no sense for two basic reasons. First, these vouchers enable low-income families to afford a reasonable place to live, to afford decent housing—but we now have more than one million Americans waiting for housing assistance. Not only are these numbers abominable, but Americans are waiting months and even years to get affordable housing. In my home state of Delaware, people are stuck on waiting lists for an average of 10 months for public housing and 18 months for section 8 vouchers. In Philadelphia, just down the road, the waiting time is 11 years. In Cincinnati, it is 10 years. How can we be freezing a program that provides housing vouchers when, before the freeze, HUD-assisted households were growing at a rate of 107,000 households per year? We are freezing out the elderly, persons with disabilities, and persons trying to get close to a good job. And what is the alternative for these million people on waiting lists? It is substandard housing or a paycheck that goes almost entirely to rent.

Second, we are in a time of booming growth and prosperity. A time when we have an actual surplus in our treasury.

But not all Americans are touched by this prosperity, as evidenced by the waiting lists. In fact, many Americans are discovering that they cannot pay their rents because this economy has driven up the cost of their rents. Over 5 million families have severe housing needs in this country. These vouchers are all the more necessary as rents rise more and more out of reach.

The administration has asked for a conservative number of new housing vouchers. These 100,000 vouchers would go to the elderly, the homeless and worst-case housing needs. In addition, these vouchers would support people moving from welfare to work. Mr. President, we are creating new jobs in this economy, but the people that need these jobs are not living where these jobs are. These vouchers would help get people to where they need to be in order to work and get off the welfare rolls. Last year we voted to add 90,000 new vouchers, the first growth since 1994. If we vote for new vouchers now, 259 families in Delaware would be able to receive housing assistance. To provide no new vouchers seems just unreasonable.

This bill also terminates the Community Builders program. This public service program has put HUD out into the community to strengthen and revive our neighborhoods. Frankly, in the past, HUD has not been an exemplary representative of good bureaucracy. But this administration has gone to great lengths to turn things around—and begin to provide services effectively and skillfully to our communities. The Community Builders program is a successful example of this turn-around. The program is not even 2 years old, yet what it has accomplished in my state of Delaware is remarkable. Let me tell you what the Community Builders program is doing in Delaware and why it is important.

We did not have a HUD presence in Delaware before the Community Builders. Now, for the first time, Delaware has a direct link to HUD programs. Let me tell you what that means. In Delaware, we have some pretty amazing people who are trying to help their communities by developing projects to create jobs and fair housing. They have the will and Community Builders gave them the way. The Community Builders, who are experts in technical assistance, are training these people on how to start community development programs.

Besides providing expertise, this program has literally put people on the street who facilitate and coordinate the community's access to HUD programs. Let me give you another example. Next week in the Terry Apartments on Bloom Street in Wilmington, computers will be installed for its elderly residents. The Community Builders helped secure the funding for these computers. It also teamed with the University of Delaware so that next week, people will come to the apartment building to train these residents how to use the computers. This means that persons living in section 8 buildings will now have access to the internet.

I have seen letter upon letter sent to HUD thanking them for what this program has brought to Delaware. Let me quote for you a letter from Patti Campbell at the University of Delaware written to HUD:

> The Delaware Community Builders have been instrumental in our continued progress on building community Neighborhood Networks, and have made possible the first ever Statewide strategic discussion and conference of faith-based community development groups. The input and advice from HUD's Community Builder . . . provides a unique housing perspective that has helped the program make strong, well-thought out strategic decisions. This expertise is an invaluable tool that assists in the forward progress of many of our affordable housing and community based programs. HUD's Community Builders have a unique position in Delaware in that they can offer information about the overall community-based development process with the full knowledge and support of HUD's broader programs.

As this letter vocalizes, the Community Builders have created a partnership connecting organizations trying to develop affordable housing in Delaware—and has built their capacity to do so. It is clear that closing this office in Delaware, which would happen if this program is disbanded, would harm this partnership.

Mr. President, again, I commend the managers of this bill. This bill would be an even better one if it secured more housing for the people that need it and if it continued HUD's presence in local communities. I hope that my colleagues will be able to find the resources to fund these programs by the time this bill comes out of conference.

I know my colleagues are ready to move on. Let me make three broad points. It will take about 3 to 5 minutes.

No. 1, the fact is, we have asked the Housing Department, HUD, to become more innovative. We have asked them to trim down. We have asked them to become more efficient. We have asked them to become more customer oriented. I think under Andrew Cuomo they have done just that. Now, because of problems beyond the control of the subcommittee, this is the caboose at the end of the train that is going to be empty. This is not going to get the kind of attention, the whole of HUD is not going to get the kind of attention, it deserves.

The second point is very basic. My colleague from Missouri made a very compelling argument about section 8. He made the point, why this tax cut is so brain dead, why we are here talking about cutting what everyone on this floor acknowledges there is a need for, recognizing but not saying that in order to be able to come up with a surplus of $1 trillion over 10 years, which is the projection, that encompasses a 20-percent cut across the board in all programs. If we increase defense, it means a 40-percent cut in some programs.

Here we are debating, tying up the end of a session. This is totally beyond the control of my colleagues on the subcommittee, totally beyond their control. I am not suggesting they agree with what I am saying. I am telling Senators, this is the classic example of why we are in such trouble.

Here we are with this booming economy, a projected surplus, very few appropriations bills passed. The only thing we are talking about is an $800 billion tax cut that now has been vetoed and now it is said there will be no compromise on until next year. We are spending a surplus we don't have, and we are kidding the American public that there is somehow a painless way of arriving at the surplus so we can give it back in a tax cut.

I defy anyone to tell me how we are going to meet the needs. Democrats and Republicans have stood up, to the best of my knowledge, and said: You are right; we have this serious section 8 problem; we have this serious problem in providing affordable housing; we should do something about it. Tell me how you do it. This, as well as education, as well as 10 other things we could name—defense, where we all acknowledge there are significant needs—by spending a surplus we don't have and that is premised upon a continued cut of 20 percent beyond what we have cut over the last 6 years on balance.

As the grade school kids used to say, I hope we get real here. These folks managing this legislation can't manufacture an allocation. They can't come up with magic money. I hope people who are setting policy, making the decisions about how to proceed on these overall budget items and how to deal with the projected surplus, which seems to have us completely tied up in knots—I have been here for 27 years. My friend from Massachusetts has been here longer than I have. I don't ever remember a time when things were in as much disarray at the end of the year and in the appropriations process. The difference is, nobody has a plan. Nobody has a plan. At least when Gingrich was in charge over there, they had a plan. There was a light at the end of the tunnel. It was the proverbial freight train, but it was a light. He had a plan—a bad plan but a plan. We don't even have a plan.

We are careening down this hill, having no notion what is going to happen. At least I don't have any notion. Maybe others are smarter than I am and can tell me what is going to happen in the next week, 2 weeks, 1 month, 6 weeks. I have no idea. I don't think there is a plan.

The plan relates to having a rational strategy towards the budget in terms of how we are going to deal with this booming economy, this projected surplus, and the spending priorities. Mark my words, this is not the only one. My friend from Massachusetts, Senator KENNEDY, and my friend from Illinois have talked about education and how it has gotten just gored—no pun intended. This is crazy.

I hope saner leaders decide how to approach this problem, so we are not here talking about something we all think we should do something about and the American public, with the economy booming, can't understand why we can't do something about. Yet we have no idea how to do anything about it. I find that fascinating, I find that deplorable, and I find that frightening.

I hope this illustration on this small issue in relative terms is able to be looked at by people. If there is a problem here, it is everywhere. All these priorities we say we want, and yet we are fighting over a surplus that doesn't exist and trying to give away $800 billion in a tax cut.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair.

I say, very quickly, to my colleague from Delaware, I appreciate the kind words he said about the ranking member and me, but I have to disagree with all the rest he said.

I am not going to make the argument here. There is a plan. We have a budget. We are faced with problems in this allocation, not because of any tax cut but because of the budget caps that were adopted by Congress and signed into law by the President.

There is a plan, and I will leave it to the Budget Committee members and the leadership of the committees to describe that plan. We have added money above the caps this year for the costs of military actions. That is why there will be work on the Labor-HHS bill to raise the money necessary within the available surplus. It has nothing to do with the tax cut. We will not be touching Social Security.

Because the Senator from Rhode Island raised a question about community builders, I send a memorandum to the desk and ask unanimous consent it be printed in the RECORD. It is a memorandum from the Assistant Secretary for Housing, the Federal Housing Commissioner, outlining the problems with community builders. We have heard from many people in HUD offices, who do not wish to be quoted, concerning their problems with the community builders. We are not going to argue that point here.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, DC, September 2, 1999.

Memorandum for: Secretary's Representatives; Senior Community Builders; Departmental Enforcement Center, Headquarters Division Directors; Departmental Enforcement Center, Satellite Office Directors; Multifamily Hub/Program Center Directors; Property Disposition Center Directors; Headquarters Multifamily Office Directors.

Subject: Clarifying Community Builder Roles in Troubled FHA Multifamily Housing Projects.

In order for HUD to promptly and properly address troubled multifamily projects, it is essential that we act and speak with one voice, as "One HUD". As HUD is currently structured, the Office of Housing remains responsible for the asset management functions for these projects at all times. The Departmental Enforcement Center (DEC), working closely with Housing staff, is currently involved with several hundred of these projects.

It has come to our attention that in their effort to provide responsive customer service, Community Builders (CBs) in certain areas have misinterpreted or overstepped their role in dealing with HUD's identified troubled multifamily projects.

Handling these troubled multifamily projects must be a team effort at all times. To this end, it cannot be stressed too strongly that, *prior to responding to any inquiries, issues, etc. regarding any multifamily project, the Community Building MUST first consult with the Multifamily Hub/Program Center Director to determine whether it is a troubled MF project and how to respond.* If Housing advises the CB that the DEC is involved in the troubled project, then Housing and the Community Builder must communicate with the appropriate DEC Satellite Office. These three organizations will jointly determine the response and the role of the Community Builder, if any, in addressing the issue. In highly sensitive cases (e.g., involving OGC or OIG), the CB may be advised to refrain from any communication, or will be limited to discussion of only very specific aspects of the case.

At no time is it proper for the Community Builder to schedule meetings, respond to or initiate contacts directly with an owner, owner's representative, owner's agent, the media, tenants, Members of Congress or their staffs, etc. regarding a troubled multifamily project without the explicit prior agreement of the Director of the Multifamily Hub/Program Center and, where the DEC is involved, the DEC Satellite Office Director. Keep in mind that any separate communications between the Community Builders and any of these parties could compromise proposed or ongoing negotiations between the Departmental Enforcement Center and the owner. At all times, HUD must present itself to the public as speaking with one voice on troubled multifamily projects.

When a multifamily project has been referred to one of the Office of Housing's two Property Disposition (PD) Centers for foreclosure or taking over a project as mortgagee-in-possession or owner, responsibility for the property moves to the PD Center. In such cases, Community Builders remain an essential part of the HUD team, but will need to work closely and coordinate with the Director of the appropriate PD Center.

The policy outlined above must be adhered to immediately. More detailed guidance is being developed by a working group to be established by the Office of Housing, Departmental Enforcement Center, and the Office of Field Policy and Management.

If you have any questions, please contact Marc Harris, Office of Housing (202) 708–0614, ext. 2680; Jane Hildt, DEC Operations Division (202) 708–9395, ext. 3567 or Barry Reibman, Office of Field Policy and Management (202) 708–1123. Note that the Departmental Enforcement Center Satellite Offices are located in New York, Atlanta, Chicago, Fort Worth, and Los Angeles; the Property Disposition Centers are located in Atlanta and Fort Worth.

WILLIAM APGAR,
Assistant Secretary for Housing/Federal Housing Commissioner.
EDWARD J. KRAUS,
Director, Departmental Enforcement Center.
MARY E. MADDEN,
Assistant Deputy Secretary for Field Policy and Management.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to pay my compliments to Senators BOND and MIKULSKI. They have each made the best of a very difficult situation. I compliment them on their leadership. I particularly thank Senator MIKULSKI, who continues to be of service to people of my State and whose own priorities are written throughout this bill, which for all of us in our region of the country is particularly important. It is in furtherance of their priorities, not in contradiction, that I rise in support of Senator KERRY's amendment.

This legislation does not contain any funding for new section 8 housing vouchers. This amendment will provide $288 million for 50,000 of those new vouchers. It is a modest but necessary addition. It does not increase authority or outlays. There are offsets for each and every one of those dollars. It is simply a reordering of priorities to recognize the state of housing in America.

Rising economic prosperity in America erodes the foundation of many of our most endemic social problems. Housing is a single exception. Prosperity is not solving the housing crisis in America; it is exacerbating the housing problem in America. Indeed, what was a housing problem in the last decade is a housing crisis in this decade. Rents are rising, costs are increasing, there is homelessness, and homelessness increases as the demand on people's income to accommodate housing also rises.

The single weapon the Federal Government has available to deal with the housing crisis in America is section 8 vouchers. This is not a giveaway; this is no free ride for the citizens of America. Between 30 and 40 percent of people's income must be dedicated to paying rent from their own resources as part of this program. In many of our urban areas, it is the single tool available to prevent children and families from going to the streets.

In Newark, NJ, over 172,000 families are paying more than 50 percent of their income in rent or living in substandard conditions. More than 1 million people are languishing on waiting lists for section 8 vouchers or affordable housing. And they are not waiting a few days or weeks or even a few months; the average is 28 months. You realize you are in trouble, you cannot provide affordable, decent housing for your children, and then you wait in substandard conditions, paying rent where you also cannot afford health care or food for your children. You wait 28 months—unless you live in Philadelphia, where you wait 11 years. In New Jersey, the average in our cities is 3 years. We have 15,000 people waiting for vouchers in Jersey City and 10,000 are waiting in Newark.

Every year, year in and year out, the numbers in America grow by 100,000. The simple reality is that this year, unless Senator KERRY's amendment is adopted, the number of section 8 vouchers will not increase—not by 100,000 to meet growing demand, not by 50,000 to meet half of the demand, but by none, not a single new family. The problem becomes a crisis, and the crisis deepens.

I strongly urge my colleagues to follow Senator KERRY's leadership to improve upon the work, the already considerable work, Senators MIKULSKI and BOND have done.

Also, as did the Senator from Rhode Island, I add my voice in defense of the Community Builders Program. This is America at its best, where young people, for modest remuneration, give their time and their talents to reach out to fellow citizens, to help them avail themselves of Government or private programs, to improve their own lives. In some cities of my State, virtually the only contact some desperate people in need of assistance for housing, drug abuse, educational services have is with these people. Their only contact with the Federal Government may be one of these young people giving a stage of their lives to go into a community and reach out. That program is not going to be reduced on the legislation. It could be eliminated.

This Senate voted to allow Andrew Cuomo to become a member of this Cabinet to provide leadership for HUD. This is one of his signature programs. His talents and his time have brought him to believe this is one thing we can do for a modest cost that would make a difference. He deserves that support. This modest vote will allow him to continue with a program that he believes and I believe is critical.

I urge adoption of Senator KERRY's amendment. I express my thanks, again, to Senator BOND, and particularly Senator MIKULSKI, for improving this legislation and bringing us to this point. We are all very grateful.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank all of my colleagues for their kind words about the Senator from Missouri and myself.

Speaking on the amendment of Senator KERRY of Massachusetts, I want to reiterate the fact that there is very keen interest on the part of the subcommittee to continue to expand the voucher program. What we lack is really the wallet. We hope that as we move to conference, working very closely with the administration, we can find an offset to pay for new vouchers, and an offset that will not only take care of this year's appropriation but will be sustainable and reliable.

I am pleased to report to my colleagues in the Senate that I have had extensive conversations with the head of OMB, who is working on this, along with our Secretary of HUD, Andrew Cuomo. I do not believe the eloquent statements by my colleagues on the compelling human need to be reiterated by me. I do want to reiterate my support for increasing the voucher program in conference. I know that the President is deeply concerned about this, and should we not be able to proceed with an expansion, his senior advisers are already advising a veto. We are not there yet.

I say to my colleagues that this is a work in progress. They have outlined the compelling human need. I could give the same kinds of examples from my own State of Maryland, where, though we are enjoying a prosperous economy, there are still very significant ZIP Codes of poverty. So working together, we will be able to do that.

With that, I want to convey, first, my support, and, second, I believe we can move forward and listen to the Senator from Massachusetts in relation to the bill.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the KERRY amendment. Let me explain that, as a member of the Budget Committee, I understand the burden this appropriations subcommittee faced. The budget allocations were entirely inadequate for the demands of this very important budget—the Veterans' Administration, the National Aeronautic and Space Administration, and certainly for the Department of Housing and Urban Development, as well as other agencies.

The chairman of the subcommittee and Senator MIKULSKI of Maryland have done the very best they could under the circumstances to try to address these critical national needs. I believe Senator KERRY and others have said perhaps one of the areas that really needs more attention when this bill goes to conference relates to the section 8 voucher program—a program which takes working families and gives them a helping hand to find affordable housing.

It is hard to imagine why, in this time of economic prosperity, we would have people still searching for housing. In my home State of Illinois, in the city of Chicago, we have seen this booming economy bring rents up even higher, and so working families, particularly with the low minimum wage, which has not been addressed for several years, are striving to do their very best for their children while rents are rising in an otherwise prosperous economy.

In the city of Chicago, we can have some pretty powerful winters. I can recall not too long ago visiting the flat of a working family. The man had recently become unemployed, his wife was on dialysis, and he had two small children. They had no heat in the apartment they were living in. They were all huddled in one room with a space heater. All of the plumbing had frozen. It was a miserable living condition. They were within minutes of the loop of Chicago.

I think it is an illustration of families that are struggling to provide decent, safe, healthy housing for their families under the worst of circumstances.

This bill does not provide any additional money for section 8 vouchers. For over 20 years, we have put more money into section 8 vouchers to try to keep up with the demand of those who cannot find adequate housing.

I might also add that we are now going through a revolution in thinking on public housing, which probably started several decades ago in the city of St. Louis—represented by the chairman of this subcommittee—when they decided the vertical slums, the public housing projects, were to be torn down, and they were to try to build things which were more habitable and housing which was more decent for the families that needed them.

We are doing the same thing in Illinois and in the city of Chicago. But as these high-rise, public housing units are torn down, the people living there need a place to live. Section 8 vouchers give them money in hand to supplement with their own money to find something in the community. When this bill provides no new money for section 8, it reduces, if not eliminates, the possibility that these families can find that kind of housing.

When you take a look at the situation in the State of Illinois, when it comes to housing, it is an illustration, as my colleague from New Jersey noted earlier, of the problems they face. The number of families with unmet worst case needs for housing in the metropolitan area of Chicago is 151,000 families. The average time on waiting lists for public housing and section 8 vouchers in Illinois for public housing is 16 months. If you wanted to get into a public housing unit, the average wait is 16 months, if you are eligible. If you apply for a section 8 voucher to stay in the private market and rent a flat or a unit or an apartment, you wait 63 months—over 5 years to qualify for section 8 vouchers.

That will get worse if in conference we don't put money in for section 8 vouchers.

In addition, the number of families on waiting lists in the metropolitan area of Chicago is 31,000 families looking for public housing, and 30,000 for section 8 vouchers. If we don't put additional money for section 8 in this bill in conference, the number of families in my State that will not receive assistance for section 8 is over 12,733 families that, frankly, will be out on their own.

Why do we have such a crisis at this time of otherwise economic prosperity? Because, frankly, despite the fact that between 1977 and 1994 the number of HUD-assisted households grew by 2.6 million—an average of 204,000 additional households each year from 1977 through 1983, and an additional 107,000 households in 1984 to 1994—in 1995, we saw a historic reversal in Federal housing policy, freezes on new housing vouchers, despite a growing need.

If you travel through some cities in this country, even our Nation's Capital of Washington, in the cold of winter, you will see homeless people. Some of these folks have serious personal problems. Others are desperate to find housing. What we do in this bill relates directly to the relief they need.

I salute the Senator from Massachusetts for his leadership. I hope in conference the Senators from Missouri and Maryland and other members of this subcommittee can find the resources and wherewithal to increase the number of section 8 vouchers in this bill.

The last point I will make is this: This bill also eliminates 400 employees in HUD for community builders who are generally young people who have decided to give 2 years of their life to leave a job or career and dedicate it to public service. These are people working in communities throughout the United States to provide housing and counseling, and their counseling is very good.

Ernst & Young, a very well-respected organization, did an audit of the Community Builders Program in HUD, and didn't stay in Washington to speak for the bureaucrats here. They went out in the communities and asked the people who served. They applauded community builders. They said community builders work. These are people doing a good job for the government, people with idealism and energy whom we need to make this already good department an even better agency.

It is sad to me this appropriations bill eliminates these 400 community builders, and will close down offices in some 81 cities across America.

That is a disservice to the people who truly need their services. I hope in conference the conferees will reconsider this.

Let me close by commending Senator MIKULSKI and Senator BOND for their hard work. I understand the burden they face with the budget allocation. But we certainly have a burden, too, and the burden is to face the needs of working people who need help to find decent housing for their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1782, VITIATED

Mr. CAMPBELL. Mr. President, I ask unanimous consent to vitiate amendment No. 1782.

This was included inadvertently in the list of amendments and was already agreed to as part of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1761, WITHDRAWN

Mr. KERRY. Mr. President, I thank my colleague from Illinois for the substance of his comments, and also for his generous comments about my efforts and the efforts of the ranking member and others on this bill.

I thank each of our colleagues who have come to the floor—the Senator from Michigan, the Senator from Rhode Island, and others—each of whom have spoken very eloquently and very forcefully about the need to increase housing, and section 8 particularly.

All of us are very mindful of the particular predicament the Senator from Maryland and the Senator from Missouri have faced. We have said many things on the floor this morning about their commitment to this effort. I am particularly grateful to the Senator from Maryland for her statements a moment ago about the efforts they will make in the course of the conference.

After discussions with Secretary Cuomo, and discussions with the chairman and with the ranking member, we are convinced the best course at this point in time is to continue to respect what the ranking member said—that this is a working process—to do our best in the course of the next weeks to honor the efforts of those Senators on the floor today who have spoken about the need. I am convinced we can do that.

I think there is no purpose at this point in time in taking the Senate to a vote, given the assurance of those efforts by the administration and ranking member, and therefore I ask unanimous consent that I be permitted to withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the President.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NO. 1790

(Purpose: To express the sense of the Senate regarding education funding)

Mr. DASCHLE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY, proposes an amendment numbered 1790.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The American people know that a strong public education system is vital to our Nation's future and they overwhelmingly support increasing the Federal investment in education.

(2) The funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

(3) The current allocation for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

(4) The 17 percent reduction in Head Start will result in 142,000 children not being served.

(5) The 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

(6) The 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

(7) The 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000.

(8) The 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics.

(9) The 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms.

(10) The 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college.

(11) The 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000.

(12) The 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards.

(13) No action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000.

(14) There are only 5 legislative work days left before the end of fiscal year 2000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

Mr. DASCHLE. Mr. President, this is the last amendment, as I understand it, that will require a rollcall vote. I propose that there be a 1-hour time limit provided for the amendment with the assumption that there would be no second degree amendment.

I ask unanimous consent that there be a 1-hour time limit provided for the amendment to be equally divided, and no second degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, I want to talk with the majority leader and others on this before we agree to a time limit. I suggest the absence of a quorum at this point.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

Mr. DASCHLE. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. Mr. President, let me begin by discussing the amendment.

Mr. LOTT. Mr. President, will the Democratic leader yield?

Mr. DASCHLE. I am happy to yield to the majority leader.

Mr. LOTT. Mr. President, I would prefer not to object. But I was not aware of the content of the amendment until just a short time ago. I would like to have a chance to take a look at it. I think I am going to want to offer, to be perfectly frank, a second-degree amendment to it.

I want to have a chance, when the Senator completes his remarks, to talk with him about what time will be needed and how we can work through the parliamentary procedure. I want to be candid with the Senator about that. I look forward to having a chance to discuss it.

Mr. DASCHLE. Mr. President, we are 7 calendar days away from the beginning of the new fiscal year. We have yet to schedule a markup on spending for Labor, Health and Human Services, and Education here in the Senate. It is becoming increasingly disconcerting to many Members that over the course of the last several months, it has been the Labor, Health and Human Services, and Education bill in particular, that has become the ATM machine for the entire Federal budget.

Given the fact that we are at the end of a fiscal year, given the fact that just yesterday we saw the intentions of our Republican colleagues on the House side as they made spending decisions with regard to education, given the fact it may be we will not have an opportunity to debate a Labor, Health and Human Services, and Education bill on the Senate floor at least before the first of October, many Members thought it was important to raise the issue now, to at least have some discussion about where we are and where we need to go on this critical issue prior to the time we have cemented in all the other commitments and all the other decisions with regard to the budget and appropriations for the next fiscal year.

On January 6, the majority leader made a very strong statement about education. He said, "Education is going to be a central issue this year. The Democrats say it is important and should be a high priority; Republicans say it is a high priority."

On April 14, the distinguished chair of the Budget Committee made a similar statement, very strong in its nature. He claimed that the budget resolution increased education funding by $3.3 billion for fiscal year 2000, and on March 1 he said, "We are going to put real money where our rhetoric has been." The reality is, so far our colleagues have not kept their promise. Instead, as I said, we are using education as an ATM machine for everything else.

Senate funding for Labor-HHS-Education today is $15 billion below last year's levels, a 17-percent cut from a hard freeze of last year. Just last week, the Appropriations Committee took $7 billion away from the education budget. The Republican tax bill which was vetoed yesterday would have cut education by 50 percent in the 10th year. Yesterday, the House Labor-HHS-Education Subcommittee finally brought up a bill, and that bill provides less for education than we provided last year. It kills the class-size reduction program, it provides only half of the President's request for afterschool programs, it provides a half a billion less for Head Start than the President requested, it underfunds title I for disadvantaged children, it underfunds safe and drug-free schools, and it underfunds education technology and youth employment programs. Clearly, education is the lowest—not the highest—priority for our Republican colleagues.

In the Senate, we still have a 17-percent cut, which would be devastating. Make no mistake about it, the ramifications of that kind of cut on education in one fiscal year would absolutely devastate educational programs: 175,000 fewer young children would attend Head Start; 2.1 million kids from high poverty areas would not receive the help they need to succeed; 85,000 fewer students would have access to afterschool programs and summer school programs than the year before; Federal funding for special education would be destroyed; virtually all schools would lose funding for drug abuse and violence prevention programs; 166,000 college students would not get work-study that makes college more affordable; 120,000 disadvantaged college students would lose the TRIO services that help them complete college.

Americans certainly know strong public schools are vital to our future. They say it over and over when we ask them in the polling data. Mr. President, 79 percent of Americans in a poll just taken say improving education and schools is one of the most important factors they will use in choosing the next President. A strong majority supports increasing our investment in education, not slashing it. Some say public schools are broken and can't be fixed. That evidence is just not there. It doesn't support claims as erratic and as irrational as that.

In 1994, the Congress passed the Elementary and Secondary Education Act. We put policies in place to encourage schools to set high standards for disadvantaged children and assess students' performance. The standards are just now going into effect. Setting standards for low-achieving students helps all students. Eighty percent of poor school districts and almost half of all districts report title I has actually encouraged schools to put standards in place for all. We are starting now to see real results. Student performance is rising in reading, math, and science. U.S. students scored near the top on the latest international assessment of reading. American fourth graders outperform students from all other nations but one. The combined verbal and math scores on SAT increased 15 points between 1992 and 1997. The average math score is at its highest level in 26 years.

There are other signs of improvement. More students are taking rigorous courses and doing better. The percentage of students taking biology, chemistry, and physics has doubled. The number of AP exams where students scored a passing grade has risen nearly fivefold since 1992. Fewer students are dropping out. From 1982 to 1996, the dropout rate for students between 16 and 24 fell from 14 to 11. The gap between whites and blacks in completing high school has closed. In 1995, for the first time, blacks and whites completed high school at the same rate, 87 percent.

However, not all schools, not all students, reach their potential. We know we have to do better. Schools face many challenges they didn't face even when I was going to school. Enrollments are at record levels. A large part of the teaching corps is getting ready to retire. Diversity is increasingly bringing new languages and cultures into the classroom. Family structures are changing. More women are in the workplace. That increases the need for instructive afterschool and summer school activities. We are learning more about how children learn during early childhood, how important stimulating activities are for later success in school. The importance of a higher education and lifelong learning has never been greater, requiring even better preparation of all students.

These are national challenges. The Federal Government has to be a partner in addressing them. Now cannot be the time to cut education. Our Republican colleagues have proposed an education plan that falls short, not just in funding. Their other actions show they don't have a constructive agenda for public schools. They are blocking efforts to keep guns out of the hands of kids. Education block grants shift help away from disadvantaged children and reduce accountability, yet they continue to create even more block grants, and then slash the funding. They think giving a $5-per-year tax break to families with children in public schools will somehow improve student learning. They think diverting Federal resources to provide vouchers for a few children to go to private school rather than strengthening public schools that serve 90 percent of all children is somehow going to improve education in this country.

I think, with all due respect, our colleagues on the other side need to think a little harder. We have a comprehensive, constructive, and realistic educational agenda for the rest of this session. We help communities by serving all students, providing $1.4 billion to reduce class size and improve teacher quality, by tripling funding for afterschool programs and improving school safety, by increasing college access and affordability, by expanding opportunities to incorporate education and technology into the classroom and training teachers and principals in using it effectively, by advancing school readiness and literacy, and by helping communities leverage funds to modernize school buildings.

Further, as the Health, Education, Labor, and Pensions Committee works to update the Elementary and Secondary Education Act, we will push for higher standards for student achievement and get those standards into the classroom. We are going to fight for strong accountability provisions, including providing school report cards to parents, increasing public school choice through open enrollment, expansion of charter schools, and strengthening reforms to turn around failing schools.

We are going to focus on attracting talented individuals into teaching and make sure that new and veteran teachers and principals have access to opportunities to learn more about effective teaching and management strategies. We want to continue support for efforts to streamline Federal regulations and increase flexibility for local school districts while holding them accountable for student achievement.

However, funding is critical. While money is not the only answer, it has to be part of the solution. Mr. President, 17-percent cuts in programs such as title I and Head Start will only make matters worse. A freeze at last year's levels is also unacceptable. The current fiscal year ends in 5 business days. Time is clearly running out.

We are simply offering a sense-of-the-Senate resolution to lay out why a 17-percent cut in education is unacceptable, and to lay out our priorities. The Democratic record on education could not be stronger. We voted for increases in funding for education without exceeding the spending caps or spending Social Security trust funds. We have a constructive agenda to improve public schools and increase achievement. Strong public education is critical to our future. Public schools have increased opportunities for people from all walks of life throughout our Nation's history. We have to continue to make sure all students have access to public schools so all students have the opportunity to develop their skills and learn to their highest abilities.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DASCHLE. I yield to the Senator from Massachusetts for a question.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, do I not have the floor?

Mr. LOTT. Will the Senator yield for a question?

The PRESIDING OFFICER. The minority leader has the floor and may yield for a question.

Mr. DASCHLE. I had yielded to the Senator from Massachusetts for a question, but if the Senator will withhold for a moment, I am happy to yield to the majority leader.

Mr. LOTT. I wanted to ask, if we are going to have some debate, if we could go back and forth? Or is it the Democratic leader's intention to have Senator KENNEDY ask a question?

I would like to get into some discussion, but I understand the Senator has the floor. Certainly I would not want to take you off your feet. But I would like to be heard on this issue, and I hope we can get some flow back and forth. I might say, we are trying to work up an agreement as to how we can proceed on this today and Monday. When you and I have a chance, I would like to clear that. That is all.

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. If I could have the attention of the two leaders, if it is the desire of Senator LOTT to have Senator GREGG speak briefly so the two leaders can talk, I will be glad to withhold then, with the understanding I might be recognized afterwards to speak for maybe 15 minutes, if that is the way the leaders want to go. We can do it whichever way. If it is the desire of the leaders to get together to work out procedure, I will be glad to withhold questions. The Senator from New Hampshire could speak, if it is for 10 or 15 minutes, and then I will be glad to follow, if that is helpful. Or we could continue the way we are. Whichever way.

Mr. DASCHLE. As I understand it, I still have the floor, and I am happy to yield to the majority leader at this time.

Mr. LOTT. Let's see if we can ascertain exactly what the Senator from Massachusetts is proposing. Perhaps Senator GREGG could speak, and then Senator KENNEDY, giving the two of us the chance to talk about how we can proceed. Is that what he was proposing?

Mr. KENNEDY. I thought that was what the leader wanted. That will be fine and acceptable to me.

Mr. DASCHLE. Perhaps we can enter into a unanimous consent agreement that the Senator from New Hampshire be given 10 or 15 minutes——

Mr. GREGG. Mr. President, 15 would be nice.

Mr. DASCHLE. To be recognized, then the Senator from Massachusetts, and then I ask I be recognized following the Senator from Massachusetts.

Mr. LOTT. And this is all for debate only. Was that in the form of a unanimous consent request?

Mr. KENNEDY. Could I have 15 minutes?

Mr. GREGG. Do I have 15 minutes?

Mr. DASCHLE. I amend my request by asking that the Senator from New Hampshire have 15 minutes, the Senator from Massachusetts have 15 minutes for purposes of debate only, and I be recognized following the presentations by both Senators.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me begin by thanking the leaders for their courtesy and thanking the Senator from Massachusetts for his courtesy. I want to respond to some of the points the Democratic leader has made relative to the education issue and talk about some of the agenda items about which we as Republicans are talking.

I have not seen the Democratic leader's sense of the Senate, but as I understand it, it is basically a castigation of the Republican majority for our position on education and promotion of the Democrat position on education, which would not be too surprising coming from the Democratic leader. But let me make a couple of points that I think underlie this whole debate.

The first is this: There is no amendment on the floor, there is no proposal on the floor, dealing with funding for education. It is my understanding the appropriations subcommittee, of which I happen to be a member, which deals with education funding, is going to be funding the Head Start at a very aggressive level and is going to be funding other education accounts at very aggressive levels. Those levels will be significant.

The second point to make: the Democratic membership has come forward with a whole series of new initiatives, most of them put forth by the President. They include class size initiative, afterschool initiative, building of new schoolroom initiatives. All of these are extremely expensive items. What they have not come forward with, however, is a commitment to support the already expensive items which the Federal Government has forced the local communities and the States to spend money on—specifically, special education.

On our side of the aisle, we have taken the position that it is much better for the Federal Government to fund already-existing programs, which it requires the local communities to spend money on, than to start up new programs, to force the local communities to spend new money on programs when they are not even getting reimbursed for the programs for which we already asked them to pay.

Special education is probably the single biggest drain on the costs of running your local school districts. You can go across this country and I suspect you will not find any school district in this country where the principals and the superintendents, and even the teachers, and especially the parents, do not tell you that if the Federal Government would simply pay its fair share of the cost of special education, then the local schools could do the things they need to do in other areas; whether it happens to be reducing the class size, building buildings, adding computers, adding foreign language courses, or adding new athletic programs. But because the Federal Government has refused to pay its fair share of the cost of special education when the Federal Government originally committed to pay 40 percent for each child in special ed, and today only pays about 10.5 percent, because the Federal Government has failed to fulfill its commitment in this area of paying the full 40 percent, local school districts have had to take school dollars raised at the local level and apply those dollars to satisfy the Federal obligation, to pay for the Federal obligation. That has skewed dramatically the ability of the local school districts to effectively manage their own budgets and to take care of local education.

What has been the administration's response to this? Has the administration said that is wrong? We put on the books a law that said we were going to help the special needs child—a very appropriate law—and the Federal Government would pay 40 percent of the cost of the special needs child, and we are not doing it. We are only paying 10.5 percent. Has this administration said let's take care of that problem, let's address that problem?

No. They have totally ignored the special needs child in their budgets. In fact, were it not for the Senate Republicans and for the leadership of Senator LOTT, special education, the special education commitment of the Federal Government, would still be around 6 percent.

Over the last 3 years, because of Senator LOTT's support and because of efforts of other Senators such as myself, we have been able to move that number up fairly significantly so we are now supporting about 10.5 percent. We have essentially doubled, in many States, the amount of money coming from the Federal Government, but we are still far short of the dollars that should be going back to local communities to help them with special education.

This has had a series of insidious impacts, this failure to fund special education, especially the failure of this administration to step up to the bar and fund special education. What this administration does is it creates or proposes all these new programs, whether it is a new building program or class size program or afterschool program, and it says to the local school district: OK, we are going to send you money for this program—call it a building program for their local school district. Then it says to the local school district, but to get this money you may have to have some sort of match. So the local school district finds itself in an impossible position because the Federal Government, instead of sending it the money it needs for special education, is saying to them: We are not going to send you the money we already told you we were going to send you for special education cases; we are going to take the money we told you we would send you for special education and create a new program; and we are going to tell you that you have to take this new program in order to get the money which you should have gotten in the first place from the special ed dollars.

The local school districts are left in the impossible situation of, first, using their local dollars to pay the Federal share of special education, and then in order to get the dollars coming to them for special education from the Federal Government, they have to create a new program and do something they do not want to do; where if the Federal Government did what it was supposed to do in the first place—which is pay for its fair share of special education—they would be freeing up the dollars at the local level that have been used to subsidize the Federal Government, and the local school district can make a decision: Do we need a new building? Do we need more teachers? Do we need afterschool programs? Do we need a foreign language program? Do we need new computers? The local school districts can make those decisions.

The Democratic leadership in this Congress and the President do not like that idea. Why do they not like that idea? Because they do not get to call the shots. The education bureaucracy in Washington does not get to make the decisions for the local school districts. That is what this is about.

This is not about funding. This is not about adequate resources being sent to support the local school districts. The Republican proposals have put more money into special education than the Democratic proposals ever even thought of doing. We committed more than adequate funding for areas such as Head Start. But what we do not do—and this is what really galls the education establishment; this is what galls the teachers' unions that happen to dominate this city's liberal left and especially the Democratic Party in this city in the White House—is we do not tell them how to spend the money. We return to the States the money we said we would pay them in the first place for special education, and we let the States, then, make their decisions and the communities make the decisions and the parents make the decisions as to how they are going to spend their own dollars—whether they are going to add a classroom, add a teacher, add a foreign language program, add a computer program—instead of saying to them, as this President would have us do and as the proposal from the Democratic leader would have us do: We are going to tell you how to spend the money we send you, and you have to do it our way or you do not get the money.

Isn't it about time we, as a government, as a Federal Government, live up to our obligations when we say to local communities we are going to send you 40 percent of the cost of a special ed student's education, we should be sending them the money to pay for that special ed student's education? We require that education under Federal law. We should, obviously, fund it.

This administration does not want to do it. Why? It is very simple. It is purely an issue of power. They want to control local education from Washington. They do not like the idea the local school district might have its local dollars freed up so it can make a decision, so a parent can go into a school and say: Listen, we don't happen to have enough books in the library; that's what we need. They do not like the idea that a parent might have that much power with the local dollars. They want to take those local dollars and control them by underfunding the Federal obligation. Then they want to come up with new Federal programs which may have absolutely no need in the local community and which, as a practical matter, really skews the ability of the local community to fund its local education activities.

Let's also talk about the merits of some of these programs they are proposing and are going to force down the throats of the local school districts, the towns, and the cities. Let's talk about their teacher program, their class size program.

The theory is, if you do not have an 18-to-1 ratio, you do not meet the class-size obligations the Federal Government is setting up, and therefore you must take this money to spend it on additional teachers.

First off, 42 of the 50 States already meet the 18-to-1 ratio. So it is almost a meaningless proposal. Secondly, there happens to be very little statistical support for the idea that a class size of 18 to 1 is better than 20 to 1 or better than 15 to 1. It is not the size of the class when you get into those levels of ratio; it is the teacher. Do you have a good teacher? It is the person who is actually standing in that classroom that makes the difference. If you have a terrible teacher in a failing school who has taught there for a long time, you are going to turn out poorly prepared students whether you have 5 to 1, 10 to 1, or 25 to 1.

What the Federal Government refuses to do is say to the failing school that has failed year after year: Stop it; stop; just stop; stop it; don't teach our kids poorly any longer.

Why not? Because the teachers' unions have such a control over the positions of this administration and the Department of Education that there is trepidation about confronting the failing school and the failing teacher in the failing school.

The Republicans have a better idea. We say essentially this. We say if a school has failed for 2 years on standards set by the State, not set in Washington—we are not going to tell the State and local communities how to set the standards, but if it has failed for 2 years so the kids are not getting a good education, then we say the States have to come into that school and direct that school to do a better job with its kids.

If after 4 years of failure—and that means almost half a generation of kids going through that school, if it is an elementary school going up to grade 8—if it is still failing and it is not producing results, and the kids coming out of that school cannot read and cannot do math—very basic things; we are not asking them to teach rocket science; we are asking them to teach the basics of American education—if after 4 years this school still cannot cut it under standards set by the State, then we suggest that it is time to give the parents of the kids in those schools a chance to get their kids out of those schools.

We say to the school systems that the dollars that were going to that school system will instead follow the child to another school, to whatever school that parent wants to send that child to so that child has an opportunity to get into a school where they can actually learn and, thus, participate in the American dream.

It is unconscionable that the proposals coming from the other side essentially take the attitude that we will continue to support failing schools year after year and, thus, basically deny the kids going through those schools a shot at the American dream because you cannot participate in the American dream if you are not educated. Yet that is the position. That is the position of the President.

Why does he take that position? Very simply because there is an education lobby in Washington which refuses to face up to the fact that there are failing schools because they recognize that once they admit that, and once they admit that parents should have the right to take their kids out of those schools, they are admitting that parents should have choice and have a chance to participate in the system of educating their kids.

That is something that is an anathema, the idea that parents should actually have some role in choosing where their kids go to school and having the opportunity of making sure their kids get a decent education as a result of having some choice. That is an anathema to the education lobby in Washington.

The proposal brought forward by the President, one, shortchanges the special needs child dramatically. It doesn't do anything to help fund the special needs child. Two, it skews the ability of the local school system of the opportunity to use local dollars where they think they should go, whether it is a new building, whether it is a new library, whether it is another teacher, or whether it is a new language program. It makes it impossible for them to make that choice because they are not given the dollars necessary to make that choice and the dollars are taken instead to support the special education obligations the Federal Government requires them to make.

Three, they are putting in place categorical programs. The President wants categorical programs which have no relationship, in many instances, to the needs of the local school district.

The PRESIDING OFFICER (Mr. BUNNING). The time of the Senator has expired.

Mr. GREGG. I ask for one additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. They are categorical programs that have no relationship to a local school district's needs, instead of giving the school district and parents the flexibility to make the choices they want.

And four, the Republican proposal suggests that parents and schools should have the ability to take action when a school is failing year in and year out. This is opposed by the other side of the aisle.

Good education proposals are being put forward in this Congress. They are being put forward by those of us on this side of the aisle who see the need to help special education, who see the need to empower parents, who see the need to give teachers the opportunity to learn and expand their abilities, but also to recognize if the teacher is not doing their job, there should be action taken.

These are good initiatives. This education debate is going to be about the difference in opinions. We are looking forward to that debate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. LOTT. Will the Senator from Massachusetts yield for a moment?

Mr. KENNEDY. I will be glad to yield to the leader.

Mr. LOTT. Mr. President, I ask unanimous consent this not be taken out of his time so the Senator has his full 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we are about ready to do what I had suggested to Senator KENNEDY, that the managers of this bill will be able to do a manager's amendment and complete action on the HUD–VA bill expeditiously. We can go forward then with our discussion of education and have votes on the two different approaches Monday afternoon.

Would the Senator from Massachusetts prefer to go forward?

Mr. KENNEDY. I am always delighted to accede to my friend, Senator MIKULSKI. I probably have 15 minutes. But if you thought hers was just a matter of a few minutes, I will ask consent when I conclude she be recognized to do that. Would that be satisfactory?

Mr. LOTT. That is an excellent idea. I cannot speak for Senator DASCHLE, but I do not think he would object to that. He has indicated his willingness to work through what we have talked about. Since they are not here—maybe it will take a couple minutes to get ready to wrap it up—you can give your remarks and then we can go to the chairman and ranking member on the HUD–VA bill and complete that.

Mr. KENNEDY. Yes. I thank the Senator.

EDUCATION IN AMERICA

Mr. KENNEDY. Mr. President, I always enjoy having the opportunity to discuss education policies with my friend from New Hampshire. As usual, he has been very eloquent in terms of the positions which he has advanced. I would like to bring a few points to the attention of the membership, though, on items he has raised to try to clarify some of these issues and questions.

One was the issue of flexibility, whether there is sufficient kinds of flexibility at the local level to permit the education of the children in various communities across the country.

I have Speaker HASTERT's statement he put out at the time the President signed the Ed-Flex legislation. At that time, the Speaker said: "Ed-Flex"—which passed the House and Senate—"ensures our schools have the flexibility they need to make good on the promise to help each child reach their full potential." The release goes on and indicates he believes now there is the kind of flexibility the Senator from New Hampshire talks about being extremely important. It seems the Speaker, at least, and many others, believed, with the passage of that act, the local communities had the flexibility they needed.

I think that was certainly the purpose of the legislation. I am glad the Speaker certainly has supported the President's concept in having that kind of flexibility.

Secondly, there was some talk about the funding of the IDEA. I want to recall for the Members that we did have an opportunity earlier this year to have full funding of IDEA for the next 10 years. The Senator from New Hampshire has mentioned the importance of us in Congress to meet the responsibilities to those children who are participating in that program.

The fact is, earlier this year, on March 25, 1999, I offered an amendment that would provide full funding for IDEA over the next 10 years, and also the funding for the class size reduction initiative—that we would provide full funding for those two items. It would have taken one-fifth of the tax cut. With one-fifth of the tax cut, we could have funded all of the IDEA programs for a period of 10 years. That was a party-line vote, including the vote of the Senator from New Hampshire who voted against it. That is real money. That isn't speeches on the floor of the Senate. That is real money.

We would have welcomed the opportunity to have worked with him and others in this body to take some of that money, the $780 billion that was going to be used for tax cuts, and use the money that would be necessary for the funding of the IDEA, but that was voted out. We are not giving up on that.

So for those who share my belief—I know our colleague, Senator HARKIN, is a great leader on that issue; and it has broad, bipartisan support in terms of fashioning that legislation. We will continue to fight for increased funding for the IDEA. It certainly is preferred to fund that than have the kind of tax breaks that have been suggested in the Republican proposal. But on that date, it was the sense of the Republican leadership and the Republican Party that the tax breaks were more important than funding the IDEA. That, I believe, was wrong.

Finally, I say, I hope in our discussion and debate on education that we can understand a very basic and fundamental concept; and that is, we should not be pitting children against each other. We want to have better teachers. We want smaller classes. We want improved reading skills. We want after-school programs. We want safe buildings. We want those conditions for children who are in the IDEA programs, and we want those conditions for children in the Title I programs, and we want those conditions for children in the high-achievement programs.

Let us not begin to pit one group of children against another. That is why we support the kind of coordinated program, in terms of both program and resources, so all children can move along together to take advantage of the real opportunities that are out there. That is what basically underlines the reason for Senator DASCHLE's Sense-of-the-Senate Resolution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. KENNEDY. Mr. President, I want to take a moment of the Senate's time to say why I believe this amendment, this Sense of the Senate, is so important at this time.

You can ask: Why are we taking time in the Senate on a Friday afternoon to put the Senate on record in urging my colleagues, in the remaining days, to provide the resources that will be necessary to fully fund the President's requests on education and to not see these dramatic cuts which have been indicated with the 17-percent reduction in the allocation of funds for the appropriations for education?

Families across this country ought to be concerned. We are hopeful that we are giving that signal to the American families. What we are going to do in the next 4 weeks is going to be of the greatest importance and significance in terms of whether we are going to be enhancing or diminishing the quality of education for children in this country.

I would like to see education be the No. 1 appropriations . I wish we had a binding resolution that said: Before we deal with any other appropriations, we are going to deal with the education appropriations. That ought to be the No. 1 appropriations.

I daresay, if you ask the American people, sure, they may say national security and defense, that may be in there; but they are going to say national security and defense, and they are going to say education. But what has been the record?

Here is the record. In 1994, under the Republican leadership, the day they captured the House of Representatives and the Senate of the United States, they didn't even wait until the appropriations legislation came up. They put a rescission program request into the Congress that effectively said money that had been appropriated, signed by the President, would be rescinded. They asked for a rescission of $1.7 billion below enacted in 1995. That was one of the first actions taken by the Republican leadership.

In 1996, the House appropriations bill had a $3.9 billion request for education below what was actually agreed to in 1995; in 1997, $3.1 billion below the President's request.

It was in 1995 that the Republican Party introduced a resolution to abolish the Department of Education—abolish the Department of Education. That gives us some idea about what their views are in terms of any kind of partnership between the Federal Government and the States and local communities. They wanted to abolish it.

I think most parents in this country want to have someone at that Cabinet table every time the Cabinet meets who is going to say: Mr. President, what about education? That is what the Secretary of Education is supposed to do. That is why he is there. Every time there is a debate on national domestic issues, any time there is a debate on priorities, that Secretary of Education is there saying: What are we doing about educating and enhancing the education of our children?

Republicans wanted to forbid that Secretary to come into the room. They wanted to deny him access to the President of the United States. What possible sense does that make?

We ask why the Daschle amendment is being brought up now. So we can garner the support of the American people and say we are not going to get rolled on this issue, not without a fight. This President isn't going to get rolled on it. All we have to do is look at where the priorities have been on the education issue.

We want the funding for education as the first appropriations. We challenge the Republican leadership in the next Congress to bring it out as No. 1, not as the last one. And the last one, here in 1998, is only $200 million below the President's request; 1999, $2 billion—the House bill. The House bill, according to Mr. Obey, is $2.8 billion below the President's.

We have to ask ourselves, what is happening across the country on education? I will tell my colleagues what is happening. We have 400,000 new students—400,000 new students who are going to classrooms in America now. We have 200,000 teachers who taught last year who have given up and retired from teaching, and only 100,000 have been replaced. One would think the effort contained in the President's program of trying to find qualified individuals to teach ought to be something that is pretty important, wouldn't they? Sure, they would. Not the Republican appropriators, not the Republicans. They cut that almost in half.

We have to ask ourselves, what are they possibly thinking about? Sure, these are numbers, but they are a pretty good indicator. What we are saying is—talking about numbers—that just because of $1 billion or $2 billion, it is not going to necessarily solve all the education problems we have in our country, but it is a pretty clear indication about what a nation's priorities are.

That is what the appropriations process is about—what are our Nation's priorities. What are parents going to say and what should they say, when every single time they see those reductions? Now we are seeing it again with these actions that have been taken in the House of Representatives.

We are going to resist those. We are saying it not only because we see what is happening with the growth of the various numbers of students and the decline of the numbers of teachers, but we know a whole host of other things.

Most Americans understand we want our children to have the kind of skills that are going to be necessary for them to play a role in getting a decent job and providing for their families for the next century.

I will not take the time today, but maybe later I will have the time to discuss the various studies which show that only 20 percent of the graduates now entering the job market have the kind of skills that 60 percent of those students are going to need, not 5 years from now, but 1 year from now—a year from now. That is what is happening out in the job market. That is what is happening in this new economy.

President Clinton understands that. He has funding in this so we can have continuing, ongoing training and skills for the young people of this country, so they will be able to be part of the economy. This Republican Appropriations Committee guts that particular provision and effectively wipes it out.

I will mention one final item. We heard from our good leader about the importance of reading. There isn't a teacher across this country who doesn't know the significance and the importance of reading. Yet we find here in the United States that we are still challenged in terms of having our children reach acceptable levels that are going to be necessary for the improvement of their education and their academic achievement.

I am not taking the time to go through the various assessments and the progress that has been made, although progress has been made. It has been small, perceptible, but we are on the road to enhancing the number of children who are going to be able to read satisfactorily to be able to grow in terms of their own future education.

What has happened to the reading programs—the reading programs that depend upon volunteers, that depend upon local contributions, that depend upon people within the community to be a part of these programs where we get such a bang for the buck in terms of the scarce resources we put in on the reading for excellence programs that are taking place and are oversubscribed in States around the country—they are effectively slashed with this budget.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank the Chair. I will have more to say on this on Monday. I thank the leader.

Mr. DASCHLE. Mr. President, under the unanimous consent agreement, I am to be recognized

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Massachusetts for a powerful statement and for his analysis of the current education budget and our circumstances here.

He has laid out what the ramifications are. People ought to know that rhetoric and reality could not be further apart as we listen to our Republican colleagues talk about education. The rhetoric all year long has been: Education is important; education is going to get the priority it deserves. The reality is, we are now 1 week away from the end of the fiscal year and we have yet to pass an education bill. We have yet to make decisions about what we are going to do on education next year. The decisions we are making—they are making, let me clarify that—that they are making on education are devastating, absolutely devastating.

I ask the Senator from Massachusetts, what is his analysis of a $1.5 to $2 billion cut in the President's budget this year? I ask the Senator from Massachusetts, what would his advice be to the President of the United States if he were to get an education budget $2 billion below his request?

Mr. KENNEDY. I would expect that budget would be vetoed and hope that it would be. I think all of us have every expectation that it will be.

This President, from the very beginning of his administration, has set a series of priorities and he has expressed those. In more recent times, he has talked about the importance of Medicare, Social Security, a prescription drug benefit, and targeted tax cuts for needs. He has been very clear about his priorities. But there has not been a higher priority for this President than the issue of education, and he has been strongly committed to it. I have every expectation this legislation will not pass, nor should it pass.

Mr. DASCHLE. I will ask the Senator from Massachusetts another question, if I may. He mentioned that one of the most important issues we are facing is the fact that we are dealing with 400,000 new students. We are dealing with the fact that we will have a shortfall, perhaps, in the next few years of 2 million teachers. Yet we see a Republican budget that eliminates the ability for us to help schools deal with class size by absolutely cutting the very programs that allow us to reduce class size and improve the student-teacher ratio. I ask the Senator, what do we do with a budget, or what will be the ramifications of a budget, that fails to recognize the demand for new teachers, the extraordinary explosion of new students, and the overcrowding of schools from South Dakota to Massachusetts? What is the message this Congress is sending with those facts?

Mr. KENNEDY. Well, it basically says to not just the Nation, but to the students that education really isn't so important. If a student goes into a crowded classroom, uses old books, or goes into a classroom that is leaking, or where there are no recreational programs; if a student goes into these kinds of settings where no music or art is available, we are sending a very powerful message to those children. We are saying your education doesn't really count; it doesn't really matter because it doesn't matter to us to try and provide you with the kind of classroom, the kind of teachers, the kind of athletic facilities, and other after-school programs that you deserve. We say our children are the future, which they are. Children understand, children are perceptive, and they know when they are getting a second-rate deal. That is what they would be getting if the Republican education funding proposal were to pass.

Let me finally, in answering this question, mention for the RECORD what the President actually said yesterday. I will put the full statement in the RECORD. He said:

> If the Republicans send me a bill that doesn't live up to our national commitment to education, I won't hesitate to veto it. If it undermines our efforts to hire quality teachers, to reduce class size, or to increase accountability in our public schools, I will veto it.

Mr. President, I ask unanimous consent to print the President's radio address in the RECORD.

The PRESIDING OFFICER. Without objection, so ordered.

RADIO ADDRESS OF THE PRESIDENT TO THE NATION, SEPTEMBER 18, 1999

> The PRESIDENT: Good morning. This month millions of students across America are beginning the last school semester of the 20th century. Today I want to talk about our obligation to give them the education they deserve to succeed in the new century—for more than ever, in this information age, education is the key to individual opportunity and our share of prosperity.
>
> That's why, even though we've worked hard to cut spending to balance the budget, we've also nearly doubled our investment in education and training. Many people said we couldn't do it, but we proved them wrong.
>
> Today, we have the longest peacetime expansion in our history. After years and years of deficits, we now have budget surpluses for years ahead. More people have a chance to realize the American dream than ever before. More children have the chance to realize their full potential than ever before. We've laid a foundation to preserve our prosperity for future generations.
>
> Now, as the budget deadline rapidly approaches this year, we face many of the same tough choices again. And once again, I think the answer is clear: To build a strong nation in the new century, we must continue to invest in our future. That means we must strengthen Social Security, secure and modernize Medicare, pay off the national debt in 15 years, making America debt-free for the first time since 1835. And once again, it means we must invest in education, not sacrifice it.
>
> Months ago now, I sent Congress a responsible budget—to maintain our fiscal discipline and honor our commitment to our children's education. So far, the Republicans in Congress haven't put forward a budget of their own. In fact, they're so busy trying to figure out how to pay for their irresponsible tax plan that they're in serious danger of not meeting their obligation to finish the budget by the end of the budget year. Even worse, they're preparing to pay for their own pet projects at the expense of our children's education.
>
> We know now that the Republicans' risky tax cut would force us to slash vital funding for education by as much as 50 percent over the next 10 years. But what many people don't know is that next year alone, the Republican plan would cut the bill that funds education by nearly 20 percent.
>
> Now, if carried out, this plan would lead to some of the worst cuts in education in our history. More than 5,000 teachers, hired as part of my Class Size Initiative, could be laid off. Fifty thousand students could be turned away from after-school and summer school programs. More than 2 million of our poorest students in our poorest communities would have a smaller chance of success in school and in the workplaces of the future.
>
> These aren't just numbers on a balance sheet, they're vital investments in our children and our future. In a time when education is our top priority, Republicans in Congress are making it their lowest priority. So let me be clear: If the Republicans send me a bill that doesn't live up to our national commitment to education, I won't hesitate to veto it. If it undermines our efforts to hire high-quality teachers to reduce class size or to increase accountability in our public schools, I will veto it. If it fails to strengthen Head Start, after-school and summer school programs, I'll veto it. If it underfunds mentoring or college scholarship programs, I will veto it.
>
> If it sends me a bill that turns its back on our children and their future, I'll send them back to the drawing board. I won't let Congress push through a budget that's paid for at the expense of our children and our future prosperity.
>
> So, again, I ask Congress to put partisanship aside and send me a bill that puts our children's education first. Let's use the last school semester of the 21st century to prepare our children and our nation for excellence in the 21st century.
>
> Thanks for listening.

Mr. KENNEDY. Those were the standards that were insisted upon when we extended the SEA program, which are having an effect and reflecting higher achievements. They are the smaller classes where the most comprehensive study of any education program was done, smaller classes in the State of Tennessee, the STARS Program. We should universally recognize the important academic achievement of those children who started out with a smaller class size in grades 1 through 3, and about the importance of higher quality teachers, which was at the heart of the Higher Education Extension Act that we passed 2 years ago. He said he would veto it. I welcome the fact.

The President continues:

> If it fails to strengthen Head Start, after-school, or summer school programs, I will veto it. And if it underfunds mentoring or college scholarship programs, I will veto it.

It looks like this bill has about 8 vetoes coming up.

Mr. DASCHLE. I appreciate the Senator's answer. I appreciate his putting that statement in the RECORD.

I think the message is clear. We have a unanimous consent request we will be making momentarily. First, let me just say this bill will not be signed into law so long as we have the necessary votes to sustain that veto when it comes to the floor.

I am happy to yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from South Dakota. Of course, I join him in his tribute to our colleague from the State of Massachusetts. Senator KENNEDY has been a leader on education as long as he has served in the Senate. His speech about the demands of education in the 21st century and how we in Congress have failed to meet those obligations, I think, will become part of the permanent record of this body, and they should inspire us.

My question to the Senator from South Dakota is, if you go across America—any pollster, Republican, Democrat, or otherwise—and ask American families what is the No. 1 priority, they say the first priority in their lives is education—over and over and over again. It is almost a reflex response from American families.

I ask the Senator from South Dakota the following: How can this be the first priority of American families and the dead-last priority in this Congress? The Senator from South Dakota eloquently spoke earlier about the use of this budget for schools as an "ATM machine." For months, we have seen appropriations subcommittee after subcommittee pulling billions of dollars out of the education budget for a variety of uses. Some of them are very good. But I question whether any of them meet the level of importance of education to the people of America and to the families.

I ask the Senator how we can find ourselves in these predicaments where the speeches say education is a first priority, the people say education is a first priority, and this Senate, this Congress makes it dead last in the priority list.

Mr. DASCHLE. I think the Senator asks an excellent question. The answer is they are not listening. They are not listening. When you propose a tax cut of the magnitude they proposed, gutting education by 50 percent—a tax cut the American people have said they don't want, they don't care about—and then take money they do care about and pay for that tax cut, it is an amazing thing to me. That is the most startling aspect of all of this.

What they care about is how educated their children are going to be, they care about what kind of a classroom they are going to have, they care about what kind of a school the children are going to walk into, they care about whether there is an afterschool program, they care about whether schools are safe, they care about whether or not they are going to have good teachers, and they care about whether or not they are going to be able to go to college. That is what they care about, and they tell us that in the polls.

So it is baffling to many of us why what we care about doesn't seem to be reflected in the laundry list of deep cuts, if not eliminations, of the very programs that do exactly what the American people care about.

Mr. DURBIN. If the Senator will yield again. I ask the Senator this: This country has seen, unfortunately, episodes of violence in schools. It is a national tragedy. Columbine High School transfixed America as we focused on safety in schools. We considered a juvenile justice bill on the floor of the Senate and passed it, thanks to the vote of Vice President Gore, which would move us forward toward making our society and our schools safer. It died hopelessly in the House. We are still waiting for any indication of life on this bill.

Is it not true that if the Republican budget cuts go through on education, we will not only be cutting the money for schools to use for safe and drug-free schools, but we also will be dramatically reducing afterschool program opportunities? We don't live in a society any longer of Ozzie and Harriet and the Brady Bunch. Kids get off school at 3 o'clock and nobody is home. Are they going to be supervised? Are they going to have a meaningful experience?

The President wanted 1.4 million more students in America to have an afterschool program. Across the State of Illinois—and I bet in South Dakota—that is an immensely popular idea. It is my understanding that the Republican House bill on education would cut existing afterschool programs and turn 50,000 kids loose at 3 o'clock in the afternoon, with no supervision, no opportunity for doing homework or learning a new skill, or learning to use a musical instrument. How can we, on one hand, beat our breasts about what happens at Columbine High School, and then turn around in the budget and eliminate the resources needed so that kids can have a better and safer experience in school?

Mr. DASCHLE. Mr. President, that is exactly the question millions of Americans have to be asking once they analyze their budget. I can't tell you the number of times that law enforcement officials, teachers, and parents have come to me and said: Look. We all know the most vulnerable time for students is when they leave school. The most vulnerable time statistically—the time when most damage may be done and when most violations of law occur—is that period between 2 and 8 in the evening.

Obviously, we need as a society to come up with ways to effectively engage students and young people during that time when both parents may be working, during that time when the schools are closed.

What do our Republican colleagues do? Under the current framework, they would have to reduce the availability of programs for exactly that purpose. Again, it shows rhetoric and reality are so far apart.

The real sad tragedy is that the students are going to feel the brunt of this. Once we lose a student, it is hard to get him or her back. I don't know who but someone once said, "It is much easier to build a child than to repair an adult."

We are going to be doing a lot of reparation and very little building with this kind of a budget. We need to be building kids and not repairing adults. This is not a budget to build children.

That is why we are fighting as hard as we are, and that is why we will continue to fight until we get those numbers turned around.

I know that our colleagues are prepared to offer an amendment, the Senators from Virginia.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am proud to support Senator DASCHLE's amendment on education.

We were forced to forage for funds for the VA-HUD bill. The spending caps have put us in a terrible position, we have had to pit one group against another, and one of the biggest losers in this battle has been education.

There are three important things we need to do to get behind our kids, our teachers and our parents: 100,000 new teachers and counselors; technology in the classroom; and afterschool programs.

One of the best things we can do for our kids is to get 100,000 new teachers in the classroom. Smaller classes means that kids will get better supervision.

This is important for all kids, not just the ones that get into trouble; all children need help, some children just need extra help.

We want to make schools safe places without making them Fortress America. We need to support our teachers by hiring 100,000 new nurses and by hiring social workers and counselors. 100,000 new nurses in schools will promote early detection of warning signs.

I just visited a school where 75 percent of the children there were on medication. The nurse is oftentimes the first line of defense for when kids need extra help. Some of the frustration from kids stems from medical problems. Without nurses in the schools, these unnoticed medical conditions can lead to truancy and trouble. We need the experts in the schools who can deal with conflict resolution.

We also need structured after-school activities for kids that involves community based programs. We need to support our parents and make sure parents have the flexibility in the workplace to spend time with their children after school. They need leave time. By the way, they also need a patients bill of rights that provides access to medical insurance for people that don't have it.

And we also need technology in the classrooms; computers in the schools, training for our teachers and our students so they are prepared to cross the digital divide and are ready for the 21st century. I look forward to fighting for you and getting behind our kids, our parents and our schools.

Mr. HARKIN. Mr. President, on January 6 of this year, the Majority Leader stood on the Senate Floor and told us that education would be a high priority for the Senate. This is what he said:

> Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I don't think the Republican Leadership can make that claim today.

We are now less than five legislative days—and that's counting Mondays and Fridays—before the end of the fiscal year, and there is one education bill that must be enacted—the education appropriations bill.

Yet, despite proclamations that education would be a top priority, the Senate has been working on all but one of the thirteen appropriations bills. The only one left—the one that is now dead last—is the education bill. Mr. President, this is the wrong priority.

Despite a valiant effort by the Chairman of the subcommittee—Senator SPECTER—the education appropriations bill has not even been written. Senator SPECTER has fought every day to move the bill. He tried in June, July, August, September. He tried last week.

And, if that isn't bad enough, the leadership has robbed the education bill to pay for the others. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services and Education appropriations bill.

Not only is education dead last on the calendar, education is dead last for resources. Our subcommittee started with an allocation substantially below a freeze from last year. Now, it is even worse.

Last week, the leadership staged a raid on education. They took another $7.276 billion in budget authority and $4.969 billion in outlays from education and other essential priorities in the bill.

So now, our subcommittee allocation is $15.5 billion below a freeze. That means we are faced with cutting education programs a whopping 17%.

What does a 17% cut mean? It means that 5,246 of the new teachers we hired to reduce class size will be fired. A 17% cut means that 142,000 students will be cut from the Head Start program. This cut means 2.1 million children will lose the extra help they receive from the

Title I program to master the basics of reading and math. That is where we currently stand in the Senate.

Yesterday, the House education appropriations subcommittee passed the FY 2000 bill. The news for education is not good. Under the House bill, U.S. schools will receive less money next year than last by $200 million. The bill falls $1.4 billion short of the President's budget request for the activities funded by the Department of Education and provides $500 million less for Head Start.

The bill eliminates funding for the initiative to reduce class size so 30,000 will get pink slips next spring.

The bill cut funding for education technology; froze funding for the Title I reading and math program and terminated the School to Work program.

In addition, the bill cut, from current levels, funding for vital job training programs by $700 million because unemployment is low. Training programs do not only help workers when they lose a job but also help workers upgrade and improve their job skills to compete in the international marketplace.

The gap between the rich and poor continues to grow and the key to reducing this disparity is to help workers improve their job skills. And yet, the House bill slashes funds to help workers upgrade their skills as we enter the new millenium.

Last week, the Assistant Majority Leader said we should not be increasing funding for education. He was making a hypothetical statement about the education appropriations bill.

The picture is becoming clear. The record is replete with statements from the other side talking about education as a priority. We now find those words are not even worth the paper on which they are written. The House has cut education, and the Assistant Majority Leader has concurred.

The Republican leadership found $16 billion for the Pentagon. That's $4 billion more than DOD even asked for! And they found real money.

But when it comes to education, we get platitudes and promises. The children of America deserve better.

That's why we are offering this Sense of the Senate resolution. 17% cuts are unacceptable. Such cuts will savage our schools

We must have significant new investments in education. There are more children in our public schools than at any time in our history and we must not turn our backs on them.

We must keep our promise to help local school reduce class size. We must help keep our children safe by significantly increasing our investment in after school programs. We must increase our investments in IDEA and the Title I reading and math program. And we must help modernize our nation's crumbling schools. This resolution makes it clear that education will be a priority not just in words, but in deed.

Actions by the Republican majority in Congress directly contradict the priorities of the American people. It is time to free the education spending bill and make the necessary investments in education.

I urge my friends on the other side of the aisle to listen to the American people. Let us not get into another protracted battle over the education budget. I urge adoption of the resolution.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the two Senators from Virginia have an issue they would like to raise. Then I would like to, on behalf of Senator BOND, with Senator MIKULSKI, proceed with a managers' amendment.

First, we would like to hear from the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. Senator ROBB and I have joined on an amendment. The Senator will introduce the amendment. I would like to address it. I think to show courtesy it is first on Senator ROBB's watch, and then I will follow.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

AMENDMENT NO. 1791

(Purpose: To express the sense of the Senate that the decline in funding for aeronautics research and development should be reversed)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Mr. WARNER, and Mr. DEWINE, proposes an amendment numbered 1791.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH.

(a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next twenty years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the U.S. balance of trade, with a net contribution of more than $41 billion in 1998.

(8) Less than ten years ago, American airplane producers controlled over 70% of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50% of the world's civil aviation market, and is aiming to capture 70%.

(10) The rise of foreign competition in the global civil aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

Mr. ROBB. Mr. President, I yield to my distinguished senior Senator for remarks. He has important questions. I will pick up with my remarks as soon as he last concluded.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Senator.

Mr. President, last week the Senate Appropriations Committee completed action on the appropriations bill for a number of Federal agencies including the National Aeronautics and Space Administration. I commend Senator BOND and Senator STEVENS for their efforts to support the full request for NASA in the midst of extreme budget pressures. The NASA funding in the Senate bill will face a stiff challenge in the conference with the House, however. I want to take this occasion to reflect on the importance of investment in research and development in the NASA budget to civilian and military aeronautics.

The aerospace industry in the United States has undergone a dramatic transition in the last ten years. In 1986, 70 percent of the sales of this industry were to the government, primarily for the defense market. Less than 30 percent of the business base of the industry consisted of commercial products. At that time, Federal research and development supporting aerospace technology was largely funded by the Defense Department.

Today, the situation has reversed. The defense portion of U.S. aerospace business is at 29 percent, and the defense share continues to shrink. Although Federal funding for military-unique hardware will always be needed in the interests of national security, non-defense research from agencies such as NASA is growing in importance to the industry. Nearly 70 percent of aerospace sales are in the commercial arena, and 41 percent of aerospace production in this country is for export.

As we grow increasingly concerned about monthly trade balance figures, the importance of these aerospace exports for our national economy grows. The aerospace industry was responsible for $59 billion in exports and $22 billion in imports in 1997. This resulted in a positive trade balance of $37 billion—the single biggest trade balance of any sector in the entire American economy. In 1998, our exports grew to $64 billion in equipment with total imports of $23 billion. The industry trade surplus of $41 billion has widened the gap between the aerospace industry and all other sectors. Make no mistake; we are competing in an aggressive global marketplace. Technological leadership is absolutely essential if the U.S. aerospace industry is to continue successfully competing in an increasingly complex and sophisticated world economy.

Some long-term trends for the health of the aerospace industry are troubling, however. There has been a dramatic reduction in Federal aerospace R&D funding. During the Carter administration, we invested 18 percent of our R&D funding in the U.S. aerospace community. That amount increased to 21 percent during the Reagan years. Today, it is only 8 percent and declining.

The reductions have been even more severe in certain specific areas. The aeronautics budget in NASA has declined from $920 million in fiscal year 1998 to $620 million in the request for fiscal year 2000, a reduction of almost a third over just three years! Reducing research and development funding for this vital industry runs counter to all of our historical economic experience.

We are experiencing a time of tremendous economic expansion in our country, but we seem to have forgotten the tremendous role R&D plays in sustaining this growth. Alan Greenspan recently testified that rapid technological change has made a significant contribution and is a major force in this expansion. We cannot, and as long as I am a Member of the United States Senate, we will not forget this!

In 1804, the venerable president from Virginia, Thomas Jefferson, with the full support of Congress, set in motion the first official exploration of our new frontier. He boldly sanctioned the Lewis & Clark expedition not only to map the new territories of the United States, but also to satisfy an American passion for discovery—the same passion that has led our country to be the leader among nations. That first step paved the way for today's exploration of the solar system, the continued exploration of communication technologies, and the future exploration of the planet Mars.

The very year the United States landed a man on the moon, the Department of Defense had begun to work on a new technological concept that is now coming into its own. I speak of the Internet that is transforming the structure of our economic life. The technological wonders that support our national security and fuel our economic growth were not invented overnight. We must be prepared to weather the slow and often tedious process of design and development of products and systems necessary to bring them to maturity.

It is no different in aeronautics. I am concerned that without a national strategy for aeronautics R&D investment, we will gradually lose the technological edge of which we are so proud and which is key to our competitiveness in the global economy and our security as a nation. We should not delude ourselves; America will lose its preeminence in aeronautics unless we adequately fund aeronautics research at NASA.

For instance, the Appropriations Committee in the House recently cut the NASA budget so severely that it will cause a major employment problem and will devastate advanced technology programs so carefully planned for implementation. The House reduced NASA numbers by $1 billion in order to pay for more housing and veteran programs. I appreciate the position facing the Appropriators, but to halt some 30-science programs in their tracks and halt vital research in the aeronautics area is nothing short of foolhardy. I applaud the recent action of the Senate Appropriation's Subcommittee in reversing this House action and urge all of my colleagues in the Senate to insure the Senate position prevails in the coming conference.

Programs such as those at NASA cannot be turned off and on like a light switch. It takes time to realize the fruits of our labors. We must not so cavalierly cancel programs and efforts just as they are beginning. A reduction of the magnitude proposed by the House will devastate both research in astronautics and aeronautics in this country.

In my travels through Virginia over the recess, I was made aware of the real effect of reductions in the NASA aeronautics R&D budget proposed by the House of Representatives. I visited the NASA facility in Langley, Virginia that leads the nation in aeronautical research and aviation safety technology. It has led this nation in aeronautical breakthroughs from the development of the super critical wing used on many commercial aircraft flying today, to the development of a new collision-avoidance aircraft system for the FAA. This is the center that gave us the magnificent leaders of our Manned Space Program like Dr. Bob Gilruth, Dr. Chris Kraft, Dr. Max Faget, and many others who left Langley to lead our Mercury, Gemini and Apollo programs. NASA Langley has exemplified a passion for excellence from its earliest days when it conducted research to produce safe, more efficient and technically superior aircraft for both the military and commercial markets.

Given that 70 percent of NASA Langley programs are funded through the NASA aeronautics budget, the future of this national resource is in doubt unless Congress and the Administration can find ways to reverse the severe reductions to this part of our national R&D effort.

This nation's leadership in aerospace is not an accident of history, Mr. President. It was made possible by dedicated leaders who looked beyond the present and dreamed of the future that could be. People like those at Langley and throughout NASA. We must not forsake this global leadership in aeronautics technology. We must work together to balance critical priorities and provide the leadership, sacrifice, and enduring commitment to technology, research, and most of all learning. We must continue to fund a robust R&D program through these agencies.

Let me close, Mr. President, with a final thought. As Chairman of the Armed Services Committee, I am keenly aware of the challenges our military forces face as they attempt to maintain our security in the face of ever declining resources. Part of the strategy of our leadership at the Department of Defense is to save resources by buying commercial aerospace products wherever possible. This dependence on the commercial marketplace is increasing dramatically. Because of this there is an increasing security dimension to the R&D we accomplish at NASA. This is yet another reason to insure that the effort is funded properly.

Mr. President, my concern is as follows.

This very important appropriations bill which I will support contains the basic funding for NASA. My concern is that within the NASA budget there is a growing decline and emphasis on research and development funds for aerospace. I say marshal the aerospace industry as it relates to civil aircraft and military aircraft. Frankly, the rush to get to space, the rush to develop the space station—I must say components of that are being made in my State—concern me greatly as I see the following.

Some long-term trends for the health of the aerospace industry are troubling.

There has been a dramatic reduction in Federal aerospace R&D funding.

During the Carter administration, we invested 18 percent of our R&D funding in the U.S. aerospace community. That amount increased to 21 percent during the years under President Ronald Reagan. Today, that category of R&D is only 8 percent and continuing to decline. The funds are being siphoned off into the space program.

This Chamber will be in recess probably in several hours. Seventy-plus percent of my colleagues are going to depend on civil aviation to transport themselves back to their home districts and their States for continuation of the business in the Senate. I am among them.

I visited Langley Research Center just a short time ago. There I saw a test bed of a program which the technicians told me—these are not politicians, these are trained technicians—Senator, if we can continue our funding, we are going to come up with the software and the hardware which, hopefully, can reduce by over 50 percent the accidents that planes experience every day in either the landing or the take-off phases. Therein is the high risk in aviation. That same research and development can be applied to our military aircraft. It is common to both aircraft. It is a very small amount of money.

Fortunately, I received the assurance from the NASA Administrator when he visited my office a few days ago that the program will stay intact.

I cited other programs in here, such as noise reduction. More and more the airports are growing around the highly populated areas, and noise becomes a problem. At National Airport it is a very significant problem.

Again, a relatively small amount of money can make a difference in years to come—a small amount in comparison to the enormous sums of money going towards the space station and other related infrastructure. We will get to space someday. But in the meantime, we cannot turn our backs on civil aviation.

Our exports on civil aviation products—largely airplanes—is one of the biggest, positive factors in our ever-declining balance of trade. It is a major offset.

I am pleased to join my distinguished colleague in offering this amendment. It has been my intention, frankly, to go for a cut—a specific cut.

But I have been in consultation with the distinguished Senator from Maryland, the distinguished Senator from Missouri, the chairman of the subcommittee, and the chairman of the committee, Mr. STEVENS.

First, they made a heroic effort to get more money back into these accounts. They are being watchful of the same problems that concern me.

So I decided to withdraw my amendment which would have gone to specific cuts to fund what I believe would be an adequate amount.

I am now going to join my distinguished colleague, Mr. ROBB, in another approach on this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, thank you. I thank my distinguished senior colleague from Virginia.

Mr. President, I wanted to take a minute or two to discuss the item that my senior Senator has just alluded to, which, in my judgment, is critical.

I begin by saying that it is an area of research and development that is of enormous importance to every American who lives by an airport, every American who is concerned with our Nation's defense, and every American who flies on a regular basis, as all of our colleagues do. That issue is aeronautics research and development.

Since the time of the Wright Brothers, American's commitment to aeronautics research and development has brought extraordinary returns on our Nation's military superiority and the rise in affordable passenger air travel. Both can be attributed directly to our investments in aeronautical research.

In addition, aerospace products are America's top manufactured export commodity and are the top contributors to the positive side of the U.S. balance of trade.

Air traffic is predicted to triple over the next 20 years. As our skies become more crowded and our airports noisier, aeronautics research continues to grow in importance. If we are to improve the safety, efficiency, and performance of our air travel system, we are going to need to develop new aeronautics, new aeronautics concepts, and new aeronautics designs and technologies that can better respond to the growing demands of our aeronautics infrastructure.

In addition, America's aerospace industry is facing a fierce challenge from the European consortium, Airbus which has now captured over 50 percent of the world market that American airplane products and producers once dominated.

At a time when there is a clear need for new investments in this field and near unanimous support in our country for new investments in basic research, it is troubling that our commitment to aeronautics research has been waning. Funding for aeronautics research was cut by $151 million from 1998 to 1999, and this year the President proposed to cut it by an additional $150 million. That is a 30-percent reduction in just 2 years.

Even more worrisome is the fact that the House cut an additional $1 billion out of NASA's budget, placing the future of NASA aeronautics research and critical facilities such as NASA's Langley Research Center in great danger. For more than 80 years, the Langley Research Center in Hampton, VA, has been at the forefront of aeronautics research and pioneered innovations that are present in every plane in the air today, innovations that have affected and are important to every plane that flies today. Its facilities are one of a kind. If this center were closed, the United States would lose its most valuable resource for improving aircraft safety and performance.

Senator WARNER and I have worked closely with Senators BOND and MIKULSKI over the past few months to strengthen our commitment to aeronautics research. I am grateful to both of them that they have restored many of the severe cuts that were proposed by the House. I am still disappointed, however, that more money has not been set aside for aeronautics research. We have reached an understanding with the chairman and ranking member that further increases will be considered in conference.

With that, I am very pleased to join the distinguished senior Senator from Virginia in offering this amendment. It is my understanding it has been agreed to on both sides. I note that the distinguished chairman of the committee, the senior Senator from Alaska, probably spends more time in the air than any other Senator in this body.

I thank the Chair, and I yield the floor.

Mr. STEVENS. Mr. President, I thank the Senator from Virginia. Senator ROBB is correct; we have a great interest in this amendment. I have had some personal conversations with the Administrator of NASA, Dan Goldin, about this very subject. I am delighted that the two Senators from Virginia have brought it to the floor.

Ms. MIKULSKI. I think the comments by both Senators from Virginia are, indeed, meritorious. I think our side is prepared to accept the amendment.

Mr. STEVENS. I do believe it is important that we emphasize the critical nature of this research. It is critical not only to the present but to the future of aviation, and not just commercial aviation but general aviation in many ways.

With the support of the Senator from Maryland, on behalf of Senator BOND, I am happy to accept this amendment, and I ask it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1791) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 1790

Mr. STEVENS. On behalf of the leader, I ask unanimous consent the pending amendment be withdrawn and the text of amendment No. 1790 be submitted at the desk in the form of a

Senate resolution and placed on the calendar. I further ask unanimous consent that Senator LOTT be recognized to offer a similar sense-of-the-Senate resolution and it be placed on the calendar.

I further ask unanimous consent that at 3:30 p.m. on Monday the Senate resume both resolutions concurrently, there be 1 hour of debate on each resolution to be equally divided between the two leaders, and a vote occur on or in relation to the Lott resolution at 5:30, to be followed immediately thereafter by a vote on or in relation to the Daschle resolution, and that all of the previous occur without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1792 THROUGH 1802, EN BLOC

Mr. STEVENS. On behalf of Senator BOND and Senator MIKULSKI, I send a package of amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, these items have been cleared on both sides and are not controversial and include the following items:

An amendment on behalf of Senator FEINSTEIN requiring EPA to form a study and plan related to leaking underground storage tanks;

A Smith amendment extending the comment period by 90 days for the EPA proposed rulemaking related to total maximum daily loads;

A Breaux amendment extending for 1 year the Coastal Wetlands Planning, Protection, and Restoration Act, otherwise known as the Breaux Act;

A Chafee amendment with numerous cosponsors funding the Montreal Protocol Fund within EPA's budget, through an across-the-board cut to EPA accounts;

A Gramm of Texas amendment relating to the funding of the Office of Federal Housing Enterprise Oversight;

A Dodd-Bennett amendment related to funding of local governments for Y2K conversion costs;

A Bond-Lautenberg technical correction to section 430;

A Bond amendment addressing HUD staffing levels;

A Hutchison amendment on storm water studies;

A Coverdell amendment regarding housing for private school teachers;

Finally, an amendment dealing with EPA pesticide tolerance fees, included on behalf of Senator CRAIG, which has been cleared by the Agriculture Committee on both sides.

Ms. MIKULSKI. Mr. President, we concur with the managers' amendment as presented by the Senator from Alaska and are prepared to accept it.

Mr. STEVENS. Mr. President, I ask unanimous consent those amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc, agreed to en bloc, and appropriately numbered.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1792

(Purpose: To improve the regulation of underground storage tanks)

At the appropriate place, insert the following:

SEC. . UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

Mrs. FEINSTEIN. Mr. President, today I am offering an amendment to require the Environmental Protection Agency to develop a plan by May 1, 2000 for bringing all underground storage tanks into compliance with federal safety requirements.

Why do we need this amendment?

Leaking underground storage tanks are the leading source of groundwater contamination and petroleum is the most common substance leaking out. Most of the 825,000 regulated underground tanks in this country store petroleum products, from the local gas station on your neighborhood corner to the industrial complex using a large motor fleet.

I am offering this amendment to make underground storage tanks safe as a way to stop the contamination of drinking water by the gasoline additive MTBE.

What is MTBE? MTBE is methyl tertiary butyl ether, a gasoline additive. It is used by most refiners to make oxygenated or reformulated gasoline. It is the oxygenate of choice by refiners who sell gasoline in areas that need clean-burning gasoline to meet or maintain clean air standards. The major way MTBE gets into groundwater is from defective underground tanks storing petroleum products.

What's Wrong with MTBE?

Unlike other components of gasoline, MTBE does not biodegrade; it has a taste like terpentine and smells like paint thinner; it gravels quickly; it is expensive to cleanup ($1 million per well in California). MTBE is carcinogenic in animals and according to U.S. EPA, "has a human carcinogenic hazard potential." Dr. John Froines, a distinguished UCLA scientist, testified at a California EPA hearing on February 23, 1999 as follows:

> We in our (University of California) report have concluded the cancer evidence in animals is relevant to humans. There are 'acute effects in occupationally exposed workers including headaches, dizziness, nausea, eye and respiratory irritation, vomiting, sensation of spaciness or disorientation and burning of the nose and throat.

MTBE exposure was associated with excess cancers in rats and mice, therefore, multi-species," and he cited "multiple endpoints, lymphoma, leukemia testicular cancer, liver and kidney. All four of the tumor sites observed in animals may be predictive of human cancer risk."

Where is MTBE?

The Lawrence Livermore National Laboratory studied underground tank sites in California and concluded that "a minimum estimate of the number of MTBE-impacted sites in California is greater than 10,000." The Association of California Water Agencies has also found MTBE at over 10,000 sites and in many of the state's surface water reservoirs. Because of widespread contamination, California Governor Gray Davis ordered a phaseout of MTBE by December 31, 2002. A major University of California study has called for a phaseout. A top-level, EPA "Blue Ribbon" panel of experts in July recommended reducing the use of MTBE.

Nationally, while there is no comprehensive study, we do know that MTBE has been found in drinking water in many states, including Maine, Pennsylvania, Virginia, Texas, Kansas, New York, New Jersey, Georgia, Alabama, Colorado, New Hampshire, Massachusetts, Delaware, and Arizona. A U.S. EPA-funded study by the University of Massachusetts found MTBE in 251 of 422 public wells in 19 states.

Are Tanks Safe?

On December 22, 1998, all underground storage tanks had to meet federal safety requirements. EPA has said that tanks that do not meet standards can be placed into temporary closure until December 22, 1999 at which point they must be upgraded or permanently closed. Under the law, noncomplying tanks can be fined $11,000 per day per violation. The safety requirements address tank integrity, design, installation; leak detection, spill and overfill control. Tank owners had ten years to meet the deadline.

Here are the facts:

1. Many tanks are still unsafe: Many underground tanks containing gasoline still out of compliance with federal safety regulations. In the country, around 165,000 tanks (20 percent of the total) are out of compliance, according

to EPA. In my state, approximately 1,900 (3 percent) are not safe.

2. Many tanks are sitting empty, in temporary closure—74,250 in the country (9 percent) and 10,430 (10 percent) in California. These tanks are just sitting there in limbo. EPA considers the tanks that are in temporary closure to be "in compliance" for now and this is one way tank owners "met the deadline" for compliance. These tanks' ultimate use needs to be determined. Someone needs to decide whether to close them permanently or upgrade them.

3. EPA has funds to act. The Underground Storage Tank Trust Fund has $1.6 billion in it. This bill appropriates $71.6 million, the President's request. The fund is financed by a 0.1 cent per gallon motor fuels tax which began in 1987, that generates about $150 million a year. The American motorist is paying this tax and in doing so, expects it to be used for the purposes authorized.

4. Even new tanks are not safe. A July 1999 study by the Santa Clara Valley Water district of its groundwater supplies found that even with the new upgrades, required by federal law by December 22, 1998, the new systems are not preventing MTBE contamination. The study, entitled "Investigation of MTBE Occurrence Associated with Operating UST Systems," concluded, of 28 sites in Santa Clara county that have new or upgraded tank systems, the majority of which have not had previous gasoline contamination, 13 have evidence of MTBE in groundwater because of improper installation, operation or maintenance. The study says, "These data indicate that MTBE may be present in ground water at approximately 50 percent of the UST facilities that meet 1998 upgrade requirements within Santa Clara County." Officials were clear: "Immediate improvements are warranted." To me this says, enforce the law.

Similarly, in testimony in the House of Representatives on May 6, 1999 officials of the Natural Resources Defense Council made this important point:

". . . if gasoline contains oxygenates, future gasoline tank leaks involving MTBE appear inevitable. Even new tanks will eventually fail through material aging, operator error and accident."

5. Contamination growing, unknown? As I mentioned, California has had 10,000 groundwater sites impacted, as documented by the Lawrence Livermore study. Many of the state's reservoirs and surface waters have been impacted. At South Lake Tahoe, 20 percent of the water supply has been eliminated; $2 million has been spent to address it. MTBE is less than 1,000 feet from the lake. Santa Monica lost 75 percent of its groundwater supply because of MTBE. Their water system has been decimated and they will spend up to $150 million to clean up.

In a disturbing August 16 story, the New York Times reported last year, the state of New York compiled a "public list" of 1,500 MTBE contaminated sites, but the actual number on an "internal list" is closer to 7,000 sites, more than three times that reported. So this suggests that we really do not know the extent of MTBE contamination.

TIME TO FIX TANKS

EPA and the states should take steps to make tanks safe. This amendment merely says, come up with a plan: identify the tanks, their owners, their status and bring the tank into compliance or close it. Enforce the law.

EPA reported last week they "have no information from their regions" on enforcement actions, that there is no formal schedule or official framework for finding out what enforcement actions are being taken in (1) EPA regional offices or (2) in the states. We could obtain no national list, for example, of enforcement cases, citations, administrative orders or fines.

Today I did receive some information for region 9, the EPA region in which California is located. In this region, since the December 22, 1998 deadline, of 71,686 underground storage tanks, 80 have been inspected. Twenty-three citations have been issued. These actions, according to EPA, are "informal enforcement," not "formal enforcement." The citations are like a traffic ticket and usually give owners 30 days to comply. It appears that the "formal" enforcement mechanism, levying the $11,000 per violation fine, is not being used.

I also received an EPA memo signed by Sammy Ng, of the Office of Underground Storage Tanks, dated April 13, 1999, which says:

> At the end of the first half of FY 99, states and regions have reported over 385,000 confirmed releases. States, regions and responsible parties initiated cleanups at 84 percent of these sites and completed cleanups at about 54 percent of the sites. . . . the data do not necessarily reflect the full extent of current compliance with the 1998 requirements. . . .

While this is helpful—and disturbing information—it still does not tell us what is happening to make these tanks safe for storing petroleum products.

This amendment is quite modest, in my view. It merely says to EPA, do your job. We have a strong law. Tank owners had a deadline. Leaking tanks are contaminating drinking water. Take steps to make tanks safe.

The public needs assurance that EPA and the states are enforcing the law, stopping leaks, and protecting our drinking water.

I am pleased that this important amendment has been accepted.

AMENDMENT NO. 1793

(Purpose: To extend the comment period for proposed rules related to the Clean Water Act)

At the appropriate place in the bill, insert:

"The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days."

AMENDMENT NO. 1794

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777(c(a)), is amended in the second sentence by striking of "1999" and inserting "2000".

AMENDMENT NO. 1795

(Purpose: To restore funding for the Montreal Protocol Fund, with an offset)

On page 78, line 20, strike "$1,885,000,000" and insert "$1,897,000,000".

On page 78, line 21, before the colon, insert the following: ", and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund".

AMENDMENT NO. 1796

(Purpose: To provide sufficient FY 2000 funding for the Office of Federal Housing Enterprise Oversight to ensure adequate oversight of government sponsored enterprises)

On page 45, line 9, strike "$16,000,000" and insert in lieu thereof, "$19,493,000".

AMENDMENT NO. 1797

At the appropriation place under the heading Federal Emergency Management Agency, insert: "For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: *Provided*, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each country and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: *Provided further*, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within five years of the loan: *Provided further*, That none of the funds provided under this heading may be transferred to any county or local government until fifteen days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the amounts provided under the heading "Funds Appropriated to the President" in Title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), $100,000,000 are rescinded"

AMENDMENT NO. 1798

(Purpose: Technical correction to provision on the prohibition on funds being used for lobbying)

On page 113, line 14, strike out "in any way tends" and insert in lieu thereof: "is designed".

AMENDMENT NO. 1799

(Purpose: Prohibition on HUD reducing staffing at state and local HUD offices)

On page 44, insert before the period on line 10 the following: ": *Provided further*, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development state or local office".

AMENDMENT NO. 1800

(Purpose: To require the Administrator of the Environmental Protection Agency to submit to the Senate a report on certain matters of concern before promulgating stormwater regulations)

At the appropriate place, insert the following:

SEC. . PROMULGATION OF STORMWATER REGULATIONS.

(a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold);

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); and

(b) PHASE I REGULATIONS.—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing—

(1) a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

AMENDMENT NO. 1801

(Purpose: To provide that any assistance made available to teachers in purchasing HUD owned housing in economically distressed areas does not discriminate between private and public elementary and secondary school teachers and thus provides assistance to both on an equal basis)

On page 38, line three, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers";

On page 40, line two, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers".

AMENDMENT NO. 1802

(Purpose: To delay promulgation of regulations of the Environmental Protection Agency requiring the payment of pesticide tolerance fees)

On page 113, between lines 16 and 17, insert the following:

SEC. 4 . PESTICIDE TOLERANCE FEES.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET COMMITTEE SCORING OF S. 1596

Mr. DOMENICI. Mr. President, I rise in support of S. 1596, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 2000.

This bill provides new budget authority of $93.6 billion and new outlays of $55.5 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that complies with the subcommittee's 302(b) allocation. This is one of the most difficult bills to manage with its varied programs and challenging allocation, but I think the bill meets most of the demands made of it while not exceeding its budget and is a strong candidate for enactment. So I commend my friend, the chairman, for his efforts and leadership.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $91.3 billion in BA and $103.8 billion in outlays. The total bill is under the Senate subcommittee's 302(b) allocation for budget authority and outlays.

I ask Members of the Senate to refrain from offering amendments which would cause the subcommittee to exceed its budget allocation and urge the speedy adoption of this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1596, VA-HUD APPROPRIATIONS, 2000—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	69,619	…………	21,713	91,332
Outlays	82,291	…………	21,496	103,787
Senate 302(b) allocation:				
Budget authority	69,633	…………	21,713	91,346
Outlays	82,545	…………	21,496	104,041
1999 Enacted:				
Budget authority	71,045	…………	21,885	92,930
Outlays	80,376	…………	21,570	101,946
President's request:				
Budget authority	72,055	…………	21,713	93,768
Outlays	82,538	…………	21,496	104,034
House-passed bill:				
Budget authority	71,632	…………	21,713	93,345
Outlays	82,031	…………	21,496	103,527
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	−14	…………	…………	−14
Outlays	−254	…………	…………	−254
1999 Enacted:				
Budget authority	−1,426	…………	−172	−1,598
Outlays	1,915	…………	−74	1,841
President's request:				
Budget authority	−2,436	…………	…………	−2,436
Outlays	−247	…………	…………	−247
House-passed bill:				
Budget authority	−2,013	…………	…………	−2,013
Outlays	260	…………	…………	260

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NORTH 27TH STREET CENTER FOR CHILDREN AND YOUTH, PROJECT JERICHO, AND THE MISSOURI RIVER ECOLOGY INSTITUTE

Mr. KERRY. Mr. President, I realize that this year Senators BOND and MIKULSKI are facing a challenging appropriations season with tight budgetary constraints. However, I wanted to bring to their attention three projects which I think are particularly important to Nebraska, projects that I believe will directly benefit many of our Nebraska citizens.

Ms. MIKULSKI. I know that you have worked hard on a number of projects, and I would appreciate it if you could describe your requests in greater detail?

Mr. KERREY. Yes, it would be my pleasure. On March 31, 1999, I requested that $1.5 million be appropriated within the CDBG program's Economic Development Initiative for the North 27th

Street Center for Children and Youth in Lincoln, NE. The Center is being developed by Cedars Youth Services, Inc. at the request of the City of Lincoln. The Federal dollars would be used by Cedars to develop, operate, and implement a program for the collaborative provision of services by several organizations through a design that will allow participants to avoid having to negotiate the administration and service delivery practices of the various organizations. In other words, it is an effort to develop a "one-stop" service center for youth programs.

In addition, during March 1999, I also requested $750,000 or Project Jericho in Omaha, NE to be used by Family Housing Advisory Services for the ongoing administration and operation of Project Jericho. Project Jericho assists individuals, couples, and families who qualify for Section 8 assistance to locate safe affordable housing in the Omaha area. Financial management and mobility counseling are provided to help participants who want to find rental properties in neighborhoods with less than 35 percent minority population. Project Jericho is now one of the top recognized mobility programs in the country.

Finally, I requested that $120,000 be provided from the Environmental Programs and Management Account of the EPA, to the Fontenelle Forest Association for the Missouri River Ecology Institute (MREI). Fontenelle Forest would use the funds to continue MREI, which provides an intensive, six week summertime experience in field-based natural science for teenagers (primarily students entering the 10th grade). MREI services as a leadership development initiative for students with a strong interest in the environment, and includes activities to help prepare them for future careers in this field.

Ms. MIKULSKI. Mr. President, I have noted the importance of these projects and I will do my best to include these projects when the conference committee meets on this bill, if adequate funding is available.

Mr. BOND. I certainly understand the concerns of the Senator from Nebraska and we will review these requests prior to conference.

Mr. KERREY. I appreciate the consideration and the help of the distinguished Senators from Missouri and Maryland. They have always been very supportive of the needs of Nebraska and I appreciate that.

ECONOMIC DEVELOPMENT IN WISCONSIN

Mr. KOHL. Mr. President, I thank Senators BOND and MIKULSKI for their good efforts and sense of fairness in putting together the VA–HUD Appropriations bill for Fiscal Year 2000. We all agree that this year's attempts to stay within the spending caps has forced us all to make some tough choices and to work that much harder to reach consensus and complete our appropriations work in a timely and responsible manner. Senators BOND and MIKULSKI are to be commended for their hard work.

I would ask for a clarification on a point of concern for my constituents in Milwaukee, Wisconsin. As you know, the VA–HUD bill contains funds in support of several important economic development initiatives in Wisconsin, including both the Metcalfe Neighborhood and Menomonee Valley Redevelopment projects in Milwaukee. I am pleased that the Committee has expressed support for both projects, but would simply ask if the Chairman and Ranking Member would have any objection to shifting the amount of funds distributed between these projects during the conference negotiations. In other words, would you have any objection to shifting funds designated for the Menomonee Valley project to the Metcalfe Neighborhood project? I ask for this clarification in order to allow the City of Milwaukee the flexibility to reallocate the funds provided in keeping with its economic development needs and timeframes for project completion.

Ms. MIKULSKI. I would have no objection to shifting funds between the Milwaukee projects if the Senator from Wisconsin, on behalf of his constituents from Milwaukee, makes such a request during our work in the conference.

Mr. BOND. I concur with my Ranking Member and would be happy to work with the Senator from Wisconsin to ensure that his constituents' needs are met.

CLEM

Mr. MOYNIHAN. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference. Knowing the great difficulty they faced in reporting a bill that would not exceed this year's stringent budget caps, I was not too surprised to see that they were not able to provide funding for New York University's Center for Cognition, Learning, Emotion, and Memory, or CLEM, in the bill. However, I do hope that funding for CLEM can be found in conference. CLEM can help educators, physicians and other health care givers, policymakers, and the general public by enhancing our understanding of normal brain development as well as the many disabilities, disorders, and diseases that erode our ability to learn and think, to remember, and to emote appropriately.

CLEM focuses on research and training in the fundamental neurobiological mechanisms that underlie learning and memory—the acquisition and storage of information in the nervous system. Current studies by the faculty at NYU are determining why fear can facilitate memory; how memory can be enhanced; what conditions facilitate long-term and short-term memory; and where in the brain all these memories are processed and stored. The Center for Cognition, Learning, Emotion and Memory will draw on the University's strengths in the fields of neural science, biology, chemistry, psychology, computer science, and linguistics to push the frontiers of our understanding of how the brain develops, functions, malfunctions, matures, and ages. NYU researchers bring substantial strength in psychological testing, computational sophistication, advanced tissues staining and electrical problems, and humane animal conditions. These core facilities are well regarded by their peers and together have been awarded a total of $7 million from federal agencies and private foundations for their research. Also, the University is presently recruiting additional faculty in other areas of memory and learning specialization. As a major training institute, the Center will help prepare the next generation of interdisciplinary brain scientists.

I believe that the work of this Center is an appropriate focus for the Department of Veterans Affairs because research into how cognition and emotion interact can have applicability to other diverse areas of interest. For example, in understanding maladaptive responses and emotional disorders, researchers are better able to understand and treat phobias, panic attacks, and post-traumatic stress disorders. In addition, research into the learning process as it relates to attention and retention will lead to insights on mental losses and the decay of memory. Similarly, research at the center could prove most valuable to the EPA in its efforts to learn about and prevent the effects of toxic substances on man and animals.

Mr. President, funding for New York University in this bill would be entirely appropriate under VA, EPW, or as an item in the EDI account. It would be money well spent. I ask the distinguished managers if they will consider providing $1 million for NYU.

Mr. BOND. I will certainly keep the request from the Senator from New York in mind when we go to conference.

Ms. MIKULSKI. I too will remember the request from my colleague from New York when the bill gets to conference.

NATIONAL CENTER FOR SCIENCE LITERACY EDUCATION AND TECHNOLOGY

Mr. MOYNIHAN. Mr. President, I wonder if the distinguished managers of the bill would consider a request of mine? As they are aware, in previous years NASA has provided funds to the American Museum of Natural History to support the National Center for Science Literacy Education and Technology. The Museum reaches literally millions of children and families, schools and community groups each year through science education and exhibition, curriculum development and innovative educational technology. Now the Museum is unveiling a unique new resource for educating the nation about the wonders of the universe and our own planet Earth, the Rose Center. It will include a new state-of-the-art Hayden Planetarium, the Colman Hall of the Universe, and the Gottesman Hall of Planet Earth. The centerpiece of the new Center is a 90-foot-in-diameter sphere situated in a cubic glass-walled enclosure; and in the upper half of this sphere the Museum will be housing the most technologically advanced sky theater in the world with a map of the universe created by the Museum's National Center for Science Literacy and Technology in partnership with NASA: The Digital Galaxy Mapping Project.

While the National Center has received strong NASA-based support, the Museum has raised the funds, almost $100 million, for the Rose Center and these cutting-edge Halls of the Universe and Planet Earth through nonfederal State, City, private and foundation support.

The Center is already working with innumerable schools in New York and beyond to develop more effective science education curriculum materials, as well as partnering with leading colleges and universities on critical research, education and training initiatives. They are now proposing to further expand the role of NASA and the Center with the goal of educating an ever broader segment of the American public. Through the Center's Education Materials Lab Project the Museum and NASA will develop additional curriculum modules from the prototypes created in the first phase of the NASA-Center agreement, based on and utilizing the unique investments and facilities of the Museum. There will be a major investment in a science visualization project that will highlight NASA developments and activities, from progress in the space station to new astronomical discoveries.

As you can see, Mr. President, the potential of the National Center at the Museum is boundless. However, a continuing and expanded federal partnership for science education and educational technology is important and appropriate there, given the role they play and the millions they reach.

I realize the constraints the subcommittee was under in writing a bill that would meet budget requirements. I simply ask that when the bill goes to conference the managers remember my original request that the NASA budget include a FY2000 appropriation of $5 million to further expand the reach of this important National Center, develop and improve educational materials and educational technology for schools, children and families, and to enhance the Museum's instrumentation and laboratory facilities that will contribute to these education, training and research objectives. The House Bill contains $3 million. I hope that sum can be increased to $5 million.

Mr. BOND. I will certainly keep the request by the distinguished Senator from New York in mind when we go to conference.

Ms. MIKULSKI. I too will remember this request for the American Museum of Natural History when we get to conference.

Mr. MOYNIHAN. I thank both my distinguished colleagues for their cooperation.

NATIONAL SCIENCE FOUNDATION

Mr. BINGAMAN. Mr. President, I see the report encourages the National Science Foundation to "strengthen its activities with respect to international cooperation in research and education."

Mr. BOND. Yes, that's right. That sort of cooperation is good for science and good for education right here at home. The National Science Board is going to examine that issue, and I look forward to seeing their recommendations.

Mr. BINGAMAN. The Chairman may be aware that as part of last year's Higher Education Act, working with thirteen of our colleagues, I was able to get a program in East Asian Science, Engineering, and Technology authorized at NSF. This new program, which is a successor to a program at the Defense Department, will teach American scientists and engineers about East Asian languages, technological developments, management techniques, and research institutions. It will improve our understanding of East Asian research and train a cadre of American researchers who can effectively cooperative with their East Asian counterparts.

Mr. BOND. That does sound like the sort of activity we'd like to encourage at NSF.

Mr. BINGAMAN. Well, unfortunately the program was authorized too late in the year to make it into the President's budget request for FY 2000. But NSF, including the top leadership is quite enthusiastic about the program. They've had a day-long workshop to help design the program, and I understand may even release the report from that workshop soon. My point is I think that they could be ready to get the program started this coming fiscal year.

Would the Chairman agree that to the extent there is some discretionary money available at NSF in FY 2000 and that NSF's leadership believes they have a solid program plan, they can and should begin the East Asian Science, Engineering, and Technology program in FY 2000? Moreover, that NSF should budget for the program in FY 2001 and beyond? I think that would be consistent with your interest in seeing more international cooperation in science and engineering.

Mr. BOND. I will be open to NSF's plans once they are developed. If the National Science Board and NSF support funding the program in FY 2000, I will review it as part of their operating plan and future NSF budget proposals.

Ms. MIKULSKI. If I could just briefly add my thoughts. The East Asian Science, Engineering, and Technology program does indeed sound like something NSF should get started on this coming fiscal year, provided they're ready, and then include it in the President's request for FY 2001.

Mr. BINGAMAN. I thank the distinguished Chairman and Ranking Member.

BARRY UNIVERSITY

Mr. GRAHAM. Mr. President, we would like to engage the Chairman and Ranking Member of the Subcommittee, in a brief colloquy regarding Barry University in Miami Shores, Florida. Through the outstanding leadership of sister Jeanne O'Laughlin, Barry has had a strong history of addressing important Miami community issues like urbanization, ethnic diversity, community development and cultural understanding. Many of Barry's students are first-generation college students and ethnic minorities. Recently the University announced the planning of an Intercultural Community Center that is designed to promote necessary neighborhood and small business revitalization. The new facility will also be a hub for ongoing workforce development and service learning literacy training for the local community.

Mr. MACK. Given the merits of the project, we were disappointed that Barry University was not included in the legislation before us that allocates funds to the "Economic Development Initiatives" for such purposes. Barry University's proposal meets the criteria established by the Subcommittee in terms of serving low-income populations. Our hope is that this project can be re-considered during final deliberations on the bill. Specifically, we would request that favorable language be included in this bill directing the Secretary of Housing and Urban Development to spend a minimum of 1.5 million dollars from the Economic Development Initiative fund to finance this important program that promotes economic and social revitalization. We would appreciate the Senator's support, along with the Chairman's in the funding of the Barry University Intercultural Community Center in the Conference Report.

Ms. MIKULSKI. I thank the Senators from Florida for bringing this issue to my attention. I will be pleased to review the proposed project at $1.5 million and will give it every consideration during conference deliberations.

Mr. BOND. I concur with my good friend from Maryland, and we will make every effort to consider the merits and funding requests of the Barry University project in conference.

BAYARD WASTEWATER TREATMENT FACILITY

Mr. BINGAMAN. Mr. President, I want to thank the Chairman and Ranking Member for their fine and fair work on this appropriations bill. I acknowledge how difficult their job is and fully appreciate their efforts.

I understand the tight budget situation the committee finds itself in and the many requests the Chairman and Ranking Member face for water and wastewater funding from the EPA's State and Tribal Assistance Grant Program. Unfortunately, the committee could not find sufficient funding for a critical wastewater treatment project in Bayard, New Mexico. This community, along with the Village of Santa Clara and the Fort Bayard State Hospital, face a loss of their wastewater treatment plant. Three years from now, the Cobre copper mine will no longer accept wastewater from these communities and an alternative must be found. If not, these communities will essentially return to the days of the outhouse.

May I ask the Chairman if he is aware of the critical wastewater situation facing the citizens of Bayard and Santa Clara?

Mr. BOND. Yes, I appreciate the Senator from New Mexico informing me of the situation in Bayard and the citizens' need for a new wastewater treatment facility.

Mr. BINGAMAN. The estimated cost of the new wastewater treatment plant is almost $3 million. Is the Ranking Member aware that Mayor Kelly and the city council in Bayard are working very hard to obtain partial funding for the new plant from all available local, state and federal sources?

Ms. MIKULSKI. I commend the Mayor and citizens of Bayard for their efforts to seek funding from all available sources.

Mr. BINGAMAN. I'd like to continue to work with the Chairman and Ranking Member as this appropriations bill moves forward to see if there isn't some way to provide a grant from EPA's State and Tribal Assistance Grant Program to help fund a portion of the cost of the wastewater treatment plant in Bayard.

Mr. BOND. The Senator can be assured we will give the project our full consideration in conference.

Ms. MIKULSKI. I appreciate knowing of the Senator from New Mexico's interest in the Bayard project.

Mr. BINGAMAN. I thank the Senators for their consideration.

NO_x SIP CALL

Mr. SHELBY. Mr. President, I rise at this time to engage in a colloquy with the Subcommittee Chairman, the Senator from Missouri.

Mr. President, I am concerned about what I feel is an apparent inconsistency and inequity created by two separate and conflicting actions that occurred last spring. One was EPA issuing a final rule implementing a consent decree under section 126 of the Clean Air Act that is triggered in essence by EPA not approving the NO_x SIP call revisions of 22 states and the District of Columbia by November 30, 1999. The other was by the United States Court of Appeals for the D.C. Circuit in issuing an order staying the requirement imposed in EPA's 1998 NO_x SIP Call for these jurisdictions to submit the SIP revisions just mentioned for EPA approval.

Caught in the middle of these two events are electric utilities and industrial sources who fear that now the trigger will be sprung this coming November 30, even though the states are no longer required to make those SIP revisions because of the stay, and even though EPA will have nothing before it to approve or disapprove.

Prior to this, EPA maintained a close link between the NO_x SIP Call and the section 126 rule, as evidenced by the consent decree. I believe a parallel stay would be appropriate in the circumstances. EPA should not be moving forward with its NO_x regulations until the litigation is complete and those affected are given more certainty and clarity as to what is required under the law.

A stay is very much needed, especially in light of EPA's most recent comments suggesting that it may reverse its earlier interpretation of the Clean Air Act regarding State discretion in dealing with interstate ozone transport problems. The effect of such a reversal would be to force businesses to comply with EPA's federal emission controls under Section 126 without regard to NO_x SIP Call rule and State input.

The proposed reversal is creating tremendous confusion for the businesses and the States. Under EPA's proposed new position, businesses could incur substantial costs in meeting the EPA-imposed section 126 emission controls before allowing the States to use their discretion in the SIP process to address air quality problems, less stringent controls or through controls on other facilities altogether.

Indeed, the fact that these businesses almost certainly will have sunk significant costs into compliance with the EPA-imposed controls before States we required to submit their emission control plans in response to the NO_X SIP Call rule would result in impermissible pressure on their States to forfeit their discretion and instead simply conform their SIPs to EPA section 126 controls.

The bottom line, Mr. Chairman, is that not only do the States and business community not know what EPA is doing, EPA doesn't know what it is doing. This is hardly a desirable regulatory posture for what clearly is promising to be a very costly and burdensome regulation.

Let's be clear what the law is and what it requires, before rather than after the EPA writes and enforces its rules. I think that is a reasonable expectation and a reasonable requirement that the EPA should be able to meet.

Mr. Chairman, would you agree with me that the EPA should find a reasonable way to avoid triggering the 126 process while the courts deliberate and we have a better understanding of what the law requires states and businesses to do to be in compliance?

Mr. BOND. Mr. President, I very much appreciate the Senator bringing this to the Senate's attention. I agree that this matter should be resolved swiftly. I would encourage and expect the EPA to, over the next several months, find a way that is fair to all sides. In addition, I would expect that any remedy would ensure that the States maintain control and input in addressing air pollution problems through the SIP process. I would be happy to work with the Senator from Alabama to ensure that EPA is fully responsive to these legitimate problems.

Mr. BYRD. Will the gentleman from Missouri yield?

Mr. BOND. I am happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, as the gentlemen from Alabama and Missouri know, I have had concerns regarding the impact of the NO_X SIP Call for states throughout the Midwest, including my own. I would agree that recent actions taken by the EPA and Northeastern states creates confusion for both industries and states governments alike. I, too, strongly encourage the EPA to work with all parties, and I look forward to finding a fair and equitable solution to improve our air quality in an economically and environmentally sound way.

STUDY ON HYDRAULIC FRACTURING

Mr. SESSIONS. Mr. President, I rise today to discuss the need to collect good scientific data upon which the Environmental Protection Agency can establish appropriate regulations to protect human health and the environment.

Mr. BOND. The Senator from Alabama raises a good point. In order for the EPA to protect people and the environment, the agency must have access to good scientific data.

Mr. SESSIONS. Has the Subcommittee from time to time, directed the EPA to fund studies related to pending regulations when there is a need?

Mr. BOND. Yes, this Subcommittee has occasionally directed the EPA to gather additional scientific data relevant to their regulatory duties.

Mr. SESSIONS. I would like to make the Senator aware of a situation in my own state of Alabama where the EPA is being forced by a court order to promulgate regulations regarding an activity called hydraulic fracturing.

Alabama is the second largest producer of coal bed methane in the country. The production of this clean burning fuel from coal beds has only recently become economically viable and offers a way to capture methane from coal beds which might otherwise be vented into the atmosphere during normal coal mining operations. As you know, methane is thought to be a potent contributor of the so-called "greenhouse" effect and has been shown to contribute the formation of ground level ozone. However, the production of methane for fuel use helps to reduce air emissions and improves our balance of trade by contributing to our overall domestic gas production. Increased production of coal bed methane should be encouraged.

One of the procedures needed to produce methane from coal beds is the use of hydraulic fracturing. Hydraulic fracturing essentially involves the placing of water and sand down a well bore at high pressure to create microscopic fractures in the coal beds which allow methane gas to escape. Following this procedure, over 90 percent of the water and sand propping agent is pumped out of the well and disposed in compliance with all State and Federal laws. There has never been a documented case of underground water contamination resulting from this procedure.

The EPA never intended to regulate this procedure. However, in 1995 a lawsuit was filed against the EPA claiming that the hydraulic fracturing in Alabama should be regulated through the Underground Injection Control program established by the Safe Drinking Water Act. The EPA argued that hydraulic fracturing did not fit in the context of the Underground Injection Program, that the State of Alabama already regulated the process and that the procedure itself posed little risk to underground drinking water sources or the environment. In 1997, the 11th Circuit Court of Appeals made a technical ruling that hydraulic fracturing does in fact, constitute underground injection because it does involve the placement of fluids underground. Following the court ruling, the EPA implied that it might support a technical change to the Safe Drinking Water Act to exempt hydraulic fracturing from the Underground Injection program. However, efforts to get this technical correction passed into law were upset by the EPA who called for more time to study the issue. Unfortunately, the EPA has still not developed the scientific data to determine whether or not there is even a need for federal regulation of hydraulic fracturing at all.

It is no wonder that the EPA has not dedicated many resources to this issue. No where in the nation has there been even a single case of groundwater contamination from hydraulic fracturing operations despite the dramatic increase in the use of this procedure over the last 15 years. In fact, based upon the data which is currently available, I believe that federal regulation of hydraulic fracturing operations may be an ineffective use of both federal and state resources. However, there is a need to be certain that hydraulic fracturing does not pose a threat to underground sources or drinking water and more scientific study must be completed.

The Geological Survey of Alabama, working in conjunction with Alabama universities, has already initiated study on the environmental impacts of hydraulic fracturing operations. Because of the work which the Geological Survey has already begun, it would make an ideal institution to carry out additional studies on the impact of hydraulic fracturing and could contribute a great deal to the body of scientific data needed by the EPA. The Geological Survey has proposed an 18 month study, using $175,000 of federal funds through an EPA grant, to carefully examine the environmental impacts of hydraulic fracturing operations. I would ask that the Senator from Missouri work to include language in the VA/HUD Appropriations Conference report that would direct the EPA to make this important grant.

Mr. BOND. In my own State of Missouri, production of coal bed methane has recently been started at several sites. I understand that hydraulic fracturing has been used at each of these sites to stimulate the flow of methane. I agree with the Senator from Alabama that the EPA should seek out the best scientific data and should seek to provide assistance to the Geological Survey of Alabama to study the impact this procedure could have on underground sources of drinking water.

ATLANTA VA CONSTRUCTION

Mr. CLELAND. Mr. President, I would like to discuss with the Ranking Member of the VA/HUD Appropriations Committee the documented need for funding of the Atlanta Veterans Affairs (VA) Medical Center for funds to renovate and modernize patient wards. The Atlanta VA construction project was rated 5th on the Department of Veterans Affairs Fiscal Year 2000 Priority Medical Construction Project Report. This project was listed as 12th last year and with the increasing need was moved to the top 5 by the Office of Management and Budget. On September 8, 1999, I was pleased to support the Senate's passage of S. 1076, the Veterans' Benefits Act of 1999, which authorized $12.4 million for the renovation critical to caring for our veterans. The need for this project will not go away. I believe that this project should receive at least $2 million in initial design and planning for FY 2000 to pave the way for later full funding. Included in this start-up money would be asbestos testing that needs no further delays for environmental safety.

Ms. MIKULSKI. I understand the Senator's concerns and push his to obtain this needed renovation for VA patient care. I also want to thank the Senator for his responsible approach to phasing in this project in light of serious budget concerns. While serious budget constraints prevent the acceptance of this request in the FY 2000 appropriations bill, it is the Appropriations Committee's hope and expectation that this worthy project will be fully funded in the President's FY 2001 budget submission.

Mr. CLELAND. I want to thank the Ranking Member for her comments and acknowledge her efforts to redeem the promises to our veterans.

Ms. MIKULSKI. The VA/HUD Appropriations Committee will give every consideration to funding the completion of the Atlanta VA renovation project in the FY 2001 budget process.

Mr. CLELAND. I thank the Ranking Member and the Chairman for their leadership during these challenging times of budget constraints and the changing health care environment for caring for this Nation's veterans. Your support of the Atlanta VA Medical Center renovation is a visible reminder to our veterans that we do care and appreciate their sacrifices for this country.

VA CEMETERY IN ATLANTA

Mr. CLELAND. Mr. President, I want to thank the ranking member of the VA/HUD appropriations subcommittee for her diligence and dedication to the veterans of this country and for the hard work she and her staff have done this year. We are all aware of the sacrifices that our veterans have made to our Nation in times of war. Now, in time of peace we must not forget those sacrifices. Since 1980, I have been working to establish a new national cemetery in metropolitan Atlanta based on a documented need for such a facility.

Ms. MIKULSKI. I thank the Senator for his kind words of support. I am fully aware of the critical need for cemeteries to accommodate our veterans population. I am aware of the Senator from Georgia's dedicated efforts to construct a cemetery which dates back to his tenure as head of the Veterans Administration.

Mr. CLELAND. The Senator from Maryland is correct. Georgia currently has two cemeteries, the Andersonville National Historic Cemetery and the Marietta National Cemetery. Unfortunately, the Marietta cemetery has been full since 1970. As the senator knows legislation which I sponsored, S. 695, passed the Senate. This legislation would authorize the VA Secretary to establish national cemeteries in Atlanta, Georgia; southwestern Pennsylvania; Miami, Florida; Detroit, Michigan; and Sacramento, California.

Ms. MIKULSKI. I am certainly aware of my colleague's work on this important issue and applaud the Senator's efforts.

Mr. CLELAND. Is it the understanding of the ranking member, that should funds be available in FY2000 to begin planning for a new round of national cemeteries that the authorized national cemetery in Atlanta will be included in the FY2000 budget?

Ms. MIKULSKI. Certainly, should the funding be available, they could be used for future cemetery construction projects.

Mr. CLELAND. I thank the ranking member for including such language endorsing the construction of a new national veterans cemetery in the Metropolitan Atlanta area. Again, I appreciate the help of the Senator from Maryland and the subcommittee on this issue, which is so vital to the veterans of Georgia.

MINNESOTA PROJECTS

Mr. WELLSTONE. Mr. President, I would like to engage the distinguished Ranking Member of the VA/HUD Appropriations Committee in a brief colloquy regarding two important projects which I believe deserve support.

Mr. President, over the past years there has been an alarming increase in the need for adolescent treatment programs. The Mash-ka-wisen facility in Sawyer, MN, has recognized this need and therefore proposes the construction of a culturally specific treatment program designed for adolescents. The presence of an eighteen-bed adolescent treatment center will serve American Indian adolescents from throughout the Bemidji Indian Health Service Area, which includes the states of Minnesota, Wisconsin, and Michigan. For the past twenty years, the existing center in Sawyer, MN, has served American Indians in need of alcohol and drug treatment with a culturally specific recovery program. As a result of their commitment, the Center has a national reputation, as well as one of the very highest treatment success rates in the nation. The Minnesota Indian Primary Regional Treatment Center has requested $2 million to fund the construction of their adolescent treatment facility.

I also wish to call your attention to the request of $1.7 million by Northeast Ventures Corporation of Northern Minnesota. During the last 15 years, Northeastern Minnesota has experienced severe economic losses. Since 1989, Northeast Ventures has provided capital support for micro enterprises in the region. In addition to the assistance that Northeast Ventures has provided, its not for profit affiliate, the Northeast Entrepreneur Fund, has been providing financial and technical support services to unemployed and underemployed men and women in Northeastern Minnesota. In reaction to the special economic needs of the Iron Range, a second not for profit affiliate, Iron Range Ventures, works specifically to provide investments in the Iron Range. Together these organizations have helped to provide the region with assistance that has led to gradual economic recovery and diversification. A HUD Special Purpose Grant will make it possible for this organization and its not for profit affiliates to provide additional support to existing and emerging businesses in the region. $850,000 will support the expanded and enhanced delivery of services and capital to small businesses and the remaining $850,000 will support increased investment in the Iron Range area of northeastern Minnesota.

I am aware of the difficult financial constraints under which the VA/HUD Appropriations Subcommittee worked this year, and I appreciate the Ranking Member's willingness to engage in a colloquy on these important projects. So I would simply ask my colleague from Maryland if she agrees with the importance of including these two projects in the VA/HUD appropriations bill and is willing to work towards earmarking $2 million for the Mash-ka-wisen treatment facility and $1.7 million for Northeast Ventures Corporation?

Ms. MIKULSKI. I thank my colleague from Minnesota, Senator WELLSTONE, for his continued vigorous support for these projects. First let me say that I appreciate his acknowledgment of the difficult funding constraints under which the committee was working this year. I agree with my colleague that these two projects will serve a valuable role in their communities, both Indian Country, and Northeastern Minnesota. For that reason, I will give the Minnesota Indian Primary Residential Treatment Center and the Northeast Ventures Corporation every consideration during the conference deliberations.

Mr. WELLSTONE. I thank the Senator for her commitment to seek funding for these projects for the next year. I am grateful for her continued support and to know she will support these projects in the upcoming conference committee.

SURFACE ACOUSTIC WAVE—MERCURY VAPOR SENSOR RESEARCH

Ms. SNOWE. Mr. President, I seek recognition today along with my colleague, Senator COLLINS, to draw to the Chairman's attention our request for funding within the budget for the Environmental Protection Agency to defray some of the costs of researching and developing an effective new technology for monitoring mercury vapor emissions.

As we know, mercury is one of the most toxic substances in our environment and one of most common air pollutants and, unfortunately, remains largely unregulated, causing great neurologic damage if ingested by humans. This is why I have cosponsored a bill, S. 673, that will go a long way towards developing a much needed solution to the problem of mercury emissions in our environment.

I am advised that researchers in Maine and in Maryland are teaming together to research and develop a new, environmentally beneficial technology for tracking mercury vapor emissions. I am hopeful that in Conference, the distinguished Chairman and the Ranking Minority Member, Senator MIKULSKI, will look again at the proposal and to consider designating it for funding within the appropriate budget account.

Ms. COLLINS. I want to join my colleague, Senator SNOWE, and reiterate my support for this important proposal. If funding is made available, the Sensor Research/University of Maryland team will examine mercury emissions from several combustion sources and will compare a new family of mercury vapor sensors to state-of-the-art continuous monitoring devices in order to determine the efficacy and fidelity of the newer technology. I understand that these new "Surface Acoustic Wave" senors offer the promise of low cost/extremely-high reliability monitoring that can better determine the origin of and transport mechanisms involving this family of pollutants.

I thank the Chairman for his consideration of this proposal and ask that he and Senator MIKULSKI make this a top priority in Conference.

Ms. MIKULSKI. I appreciate the work done by my colleagues from Maine on this mercury sensor proposal, which would utilize the tremendous research tools of the University of Maryland at College Park. While we are laboring under difficult budget constraints, I remain hopeful that we will be able to jumpstart this valuable scientific evaluation process. I look forward to working with Chairman BOND on this issue in Conference.

Mr. BOND. I am grateful to my colleagues from Maine and to my good friend, Senator MIKULSKI, for their input on the Surface Acoustic Wave sensor proposal, which could be a real step forward in protecting our environment. I will be glad to continue working with my colleagues on identifying potential areas for funding as we proceed to Conference.

THE ATLANTA WATERSHED PROJECT

Mr. COVERDELL. Mr. President, I rise today to make a few remarks about the Regional Atlanta Watershed restoration program and, with the help of the Chairman of the VA HUD Appropriation Subcommittee, to clarify the use of EPA funds. It is my understanding that these funds can be made available for studies to address serious combined sewer overflow problems.

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. It is also my understanding that there are serious problems in the Atlanta Region with sewer and overflow facilities and that work is required as part of a $250 million complex settlement that the City of Atlanta negotiated with the Environmental Protection Agency and the Department of Justice due to unpermitted releases from Combined Sewer Overflow (CSO) facilities.

It is my understanding that the Atlanta Region faces an aging infrastructure and rapid growth and that the City of Atlanta has committed $1 billion in local funds to go directly to the combined sewer system and other watershed restoration initiatives.

It is my understanding as well that the House of Representatives has recommended that $1 million be appropriated for this project, and I ask that the Chairman give every possible consideration to this amount during Conference considerations. Also, I would ask that fair and appropriate consideration be given to an even greater sum.

Mr. BOND. I understand the difficulties the Atlanta Region faces due to an aging infrastructure and a rapidly growing population, and I commend Senator COVERDELL's advocacy and commitment on its behalf.

Mr. COVERDELL. I thank the Chairman for his consideration and look forward to working with him on this project.

SWIFT BUILDING IN MOULTRIE, GEORGIA

Mr. CLELAND. Mr. President, I rise today in hopes of engaging the Chairman, Senator BOND, and Ranking Member, Senator MIKULSKI in a colloquy regarding a project of extreme concern and importance to me, specifically the Swift Building in Moultrie, Georgia.

Mr. BOND. I am glad to discuss this matter with Senator CLELAND.

Ms. MIKULSKI. I, too, welcome this discussion with my colleague.

Mr. CLELAND. I thank my distinguished colleagues. The Swift Building is located in Moultrie, Georgia, an area that faces a poverty rate well above the national average. I was horrified to see the current state of this building. the building is not only completely dilapidated and partially torn down, but also contains major friable asbestos contamination as well as traces of cadmium and celenium—all of which present serious health risks to the residents of the surrounding community. Senator MIKULSKI, you were kind enough to take the time to review this project with me. Would you agree that the Swift Building presents this community with a serious problem—one that needs and deserves immediate attention.

Ms. MIKULSKI. I strongly agree with my colleague. I was also startled by the graphic nature of the state of this building. Not only does this building present severe health concerns to local residents, but what makes this building even more disconcerting is the fact that it is located right beside U.S. highway 319, which, as I understand, is the main thoroughfare running directly into the center of Moultrie.

Mr. CLELAND. The Senator is correct. The building with its major friable asbestos is not only located right along this major highway, but the exposure to this migratory hazard has been further exacerbated by the partial destruction of this building. As I mentioned earlier, the Swift Building is located in a severely economically depressed area, so without federal assistance the health and economic consequences it presents will remain unaddressed. As you know, the Administration has stated its strong opposition to the exclusion of funding for the Redevelopment of Abandoned Building Program. The purpose of this new program is to address the blight caused by abandoned apartment buildings, single family homes, warehouses, office buildings and commercial centers. I believe that the Swift Building provides an ideal example of the type of project well suited for this program. Although I was greatly disappointed that I was unable to have my amendment accepted to obtain this critical funding, I will be glad to withdraw my amendment if I can get the assurances of the Chairman and Ranking Member that if funding is provided for the Redevelopment of Abandoned Buildings during conference with the House, this project will be given high priority.

Mr. BOND. I appreciate the Senator's cooperation and understand his concern about this project. Rest assured that when we reach conference with the House, we will give this project strong consideration for funding.

Ms. MIKULSKI. I also pledge to work to seek funding for this critical project during conference with the House.

Mr. CLELAND. I thank the distinguished Chair and Ranking member for their time and assistance in this matter.

THE SWIFT PLANT

Mr. COVERDELL. Mr. President, I rise to request that the Chairman of the Senate Appropriation Subcommittee on VA, HUD and Independent Agencies help me to clarify the use of appropriated funds under the Department of Housing and Urban Development. It is my understanding that certain discretionary funds are available for projects.

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. The Town of Moultrie, Georgia, founded in 1856, has served as an agricultural center for surrounding farms and related industry. Unlike many small towns, Moultrie has managed to avoid population losses, which is mostly attributable to its livable, high quality residential neighborhoods, historical county seat and active community development efforts. It is my understanding that Moultrie is seeking to promote revitalization and economic development that will raise the standard of living of town residents whose per capita income level is only 75% of the country's and 56% of the state's level.

In doing so Moultrie faces two key economic development issues. First, is the need to revitalize its downtown to retain retail businesses and attract new retail businesses. Second is the need for attractive industrial and business sites to retain existing, as well as draw new businesses and industry.

It is also my understanding that Moultrie's downtown economic development is stymied by an obsolescent industrial and commercial district located between the central historic Courthouse Square and the main entry to the town from Interstate 75. This is a brownfields district typical of smaller, older towns. It contains vacant and under-utilized land and buildings along a railroad, and substandard housing interspersed within a grid of city streets. The most visible problem in the district is the former Swift Plant, once one of the largest pork processing plants in the south. Today its largest building is partially demolished and the site contains documented soil and groundwater contamination. The 250 acre brownfield district in which the Swift Plant is located, has other contaminated properties and yields little tax revenue. No new businesses have located within the district in many years, and many of the existing businesses are considering relocating due to the area's low level of development.

It is my understanding that Moultrie has developed an economic redevelopment initiative to revitalize Moultrie's brownfields district and strengthen the city economy, and they have requested federal funding to proceed. Central to this plan is the complete demolition of the Swift Plant.

Mr. Chairman, based on what criteria do you consider projects such as this?

Mr. BOND. Strong community support, the creation of public/private partnerships and a financial commitment by the local entities are criteria that I believe illustrate a project's importance and vialbility.

Mr. COVERDELL. I thank the Chairman for his assistance and look forward to working with him on this important matter.

STATE VETERANS HOMES

Mr. HATCH. Mr. President, I appreciate the leadership of Senator BOND and Senator MIKULSKI on this appropriations bill. I know that this has been a very difficult process, and I appreciate their efforts.

I would like to bring to the attention of the United States Senate a situation that is of great concern to me: long-term care for our veterans. In my state of Utah, we have a nursing home that is owned and operated by the State of Utah. This nursing home was certified by the Department of Veterans' Affairs and received monthly per diem payments, which comprise nearly half of the nursing home's budget.

Although the nursing home was certified in January, it did not see a single per diem payment from the Department of Veterans' Affairs until June. The payment for February and March also arrived in June; payment for April and May came in late June. The June payment was supposedly sent by the Department of Veterans' Affairs, but it still has not been received. Payment of per diem for July and August was received in September.

I understand that other veterans homes around the country have similarly suffered from delayed and sporadic per diem payments.

To me, this is a fairly clear picture that the administration of per diem payments needs to be improved. I cannot believe that each and every payment for nine months is being deliberately held up because the veterans home is guilty of some unnamed compliance problem. In fact, the VA itself has advised me that this is not the case at least with respect to the Utah veterans home.

Let me be clear that I do not intend that deficient veterans homes are let off the hook. We expect accountability. I urge the VA not only to enforce applicable standards, but also to assist state veterans homes to meet these standards for care of our veterans.

But, I hope that the VA will give attention to designing a better system of payments so that state veterans homes can more effectively manage their resources and, therefore, provide better and more consistent care for our veterans.

Mr. BOND. I agree that the Department of Veterans Affairs should never put the State veterans homes in a fiscally vulnerable position and, therefore, possibly compromise the quality of care for our veterans. I have several veterans nursing homes in my State in Missouri, and I believe that they deserve prompt per diem payments.

However, I also do not wish to hinder the VA from enforcing applicable standards for care in these state veterans homes. Does the Senator from Utah agree?

Mr. HATCH. Absolutely. The VA should certify homes as it has always done. Homes that are seriously deficient should be decertified. Technical assistance should be offered to homes having difficulty.

But, I would hope that proper quality control by the VA could be done in such a way so as not to unnecessarily disrupt the flow of payments to the home. Does the distinguished Senator from Missouri agree that a state veterans home cannot be effectively managed if the federal funds that are promised come in a haphazard manner?

Mr. BOND. Yes, I do. I recognize that irregular payment or per diem can complicate the remediation of existing problems as well as possibly cause others. Does the Senator from Utah agree that the VA should have some leverage in order to get prompt action to correct deficiencies in patient care or safety?

Mr. HATCH. Yes. I agree that withholding per diem can be an appropriate action if the VA has previously notified the state veterans home that there are specific problems. The homes should have an opportunity to correct those problems so as not to miss a scheduled payment.

I also believe that if a state veterans home is recalcitrant in making improvements where necessary, either for substantive patient care or for administrative purposes, the VA should decertify the home. If violations are serious enough to withhold payments for a prolonged period of time, they are serious enough to warrant decertification.

I hope, however, that my colleagues will agree that state veterans homes cannot be effectively managed if the federal government is so unreliable in making these per diem payments. In the absence of any substantive quality issues, state veterans homes should be able to expect prompt payment. It is a promise we have made, and it is necessary that we keep it to maintain consistent and high quality of care for our veterans. That, I believe, is the goal we all share.

Mr. President, in deference to the members of the Senate Veterans' Affairs Committee, I will not offer my amendment to require the Veterans' Administration to pay the per diem it owes to fully certified state veterans homes.

However, I want the record to show that this amendment is cosponsored by Senator CRAPO, Senator SNOWE, Senator COLLINS, and Senator CRAIG. It has the support of the National Association of State Veterans Homes and the American Legion.

Mr. President, for too long, state veterans homes have been getting that age-old promise from the federal government that the check is in the mail.

In my home state of Utah, the Utah State Veterans Nursing Home has experienced tremendous difficulties in receiving per diem payments from the Department of Veterans Affairs. The Utah veterans home was certified in January 1999. But it did not see a single payment from the Department of Veterans Affairs until June 1999—six months.

Now, I ask my colleagues: what business can go without payment for six months without having to cut corners or stiff its own creditors? How are these veterans homes supposed to provide quality care if they do not know from month to month what their operating budget will be? How are they going to pay their personnel, their food service providers, linen services, and so on. How are they going to pay for routine repairs on the plant? The VA simply has to find a way to get these payments out on time.

In Utah's situation, the per diem payment for April and May came in late June. The payment for June still has not been received. The July and August payments were received in September.

Let me be clear about this point. The Department of Veterans Affairs was not withholding those funds because of quality of care or compliance problems in the Utah veterans' nursing home or because of the lack of funds.

On the contrary, the VA was forthright in saying that the paperwork got lost on somebody's desk. Now, I can understand that, and I certainly want to say that I appreciate getting an honest explanation for this. I have lost things, and I am sure all Senators have lost things from time to time.

My problem, however, is that this clearly was not a one-time occurrence. These late payments have become the rule not the exception, and the Utah veterans home has not been the only victim. I understand that veterans nursing homes all over the country have had to suffer these late per diem payments and that veterans homes in Oregon and Maine, for example, have had similar difficulties. As a veterans nursing home operator in Maine put it, "It is something that we have learned to live with."

Mr. President, maintaining a quality nursing care facility is a difficult enough job as it is without the federal government imposing the additional burden of not getting the funds out to these state veterans homes on time.

Our veterans homes should not have to "learn to live with it." If the federal government has taken on this responsibility, then it needs to deliver. If the VA cannot fulfill this obligation under existing law, then it should report to the Veterans' Affairs Committees of the Senate and House and seek assistance to do so.

These state veterans homes are simply too critical a component in our effort to care for America's elderly veterans. By giving these state veterans homes short shrift, we give our veterans short shrift. I know that this is not what the VA intends.

It has been argued that the VA needs the authority to withhold per diem payments as leverage for corrective action taken by homes that may have compliance problems.

Mr. President, I absolutely agree that the VA should enforce the applicable quality standards for these veterans homes. I modified my amendment to address this concern. Deficiencies that affect patient care and safety should be promptly corrected, and my amendment allows the VA to withhold per diem payments is such deficiencies have been identified and the home is notified about them in writing prior to the due date of the expected payment. This would provide the home the opportunity to act on the deficiencies so as not to miss a payment.

Additionally, I believe that serious and ongoing deficiencies warrant decertification. No state veterans home that is not certified should receive payments.

But, Mr. President, neither we here in the Senate, nor the VA, should forget that the effective management of these veterans facilities needs reliable funding. We cannot expect the best quality of care for our veterans if the state veterans home is receiving only sporadic per diem payments. The haphazard manner in which the VA has made per diem payments has itself become a cause for concern about quality in these homes.

I trust that the VA, given the impetus of this amendment, will take steps to improve this payment process and get the per diem payments out on time.

Moreover, I urge my colleagues on the Veterans' Affairs' Committee to take a serious look at this issue.

UPPER MIDWEST AEROSPACE CONSORTIUM

Mr. DORGAN. Mr. President, about four years ago I hosted NASA Director Dan Goldin at the University of North Dakota where he met with representatives from universities in Montana, North and South Dakota, Idaho and Wyoming. We felt it was important to meet with Mr. Goldin to explore ways in which NASA satellite data could be helpful to the public in a region which has always seemed so far removed from the activities of NASA.

Over the course of these four years, I believe NASA has been very impressed with the innovations of this group, called the Upper Midwest Aerospace Consortium. UMAC's primary focus has been to make NASA data useful to the public, particularly farmers, ranchers, resource managers, educators, and small businesses. For example, noxious weed detection through the NASA satellite data has had an astounding effect on eradicating and stemming the spread of noxious weeds on cattle rangelands; wheat farmers have planned their fertilizer applications to optimize their crop yields; and teachers and teacher-educators have prepared geographic information systems that bring modern spatial technologies to rural classrooms.

All of these innovations and uses have been the result of three grants that UMAC has won competitively through NASA's peer review process. The organization has now proven its value in a region where NASA's presence had previously been nearly nonexistent. It has reached the juncture where it must achieve the stability that only a long-term commitment by NASA can ensure.

Mr. President, the distinguished Senator from Maryland and Ranking Minority Member of the VA-HUD Appropriations Subcommittee is well acquainted with the value of NASA's presence in her own state. Now we in the upper Midwest have developed the nucleus for NASA to create a center which would support and advance NASA activities in our region.

The report accompanying this bill contains language urging NASA to consider creating a permanent center in the upper Midwest. While it is difficult to find funds in this bill for this purpose, I would urge the Senate to provide $1 million during conference on the bill toward the establishment of UMAC as a permanent entity to continue its work with NASA and the public.

Ms. MIKULSKI. The Senator from North Dakota is absolutely correct in his observation about the need for NASA to share the value of its data and its expertise with all Americans. The states represented in UMAC are the most distant from any existing NASA Center, so the idea of strengthening this organization for long-term service to this region is justified, and I pledge to work to achieve this goal during Conference.

Mr. DORGAN. I appreciate the support of the Senator from Maryland for the Upper Great Plains Aerospace Consortium and I thank her for her comments.

TUBMAN AFRICAN AMERICAN MUSEUM

Mr. CLELAND. Mr. President, I rise today in hopes of engaging the Ranking Member, Senator Mikulski, in a discussion about a project of great importance to me and the citizens of Macon, Georgia, specifically the Tubman African American Museum.

Ms. MIKULSKI. I am glad to discuss this matter with my colleague.

Mr. CLELAND. I thank the distinguished ranking Member. The Tubman African American Museum, located in Macon was founded in 1981. The Museum is dedicated to educating people about all aspects of African American art, history, and culture. In addition to its permanent and visiting art exhibits, the museum hosts concerts, plays, celebrity storytelling and frequent lectures by well-known authors. The benefits from these programs and others is not only to enhance the cultural opportunities for local residents, but also to showcase the significance of the social, cultural, and historical influence of African American culture on our society. I strongly support the Tubman African American Museum and believe that it strongly contributes to the education and understanding of both local citizens and visitors to the Macon area. This museum also has the strong support of the local community in Macon as well as prominent leaders in Georgia, including former Governor Zell Miller, Senator Sam Nunn, Macon's Mayor Jack Ellis and Macon's former Mayor Jim Marshall.

The amendment that I have filed before the Senate would provide $2 million for the purposes of relocating and expanding the Tubman African American Museum. The proposed new facility is estimated to cost $15 million. The City of Macon and Bibb County have proven their commitment and support for this project by already providing $775,000 for the project's feasibility study and to purchase property in downtown Macon, the selected site for this project. Senator MIKULSKI, I recognize the budget constraints that you and Senator BOND are facing in trying to consider many valuable projects that deserve funding. With this recognition, I will be glad to withdraw my amendment. I simply ask that should additional funding become available during conference with the House, I would greatly appreciate this project be given strong consideration for funding.

Ms. MIKULSKI. I thank Senator CLELAND for his cooperation and assure him that during conference with the House, this project will be given every consideration for funding.

Mr. CLELAND. I thank the distinguished Ranking Member.

TUBMAN MUSEUM

Mr. COVERDELL. Mr. President, I rise today to express my support of the Tubman Museum in Macon, Georgia and, with the help of Chairman Bond of the VA-HUD Appropriations Subcommittee, to clarify the use of Community Development Block Grants and the importance of projects such as the Tubman African Museum to create an economic development opportunity as well as to commemorate an important historical figure such as Harriet Tubman.

It is my understanding that Community Development Block Grants can be made available to projects that create jobs, fill community needs, eliminate physical or economic distress. Is this correct, Mr. Chairman?

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. It is my understanding that the Tubman African American Museum fulfills all of the criteria requirements for such grants and have supplied the Chairman with supporting evidence of the museum's qualifications.

Mr. BOND. That is correct.

Mr. COVERDELL. Today, the Tubman Museum is Georgia's largest African American museum and one of Macon's top downtown tourist attractions. In just five years, the museum's visitors have increased from less than 5,000 in 1992 to over 65,000 in 1997.

It is my understanding that the requested $5.2 million would go towards the development of a new museum facility in Macon, Georgia to meet the expansion needs and the cultural, educational, social and economic needs of the City of Macon.

It is also my understanding that the Tubman Museum may become a Conference issue, and I ask every possible consideration be given to the request.

Mr. BOND. I appreciate Senator COVERDELL's dedication and efforts on behalf of the Tubman African American Museum and look forward to working with him on this project.

Mr. COVERDELL. I thank the Chairman for his consideration and for his hard work on the committee.

• Mr. McCAIN. Mr. President, I introduced an amendment to the Fiscal Year 2000 VA–HUD Appropriations bill that would have provided the Department of Veterans Affairs with a new flow of non-appropriated revenues, thereby benefiting all American veterans who rely on the agency's services. This legislation would improve the VA's ability to collect insurance costs from third-party providers. Currently, the VA collects only about one-third of the money it is owed by private insurers through its Medical Care Cost Recovery (MCCR) program. The Independent Budget prepared by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars explicitly calls for Congress to give VA the authority to privatize MCCR. My legislation would require the VA to privately contract for these collections for a period of three years, during which the VA would develop an internal process to improve medical cost recovery.

Unfortunately, I could not obtain the concurrence of the Chairmen of the VA–HUD Appropriations Subcommittee or the Veterans Affairs Committee to attach my amendment to this bill. Nonetheless, I will continue to fight for this proposal, as I believe it is a potential source of considerable revenue for the chronically underfunded VA. Senate Veterans Affairs Committee Chairman SPECTER has told me that this is an important amendment, and that his committee would give full consideration to my freestanding legislation on VA medical cost collection. I look forward to working with him, our veterans service organizations, and other Members of Congress to require the VA to improve its ineffective and delinquent medical cost collection program. Doing so should help us move the VA budget closer to the $20 billion target identified by those who speak for America's veterans as necessary for sustaining our commitment as a nation to care for those who have honorably served her in uniform.•

• Mr. McCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and Independent Agencies. However, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in this appropriations bill. Although the total level of pork-barrel spending in this bill is down from last year's total of $607 million, this bill still contains nearly $470 million in wasteful, pork barrel spending. This is an unacceptable amount of low priority, unrequested, wasteful spending.

The total value of specific earmarks in the Veterans Affairs section of this bill is about $80 million, $30 million more than last year.

Let me review some examples of items included in the bill. An especially troublesome expense, neither budgeted for nor requested by the Administration for the past eight years, is a provision that directs the Department of Veterans Affairs to continue the eight-year-old demonstration project involving the Clarksburg, West Virginia VAMC and the Ruby Memorial Hospital at West Virginia University. Two years ago, the VA–HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list and that the Administration had concluded was truly wasteful.

Like the transportation and military construction bills, the VA appropriations funding bill is a convenient vehicle to add building projects to the President's budget request. For example, the bill adds $10 million in funding for a new National Cemetery in Oklahoma City/Fort Sill, Oklahoma. Although this is a worthy cause, I wonder how many other national cemetery projects in other States were passed over to ensure that Oklahoma's cemetery received the VA's highest priority. Another project added to the bill was $3.9 million to convert unfinished space into research laboratories at the ambulatory care addition of the Harry S. Truman VAMC in Columbia, Missouri.

In the area of critical VA grant funding, again, certain projects in key members' states received priority billing, including $50 million added and made available to replace the boiler plant and construct a dietary facility at the Southeastern Veterans Center/Pennsylvania State Veterans Home in Spring City, Pennsylvania. Both projects were rejected by the Department of Veterans Affairs as wasteful spending of taxpayers dollars. Furthermore, the Department told the Committee that the responsibility for maintenance, repair, and replacement of boiler power plants is the responsibility of the State of Pennsylvania.

Grant money totaling $14 million is added and made available for cemeteries in Bloomfield and Jacksonville, Missouri. Again, I am sure that these are two worthwhile cemetery projects, but they push aside higher priority cemetery grants, including one in my State of Arizona.

Earmarks aside—there are many good things about this bill.

Over the past four years, veterans' health care funding has been virtually flat. This funding level has occurred as our veterans population is aging and in need of greater long-term health care that is often more expensive. Earlier this year, several key veterans organizations (the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, and Veterans of Foreign Wars) reported in the "Independent Budget" that President Clinton's budget is $3 billion less than is necessary to maintain current health care services to our nation's veterans. Furthermore, the American Legion has also been proactive with veterans nationwide and in discussions with me regarding the severe inadequacies in veterans health care.

I was proud when the Senate passed legislation that Senator WELLSTONE and I sponsored earlier this year to add $3 billion in budget authority for veterans health care and I felt that we had the commitment of the Senate, with a solid vote of 99–0.

Last week, I wrote to the Chairmen of the Senate Committee on Appropriations and VA–HUD Appropriations Subcommittee to ask that they increase critical veterans health care funding that is not contained in the President's budget. Unfortunately, the bill as reported only included $1.1 billion.

When the bill was brought to the Senate, I sponsored legislation with Senator BYRD that added $600 million and another critical amendment by Senator WELLSTONE that added an additional $1.3 billion to veterans health care. Unfortunately, the latter failed to pass. Although Senator BYRD's amendment designates additional veterans funding under an emergency designation of the Balanced Budget Act, I agree with Chairman STEVENS' statement that we should find the additional $600 million in funding from other than emergency designation. Such funding will prove instrumental to ensuring that quality health care is delivered in a timely manner in our nation's VA medical care facilities and preventing the continued curtailment of essential veterans programs and services.

As I travel across the country, I am overwhelmed by the concerns of veterans regarding the poor health care situation in VA facilities. I am happy with the support and leadership that Senator BOND has provided in supporting a $1.7 billion plus-up to President Clinton's veterans budget and commend him on his efforts. But more remains to be done. And I pledge to do everything in my power to correct this injustice in veterans health care funding in the future.

This bill also contains the funding for the Department of Housing and Urban Development (HUD) which is responsible for many programs vital in meeting the housing needs of our nation and for the revitalization and development of our communities. The programs administered by HUD help our nation's families purchase their homes, assists many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged have access to safe and affordable housing.

While many of the programs funded in this portion of the bill are laudable, I am deeply concerned about the number of earmarks in this section of the bill. I will highlight just a few of the more egregious violations of the budgetary review process. These include:

Six pages of earmarks dictating how a large portion of the Community Development Block Grant money must be allocated. This is inappropriate and a direct violation of the appropriate budgetary process. More importantly, it diverts critical funds from many communities which need the funding for local development programs but are excluded from the funds because of these egregious earmarks.

For example:

$1.7 million is earmarked for the Sheldon Jackson College Auditorium in Sitka, AK for refurbishing.

$1 million is set aside for the construction of a fire station project in Logan, UT.

$1.2 million of CDBG funds are earmarked for renovating a gateway to historic downtown Madison, MS.

$1.75 million for the University of Nevada in Reno, NV for the Structures Laboratory.

$1.25 million for the revitalization of the Route 1 corridor.

$3.5 million for the University of Alaska Fairbanks Museum.

These are a few of the many earmarks in housing which put aside money for specific projects and bypass the open, competitive process of selecting the most urgent and worthy projects, thereby limiting the funds available to communities around the country who are not fortunate enough to reside in a community with a Senator on the Appropriations Committee. In total, $93.2 million of the $4.8 billion for CDBG is earmarked for projects selected for special set-asides.

Contained in both the bill and the Senate report is an exemption for Alaska and Mississippi from the requirement to have a public housing resident serving on the board of directors of PHAs for FY 2000.

Also contained in the bill is a provision preventing Peggy A. Burgin from being disqualified on the basis of age from residing at Clark's Landing in Groton, VT. While I do not know the specifics of this situation, I do know that providing relief to a specific individual is no more appropriate than providing funding for a specific project or entity.

This bill also funds the Environmental Protection Agency (EPA) which provides critical resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. Protection of the environment is among our highest responsibilities. I strongly support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a close review of this year's Senate bill and report for EPA programs, I find it difficult to believe that we are responding to the most urgent and pressing environmental issues. Instead, I am disturbed by the continuing trend to focus spending on more parochial interests rather than on environmental priorities. In this year's bill and report, I found nearly $207 million in unrequested, locality-specific, and low-priority earmarks.

There are many environmental needs in communities back in my home state of Arizona but these communities will be denied funding as long we continue to tolerate egregious earmarking that circumvents a regular merit-review process. For example, earmarks are directed in the amount of $750,000 for painting and coating compliance enhancement project at the Iowa Waste Reduction Center and an extra $200,000 for the University of Missouri-Rolla to work with the Army to validate soysmoke as a replacement for petroleum fog oil in obscurant smoke used in battlefield exercises. While these projects may be important, there is no explanation provided as to why the Administration did not prioritize them as part of its budget or why these projects rank higher than other environmental priorities.

The subcommittee also saw fit to provide $400,000 for a Sound Program Office in Long Island, New York. While this project may have merit, I cannot understand why we should spend almost half a million dollars on a project which does not appear to be related to an environmental issue.

Furthermore, this bill directs more funding toward universities for research or consortia rather than directing resources to local communities for environmental protection. For independent agencies such as the National Aeronautics and Space Administration (NASA), this bill also includes earmarks of money for locality-specific projects such as $3 million for a hands-on science center in Huntsville, Alabama, and $14 million for infrastructure needs of the Life Sciences building at the University of Missouri-Columbia. For the National Science Foundation (NSF), there is $10 million added for the Plant Genome Research Program.

The examples of wasteful spending that I have highlighted are only a few of the examples of earmarks and special projects contained in this measure. There are many more low-priority, wasteful, and unnecessary projects on the extensive list I have compiled. The full list is on my website.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests so that instead, we can serve the national interest.•

Mr. DORGAN. Mr. President, I rise today to say a few words about the Department of Housing and Urban Development's (HUD) Community Builders Program. Community Builders are providing an important customer service, and have been a key component of HUD's outreach efforts in rural states like North Dakota. As Mayor Carroll Erickson of Minot said: "Through the Community Builders, HUD has become more accessible to communities such as Minot and to rural states like North Dakota. This program is very effective and it should be retained." Or, as Grand Forks Mayor Pat Owens said: "HUD's increased outreach and consultation with non-traditional smaller communities is absolutely the right direction."

Mr. President, the Community Builders program was part of HUD's successful reorganization effort. Community Builders in North Dakota provide technical assistance that is absolutely vital to rural communities. Those who have used the program have praised it as an example of government's ability to provide helpful, efficient customer service.

It would be a shame, Mr. President, for this successful program to be terminated even as it is starting to yield results. I urge the conferees to strongly support this program. I urge them to enable HUD's Community Builders to continue their important work of serving America's rural and urban communities.

Mr. ROBB. Mr. President, I'd like to take just a few moments to express my concern about the funding of the Round II Empowerment Zones. I recognize how difficult your job is to balance all the priorities within the VA–HUD appropriations bill, but I want to make the managers of this legislation aware of how important Empowerment Zones are to communities nationwide. While I will continue to seek a bill that will enact full funding of the Round II Empowerment Zones, we need to make sure there are adequate funds to continue the economic revitalization efforts this year.

Quite simply, the Round II Empowerment Zones and Enterprise Communities represent a commitment made by the Congress in the 1997 Taxpayer Relief Act which approved a second round of competition for 20 new empowerment zone designations. Congress did not follow through with the grant money that complement the tax incentives that have already been approved. Without this funding, they will fall short of their goals, particularly in their ability to leverage funds.

The Empowerment Zone program is of special importance to me because of my support of the efforts of Virginia's Norfolk-Portsmouth Empowerment Zone. Norfolk-Portsmouth took the first step to reclaim their community when they won an Enterprise Community designation during Round I competition. When Congress approved the Round II competition two years ago, Norfolk-Portsmouth won an "upgrade" to full Empowerment Zone status. This means that Norfolk-Portsmouth has more resources to leverage millions in public and private sector investments. Continued funding means a more well-prepared workforce to complement the tax credits already approved to attract employers. And that's just scratching the surface of Norfolk-Portsmouth's potential. From May 1995 to June 1999, 60 percent of those completing training are employed, with another 16 percent involved in additional training. Other cities have shown results just as impressive within its first year: for example, in the Columbus Empowerment Zone in Ohio, they have so far created or retained 700 jobs in a zone that had a poverty rate of about 46 percent. Working with over 15 businesses in Columbus, they have already secured about $700 million in private sector commitments.

This type of investment in Norfolk-Portsmouth and other cities is an example of public-private partnerships at their very finest. Empowerment Zones work because people in the community—local government, the private sector and civic organizations work together to create a vision for their community and a strategic plan to achieve it. This kind of collaboration, designed and created for the people of the community by the people of the community, use public, private and non-profit funds to create economic and community revitalization.

Without question, our nation is experiencing good economic times. But if we are to include those who are striving mightily to also participate in our economic prosperity, the time to do so is now. One way we can do this is by supporting the work of the Round II designees.

With some additional appropriation in the VA-HUD bill, the Round II designees will have just enough to continue the work they're doing. The Administration is fully behind this effort and I understand they will be working on this issue with the Chair and Ranking Member.

I hope the money allotted to Round II Empowerment Zones in the Housing and Urban Development budget and approved by the President will be restored.

Mr. KENNEDY. Mr. President, I have several concerns about provisions in the pending bill, especially the failure to provide any housing vouchers and the termination of the community builders program.

We are all aware of the critical need for housing vouchers for low income families. Our nation is experiencing tremendous economic growth and expansion, with record low unemployment. Yet it is clear that for many families the cost of housing is still out of control.

In Boston, housing affordability is a problem for many families, and it is becoming a problem for businesses as well in their efforts to attract and retain employees.

The Clinton Administration has requested 100,000 new housing vouchers in this bill. Such vouchers will not solve the housing crisis, but for the families helped, this will go a long way toward stabilizing their families and helping them to lift themselves out of poverty to economic self-sufficiency. Yet this bill provides not one new voucher.

We are all aware of the budget constraints under which we are operating. Yet it is unacceptable not to find any resources to address this unmet need.

Another issue that deserves higher priority is the Community Builders program, which is an important element in making HUD a better, more effective, more customer-responsive agency.

The Community Builders program has helped improve the way HUD works and interacts with its customers and clients, the American people.

These Community Builders are people with impressive experience in the housing and community development world. Their expertise helps HUD to meet the needs of communities throughout our nation.

Now, however, after these Community Builders have been hired, and in many instances, relocated in order to serve the communities in which they are most needed, the pending bill proposes to eliminate funding for the program. This step would be a serious waste of the investment that has been made in hiring these qualified and talented men and women who are willing to share their expertise to improve the way HUD serves the American people.

I urge my colleagues to address both of these issues as the conference committee works to reconcile the House and Senate bills. At a time when Secretary Cuomo has taken such significant steps to improve the management of the agency, we should not undermine programs which are meeting important needs and improving the way HUD serves the American people.

Mr. CLELAND. Mr. President, I come before the Senate today to address an issue of critical importance for the people of my State of Georgia and the Nation. It is a matter of personal relevance to me. The issue is our treatment of our nation's veterans and particularly their health care.

Upon returning from Vietnam after sustaining my injuries, I was introduced to the VA system, where I received quality care from a VA hospital. It was then that my awareness of veterans and veterans issues took hold. Since then, not only have I been a patient, but I also had the honor of serving as the Administrator of the Veterans Administration during the Carter Administration.

This year has seen a welcome and overdue increase in attention to the plight of our nation's veterans. I salute the Chairmen and Ranking Members of the Appropriations Committee and the VA/HUD Subcommittee for their successful efforts to increase funding in this bill for veterans health care, and I regret that the Senator from Minnesota's attempts to provide an even more adequate boost in such funding were not approved.

I am particularly proud that earlier this year the Senate passed my legislation to establish new national cemeteries not only in Metro Atlanta, but also in Pennsylvania, Florida, California, and Michigan—the areas with the greatest documented need for such facilities. While I understand the difficult budgetary constraints which confronted the VA/HUD Subcommittee, I believe it is unfortunate that no funding or report language consistent with the authorizing legislation for new national cemeteries has been included. I have an amendment which would seek to correct this shortcoming, at least with respect to the Metro Atlanta cemetery.

I also introduced the Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999. This legislation would provide the opportunity for Federal employees, as well as current and retired members of the uniformed services, to obtain long-term care insurance to assist them with nursing home or other long-term care. Working closely with the distinguished Ranking Member of the VA/HUD Subcommittee as well as a number of other Senators from both sides of the aisle, we are close to having a consensus bill which I hope will receive favorable Senate action in this Congress.

This year has also seen the passage of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act. Included in the bill is language from S. 918, the Military Reservists Small Business Relief Act, which I cosponsored. The bill provides financial and technical assistance to veteran-owned small businesses through the Small Business Administration (SBA).

It also offers assistance to businesses owned by reservists during and following times of military conflict. America's reservists and veterans supported our nation, and it is now time for our nation to demonstrate its commitment to them and their small businesses.

We are here today, Mr. President, to debate and approve the VA/HUD appropriations budget for fiscal year 2000. It is with a renewed sense of hope that I will support this legislation, which will represent the first real increase for veterans programs after a five year flatlined budget. The House has already supported the $1.7 billion increase for the VA, and with the Senate's earlier action on this bill, we are now in agreement with the House position.

The VA estimates that there are 25.6 million veterans in America. Our nation is proud to count within its population 3,400 World War I veterans, 5,940,000 World War II veterans, 4,064,000 Korean War veterans, 8,113,000 Vietnam War veterans, and 2,223,000 Gulf War veterans. My home state of Georgia has a veterans population of 667,128.

Department of Veterans Affairs facilities have grown over the years from 50 hospitals in 1930 to today's 171 medical centers, 350 outpatient, community, and outreach clinics and 126 nursing home care units.

The Department of Veterans Affairs has undergone many changes in recent years. I appreciate the general direction in which this agency is moving to answer the challenges of the new millennium. Unfortunately, these changes, exacerbated by under funding, have too frequently disrupted the service systems for our veterans. The VA has found cost savings and efficiencies in outpatient care, a departure from the long-term hospital care of the past. This shift allows the VA to reach beyond the normal geographic locations through Telemedicine and Telepharmacy to Medicare subvention. I support these proposals to move the VA beyond the large hospitals to more rural and small markets to provide access to all veterans.

Despite these new directions, there is still more to be done. As I stated, this is the first significant increase in the VA budget in five years. The department is seeing a rise in veterans seeking treatment because of the recently enacted VA enrollment plan and the aging of our veterans population. The VA estimates an increase in total patients to 3.6 million in 2000, up from 2.7 million in 1997. However, with this growing patient load, the VA is currently estimating a reduction in VA employment of up to 8,000 employees in the medical system alone. This fact was recently brought home to me by announcements of serious potential reductions in force at the VA in Augusta if the VA budget is not boosted.

As President Coolidge was quoted as saying, "The nation which forgets its defenders will be itself forgotten." Simply put, our veterans community—who won the two great World Wars of this Century, vanquished Saddam Hussein and Slobodan Milosevich, and served honorably and well in Korea and Vietnam—needs our support. Our former service members should not only be the first in our hearts, but the first in our priorities when it comes to keeping the promises of the nation. They kept their commitment to us, let us fulfill our promise to them. I yield the floor.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2684), as amended, was passed.

Mr. STEVENS. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

The Presiding Officer (Mr. BUNNING) appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. BYRD and Mr. INOUYE conferees on the part of the Senate.

Mr. LOTT. Mr. President, before we leave the floor, I commend the chairman of the VA-HUD appropriations subcommittee, Mr. BOND, who put a lot of effort into getting this legislation ready to consider on the floor, and, as always, the very cooperative spirit and dedication of the ranking member, Senator MIKULSKI from Maryland. The two of them make a great team. They were able to move a very large bill with a lot of issues that could have been very difficult to deal with. I commend them.

Also, I thank the chairman of the full committee whom we have to call the ultimate player. He is chair of the full committee, chairman of the Defense Subcommittee, and he fills in on the VA-HUD subcommittee. I am sure he is watching the agriculture conference, the energy and water conference. A person has to be dexterous to be chairman of the committee. I commend Senator STEVENS for his willingness to do all of that and to be here to help wrap up this bill.

I thank the committee for their efforts.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, would like to express my very deep appreciation to the chairman of the full Appropriations Committee, Senator STEVENS, as well as the ranking member, Senator BYRD. On two occasions their direct intervention enabled us to move this bill, first to add the $7 billion, where we were below last year's funding. We were very appreciative because without that we could not have moved this or else we would have been in gimmicks and a variety of other things. Also, Senator STEVENS and Senator BYRD gave us the opportunity to add $600 million in veterans funding. Therefore no facility will be closed. We will be able to meet the needs of our veterans.

So I thank the Senator from Alaska as well as the Senator from West Virginia, Mr. BYRD, for helping us to move this bill. I also express my appreciation to Senator BOND for all his help in moving this bill, the consultation with the minority party, the collegial relationships, and essentially being able to meet the needs of the American people.

I thank Senator BOND's staff, Jon Kamarck, Carrie Apostolou, Cheh Kim, and Joe Norrell for all their hard work on this bill, and a special thanks to my own staff, Paul Carliner, Sean Smith, and Jeannine Schroeder.

I am proud of the bill we passed today because I believe it takes care of national interests and national needs. I also believe that this bill provides a solid bridge between the old century and the new century. In the old century, we saw the ravages of war and the ravages of the environment.

Now we are ready to complete our move from the industrial age to the information age, and the programs this bill funds will allow us to do that.

This bill provides an opportunity structure for home ownership and wider opportunities for educational advancement. In addition, it will allow us to stay the course in technology. Our mission is to honor the old century, but move swiftly into the new one.

The VA-HUD bill is about: meeting our obligations to our veterans, serving our core constituencies, creating real opportunity for people, and advancing science and technology.

Perhaps the most important is the need to ensure that we keep the promises we made to our veterans. The bill we passed today provides $19 billion in funding for veterans health care, and the Byrd-Bond-Mikulski-Stevens amendment provided $600 million in additional funding, an increase of $1.7 billion over the President's request. In addition, I am pleased that we were able to maintain funding for VA medical research at $316 million.

The VA plays a very important role in medical research for the special needs of our veterans, such as geriatrics, Alzheimers, Parkinson's and orthopedic research. The entire nation benefits from VA medical research—particularly as our population continues to age.

We also provide full funding to treat Hepatitis C, which is a growing problem among the veterans population, particularly for our Vietnam Veterans. This bill funds the State Veterans Homes at $90 million. The State Homes serve as our long-term care and rehabilitation facilities for our veterans. I am also pleased that the bill includes important language related to the Ft. Howard VA medical center that will ensure quality care during its transition to a mixed-use facility.

We have also made sure that we take care of our working families by funding housing programs that millions depend upon. The bill that we brought to the floor yesterday provides $10.8 billion to renew all existing section 8 housing vouchers. That means those who have vouchers will continue to receive them. I hope that should additional funding become available, we will be able to provide additional vouchers. I am pleased that we also maintained level funding for other critical core HUD programs.

Funding for housing for the elderly and the disabled has been increased by $50 million over last year, with additional funding for assisted living and service coordinators within the section 202 program. Homeless assistance grants are funded at the President's request.

In addition, we have funded drug elimination grants and Youthbuild at last year's level, and the Community Development Block Grant Program is funded at $4.8 billion.

I'm pleased that we were able to provide funds for several projects in my home state: $750,000 for the Patterson Park Community Development Corporation to establish a revolving fund to acquire and rehabilitate properties in East Baltimore; $1,250,000 for the University of Maryland—Eastern Shore for the development of a Coastal Ecology Teaching and Research Center; $1,250,000 for Prince Georges County for the revitalization of the Route 1 corridor. In addition, I have included report language that directs HUD to continue its efforts to bridge the information technology gap in communities through its "Neighborhood Networks Initiative."

The Neighborhood Networks Initiative brings computers and internet access to HUD assisted housing projects in low income communities. This will help us to ensure that every American has the ability to cross what Bill Gates has called the "digital divide." I have seen the results of the Neighborhood Networks Initiative firsthand in Baltimore, and I look forward to seeing it in many other communities across the country.

With regard to NASA funding, I was extremely troubled by the House version of the bill. The House bill included devastating funding cuts to America's space agency, including the Goddard Space Flight Center and Wallops Flight Facility. The House bill cuts 2,000 jobs at Goddard and Wallops. The Senate bill we pass today will save 2,000 jobs at Goddard and Wallops. I fought hard to restore funding for NASA, and I am truly pleased that this bill will save those jobs. NASA is fully funded in this bill, at $13.5 billion, the same as the President's request. Funding for the space shuttle, space station, and critical science programs are funded at the President's request.

National Service is funded at $423 million, a slight reduction from last year. I continue to hope that this funding can be increased as we move toward conference. National Service has enrolled over 100,000 members and participants across the country in a wide array of community service programs, including: AmeriCorps, Learn and Serve America, and the National Senior Service Corps.

With regard to the EPA, the Subcommittee has provided $7.3 billion in total funding. The Subcommittee increased funding for EPA's core environmental programs: $825 million for the drinking water state revolving fund, and $1.3 billion for the clean water revolving fund, including $5 million for sewer upgrades in Cambridge and Salisbury, Maryland.

Taking care of local communities infrastructure needs has always been a priority for me and this committee. We also provided $250,000 for a Kempton Mine remediation project. Superfund is funded at $1.4 billion, down slightly from last year.

I'm especially pleased that we were able to support the President's full request for the Chesapeake Bay Program Office—over $18 million—for FY 2000. The Chesapeake Bay Program Office is a leader in efforts to restore the Chesapeake Bay ecosystem for future generations. We also increased funding for the Chesapeake Bay Small Watershed Program that helps our small communities and prevents runoff and pollution.

FEMA has $1 billion in the disaster relief fund. The bill we pass today adds $300 million to the disaster relief fund. This will help people in the Eastern United States who are still dealing with the horrible aftermath of Hurricane Floyd. That is why I'm glad that this bill was passed, and that FEMA will continue to be able to help those who are affected by natural disasters. We will await any further Administration request for disaster assistance in light of Hurricane Floyd.

The National Science Foundation is funded at $3.9 billion, which is $250 million more than fiscal year 1999. This funding level will allow us to make critical investments in science and technology into the next century. The funding increase for NSF is an important step for maintaining our science and technology base.

Mr. President, I recognize that there may have been certain provisions in this bill that members may have disagreed with or opposed. I acknowledge their concerns. But I am very pleased that we worked together to pass this bill today, and I hope we can resolve any outstanding differences as this process continues. I believe the VA/HUD bill is good for Maryland, good for America, and good for the American people who rely on the programs it funds.

I thank Senator BOND and my colleagues once again for their support for this bill.

Mr. STEVENS. Mr. President, I see the distinguished Senator from West Virginia. Does he seek the floor?

Mr. BYRD. Yes.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, no Senator in this body exceeds the Senator from West Virginia in his appreciation of the work that the Senator from Alaska does as chairman of the Appropriations Committee. He is an outstanding chairman. I am proud to serve with him. He always works with me in these matters concerning allocations, and I cannot find the words to adequately praise him. He is doing an excellent job. No Senator in this body, including the Senator speaking, could ever be a better chairman of that committee than Senator STEVENS.

I served with a lot of chairmen of that committee over the years, but it is a two-way street. It is a team effort. This Senator contends it will always be that, whether I am ranking member or whether I am the chairman. I try to give my full cooperation to Senator STEVENS. We have never had a difference on the committee, not when I was chairman—he was not the ranking member at that time, but he has done an excellent job. He has seen the need to increase the amount of moneys for veterans' health care, and upon several occasions I have talked with him about the need to increase the amount. I took the lead, inside the committee, in increasing that amount by $1.1 billion. He fully supported me. It is the chairman, in the main, who decides how much money will be allocated to the various subcommittees. But I believe it is my job as ranking member to work with him. If I have any differences, I let him know, but I have never had any differences with Senator STEVENS.

So I wanted to add my compliments concerning the distinguished Senator. I also want to compliment Senator BOND, again, the chairman of the VA subcommittee, for the excellent work he has done on that subcommittee. I compliment the ranking member, Senator MIKULSKI, for the work she does. When she was chairman of that subcommittee, she was one of the best subcommittee chairmen—I don't say chairperson—she was one of the best chairmen that we had of any subcommittee.

I did not want this day to pass without this lowly ranking member having an opportunity to say some good words about the people who are entitled to commendation. It doesn't make any difference to me whether they are Republicans or Democrats. If they are entitled to commendation, I give it to them.

So I applaud you, Mr. Chairman, not only for doing a good job but for being the fair and considerate Senator that you are, and also a fair and considerate chairman as well. Again, I have to say some good words about Senator BOND, Senator MIKULSKI. They could not be better. They could not be more fair. They could not be more considerate.

They are hamstrung, as you are, Mr. Chairman, by the fact that we do not have enough money. I am for raising the caps. I am for telling the American people the truth. We need more money. Let's raise those caps. I am not a bit backwards about saying I support raising the caps. We have to meet the people's needs. I hope we will get around to that. I think we are going to have to do that before it is over.

I thank Senators for their patience for listening, but I wanted to get in my two cents' worth of commendations also.

Ms. MIKULSKI. I thank the Senator very much.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am sure Senator MIKULSKI and Senator BOND appreciate those kind words from the Senator from West Virginia as much as I do. I do thank the Senator for his cooperation and willingness to work with me as chairman of this committee. It is a distinct honor to follow him as chairman.

We should mention, on our side, the help of Paul Carliner, Jeannine Schroeder, and Sean Smith, who worked with Senator MIKULSKI. This has been a very fine working team. Senator BOND, Senator MIKULSKI, and the team of both the majority and minority have worked very hard to meet the needs of the agencies and the American people under this bill, under some very difficult circumstances in regard to ceilings and limits under which they had to live. I, again, emphasize the Budget Committee has filed a statement saying this bill is within the budget.

MEASURE PLACED ON THE CALENDAR—H.R. 1402

Mr. STEVENS. I now ask unanimous consent H.R. 1402 be placed on the calendar. That is the class 1 milk structure bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, again I thank the members of the VA–HUD appropriations subcommittee and the full committee for their good work. Also, I am pleased we were able to work out an agreement as to how we could proceed for the remainder of the day. We have now completed action on the VA–HUD appropriations bill. The education issue that was being discussed earlier by Senator DASCHLE, Senator GREGG, and Senator KENNEDY, and others who will be commenting in a few minutes, those two issues will be considered back-to-back on Monday.

There will, obviously, be no further votes today. The next votes will occur at 5:30 on Monday. As it now stands, there will be two votes at that time.

The Senate has done good work this week. In addition to completing action on the VA–HUD appropriations bill, after a lot of delay and unnecessary obstruction, in my opinion, we were able to complete the Interior appropriations bill, and we also passed, by an overwhelming vote, the defense authorization conference report for the year—a good bill. Senator WARNER and his Armed Services Committee members, Senator THURMOND, Senator LEVIN, did an excellent job on that bill. I certainly expect and hope the President will sign the defense authorization conference report and, hopefully, the Interior Committee conference will get underway on Monday, and the VA–HUD conference as well.

That leaves only one appropriations bill to be considered in the Senate before all 13 of them will be completed. I believe we are well ahead of where we have been in many years in getting that done. It is actually possible that we could get the Labor-HHS-Education appropriations bill up by Tuesday or Wednesday of next week and either complete it before the end of the fiscal year or within a day of that, and then, of course, go to conference.

Will it be easy? No. I am sure it is going to be an interesting debate, but that is as it should be. I look forward to completing that work and moving forward with the appropriations conference reports. I hope there will be one or two conference reports that might be available on Monday. Whenever they become available, we will consider them that day or the next day. Energy and water is close to being completed, I believe, and Agriculture is still in the mill. We hope to get those done.

I do want to emphasize that I think the way we worked out handling this education issue is much better than having it on the VA–HUD appropriations bill. It does not relate to the VA–HUD bill. I did not think it should have been offered on that appropriations bill, even though it was offered as a sense of the Senate. It is better to handle it the way we have agreed to do it.

Senator DASCHLE seemed to question whether we intended to go to the Labor-HHS appropriations bill. I have been saying for weeks we intend to do it. As soon as the committee reports it out, we will have it on the floor as soon as the rules allow. I have been saying next week for its consideration. Education amendments, I am sure, will be offered next week when this bill is considered in the Senate.

REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. LOTT. Mr. President, I want to comment a bit about education. First, let me lay down a predicate about myself. I feel very strongly about the need for quality, safe, and drug-free education in America. We have lost our edge in education. Our kids are not getting as good an education as they should. In fact, I do not think they are getting as good an education as we were getting in the fifties and sixties. There has unfortunately been a steady decline in our schools. While some schools are doing a little better and some scores are, in many areas our schools are not what they should be.

I said three things: Quality, safe, drug-free schools. We have a lot of work to do in these areas.

I will not stand second to any Member of the Senate when it comes to feeling strongly about education and advocating on behalf of education, but it has to be done in the right way.

What has happened is the education establishment is firmly entrenched in the status quo. They believe that we should stay in this box, and we should not change it and, by the way, it should be run from Washington. That is not the answer, in my opinion.

I want to make this clear: While I think we should have choice in education, I am a product of public education from the first grade through the second, third, and fourth grades where I went to school at Duck Hill, MS, and I had better teachers in the second, third, and fourth grades in Duck Hill, MS, than I had the rest of my life. They were probably better than most people have had in these very fancy and better funded schools. Those teachers loved their students. They worked hard and taught us the basics. I have never forgotten them, and I appreciate what they did.

I went to public school all the way through college and law school. So did my wife, so did my son, and so did my daughter. So when some Senators get up and pontificate that we cannot allow students to have choice, that we have to save public education—let me be clear, I want public education. I want every student, regardless of religion, income level, race, sex, or anything else, to get a good education. But the tragedy is that that may not always be in a particular school. If a public school in your neighborhood is not doing the job, you ought to be able to leave.

Some people say if that happens, the bad schools will fail. Right. It is called competition. Produce, give quality education, drug-free and safe, or get out of the business.

To tell students—intelligent students, needy students, poor students—they have to go to this school no matter what is wrong. Why is it in America that our elementary and secondary education is ranked 17th in the world and yet our higher education is No. 1 in the world? What is the difference? Why are we doing so poorly at the elementary and secondary level and doing so well in higher education?

There are a couple of simple answers. First of all, when you finish high school, rich or poor, whatever State you live in, you have a choice: You can go to work if you have had vocational education in high school, or you can go to additional training. You can go to a community college, you can go to a State university, you can go to a parochial college, you can go out of State, you can go to Harvard. You get to choose what fits your needs. But in elementary and secondary education, oh, no, you have to do it the way we tell you in this box. No choice. That is one problem.

The second problem is financial support. I am from a poor, blue-collar family. When I was in college, I worked and got a loan which, by the way, I paid back 1 year after I graduated. I could not have made it, though, if I had not been able to work for the university and get loans.

In America—and I hope every student in America and every parent hears me now—in America, when every child finishes high school, they can get a college education. No doubt about it. Some people say: I come from a family with no money. Hey, I was in a family with no money. At one point, I had no family. But I got a loan. Other students can get a grant or a supplemental grant or a State scholarship, a private scholarship. The financial aid is there. Every student can get an education in America.

There is financial aid when you go to college but not when you are in elementary and secondary school. Senator COVERDELL wants to remedy that. He wants to allow parents to save for their children's education so that the financial support will be there to choose a different school if you want to, to help you with the books, to help you get a computer, to help you get a uniform if that is what you need—choice and financial opportunity.

I want to add this: I am the son of a schoolteacher, and I still act like one sometimes. At times, my staff brings in a letter which has bad grammar. I feel a little guilty, but I start marking on it: This is surplus language; this is not correct grammar.

My mother taught for 19 years. So I care about education. I worked for 3 years of my life at the University of Mississippi. I worked in the placement office helping students get jobs when they graduated, and I worked in the financial aid office. I was the one who added up the numbers to see if a student got a grant or a loan. I met with the students. I handled the scholarships. The best scholarship in the university was a Carrier scholarship. I interviewed the students who applied for it.

When I finished undergraduate school, I worked in the placement bureau of the law school to help law students find employment in law firms, and I was head of the law alumni association. So I have had experience in the academic sphere of the university.

One of the great things I did for 2 years is I went to every school in the State of Mississippi—every one. I met with the students, I talked with the teachers, I talked with the guidance counselors. I was a member of the State Guidance Counselors Association. I went into schools. I actually stood outside and looked at some buildings and said: I am not sure I want to go in there; this may fall down.

I remember the commitment of the teachers. I remember the efforts of the guidance counselors. I really believe education was better then than it is now, and that is sad. We have to do something about that.

When some people allege that Republicans do not care about education, they don't know what they are talking about. I will put my credentials, my background in public education, my feelings about education against anybody in this Chamber. Our party, the Republican Party in the Senate, has determined that education is our first priority. S. 1, the first bill I introduced, improves education. We want full funding for education. I want to fund education at the level the President asked for and more, if we can find a way to do it.

But there is a key difference: We want to do it differently.

I have no confidence whatsoever in this body or in any bureaucrat in Washington, DC, to make the right decisions on education—none. The teachers, the parents, the students, the communities in Wyoming and in Mississippi, know best what those students need. They know their students. They know their needs. They know the community. They know what they can afford. They know what they can spend. And they do not need some nameless, faceless bureaucrat or some Senator from some other State telling them: You are to spend it here or spend it there.

I trust the people; I trust the teachers at the local level. I do not trust the unions. I do not trust the Department of Education. I voted to make it a separate Department because I thought it was being undermined in the old Department it was in; it was gobbled up by other things. Maybe I made a mistake. I want to give education a high priority, but I do not think this Department up here, inside the Beltway, in this administration or in previous administrations, has helped education much. They are part of the problem. Let the local people make the decisions.

I want to make this point, too. There are those who say what we need is more money. Yes, everybody comes to Washington knocking on the door: I need more money. We need bigger Government. That is ridiculous. We are wasting too much of the people's money here in Washington, DC. We do not need more money in this Government.

When was the last time any Senator had somebody show up and say: Hey, we can do better with less? No. The American people say they want a balance. The American people say they want to make sure we do not spend the Social Security surplus. But yet then the professional lobbyists say: We want more.

It is all good. I am from an agricultural State. Agriculture wants more. I appreciate what the veterans have done for our country. Veterans want more. Armed services are important for the future security of our families. They need more. We would like to have the American dream of having a home available for everybody. Fine. I think it ought to be done in the private sector. I think the Department of Housing and Urban Development, as a whole, is a miserable failure. I could go down every Department, every agency; and I support a lot of them.

I do support ships being built in my hometown of Pascagoula, MS. But I do not see a hunk of steel. I see pipe fitters, boilermakers, laborers. I see men and women and Indians out there pulling those steel lines, running those cranes, and providing for the defense of our country. I wanted more money for NASA, but you cannot have it both ways.

One of the interesting things about the resolution that was introduced by Senator KENNEDY and Senator DASCHLE here today is —they talked about some of the problems in education and that funding should be increased in programs right across the board. They want the Federal Government to start hiring local teachers —Federal Government dictates: There have to be X number of students in a classroom.

We need more money for afterschool programs, more money for the Safe Schools Program, more money for elementary and secondary education—more money, more money, more money.

Then it says—this is what is really ingenious—more money for everything. And, by the way, "the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize"—great, great.

If somebody shows up and tells me how we can increase every program in the Federal Government and stay within spending limitations, I will give them a prize.

There are those who have a way to do it. It is called more taxes. Yes, let's increase taxes—somewhere, someday, user fees. Let's find more money to come to Washington.

We do not need more money in Washington. The people need to keep their money back home. The American people are overtaxed. Their taxes are too high. They are unfair. They are complicated. When the people were told what we had in our tax cut package, they said: Yes, we support that.

But you can't have every nickel you want spent in Washington and have fiscal responsibility and have tax relief for working Americans, young families, such as my own daughter who just got married in May. She and her husband both work because they do not have a lot of money. By the way, they are going to pay more in taxes this next year than they did the previous year just because they got married. What a ridiculous set of circumstances.

We wonder why we have troubles having the traditional family survive. One reason is that you get taxed if you get married, for Heaven's sake.

In America, you get taxed if you die. When I get to the end of my road, after my life's work, I want two things, and that is all. I want my name to be decent and clean, and I want my kids to be able to have whatever I have earned. I do not want Uncle Sam showing up saying: Give me half of it. Nobody of any income level can defend the death tax. It is totally ridiculous.

We have a resolution that I believe is better than what was proposed by Senator DASCHLE and Senator KENNEDY. So I send this resolution to the desk and ask for it to be printed at this time. I will send it forward in a minute.

Let me just read this resolution into the RECORD because I think it is a good resolution. I want the American people to know what we think about education.

> Whereas
>
> The fiscal year 2000 Budget Resolution [that passed the Congress] increases—

Hear me now—

> education funding by $28 billion over the next five years, and $82 billion over the next ten years.

We are not stingy when it comes to education. Our budget resolution says we are going to have more:

> The Department of Education received a net increase of $2.4 billion in FY 2000 which doubles the President's request.

I do not understand what Senator KENNEDY and Senator DASCHLE are talking about.

> Compared to the President's requested levels, the Democratically controlled Congress' appropriations for 1993–1995 reduced the President's funding requests by $3.0 billion.

The Democrat Congress reduced the President's request for education by $3 billion.

> Since Republicans took control of Congress, federal education funding has increased by 27%.

Maybe 100 percent would be better, but we are doing the job. We need a little credit for what we have been doing.

> In the past three years, the Congress has increased funding for Part B of [the IDEA program]—

Where we have made a commitment, fulfilled over a period of years—

> by nearly 80%, while the Administration's fiscal year 2000 budget only requested a .07% increase which is less than an adjustment for inflation.

Remember what happens. Schools are being told by the Federal Government: You must comply with IDEA. You must provide the special education. The schools are saying: But if we spend that money and you do not do your share, it means we have to take from somewhere else.

The most difficult thing the schools across this country are having to deal with is complying with special education requirements and the Federal Government not doing its share. That is what our resolution focuses on. We should give schools the flexibility to use this money to comply with IDEA or use it in other areas.

> Congress is not only providing the necessary funds, but is also reforming our current education programs. Congress recognizes that significant reforms are needed in light of the following troubling statistics:
>
> 40% of fourth graders cannot read at the most basic level.
>
> In international comparisons, U.S. twelfth graders scored near the bottom in both math and science.
>
> 70% of children in high poverty schools score below even the most basic level of reading.
>
> In math, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools.
>
> Earlier this year, the 106th Congress took the first step toward improving our nation's schools by passing the Education, Flexibility and Partnership Act . . .

Really simple: We just allow the schools at the local level to make the decisions where to spend all this Federal money that is going to be available to them. Really simple. It will work. And the teachers and the Governors and the parents say, yes, that makes sense.

> This year's reauthorization of the Elementary and Secondary Education Act will focus on increasing student achievement by empowering principals, local school boards, teachers, and parents. The focus should be on raising the achievement of all students.

In other words, we say: We are going to give you the flexibility, but we expect results. You are going to have to show some results.

Also:

> Congress should reject a one-size-fits-all approach to education.

What is good in Boston, MA, just may not be good in Boise, ID, or in Laramie, WY, or certainly not good in Pascagoula, MS. We have different needs. We ought to have that flexibility to address the needs we do have.

> Parents are the first and best educators of their children. We have to find ways for the Congress to support proposals which provide parents greater, not less, control and input into the unique educational opportunities we want for our children.
>
> Every child should have an exceptional teacher in the classroom.

We have a program in Mississippi—I am trying to remember who did it—but a philanthropist gave every classroom in Mississippi, or at least every school, a computer. I was talking to a local educator recently. He said: That's real nice, but in many of those schools, those computers are still sitting in the boxes in the hallways or in the backs of the rooms because the teachers don't know how to use the computers, let alone how to teach the use of the computers.

Technology is great. We have to make sure, though, that the teachers have the ability or at least can be trained or have access to training so they can use the modern technology.

Our whereas goes on. It just says that Congress will continue its efforts to improve the Nation's schools by reauthorizing the Elementary and Secondary Education Act, guided by the principles I have been referring to above; that is, more flexibility, more control by the teachers and the school boards, and more involvement by the parents.

We feel very strongly about this. The Democrats say: We will provide 100,000 teachers, hired by the Federal Government, and we want to start repairing roofs.

The quality of the buildings themselves and repairing roofs are a local issue. The Federal Government should not be doing that. While others will say, well, wait a minute, we need to help these schools and these States in repairing buildings, where does it end? If we proceed down the road where we start paying for building schools at the local level, we will have to build every school in America. That is where it will end. Sure, it is nice; people like it.

Let me tell my colleagues about the States. Every single State in the Nation has a surplus, more than they are going to spend. You say, well, maybe it is not much. It is almost $34 billion. If you have dilapidated schools in your State, I say: State, fix them. The Federal Government, Uncle Sop, is not going to pay for repairing roofs in Biloxi, MS. Let the people in Biloxi, in the State of Mississippi, do that. I am for it. I am for teacher pay raises, but the answer is not in this hallowed city that we stand. The answer is with the American people. I believe that. Give them the flexibility. When Senator KENNEDY said, basically, what we want is for Washington to run the schools, frankly, a bad situation could be worse. The Federal Government would mess it up.

So we have an alternative. We will be debating it again on Monday. I believe our alternative will pass. It should pass. But I am telling you right now, I am telling the President of the United States, William Jefferson Clinton, and I am telling everybody in this Senate, when it comes to education, TRENT LOTT is not going to yield to anybody, and the Republicans in Congress are not going to be run over by a bunch of additional Federal programs that will waste the money, should not be our responsibility, and will not get the job done. We are going to make it flexible. We are going to make it local.

This is going to be an interesting debate. I can tell you one thing: I am going to be at the debate because I am going to be involved in this. I care about it, and I know what will work, and I know what won't work. What we have is not working. We have to do it differently.

I beg the pardon of my colleagues for getting fired up and going on a little long, but I am not going to let those sorts of things be said on the floor of the Senate on education without an adequate response.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The Chair recognizes the Senator from Georgia.

EDUCATION FUNDING

Mr. CLELAND. Mr. President, it has been marvelous to listen to the eloquence of the distinguished Senator on the high-tech environment of Duck Hill, MS. It reminds me of my own educational background in Lithonia, GA, at little Lithonia Elementary School there. I worshiped my second- and third- and fourth-grade, fifth-grade teachers, too. But by no means do I want to go back to those days in 1953 and 1954.

This is 1999. We are fixing to go into a new millennium and a new century. I am afraid this country is about to go into this new century, with great opportunity ahead of it, with minimal opportunity for our citizens to take advantage of it.

Bill Gates, who has become preeminent as a thinker and an innovator, and certainly one who is interested in the cause of education, has put it clearly. He said: It is clear that our ability to continue benefiting from technology will largely depend on how well we educate the next generation to take advantage of this new era.

I don't think anyone really questions the wisdom of Mr. Gates. The challenge, of course, is to live up to that challenge Mr. Gates has put before us. He not only talks the talk; he walks the walk. Last week, Bill Gates pledged to spend $1 billion to provide college scholarships to thousands of deserving but financially needy students across the country. This gift is the largest individual contribution to education in history. We can learn something from the leadership our business leaders around America are now showing. I think the Senate leadership can learn something.

We are only 4 months away from the year 2000. We must not forget the future of this country is in very small hands. Yet despite all the rhetoric, the great speeches, and the fact that three out of four Americans in the latest Washington Post/ABC poll put improving education No. 1 on the national agenda, what we see here in the agenda of the Senate is a desire to raid the education pot to pay for other programs higher up on someone else's national agenda.

How do I say that? If the words of our distinguished majority leader are true and the tremendous commitment he has shown on the floor today is actually true, then I wonder why the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of this great Senate has reduced the money for education by 17 percent over last year's levels. If all this rhetoric is really true, why are we, in the background, in some subcommittee on appropriations, cutting 17 percent out of education funding from last year?

I agree with the words of Prime Minister Benjamin Disraeli, the great British Prime Minister of the last century, when he said for his countrymen in that century words that ring true for us as we go into a new century. He said: Upon the education of the people of this country, the fate of this country depends.

If I had to sum up our challenge as a Nation—and I am on the Armed Services Committee, and I know we are challenged in our military defense of this great Nation—I would say to you, without an educated workforce, without an educated defense force, we cannot compete in the world, either economically or in terms of our own defense.

The sad part about it is, every day in America almost 2,800 high school students drop out. The United States, once the leader in high school graduation among industrialized nations, now trails 22 nations and leads only 1, Mexico. This is not acceptable. This will not get us where we want to go in the next century. Each school year, more than 45,000 underprepared teachers, teachers who have not even been trained in the subjects they are teaching, enter the classroom. Who here among us believes this to be acceptable? I don't. Most fourth graders cannot read and understand a simple children's book, and most eighth graders can't use arithmetic to solve a practical problem—that according to a recent survey in Education Week. Who would argue in this body we have to do better?

Last year, there were 4,000 reports of rape and sexual battery in America's public schools. We have had an outbreak of violence in the schools. Remember Littleton, Jonesboro, Conyers? School shootings were unheard of in this Nation 20 years ago. Who here would not do everything in their power to restore safety and sanity to America's schools?

The truth is, Democrats and Republicans alike have to raise this to the top of our agenda. It is time to put education first and put first things first. We have to be willing to invest in the Nation's future, improve the recruitment and retention of professional teachers.

We have to improve our test scores, although that is not, in my opinion, the single-most important goal of our public educational system. The most important goal is to teach kids to think. I remember a story about Bill Gates. Out in Seattle, his mother went out in the garage where Bill was and said, "Son, what are you doing?" He said, "Mother, I'm thinking." That is the goal of our public educational system.

The Public Schools Excellence Act recognizes America's ability to attract and retain qualified teachers is key to quality education. S. 7, of which I am a cosponsor, would provide local school districts with the help and support they need to recruit excellent teacher candidates. I agree, the States are the leaders in educational improvement. They have to be. I was a State official, with 4 years in the State senate and 12 years as secretary of state. I spent more time as a State official than I have as a Federal official. But it is obvious, a lot of our school systems in our States can't get to where we need them to be without some Federal help. Who would deny that?

We need 100,000 new, trained, qualified teachers in this country. One reason is to reduce class size in grades 1 through 3. Every index I have seen of student performance—and part of the key to student excellence and achievement is the reduction of the pupil-teacher ratio, particularly in grades 1 through 3. No matter how you cut it, a teacher with 10 or 15 students in the class, regardless of where those teachers and students are—what State, what district, what county—they learn more and do better than a teacher who has 30 or 35 kids in the class.

We have another problem: 14 million children in the U.S.A. attend schools in need of extensive repair or replacement. I come from a State that is fast-growing, and it is hard to build enough classrooms, particularly in Metropolitan Atlanta. If you look around my State, a recent survey pointed out that in Georgia some 62 percent of our classroom buildings need repair. We have had legislation on the floor of the Senate to deal with this. We have not dealt with it.

There is another issue. Every day, 5 million children have to care for themselves in the hours before and after school. When I was growing up, in my hometown of Lithonia, when I came home—and my mother and father were working—my grandmother was there. I was not a latchkey kid. The truth is, in that key time period from 3 o'clock to 8 o'clock at night, half of all the violent juvenile crime in this country takes place. This is a key period for our youngsters in America. Why can't we help out?

Today, only a virtual handful of children participate in good afterschool care. Let's not cut educational funding from what it was last year by 17 percent. Let's not let this subcommittee, behind our backs, cut the feet out from under us as we make great speeches on the floor of how many of us support education.

Let us actually take a lesson from Bill Gates: Let us help our communities reduce juvenile crime by investing our dollars in afterschool care. That is one of the challenges before us and one of the programs that was cut by the subcommittee.

Let me say also that I think we ought to take the words of Benjamin Disraeli to heart as we enter this debate next week, as it is a truism: "An investment in education is an investment in the future of America."

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

ADMIRAL KIMMEL AND GENERAL SHORT

Mr. ROTH. Mr. President, I rise today to discuss an important—a historically important—vote taken in the course of our recent deliberations on defense policy. I am speaking of the rollcall vote this Chamber took on May 25 requesting the long-overdue, posthumous advancement of two fine World War II officers, Adm. Husband Kimmel and Gen. Walter Short. The Senate voted in support of the Kimmel-Short resolution, and I wish to take a moment to underscore the historic import of that vote.

As you may recall, Admiral Kimmel and General Short were publicly and wrongly accused of dereliction of duty and unfairly scapegoated with singular responsibility for the success of the fateful December 1941 attack on Pearl Harbor.

After the end of World War II, this scapegoating was given a painfully unjust and enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in wartime positions above his regular grade.

After over 50 years, this injustice remains a prominent, painful spur in the integrity of our Nation's military honor. After numerous official investigations totaling well over 30 volumes of thick text absolved these officers of dereliction of duty and highlighted gross negligence and ineptitude on the part of their superiors as predominant factors in the Pearl Harbor disaster, these officers still remain unfairly treated.

For those of you who are interested, I will shortly send to the desk for placement in the CONGRESSIONAL RECORD a set of excerpts from these investigations. This is a short document, but it poignantly highlights how unjust treatment endured by Kimmel and Short just does not correlate with the official history—the official documented history—of the Pearl Harbor disaster.

Anyone who looks over these few pages cannot but feel uncomfortable with how our Nation has so unfairly turned its back on these two officers who dedicated their lives to our own freedoms.

Mr. President, a great step, indeed an historic step was taken toward the correction of this injustice last May, on May 25 to be exact. This Chamber, the U.S. Senate, the legislative body our Constitution deems responsible for providing advice and consent in the promotion of military officers, voted and passed an amendment to the Senate Defense authorization bill that stated:

> This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

This resolution then requested the President to advance the late Rear Adm. Husband Kimmel to the grade of admiral on the retired list of the Navy and the late Maj. Gen. Walter Short to the grade of lieutenant general on the retired list of the Army.

Mr. President, the injustice suffered by Admiral Kimmel and General Short remains a flaw in the integrity of our Nation's chain of command and its unparalleled military honor.

In this regard, the Senate's vote on the Kimmel-Short resolution was of great historic importance. The Senate has every right to be proud of this vote. This Chamber, which under the Constitution is responsible for promotion of military officers of our Armed Forces, deemed the treatment of Kimmel and Short to be unfair and unjust and inconsistent with our national sense of honor.

That vote gave formal and official recognition to this injustice and highlighted it as a pernicious inconsistency in the application of our national understanding of military accountability.

It demonstrated that no wrong, no matter how distant in the past will be ignored by this Chamber. it correctly called upon the President to correct this injustice by advancing these two fine officers on the retired lists.

It is now up to the President to take this corrective action. I hope that he will not heed the contradictory conclusions of his advisors on this matter. While the Pentagon opposes the advancement of Kimmel and Short, they nonetheless recognize that, and I quote their own 1995 report, "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared."

How they square this conclusion with the reality that today Kimmel and Short are the only two officials to suffer from official sanction is beyond me.

I hope that the President of the United States will use his wisdom to listen beyond this contradictory and unjust advice. I hope that he will look at the official record compiled by over eight official investigations.

I hope that he will listen to the studied voice of the Senate and take the final step necessary to correct this injustice by advancing these two fine officers to their highest grade of World War II command on the retired lists.

Mr. President, the Senate has once again ably demonstrated that it is never too late to correct an injustice. I urge the President of the United States to do the same and advance Kimmel and Short to their highest grade of command as was done for their peers who served in World War II.

Mr. President, I ask unanimous consent to have an attachment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEY EXCERPTS FROM THE PEARL HARBOR INVESTIGATIONS

THE DORN REPORT (1995)

"Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared."

"It is clear today, as it should have been since 1946 to any serious reader of the JCC (Joint Congressional Committee) hearing record, that Admiral Kimmel and General Short were not solely responsible for the defeat at Pearl Harbor."

". . . the evidence of the handling of these (intelligence) messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels."

"The 'pilot', 'fourteen-point' and 'one o'clock' messages point, by the evening of December 6th, to war at dawn (Hawaiian time) on the 7th—not to an attack on Hawaii—but officials in Washington were neither energetic nor effective in getting that warning to the Hawaiian commanders."

THE ARMY BOARD FOR THE CORRECTION OF MILITARY RECORDS (1991)

"The Army Pearl Harbor Board (of 1944), held that General Marshall and the Chief of War Plans Division of the War Department shared in the responsibility for the disaster."

"The applicant in this case . . . must show . . . that the FSM (in this case Major General Short) was unjustly treated by the Army . . . the majority found evidence of injustice."

"In this regard, the majority was of the opinion that the FSM, singularly or with the Naval commander, was unjustly held responsible for the Pearl Harbor disaster."

"Considering the passage of time as well as the burden and stigma carried until his untimely death in 1949, it would be equitable and just to restore the FSM to his former rank of lieutenant general on the retired list."

"Recommendation.—That all of the Department of the Army records, related to this case be corrected by advancing the individual concerned to the rank of lieutenant general on the retired list."

THE ARMY PEARL HARBOR BOARD INQUIRY (1944)

"The Chief of Staff of the Army, General George C. Marshall, failed in his relations with the Hawaiian Department in the following particulars:

(a) To keep the Commanding General of the Hawaiian Department fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war, of which information he had an abundance and Short had little.

(b) To send additional instructions to the Commanding General of the Hawaiian Department on November 28, 1941, when evidently he failed to realize the import of General Short's reply of November 27th, which indicated clearly that General Short had misunderstood and misconstrued the message of November 27 and had not adequately alerted his command for war.

(c) To get to General Short on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost imminent break with Japan, though there was ample time to have accomplished this."

"Chief of War Plans Division War Department General Staff, Major General Leonard T. Gerow, failed in his duties in the following respects:

(a) To send to the Commanding General of the Hawaiian Department on November 27, 1941, a clear, concise directive; on the contrary, he approved the message of November 27, 1941, which contained the confusing statements.

(b) To realize that the state of readiness reported in Short's reply to the November 27th message was not a state of war readiness, and he failed to take corrective action."

THE NAVAL COURT OF INQUIRY (1944)

"It is a prime obligation of Command to keep subordinate commanders, particularly those in distant areas, constantly supplied with information. To fail to meet this obligation is to commit a military error."

"It is a fact that Admiral Stark, as Chief of Naval Operations and responsible for the operation of the Pacific Fleet, and having important information in his possession during this critical period, especially on the morning of 7 December, failed to transmit this information to Admiral Kimmel, this depriving the latter of a clear picture of the existing Japanese situation as seen in Washington."

"The Court is of the opinion that the deficiencies in personnel and materiel which existed in 1941, had a direct adverse bearing upon the effectiveness of the defense of Pearl Harbor on and prior to 7 December."

"The Court is of the opinion that Admiral Kimmel's decision, made after the dispatch of 24 November, to continue preparations of the Pacific Fleet for war, was sound in light of the information then available to him."

"The Court is of the opinion that Admiral Harold R. Stark, U.S.N., Chief of Naval Operations . . . failed to display the sound judgement expected of him in that he did not transmit to Admiral Kimmel . . . during the very critical period 26 November to 7 December, important information which he had regarding the Japanese situation, and especially on the morning of 7 December 1941, he did not transmit immediately the fact that a message had been received which appeared to indicate that a break in diplomatic relations was imminent, and that an attack in the Hawaiian area might be expected soon."

THE JOINT CONGRESSIONAL COMMITTEE REPORT (1946)

"The errors made by the Hawaiian commanders were errors of judgment and not derelictions of duty."

"The War Plans Divisions of the War and Navy Departments failed:

"(a) To give careful and thoughtful consideration to the intercepted messages from Tokyo to Honolulu of September 24, November 15, and November 20 (the harbor berth plan and related dispatches) and to raise a question as to their significance. Since they indicated a particular interest in the Pacific Fleet's base, this intelligence should have been appreciated and supplied to the Hawaiian commanders for their assistance, along with other information available to them, in making their estimate of the situation.

"(b) To be properly on the qui vive to receive the 'one o'clock' intercept and to recognize in the message the fact that some Japanese military action would very possibly occur somewhere at 1 p.m., December 7. If properly appreciated this intelligence should have suggested a dispatch to all Pacific outpost commanders supplying this information, as General Marshall attempted to do immediately upon seeing it."

TRIBUTE TO BRIGADIER GENERAL TERRY L. PAUL, UNITED STATES MARINE CORPS

Mr. LOTT. Mr. President, I would like to pay a special tribute today to Brigadier General Terry L. Paul, the Legislative Assistant to the Commandant of the Marine Corps and trusted friend of the United States Senate. After almost thirty years of honorable and dedicated service in the Corps, Brigadier General Paul will retire from active duty October 1st, 1999.

The Members of Congress and their staffs have come to know General Paul as a person who possesses a deep and abiding passion for the institution which he has served so faithfully—the United States Marine Corps. It is difficult to comprehend a Corps absent the ranks of a Terry Paul. His absence will be especially felt in the Office of Legislative Affairs where he served nine years in the Senate Liaison and most recently as the Legislative Assistant to the Commandant. He has set the standard by which all other Legislative Assistants will be measured.

The strength of the Marine Corps relationship with the Congress is in large measure due to the professional dedication of Brigadier General Paul. This relationship has been forged and nurtured over the years by his unrelenting resolve to establish a climate of mutual respect and understanding. The underpinning for this success was a rapport that was built on a credible and straightforward approach for dealing with issues, large or small. He possessed an innate ability to appreciate the environment in which he worked. It is through this understanding we can fully treasure the tenacity of Terry Paul to communicate the Commandant's message of "making Marines and winning battles" on Capitol Hill.

Brigadier General Paul's imprint will resonate through these hallowed halls and unto our Nation long after his departure. Through the foresight and oversight of the United States Congress, the Corps will have been provided the needed resources that will enable it to confront the challenges of the 21st century. Terry Paul was always there to foster and develop our knowledge of key resource needs. When all seemed lost with the pending cancellation of the V-22 program it was Brigadier General Paul that was assigned as "point-man" on the Hill—responsible for building support to resurrect, not merely a dying program, but to advocate a concept which would ultimately revolutionize warfare in the next century. General Paul ensured

Congress was aptly informed as to the capabilities, technological advances, concept of operations, and funding requirements to bring this program to fruition. His vigilance and ability to communicate carried the day. The V–22 Osprey will enable commanders to accomplish the mission more efficiently, with far fewer casualties than otherwise would have been the case. Terry fought the hard fight and he should be extremely proud that his unrelenting efforts have borne the fruit of his labor.

General Paul carried the message to the Hill on a plethora of programs. Programs that represented innovation, ingenuity, and a willingness to adapt to changes on the emerging battlefields which will elevate the Marine Corps as the world's premier crisis response force in the 21st century. Programs such as the Advanced Assault Amphibious Vehicle, the KC–130J, Maritime Pre-positioned Force-Enhancement and LHD class ships.

General Paul is a leader of unquestionable loyalty and unswerving standards. His tenure as the Commandant's Legislative Assistant was the capstone performance of nearly thirty-year career in the infantry, Senate Liaison office, and as a Special Assistant to the Commandant. For his efforts the Marine Corps is a better institution today, one that has a bright and prosperous future. Terry, we the Members of the United States Senate and the 106th Congress want to convey our sincere appreciation for all you have done for our Nation. Your legacy will be the well-equipped Marines who will continue to provide for our country's defense. They will be better equipped, more capable, and better able to survive on the modern battlefield due to your dedication and selfless sacrifice to duty. You will be sorely missed, but surely not forgotten.

STOP PLAYING POLITICS WITH OUR NATIONAL SECURITY: RATIFY THE TEST-BAN TREATY

Mr. BIDEN. Mr. President, three years ago today, the United States led the world in signing the Comprehensive Nuclear Test-Ban Treaty. Since then, 152 countries have followed our lead; and 45 of them, including Great Britain and France, have ratified the Treaty.

Two years and two days ago, the President of the United States submitted the Comprehensive Nuclear Test-Ban Treaty, plus six safeguards, to the Senate for its advice and consent to ratification. Since then, the Senate has done nothing.

That is an outrage. We—who are rightly called the world's greatest deliberative body—have been unwilling or unable to perform our constitutional duty regarding this major treaty.

Some of my colleagues have principled objections to this treaty. I respect their convictions. I have responded on this floor to many of their objections, as have my colleagues from Pennsylvania, North and South Dakota, Michigan and New Mexico.

Now it is time, however, for the Senate to do its duty. Administration officials, current and former Chairmen of the Joint Chiefs of Staff, and eminent scientists are prepared to testify in favor of the Test-Ban Treaty. We, in turn, are prepared to make our case in formal Senate debate on a resolution of ratification.

It is high time that the Republican leadership of this body agreed to schedule Senate debate and a vote on ratification. It is utterly irresponsible for the Republican leadership to hold this treaty hostage to other issues, as it has for two years.

The arguments in favor of ratifying the Test-Ban Treaty are well-known.

It will reinforce nuclear non-proliferation by reassuring non-nuclear weapons states that states with nuclear weapons will be unable to develop and confidently deploy new types of nuclear weapons.

It will keep non-nuclear weapon states from deploying sophisticated nuclear weapons, even if they are able to develop designs for such weapons.

It will improve our ability to detect any nuclear weapons tests, with other countries paying 75% of the bill for the International Monitoring System.

U.S. ratification will encourage India and Pakistan to sign and ratify the Test-Ban Treaty—one of the few steps back from the nuclear brink that they may be willing to take, without a settlement of the Kashmir dispute.

U.S. ratification will encourage Russia, China and other states to ratify.

Our ratification will maintain U.S. leadership on non-proliferation, as we approach the Nuclear Non-Proliferation Treaty Review Conference next April. That U.S. leadership is vital to keeping non-nuclear weapons states committed to nuclear non-proliferation.

Equally important are the safeguards that the President has proposed, to ensure that U.S. adherence to the Treaty will always be consonant with our national security:

> A: The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile. . . .
>
> B: The maintenance of modern nuclear laboratory facilities and programs . . . which will attract, retain, and ensure the continued application of our human scientific resources to those programs. . . .
>
> C: The maintenance of the basic capability to resume nuclear test activities. . . .
>
> D: Continuation of a comprehensive research and development program to improve our . . . monitoring capabilities. . . .
>
> E: The continuing development of a broad range of intelligence . . . capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear . . . programs.
>
> F: . . . if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE) . . . that a high level of confidence in . . . a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT . . . in order to conduct whatever testing might be required.

Thus, if nuclear weapons testing should ever be required to maintain the U.S. nuclear deterrent, then we will test.

Thanks in part to these safeguards, our senior national security officials support ratification of the Test-Ban Treaty. These officials include not only cabinet members such as former Senator Cohen, but also the directors of our National Laboratories and the Chairman of the Joint Chiefs of Staff.

Ratification of the Comprehensive Nuclear Test-Ban Treaty is vital to our national security. If the Senate dallies, India and Pakistan could fail to cap their nuclear weapons race; China could resume testing, to make better use of stolen U.S. nuclear secrets; and non-nuclear weapons states could give up on non-proliferation.

In the coming days, therefore, several of us will bring up in a more formal form the need for Senate action on this Treaty. I urge all my colleagues to support that effort.

Whatever our views on the Test-Ban Treaty, it is a national security issue. Let us agree that it is not to be held hostage to other issues. Let us agree that it is not just one more football in the Washington game of "politics as usual."

If the Republican leadership does not handle this Treaty responsibly, I have no doubt how the issue will play out in next year's elections. The latest national poll shows overwhelming public support for the Test-Ban Treaty: 82 percent in favor and only 14 percent opposed.

Those results go beyond party lines. Fully 80 percent of Republicans—and even 79 percent of conservative Republicans—say that they support the Test-Ban Treaty.

Republicans may appeal to the far right by calling for a return to the Cold War of nuclear testing. Bob Dole did that in 1996 on the Chemical Weapons Convention; but he lost. Then he took the responsible stand.

This time, let's skip the politics. Let's do our job—with hearings, debate, and a timely vote, at least before next April's Non-Proliferation Treaty review conference.

We can address the Test-Ban Treaty responsibly. It isn't hard, and the American people know that. It's time the Senate did what Nike says: "Just do it."

Mr. HELMS. Mr. President, it has been a moving and gratifying experience to witness the outpouring of genuine, spontaneous concern by countless

Americans for the victims of the Hurricane Floyd flooding.

It goes without saying that I am deeply grateful for the countless public servants and concerned neighbors who have been and still are working around the clock to extend heroic efforts and helping hands to the thousands of Eastern North Carolina people who have lost everything they possess—except their courage, and their determination to rise above the hardship that befell them.

Mr. President, before I go further I am compelled to convey publicly my personal gratitude to FEMA Director James Lee Witt and his remarkable associates for their dedication to helping those in such dire need. No federal agency could possibly be more efficient in carrying out its mission, and Director Witt deserves enormous credit for the incredible responsiveness FEMA has demonstrated on so many occasions when disasters have befallen many other areas of America.

Also, I am deeply grateful to my colleagues, who have responded to this disaster not merely with kind condolences and genuine sympathy, but also with their actions. For example, the senior Senator from Missouri, Senator BOND, made every effort to assure that FEMA is adequately funded to do the job in North Carolina. The Senate Leadership on both sides of the aisle—particularly Senator LOTT—have been gracious in their offers of assistance.

Many in the administrative branch are also going out of the way to be helpful. Yesterday, Customs Service Administrator Raymond Kelly granted my request to administratively waive certain maritime regulations, thereby allowing grain and feed shipments to reach flood-ravaged farmers more quickly. I am genuinely appreciative of his swift action.

And Mr. President, let there be no mistake: Eastern North Carolina needs all the help it can get. I do not exaggerate when I say that the flooding is of near-Biblical proportions. At least 45 people have lost their lives; there are fears of finding even more bodies as the flood waters recede. Entire communities have been washed away. Standing flood waters are becoming more polluted each day by gasoline, chemicals, animal waste and drowned livestock. An estimated 1,000 roads have been flooded, and countless houses have been damaged, some beyond repair. Perhaps the most poignant stories are those of cemeteries washing away, with coffins rising to the surface.

It is a devastating regional problem, Mr. President, but more than that, it is truly a national problem affecting every state in the Union. Because the communities affected by this flooding—whether they be Wilson or Greenville, Rocky Mount or Goldsboro, Kinston or Tarboro—are communities that are essential to American agriculture.

The heart of the agriculture community in North Carolina has been virtually destroyed by this storm, Mr. President. And as concerned as we are for the countless citizens who have lost their homes and their possessions, the agricultural implications of this disaster for our entire country are enormous.

Here's why: North Carolina ranks third in total agricultural income, behind only California and Iowa. Numerous commodities will be radically affected by the flooding because North Carolina ranks in the top ten states of production for such a wide variety of products: turkeys, sweet potatoes, hogs, cucumbers for pickles, peanuts, poultry and egg products, chickens, blueberries, peanuts, strawberries, cotton, catfish, pecans, watermelons, peaches, tomatoes.

In short, Mr. President, North Carolina agricultural production is inseparable from U.S. agricultural production, and this regional disaster is in fact a national disaster. And I highlight this not to insist upon a government response—though one is needed—but to underscore the inescapable fact that the private sector must play a key role in helping Eastern North Carolina recover from this disaster.

The federal government can do its share to meet the needs of those who have been affected by the flood—and I will work to make sure the federal government plays a substantial role in assisting in the recovery. (In fact, those who are being helped by FEMA know that the federal government is already doing its part to lend a helping hand.) But government cannot do it all, Mr. President. The private sector must play an enormous role in rebuilding the communities and economy of my home state. And this will be an historic test of the strength and purpose of the free enterprise system—and of all of us who believe that the strength of America is the willingness to stand up for each other in times of hardship.

North Carolinians understand this fact instinctively, Mr. President. Already, private citizens and businesses from all over the state are volunteering their time and money to help their neighbors. May I offer a few examples:

Carolina Power & Light, a wonderfully civic-minded electrical company, has promised to match citizens' donations to the Red Cross up to $100,000 and is double-matching its employee's contributions. Capitol Broadcasting in Raleigh has donated $100,000.

From the financial industry, Bank of America has donated $150,000. First Union is contributing the same generous amount to the Red Cross and is also pitching in with in-kind contributions of ice and water. First Citizens Bank has donated $100,000 and has already developed a short-term emergency loan program.

The tobacco industry, which is so important to Eastern North Carolina—and which, incidentally, is now facing another spiteful attack by the Justice Department—has been especially generous. RJ Reynolds has donated $250,000; Philip Morris has donated $50,000 in addition to the food products they are donating through Kraft. US Tobacco has given an additional $25,000.

And, of course, I have been in contact almost daily with Franklin GRAHAM, son of the remarkable Billy GRAHAM, who operates a truly wonderful organization called Samaritan's Purse, which distributes food, clothing and medical supplies to people who are suffering all over the world. Franklin and his associates have once again demonstrated their usual selflessness by sending truckloads of potable water and other needed supplies to the areas in greatest need.

All of this generosity does not include the generous contributions of individual North Carolinians that are pouring in, Mr. President. Our fine Governor, Jim Hunt, has set up a Disaster Relief Fund for contributions to the United Way, and the contributions are coming in so fast that they have yet to be counted. I am continually amazed and highly gratified by the thoughtfulness of North Carolinians who genuinely want to help those in distress.

Mr. President, neither government nor the private sector alone can help rebuild the communities of North Carolina. If ever there was a time In North Carolina's history when all of our institutions—public and private—must work together, that time is now. And I pledge to do my part to make sure that individuals, businesses and government are working together to help North Carolina recover from the worst disaster in its history.

PRESIDENT'S VETO OF THE REPUBLICAN TAX CUT

Mr. LEVIN. Mr. President, I want to say a few words about President Clinton's veto of the Republican-sponsored $792 billion tax cut. I commend the President for vetoing this bill because it would have taken us down the wrong path:

The path to huge budget deficits;

The path to higher interest rates; and

The path that fails to protect Medicare and Social Security;

In vetoing this bill, the President has taken us down the fiscally responsible path toward:

Paying down the $5.7 trillion national debt;

Lowering interest rates and continuing our economic growth; and

Protecting Medicare and Social Security in anticipation of the baby boom generation.

Republicans claim the projected surplus over the next ten years is large enough to give taxpayers a $792 billion tax cut and still make $500 billion worth of investments in domestic priorities.

They claim that there is an estimated $1.4 trillion worth of surplus funds available for tax breaks and whatever else needs attention.

But their surplus projection is based on a fantastic, unrealistic, and unwise assumption about domestic discretionary spending: It is based on the assumption that Congress will enact drastic cuts in domestic services over the next ten years .

The New Republican Baseline is the amount of Total Discretionary Spending over the next ten years as figured by the Congressional Budget Office at the request of Senator DOMENICI. It is the level of spending that Senator DOMENICI said on the Senate floor on July 29, 1999 would allow for the Republican tax cut and $505 billion to be added back. It was also posted on the Budget Committee Website.

This proposal assumes that Congress will cut discretionary spending in accord with the budget caps through 2002 and then freeze discretionary spending at 2002 levels for the years 2003 through 2009.

In other words, while the price of a home, car, food goes up; while the cost of health care and tuition go up, the level of domestic services such as Head Start, student loans and economic development grants remains frozen in nominal dollars.

A freeze in nominal dollars means a decrease in real dollars. So the Republicans are proposing real, severe cuts in domestic services in order to make their tax cut seem feasible.

Huge cuts—tens of billions of dollars below current 1999 levels—are totally unrealistic (and a bad idea).

This chart shows that the Republican proposed reductions in domestic services defy history.

This chart shows the trend in domestic discretionary services over the last 15 years (in terms of actual outlays) in real 1999 dollars.

The trend—(regardless of whether Democrats or Republicans controlled Congress) is upward—and sharply upward over the last ten years—during a period of serious efforts to reign in spending.

Looking forward, the trend (on which the Republican tax cut and proposed investments in domestic priorities are based) is sharply downward with domestic services slashed by over a third by the year 2009.

A reversal in domestic discretionary services of this size just won't happen—and it shouldn't happen—we shouldn't slash head start, and Pell grants, and community development block grants, and safe drinking water programs by tens of billions of dollars over the next ten years. And history tells us we won't.

The current budget process tells us we won't: Newspaper editorials across the country are chiding Congress for already having spent next year's surplus.

I support the President's veto because it recognizes our collective responsibility to get America's fiscal house in order and because the Republican tax cut plan and the assumptions that underlie it are unwise, unrealistic and would have squandered this historic opportunity.

I ask unanimous consent to print in the RECORD the chart to which I referred.

There being no objection, the chart was ordered to be printed in the RECORD as follows:

DOMESTIC DISCRETIONARY SPENDING: PROPOSED REPUBLICAN PLAN COMPARED TO 15 YEAR HISTORY IN CONSTANT DOLLARS

[Outlays in billions, constant 1999 dollars]

Year	Dollars
1984	227
1989	235
1994	282
1999	307
2004	226
2009	195

Source: CBO. Projection assumes Domestic Discretionary Spending for FY 2000–2009 = $2.968 trillion: the level of the New Republican Total Discretionary Spending Baseline ($5.707 trillion over ten years), minus Defense Discretionary Spending at the Budget Resolution level ($3.062 trillion over ten years). Figures do not add to totals due to rounding.

MONTREAL PROTOCOL FUND

Mr. CHAFEE. Mr. President, I commend the Senator from Massachusetts for offering this amendment. I am a cosponsor of the amendment. The Montreal Protocol has always enjoyed broad bipartisan support in the Congress and public support across the country.

As our colleagues will remember, it was President Reagan who negotiated and signed the Protocol in 1987. Since that time, many strengthening amendments have been adopted and ratified during the administrations of both President Bush and President Clinton.

One of the most effective provisions of the protocol is an international fund that provides assistance to developing nations to aid their phaseout of ozone depleting substances. This is not a U.S. aid program. It is an international fund supported by 35 countries. It has assisted projects to reduce ozone use in 120 developing countries.

Mr. President, I can tell the Senate that the Montreal Protocol Fund is a very cost effective program because the U.S. General Accounting Office audited the program in 1997 and gave it high praise. GAO had only one recommendation to make to improve its performance and that recommendation has since been implemented. I would note that the U.S. business community also strongly supports this program. Quite often the assistance provided by the fund is used by developing nations to buy our technology to reduce CFC use. So, there is no question that this program works and has been highly successful.

The only issue is whether there is room for the U.S. contribution in this budget. We have pledged approximately $39 million for this coming year. There is $27 million in the Foreign Operations appropriation. Which means that we need an additional $12 million to honor our commitment. The amendment by the Senator from Massachusetts would provide that $12 million from EPA's budget. This follows a long tradition of paying for part of our contribution from State Department funds and part of our contribution through the EPA budget.

Can EPA afford $12 million for this purpose. We know that the budget is tight this year. But it is not so tight that we need to entirely eliminate this expenditure. In fact, I would note that this bill provides EPA $116 million more than the President requested. As the Senator from Maryland, Senator MIKULSKI, has said many times here on the floor, this bill is still a work in progress. I am confident that the very able managers of the bill can find room for the Montreal Protocol Fund in a budget for EPA that provides $116 million more than the President's request for the coming year.

We have our differences here in the Senate over environmental policy. But everyone has to admit that the international program to protect the stratospheric ozone layer negotiated by President Reagan has been a tremendous success. The work is not quite done. CFCs are not entirely out of our economy. In fact, the U.S. remains the third largest user of CFCs. But we are well on the way to a CFC-free world. And this program, the Montreal Protocol Fund, has been a very important part of the effort. It deserves our continued support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 23, 1999, the Federal debt stood at $5,638,477,894,300.66 (Five trillion, six hundred thirty-eight billion, four hundred seventy-seven million, eight hundred ninety-four thousand, three hundred dollars and sixty-six cents).

One year ago, September 23, 1998, the Federal debt stood at $5,517,883,000,000 (Five trillion, five hundred seventeen billion, eight hundred eighty-three million).

Five years ago, September 23, 1994, the Federal debt stood at $4,667,471,000,000 (Four trillion, six hundred sixty-seven billion, four hundred seventy-one million).

Twenty-five years ago, September 23, 1974, the Federal debt stood at $480,719,000,000 (Four hundred eighty billion, seven hundred nineteen million) which reflects a debt increase of more than $5 trillion—$5,157,758,894,300.66 (Five trillion, one hundred fifty-seven billion, seven hundred fifty-eight million, eight hundred ninety-four thousand, three hundred dollars and sixty-six cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed to the following bill, in which it requests the concurrence of the Senate:

H.R. 1402. An act to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1-A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, Mr. BISHOP, Mr. SISISKY, Mr. CONDIT, Mr. ROEMER, and Mr. HASTINGS of Florida.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. SPENCE, Mr. STUMP, and Mr. ANDREWS.

At 1:38 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1875, An act amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar:

H.R. 1402. An act to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1-A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

The following resolutions were ordered placed on the calendar:

S. Res. 186. A resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

S. Res. 187. A resolution to express the sense of the Senate regarding education funding.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5355. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL #6430-7), received September 13, 1999; to the Committee on Environment and Public Works.

EC-5356. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas" (FRL #6436-8), received September 15, 1999; to the Committee on Environment and Public Works.

EC-5357. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County" (FRL #6438-1), received September 15, 1999; to the Committee on Environment and Public Works.

EC-5358. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; Ventura County Air Pollution Control District" (FRL #6436-2), received September 15, 1999; to the Committee on Environment and Public Works.

EC-5359. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon" (FRL #6438-5), received September 15, 1999; to the Committee on Environment and Public Works.

EC-5360. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State has Corrected the Deficiency; State of Arizona; Maricopa County" (FRL # 6438-3), received September 15, 1999; to the Committee on Environment and Public Works.

EC-5361. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona" (FRL #6440-2), received September 14, 1999; to the Committee on Environment and Public Works.

EC-5362. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California" (FRL #6439-9), received September 14, 1999; to the Committee on Environment and Public Works.

EC-5363. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada" (FRL #6440-4), received September 14, 1999; to the Committee on Environment and Public Works.

EC-5364. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of Standards of Performance for Nitrogen Oxide Emissions from New Fossil-Fuel Fired Steam Generating Units—Temporary Stay of Rules as they Apply to Units for Which Modification or Reconstruction Commenced After July 9, 1997" (FRL #64376-1), received September 14, 1999; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. GRAMM, for the Committee on Banking, Housing, and Urban Affairs:

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

John D. Hawke, Jr., of the District of Columbia, to be Comptroller of the Currency for term of five years.

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself, Mr. CRAPO, Mr. COCHRAN, and Mr. BINGAMAN):

S. 1633. To recognize National Medal of Honor sites in California, Indiana, and South Carolina; to the Committee on Armed Services.

By Mr. ALLARD:

S. 1634. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

By Mr. GRAMS:

S. 1635. A bill to amend the Agricultural Market Transition Act to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 1636. A bill to authorize a new trade, investment, and development policy for sub-Saharan Africa; to the Committee on Finance.

By Mr. LOTT:

S. 1637. A bill to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations; considered and passed.

By Mr. ASHCROFT (for himself, Mr. SPECTER, and Ms. COLLINS):

S. 1638. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. McCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1639. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1640. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1641. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code, of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM:

S. Res. 185. A resolution recognizing and commending the personnel of Eglin Air Force Base, Florida, for their participation and efforts in support of the North Atlantic Treaty Organization's (NATO) Operation Allied Force in the Balkan Region; to the Committee on Armed Services.

By Mr. LOTT (for himself, Mr. GREGG, and Mr. COVERDELL):

S. Res. 186. A resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY):

S. Res. 187. A resolution to express the sense of the Senate regarding education funding.

By Mr. EDWARDS (for himself, Mr. HELMS, Mr. GRAHAM, Mr. HOLLINGS, Mr. WARNER, Mr. ROBB, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. SARBANES, and Mr. SPECTER):

S. Res. 188. A resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. CRAPO, Mr. COCHRAN, and Mr. BINGAMAN):

S. 1633. To recognize National Medal of Honor sites in California, Indiana, and South Carolina; to the Committee on Armed Services.

LEGISLATION TO RECOGNIZE NATIONAL MEDAL OF HONOR SITES IN CALIFORNIA, INDIANA, AND SOUTH CAROLINA

Mr. McCAIN. Mr. President, I rise today to introduce legislation that would designate the Medal of Honor memorials at the national cemetery at Riverside, California, the White River State Park at Indianapolis, Indiana, and the museum at Patriots Point in Mount Pleasant, South Carolina, as National Medal of Honor sites. I am joined in this effort by Senators CRAPO, COCHRAN, and BINGAMAN. This legislation is a companion bill to H.R. 1663, sponsored by Representative KEN CALVERT and cosponsored by 77 Members of the House of Representatives.

Mr. President, this is not a frivolous piece of legislation that I am introducing today. The Medal of Honor is this nation's highest honor. The 3,417 Americans who have received the Medal of Honor, from the Civil War through the terrible battle in the dusty streets of Mogadishu, each demonstrated uncommon courage in the service of their country, many at the cost of their lives. In testimony in support of the House bill before the Veterans Subcommittee on Benefits, Paul Bucha, president of the Congressional Medal of Honor Society, stated that the Society "believes that these projects will bring full recognition to recipients and is hopeful that this will complete the system of memorials that recognize Medal of Honor recipients." Passage of the bill Senators CRAPO, COCHRAN, BINGAMAN and I are introducing today will help to ensure this recognition in a timely manner.

Designation of the three sites as "National" memorials will give them the status they deserve, while bringing them appropriately under the department of Interior. There is no cost associated with this legislation. I hope that my colleagues in the Senate will support passage of this legislation, and thank the President for this opportunity to address the Senate on behalf of this worthy legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Medal of Honor Memorial Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Medal of Honor is the highest military decoration which the Nation bestows.

(2) The Medal of Honor is the only military decoration given in the name of the Congress of the United States, and therefore on behalf of the people of the United States.

(3) The Congressional Medal of Honor Society was established by an Act of Congress in 1958, and continues to protect, uphold, and preserve the dignity, honor, and name of the Medal of Honor and of the individual recipients of the Medal of Honor.

(4) The Congressional Medal of Honor Society is composed solely of recipients of the Medal of Honor.

SEC. 3. NATIONAL MEDAL OF HONOR SITES.

(a) RECOGNITION.—The following sites to honor recipients of the Medal of Honor are hereby recognized as National Medal of Honor sites:

(1) RIVERSIDE, CALIFORNIA.—The memorial under construction at the Riverside National Cemetery in Riverside, California, to be dedicated on November 5, 1999.

(2) INDIANAPOLIS, INDIANA.—The memorial at the White River State Park in Indianapolis, Indiana, dedicated on May 28, 1999.

(3) MOUNT PLEASANT, SOUTH CAROLINA.—The Congressional Medal of Honor Museum at

Patriots Point in Mount Pleasant, South Carolina, currently situated on the U.S.S. Yorktown.

(b) INTERPRETATION.—This section may not be construed to require or permit the expenditure of Federal funds (other that expenditures already provided for) for any purpose related to the sites recognized in subsection (a).

By Mr. ALLARD:

S. 1634. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

RESIDENTIAL SOLAR ENERGY TAX CREDIT ACT OF 1999

• Mr. ALLARD. Mr. President. I am honored today to introduce the Residential Solar Energy Tax Credit Act of 1999 which provides a 15 percent residential tax credit for consumers who purchase solar electric (photovoltaics) and solar thermal products.

This bill is an important step in preserving U.S. global leadership in the solar industry where we now export over 70 percent of our products. In the last five years, over ten U.S. solar manufacturing facilities have been built or expanded making the U.S. the world's largest manufacturer of solar products. The expansion of the U.S. domestic market is essential to sustain U.S. global market dominance.

Other countries, notably Japan and Germany, have instituted very large-scale market incentives for the use of solar energy on buildings—spending far more by their governments to build their respective domestic solar industries. Passage of this bill will insure the U.S. stays the global solar market leader into the next millennium.

The recent tax bill passed by this body included necessary support of the independent domestic oil producers, overseas oil refiners, nuclear industry decommissioning, and wind energy—all worthy. This small proposal not only adds to these but provides an incentive to the individual homeowner to generate their own energy. In fact, 28 states have passed laws in the last two years to provide a technical standard for interconnecting solar systems to the electric grid, provide consumer friendly contracts, and provide rates for the excess power generated. These efforts at regulatory reform at the state level combined with a limited incentive as proposed in this bill, will drive the use of solar energy.

Contrary to popular belief, solar energy is manufactured and used evenly throughout the United States. Solar manufacturers are in Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia, Washington and Wisconsin. In addition, solar assembly and distribution companies are in: Alaska, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Maine,. Minnesota, Missouri, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, as well as Puerto Rico, U.S. Virgin Islands and Guam. In addition to these states, solar component and research companies are in Alabama, Arkansas, Kentucky, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and West Virginia.

More than 90 U.S. electric utilities, including municipals, cooperatives and independents—which represent more than half of U.S. power generation—are active in solar energy. Aside from new, automated solar manufacturing facilities, a wide range of new uses of solar occurred in 1999, such as:

an array of facilities installed in June at the Pentagon power block to provide mid-day peak power;

installation of solar on the first U.S. skyscraper in Times Square in New York City; and

development of a solar mini-manufacturing facility at a brown field in Chicago which will provide solar products for roadway lighting and for area schools

This small sampling of American ingenuity is just the beginning of the U.S. solar industry's maturity. Adoption of solar power by individual American consumers will create economies-of-scale of production that will, over time, dramatically lower costs and increase availability of solar power.

The bill I have introduced costs much less than the Administration's proposal and provides consumer safeguards. This bill represents a pragmatic approach in utilizing the marketplace as a driver of technology. The benefits to our country are profound. The U.S. solar industry believes the incentives will create 20,000 new high technology manufacturing jobs, offset pollution of more than 2 million vehicles, cut U.S. solar energy unit imports which are already over 50 percent, and leverage U.S. industry even further into the global export markets.

The Residential Solar Energy Tax Credit Act of 1999 is sound energy policy, sound environmental policy, promotes our national security, and enhances our economic strength at home and abroad. I ask my colleagues to include this initiative in upcoming tax deliberations. American consumers will thank us, and our children will thank us for the future benefits we have preserved for them.•

By Mr. GRAMS:

S. 1635. A bill to amend the Agricultural Market Transition Act to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MARKETING ASSISTANCE LOANS

• Mr. GRAMS. Mr. President, today I rise to introduce legislation extending the term of the CCC marketing assistance loans made to producers by Farm Service Agencies from nine months to thirty-six months. Moreover, my bill grants the Secretary of Agriculture discretion to extend the term of a marketing assistance loan for an additional nine month period if the Secretary determines the extension beyond the thirty-six months would be beneficial to producers.

This nonrecourse marketing assistance loan program gives farmers more bargaining power in the market because they are not forced to sell their crops immediately after the harvest. Without the loan program, buyers' knowledge that farmers have their backs against the wall needing money to repay their bills can force down prices. Prices at harvest also tend to be lower due to the ample volume of grains. These nonrecourse loans permit a farmer to store the grain for a period of time, allowing him the opportunity to sell his crop later when the market price might be higher than the harvest price.

The problem with the current system is that buyers know when the nine month loans are coming due, which adversely impacts the marketing position of producers. Buyers know that the financial pressure on producers is building and they will be forced to take a lower price. Extending the term of the loans from nine to thirty six months will give the farmers better marketing power because it introduces more uncertainty and therefore options to farmers on when the grain will be sold.

I should note that I do not expect farmers to exhaust the full thirty-six months to market their grain, or that the Secretary would routinely extend that term to 45 months, due to the decline in grain quality that would consequently occur. However, I wanted to ensure that farmers possess as much flexibility as possible in deciding when to market their product.

Again, with this bill, I hope to provide farmers with another marketing tool to help them get the best price possible on the market. Our farm families are hurting, and we must help. In addition to introducing this bill, I want to again call upon Agriculture Appropriations conferees to complete their work without adding new issues. Relief to farmers must be passed as soon as possible.

Mr. President, I look forward to working with my colleagues on the Agriculture Committee to pass my bill in the near future.•

Mr. FEINGOLD:

S. 1636. A bill to authorize a new trade, investment, and development policy for sub-Saharan Africa; to the Committee on Finance.

THE HOPE FOR AFRICA ACT OF 1999

Mr. FEINGOLD. Mr. President, today I am introducing the HOPE for Africa Act of 1999, a bill to authorize a new trade, investment and development policy for sub-Saharan Africa. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HOPE for Africa Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Declarations of policy.
Sec. 5. Sense of Congress.
Sec. 6. Sub-Saharan Africa defined.

TITLE I—CANCELLATION OF DEBT OWED BY SUB-SAHARAN AFRICAN COUNTRIES

Sec. 101. Cancellation of debt owed to the United States Government by sub-Saharan African countries.
Sec. 102. Advocacy of cancellation of debt owed to foreign governments by sub-Saharan African countries.
Sec. 103. Report to Congress on plan of advocacy for the cancellation of debt owed to the International Monetary Fund and the International Bank for Reconstruction and development by sub-Saharan African countries.
Sec. 104. Report on the cancellation of debt owed to United States lenders by sub-Saharan African countries.
Sec. 105. Study on repayment of debt in local currencies by sub-Saharan African countries.
Sec. 106. Sense of Congress relating to the allocation of savings from debt relief of sub-Saharan African countries for basic services.
Sec. 107. Sense of Congress relating to level of interim debt payments prior to full debt cancellation by sub-Saharan African countries.

TITLE II—TRADE PROVISIONS RELATING TO SUB-SAHARAN AFRICA

Sec. 201. Encouraging mutually beneficial trade and investment.
Sec. 202. Generalized system of preferences.
Sec. 203. Additional enforcement.

TITLE III—DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICAN COUNTRIES

Sec. 301. Findings.
Sec. 302. Private and voluntary organizations.
Sec. 303. Types of assistance.
Sec. 304. Critical sectoral priorities.
Sec. 305. Reporting requirements.
Sec. 306. Separate account for Development Fund for Africa.

TITLE IV—SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS

Sec. 401. Sub-Saharan Africa equity and infrastructure funds.

TITLE V—OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES

Sec. 501. Overseas private investment corporation initiatives.
Sec. 502. Export-Import Bank initiative.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Anticorruption efforts.
Sec. 602. Requirements relating to sub-Saharan African intellectual property and competition law.
Sec. 603. Expansion of the United States and foreign commercial service in sub-Saharan Africa.

TITLE VII—OFFSET

Sec. 701. Private sector funding for research and development by NASA relating to aircraft performance.

SEC. 3. FINDINGS.

Congress finds the following:

(1) It is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote broad-based economic development and equitable trade and investment policies in sub-Saharan Africa.

(2) Many sub-Saharan African countries have made notable progress toward democratization in recent years.

(3) Despite the enormous political and economic potential in Africa, Africa has the largest number of the poorest countries in the world, with an average per capita income of less than $500 annually. Thirty-three of the 41 highly indebted poor countries (HIPC) are located in sub-Saharan Africa.

(4) A plan for sustainable, equitable development for, and trade with, Africa must recognize the different levels of development that exist between countries and among different sectors within each country.

(5) Sub-Saharan Africa is inordinately burdened by $230,000,000,000 in bilateral and multilateral debt whose service requirements—

(A) now take over 20 percent of the export earnings of the sub-Saharan African region, excluding South Africa; and

(B) constitute a serious impediment to the development of stable democratic political structures, broad-based economic growth, poverty eradication, and food security.

(6) The United Nations Declaration of Human Rights guarantees the right to food, shelter, health care, education, and a sustainable livelihood, as well as rights to political freedoms.

(7)(A) The key principles guiding any United States economic policy toward sub-Saharan Africa should include those repeatedly identified by African governments, including the priorities laid out in the "Lagos Plan" developed by the finance ministers of the sub-Saharan African countries in coordination with the Organization for African Unity.

(B) The overriding priority expressed in the "Lagos Plan" is freedom for each African country to self-determine the economic policies that—

(i) suit the needs and development of their people;

(ii) help achieve food self-sufficiency and security; and

(iii) provide broad access to potable water, shelter, primary health care, education, and affordable transport.

(8) Fair trade and mutually beneficial investment can be important tools for broad-based economic development.

SEC. 4. DECLARATIONS OF POLICY.

Congress makes the following declarations:

(1) Economic relations between sub-Saharan Africa and the United States must be oriented toward benefiting the majority of the people of sub-Saharan Africa and of the United States.

(2) Congress endorses the goals stated in the Lagos Plan developed by sub-Saharan African Finance Ministers in cooperation with the Organization for African Unity.

(3) In developing new economic relations with sub-Saharan Africa, the United States should pursue the following:

(A) Strengthening and diversifying the economic production capacity of sub-Saharan Africa.

(B) Improving the level of people's incomes and the pattern of distribution in sub-Saharan Africa.

(C) Adjusting the pattern of public expenditures to satisfy people's essential needs in sub-Saharan Africa.

(D) Providing institutional support for transition to functioning market economies in sub-Saharan Africa through debt relief.

(E) Supporting environmentally sustainable development in sub-Saharan Africa.

(F) Promoting democracy, human rights, and the strength of civil society in sub-Saharan Africa.

(G) Assisting sub-Saharan African countries in efforts to make safe and efficacious pharmaceuticals and medical technologies as widely available to their populations as possible.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) for the majority of people in sub-Saharan Africa to be able to benefit from new trade, investment, and other economic opportunities provided by this Act, and the amendments made by this Act, the pre-existing burden of external debt of sub-Saharan African countries must be eliminated; and

(2) only significant debt relief will allow operation of local credit markets and eliminate distortions currently hindering development in sub-Saharan Africa.

SEC. 6. SUB-SAHARAN AFRICA DEFINED.

In this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", "sub-Saharan African countries", and "countries in sub-Saharan Africa" refer to the following:

Republic of Angola (Angola)
Republic of Benin (Benin)
Republic of Botswana (Botswana)
Burkina Faso (Burkina)
Republic of Burundi (Burundi)
Republic of Cameroon (Cameroon)
Republic of Cape Verde (Cape Verde)
Central African Republic
Republic of Chad (Chad)
Federal Islamic Republic of the Comorors (Comoros)
Democratic Republic of Congo (DROC)
Republic of the Congo (Congo)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Djibouti (Djibouti)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of the Gambia (Gambia)
Republic of Ghana (Ghana)
Republic of Guinea (Guinea)
Republic of Guinea-Bissau (Guinea-Bissau)
Republic of Kenya (Kenya)
Kingdom of Lesotho (Lesotho)
Republic of Liberia (Liberia)
Republic of Madagascar (Madagascar)
Republic of Malawi (Malawi)
Republic of Mali (Mali)
Islamic Republic of Mauritania (Mauritania)
Republic of Mauritius (Mauritius)
Republic of Mozambique (Mozambique)
Republic of Namibia (Namibia)
Republic of Niger (Niger)
Federal Republic of Nigeria (Nigeria)
Republic of Rwanda (Rwanda)
Democratic Republic of Sao Tome and Principe (Sao Tomé and Principe)
Republic of Senegal (Senegal)
Repulbic of Seychelles (Seychelles)
Republic of Sierra Leone (Sierra Leone)

Somalia
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
Kingdom of Swaziland (Swaziland)
United Republic of Tanzania (Tanzania)
Republic of Togo (Togo)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)
Republic of Zimbabwe (Zimbabwe)

TITLE I—CANCELLATION OF DEBT OWED BY SUB-SAHARAN AFRICAN COUNTRIES

SEC. 101. CANCELLATION OF DEBT OWED TO THE UNITED STATES GOVERNMENT BY SUB-SAHARAN AFRICAN COUNTRIES.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART VI—CANCELLATION OF DEBT OWED TO THE UNITED STATES BY SUB-SAHARAN AFRICAN COUNTRIES

"SEC. 901. CANCELLATION OF DEBT.

"(a) IN GENERAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall cancel all amounts owed to the United States (or any agency of the United States) by sub-Saharan African countries defined in section 6 of HOPE for Africa Act of 1999 resulting from—

"(A) concessional loans made or credits extended under any provision of law, including the provisions of law described in subsection (b)(1); and

"(B) nonconcessional loans made, guarantees issued, or credits extended under any provision of law, including the provisions of law described in subsection (b)(2).

"(2) EXCEPTION.—The provisions of paragraph (1) relating to cancellation of debt shall not apply to any sub-Saharan country if the government of the country—

"(A) (including its military or other security forces) engages in a pattern of significant violations of internationally recognized human rights;

"(B) has an excessive level of military expenditures;

"(C) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); or

"(D) is failing to cooperate on international narcotics control matters.

"(3) CERTIFICATION BY PRESIDENT.—The President shall certify to Congress that any country with respect to which debt is canceled under this subsection is not engaged in an activity described in paragraph (2).

"(b) PROVISIONS OF LAW.—

"(1) CONCESSIONAL PROVISIONS OF LAW.—The provisions of law described in this paragraph are the following:

"(A) Part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

"(B) Title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

"(2) NONCONCESSIONAL PROVISIONS OF LAW.—The provisions of law described in this paragraph are the following:

"(A) Sections 221 and 222 of this Act.

"(B) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(C) Section 5(f) of the Commodity Credit Corporation Charter Act.

"(D) Sections 201 and 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622).

"(E) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

"(c) TERMINATION OF AUTHORITY.—The authority to cancel debt under this section shall terminate on September 30, 2002.

"SEC. 902. ADDITIONAL REQUIREMENTS.

"(a) REDUCTION OF DEBT NOT CONSIDERED TO BE ASSISTANCE.—A reduction of debt under section 901 shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country.

"(b) INAPPLICABILITY OF CERTAIN PROHIBITIONS RELATING TO REDUCTION OF DEBT.—The authority to provide for reduction of debt under section 901 may be exercised notwithstanding section 620(r) of this Act.

"SEC. 903. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Not later than December 31, 1999, and December 31 of each of the next 3 years, the President shall prepare and transmit to the appropriate congressional committees an annual report concerning the cancellation of debt under section 901 for the prior fiscal year.

"(b) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Banking and Financial Services and the Committee on International Relations of the House of Representatives; and

"(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

"For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the cancellation of debt under section 901, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000 through 2002.".

SEC. 102. ADVOCACY OF CANCELLATION OF DEBT OWED TO FOREIGN GOVERNMENTS BY SUB-SAHARAN AFRICAN COUNTRIES.

(a) ADVOCACY OF CANCELLATION OF DEBT.—The Secretary of State shall provide written notification to each foreign government that has outstanding loans, guarantees, or credits to the government of a sub-Saharan African country (qualifying under section 901(a) of the Foreign Assistance Act of 1961, as added by this Act) that it is the policy of the United States to fully and unconditionally cancel all debts owed by each such sub-Saharan African country to the United States. In addition, the Secretary shall urge in writing each such foreign government to follow the example of the United States and fully and unconditionally cancel all debts owed by sub-Saharan African countries to each such foreign government.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary of State shall prepare and submit to Congress a report containing—

(1) a description of each written notification provided to a foreign government under subsection (a);

(2) a description of the response of each foreign government to the notification; and

(3) a description of the amount (if any) owed to the United States by any foreign government opposing the United States policy advocated pursuant to subsection (a).

SEC. 103. REPORT TO CONGRESS ON PLAN OF ADVOCACY FOR THE CANCELLATION OF DEBT OWED TO THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT BY SUB-SAHARAN AFRICAN COUNTRIES.

(a) IN GENERAL.—Not later than January 1, 2000, the Secretary of the Treasury shall submit to Congress a plan to advocate the cancellation of debt owed to the International Monetary Fund and the International Bank for Reconstruction and Development by sub-Saharan African countries and report on its implementation. The plan shall include proposed instructions to the United States Executive Directors of the International Monetary Fund and the International Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to advocate that their respective institutions—

(1) fully and unconditionally cancel all debts owed by any country in sub-Saharan Africa to such institution;

(2) encourage each country that benefits from such debt cancellation to allocate 20 percent of the national budget of the country, including savings from such debt cancellation, to basic services, as the country has committed to do under the United Nations 20/20 Initiative, with appropriate input from civil society in developing basic service plans; and

(3) provide that until all debts owed to such institution have been fully and unconditionally canceled, such institution not be party to, and that no future loan from such institution be used to finance in whole or part the implementation of, any agreement which requires the government of any such country, during any 12-month period beginning on the date of enactment of this section to pay an amount exceeding 5 percent of the annual export earnings of the country toward the servicing of foreign loans.

(b) DIRECTIONS TO EXECUTIVE DIRECTORS.—The Executive Directors of the International Monetary Fund and the International Bank for Reconstruction and Development shall carry out the instructions described in subsection (a) by all appropriate means, including sending written notice to the governing bodies of members, and by requesting formal votes on the matters described in subsection (a).

SEC. 104. REPORT ON THE CANCELLATION OF DEBT OWED TO UNITED STATES LENDERS BY SUB-SAHARAN AFRICAN COUNTRIES.

Not later than January 1, 2000, the Secretary of the Treasury shall submit to the Congress a report on the amount of debt owed to any United States person by any country in sub-Saharan Africa. The report shall specify the amount owed to each such person by each country, the face value and market value of the debt, and the amount of interest paid to date on the debt. The report shall also include a plan to acquire each debt obligation owed to any United States person by any country in sub-Saharan Africa at the market value of the debt obligation as of January 1, 1999.

SEC. 105. STUDY ON REPAYMENT OF DEBT IN LOCAL CURRENCIES BY SUB-SAHARAN AFRICAN COUNTRIES.

Section 603 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) is amended—

(1) in subsection (e)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) the viability and desirability of having each indebted country in sub-Saharan Africa (as defined in section 6 of the HOPE for Africa Act of 1999) repay foreign loans made to the country (whether made bilaterally, multilaterally, or privately) in the currency of the indebted country; and"; and

(2) in subsection (g), by adding at the end the following:

"(6) The matters described in subsection (e)(4).".

SEC. 106. SENSE OF CONGRESS RELATING TO THE ALLOCATION OF SAVINGS FROM DEBT RELIEF OF SUB-SAHARAN AFRICAN COUNTRIES FOR BASIC SERVICES.

It is the sense of Congress that the government of each sub-Saharan African country should allocate 20 percent of its national budget, including the savings from the cancellation of debt owed by the country to—

(1) the United States (pursuant to part VI of the Foreign Assistance Act of 1961, as added by section 101 of this Act);

(2) other foreign countries (pursuant to section 103 of this Act);

(3) the International Monetary Fund and the International Bank for Reconstruction and Development (pursuant to section 104 of this Act); and

(4) United States persons (pursuant to section 106 of this Act);

for the provision of basic services to individuals in each such country, as provided for in the United Nations 20/20 Initiative. In providing such basic services, each government should seek input from appropriate nongovernmental organizations.

SEC. 107. SENSE OF CONGRESS RELATING TO LEVEL OF INTERIM DEBT PAYMENTS PRIOR TO FULL DEBT CANCELLATION BY SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of Congress that, prior to the full and unconditional cancellation of all debts owed by sub-Saharan African countries to the United States (pursuant to part VI of the Foreign Assistance Act of 1961, as added by section 101 of this Act), to other foreign countries, and to United States persons, each sub-Saharan African country should not, in making debt payments described in this title, pay in any calendar year an aggregate amount greater than an amount equal to 5 percent of the export earnings of the country for the preceding calendar year.

TITLE II—TRADE PROVISIONS RELATING TO SUB-SAHARAN AFRICA

SEC. 201. ENCOURAGING MUTUALLY BENEFICIAL TRADE AND INVESTMENT.

(a) Findings.—Congress makes the following findings:

(1) A mutually beneficial United States Sub-Saharan Africa trade policy will grant new access to the United States market for a broad range of goods produced in Africa, by Africans, and include safeguards to ensure that the corporations manufacturing these goods (or the product or manufacture of the oil or mineral extraction industry) respect the rights of their employees and the local environment. Such trade opportunities will promote equitable economic development and thus increase demand in African countries for United States goods and service exports.

(2) Recognizing that the global system of textile and apparel quotas under the MultiFiber Arrangement will be phased out under the Uruguay Round Agreements over the next 5 years with the total termination of the quota system in 2005, the grant of additional access to the United States market in these sectors is a short-lived benefit.

(b) Treatment of Quotas.—

(1) Kenya and Mauritius.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel imports to the United States from Kenya and Mauritius, respectively, not later than 30 days after each country demonstrates the following:

(A) The country is not ineligible for benefits under section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)).

(B) The country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination.

(C)(i) The country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (5), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(I) the right of association;

(II) the right to organize and bargain collectively;

(III) a prohibition on the use of any form of coerced or compulsory labor;

(IV) the international minimum age for the employment of children (age 15); and

(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(ii) The government of the country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO) each has access to all appropriate records and other information of all business enterprises in the country.

(D) The country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (d).

(E) The country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(F) The cost or value of the textile or apparel product produced in the country, or by companies in any 2 or more sub-Saharan African countries, plus the direct costs of processing operations performed in the country or such countries, is not less than 60 percent of the appraised value of the product at the time it is entered into the customs territory of the United States.

(G) Not less than 90 percent of employees in business enterprises producing the textile and apparel goods are citizens of that country, or any 2 or more sub-Saharan African countries.

(2) Other sub-Saharan countries.—The President shall continue the existing no quota policy for each other country in sub-Saharan Africa if the country is in compliance with the requirements applicable to Kenya and Mauritius under subparagraphs (A) through (G) of paragraph (1).

(3) Technical assistance.—The Customs Service shall provide the necessary technical assistance to sub-Saharan African countries in the development and implementation of adequate measures against the illegal transshipment of goods.

(4) Offsetting reduction of Chinese quota.—When the quota for textile and apparel products imported from Kenya or Mauritius is eliminated, the quota for textile and apparel products from the People's Republic of China for each calendar year in each product category shall be reduced by the amount equal to the volume of all textile and apparel products in that product category imported from all sub-Saharan African countries into the United States in the preceding calendar year, plus 5 percent of that amount.

(5) Determination of compliance with internationally recognized worker rights.—

(A) Determination.—

(i) In general.—For purposes of carrying out paragraph (1)(C), the Secretary of Labor, in consultation with the individuals described in clause (ii) and pursuant to the procedures described in clause (iii), shall determine whether or not each sub-Saharan African country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(ii) Individuals described.—The individuals described in this clause are the head of the national labor agency of the government of the sub-Saharan African country in question and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO).

(iii) Public comment.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (1)(C), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (1)(C).

(B) Continuing compliance.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (A) that the country is in compliance with the requirements of paragraph (1)(C), the Secretary, in consultation with the individuals described in subparagraph (A), shall, not less than once every 3 years thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (1)(C). The Secretary shall submit the determination to Congress.

(C) Report.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(i) a description of each determination made under this paragraph during the preceding year;

(ii) a description of the position taken by each of the individuals described in subparagraph (A)(ii) with respect to each such determination; and

(iii) a report on the public comments received pursuant to subparagraph (A)(iii).

(6) Report.—Not later than March 31 of each year, the President shall publish in the Federal Register and submit to Congress a report on the growth in textiles and apparel imported into the United States from countries in sub-Saharan Africa in order to inform United States consumers, workers, and textile manufacturers about the effects of the no quota policy.

(c) Treatment of Tariffs.—The President shall provide an additional benefit of a 50 percent tariff reduction for any textile and apparel product of a sub-Saharan African country that meets the requirements of subparagraphs (A) through (G) of subsections (b)(1) and (d) and that is imported directly into the United States from such sub-Saharan African country if the business enterprise, or a subcontractor of the enterprise, producing the product is in compliance with the following:

(1) Citizens of 1 or more sub-Saharan African countries own not less than 51 percent of the business enterprise.

(2) If the business enterprise involves a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

(d) Customs Procedures and Enforcement.—

(1) Obligations of importers and parties on whose behalf apparel and textiles are imported.—

(A) In general.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) Liability.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) Obligations of countries to take action against transshipment and circumvention.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) Standards of proof.—

(A) For importers and retailers.—

(i) In general.—The United States Customs Service (in this Act referred to as the "Customs Service") shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) Use of best available information.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) For countries.—

(i) In general.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) Use of best available information.—

(I) In general.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) Examples.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) Penalties.—

(A) For importers and retailers.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) For countries.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) Applicability of United States laws and procedures.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) Monitoring and reports to Congress.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(e) Definition.—In this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 202. GENERALIZED SYSTEM OF PREFERENCES.

(a) Preferential Tariff Treatment for Certain Articles.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) Eligible countries in sub-Saharan Africa.—

"(i) In general.—(I) Subject to clause (ii), the President may provide duty-free treatment for any article described in subclause (II) that is imported directly into the United States from a sub-Saharan African country.

"(II) Article described.—

"(aa) In general.—An article described in this subclause is an article set forth in the most current Lome Treaty product list, that is the growth, product, or manufacture of a sub-Saharan African country that is a beneficiary developing country and that is in compliance with the requirements of subsections (b) and (d) of section 201 of the HOPE for Africa Act of 1999, with respect to such article, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of all articles imported from United States Trading partners. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).

"(bb) Other requirements.—In addition to meeting the requirements of division (aa), in the case of an article that is the product or manufacture of the oil or mineral extraction industry, and the business enterprise that produces or manufactures the article is involved in a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European

Union, Japan, or any other developed country (or group of developed countries), as the case may be.

"(ii) RULE OF CONSTRUCTION.—For purposes of clause (i), in applying subparagraphs (A) through (G) of section 201(b)(1) and section 201(d) of the Hope for Africa Act of 1999, any reference to textile and apparel goods or products shall be deemed to refer to the article provided duty-free treatment under clause (i).".

(b) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 505 the following new section:

"SEC. 505A. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

"No duty-free treatment provided under this title shall remain in effect after September 30, 2006 in the case of a beneficiary developing country that is a sub-Saharan African country.".

(d) DEFINITIONS.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) SUB-SAHARAN AFRICAN COUNTRY.—The terms 'sub-Saharan African country' and 'sub-Saharan African countries' mean a country or countries in sub-Saharan Africa, as defined in section 6 of the HOPE For Africa Act of 1999.

"(7) LOME TREATY PRODUCT LIST.—The term 'Lome Treaty product list' means the list of products that may be granted duty-free access into the European Union according to the provisions of the fourth iteration of the Lome Covention between the European Union and the African-Caribbean and Pacific States (commonly referred to as 'Lome IV') signed on November 4, 1995.".

(e) CLERICAL AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new item:

"505A. Termination of benefits for sub-Saharan African countries.".

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 30 days after the date enactment of this Act.

SEC. 203. ADDITIONAL ENFORCEMENT.

A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under subparagraphs (A) through (G) of section 201(b)(1), section 201(c), and section 201(d) of this Act with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (G) of section 201(b)(1), section 201(c), and section 201(d) of this Act.

TITLE III—DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICAN COUNTRIES

SEC. 301. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) In addition to drought and famine, the HIV/AIDS epidemic has caused countless deaths and untold suffering among the people of sub-Saharan Africa.

(2) The Food and Agricultural Organization estimates that 543,000,000 people, representing nearly 40 percent of the population of sub-Saharan Africa, are chronically undernourished.

(b) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 496(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(a)(1)) is amended by striking "drought and famine" and inserting "drought, famine, and the HIV/AIDS epidemic".

SEC. 302. PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 496(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) CAPACITY BUILDING.—In addition to assistance provided under subsection (h), the United States Agency for International Development shall provide capacity building assistance through participatory planning to private and voluntary organizations that are involved in providing assistance for sub-Saharan Africa under this chapter.".

SEC. 303. TYPES OF ASSISTANCE.

Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended by adding at the end the following:

"(4) PROHIBITION ON MILITARY ASSISTANCE.—Assistance under this section—

"(A) may not include military training or weapons; and

"(B) may not be obligated or expended for military training or the procurement of weapons.".

SEC. 304. CRITICAL SECTORAL PRIORITIES.

(a) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—Section 496(i)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(1)) is amended—

(1) in the heading, to read as follows:

"(1) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—";

(2) in subparagraph (A)—

(A) in the heading, to read as follows:

"(A) AGRICULTURE AND FOOD SECURITY.—";

(B) in the first sentence—

(i) by striking "agricultural production in ways" and inserting "food security by promoting agriculture policies"; and

(ii) by striking ", especially food production,"; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking "agricultural production" and inserting "food security and sustainable resource use".

(b) HEALTH.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by striking "(including displaced children)" and inserting "(including displaced children and improving HIV/AIDS prevention and treatment programs)".

(c) VOLUNTARY FAMILY PLANNING SERVICES.—Section 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(3)) is amended by adding at the end before the period the following: "and access to prenatal healthcare".

(d) EDUCATION.—Section 496(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(4)) is amended by adding at the end before the period the following: "and vocational education, with particular emphasis on primary education and vocational education for women".

(e) INCOME-GENERATING OPPORTUNITIES.—Section 496(i)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(5)) is amended—

(1) by striking "labor-intensive"; and

(2) by adding at the end before the period the following: ", including development of manufacturing and processing industries and microcredit projects".

SEC. 305. REPORTING REQUIREMENTS.

Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

"(p) REPORTING REQUIREMENTS.—The Administrator of the United States Agency for International Development shall, on a semiannual basis, prepare and submit to Congress a report containing—

"(1) a description of how, and the extent to which, the Agency has consulted with nongovernmental organizations in sub-Saharan Africa regarding the use of amounts made available for sub-Saharan African countries under this chapter;

"(2) the extent to which the provision of such amounts has been successful in increasing food security and access to health and education services among the people of sub-Saharan Africa;

"(3) the extent to which the provision of such amounts has been successful in capacity building among local nongovernmental organizations; and

"(4) a description of how, and the extent to which, the provision of such amounts has furthered the goals of sustainable economic and agricultural development, gender equity, environmental protection, and respect for workers' rights in sub-Saharan Africa.".

SEC. 306. SEPARATE ACCOUNT FOR DEVELOPMENT FUND FOR AFRICA.

Amounts appropriated to the Development Fund for Africa shall be appropriated to a separate account under the heading "Development Fund for Africa" and not to the account under the heading "Development Assistance".

TITLE IV—SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS

SEC. 401. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—Not later than 12 months after the date of enactment of this Act, the Overseas Private Investment Corporation shall exercise the authorities it has to initiate 1 or more equity funds in support of projects in the countries in sub-Saharan Africa, in addition to any existing equity fund for sub-Saharan Africa established by the Corporation before the date of enactment of this Act.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) shall be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund shall be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—One or more of the funds, with combined assets of up to $500,000,000, shall be used in support of infrastructure projects in countries of sub-Saharan Africa, including basic health services (including AIDS prevention and treatment), hospitals, potable water, sanitation, schools, electrification of rural areas, and publicly-accessible transportation in sub-Saharan African countries.

(c) ADDITIONAL REQUIREMENTS.—The Corporation shall ensure that—

(1) not less than 70 percent of trade financing and investment insurance provided through the equity funds established under subsection (a), and through any existing equity fund for sub-Saharan Africa established by the Corporation before the date of enactment of this Act, are allocated to small, women- and minority-owned businesses—

(A) of which not less than 60 percent of the ownership is comprised of citizens of sub-Saharan African countries and 40 percent of the ownership is comprised of citizens of the United States; and

(B) that have assets of not more than $1,000,000; and

(2) not less than 50 percent of the funds allocated to energy projects are used for renewal or alternative energy projects.

TITLE V—OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES

SEC. 501. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES.

Section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) is amended by adding at the end the following:

“(e) Advisory Committee.—

“(1) Establishment.—The President shall establish an advisory committee to work with and assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa, including with respect to equity and infrastructure funds established under title IV of the HOPE for Africa Act of 1999.

“(2) Membership.—

“(A) In general.—The advisory committee established under paragraph (1) shall consist of 15 members appointed by the President, of which 7 members shall be employees of the United States Government and 8 members shall be representatives of the private sector, including a representative from—

“(i) a not-for-profit public interest organization;

“(ii) an organization with expertise in development issues;

“(iii) an organization with expertise in human rights issues;

“(iv) an organization with expertise in environmental issues; and

“(v) an organization with expertise in international labor rights.

“(B) Terms.—Each member of the advisory committee shall be appointed for a term of 2 years.

“(C) Compensation of members.—

“(i) Private sector.—Members of the advisory committee who are representatives of the private sector shall not receive compensation by reason of their service on the advisory committee.

“(ii) Officers and employees of government.—Members of the advisory committee who are officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the advisory committee.

“(3) Meetings.—

“(A) Open to public.—Meetings of the advisory committee shall be open to the public.

“(B) Advance notice.—The advisory committee shall provide advance notice in the Federal Register of any meeting of the committee, shall provide notice of all proposals or projects to be considered by the committee at the meeting, and shall solicit written comments from the public relating to such proposals or projects.

“(C) Decisions.—Any decision of the advisory committee relating to a proposal or project shall be published in the Federal Register with an explanation of the extent to which the committee considered public comments received with respect to the proposal or project, if any.

“(4) Environmental impact assessments.—The Corporation shall complete and release to the public the environmental impact assessments in compliance with the National Environmental Policy Act with respect to any proposal or project not later than 120 days before the advisory committee, or the Board, considers such proposal or project, whichever occurs earlier.”.

SEC. 502. EXPORT-IMPORT BANK INITIATIVE.

Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is amended to read as follows:

“(9) For purposes of the funds allocated by the Bank for projects in countries in sub-Saharan Africa (as defined in section 6 of the HOPE for Africa Act of 1999):

“(A) The President shall establish an advisory committee to work with and assist the Board in developing and implementing policies, programs, and financial instruments with respect to such countries.

“(B) The advisory committee established under subparagraph (A) shall consist of 15 members, appointed by the President, of which 7 members shall be employees of the United States Government and 8 members shall be representatives of the private sector, including a representative from—

“(i) a not-for-profit public interest organization;

“(ii) an organization with expertise in development issues;

“(iii) an organization with expertise in human rights;

“(iv) an organization with expertise in environmental issues; and

“(v) an organization with expertise in international labor rights.

“(C) Each member of the advisory committee shall serve for a term of 2 years.

“(D)(i) Members of the advisory committee who are representatives of the private sector shall not receive compensation by reason of their service on the advisory committee.

“(ii) Members of the advisory committee who are officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the advisory committee.

“(E) Meetings of the advisory committee shall be open to the public.

“(F) The advisory committee shall give timely advance notice of each meeting of the advisory committee, including a description of any matters to be considered at the meeting, shall establish a public docket, shall solicit written comments in advance on each proposal, and shall make each decision in writing with an explanation of disposition of the public comments.

“(G) The Bank shall complete and release to the public an environmental impact assessment in compliance with the National Environmental Policy Act with respect to a proposal or project with potential environmental effects, not later than 120 days before the advisory committee, or the Board, considers the proposal or project, whichever occurs earlier.

“(H) Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the advisory committee.”.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. ANTICORRUPTION EFFORTS.

(a) Findings.—Congress makes the following findings:

(1) Corruption and bribery of public officials is a major problem in many African countries and represents a serious threat to the development of a functioning domestic private sector, to United States business and trade interests, and to prospects for democracy and good governance in African countries.

(2) Of the 17 countries in sub-Saharan Africa rated by the international watchdog group, Transparency International, as part of the 1998 Corruption Perception Index, 13 ranked in the bottom half.

(3) The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which has been signed by all 29 members of the OECD plus Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic and which entered into force on February 15, 1999, represents a significant step in the elimination of bribery and corruption in international commerce.

(4) As a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United States should encourage the highest standards possible with respect to bribery and corruption.

(b) Sense of Congress.—It is the sense of Congress that the United States should encourage at every opportunity the accession of sub-Saharan African countries, as defined in section 6, to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

SEC. 602. REQUIREMENTS RELATING TO SUB-SAHARAN AFRICAN INTELLECTUAL PROPERTY AND COMPETITION LAW.

(a) Findings.—Congress finds that—

(1) since the onset of the worldwide HIV/AIDS epidemic, approximately 34,000,000 people living in sub-Saharan Africa have been infected with the disease;

(2) of those infected, approximately 11,500,000 have died; and

(3) the deaths represent 83 percent of the total HIV/AIDS-related deaths worldwide.

(b) Sense of Congress.—It is the sense of Congress that—

(1) it is in the interest of the United States to take all necessary steps to prevent further spread of infectious disease, particularly HIV/AIDS; and

(2) individual countries should have the ability to determine the availability of pharmaceuticals and health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic.

(c) Limitations on Funding.—Funds appropriated or otherwise made available to any department or agency of the United States may not be obligated or expended to seek, through negotiation or otherwise, the revocation or revisions of any sub-Saharan African intellectual property or competition law or policy that is designed to promote access to pharmaceuticals or other medical technologies if the law or policy, as the case may be, complies with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

SEC. 603. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) Findings.—Congress makes the following findings:

(1) The United States and Foreign Commercial Service (in this section referred to as the “Commercial Service”) plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980's, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in 8 countries. By early 1997, that presence had been reduced by one-half to 7, in only 4 countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding 5 full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2000, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and each year thereafter for 5 years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to Congress on actions taken to carry out subsection (b). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country; and

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries.

TITLE VII—OFFSET

SEC. 701. PRIVATE SECTOR FUNDING FOR RESEARCH AND DEVELOPMENT BY NASA RELATING TO AIRCRAFT PERFORMANCE.

The Administrator of the National Aeronautics and Space Administration may not carry out research and development activities relating to the performance of aircraft (including supersonic aircraft and subsonic aircraft) unless the Administrator receives payment in full for such activities from the private sector.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1639. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; to the Committee on Commerce, Science, and Transportation.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 1999

• Mr. FRIST. Mr. President, I rise today to introduce the Earth, Wind, and Fire Authorization Act of 1999. This legislation would authorize three public safety entities: the National Earthquake Hazard Reduction Program (NEHRP), the National Weather Service and related agencies of the national Oceanic and Atmospheric Administration, and the U.S. Fire Administration for fiscal years (FY) 2000, 2001, and 2002. Each of these entities have important science and technology safety programs which serve as a powerful example of the types of research that Federal Government should be investing its scarce resources in—the safety and protection of the American public.

Weather forecasts are an indispensable element of our everyday lives. As Hurricane Floyd ravaged the eastern coast of the United States last week, millions of Americans from the southern tip of Florida to the ports of Boston tuned into their local weather channels to obtain the latest information from the National Weather Service (NWS). They evaluated the very safety of their homes, possessions, and loved ones based upon televised data. Numerous organizations including schools, public transportation, and local businesses were also captivated by NWS forecasts to determine the potential of Hurricane Floyed to threaten the safety of its citizens.

The Earth, Wind, and Fire Authorization Act of 1999 authorizes the NWS at $617.9 million in FY 2000, $651.9 million for FY 2001, and $687.7 million for FY 2002. Atmospheric Research is authorized at $173.3 million in FY 2000, $182.8 million in FY 2001, and $192.8 million in FY 2002. And the National Environmental Satellite, Data, and Information Service (NESDIS) is authorized at $103 million for FY 2000, $108.8 million for FY 2001, and $114.7 million for FY 2002. NESDIS provides for the procurement, launch, and operation of the polar orbiting and geostationary environmental satellites, as well as the management of NOAA's environmental data collections.

Also in the news today is the recent earthquake in Taiwan. The tremendous loss of lives and property has been beyond our comprehension. I am pleased to authorize a federal research program that targets these natural disasters. NEHRP combines research, planning, and response activities conducted within each of the four specified agencies; Federal Emergency Management Agency (FEMA), U.S. Geological Survey (USGS), National Science Foundation (NSF), and National Institute of Standards and Technology (NIST). The ultimate goal of this multi-agency program is to protect lives and property.

The NEHRP is authorized at the following levels ($ millions):

	FY2000	FY2001	FY2002
FEMA	19.8	20.9	22.0
USGS	46.1	48.6	51.3
NSF	29.9	31.5	33.3
NIST	2.2	2.2	2.4

The mission of the U.S. Fire Administration is to enhance the nation's fire prevention and control activities, and thereby significantly reduce the nation's loss of life from fire while also achieving a reduction in property loss and nonfatal injury due to fire.

The bill, which authorizes the Fire Administration for $46.1 million in fiscal year 2000, $47.6 million for fiscal year 2001, and $49 million for fiscal year 2002, provides for collection, analysis, and dissemination of fire incidence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first respondents; and support for research and development for fire safety technologies.

With this authorization, our local and state firefighters will continue to have assess to the training from the National Fire Academy necessary to allow them to better perform their jobs of saving lives and protecting property.

The authorization levels detailed above in each independent programs are based upon an overall 5.5 percent increase for research programs for FY 2001 and 2002 over the President's FY 2000 budget request to be consistent with the Federal Research Investment Act.

Mr. President, there are some additional concerns that the committee will continue to address as we proceed to move this legislation. They include the proper role of the NWS and the commercial weather service industry, and several employee-related concerns.•

Mr. HOLLINGS. Mr. President, I join my colleague Senator FRIST in introducing this bill to authorize the atmospheric programs of the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fire Administration, and the National Earthquake Hazards Reduction Program (NEHRP) through FY 2002. These agencies are doing important work to protect public safety through prediction, education, and mitigation efforts.

This bill authorizes the "dry" side of NOAA, the Fire Administration, and NEHRP at the President's requested level for FY 2000. The Senate-passed Commerce, Justice, State Appropriations bill provided additional monies for the Weather Service and atmospheric research within NOAA, and Senator FRIST has agreed to revise this authorization bill during the Commerce Committee's consideration to reflect this additional support.

As many of you know, I have been trying to put the "O" back in NOAA for years, so it is interesting to be cosponsoring a bill which authorizes only the "dry" side of NOAA. My support for the "wet" programs of NOAA has not waned. Senator FRIST, Senator BREAUX, and I have also been working with Senators KERRY and SNOWE to craft a bill which will authorize all of the programs of NOAA.

NOAA is doing some important work. We need only look at their superior warnings during and after Hurricane Floyd to see that the National Weather Service directly impacts the lives of Americans every day. Every weather report heard on the Weather Channel, CNN, and local affiliates was based on information provided by NOAA. The agency worked with emergency managers, the private sector, and the public to make sure that its predictions and warnings were heard and could save lives and property.

NOAA's atmospheric scientists are also at work to help us understand what our weather might be like not just next week but also next year or in the next decade. NOAA is trying to understand long-term climate change, as well as seasonal patterns like El Niño and La Niña. Meanwhile, NOAA's satellite operations keep our eyes in the sky in working order and help us understand and predict the path of large systems like hurricanes.

I especially appreciate the hard work that the Weather Service has undertaken in its modernization. While this is still a work in progress, NOAA has improved warning times and accuracy while undertaking a difficult streamlining process. I wonder if Congress may have asked NOAA to do too much with too little and am glad that the Weather Service has been able to fulfill its important mandate even where we might have cut too close to the bone.

Mr. President, while I hope each of us are benefitting from the forecasts and warnings of the Weather Service, I hope that far fewer of us have to interact with this nation's fire service. The United States has over 2 million fires annually. Each one can devastate a family or business. I should know. This August I lost my home in Charleston, South Carolina. The statistics—approximately 4500 deaths, 30,000 civilian injuries, more than $8 billion in direct property losses, and more than $50 billion in costs to taxpayers each year—do not tell the whole story. A fire can take away a lifetime of things that have true value only to the person who has suffered the loss. The tragic thing is that most of these fires are preventable.

The bill would authorize the United States Fire Administration which provides invaluable services—such as training, data, arson assistance, and research of better safety equipment and clothing—to the more than 1.2 million paid and volunteer firefighters throughout the nation. I hope the Fire Administration will work quickly to resolve the outstanding recommendations of the Blue Ribbon Panel so that they can once again focus on reducing losses from fire and meet new challenges like medical emergencies, hazardous spills, and even acts of terrorism. The Strategic Plan called for in Section 302 of the bill should lay out a road map for this process.

Finally, the bill would authorize the programs of the NEHRP. While most people only think of California as having earthquakes, all or parts of 39 states—populated by more than 70 million people—have been classified as having major or moderate seismic risk. In 1886, an earthquake leveled my hometown of Charleston. Estimates of the strength of the Charleston quake range from 7.0 to 7.6 on the Richter Scale. Of particular interest and concern about east coast quakes is that there is no known geological origin for them. This fact underscores the possibility of unpredictable seismic activity in the United States.

What we do know though is that the loss of life and property from earthquakes can be considerable. That is what NEHRP is here for. It is a Federal interagency program—with participation from the Federal Emergency Management Agency, the U.S. Geological Service, the National Science Foundation, and the National Institute of Standards and Technology—designed to help minimize the loss of life and property caused by earthquakes. It is supports scientific research on the origins of earthquakes, and funds engineering research to make buildings and other structures more seismically resistant. NEHRP also disseminates this technical information to the states and helps states and localities prepare for earthquakes. NEHRP focuses on helping states prepare for earthquakes, in contrast to Federal disaster response programs that help states after a major event.

Mr. President, in conclusion the public safety programs authorized in this bill—the Weather Service, fire safety, and earthquake preparedness—protect the lives and property of every American citizen. Protecting public safety is one of the first and most important functions of government, and I am hopeful that my colleagues will join me in supporting these programs and this bill.

By Mr. WELLSTONE:

S. 1640. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Finance.

PENSION BENEFITS PROTECTION AND PRESERVATION ACT OF 1999

• Mr. WELLSTONE. Mr. President, I rise to introduce the Pension Benefits Protection and Preservation Act of 1999, a bill that will protect the hard earned pensions of millions of American workers.

Mr. President, this legislation is long past due because big companies across America have been deserting their traditional defined benefit pension plan which promised a fair retirement to their long-time workers in favor of new "cash-balance plans" which promise less to loyal employees and more to CEO's who are already receiving record salaries, stock options and benefits. It is simply unfair for companies to discriminate against the very workers who have made those companies so successful.

Older employees who have been forced into these cash-balance plans are finding their eventual pensions cut by 20–50 percent, and sometimes even more. This conversion technique is saving corporate America billions of dollars, but it is older workers who are paying the price. The technical and actuarial issues of cash-balance conversions may be complex, but what is simple is that Congress must act now to put transition safeguards in place to protect the retirement security of the American worker.

Earlier this week, the Health, Education, Labor, and Pensions Committee heard testimony from long-time IBM employees who were shocked on July 1, 1999, to find that the accrued balance in their pension plans had been slashed up to 50 percent overnight. Why? Because IBM decided to join the corporate conversion parade and convert its defined benefit pension plan that had promised a secure retirement to IBM employees into a plan that left trusted employees both insecure and embittered. IBM employees, including those in my state of Minnesota, used their knowledge of the Internet to organize, to communicate and to ultimately win major, but not fully adequate, concessions from IBM. But most employees of most companies don't have that kind of on-line sophistication. And no employees should have to rely on protests in order to preserve what they have already earned.

That is why I am introducing this legislation. The Pension Benefits Protection and Preservation Act of 1999 offers a comprehensive approach to the difficulties of employees faced with cash-balance conversions. This measure will ensure fair treatment of American workers by requiring disclosure, pension plan choice, elimination of the "wear-away" of pension benefits, and enforcement of the Age Discrimination and Employment Act.

Workers have a right to know how much of a pension they will receive when an employer unilaterally changes its pension play. My bill required a detailed disclosure at least 45 days before a plan conversion becomes effective, if that conversion significantly reduces the pension benefits of employees. This gives employees adequate time to compare the benefits they would receive under the old plan with those of the new.

That time to compare plans is critical because my bill penalizes employers who significantly reduce employee pension benefit unless employees are able to knowledgeably choose between old and new plans. Employers who do significantly reduce benefits and fail to allow choice will be liable for an excise tax equal in amount to 50 percent of the surplus in the pension fund of the company. What the threat of this penalty does is to direct pension monies where they belong—into the retirement benefits that employees receive, not into shareholder pockets or stock options of highly paid CEO's.

The Pension Benefits Protection and Preservation Act of 1999 also eliminates the "wearing-away" of employee's accrued pension benefits by preventing company pension plans from giving participating employees an opening account balance in their "new" plan that is lower than their already accrued pension benefits to date under the old plan. Under my bill, companies will no longer be able to engage in that tactic; instead, they will be required to continue to pay into workers' pension accounts without regard to the amount of pension benefits workers have accrued under their old plan.

Finally, the bill directs the Secretary of the Treasury to enforce the existing pension age discrimination law enacted in 1986.

Mr. President, 25 years ago this month ERISA, the Employee Retirement Security Act, was enacted. Congress passed ERISA to put an end to broken pension promises and to protect working men and women. Twenty-five years later what we see instead is ERISA neither adequate—nor adequately enforced—enough to protect workers' pensions.

Pension funds belong to the workers, not the employer, and we must put in place a strong safety net to prevent those funds from being raided in the guise of being improved. That is why I am introducing the Pension Benefits Protection and Preservation Act of 1999 today, and that is why I am asking my colleagues to join me in supporting this legislation.•

By Mrs. FEINSTEIN:

S. 1641. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code, of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor and Pensions.

CANCER SCREENING COVERAGE ACT OF 1999

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to require health insurance plans to cover screening tests for cancer. The bill requires plans to cover screening tests that are currently available and for which there is broad consensus on their value. To address future changes in scientific knowledge and medical practice, the bill allows the Secretary to change the requirements upon the Secretary's initiative or upon petition by a private individual or group. This bill is a companion to H.R. 1285, introduced by Representatives CAROLYN B. MALONEY and SUE KELLY.

A major way to reduce the number of cancer-related deaths and increase survival is to increase screening rates. The American Cancer Society predicts that the annual cancer death rate this year—563,100 Americans—will equal five Boeing 747 jumbo jets crashing every day for a year. Because early detection can save lives, requiring plans to cover detection tests can decrease the number of people who die each year from cancer.

To put cancer deaths in perspective, the number of Americans that die each year from cancer exceeds the total number of Americans lost to all wars that we have fought in this century. The American Cancer Society estimates that over 1 million new cancer cases will be diagnosed in the United States this year, including 132,500 in California.

Despite our increasing understanding of cancer, unless we act with urgency, the cost to the United States is likely to become unmanageable in the next 10–20 years. The incidence rate of cancer in 2010 is estimated to increase by 29 percent for new cases, and cancer deaths are estimated to increase by 25 percent. Cancer will surpass heart disease as the leading fatal disease in the U.S. by 2010. With our aging U.S. population, unless we act now to change current cancer incidence and death rates, according to the September 1998 report from the Cancer March Research Task Force, we can expect over 2.0 million new cancer cases and 1.0 million deaths per year by 2025. Listen to these startling statistics:

One out of every four deaths in the U.S. is caused by cancer.

This year approximately 563,100 Americans are expected to die of cancer—more than 1,500 people a day.

There have been approximately five million cancer deaths since 1990.

Approximately 12 million new cancer cases have been diagnosed since 1990.

The National Cancer Institute estimates that approximately 8.2 million Americans alive today have a history of cancer.

One out of every two men, one out of every three women will be diagnosed with cancer at some point in their lifetime.

Too many Americans die each year from cancer. The tragedy is that we have tools available which can prevent much unnecessary suffering and death. Early detection—finding cancer early before it has spread—gives a person the best chance of being treated successfully. Early screening for breast, cervical, prostate, and colorectal cancer can increase survival rates. Having insurance coverage for cancer screenings is a major way of encouraging people to get examinations and tests.

Screening examinations, if given on an appropriate schedule by a health care professional, have proven their value. Screening-accessible cancers, such as cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis, and skin, account for approximately half of all new cancer cases. The five-year relative survival rate for these cancers is about 81 percent. According to the American Cancer Society, if all Americans participated in regular cancer screening, this rate could increase to more than 95 percent. For example, people can have colon cancer long before they know it. They may not have any symptoms. Patients diagnosed by a colon cancer screening have a 90 percent chance of survival while patients not diagnosed until symptoms are apparent only have a 8 percent chance of survival.

Finding cancers in their early stages can mean that treatment is less expensive. Treatment of breast, lung, and prostate cancers account for over half of annual medical costs, which by National Institutes of Health estimates is $37 billion annually.

A colon cancer screening costs approximately $125–$300.00. If a patient is not diagnosed with colon cancer until symptoms are apparent, care during the remaining 4–5 years of life can cost up to $100,000. Similarly, the initial average cost of treating rectal cancer that is detected early is about $5,700. This is approximately 75 percent less than the estimated $30,000–$40,000 it costs to treat rectal cancer that is further along in its development.

The cost of lost productivity due to cancer is $11 billion annually, while the cost of lost productivity due to premature death is $59 billion annually. We can't afford not to screen.

Insurance coverage is a major determinant in whether people obtain preventive screenings. In short, when screenings are covered by plans, people are more likely to get them. In California, screening rates for cervical and breast cancer are lower for uninsured women, who are less likely to have had a recent screening and more likely to have gone longer without being screened than women with coverage.

According to a University of California-Los Angeles Center for Health Policy Research study from February 1998, in California women ages 18–64, 63 percent of uninsured women had not had a Pap test during 1997 versus 40 percent of insured women. Additionally, approximately 67 percent of uninsured Californian women ages 30–64 had not had a clinical breast examination during 1997, compared to 40 percent for insured women in the same age group.

In 1997, Congress added cancer screening coverage under Medicare for certain cancers, such as breast and cervical. Medicare beneficiaries now receive cancer screenings without having to pay out-of-pocket for such tests. Americans under the age of 65 who are privately insured deserve the same health care. Under Medicaid, preventive services are optional benefit. States can choose to cover them or not so coverage varies state to state.

All Americans deserve access to cancer screening, regardless of whether one has health insurance because they are an employee of the Department of Defense, a Medicare beneficiary, or a veteran. Certainly individuals who have private health insurance through their employers—56 percent of Californians have private health insurance—should be guaranteed access to life-saving and life-prolonging cancer screenings. Offering coverage for cancer screening simply makes good sense.

The bill requires plans to cover screenings according to current guidelines:

Annual mammograms for women ages 40 and over and for women under 40 who are at high risk of developing breast cancer.

Annual clinical breast exams for women ages 40 and over and for women between the ages of 20 and 40 who are at high risk of developing breast cancer.

Clinical breast exams every three years for women who are between the ages of 20 and 40 and are not at high risk for developing breast cancer.

Annual pap tests and pelvic examinations for women ages 18 and over or women who are under the age of 18 and are or have been sexually active.

Screening procedures for men and women ages 50 and over or under age 50 and at high risk for developing colorectal cancer, including annual screening fecal-occult blood test and screening flexible sigmoidoscopy every 4 years.

Men and women at high risk for colorectal cancer (in any age group) may receive a screening colonoscopy every 2 years.

Annual digital rectal examination and/or annual prostate-specific blood test for men ages 50 and over or males who are at high risk.

The bill authorizes the Secretary of Health and Human Services to modify coverage requirements to reflect changes in medical practice or new scientific knowledge, based both on the Secretary's own initiative or upon petition of an individual or organization.

Cancer touches virtually every American in some way. The Comprehensive Cancer Screening Act can be one way to alleviate the fear and reality of cancer felt by millions of Americans. We all want to believe that when a family member is diagnosed with cancer, he or she will get care of the highest quality and that their medical team will conquer this disease. Early detection, while it does not prevent cancer from occurring, can stop cancer before it spreads, extend life, reduce treatment costs, and improve the quality of life for cancer patients. By requiring private health plans to cover cancer screening as a preventive measure, my bill is cost effective and could ease the cancer burden felt by America due to lost productivity related to cancer deaths and illness.

It is long past due for this Congress to send a strong message to insurance companies. Cancer screening is an important prevention measure and should be covered under all insurance plans. America cannot afford not to screen.●

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 956

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1036

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1317

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1317, a bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program.

S. 1455

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1455, a bill to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1498

At the request of Mr. BURNS, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1624

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1624, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel NORFOLK.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

AMENDMENT NO. 1751

At the request of Mr. CLELAND the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of amendment No. 1751 intended to be proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1755

At the request of Mr. KERRY the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of amendment No. 1755 intended to be proposed to H.R. 2684, a bill making appropriations for the Departments of

Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1756

At the request of Mr. KERRY the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1756 proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. BINGAMAN his name was added as a cosponsor of amendment No. 1756 proposed to H.R. 2684, supra.

AMENDMENT NO. 1761

At the request of Mr. BINGAMAN his name was added as a cosponsor of Amendment No. 1761 proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1789

At the request of Mr. JEFFORDS his name was added as a cosponsor of Amendment No. 1789 proposed to H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

SENATE RESOLUTION 185—RECOGNIZING AND COMMENDING THE PERSONNEL OF EGLIN AIR FORCE BASE, FLORIDA, FOR THEIR PARTICIPATION AND EFFORTS IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION'S (NATO) OPERATION ALLIED FORCE IN THE BALKAN REGION

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 185

Whereas the personnel of the Air Armament Center at Eglin Air Force Base, Florida, developed and provided many of the munitions, technical orders, expertise, and support equipment utilized by NATO during the Operation Allied Force air campaign;

Whereas the 2,000-pound Joint Direct Attack Munition (JDAM) developed at the Air Armament Center was the very first weapon dropped in Operation Allied Force;

Whereas the Air to Ground 130 (AGM 130) standoff missile, developed at the Air Armament Center, enabled the F-15E Strike Eagle aircrews to standoff approximately 40 nautical miles from targets and attack with very high precision; and

Whereas the reliable performance of the JDAM and AGM 130 enabled the combat air crews to complete bombing missions accurately, effectively, and with reduced risk to crews, resulting in no casualties among NATO air personnel, thereby making these munitions the ordinance favored most by combat air crews: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of Eglin Air Force Base, Florida, for their contributions to the unqualified success of Operation Allied Force;

(2) recognizes that the efforts of the men and women of the Air Armament Center, Eglin Air Force Base, Florida, helped NATO conduct the air war with devastating effect on our adversaries, entirely without American casualties in the air combat operations;

(3) expresses deep gratitude for the sacrifices made by those men and women and their families in their support of American efforts in Operation Allied Force; and

(4) commits to maintaining the technological superiority of American air armament as a critical component of our Nation's capability to conduct and prevail in warfare while minimizing casualties.

• Mr. GRAHAM. Mr. President, 6 months ago today on March 24, 1999, the United States and its allies launched Operation Allied Force in the Balkan region. To commemorate this event, I am submitting a resolution expressing the sense of the Senate that the men and women assigned to and employed by Eglin Air Force Base should be recognized and commended for their participation in, and efforts associated with, the North Atlantic Treaty Organization's (NATO) Operation Allied Force.

The personnel of the Air Armament Center at Eglin Air Force Base developed and provided many of the munitions, technical orders, expertise and support equipment utilized by NATO during the air campaign. Specifically, the two thousand pound Joint Direct Attack Munition (JDAM) was the first weapon dropped in the operation. Additionally, the Air to Ground 130 (AGM 130) standoff missile enabled F15E Strike Eagle aircrews to attack targets with precision from a distance of forty miles.

The reliable performances of the JDAM and AGM 130 enabled combat air crews to complete bombing missions accurately, effectively, and with reduced risk to crews. The result was zero casualties among NATO air personnel.

The availability of these arms was the result of the vision of the Air Armament Center personnel who recognized years earlier that these munitions would be important to American armament.

The brave service personnel from Eglin Air Force Base—and their families—sacrificed much in support of Operation Allied Force. We express our deepest gratitude to them. We recognize that their efforts allowed NATO to conduct an air war with no American combat casualties, yet with a devastating effect on our adversaries.

We commit to maintaining the technological superiority of American air armament as a critical component of our nation's capacity to conduct and prevail in warfare while minimizing casualties.•

SENATE RESOLUTION 186—EXPRESSING THE SENSE OF THE SENATE REGARDING REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. LOTT (for himself, Mr. GREGG, and Mr. COVERDELL) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 186

Whereas the fiscal year 2000 Senate Budget Resolution increased education funding by $28,000,000,000 over the next five years, and $82,000,000,000 over the next ten years, and the Department of Education received a net increase of $2,400,000,000 which doubles the President's requested increase;

Whereas compared to the President's requested levels, the Democratically controlled Congress' appropriations for the period 1993 through 1995 reduced the President's funding requests by $3,000,000,000, and since Republicans took control of Congress, Federal education funding has increased by 27 percent;

Whereas in the past three years, the Congress has increased funding for Part B of Individuals with Disabilities Education Act by nearly 80 percent, while the Administration's fiscal year 2000 budget only requested a 0.07 percent increase which is less than an adjustment for inflation, and Congress is deeply concerned that while the Administration has provided rhetoric in support of education of the disabled, the Administration's budget has consistently taken money from this high priority program to fund new and untested programs;

Whereas Congress is not only providing the necessary funds, but is also reforming our current education programs, and Congress recognizes that significant reforms are needed in light of troubling statistics indicating—

(1) 40 percent of fourth graders cannot read at the most basic level;

(2) in international comparisons, United States 12th graders scored near the bottom in both mathematics and science;

(3) 70 percent of children in high poverty schools score below even the most basic level of reading; and

(4) in mathematics, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools;

Whereas earlier in 1999, the 106th Congress took the first step toward improving our Nation's schools by passing the Education Flexibility and Partnership Act of 1999, which frees States and local communities to tailor education programs to meet the individual needs of students and local schools;

Whereas the 1999 reauthorization of the Elementary and Secondary Education Act of 1965 will focus on increasing student achievement by empowering principals, local school boards, teachers and parents, and the focus should be on raising the achievement of all students.

Whereas Congress should reject a one-size-fits all approach to education, and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children;

Whereas parents are the first and best educators of their children, and Congress supports proposals that provide parents greater control to choose unique educational opportunities to best meet their children's educational needs.

Whereas every child should have an exceptional teacher in the classroom, and Congress supports efforts to recruit, retrain, and retain high quality teachers;

Whereas quality instruction and learning can occur only in a first class school that is safe and orderly;

Whereas Congress supports proposals that give schools the support they need to protect teachers and students, remove disruptive influences, and create a positive learning atmosphere; and

Whereas success in education is best achieved when instruction focuses on basic academics and fundamental skills, and students should no longer be subjected to untried and untested educational theories of instruction, rather our Nation's efforts should be geared to proven methods of instruction. Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education; and

(2) the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools and families.

SENATE RESOLUTION 187—TO EXPRESS THE SENSE OF THE SENATE REGARDING EDUCATION FUNDING

Mr. DASCHLE (for himself, Mr. Kennedy, Mr. Harkin, and Mrs. Murray) submitted the following resolution; which was ordered placed on the calendar:

S. Res. 187

Whereas the American people know that a strong public education system is vital to our Nation's future and they overwhelming support increasing the Federal investment in education.

Whereas, the funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

Whereas the current allocation for the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

Whereas the 17 percent reduction in Head Start will result in 142,000 children not being served.

Whereas the 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

Whereas the 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

Whereas the 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000;

Whereas the 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics;

Whereas the 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms;

Whereas the 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college;

Whereas the 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000;

Whereas the 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards;

Whereas no action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000; and

Whereas there are only 4 legislative work days left before the end of fiscal year 2000; Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

STATE RESOLUTION 188—EXPRESSING THE SENSE OF THE SENATE THAT ADDITIONAL ASSISTANCE SHOULD BE PROVIDED TO THE VICTIMS OF HURRICANE FLOYD

Mr. EDWARDS (for himself, Mr. Helms, Mr. Graham, Mr. Hollings, Mr. Warner, Mr. Robb, Mr. Lautenberg, Mr. Torricelli, Mr. Moynihan, Mr. Schumer, Mr. Lieberman, Mr. Sarbanes, and Mr. Specter) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. Res. 188

Whereas from September 14 through 16, 1999, Hurricane Floyd menaced most of the southeastern seaboard of the United States, provoking the largest peacetime evacuation of eastern Florida, the Georgia coast, the South Carolina coast, and the North Carolina coast;

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the worst recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing flooding, tornadoes, and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known deaths of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, and in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 9 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

• Mr. EDWARDS. Mr. President, on September 14, Hurricane Floyd began making its way up the eastern coast, leaving in its path unprecedented destruction. The hurricane made landfall at the mouth of the Cape Fear River in North Carolina on September 16 and brought with it strong winds and torrential downpours. To date, Hurricane Floyd is responsible for 65 deaths, 45 in North Carolina alone. One week after Hurricane Floyd made landfall, flood waters just beginning to recede and North Carolinians are now starting the grim task of starting over.•

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

DASCHLE (AND OTHERS) AMENDMENT NO. 1790

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY) proposed an amendment to the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The American people know that a strong public education system is vital to our Nation's future and they overwhelmingly support increasing the Federal investment in education.

(2) The funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

(3) The current allocation for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

(4) The 17 percent reduction in Head Start will result in 142,000 children not being served.

(5) The 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

(6) The 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

(7) The 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000.

(8) The 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics.

(9) The 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms.

(10) The 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college.

(11) The 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000.

(12) The 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards.

(13) No action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000.

(14) There are only 5 legislative work days left before the end of fiscal year 2000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

ROBB (AND OTHERS) AMENDMENT NO. 1791

Mr. ROBB (for himself, Mr. WARNER, and Mr. DEWINE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH.

(a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next twenty years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the U.S. balance of trade, with a net contribution of more than $41 billion in 1998.

(8) Less than ten years ago, American airplane producers controlled over 70% of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50% of the world's civil aviation market, and is aiming to capture 70%.

(10) The rise of foreign competition in the global aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

FEINSTEIN AMENDMENT NO. 1792

Ms. MIKULSKI (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

SMITH AMENDMENT NO. 1793

Mr. STEVENS (for Mr. SMITH of Oregon) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place in the bill, insert: "The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days."

BREAUX AMENDMENT NO. 1794

Ms. MIKULSKI (for Mr. BREAUX) proposed an amendment to the bill, H.R. 2684, supra; as follows:

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking of "1999" and inserting "2000".

CHAFEE (AND OTHERS) AMENDMENT NO. 1795

Mr. STEVENS (for Mr. CHAFEE (for himself, Mr. BROWNBACK, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. KENNEDY, Mr. BINGAMAN, Mr. JEFFORDS, Mr. DASCHLE, Mr. ROTH, Mrs. BOXER, and Mr. GRAMS) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 78, line 20, strike "$1,885,000,000" and insert "$1,897,000,00".

On page 78, line 21, before the colon, insert the following: ", and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund".

GRAMM AMENDMENT NO. 1796

Mr. STEVENS (for Mr. GRAMM) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 45, line 9, strike "$16,000,000" and insert in lieu thereof, "$19,493,000".

DODD (AND BENNETT) AMENDMENT NO. 1797

Ms. MIKULSKI (for Mr. DODD (for himself and Mr. BENNETT)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place under the heading Federal Emergency Management Agency, insert: "For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: *Provided*, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: *Provided further*, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within five years of the loan: *Provided further*, That none of the funds provided under this heading may be transferred to any county or local government until fifteen days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the amounts provided under the heading "Funds Appropriated to the President" in Title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $100,000,000 are rescinded".

BOND (AND LAUTENBERG) AMENDMENT NO. 1798

Mr. STEVENS (for Mr. BOND (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 113, line 14, strike out "in any way tends" and insert in lieu thereof: "is designed".

BOND AMENDMENT NO. 1799

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 44, insert before the period on line 10 the following: ": *Provided further*, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development state or local office".

HUTCHISON AMENDMENT NO. 1800

Mr. STEVENS (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROMULGATION OF STORMWATER REGULATIONS.

(a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations described in subsection (a) until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold);

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); and

(b) PHASE I REGULATIONS—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing—

(1) a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

COVERDELL AMENDMENT NO. 1801

Mr. STEVENS (for Mr. COVERDELL) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 38, line three, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers";

On page 40, line two, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers".

CRAIG AMENDMENT NO. 1802

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 4 . PESTICIDE TOLERANCE FEES.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION

Mr. STEVENS. Mr. President, the Immigration Subcommittee of the Committee on the Judiciary requests unanimous consent to conduct a markup on Friday, September 24, 1999, beginning at 9:30 a.m. in Dirksen room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GOVERNMENT WHISTLEBLOWERS

• Mr. GRASSLEY. Mr. President, I rise to warn the Senate of intensifying harassment against government whistleblowers. This trend threatens Congress' right to know, and preserves secrecy that shields bureaucratic misconduct. From the IRS to the State Department, retaliation is increasing against government employees who blow the whistle on wrongdoing by high government officials.

How did we get here? In the view of this Senator, one of the major problems has been the judicial activism of the Federal Circuit Court of Appeals, which has jurisdiction over challenges by government employees to illegal retaliatory acts, and which has grossly misinterpreted existing federal laws. To illustrate my concerns, I am enclosing for the RECORD a New York Times editorial; and a Federal Times article by the Government Accountability Project about the most extreme Federal Circuit precedent, involving Air Force whistleblower John White. This precedent could functionally cancel both the whistleblower law and the Code of Ethics.

I have no intention of passively acquiescing to the judicial equivalent of contempt of Congress.

The material follows:

[From the New York Times, May 1, 1999]

HELPING WHISTLE-BLOWERS SURVIVE

Jennifer Long, the Internal Revenue Service agent who nearly lost her job two weeks ago after publicly blowing the whistle on abuses at the agency, was rescued at the last minute by the intervention of an influential United States Senator. But the fact that her employers had no inhibitions about harassing her is clear evidence that the laws protecting whistle-blowers need to be strengthened. As they stand, these laws merely invite the kind of retaliation that Mrs. Long endured.

A career tax auditor, Mrs. Long was the star witness at Senate Finance Committee hearings convened in 1997 by William Roth of Delaware to investigate complaints against the IRS. She was the only IRS witness who did not sit behind a curtain and use a voice-distortion device to hide her identity. She accused the agency of preying on weaker taxpayers and ignoring cheating by those with the resources to fight back. She has since said that she was subjected to petty harassments from the moment she arrived back at her district office in Houston. Then, on April 15 of this year, she was given what amounted to a termination notice, at which point Mr. Roth intervened with the IRS commissioner and saved her job—at least for now.

Had he not intervened, Mrs. Long's only hope of vindication would have been the remedies provided by the Civil Service Reform Act of 1978 and the Whistle-Blower Protection Act of 1989. These two statutes prescribe a tortuous and uncertain appeals process that in theory guarantees a whistle-blower free speech without fear of retaliation, but in practice is an exercise in frustration. Despite recent improvements, only a handful of Federal employees, out of some 1,500 who appealed in the last four years, have prevailed in rulings issued by the Government's administrative tribunal, the Merit System Protection Board. Overwhelmingly, the rest of the cases were screened out on technical grounds or were settled informally with token relief.

A few prominent whistle-blowers have won redemption outside the system. Frederic Whitehurst, the chemist who was dismissed after disclosing sloppiness and possible dishonesty in the Federal Bureau of Investigation's crime laboratory, won a sizable cash settlement because he had a first-class attorney who mounted an artful public relations campaign. Ernest Fitzgerald, the Pentagon employee who disclosed massive cost overruns, survived because he was almost inhumanly persistent and because his cause, like Mrs. Long's, attracted allies in high places. But the prominence of an issue does not guarantee survival for the employee who discloses it. Notra Trulock, the senior intelligence official at the Energy Department who tried to alert his superiors to Chinese espionage at a Government weapons laboratory, has since been demoted.

Senator Charles Grassley, an Iowa Republican, has been seeking ways to strengthen the 1989 law with the help of the Government Accountability Project, a Washington advocacy group that assists whistle-blowers. One obvious improvement would be to give whistle-blowers the option to press their claims in the Federal courts, where their cases could be decided by a jury. To guard against clogging the system with frivolous litigation, the cases would first be reviewed by a nongovernment administrative panel. But the point is to give whistle-blowers an avenue of appeal outside the closed loop in which they are now trapped.

A reform bill along these lines passed the House in 1994 but died in the Senate. With Mrs. Long's case fresh in mind, the time has come for both Houses to re-examine the issue.

[From the Federal Times, July 26, 1999]

COURT TURNS WHISTLEBLOWER ACT INTO TROJAN HORSE

(By Tom Devine)

In a stunning act of extremism, the Federal Circuit Court of Appeals has functionally thrown out two statutes unanimously passed by Congress: the Code of Ethics for Government Service and the Whistleblower Protection Act.

The decision, Lachance vs. White, reflects unabashed judicial activism to overturn unanimous congressional mandates.

The case involves an Air Force whistleblower, John White.

In 1992, he was moved and stripped of duties after successfully challenging as gross mismanagement a local command's Quality Education System, a bureaucratic turf builder camouflaged as reform by micromanaging and imposing de facto military accreditation on participating universities.

Experts inside and outside the government agreed with White.

The Air Force canceled the program after a scathing report by its own experts found the program counterproductive for education and efficiency.

Whistleblowing doesn't come any better than this.

The Merit Systems Protection Board three times ruled in White's favor, each time challenged on technicalities by the Office of Personnel Management.

But the appeals court decided it knew better.

The court concocted a hopelessly unrealistic standard for whistleblowing disclosures to pass muster.

The court said a whistleblower must have had a "reasonable belief" that he was revealing misconduct.

This "reasonable belief" is the prerequisite to be eligible for reprisal protection, the court found.

At first glance, the court's definition of "reasonable belief" is almost boringly innocuous: "could a disinterested observer with knowledge of the essential facts reasonably conclude . . . gross mismanagement?"

But the devil is in the details. The court warmed up by establishing a duty of loyalty to managers.

"Policymakers have every right to expect loyal, professional service from subordinates," the court said.

So much for the Code of Ethics, which is on the wall of every federal agency since unanimous passage in 1980: "Put loyalty to the highest moral principles and to country above loyalty to persons, party or government department."

The court decreed that whistleblowing does not include "policy" disputes.

But that's not what Congress said in 1994 amendments to the whistleblower protection law: "A protected disclosure may . . . concern policy or individual misconduct."

A CRUEL ILLUSION

Most surreal is the court's requirement for MSPB to conduct an independent "review" to see if it was reasonable for the employee to believe he revealed misconduct.

And whistleblowers must overcome the presumption that government agencies act "correctly, fairly, in good faith" and legally unless there is "irrefragable" proof otherwise.

What's "irrefragable"? My dictionary defines it as "[i]ncapable of being overthrown; incontestable, undeniable, incontrovertible."

This means if disagreement is possible, the whistleblower's belief is unreasonable and eligibility for legal protection vanishes.

Not content to render the Whistleblower Protection Act a bad joke, the Court turned it into a Trojan Horse, instructing the board to violate it routinely by searching for evidence that the whistleblower has a conflict of interest as part of its review.

Amendments to the whistleblower law in 1994 outlawed retaliatory investigations—those taken because of protected activity.

These developments are no surprise.

Before Chief Judge Robert Mayer's arrival on the court, he served as deputy special counsel when his office tutored managers and taught courses on how to fire whistleblowers without getting caught.

Mayer's actions helped spark the Whistleblower Protection Act's birth.

Now under his leadership, the Federal Circuit is killing it with a sternly obsessive vengeance.

Under current law, there is no way out in the courts.

Except for unprecedented Supreme Court review, the Federal Circuit Court of Appeals has a monopoly on judicial review of whistleblower decisions by the MSPB. As long as it persists, the Whistleblower Protection Act's promise will be a cruel illusion.

Congress has a clear choice: passively institutionalize its ignorance of executive branch misconduct, or restore its and the public's right to know.

The solution is no mystery:

Pass a legislative definition of "reasonable belief" overturning all the nooks and crannies of this case.

Give federal workers the same access to the court that is a private citizen's right—jury trials and an all-circuits judicial review in appeals courts.

It is unrealistic for the government to expect federal employees with second-class rights to provide first-class service to the public.●

EIGHTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

● Mr. KENNEDY. Mr. President, in 1991, the Ukrainian people, after decades of difficult and often tragic struggle, won their right to self-determination. They declared their independence, as did other peoples of the former Soviet Union, fulfilling the wishes of generations of Ukrainians.

Eight years have now passed since that dramatic time, and Ukraine and U.S.-Ukrainian relations are stronger than ever. We now have a U.S.-Ukraine Joint Commission, chaired by Vice President GORE and President Kuchma, which seeks to improve bilateral relations on a wide range of issues.

A significant part of this effort is the sister city project to help Ukrainian communities develop more effective local government. I'm proud that the City of Lowell in Massachusetts is a sister city with the Ukrainian city of Berdiansk in this worthwhile project.

I especially commend the members of the Ukrainian-American community for their constant courage and commitment in championing the cause of Ukrainian independence over the years. They never gave up this struggle, even during the darkest days of the Cold War. They can be proud of their achievements. Their efforts in recent years have made Ukraine the third largest annual recipient of U.S. assistance. I'm prouder than ever to support their impressive efforts.

I also commend the Ukrainian-American community for its ongoing work to help American high school students understand that the Great Famine of the 1930s was a man-made terror-famine, used by Stalin to suppress the Ukrainian people. Millions of Ukrainians died in this great crime against humanity.

Sadly, the twentieth century has been filled with too many of these massive crimes. We must never forget the atrocities that have been inflicted on millions of citizens in other lands, including the Ukrainian people. We must do all we can to build a better world in the years ahead.●

TRIBUTE FOR MS. LINDA COLEMAN

● Mr. WARNER. Mr. President, I would like to recognize the exceptionally distinguished service of Ms. Linda Coleman, who is leaving Federal Service on September 30, 1999, after 30 years. She has been the mainstay within the Office of the Chief of Legislative Liaison, United States Army for the past 20 years. It is a privilege for me to recognize the many outstanding achievements she has provided the Congress, the United States Army and our great Nation.

Linda Coleman has worked for every Member of the Congress as the Secretary of the Army's legislative liaison within the Army's House Liaison Division, Congressional Inquiry Division, and Programs Division. Initiative, caring service, and professionalism are the terms used to describe Linda Coleman. She has been instrumental in providing information and explaining the diverse programs within the United States Army. Ms. Coleman is an expert in coordinating the interface between the Secretary and Chief of Staff of the Army and Members of Congress. She is an expert at cutting through the red tape of the bureaucracy without losing sight of the fact that taking care of the soldier is the ultimate goal. I have never known of an instance in which Ms. Coleman would back away from doing the right thing for the Army, the soldier or family members, or the Congress she served.

Ms. Coleman has earned a reputation on Capitol Hill as someone who could be relied upon to respond to inquires in a responsive, professional manner. She expanded the Army's understanding of Congress and the Army's role in the legislative process through continuous interaction with Members of Congress and the Army's leadership. Ms. Coleman established procedures to assist in informing and explaining the Army to Congress. Ms. Coleman prepared the Army's senior leaders for all of their meetings with Members of Congress. For each meeting, she prepared the Army senior leader with detailed information on the issues and the interests of the Members of Congress involved in the meetings. Ms. Coleman has been the "go to" person in Army Legislative Liaison. When Members of Congress had a really complex issue, the legislative action officers and assistants would go to her for advice.

Ms. Coleman is able to communicate effectively with both military officials and Congressional staff members and has developed superb working relationships. Her professional abilities have earned her the respect and trust which served her, the Army, and Congress so well.

Mr. President, Linda Coleman is a great credit to the Army and this great Nation. As she now departs after 30 years of Federal Service, I call upon my colleagues to recognize her great contribution to the Nation, and in particular, the Congress. I wish her well in her future endeavors.●

EAST PEORIA, ILLINOIS, COMBATS RACISM AND HATRED

● Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to an article published in the New York Times on September 21, 1999. The article describes the efforts by the people of East Peoria, Illinois, to combat racism and hatred in the aftermath of Benjamin Smith's shooting rampage during the July 4 weekend. Mr. Smith, a former member of the so-called World Church of the Creator, targeted Jews, African-Americans, and Asian-Americans, killing two and wounding nine before shooting himself. Matthew Hale, a self-proclaimed white supremacist who established the World Church of the Creator, set up its headquarters in East Peoria.

Mr. President, it would have been easy for the citizens of East Peoria to simply move on with their lives, dismissing this incident as an aberration and passively hoping that future acts of racial hatred would not plague their community. But the citizens of East Peoria are embracing a proactive approach to combating hatred, fostering tolerance, and celebrating diversity. Mayor Charles Dobbelaire recently announced the creation of a Human Relations Commission, which will guide East Peoria in their campaign to combat hate and teach tolerance.

While we can prosecute crimes motivated by hatred, we unfortunately cannot legislate hate out of the human heart. Each of us has a responsibility to speak out against racism and embrace our differences, rather than use them as a wedge to divide our communities. I ask that my colleagues join me in recognizing the commendable efforts made by the citizens of East Peoria to combat racial hatred and promote tolerance and that an article from the New York Times be inserted in the Congressional Record.

The article follows:

[From the New York Times, September 21, 1999]

A City Takes a Stand Against Hate

(By Jo Thomas)

East Peoria, Ill.—For years, the hardworking residents of this mostly white town on the eastern bank of the Illinois River did not take seriously the white supremacist views of Matthew F. Hale, 27, the son of a retired local policeman.

They recall trying to ignore his leaflets and appearances on public-access television. When he set up the headquarters of the World Church of the Creator in his parents' home, some thought it was a joke.

But after the July 4 weekend, when Benjamin Smith, a former World Church member, went on a two-state rampage against Jews, blacks and Asian-Americans, killing two and wounding nine before shooting himself, the laughter stopped.

"We were sickened," said Dennis Triggs, 54, the City Attorney. "We had the sense that benign neglect must come to an end."

Mr. Triggs called Morris Dees, co-founder of the Southern Poverty law Center, a nonprofit civil rights organization, to ask what East Peoria could do.

Mr. Dees sent Mr. Triggs and Mayor Charles Dobbelaire, 59, a copy of the center's publication "Ten Ways to Fight Hate," and advised city leaders to do two things: Speak out immediately and form a broad-based coalition on race issues.

Mr. Dees also put leaders in touch with the Rev. David Ostendorf, a United Church of Christ minister in Chicago who leads the Center for a New Community, a group dedicated to fighting white supremacist ideas and organizations in the Midwest.

Mr. Ostendorf, who believes that "the only way this movement is going to be stopped is if communities stand up and say no and organize to oppose it," added a stop in East Peoria to a civil rights tour that retraced Mr. Smith's deadly trip through Illinois and Indiana.

On July 22, with members of Mr. Ostendorf's caravan and 200 local residents present, the Mayor announced that East Peoria, which has only a few dozen nonwhites in its population of 23,400 would set up a Human Relations Commission "to guide us in combating hate and teaching tolerance."

"We will not surrender the minds of our young to Matt Hale," Mr. Dobbelaire continued.

"I know that still today there are those who believe we should not attract attention to the hatemongers," he said. "They believe that if we quietly go about our everyday life, those who preach hate will fade slowly into the night. I ask you this: If we do not speak out, loud and clear, when the hate messages spewing forth from this so-called church lead to death, then when do we speak out?"

Mr. Dobbelaire's speech was followed by a prayer vigil in front of the Hale family home. On the other side of the ordinary, tree-lined street, a neighbor had posted a sign saying "Hate Has No Home here."

The Mayor, who grew up in East Peoria and said racial issues rarely crossed his mind, appointed a new Human Relations Commission on Aug. 17.

"We're in this for the long haul," he said.

East Peoria has survived severe blows before, the worst being the closing of a Caterpillar tractor plant that had been its economic cornerstone. But it has enjoyed a comeback in recent years, with a new riverboat casino and jobs in entertainment, tourism and service industries.

The idea that their town might be seen as some kind of hate capital horrified the Mayor and the human relations commissioners.

"This is really causing a bad image for our tri-county area, not just East Peoria," said David Mingus, the commission chairman. "It's unfortunate and unrealistic. Our towns are good towns."

Mr. Mingus, 48, a mental health professional, said the commission intended to take a broad look at diversity and tolerance.

"We will keep it open to all areas," he said. "It's something nobody has on the scope all the time. We have to change attitudes."

Another member of the commission, Charles Randle, 53, who is black, said he had lived in an upscale neighborhood of East Peoria for 17 years with no difficulty. But Mr. Randle said he could not forget the searing experience of childhood on a cotton plantation in Mississippi, where two of his brothers, then young boys, were jailed for supposedly whistling at a white woman. To escape that life, their father, a sharecropper, moved his wife and 10 children to Peoria, where he worked at a slaughterhouse and then started a series of successful family businesses.

Mr. Randle, the director of economic development for Illinois Central College, said he saw the Human Relations Commission as a chance for East Peoria "to step outside the box and look around."

Other communities have made similar efforts.

In Boise, Idaho, several years ago, the state's image began to worry the staff at Hewlett-Packard, said Cindy Stanphill, the company's diversity and staffing manager.

"When we recruit, people know about Idaho potatoes and the Aryan nations," Ms. Stanphill said. "The image does not necessarily represent the reality, but you have to deal with both."

For three years, the Hewlett-Packard staff has tried to find ways to insure that people they recruit and employ in Boise feel welcome at work and in the community. Staff members are now trying to organize an Idaho Inclusiveness Coalition, a group of major employers and human rights groups to promote tolerance and celebrate diversity.

In Pennsylvania, the state's Human Relations Commission has helped more than 50 communities form groups to do something about hate. One group started in Boyertown, a historically all-white community northwest of Philadelphia where the Ku Klux Klan distributed recruitment literature once a month.

Residents formed a unity coalition and asked citizens to pledge 5 cents to 50 cents for each minute the Klan spent in town. The money went to civil rights groups and helped organize the town's first rally to honor the Rev. Dr. Martin Luther King Jr.

The head of the local Klan complained that the group, which was collecting $1,051 an hour, was using the Klan's name to raise money, said Louise Doskow, a member of the coalition. But the group persisted. "We have raised over $11,000," Ms. Doskow said. "We did it every month for 13 months, then they didn't show up again for a year. One person came to the corner at the end of June, so we did another collection."

The experiences of these communities and others, collected by Jim Carrier, a former reporter for The Denver Post, have been added to an updated version of "Ten Ways to Fight Hate." Mr. Carrier said the Southern Poverty Law Center would distribute a million free copies of the booklet and a companion, "Responding to Hate at School." The booklets will go to every school principal, mayor and police chief in the nation, as well as to human rights groups, religious leaders and interested citizens.

One group profiled, Coloradans United Against Hatred, formed after an African immigrant was murdered by a skinhead in 1997. Seeing the use of the Internet by hate groups, the group set up its own Web site to offer an alternative.

"Are we making a huge impact?" said Anita Fricklas, the Colorado director of the American Jewish Committee, which helped underwrite the project. "It's hard to know. But an impact? Definitely."●

RECOGNITION OF ALASKA QUARTERLY REVIEW

• Mr. MURKOWSKI. Mr. President, two years ago I rose to highlight a publication of the University of Alaska, Anchorage when it was honored as "one of the nation's best literary magazines." Today, I rise to again call the Senate's attention to the continuing praise for the Alaska Quarterly Review. Specifically, I rise to praise its latest issue, Alaska Native Writers, Storytellers & Orators, The Expanded Edition.

The literary journal, now in its 18th year, for its summer-fall issue has published a 400-page volume including more than 80 original works, many by Alaska Natives. The volume could win my praise simply for taking the step of publishing 15 classic Native stories in both English and in traditional Alaska Native languages. You see, in June 1991, I introduced the Alaska Native Languages Preservation Act (S, 1595). The bill, which became law in 1992 and was implemented in 1994, was designed to provide grants to Alaska Native groups and media for language preservation projects, including research, preservation and instruction to teach Alaska's traditional languages to younger Natives.

There are 20 original Native languages spoken in Alaska—more than 155 nationwide—but only two of them, Siberian Yup'ik and Central Yup'ik are healthy." That means they continue to be spoken by Native children. Thus 18 of the Alaska Native languages face extinction by 2055, unless more is done to preserve them. For example, only a single speaker of Eyak, a language spoken only in the Copper River Delta in Alaska, is still alive to pass the unique sounds of the language on to new speakers.

Thus the new effort by the review's Executive Editor and Founding Editor Ronald Spatz of Anchorage would win my praise simply because it has published stories in Eyak, Haida, Tlingit, Tsimshian, Ugangan, Alutiiq, Central Yup'ik, St. Lawrence Island Yup'ik, Inupiaq and Dena'ina. But the issue has done much more for classic and modern literature and for the preservation of Alaska's Native history and traditions.

Through its stories, short stories, oral histories, folk tales and poems, the literary magazine has taken a giant step to convey Alaska's rich and diverse Native cultures. It pays tribute to the Native language speakers and tradition bearers that keep their cultures alive through their stories and through their words. And over the years Alaskans have learned that one of the best ways to protect the social fabric of Native Alaskans is to protect their culture, thus maintaining Native residents' pride in their history and their heritage.

Kirkus Reviews, in its Aug. 1, 1999 review of the journal called it, "quite a tidy little omnibus of poems, oral histories, folk tales and stories by Native Alaskans. . . . Sociologists and folklorists will be particularly grateful for the bibliography and source notations, and those unfamiliar with Alaskan culture, will find in the very extensive commentaries a useful orientation to what remains a largely unknown world. . . . offering as they do a glimpse into the history of our Last Frontier."

This is certainly not the first time that the review has won literary praise. Since its inception at the Anchorage campus of the University of Alaska in 1982, the Alaska Quarterly Review (AQR) has served as an instrument to give voice to Alaska writers and poets, while also publishing the best of material from non-Alaskan authors. While the AQR is firmly rooted in Alaska, it maintains a national perspective—bridging the distance between the literary centers and Alaska, while also sharing an Alaskan perspective. This balanced presentation of views has earned AQR local, regional and national/international recognition over the years.

In June 1997 the Washington Post book review section, Book World, called it "one of the nation's best literary magazines." Bill Katz in the Library Journal said "AQR is highly recommended and deserves applause." While Patrick Parks in the Literary Magazine Review said, "It is an impressive publication, comprising as diverse and rewarding an aggregation of work as a reader is likely to find in any literary journal."

The review has won a host of national awards including a 1999 Beacon Best award, a 1997 O. Henry Award, a 1996 award from Scribner for Best American Poetry, and the 1995 Andres Berger Award from Northwest Writers Inc., plus literally a dozen other awards and mentions.

I rise today to honor the publication, not just because of its many awards, but because many Alaskans still do not understand or appreciate the breadth and scope of the publication and how important it has become as a gateway for Alaskan authors to win recognition from a wider literary audience.

I want to thank the University of Alaska Board of Regents and the leadership of the University of Alaska Anchorage for supporting the publication. Alaska's university system continues to face difficult economic times because of falling Alaska State revenues. It has taken a tremendous commitment to academic excellence to continue the funding necessary to permit the review to be a quality publication and artistic success. The University deserves great credit for its efforts at promoting the publication in these difficult financial times. It is because of the need for more revenues for the University to permit it to reach the highest level of greatness that I continue to press for the University to finally gain its full land-grant entitlement that it should have received at its founding. The University of Alaska Land Grant Bill, still pending full Senate consideration, would greatly help the University gain the economic means to support such important endeavors. But more on that at another time.

I also want to thank and again publicly recognize the work of Mr. Spatz. A recent recipient of the 1999 Edith R. Bullock Award for Excellence—the most prestigious award bestowed by the University of Alaska Foundation, Mr. Spatz is a professor and chair of the University of Alaska Anchorage's Department of Creative Writing and Literary Arts and has been involved with the UAA's honors program. A film maker and writer, besides editor, Mr. Spatz wrote a series of illuminating notes in the current volume. He was joined in shaping it by Contributing Editors Jeane Breinig, assistant professor of English at the University of Alaska Anchorage, and by Patricia Partnow, vice president of Education at the Alaska Native Heritage Center. A final thank you must be provided to the National Endowment for the Arts, which provided a Heritage and Preservation Grant that helped pay the costs of publication of the expanded edition.

Mr. President, Alaska, in fact all of America, is far richer artistically because of the review's presence. It truly is a window for Americans to view society in Alaska at the close of the 20th Century, and a worthy stage for the serious works of all writers as we enter the 21th Century. That is particularly the case with this edition. I commend it and its contributors for its many achievements, and I know all members of the U.S. Senate join me in wishing it continued success.•

NATIONAL HISPANIC HERITAGE MONTH

• Mr. TORRICELLI. Mr. President, I rise today in recognition of National Hispanic Heritage Month. In my own state of New Jersey, we celebrate and recognize the proud history of a people who have a deep affinity to faith, a strong work ethic, and commitment to family values. Hispanic Americans share a diverse ancestry with countries spanning Europe, Africa, and South and Central America, and close cultural ties to Mexico, the Caribbean, Central America, South America, and Spain. This diversity has brought variety and richness to the American mosaic and has strengthened our national character with invaluable perspective, experiences, and values.

For countless years, Hispanic Americans have played an integral role in all walks of life and made our country stronger. Whether it is in the entertainment industry, business, medicine or public service, the contributions of Hispanic Americans cannot be understated. I am proud to represent a state with a large concentration of Puerto Ricans, Cubans, Dominicans and immigrants from countless countries in South and Central America.

In counties such as Hudson, Essex, Passaic, Union, Camden, Atlantic and Cumberland, Hispanic Americans have been contributing to my state's diversity for years. In our state legislature, we are proud to have four members of the General Assembly of Hispanic Heritage with Wilfredo Caraballo, Raul "Rudy" Garcia, Nilsa Cruz-Perez and Nellie Pou. At the county level, we have three distinguished members of the Board of Chosen Freeholders with Nidia Davila-Colon, Silverio Vega, and Neftali Cruz in Hudson County. And at the local level, countless Cuban Americans, Puerto Ricans and Central and Southern Americans have achieved the office of council person and mayor. New Jersey was especially proud to elect its first Hispanic member of the House of Representatives with the election of Representative ROBERT E. MENENDEZ, who also serves in the House leadership.

Through my own Italian heritage, I share a special bond with people of Hispanic descent. When Christopher Columbus set sail to discover this continent, it was done so with the financial support of Spain. Hundreds of years later, the Hispanic heritage continues to be an important and critical aspect of our national accomplishments. Hispanic Americans comprise eleven percent of the nation's population. In just a few years, Hispanic Americans will be the largest ethnic group in the United States. Their commitment to this country has not gone unnoticed. Whether it is serving in our Armed forces or through their growing economic consumer strength, Hispanic Americans are indeed thriving and intertwined in the fabric that is this great country.

Activism is important to creating a sense of personal responsibility for one's community. The Hispanic American community embodies this concept, and should be commended for successfully instilling it in others. The contributions of Hispanic Americans has spread to other communities in a manner that transcends racial and ethnic differences, and I am confident they will continue to grow as a vital component of life in New Jersey and indeed the United States.●

OIL ROYALTY VALUATION

● Mr. McCAIN. Mr. President, I want to state for the record that, had I been able to, I would have voted against the Hutchison amendment to the Interior appropriations bill, which proposed to continue a moratorium on revising Interior regulations governing how much oil companies pay for oil drilled on public lands and resources. I regret that previous commitments prevented my availability to be in the Senate for this critical vote.

This issue seems fairly straightforward. Oil companies are required to pay royalties for on- and off-shore oil drilling. Fees are based on current law which clearly states that "the value of production for purposes of computing royalty on production . . . shall never be less than the fair market value of the production." Revenues generated from these royalties are returned to the federal treasury. However, for many years, oil companies have been allowed to set their own rates.

In the past, I have supported similar amendments which extended a moratorium on rulemaking while affected parties were involved in negotiations to update the regulations. However, this process has been stalled for years, with little possibility of reaching resolution because these legislative riders imposing a moratorium on regulation changes have created a disincentive for oil companies to agree to any fee increases, resulting in taxpayers losing as much as $66 million a year.

Who loses from this stalemate? The taxpayers—because royalties returned to the federal treasury benefit states, Indian tribes, federal programs such as the Historic Preservation Fund and the Land and Water Conservation Fund, and national parks.

I supported cloture twice to end debate on this amendment because I believe we should vote on the underlying amendment to allow a fair and equitable solution of royalty valuation of oil on federal lands. On the final vote, however, I would have opposed the Hutchison amendment to continue this moratorium because I believe we should halt the process by which oil companies can set their own rules and determine how much they pay the taxpayers for the use of public assets. I do not support a structure which only serves to benefit big oil companies and allows them to continue to be subsidized by the taxpayers.

We should seek fairness for each and every industry doing business on public lands using public assets, and we should insist that same treatment be applied to oil companies. Fees that are assessed from drilling oil on public lands are directed back to the federal treasury and these fees should reflect the true value of the benefit oil companies receive.

We have a responsibility, both as legislators and as public servants, to ensure responsible management of our public lands and a fair return to taxpayers. That responsibility includes determining a fair fee structure for oil drilling on public lands. Despite passage of this amendment which continues this moratorium for yet another year, I hope that we can reach a reasonable agreement to ensure proper payment by oil companies for utilizing public resources.●

RECOGNIZING THE MAY 13, 1999, SPEECH OF HANS W. BECHERER, CHAIRMAN AND CEO OF DEERE AND COMPANY BEFORE THE DES MOINES ROTARY CLUB

● Mr. GRASSLEY. Mr. President, I would like to recognize and enter into the RECORD a recent speech presented to the Des Moines Rotary Club by Hans Becherer, Chairman and CEO of Deere and Company. His remarks are insightful and provide a long term outlook from one of the leaders in our agricultural community. The speech is entitled, "All Farming is Global".

Today I'd like to discuss some of the major trends that will help shape agriculture as it moves into the new century and millennium. This is of particular importance to Iowa since almost one-fourth of the state's population works in the agricultural complex . . . and 90% of the land area is devoted to farms.

Farming remains critical to John Deere, as well. Although we've diversified a good deal in recent years, both in product breadth and geographic reach, farm machinery remains our flagship business . . . and the domestic farmer our number one customer.

Needless to say, the farm sector is struggling right now due to depressed grain and livestock prices. As a result, North American retail demand for farm equipment is expected to be off 25% or so this year with lesser reductions in Europe. Accordingly, we're making aggressive cutbacks in our production in order to adjust inventories and bring more balance to the market.

One farmer, on an Internet message board devoted to Deere, recently summed it up this way: "The quality of the green tractor is there," he said. "The quality of the green money to pay for it isn't."

Thus far, that seems to be a fair assessment of the situation.

Of course, the farm economy was in good shape heading into this downturn, from the standpoint of debt levels and land values, and will likely prove quite resilient. There's nothing to suggest this will be a rerun of the 1980s.

Moreover—the next year or two aside—the future of farming looks extremely promising for the long run.

That's what I'd like to focus on this afternoon—less the problems of the present, than the promise of the future.

Of the key forces dictating change in agriculture today, the most important ones concern increasingly open markets and freer trade; the explosive growth in technology, which is transforming the entire economy these days; plus, the continuing importance of environmental issues.

Let's take a closer look at these issues now.

* * * * *

As a first point, farming is becoming far more market-oriented.

Most of us, I suspect, believe in free trade and open agricultural markets. We feel farmers in Iowa have a lot to gain from such a situation. We have, after all, some of the world's best farmland literally in our backyards, plus an excellent distribution system for getting crops to market, and access to highly productive farm machinery.

Just what does an open market, increasingly free of controls and restrictions, mean to the farm sector?

Mostly, it will accelerate trends already under way—putting a premium on large, efficiently run operations that are able to make the most of today's technology and fast-moving markets.

Less-regulated farming will have a positive impact in terms of overall economic efficiency—and it's likely a plus for the nation's agricultural complex as a whole. It certainly gives U.S. farming a leg-up in a global market, something that works to Iowa's benefit.

As for the decline in smaller farms, this very definitely marks the passing of an era, which many find a source of regret. But it's a process that has been in motion for some time: Even in the robust economic environment of the last few years, Deere was selling less than half as many tractors and combines to the domestic market as in the early 1970s. The number of U.S. farms has contracted by one-third (from 3 to 2 million) over this time, with a similar pattern seen in Iowa.

I should point out that some small operators will do quite well in tomorrow's less-regulated market. These are the ones who devote themselves to a type of management-intensive, or niche, agriculture, such as growing organic crops. Still, it will take quite an entrepreneurial breed to overcome the economies of scale that are becoming more and more a part of farming.

Along the same lines, a more open agricultural climate means farming will become more internationally focused and geared to exports. Indeed, the farmer of the future will have to be a man of the world.

And that's definitely a plus for Iowa.

Agriculture has always been regarded as the most basic of local enterprises. And rightly so: What could be more a part of our communities than our own soil? Farming, moreover, has constituted the soul of rural life in our country for over 200 years, and been widely associated with the virtues of honesty and hard work that built America.

But in truth, ladies and gentlemen, all farming is global.

Every ear of corn, or pod of soybean produced in Iowa makes an impact on the world market . . . and affects farmers in faraway places such as Australia and Argentina.

Similarly, every drop of rain that falls on Brazil's creddados . . . has an effect on Iowa's farms and fields.

Legislation approved in Berlin and Brussels . . . is felt by farmers in Burlington and Belle Plaine.

Soybean prices went into a nosedive awhile back . . . not because of a leap in supply or a lag in demand, but because the Brazilian currency lost one-quarter of its value overnight. Brazil, of course, is a major soybean producer and exporter. That action alone shaved roughly a dollar a bushel off bean prices.

Global trade, manifested by exports, has become a mainstay for our nation's farmers. Roughly one-fourth of farm receipts today come from overseas sales. And Iowa is right in the thick of things, being the nation's number-two exporter of agricultural commodities (~$4B year) after California.

Farm exports will drop this year due to the economic travails of the developing world and are down almost 20%—or $10 billion—from their peak. But this is almost surely a short-lived phenomenon . . . and completely at odds with the long-range picture.

The world's fundamentals—namely, strong population growth, improved diets and more open trade policies—all point to U.S. farming, and Iowa agriculture, being an export-driven, growth-intensive business with solid prospects well into the future.

* * * * *

Farming will get more competitive, too, as farmers scramble to add value to their crops and gain an edge in productivity, yields and costs.

Technology—my second point—will help them get there. Technology, of course, has been the story in agriculture since the days of Cyrus McCormick's reaper . . . John Deere's plow . . . and the Waterloo Boy tractor. Forerunners of modern-day combines and cotton-pickers weren't far behind.

The cultural effect of ever-more productive machinery goes well beyond the farm. It's what transformed our society into an industrial power since it takes so much less physical labor to feed our population today. The average farmer gets as much done by 9 a.m. now as in a full day in the post-war 1940s. Over this time, crop production has nearly tripled from virtually the same amount of farmland. Especially noteworthy, farm-labor's role in the agricultural process has dropped by more than two-thirds during this time.

What accounts for such improvements? Technology, mostly . . . in the form of better seeds and fertilizer, as well as—indeed—more sophisticated farm machinery.

As important as technology has been to farming's past . . . it's fair to say we haven't seen anything yet. Genetically modified seeds . . . plus precision, or satellite-guided, farming and other, almost unimaginable, advances in information technology . . . put farming on a truly exciting, high-tech plain for the new century.

Going forward, in fact, a farmer's biggest problem will not be having access to technology, but figuring out how to apply it to his best advantage. "What we're trying to do here," one farmer recently said at a precision-farming conference, "is create knowledge out of chaos."

Meeting this need—helping farmers bridge the gap between information and intelligence—may constitute a promising business opportunity in its own right. Deere recently formed a new business unit—John Deere Special Technology Group—to help supply solutions to these challenges.

One of the unit's most exciting new ventures is the VantagePoint network, a kind of silo in cyberspace. More to the point, VantagePoint is an Internet-based data-warehouse subscription service that allows farmers to collect, store, and reference a full array of data about their farming operation—such as yield and seed population. Subscribers can also see aggregated data from neighboring areas. VantagePoint functions as a server to contain this information . . . and, as an interface, to organize and present the data in creative and useful ways.

As for the Internet itself, we believe it adds an important new dimension to the selling process, which should work to the benefit of our John Deere dealers . . . by helping them provide even more responsive service and counsel.

A number of dealers have their own websites. Many more are listing used equipment on a company-sponsored site called MachineFinder-dot-com, launched late last year. Roughly 6,000 pieces of equipment, mostly tractors and combines, are presently available over MachineFinder . . . and about 15,000 users have registered for the site.

What ever the future of MachineFinder and other emerging Internet-related services, one can safely assume that technology will play as big a role in the success of tomorrow's farmers as the weather or government policies.

* * * * *

As technology makes farmers more productive, it's also helping them be good stewards of the soil, the air and the water. That's the third area I'd like to touch on today.

Outside of large hog lots—which is certainly a newsworthy issue in Iowa—the environmental side of farming doesn't grab many headlines. But it's quite a factor in the farming process . . . and seems likely to stay that way.

Regulation, for one thing, will see to it that farmers remain serious about limiting emissions . . . preserving the soil .... and controlling the run-off of chemicals and waste. Some of the proposals you hear about would even limit the hours farmers spend in their fields, based on dust restrictions. Noise abatement is an emerging concern. And water quality seems likely to be the next big area of regulatory focus.

All this, of course, adds cost and complexity to the farming process. But many of the very things that make farmers environmentally sensitive . . . are actually fiscally sensible. That is, they help farmers become more productive and profitable.

New engines are cleaner-burning and more efficient. Precision farming helps farmers cut down on input costs. New sprayers apply herbicides with laser-like precision, cutting down on waste and over-spray.

All that's good for the environment, of course. But it's also beneficial for the farmer's bottom line.

Iowa's farmers are truly among the unsung heroes in today's environmental movement. For without modern fertilizers, herbicides and machinery . . . without high-yield production practices . . . and without the tremendous yield gains we've seen over the years . . . an additional one-million square miles of our nation (all the land east of the Mississippi River, in size) would need to be plowed under and made into cropland, merely to equal present levels of grain production.

That's no less than three miles the amount of land currently devoted to farming. It's fair to say, moreover, that these new fields would come at the direct expense of forested areas and other land now serving as wildlife habitat or as part of our natural watershed.

Clearly, farmers have done quite a job of safeguarding our natural resources, while meeting the world's growing need for food. Nevertheless, tomorrow's increasingly formidable environmental pressures will require an even more intensive commitment on their part.

* * * * *

Regardless of the challenges ahead for agriculture, I assure you that Deere remains firmly committed to providing solutions to our customers' needs and customers in our case go far beyond the farm.

Over the last several years, John Deere has worked hard to achieve a good deal of diversification in our operations. We've done so not by plunging into altogether-new businesses, but by applying the lessons learned from generations of dealing with farmers' to a broader range of customers.

Our view is that the characteristics of our Waterloo-made tractors, or Des Moines cotton pickers—such as durability and reliability—work just as well for construction equipment, such as Dubuque-made backhoes.

The same goes for our new skid-steer loaders, Gator utility vehicles, golf and turf equipment or the full range of lawn-care machinery now being offered in green and yellow.

Similarly, our Des Moines-based credit operation owes its success not to the fact that the money it lends goes farther than anyone else's . . . but because of the integrity and service that has long been associated with the John Deere name. (John Deere Credit, incidentally, is quite a successful enterprise in its own right, normally adding 20% or so to the company's overall net income.)

Moreover, it is these non-ag operations that have been the focus of major investment programs of late . . . and which we're counting on to help us achieve more consistency in our profits whenever the farm economy weakens.

* * * * *

None of which, in any way, dampens our enthusiasm for farming.

Because despite some of the challenges I've mentioned—and the current downturn is very real and painful—the future for agriculture looks good.

Darned good, in fact.

Regardless of Indonesia's financial problems . . . the world still has 10,000 new mouths to feed every hour, and, again, will need three times today's grain output within 50 years.

No matter what's ahead for Brazil's real or Russia's ruble . . . a good deal of money will be spent on the increased consumption of meat—which is a primary driver of demand for grain.

Beyond the Third World's growing pains . . . the global farm population, now over 40%, will shrink as industrial growth creates new opportunities and higher living standards. This will make Iowa's contribution to the world food supply all the more important.

True, these things may take shape more slowly than we expected, but the fundamental trends are headed in the right direction.

All point . . . to a promising future . . . for a globally attuned . . . technologically astute . . . environmentally aware . . . agricultural sector—such as exists in Iowa and surrounding states.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 231 and 233; and the nominations on the Secretary's desk in the Air Force, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF DEFENSE

The following named United States Army officer for reappointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Henry H. Shelton, 4698.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph W. Dyer, Jr., 0881.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Michael L Colopy, and ending Eveline F Yaotiu, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Air Force nomination of Thomas G. Bowie, Jr., which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Air Force nominations beginning James W Bost, and ending Grover K Yamane, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps nomination of Michael J. Dellamico, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps nomination of Charles S. Dunston, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Thomas K Aanstoos, and ending Robert D Younger, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 1999.

Navy nominations beginning David M Brown, and ending Paul W Witt, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 1999.

Navy nominations beginning Anibal L Acevedo, and ending Steven T Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Daniel A Abrams, and ending John M Zuzich, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Marc E Arena, and ending Antonio J Scurlock, which Nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

EXTENSION OF AIRPORT IMPROVEMENT PROGRAM

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1637 introduced earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 1637) to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, I ask unanimous consent this bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1637) was passed, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999." and inserting "$2,410,000,000 for the fiscal year ending September 30, 1999.".

(b) OBLIGATION AUTHORITY.—Section 47104(c) of such title is amended by striking "August 6, 1999," and inserting "September 30, 1999,".

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption "GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)" is amended by striking "Code: *Provided further*, That no more than $1,660,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999," and inserting "Code.".

ORDERS FOR MONDAY, SEPTEMBER 27, 1999

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 12 noon on Monday, September 27. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 3:30 p.m., with Senators speaking for up to 5 minutes each with the following exceptions: Senator THOMAS, or designee, 1 hour; and Senator DURBIN, or designee, 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, the Senate will convene on Monday at 12 noon and be in a period of morning business until 3:30 p.m. By previous order, at 3:30 p.m.

the Senate will begin consideration of two resolutions that were introduced today regarding education. The Lott and Daschle resolutions will be debated concurrently for 2 hours, and the Senate will then proceed to two stacked votes. Therefore, Senators can expect the first vote on Monday at approximately 5:30 p.m. Following the votes, the Senate may begin consideration of any conference reports, appropriations bills, or nominations available for action.

ORDER FOR ADJOURNMENT

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SURVIVORS FOR PREVENTION OF SUICIDE DAY

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 283, Senate Resolution 99.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 99), with its preamble, reads as follows:

S. RES. 99

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, 200,000 people become suicide survivors (people that have lost a loved one to suicide), and there approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 20, 1999, as "National Survivors for Prevention of Suicide Day"; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLOSE OF THE YEAR

Mr. BYRD. Mr. President, earlier this week we have heard again the chiming of the celestial clock, the autumnal equinox sounded the arrival of fall and the harvest season. In Washington, the skies today are sapphire blue and they look like parchment marked only with wispy glyphs of aircraft contrails. The air is crisp and the air is clear, with none of the steaminess that burdened our torrid summer days. Evenings serve up the glorious gradations of vivid colors from a palette only God could paint. Night comes earlier and night is cooler. The hum of air conditioners is giving way to the weight of blankets on the bed. In the words of Humbert Wolfe:

> Listen! The wind is rising,
> and the air is wild with leaves.
> We have had our summer evenings,
> now for October eves!

The year is advancing, cycling into its season of greatest abundance as crops mature and are harvested—such crops as they are. I have to add that, in the light of the terrible drought that has afflicted the eastern part of the United States, from Vermont to Tennessee. But as the crops, such as they are—mature and are harvested against the coming of winter. Branches are bent over with crisp apples and succulent pears, foretelling the apple butter festivals to come.

Mr. President, we have great apple butter festivals in West Virginia. Go to Berkeley Springs in Morgan County, just an hour and a half's drive from here. Go to the apple butter festival there. And there are apple butter festivals in other parts of West Virginia.

In my backyard, the squirrels and the chipmunks are gathering, and I play a little game with those squirrels and chipmunks. My wife, Erma, always sees to it that I have a large bag of peanuts. And when I look out the window and see squirrels, I go to the door, softly unlock the door, but the squirrels, they hear. And when they hear the little noises at the door they perk up, they sit up on their haunches and they look at the door, and then they break out into a run. They run to the door—my door, my door that opens on the back porch of my house—they run to the door because they sense that there is about to be a peanut that will emerge from a tiny crack when the door is opened. And they pounce upon that peanut.

The chipmunk also runs for the peanut. Sometimes he wins and gets there first, but many times he doesn't get there first, and I can just sense the disappointment on his little face as he becomes very excited and runs here and there, thither and yon, looking for a peanut which the squirrel was first to get. So I throw out another peanut and the chipmunk gets that one.

The squirrels and chipmunks are gathering and storing acorns and peanuts and every bit of corn and birdseed that they can steal from my feeders. Erma and I average about 40 pounds of bird food a week that we put in our bird feeders.

The tomato plants—aha, my tomato plants, great farmer that I am—I, every year, put out a half-dozen tomato plants. This year was a terrible year for tomatoes. The tomato plants that I cultivate in my backyard are straining under their last load of ruby jewels. But the jewels have been so slow this year to become ruby-colored. They remain green. And, of course, Mr. President, you might understand the greed with which I approach those succulent fruits from the tomato plant. But they have suffered this year not only from the heat, but also from the drought, and then from the recent heavy rains.

I am a fortunate farmer. My little crop is grown for pleasure, in the main. I try to furnish my own table and that of any of the grandchildren who happen to come by. My little crop is grown for pleasure. My clay pots have not been cracked by this summer's record drought, nor flooded by Hurricane Floyd. Many farmers upon whose labors my winter table depends have not been so fortunate, of course. Crops and livestock throughout the Nation have been buffeted by rather exceptional weather conditions this year, and particularly in the eastern part of the United States, from Tennessee to Vermont.

Come November, farmers are likely to be saying prayers—and I should think they probably have already been saying prayers—prayers of relief because, indeed, there were some rains still left in the heavens.

In our conference committees, Senators are working to provide assistance to our family farmers, so that they might be able to recover partially, at least, from this disastrous year and return to oversee the plowing and the calving, the planting and the lambing, the pruning and the blossoming once again, rather than giving up on their most honorable and arduous careers.

I have no doubt that the distinguished Senator who presides over the Senate this afternoon with a degree of dignity and skill, that is so rare as a day in June, knows what I am talking about because he comes from Wyoming and there are farmers there and farms. He knows when I talk about calving, lambing, pruning, planting, and plowing, these are not strange, alien words to him.

I hope that we will succeed in our efforts here in the Senate and speed up this relief to our farmers. It is much needed, and it should be on its way without delay. Those people are suffering.

The march of the seasons also brings us nearer to the close of the year. This year, that event has a special import. We have just begun—I believe it was yesterday—on the 100-day countdown to a calendar change that has spawned many nicknames, Y2K being one of the most common in the United States.

The concern over computer glitches caused by the date change certainly warrants our attention and corrective action. But the hype over Y2K and its alias, the "millennium bug," has spawned a misguided perception regarding the true beginning of the third millennium since the birth of our Lord. It is a small but irritating example of sloppy, careless media reporting and advertising that reject the role of informer and educator in favor of following the popular trend. This trend might be termed "the odometer theory," in which the physical act of watching all the nines roll over to zeros on a car's odometer becomes a symbolic ritual unrelated to how well the car is or is not running. Watching 1999—1-9-9-9—roll over to 2-0-0-0 may be a rare event that warrants a new year's party, but it does not truly signify anything except a new year.

To be formal, accurate, and correct, we must not confuse, as so many are presently confusing, January 1, 2000, with the beginning of the new millennium, which it is not. January 1, 2000, does not begin the new millennium, unless we wish history to say that the second millennium contained only 999 years.

When the Christian calendar, observed in the United States and, indeed, in most of the world, was established in the 6th century by the Scythian monk, chronologist, and scholar Dionysius Exiguus, died A.D. 556, he began his calendar with January 1, year 1. Thus, the third millennium will begin on January 1, 2001, not 2000. Not 2-0-0-0. So forget it. The coming year of 2000 is not the beginning of the next millennium. It is only the end of the current millennium. And this coming January is not the beginning of the 21st century. The year 2000 merely closes out the 20th century. Otherwise, we lose a year somewhere along the line—a good old fiddle tune. Somewhere along the line, we are going to throw away a year.

This may be the new math, but according to the old math, there are 100 years in every century for it to be a complete century, and there are 1,000 years in every millennium to complete a millennium. So let's be more accurate.

We may party, we may think, we may say the millennium begins next year. So on December 31 of this year, when the clock strikes 12 midnight, there are those who may wish to bring out the champagne and say: Ah, this is the new millennium!

It is not. We may party like it is, this December, but I caution everyone against living it up as if the world were going to end or you may face a very embarrassing morning after.

I thank you, Mr. President, for allowing me a few minutes to set the record straight. There it is. Unless the new math says that 999 years constitute a millennium, and that 99 years constitute a century, unless that is a given, we have to wait another year before the beginning of the third millennium.

Let's set the record straight on that score. It may seem like a small thing, just a little thing, the cranky ranting of a cranky older fellow. The Bible says "the little foxes that spoil the vines." I am talking about one of those little foxes.

I am confident that others share my desire for accuracy, and my suspicion that reporters and commentators and public figures who fail on a fact so readily checked may be sloppy with other facts as well.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 27, 1999

The **PRESIDING OFFICER.** Under the previous order, the Senate stands in adjournment until noon on Monday.

Thereupon, the Senate, at 2:09 p.m., adjourned until Monday, September 27, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 24, 1999:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2003. (REAPPOINTMENT)

JESSIE M. ROBERSON, OF ALABAMA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2002, VICE HERBERT KOUTS, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1999:

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED UNITED STATES ARMY OFFICER FOR REAPPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. HENRY H. SHELTON, 4698.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH W. DYER, JR., 0881.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. COLOPY, AND ENDING EVELINE F. YAOTIU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

THOMAS G. BOWIE, JR., 2134.

AIR FORCE NOMINATIONS BEGINNING JAMES W. BOST, AND ENDING GROVER K. YAMANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL J. DELLAMICO, 0543.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES S. DUNSTON, 4391.

NAVY

NAVY NOMINATIONS BEGINNING THOMAS K. AANSTOOS, AND ENDING ROBERT D. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1999.

NAVY NOMINATIONS BEGINNING DAVID M. BROWN AND ENDING PAUL W. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 1999.

NAVY NOMINATIONS BEGINNING ANIBAL L. ACEVEDO, AND ENDING STEVEN T. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NAVY NOMINATIONS BEGINNING DANIEL A. ABRAMS, AND ENDING JOHN M. ZUZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NAVY NOMINATIONS BEGINNING MARC E. ARENA, AND ENDING ANTONIO J. SCURLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE HOME ENERGY GENERATION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. INSLEE. Mr. Speaker, I rise today to introduce the Home Energy Generation Act, which will benefit individuals and small business owners who are currently producing their own energy, or wish to do so in the future. This legislation is a necessary incentive to help increase the use of environmentally sustainable technologies, and give Americans the independence and self-sufficiency they deserve.

The Home Energy Generation Act is a comprehensive "net metering" bill, which enables individuals who generate electricity using fuel cells or renewables such as wind, solar, or biomass, to receive credit for the surplus electricity they put back into the electricity grid. Credit for their excess energy generation is realized by allowing their electricity meter to literally run backwards when their energy unit is generating more energy than their household, farm, or small business is consuming.

In addition to net metering, the Home Energy Generation Act addresses many other barriers which can prevent Americans from generating their own electricity. This bill sets uniform national reliability and safety standards for interconnection of electricity generation units into the electricity grid, by utilizing private professional organizations. National standards are absolutely imperative to the development of reliable and affordable technology to interconnect. (It was national standards that allowed multiple companies, and consequently multiple technologies to interconnect into the once monopolized AT&T telephone system.)

The Home Energy Generation Act also allows retail electricity suppliers and utilities to count home energy generation capacity amongst their customers towards any renewable portfolio requirements.

This bill will function in the current electricity industry legislative structure, or in a deregulated electricity industry. It gives families, farms, and small businesses the same right as industrial generators by allowing home generators to sell their end of the year energy credit on the open market. Under a restructured industry, this will likely create a market for home generated power.

Although net metering is now allowed in 30 states, federal legislation is needed to create the national interconnectivity standards necessary to allow for safe and reliable interconnection, as well as to allow home generation industries to cost-effectively produce these technologies. In addition, this legislation is needed to resolve any uncertainty regarding state and local authority to implement net metering, since a state court has recently ruled that net metering requires explicit federal authority. This bill will provide that authority.

This bill is truly a bipartisan effort. It has been an honor for me to work with Both Congressmen Roscoe Bartlett of Maryland, and Vernon Ehlers of Michigan. In addition to these distinguished members, I would also like to thank the following original cosponsors to this important legislation: Mr. Brian Baird of Washington, Mr. Sherwood Boehlert of New York, Mr. Earl Blumenauer of Oregon, Mr. Merrill Cook of Utah, Mr. Peter DeFazio of Oregon, Mr. Norman Dicks of Washington, Mr. Lane Evans of Illinois, Mr. Sam Farr of California, Mr. Bob Filner of California, Mr. Martin Frost of Texas, Mr. Benjamin Gilman of New York, Mr. Luis Gutierrez of Illinois, Mr. Maurice Hinchey of New York, Mr. Patrick Kennedy of Rhode Island, Mr. James Leach of Iowa, Mr. John Lewis of Georgia, Mr. Jim McDermott of Washington, Mr. Jack Metcalf of Washington, Ms. Juanita Millender-McDonald of California, Ms. Nancy Pelosi of California, Mr. Ted Strickland of Ohio, Mr. Mark Udall of Colorado, Mr. Tom Udall of New Mexico, Mr. Robert Underwood of Guam, and Mr. Bruce Vento of Minnesota.

Lastly, I would like to acknowledge the assistance of the following groups who have been so helpful in crafting this legislation. They include the Solar Energy Industry Association, American Wind Energy Industry Association, public utilities, private investor owned utilities, fuel cell advocates, and various consumer groups.

I urge my colleagues to join me by cosponsoring the Home Energy Generation Act.

PERSONAL EXPLANATION

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SANDLIN. Mr. Speaker, I was very surprised to see my vote in the Congressional Record on H.R. 2490, Treasury Postal Appropriations. I am certain I intended to vote "no" and did, in fact, vote "no," yet the Record reflects a vote of "aye" on my part. Therefore, I enter this statement into the Record to reflect the error that has been made with respect to this vote.

Please note that I have filed resolutions of disapproval with regard to pay raises for Members, and I have consistently voted against legislation providing for such increases.

CALVERT ALLIANCE AGAINST DRUG ABUSE: 10 YEARS OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize the Calvert Alliance Against Substance Abuse, Inc., or CAASA, in celebrating its 10th Anniversary. CAASA, an organization which aims to fight substance abuse, has become a key player in reducing alcohol and drug abuse across Calvert County, Maryland. I commend CAASA for its starting as a grassroots drug prevention efforts.

It is imperative that youth are taught the dangers of drugs and alcohol at an early age. CAASA's sponsorship of numerous community activities geared towards children has encouraged them to steer away from drugs. Their support of various activities such as DARE, Just Say No Clubs, the Haunted Crack House, and many other programs have helped to keep many of the youth of Calvert County drug-free and out of trouble. By providing more school-based substance abuse programs, they have given these children alternatives to drug use.

Without the full support of the government and local communities, CAASA could not have enjoyed ten years of success. I would like to recognize community members, schools, civic and service organizations, religious groups, businesses, public agencies, and the county government for their continuous support of CAASA. This valuable partnership has enabled CAASA to reduce alcohol and drug abuse through public awareness, education, treatment, and law enforcement.

Alcohol and drug use remains a problem in both rural and urban communities across the Nation. Calvert County is fortunate to have such a valuable resource. I congratulate CAASA on 10 years of service and wish it all the best in the years to come.

RECOGNIZING THE 300TH ANNIVERSARY CELEBRATION OF KHALSA PANTH'S BIRTH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Khalsa Panth's 300th birth anniversary. Khalsa Panth was born April 13, 1699 and is a figure of the Sikh community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The purpose of founding the Khalsa was to spread righteousness and to uproot the repression and injustice; to create love and harmony amongst humankind and to end evil hatred. Khalsa stands for gender equality; to instill self-confidence; to live a humble life with self-respect and serve the society as its honorable Sant Sipahi.

The guidelines to the Sikh religion are as follows: Sikh's must have honest earnings, worship only one god, and share with the needy. They may only perform Sikh religious ceremonies and should meditate on God's name every day. Sikhs must not commit any one of the four misdeeds: cutting or shaving of the hair, drinking alcohol, using any intoxicant, and using adultery. Sikhs must give service to the religious congregation without expecting anything in return. They must not worship idols, graves and mortals. Sikhs must always be ready to defend the weak and fight for justice and freedom.

There are five symbols that have both practical and spiritual meaning for the Sikh's. Unshorn hair means moral and spiritual strength. A wooden comb is to keep the hair neat and tidy. The Sikh must always wear a turban and women must keep their heads covered with traditional heading or a turban. An Iron bracelet reminds a Sikh that he must keep himself away from bad deeds. Special tailored shorts remind a Sikh that he is not to indulge in adultery. A sword on the person of an Amritdhardi Sikh represents freedom. Last is political sovereignty. This reminds a Sikh of his duty to stand for truth, justice and righteousness.

Mr. Speaker, I rise today to recognize the Khalsa Panth's 300th birth anniversary. I urge my colleagues to join me in wishing the Sikh community many more years of continued success and happiness.

TAIWAN'S NATIONAL DAY MARKS THE TRIUMPH OF DEMOCRACY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to express my congratulations to the people of Taiwan on the occasion of their forthcoming 88th National Day. The people of Taiwan on October 10, 1999 will commemorate the anniversary of the 1911 revolution in China, which marks the ousting of the last imperial dynasty and beginnings of the Republic of China under the leadership of Dr. Sun Yatsen.

As we celebrate the 88th anniversary of the Republic of China's triumph as a democratically free and economically prosperous nation state, it is becoming of us to pay tribute to leadership and heroic efforts of Dr. Sun Yatsen. The courage and determination of the Chinese people in Taiwan, to act as architects of their own ambitions and choose their own destiny, serves as a profound inspiration to the freedom-loving people around the world. The success of the Chinese people stands strong as a model for emerging nations in Asia and the Pacific Rim.

Let this be a celebration of the outstanding successes people can achieve when they are free to exercise their rights, when they can aspire to greater heights, which they can pursue what they desire for themselves, their families and their nation. As the delegate from Guam, I recognize the fact that the island and people I represent share deep cultural and historical ties with Taiwan. As the closest American community to Taiwan, we, the people of Guam, feel especially proud of our relationship and wish them all the best on their celebration of National Day. The strong ties between the Taiwanese people and the people of Guam are longstanding. Whether as visitors or as new neighbors, the historical, economic and cultural traditions that exist between our peoples have cultivated a unique relationship. Toward that end, I would like to take this opportunity to honor the work of the Taipei Economic and Cultural Office in Guam under the Director General Leo Chenjan Lee. Through his capable hands, the Taiwan-Guam relationship is sure to yield even greater fruit and blossom ever brighter in the future. Let us, as a Nation, reaffirm our support as a vital trading partner and as a partner in democracy with Taiwan.

Mr. Speaker, I offer my most profound congratulations to Taiwan and President Lee Teng Hui on their celebration of National Day and on their continuous economic and democratic successes. It is altogether proper and fitting that we extend our prayers and remembrances, on behalf of the people of Guam, to all those who perished in the recent earthquake in Taiwan. May both the people of Guam and Taiwan continue to draw inspiration from one another and prosper long into the next millennium.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. GIBBONS. Mr. Speaker, I would like to congratulate Chairman SPENCE for all of his hard work on this bill. His time and commitment is appreciated by me and this entire Congress.

The reason I am before you is to discuss the ability of State and local governments to carry out their legitimate environmental, safety, and health oversight authority under the newly formed National Nuclear Security Administration, as set forth in this bill.

Mr. Speaker, the State of Nevada is among several states that house nuclear weapons production and/or testing facilities. Nevada is in fact home to the Nevada Test Site. A unique national resource, the Nevada Test Site is a massive outdoor laboratory and national experimental center that is larger than the state of Rhode Island.

Established as the Atomic Energy Commission's on-continent proving ground, the Nevada Test Site has seen more than four decades of nuclear weapons testing. Since the nuclear weapons testing moratorium in 1992, and under the direction of the Department of Energy (DOE), test site use has diversified into many other programs such as hazardous chemical spill testing, emergency response training, conventional weapons testing, and waste management and environmental technology studies.

Mr. Speaker, the states that house our nation's nuclear weapons testing facilities, including my home state of Nevada, will be subject to the DOE re-organization provisions in this bill. Our efforts to protect the oversight rights of these states is paramount.

Mr. Speaker, the citizens of Nevada need your assurance that nothing in Title 32 of this bill, relating to the National Nuclear Security Administration, is intended to limit, modify, affect, or otherwise change any local, state or federal environmental, safety or health law, including any waiver of federal sovereign immunity in any such federal law, or any obligation of the Administration or the Department to comply with any such local, state or federal law.

Again, I would like to thank Chairman SPENCE for his work on this bill and I appreciate his willingness to work with me on this very important issue.

IN COMMEMORATION OF THE PRESENTATION OF "THE GOLDEN MOMENT," AN ICE SKATING EXTRAVAGANZA, PRESENTED BY THE KRISTI YAMAGUCHI ALWAYS DREAM FOUNDATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Ms. LEE. Mr. Speaker, I rise to recognize The Kristi Yamaguchi Always Dream Foundation, which is headquartered in Oakland, CA, on its September 18, 1999 presentation of an ice skating extravaganza, "The Golden Moment." This presentation will serve as a fundraiser for the Foundation in support of its efforts to help in the fight against breast cancer. Kristi Yamaguchi created the Always Dream Foundation to inspire and embrace the hopes and dreams of children and help them fulfill their dreams.

Since its incorporation in 1996, The Always Dream Foundation has provided substantive support to organizations that have a positive influence on children. The Foundation's motto, "Always Dream," has served as the personal inspiration for Kristi Yamaguchi for many years, and has served as a constant reminder to dream big and never lose sight of her goals. Her dreams and accomplishments have been fulfilled as a direct result of her family's nurturing and love. The Kristi Yamaguchi Always Dream Foundation and Mervyn's California are presenting "A Golden Moment" figure skating concert on ice, accompanied live in-concert by the Oakland East Bay Symphony. This unique performance will be dedicated to helping make strides to overcome breast cancer.

I commend The Kristi Yamaguchi Always Dream Foundation for its diligence and perseverance in garnering the resources necessary to enrich and uplift the lives of the youth of this nation and the world. It has been through the Foundation's perseverance that it has garnered the resources necessary to support the struggle to overcome the ravages of breast cancer.

I wish to extend to The Kristi Yamaguchi Always Dream Foundation, its staff, donors, and volunteers sincere best wishes for success as they present "A Golden Moment" ice skating extravaganza to the citizens of Oakland and Alameda County.

INTRODUCTION OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1999

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KOLBE. Mr. Speaker, today I am proud to introduce legislation creating the Las Cienegas National Conservation Area (Las Cienegas National Conservation Area Establishment Act of 1999). Las Cienegas is Spanish for marshes or bogs. In the Southwest desert, water is a treasured commodity. A cienega is even more precious and rare. This essential resource—water—is becoming increasingly difficult to manage because of the changes we see in the region. This legislation takes a large step to provide positive management. It establishes a national conservation area in the Cienega Creek and Babocomari River watersheds located in southern Arizona. The NCA will conserve, protect, and enhance various resources and values while allowing environmentally responsible and sustainable livestock grazing and recreation.

Congressionally designated National Conservation areas (NCAs) have developed through the years as a method to protect and manage special areas that do not fit neatly into a traditional designation, such as wilderness. The NCA designation allows for flexible and creative management strategies for a resource area, while a designation of wilderness mandates a management structure set out in law. Therefore, an NCA is useful when there is a need to accomplish two objectives: (1) permanence to a management strategy, which is usually a compromise by all the stakeholders; and (2) flexibility to stipulate special management practices.

In 1995, the Sonoita Valley Planning Partnership (SVPP) was formed to work on public lands issues in the Empire-Cienega Resources Conservation Area, which the BLM established in 1988. The Partnership is comprised of various stakeholders, such as hiking clubs, conservation organizations, grazing and mining interests, off-highway vehicle clubs, mountain bike clubs, as well as Federal, State, and county governments. The SVPP has developed a collaborative management plan for these lands, and an NCA designation would give this plan's objectives permanence and assure implementation.

The Las Cienegas National Conservation Area Establishment Act would save a large tract of land significant for preserving a cross-section of plants and wildlife. The NCA would provide corridors for animal movements that are necessary for the long-term viability of important species. Two of southern Arizona's perennial streams, the Cienega Creek and the Babocomari River, would be protected, ensuring a long-term, sustainable riparian area. However, the NCA designation also retains these lands for human use. Ranching and recreation are integral parts of this conservation area, and the proposed legislations states this clearly.

The core of this NCA designation is the management plan, which must be based on the SVPP land use management plan. The plan will include several key elements: A program for interpretation and public education; a proposal for needed administrative and public facilities; a cultural resources management strategy prepared in consultation with the Arizona State Historic Preservation Officer; a wildlife management strategy prepared in consultation with Arizona's Game and Fish Department; a production livestock grazing management strategy drafted in consultation with the State Land department; a strategy for recreation management including motorized and nonmotorized recreation, formulated in consultation with the State; and a cave resources management strategy.

Another key component of the proposed legislation is the acquisition of land. This proposal reaffirms the principle of maintaining private property in Arizona, currently only 17.7 percent of the State, while providing the flexibility needed to include state lands in management strategies. Under this proposed bill, private land can be acquired only through donation, exchange, or conservation easements. To further ensure that Arizona's privately held lands will not be diminished, the proposed legislation specifically states that an exchange must not "reduce the tax base within the State of Arizona." In addition, conservation easements are given a priority, and any activity related to private lands must be done with the consent of the owner.

This bill has been drafted by the people who live and work in this area, and I am honored to introduce this bill for them and for future generations of Arizonans. The Las Cienegas National Conservation Area Establishment Act is proof positive that people with seemingly different objectives can work together and find a large expanse of common ground. This bill supported by ranchers and environmentalists, both understanding that they want the same thing—a beautiful and vibrant southern Arizona.

THE SENIORS MENTAL HEALTH ACCESS IMPROVEMENT ACT OF 1999

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. DEAL of Georgia. Mr. Speaker, I rise today to introduce Seniors Mental Health Access Improvement Act of 1999. I urge support of this important legislation to address the mental health needs of our nation's elderly population.

According to the National Institute of Mental Health (NIMH), nearly 2 million Americans over the age of 65 suffer from depression. Timely and appropriate access to mental health services is a critical component in depression treatment and suicide prevention. Unfortunately, many of those two million older Americans do not have access to appropriate mental health services or, if they do have access, the mental health provider available to them is not covered by the Medicare program.

Failure to treat depression has devastating consequences. It is a national tragedy that one of the highest rates of suicide in the United States is found in white males over the age of 85. Depression is treatable and suicide preventable if we make mental health services more readily available to the Medicare population. The legislation Representative STRICKLAND and I introduce today is an important step in the battle to improve mental health services access for older Americans.

The Seniors Mental Health Access Improvement Act would authorize Medicare Part B coverage of marriage and family therapists (MFTs). For many years, the Federal Government has recognized a core group of mental health providers. The five groups of professionals are: psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists.

When assessing the availability of mental health services, the Federal Office of Shortage Designation (OSD) determines the availability of each one of these health professionals when determining whether a community should be considered a Mental Health Professional Shortage Area. According to OSD, nearly 50 million Americans currently reside in areas designated by the Federal Government as a Mental Health Professional Shortage Area.

Unfortunately, while many older Americans may live in an area the Federal Government has determined to have an adequate supply of mental health professionals, the reality may be something quite different. You see, Mr. Speaker, of the five core mental professionals I mentioned earlier, all but one are covered by the Medicare program. Marriage and family therapists are the only mental health professional not recognized by Medicare.

The Seniors Mental Health Access and Improvement Act seeks to correct this oversight Many may hold a common misconception that marriage and family therapists only deal with marital strife or family communication problems. In fact, like psychologists and social workers, marriage and family therapists provide a full range of mental health services. When you examine the state laws governing social workers and marriage and family therapists, my colleagues will find that the education and training criteria for licensure as a social worker is often identical to the requirements for licensure and certification as a marriage and family therapist. In other words, like social workers, marriage and family therapists are educated and trained to diagnose and treat those mental disorders and services currently covered by the Medical program.

Currently, 42 states license or certify marriage and family therapists, and legislation is either pending or anticipated in the remaining 8 states. In each of these states, the standards of licensure or certification are virtually identical to the standards for licensure or certification as a social worker: possession of a Master's degree or Ph.D. from a recognized program for marriage and family therapy or a related field and at least two years of supervised clinical experience in marriage and family therapy. In the 8 states where licensure or certification has not been achieved. MFTs are able to practice if they are eligible for clinical membership in the American Association for Marriage and Family Therapy which is the national certifying body for marriage and family therapists.

Although the name might suggest that the scope of services MFTs provide would be limited to problems arising due to marriage, their title merely refers to the context in which they treat common mental disorders. For example, research has shown that one of the greatest risk factors for depression is family stressors. In addition, the likelihood of relapse is more likely when family stressors are not addressed in treatment. MFTs treat the individual in the context of their spousal and family relationships. Such an approach not only affords the provider a better context in which to deal with the underlying problem, but increases the likelihood for a successful outcome.

I want to make it clear to my colleagues that the proposal we are putting forward today does not expand the scope of mental health services currently available to Medicare beneficiaries. Our proposal would simply state that when a marriage and family therapist providers a mental health service to a Medicare beneficiary that is covered by Medicare when provided by a psychiatrist, psychologist, social worker or psychiatric nurse, then the same service is covered if provided by a marriage and family therapist. Equally important, when the marriage and family therapist provides a covered service to a Medicare beneficiary, the fee paid shall be 75% of what has been paid by Medicare had the service been provided by a psychiatrist or psychologist.

Our proposal, Mr. Speaker, is modeled after earlier laws passed by Congress relating to Medicare coverage of mental health services provided by psychologists and social workers. Individuals must meet certain minimum educational standards, as well as compete clinical experience requirements and be licensed or certified by the state as a marriage and family therapist. In the event the individual provides services in a state that does not license MFTs, the therapist would be required to meet equal education and experience qualifications, adhere to standards determined by the Secretary of Health and Human Services, and be eligible for clinical membership in the American Association for Marriage and Family Therapy.

Mr. Speaker, I suspect that many of my colleagues would be surprised to learn that much of their Congressional Districts may be considered Mental Health Professional Shortage Areas by the federal government. Indeed, in my own rural district, all 20 counties are considered Mental Health Professional Shortage Areas.

The time has come to correct the oversight in the Medicare law and treat marriage and family therapists the same way we treat other mental health professionals. Millions of Medicare beneficiaries could benefit from being able to receive their covered mental health services from a marriage and family therapist. Equally important, I believe the Medicare program could benefit by covering these individuals. We have an opportunity to make an investment to improve access to mental health services for the Medicare population. Failure to make this investment now could result in far higher Medicare expenditures in the future, but more importantly, many mental disordered that could have been successfully handled by a marriage and family therapist will go untreated. If this is allowed to happen, the human toll, as well as the financial toll, will steadily increase.

I welcome my colleagues' support for this important legislation, and I look forward to working with both the Commerce and Way and Means Committees to secure the bills' adoption.

TRIBUTE TO EVELYN PRINCE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. UPTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a wonderful young woman, Evelyn Prince, who was tragically taken from us last week. Many of us here in the House of Representatives had the opportunity to meet Evelyn when she served with great pride and enthusiasm as a Congressional Page. I was honored to say she was "our page" from back home in Kalamazoo, Michigan.

The head of the Kalamazoo Close Up Program, Gerhard Fuerst, where Evelyn served as President from 1997–1999, described her simply as a "sheer joy." He encouraged her to continue setting and meeting her own great expectations of herself, including participation in the Page program. He shared with me recently an article she wrote upon returning from Washington, DC. In the article, Evelyn encourages and challenges fellow students, as she so loved to do, to get involved in "observing the inner works of government" and to "have fun while learning!"

After she completed the Page program, Evelyn traveled to Wolfsburg, Germany. There she was staying with a family as an exchange student as part of the Youth for Understanding program. It is there, too, that she met with the harsh fate of an automobile accident she did not survive.

Evelyn is remembered today as a talented and spirited 17-year-old. She was a dedicated student, earning straight-As and looking forward to attending college next year. But while she was focused on excelling at school, it is as a loyal friend and loving daughter and sister that she will be so sorely missed.

Evelyn's family shared her sense of adventure and her dreams for the future. Their lives were enriched immeasurably by her presence and are undoubtedly altered immeasurably by her absence. With a young person as talented, exuberant and ambitious the sky was the limit. Sadly, we will never know how far she could have soared with a long life. But we thank God for the contributions she made, the people she inspired and the happiness she created in her all too short life. I close with a poem by Edna St. Vincent Millay:

My candle burns at both ends: It will not last the night;
But, ah, my foes, and oh, my friends,
It gives a lovely light.

Mr. Speaker, I urge all of my colleagues here in Congress to join me in extending our deepest sympathies to the family and friends of Evelyn Prince. All members of the Congressional family send our thoughts and prayers especially to Evelyn's parents, DeeAnn and Charles "Skip" Prince, and her sister Lauren.

Evelyn was indeed a rising star whose lovely light still shines on the many people she touched.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HUNTER, Mr. Speaker, I would like to express my strong support for the National Defense Authorization Act for Fiscal Year 2000, S. 1059, which includes the authorization of funds for the upgrade of Army weapon systems. I rise today to address the concern that the $3.5 million increase, which was contained in the House-passed Fiscal Year 2000 Defense Authorization Bill for software and hardware upgrades to Improved Moving Target Simulators was inadvertently dropped from the Conference Report on S. 1059, the National Defense Authorization Act for Fiscal Year 2000 due to an administrative error. The conferees intended to authorize this increase. It should be included in the Department of Defense Appropriations Act for Fiscal Year 2000.

THE VETERANS MILLENNIUM HEALTH CARE ACT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. ROGERS. Mr. Speaker, I rise today to voice my concerns with an item contained in H.R. 2116, the Veterans Millennium Health Care Act, which passed the House last Tuesday with overwhelming support.

Let me first say that I voted in favor of this bill, and believe its passage was long overdue. This bill ensures the continuation of vital healthcare services for our Nation's veterans into the next century by reforming many aspects of delivery and support services.

The veterans who have so bravely served each and every one of us deserve our highest respect and they deserve a Federal Government that lives up to its commitment to them. With the aging of our veteran population, there is a greater need for long-term care, and this bill sends a strong message that America is prepared to live up to that commitment by expanding these services.

Unfortunately, there is one concept contained in this legislation which I oppose. The Veterans Tobacco Trust fund, contained in section 203 of the bill, requires that a certain percentage of any proceeds recovered from tobacco manufacturers, as a result of a U.S. Government lawsuit, be transferred to a special account within the Treasury to treat smoking-related illnesses for veterans. While I support the Federal Government providing adequate resources to the VA to combat and treat smoking-related or any other illnesses, this language legitimizes Federal lawsuits against tobacco companies. That is wrong.

As we saw yesterday, the Justice Department finally unleashed its forces on tobacco by filing a suit in U.S. court, seeking to recover billions in health-related costs to the government. The administration is proceeding with a politically motivated, and legally suspect, attack on a private industry that manufactures and sells legal products. If successful, this action will further damage the farm economies of Kentucky and other States.

I believe it is hypocritical for the Department to propose spending millions of taxpayer dollars trying to develop a legal basis for yet another lawsuit. After all, the Federal Government has earned billions of dollars on the sale of tobacco, through Federal excise taxes, and warned the public about the risks of smoking through labels for decades. It also is hypocritical for this body to pass an appropriations bill that denies funding for a tobacco lawsuit, to then turn around and set up a trust fund in anticipation of receiving proceeds from one.

Section 203 is unnecessary for achieving the objective of improving veterans' health care. It also can be interpreted to implicitly encourage civil actions by the Federal Government made against private industries, including, but not limited to, tobacco related products.

I hope that during the further consideration of H.R. 2116, the House and the other body will agree to omit section 203 from the bill.

TRIBUTE TO A HERO: JASON SHRADER

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mrs. FOWLER. Mr. Speaker, I would like to take this moment to honor a young man in my district. Last year, one of my constituents in Ormond Beach, Florida, risked his own life to save another man's life.

Jason Shrader was only 15 years old in May 1998 and just a freshman at Seabreeze High School when he rescued 40 year old Edward Skelton from drowning. Skelton and his girlfriend had gone swimming at the Division Avenue shell pit, a popular swimming hole, when he blacked out and went under. Jason, who was sitting on the shore with his friends, did not think twice before he dove in to search for Skelton.

As Jason himself so movingly described it, "I was scared that either I was going to die trying to save him or he was going to die before I could get him to safety. I grabbed his foot and pulled him to the surface. He had turned blue from lack of oxygen, the cold water, and being at a depth of fifteen feet of water."

Fortunately for Mr. Skelton, Jason is a Boy Scout—an experience that taught him how to perform CPR, and allowed him to keep Mr. Skelton alive until paramedics arrived.

Too often we are too busy with our own lives to think about the people around us whom we may not know. Jason's selfless and heroic action reminds us that sometimes it is important to get involved and to do something. As the Bible says, "Greater love hath no man than this, that a man lay down his life for his friends" (John 15:13).

Jason is truly a role model for all of us and I commend him for his courage and bravery in the fact of such a frightening and dangerous situation. The Coast Guard has issued a special award to recognize Jason's actions, awarding him the Meritorious Public Service Award. I wish to add my congratulations and applause for Jason Shrader, as he represents the definition of a true hero.

HONORING KSEE 24 HISPANIC-AMERICAN HERITAGE MONTH HONOREES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Hon. Jane Cardoza, Pilar De La Cruz, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for being selected as the 1999 Portraits of Success program honorees by KSEE 24 and Companies that Care. In celebration Hispanic-American Heritage Month for September, these five leaders were honored for their unique contributions to the betterment of their community.

KSEE 24 and Companies that Care launched the 1999 Portraits of Success program to honor five distinguished local leaders in celebration of Hispanic-American Heritage month. Currently in its fifth year, this special project combines specially produced public service announcements, a five-part news series, plus an awards luncheon to publicly recognize the unique contributions of the Hon. Jane Cardoza, Pilar de la Cruz, Gabriel Escalera, Frank C. Franco and Dr. Cecilio Orozco.

Since graduating from law school in 1981, Judge Cardoza started her law career in the Fresno County District Attorney's office, proceeding to the offices of the Fresno City Attorney and State Attorney General, Fresno County Municipal Court and now is the Presiding Judge of Family Law for the Fresno County Superior Court. She is active in the San Joaquin College of Law Board of Trustees, the Fresno Metropolitan Museum Board of Trustees, Fresno Metropolitan Rotary, Fresno City College Puente Project Mentoring Program and Domestic Violence Rountable.

Pilar de la Cruz began her nursing career in 1969 at Fresno Community Hospital and has moved up the corporate ladder to become vice-president of Education Department at Fresno Community. She has been instrumental in the development of the Jefferson Job Institute, a program to provide training for parents of school children for entry-level jobs in hospital settings. Ms. De la Cruz was named 1998 Volunteer of the Year by the American Health Association and 1997 RN of the Year by the Central Valley Coalition of Nursing Organizations. She received the Latina Beyond Boundaries Award in Healthcare for 1998.

Gabriel Escalera has been in the field of education for 27 years, as principal of Alta Sierra Intermediate School for five years and is the principal of Gateway High School. His college major was physical education; played football for San Diego State and was an athletic director and coached football and wrestling for 12 years. Mr. Escalera is president of the Fresno chapter of the Association of Mexican-American Educators and is also president of the Fresno chapter of ACSA. He is a member of the Latino Educational Issues Roundtable and numerous professional and service organizations.

Mr. Franco is Business Development Manager for the Fresno County Economic Opportunities Commission and has been with the Commission for 16 years. He is Chairperson of the Board of the Metropolitan Flood Control District which is instrumental in developing new parks, is past president and board member of Central California Hispanic Chamber of Commerce. Mr. Franco enjoys working for the benefit of children and serves as a board member for Genesis, Inc., a group home for girls that also provides substance abuse counseling for women.

Dr. Orozco is Professor Emeritus at CSUF's School of Education. In 1980 in Utah he discovered the origins of the Nahaatl people, the ancestors of the Anasazi and Aztecs, and has repeatedly visited the sites. One of his proudest accomplishments was proposing the name of Miguel Hidalgo Elementary School which was the first school in Fresno to be named for a Hispanic, and this effort was partially responsible for his receiving the National Association for Bilingual Education's "Pioneer In Bilingual Education Medal" in 1997. Dr. Orozco published a book explaining the details of the Sun Stone of the Mexicas and the Aztec Calendar and in 1998 published (in Spanish) the essence of his research on the work of Lic. Alfonso Rivas Salmon which dealt with the origins of the Nahuatl people.

Mr. Speaker, I want to recognize the contributions of Judge Jane Cardoza, Pilar De La Cruz, RN, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for the month of September, Hispanic-American Heritage Month. I urge my colleagues to join me in wishing these honorees many more years of continued success.

H.R. 2684, VA-HUD APPROPRIATIONS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SANDLIN. Mr. Speaker, it is our duty to fulfill our promises to our nation's veterans, the men and women who have put themselves in harm's way in service to their country. It is our duty to care for our veterans, and if we pass this legislation, we will fail miserably.

We are faced today with a bill that fails to deliver to our veterans the funding they so desperately need. If we pass this bill, we will only be perpetuating the failure of the President's severely lacking budget. Even though this bill would provide $1.7 billion more than the President's request, it is still not nearly enough. Two wrongs do not make a right, and if we pass this legislation our veterans will be wronged yet again, by Congress as well as the Administration.

The Republican leadership would have you believe that the Independent Budget submitted by the veterans themselves is bloated and overstates the funding needs for veterans programs. I reject this assertion completely and am horrified that the Republicans are alleging double-counting and padding of budget estimates by respected veterans' groups such as the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Paralyzed Veterans of America.

As if these allegations were not enough, the Republican leadership is now touting this anemic bill as a cause for celebration and criticizing veterans for "complaining" when they fail to celebrate over a bill that is lacking over one billion in critically needed funds. The Republicans have resorted to these tactics against veterans who fought to preserve the prosperity of this country—the prosperity in which veterans will not share if this bill is passed. These accusations are a slap in the face to our veterans and add insult to injury.

As a strong supporter of our nation's veterans, I am forced today to vote against this bill due to its severe lack of funding for veterans' programs. Veterans groups agree that this bill falls short by at least $1.1 billion. In light of projected budget surpluses and an irresponsible trillion dollar tax cut, it is especially disappointing to see the men and women who have served this country overlooked by those who would rather squander the surplus recklessly than use it to secure the future of critical programs such as veterans benefits and Social Security and reduction of our growing national debt.

Our veterans are aging, and their medical needs are growing as a result. This bill, however, does not address those needs. The number of VA medical facilities has decreased almost 35% in the last ten years, but this bill fails to address the growing demand for VA services as a result of the increasing number of veterans over the age of 65. According to the Congressional Research Service, 36% of all veterans are over the age of 65, and that number is expected to increase exponentially over the next eight years. An aging veterans population will undoubtedly put a strain on our nation's Veterans Health Services. At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs.

Faced with this reality, I am unable to vote for a bill that will short-change veterans by over a billion dollars while Republicans insist on robbing Social Security and sacrificing veterans' healthcare, in favor of squandering the surplus on fiscally irresponsible tax cuts.

CELEBRATING THE CITY OF PALOS VERDES ESTATES

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the City of Palos Verdes Estates. Palos Verdes Estates is currently celebrating its 60th year as an incorporated city. Situated along the Pacific coastline, the City of Palos Verdes Estates is a spacious community that has changed little since its establishment.

Incorporated December 20, 1939, Palos Verdes Estates is the oldest of the four cities on the Palos Verdes Peninsula. The land was first developed in the early 1920's by Frank A. Vandelip, a wealthy New York City financier. Vanderlip envisioned a coastal community that preserved and highlighted its natural resources, one that blended in with the surrounding environment. He commissioned the Olmsted Brothers, the sons of Frederick Law Olmsted, Sr., who designed Central Park in New York City, to lay out and develop the community.

The great care and pains that they took in designing the community are still apparent today. They set aside 28 percent of the land to be permanent open space. In today's age of environmental awareness, the need for open space has become more prevalent. Vanderlip and the Olmsted Brothers recognized the value of natural resources and had the foresight and vision to preserve the land for future generations to enjoy.

Palos Verdes Estates has thrived over the last 60 years, and as we enter the 21st century, Palos Verdes Estates will continue to be the unique, scenic community of the South Bay. I congratulate the City of Palos Verdes Estates and its residents on this milestone.

MIN MATHESON HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KANJORSKI. Mr. Speaker, it is with great pride that I rise today to bring the remarkable life of Mrs. Min Matheson to the attention of my colleagues. On September 24, the people of the Wyoming Valley will pay a long overdue tribute to Min, as a historical marker is dedicated to her on the Public Square in Wilkes-Barre, Pennsylvania. I am pleased and proud to join in this historic tribute.

One of eight children, Min Lurye was born in Chicago in 1909. Her father, a Jewish immigrant, was a cigar maker and a militant labor leader. Min grew up in a household of radical labor meetings, with her father organizing rallies and strikes within the cigar industry. Max Lurye fought organized crime and big business at the same time, once even having a confrontation with Al Capone. Min's childhood occurred in an atmosphere of violence and fear in the labor movements as her father saw some of close friends killed for resisting mob control of the industry. Max's legacy was continued by both his daughter Min and son Will, who also dedicated his life to labor causes.

When she was nineteen, Min met and fell in love with Bill Matheson. Defying the convention of the time, they set up a household together without marrying. At Bill's urging, Min traveled to New Jersey to help striking textile workers, but the strike was crushed after six months and Min was uncertain of her next move. They soon moved to New York City and began careers in the garment industry. Min worked in a dress factory until Bill accepted a position in Pennsylvania with the International Ladies' Garment Workers Union (ILGWU). When they decided to have children, they married and Min stayed out of union affairs for a time to raise her two small children.

In 1944, the New York ILGWU asked Bill and Min to move to Northeastern Pennsylvania, where dozens of small garment factories were sprouting up. Union officials asked Min and Bill "to clean up the mess down there," and within a few years, Min was General Manager of the Wyoming Valley ILGWU and Bill was the Director of Education.

During strikes, she walked the picket lines with the rank and file and stood her ground when confronted by factory bosses. Eventually, Min realized the press was a union's best friend and regularly used radio shows to bring the union's case to the attention of the public. She organized union blood drives and the union locals gave freely to the United Fund. The community began to accept and appreciate the good works of the ILGWU. At one point, Min realized the union needed to become more active in the political arena and began the strong relationship between labor and the Democratic Party in Northeastern Pennsylvania which still exists to this day.

Mr. Speaker, Min and Bill Matheson were the parents of the garment industry workforce in Northeastern Pennsylvania. They organized it, fought for it, and gave it standing in the community. Seven hundred people turned out at a farewell salute after Min and Bill accepted a transfer to New York in 1963.

Min and Bill chose to come back to the Wyoming Valley upon retirement. They moved back in 1972, a few months before the Susquehanna river overflowed her banks, flooding the entire area and devastating the lives of tens of thousands of area residents. An organizer by birthright, Min immediately helped to organize the Flood Victims Action Council to speak for those devastated by the disaster. She brought her concerns and plight of the flood victims to the immediate attention of the federal government and worked closely with then-Congressman Dan Flood to insure relief for the thousands of displace residents. I am proud to have worked closely with Min on that effort, acting as legal counsel to the Flood Victims Action Council. Even in retirement, Min Matheson had found a way to better the lives of her neighbors in the Wyoming Valley. She continued to contribute her time and energy to our community until her death several years ago. Then-Wilkes-Barre City Councilman Joe Williams said it best: "There should be a statute of Min on Public Square for all that she has done for this Valley."

Mr. Speaker, I am pleased and proud to join with my good friends at the ILGWU, the Commonwealth of Pennsylvania, and the entire community in paying a much over-due tribute to this beloved figure in our region's history, Mrs. Min Matheson.

CONTINUING THREATS TO THE RUSSIAN JEWISH COMMUNITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SMITH of New Jersey. Mr. Speaker, as my colleagues are aware, for the past year or so, the Jewish community of Russia has been subjected to anti-Semitic threats and violence. And this is not just from marginalized, thuggish elements on the streets; even elected officials in Russia have resorted to anti-Semitic slurs and threats.

Amid the latest explosions in Moscow, it is all the more remarkable that no Jewish institutions were attacked in Russia during the Jewish New Year celebration of Rosh Hashanah. Responding to the concerns of the Russian and American Jewish communities, as well as the U.S. Government and Members of Congress, the Russian authorities provided adequate protection for the synagogues, at least in the capital city, Moscow. The federal government of Russia and Moscow's city government deserve credit for this protection of their citizens. Monday's Yom Kippur celebration also passed without incident, and authorities would also be well advised to ensure that future holiday observances are accompanied by a visible and comprehensive police presence.

In the past several weeks, a Jewish community leader was violently attacked inside the Moscow Choral Synagogue, and explosives or false bomb threats have been uncovered in synagogues as well. In addition to synagogues, schools and other institutions are also at risk. The school year has now begun, and elderly Jews will again turn to social services institutions with the approach of winter. Russian authorities should be encouraged to continue protecting Jewish facilities, as well as seriously investigating and prosecuting those guilty of crimes against Jews. In addition, Russian officials should speak out frequently and publicly against those who would—either through word or deed—tear at the fabric of tolerance in Russia. To his credit, President Yeltsin has denounced "disgusting acts of anti-Semitism" in Russia, and in a telegram to the Chief Rabbi of Russia, His Holiness Patriarch Alexei II condemned the attack in the Moscow Choral Synagogue. Hopefully, these statements against violence and for tolerance will be emulated by responsible Russian leaders throughout Russia.

As much as permitting the free exercise of religion is a duty of any government, so is the protection of those exercising that right. As we Americans have unfortunately witnessed in our own country in recent months, our Nation is not immune to anti-Semitic violence. Law enforcement cannot completely guarantee against infringement of these rights, but we have demonstrated what I believe is an appropriate model of community and official response. For instance, when synagogues in California were bombed earlier this year, the California State Legislature condemned the attacks, and the alleged perpetrators are now in custody.

The police protection of synagogues throughout Moscow, along with President Boris Yeltsin's strong message of support to the Jewish community on the eve of the Jewish High Holy Days, represent a commendable Russian step in that same direction. Effective security measures should continue as long as the Jewish community is under threat, but we hope that ultimately such measures will no longer be necessary in a stable, democratic Russia.

THANKING CHUCK RUSSELL FOR HIS MANY YEARS OF SERVICE TO THE STATE OF TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor the 30 years of service Chuck Russell has provided to the children of Texas and our great nation. At the end of this month, Chuck will retire from his position as Assistant to the Texas Education Commissioner for Government Relations. Although Chuck has enjoyed his time in Washington, I am certain that he is looking forward to going home to Texas.

Chuck has spent his career working tirelessly on behalf of all children. As a government affairs official, he worked to make education funding formulas more equitable. He facilitated discussions between the Congress, U.S. Department of Education, the White House, the Texas Education Agency and local school districts. He always promoted what was best for school children, never forgetting that they were the reason for him being here. Their best interest was his driving force.

Chuck's education experience was not limited to government affairs. He has also worked as a special education teacher in Monterey, California and as a project director for the Texas School for the Blind.

American historian and writer Henry Adams once stated that "an educator affects eternity; he can never tell when his influence stops." For Chuck Russell, the lives he has touched over his many years in the education field will ensure that his influence carries on far into the future.

I ask my colleagues to join me in honoring the career of one of Texas' education heroes as Chuck Russell completes his final days as an advocate for education. Chuck, we wish you and your wife Judy all the best.

TRIBUTE TO THE SOJOURNER TRUTH INSTITUTE IN COMMEMORATION OF THE SOJOURNER TRUTH MEMORIAL MONUMENT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Sojourner Truth Institute for their hard work and dedication to the Sojourner Truth Memorial Monument, which is being unveiled in Battle Creek, Michigan on Saturday, September 25, 1999.

Deserving recognition for this historic event are monument sculptor Tina Allen, Institute Administrator Michael Evans, Dr. Velma Laws-Clay and the entire Monument Steering Committee for the vision of turning an idea into a reality. The monument will stand to commemorate Sojourner Truth's crusade for the abolition of slavery, women's suffrage, and human rights for all.

Sojourner Truth is one of Battle Creek's greatest citizens and her impact on American history is immeasurable. She stood as a strong voice for the nation's ideals of freedom and equality at a time of great conflict. She was an abolitionist and an outspoken leader for women's rights. "Today I have the right to speak out in public and be as successful as I choose to be because she was a pioneer for the rights of women and others", said Dr. Laws-Clay.

The Sojourner Truth Institute, with the proud support of the entire Battle Creek community, will sponsor a weekend-long celebration culminating with the unveiling of sculptor Tina Allen's 12-foot tall bronze statue of Sojourner Truth in Battle Creek's new Monument Park. "The intention was to provide a place where visitors and residents of the city can learn about what she really meant to the city of Battle Creek and bring the city's history to an even larger audience. It is also a very appropriate welcome at the gateway of our city", said Michael Evans.

I wish to thank everyone involved in bringing this monument to life and continuing the legacy of Sojourner Truth, who is one of the greatest human rights activists in this nation's history. I am honored to represent a city with such character and determination. The work of the Sojourner Truth Institute will ensure that Battle Creek and America long remembers Sojourner Truth's message of freedom and I commend the Institute's vision and dedication.

CONSOLIDATION OF MILK MARKETING ORDERS

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as

Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders:

Mr. LUTHER. Mr. Chairman, I rise in opposition to H.R. 1402, legislation to consolidate Federal Milk Marketing Orders. I grew up on a small, family dairy farm near Fergus Falls, Minnesota and understand how the current antiquated dairy pricing system discriminates against the family farms in the Midwest. In 1996, this Congress passed the Freedom to Farm Act, legislation that seriously affected American family farmers. Freedom to Farm has not worked out as its authors had said it would, but part of the bill called for a more market-oriented dairy pricing system. In other words, the Freedom to Farm Act encouraged the Department of Agriculture to do exactly what it has proposed: develop a pricing system that does not penalize Midwestern states.

For too long, farmers in Minnesota and other states in the Upper Midwest have suffered from unfair dairy prices. Instead of correcting this problem, H.R. 1402 forces us to remain in this regime. This bill also forces us to maintain a price support system that jeopardizes our ability to negotiate international trade agreements for agricultural products. Before we can make progress on trade issues, we must set an example by moving toward a market-oriented dairy pricing system. I encourage my colleagues to reject the old way of doing things in Washington, support regional equity in the dairy industry and vote against the legislation before us today.

TRIBUTE TO DELON HAMPTON, PH.D., P.E.

HON. JAMES E. CLYBURN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Delon Hampton who is soon to be inaugurated President of the American Society of Civil Engineers (ASCE). His installation as president of this fine organization is historic in that Dr. Hampton will be the first African-American ever to serve in that capacity. As Chairman of the Congressional Black Caucus, I applaud this outstanding achievement.

It is not surprising that Dr. Hampton would be honored with such distinction. Currently he is Chairman of the Board and Chief Executive Officer of his own consulting engineering, design, and construction and program management services firm, Delon Hampton & Associates, Chartered (DHA). This successful venture has been in operation for 26 years and is one of the top 360 design firms in America.

Dr. Hampton has also lent his talents to academic pursuits. He was actively involved in university teaching and research for approximately 25 years and has published over 40 papers in professional and technical journals.

In addition to his active role with the ASCE, Dr. Hampton has also been involved as an Associate Member of the Board of Governors of the American Public Transit Association (APTA). His other involvements include serving on the Board of Directors for the Greater Washington Board of Trade, as a Director for the Center for National Policy, and as a Malcolm Baldrige Award Overseer for the U.S. Department of Commerce.

Dr. Hampton's honors include being a Councillor of the National Academy of Engineering, receiving Honorary Doctorate degrees from Purdue University and the New Jersey Institute of Technology, being selected a Distinguished Engineering Alumnus and Old Master by Purdue University, being a recipient of the Civil Engineering Alumni Association's Distinguished Alumnus Award of the University of Illinois, and being a recipient of the Edmund Friedman Professional Recognition Award and the James Laurie Prize both given by the American Society of Civil Engineers.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to this outstanding civic leader and businessman. Dr. Hampton's historic selection as the first African-American president of the American Society of Engineers is a reflection of his impeccable credentials and a testament to the successes that can be achieved by minorities when they are empowered with education and opportunity. The example of excellence he exemplifies deserves the highest commendation.

INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions:

Mr. CASTLE. Mr. Chairman, I rise today in strong support of H.R. 1875, the "Interstate Class Action Jurisdiction Act of 1999" because it contains provisions essential to preserving the reliable body of state case law that guides the governance of internal corporate affairs, most of which is developed by specialized courts in my state of Delaware. The depth and quality of this case law gives boards of directors for corporations all over the country the necessary guidance and predictability to move forward with multi-million dollar transactions according to their business judgment without the threat of courts overturning these transactions.

On July 22, 1998, the House passed H.R. 1689, the "Securities Litigation Uniform Standards Act" by a vote of 340 to 83. That bill contained a non-controversial carve out, constructed with technical assistance from the Securities Exchange Commission (SEC), for state class actions involving the purchase or sale of securities. Congress and the SEC recognized that the states had a well-developed body of law on the fiduciary duty of directors to disclose information to shareholders in connection with votes and investment actions, such as proxy solicitations, mergers, restructures, exchanges and tender offers. Therefore, there was no need to remove class actions concerning these transactions from state courts to federal courts.

As originally drafted, the Class Action Jurisdiction Act failed to provide for this same protection of state expertise. In fact, it would have undone the widely accepted Securities Litigation Uniform Standards Act's carve out. Furthermore, because the Class Action Jurisdiction Act federalizes a broader range of class actions, adding the Securities Litigation Uniform Standards Act carve out would not have been sufficient. Therefore, in cooperation with expert corporate law attorneys from both the plaintiff and defense bars, legal scholars, and Congressman GOODLATTE, I drafted an amendment to carve out class actions involving securities and internal corporate governance matters. The amendment was included in the manager's amendment when the bill was marked up in the Judiciary Committee.

Some of my colleagues have raised concerns that state corporate law issues should not be the only ones exempted from "federalization" under the Class Action Jurisdiction Act. I look forward to the debate on whether other class actions should be exempted. However, it is important to note that what makes corporate law issues unique is that there is no federal corporate law. State incorporation laws act like enabling statutes. That is, there is no law unless case law develops it. Traditionally, this law has been developed at the state level. Delaware, New York, and California particularly have large bodies of well-developed state corporate law. Given the structure of the federal court system with twelve circuit courts of appeal and the limited ability of the Supreme Court to adjudicate conflicts among the circuits, the removal of state courts from the adjudicatory process for class actions involving corporate law issues could add significant uncertainty to the resolution of issues arising under state corporate laws.

The SEC recognized this problem in its testimony concerning the Securities Litigation Uniform Standards Act. It stated:

> Preemption of state duty of disclosure claims raises significant federalism concerns. Many state courts, particularly those in Delaware, have developed expertise and a coherent body of case law which provides guidance to companies and lends predictability to corporate transactions. In addition, the Delaware courts, in particular, are known for their ability to resolve such disputes expeditiously—in days or weeks, rather than months or years. Delay in resolving a dispute over a merger or acquisition could jeopardize completion of a multi-billion-dollar transaction. Broad preemption would diminish the value of this body of precedent and these specialized courts as a means of resolving corporate disputes.

Furthermore, a trend has begun to emulate Delaware by creating courts with jurisdiction designed to provide a forum for the resolution of disputes involving business entities with expertise and efficiency. New York and Pennsylvania have created such courts. This reflects a judgment that the coherent articulation and development of state law governing business entities is a goal to be pursued, and one best addressed by the creation of a forum with subject matter expertise in the area. Federalizing class actions involving state corporate law would only serve to fracture the development of the law, rather than leaving it in the hands of a small number of highly specialized and expert jurists, conversant with the history and current trends in the development of the law.

Mass tort product liability law is not a highly specialized area of the law requiring adjudication by judges specially trained in the subject matter. The issue of whether or not we federalize mass tort product liability suits does not jeopardize the completion of multi-billion-dollar transactions that can determine if U.S. companies will continue to compete in the global marketplace.

Mr. Chairman, I am extremely proud of the corporate law legal expertise that has developed in Delaware. It is just one of many features that makes Delaware a "Small Wonder." Members may have divided opinions on the merits of the overall legislation, but just as there was no controversy over the state corporate law carve out when the House passed the Securities Litigation Uniform Standards Act, there should be no controversy over the need for the corporate law carve out in this bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today in support of my colleague from New York's motion to instruct.

Once again, we are standing here having to remind Republicans that protecting our children from gun violence is the most important issue we should be addressing in Congress.

And yet, my colleagues on the other side of the aisle are sitting and doing nothing. We can not stand for this!

Every day that goes by that we do not act is another day a child falls victim to gun violence. How many more deaths are we going to allow before we take action?

Our children are scared and so are their parents. We cannot afford to let another child slip through the cracks.

I ask you, who's taking care of our children?

Let's address this issue once and for all. Let's not sacrifice the life of another child to indecision.

IN HONOR OF HELEN KARPINSKI ON HER 100TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Helen Karpinski on her 100th birthday, October 7, 1999. She will be celebrating this joyous occasion with her family on October 10, 1999.

Born in 1899 in Cleveland, Ohio, Helen Karpinski has dedicated her life to government and civic service. She has actively participated in the American Polish Women's Club and has been a member of the Cleveland Cultural Garden Federation. Additionally, she has spent her life being a political activist, promoting and supporting women aspiring to public office. She helped catalyze the women's movement in government by such accomplishments as being the first woman to survive a primary election for Cleveland City Council under the current city charter. The work she has done for women in politics has been immeasurable.

At 100 years young, Helen continues to live a fulfilling and happy life. She has been a wonderful mother of three beautiful daughters, Gloria, Mercedes, and Diane. Helen is loved by her family and the many lives in her community that she has touched. My fellow colleagues, please join me in wishing a great lady a very happy birthday and many more delightful years to come.

SUPPORTING THE ETHNIC AND MINORITY BIAS CLEARINGHOUSE ACT OF 1999

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. ENGEL. Mr. Speaker, I rise in support of greater diversity in our national media. If we learned anything this past year, it is that the media has a tremendous influence in our day-to-day lives. The impact of this "Information Age" influence needs to be examined because it does not always promote accurate images. To address this important issue, I introduced H.R. 125, the "Ethnic and Minority Bias Clearinghouse Act of 1999."

While this legislation will shed a good deal of sunshine upon our media, it will not attempt to place any mandates upon broadcasters. H.R. 125 will direct the Federal Communication Commission to begin compiling data on complaints, grievances and opinions regarding radio and television broadcasters depiction of ethnic and minority groups. This information will be released to the public on a yearly basis and will be discussed in an annual conference to examine our nation's perception of the media's depiction of our great ethnic diversity.

In support of my legislation I submit for the RECORD a letter that was sent by the National Italian American Foundation (NIAF) to the Academy of Television Arts and Sciences which illustrates the need for my legislation.

September 7, 1999.

MS. MERYL MARSHALL,
Chairwoman and CEO, The Academy of Television Arts and Sciences, North Hollywood, CA.

DEAR MS. MARSHALL: The National Italian American Foundation (NIAF) is pleased to note that a large number of Italian Americans have been nominated by The Academy of Television Arts and Sciences for their contributions to primetime television.

Your September 12th Annual Primetime Emmy Awards has nominated NIAF supporters such as Stanley Tucci for Outstanding Lead Actor In A Miniseries Or Movie; Joe Mantegna for Outstanding Supporting Actor in the same category; and Tony Danza as Outstanding Guest Actor In A Drama Series. Italian Americans are also up for awards in comedy, drama, direction, editing, hairstyling, makeup, and music.

These nominations confirm the tremendous contributions that Italian Americans have made in the fields of art and entertainment. However, NIAF is greatly concerned about the amount of attention and acclaim which has been given to the Home Box Office series, "The Sopranos", and how it relentlessly focuses only on Italian Americans in organized crime.

NIAF appreciates and recognizes the acting skills and hard work of Emmy nominated performers like James Gandolfini, Lorraine Bracco, and Edie Falco, as well as the work of the rest of the cast and crew. But NIAF agrees with writer Bill Dal Cerro, who wrote in the June 20th Chicago Tribune that the show "not only exploits popular prejudice about Italian Americans, but allows the audience to giggle at such images guilt-free."

This past year has seen an open season assault by the entertainment industry on people of Italian American heritage. Whether it be a Pepsi television ad featuring a little girl speaking in an Italian American "Godfather" voice, derogatory films such as Spike Lee's "Summer of Sam", or TNT's despicable "Family Values: The Mob & The Movies", your industry has reinforced the stereotype that all Italian Americans are losers, or mobsters, or both.

The stereotyping is also insidious: type in the phrase "Italian Americans" in the internet search box of HBO's parent company, Time Warner, and you get a glossary of terms from "The Sopranos" with words like "Stugots", "Ginzo gravy" and "Wonder Bread Wop." These words are offensive to Italian Americans and should not be glamorized on the world-wide web in so careless a fashion.

Clyde Haberman of the New York Times, wrote the following in a July 30th article entitled "An Ethnic Stereotype Hollywood Can't Refuse":

"In this age of correctness, other groups have managed to banish the worst stereotypes about them. How often these days do you see shuffling blacks, grasping Jews or drunken Irishmen on the screen? . . . (but) Among major ethnic groups that have formed the country's social bedrock for at least a century, Americans of Italian origin may be the last to see themselves reflected in mass culture, time and again, as nothing but a collection of losers and thugs."

A study by the Italic Studies Institute, Floral Park, New York, bears out Mr. Haberman's assertion. The Institute analyzed 735 Hollywood films that featured Italian Americans from 1931 to 1998. It found 152 films were positive and 583 were negative towards Italian Americans.

NIAF agrees with Bergen, New Jersey Assemblyman Guy Talarico, who recently said that Italy has produced some of the finest artists, scientists, athletes and other professionals. Mr. Talarico introduced a resolution condemning the film industry's negative portrayal of Italians and warned that "it is inaccurate and insensitive to insinuate that a small number of people (in organized crime) represent an entire ethnic group." Or to put it another way, Energy Secretary Frederico Pena told a conference last year that stereotyping "is the package in which racism finds a home." And if allowed to continue, Pena said "we depersonalize each other and we see not the faces of the personal stories we can all share but the face of an impersonal group."

In fact, because Hollywood has been reluctant to reduce harmful stereotyping of Italian Americans and other minorities, NIAF has given its full support to "The Ethnic and Minority Bias Clearing House Act of 1999." The bill, HR 125, sponsored by New

York Congressman Eliot Engel, would create an office, probably within the Federal Communications Commission, to collect and analyze the media's portrayal of ethnic, racial and religious minorities, with an annual report on such portrayals in the industry prepared for Congress.

NIAF has begun a major effort to "Stamp Out Italian American Stereotyping," and we need the help of influential people in the entertainment community like yourself to help us achieve success.

We have enclosed NIAF's report, "Fact Sheets On Italian Americans In US History And Culture", and ask that you review it and distribute it to all members of the Academy of Television Arts and Sciences. The 37-page document contains a listing of significant contributions Italian Americans have made to the US in such fields as politics, education, entertainment, sports and law enforcement. Academy members who read this document, which is also available on NIAF's web site, www.niaf.org, would get a fuller representation of Italian Americans which could lead to depicting our people on television and in the movies in a more positive fashion.

We also ask that the Academy consider for next year's awards the Arts and Entertainment (A&E) film "Italians in America" and the History Channel film "Ellis Island." Both will be shown in October and both document Italian American history and achievements.

Finally, we would ask that the Academy agree to participate in an NIAF-sponsored workshop on "Italian American Stereotyping" which will take place in the second quarter of the Year 2000. Your participation will convince others in the entertainment industry that this is a problem which needs to be addressed if 20 million Americans of Italian descent, the nation's fifth largest ethnic group, are to be fairly depicted, as honest, hard-working individuals.

I have designated Dona De Sanctis, head of the NIAF's Media Institute Board, as your direct contact on these issues. Please contact her at NIAF headquarters, 1860 19th St., NW, Washington, DC, 20009, telephone: (202) 387-0600.

Sincerely,

FRANK J. GUARINI,
NIAF Chairman.

CONCORDIA LUTHERAN SCHOOL DRUG TESTING

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SOUDER. Mr. Speaker, there has been occasional controversy about drug-testing high school students.

Evidence is showing that this is the single most effective way to actually reduce drug abuse at school.

The Concordia Lutheran school system in Fort Wayne, Indiana is the largest Lutheran School system in the nation.

The following is an excellent summary of their reasons and debate around implementing a drug testing program.

I hope other school systems will show the commitment to improving the lives of their students that Concordia has.

FORT WAYNE LUTHERAN ASSOCIATION FOR SECONDARY EDUCATION, CONCORDIA LUTHERAN HIGH SCHOOL,
Fort Wayne, IN, September 21, 1999.

To The Honorable Mark Sounder.

Re Substance Abuse Prevention Program Concordia Lutheran High School.

Thank you for the opportunity to share information on our newly-instituted program of substance abuse prevention, including the requirement of random drug testing for all students and staff.

A bit of the history of this effort . . . The student surveys we have had conducted by research firms in Fort Wayne over the past 5–8 years have clearly confirmed our sense that the problem of student use of drugs and alcohol was in many ways similar to that of other schools. We have never hid from that reality, yet it was not until the spring of 1998 that we finally moved in a significant way to address and "do something" about the problem.

Two incidents of illegal use and possession were the "last straw" for us to act! Our goal was to do something about the problem, not study it. We were beyond further study.

The school administration formed a task force comprising students, staff, administrators, pastors, lawyers, professionals in the field, and officials from law enforcement. Judge Charles Pratt was also a member. The question was not, "Is there a problem?" Rather, the compelling issue was what can we do about the problem. I chaired the task force because I wanted it to do the right thing and get at the problem. I believed I had to demonstrate the commitment we had to the issue. Their interest and enthusiasm was inspiring, especially when they realized we were serious about this problem and getting at it!

The attached brochure outlines the program which was formulated over a period of six months. The Board of Directors of our Association endorsed the effort. The faculty also supported it. It was clearly apparent from the beginning that, if we wanted to do something to impact student use of illegal drugs and alcohol, random drug testing had to be a part of the program. As the professionals indicated, if you are not willing to drug test, we were wasting our time. As a task force, we crossed that hurdle and moved forward in the spring of 1999 with a proactive program of testing and ministry support when a problem occurs.

In the spring of 1999 we began a series of parent meetings at which time we shared the very real and dramatic data from the survey results. Then we outlined the plan and informed them that required random testing will begin with the 1999–2000 school year. We did not survey our parents. We knew we had a serious problem and we needed to act. Quite frankly, it would have muddied the process, resulted in political debate and parent reaction. We were convinced we were doing the right thing and all of the expertise we had totally supported the action plan! The program was built around education, prevention, and treatment [see attached brochure].

There was some opposition from parents who were really bothered by the fact that we were going to conduct random testing of all students, but we concluded that we simply had to do it. Many hours were spent talking with families who expressed concerns. We took the news to the media and made the news ourselves, having concluded that this was the best approach. As you might know, the media made a rather negative issue out of the news, focusing attention only on testing and not the overall program. Publicly it appeared that there were many who objected. Yet there were many who wrote and supported our efforts, including our own students.

I did not receive even five negative letters. Since the spring, as people have talked through the issue of testing and considered it, we have had total cooperation from families. To our knowledge, NOT ONE student did not return as a result of this issue. In fact, we lost fewer students over the summer than we normally do in an average year. Every parent signed a release form. We have had no complaint or refusal.

The procedures we put in place are carefully laid out and had the input of a variety of professionals. We take all the precautions, and more, of the DOT guidelines on testing. We have a doctor certified as a Medical Review Officer who would first review any positive tests. This takes place prior to the school ever being notified.

The testing company in Kansas City has an impeccable record and the percent chance of false positives is scientifically insignificant. We have overcome many fears as a result of careful and thoughtful planning. That, of course, is part of our philosophy of education. The testing is conducted weekly on students whose numbers come up on the randomization computer program. It works smoothly, and most people are totally unaware that it is even taking place!

All new employees are tested as a requirement of employment. This includes a cafeteria worker as well as an administrator. We have all staff in a randomization pool and have a plan in place should a positive test arise. Both the proactive plan to assist students and the plan for staff members are based on our approach to ministry, part of what makes our education distinctive.

All of the evidence told us that testing WILL reduce the usage among students. That is our prayer and hope, and we have seen and heard evidence that it does. The goal is to deter young people from using illegal drugs and alcohol.

Finally, alcohol is a problem more difficult to test and trace. Parties continue to take place outside of school but our testing program will not impact that behavior directly. It is our hope that the overall impact of the program is also having a positive effect on other student behaviors. Only time will tell. In the mean time, our families, students and staff are dealing with the problem in a very real way. The actual testing takes place almost unnoticed during the day. It has simply become a part of our day and we like it that way. I might add that we have a registered nurse on duty every school day, all day. Our program which the clinic has put together is high impact, connecting with our guidance program. We use urine testing as our method. The current cost is $16 per test. A courier picks up the material on its way to Kansas City!

It is public knowledge that the son of our head nurse, a good student and athlete, was one of the students arrested in May of 1998, taken away from school in handcuffs, and of course was expelled. He is back in school after one full semester away [our minimum policy] and is doing very well in school. He is a good kid who hopefully learned a huge lesson about selling marijuana! The judge asked us if he could do some of his service hours at Concordia. We agreed and he paid that price in the summer of 1998 leading into his semester away from Concordia.

I also recommended to our administrators that we move our annual Cadets In Cadence

Auction out of our facility to an off-campus site. The Board of Directors supported that move, but there were many who simply did not "buy" the argument that we needed to set the example and not serve alcohol, even to adults, on our campus, even to raise money! We made a once-a-year exception and served alcohol in the building. On December 4, 1999, we have our first off-campus auction at the Coliseum . . . and we believe we can make it an even better event!

Concordia took a stand on the issue. We have "laid the issue on the kitchen table" of CLHS parents and many other families in Fort Wayne . . . and we hope some lives will be saved and some teenagers will be spared the potential tragedies which accompany the use of illegal drugs and alcohol. We want a drug-free school and want to give good kids another reason to say NO!

Thank you for your interest and allowing me to share this testimony.

Cordially,

DAVID WIDENHOFER,
Executive Director.

TREATMENT

We are compelled to provide treatment alternatives when a student is discovered to have used, be in possession of, or be a seller or provider of drugs or alcohol. The identification of those who are involved with drugs or alcohol calls for clear assessment and follow-up.

First Positive Test—A parent conference, an assessment by a state-approved drug and alcohol agency, an educational and/or counseling plan, a 12-month probationary period, follow-up testing, and applicable activity penalties are indicated.

Second Positive Test—The student is expelled. A parent conference is held to discuss assistance measures and a plan for re-entry if desired.

Student Under the Influence—The student is immediately suspended for a period of 5 school days. A parent conference, an assessment by a state-approved drug and alcohol agency, an educational and/or counseling plan, a 12-month probationary period, follow-up testing, and appropriate activity penalties are indicated.

Student Possession/Distribution or Second Under Influence—The student is expelled. A parent conference is held to discuss assistance measures and a plan for re-entry if desired.

CHRIST-CENTERED EDUCATION

We believe that:

All students are chosen and redeemed children of God. As parents and teachers, we have a responsibility to them. "Train up a child in the way he should go, and when he is old he will not turn from it." Proverbs 22:6.

All our hope is in the Lord. "For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." Jeremiah 29:11.

As Christians we know that we have a responsibility to take care of the life God has given us. "Do you not know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought with a price. Therefore, honor God with your body." I Corinthians 6:19–20.

We also realize that in a sinful world, we must be prepared to face temptations every day of our lives. We can do this confidently as His faithful people. "God is faithful; He will not let you be tempted beyond what you can bear. But when you are tempted. He will also provide a way out so that you can stand up under it." I Corinthians 10:13.

Lutheran schools impact the lives of young people by providing Christian values through all school activities and programs and by proclaiming God's love.

THE PROBLEM

Data provided from several research studies of high school students, including CLHS students, present a picture of the use of drugs and alcohol by our students that resembles that of other states and high schools. Our own experience with young people verifies the existence of a problem that compels a response. We are called "to minister to students as chosen and redeemed children of God." We can no longer avoid confronting head-on this reality of American culture.

Teenagers are making poor choices to use drugs and alcohol in every high school in America. As a Christ-centered high school, we must respond to this tragic reality. Our plan is founded on our sincere concern for nurturing Christian faith and healthy lifestyles in our students. We intentionally want to reduce the use of drugs and alcohol and discourage students from making poor choices. We act because we care.

Our goal is to maintain a safe, positive and zero-tolerance school environment, conducive to learning and spiritual growth for all students. We have set forth preventive measures to check the student use of alcohol and drugs, especially on the CLHS campus and at CLHS activities. The plan includes education for staff, students and parents so that they understand the realities of the problem and are better able to identify and help students using drugs and alcohol. Our ministry to students calls for providing assistance and treatment options for students who become involved in the use of drugs and alcohol.

PREVENTION

We need consistent, fair, firm, enforceable and clear policies regarding the school's position on the illegal use of drugs and alcohol. Clear deterrents are needed so that students and adults know that we are serious about this issue and want to reduce student drug and alcohol use.

Zero Tolerance Policy—All use, possession or distribution of drugs or alcohol will have consequences. We will not tolerate those who introduce illicit drugs or alcohol into our school setting.

Tip Line—Evening calls to Student Services (471–1996) will be recorded on an answering machine to allow anonymous reporting of information about illegal activity.

Surveillance Cameras—These have been installed to observe activity in the parking lot and other high traffic areas of the school grounds.

Locker and Parking Lot Searches—Random searches involving the use of police drug dogs will occur as needed.

Random Drug Testing of Students—This is the key component that addresses the issue of usage. Urinalysis is the method used and great care is taken to ensure confidentiality of results.

Reasonable Suspicion—When reasonable suspicion of drug or alcohol use exists, a breath scan and/or urinalysis will be required.

EDUCATION

It has become clear that many students, teachers and parents do not fully understand the laws dealing drugs and alcohol, the consequences of being caught, the signs of student use of alcohol and drugs (at home and at school), and the very real seriousness of this issue in the lives of youth and adults. We want to emphasize the seriousness of the issues being addressed, the identification of students using or under the influence, the identification of those possessing or selling drugs or alcohol at school, and the legal consequences of alcohol and drug use by adolescents and adults.

Curriculum—Drug and alcohol education is a part of the curriculum each year in high school.

Student Assemblies—At least once each year an assembly using outside resources is presented to the student body.

Staff In-Service—Education and skill-building are a regular part of the staff in-service program.

Parent Support Group—This group works with the school administration to ensure that education efforts continue for both students and parents.

Parents In-Service—At least one parent in-service activity is planned per semester.

SENATE—*Monday, September 27, 1999*

The Senate met at 12 noon and was called to order by the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee.

The PRESIDING OFFICER. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will lead the Senate in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

Listen to the words of the first letter of Paul to Timothy:

For everything created by God is good, and nothing is to be rejected when received with thanksgiving, for it is made holy by the invocation of God in prayer.

Let us pray.

Lord God, from the abundance of Your mercy enrich Your sons and daughters who serve in the Senate and safeguard them. Strengthened by Your blessing, may they always be thankful to You and bless You with unending joy. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 27, 1999.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. FRIST thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m. Following morning business, the Senate will begin consideration of two resolutions that were introduced on Friday regarding education. The Lott and Daschle resolutions will be debated concurrently for 2 hours. Then the Senate will proceed to two stacked votes. Therefore, Senators can expect the first vote at approximately 5:30 p.m. Following the votes, the Senate may begin consideration of any conference reports, appropriations bills, or nominations available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming is recognized to speak for up to 1 hour.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. Will the Senator yield?

Mr. THOMAS. Yes, I will yield.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, let me ask unanimous consent that, following the 1 hour following the Senator from Wyoming and the hour by the Senator from Illinois, I be recognized for 20 minutes beginning at 2 o'clock in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EDUCATION

Mr. THOMAS. Mr. President, we are facing the last week for the consideration of appropriations bills for the next fiscal year. I expect we will end up having a continuing resolution—I hope so—so we can finish our work without an interruption, the closing down of the Government.

One of the issues, of course, that is most important to all of us is that of education. I wanted to talk—and will be joined by several of my colleagues during the course of this hour—a little bit about strengthening education.

The Republicans have had, and continue to have, a strong education agenda, one that reflects the view we share on this side of the aisle, that of returning control to the State and local levels so more of the decisions can be made by the school boards, by States, by parents, making Federal programs more flexible so there can be assistance from the Federal Government but at the same time allowing local governments to have the flexibility to adjust educational programs and school programs so they fit.

My State of Wyoming is unique in that we have lots of space and not too many people. Chugwater, WY, would have quite a different educational approach than Philadelphia. I think those differences need to be recognized. We have worked hard to move towards block granting of Federal money directly to States and to local school districts. I happen to believe that is a very important item in terms of Federal participation in elementary and secondary education.

There are differences of view as a matter of fact as to what the role of the Federal Government is with regard to elementary and secondary education. Many believe, of course, that it is the primary role of the local governments. I share that view. I share the view, however, that the Federal Government can assist, and in doing that, it needs to assist in a way that local officials can prevail.

Underlying this debate that we will hear a great deal about today and every day is a fundamental philosophical difference as to how you approach education. The Democrat approach is to create a series of new mandates and new programs such as 100,000 federally funded teachers to deal with class size. There is a different approach as to classroom units depending on where you are. Most States—I believe 43 out of 50—have this 18 to 1 ratio about which they talk. The Democrats are talking about federally funded school construction and afterschool programs, all of which sounds great and probably has some merit, but the fact is we ought to be thinking more about funding the programs that are already there, such as IDEA, those kinds of programs, than we should be talking about expanding into new programs. Democrats don't like the idea of letting local people make the decisions. They continue to want the educational bureaucracy in Washington to call the shots.

That is a fundamental difference, legitimate difference of views. There are those who generally respect that idea and those of us who do not. Sometimes it is difficult to differentiate between the basic differences of view as they get tangled up with the details of dollars.

But it is the local people, it is you and me as we serve on the school boards, as I have and many of you, not the bureaucrats in Washington, who really need to decide what the classroom unit in our schools ought to be, whether they need a new gymnasium or something else.

Those are the key issues about which we need to talk. It is not the issue of whether or not we want the Federal Government to participate. The issue is how it participates, how much more regulation goes along with this participation, and taxes, of course, as well.

The Taxpayer Relief Act, which was vetoed last week by the President, had over $500 billion in family tax relief. Parents could have used this money to help educate their children. Specific educational provisions totaled $11.3 billion in this tax bill the President vetoed—educational savings accounts, interest deductions for student loans, deductions for employer-provided tuition assistance, these kinds of things that would give families the opportunity to do more with their educational programs.

Congress had made substantial progress earlier this year with the passage of the Ed-Flex bill. I am hopeful the principal sponsor of the Ed-Flex bill, who is now presiding, will have an opportunity to share with us a little more of what that means. It is one of the big things we have done this year in terms of education. It allows district waivers of Federal requirements. This is the direction we really need. We need to let the schools and the districts make their decisions. That is really where we are in much of the discussion at this time.

There will be some resolutions talked about today, introduced by the majority leader and the minority leader, which deal directly with the funding and how the funding is handled. I think they are extraordinary items we will discuss in relation to whether or not this administration has listened more to the polls and tried to do things that kind of pick up the people's attention or whether they really have been involved in seeking to strengthen education through the kinds of activities we have had.

I yield to my friend, the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming and appreciate so much his leadership on so many different issues. His steady hand, his wise insight, and determination to make education better in America—I certainly share that.

Education is critical to our Nation's strength, economically, intellectually, and morally, and in relation to our character and other things. Unity in a nation depends on good education. It includes high technology, but it also includes history, literature, art, and those kinds of things.

I strongly believe in public education. I am prepared to support it and do support it. I think we can do a lot for our country.

I was a product of public education. My wife was the product of public education. My wife taught a number of years in public schools. I taught 1 year in public schools. Our daughters graduated from a major public high school in Mobile, AL. They were active in all of the school's activities. They were annual editors of the yearbook there. It was a big part of our lives. We participated in the PTA. My wife has volunteered on regular occasions in the classroom, assisting teachers as an aide, as is done in many schools today.

I think those ideas are oftentimes better than spending endless amounts of money. Too often parents are not encouraged to be a part of the education process. I think they can contribute to that. So educational excellence in the classroom is what it is all about.

What our goal needs to be is to enhance that magic moment that occurs in a classroom between a teacher and a child when learning occurs and where excitement is present. That will benefit our children. Some of the things we have done in education over the years really cause me concern.

I think it is important for us, as a nation, to recall another point, and that is that the Federal Government is not the primary focus of education in this country. Ninety-three percent of the money spent on education comes from our States and localities. That is where education is run. That is a historic, fundamental view in America—that education ought to be a local process and that we do not want the Federal Government dominating all of our education and telling us how everything ought to be run.

But what we have learned is, over the years, for the little money the Federal Government does put forth—the 7 percent that it contributes—so much of that money goes into regulations and burdens on local schools. We understand that 50 percent of the regulations for public schools in America come from Federal programs where only 7 percent of the money is provided.

Currently, there are 788 Federal Government education programs. School systems, small and large, have to employee teams of people just to write grants, to figure out how they can get some of this Federal money for their school systems. And when they get the money, they cannot use it as they wish; they have to comply with burdensome federal regulations, essentially fitting some bureaucrat's idea of what ought to be done in that school.

One thing I have learned here is that schools across this country are different. In the school I attended in the town of Camden, AL, 30 of us graduated from high school together. Well over half of us started the first grade together in that school. It was an excellent high school. I was blessed.

I was at the University of Alabama this weekend, and I met the dean of the human services department there; she was my classmate in our little class of 30. Another member of that group went on to Annapolis. And others have done well. But it was a public school, a small school.

My daughters went to a high school that had 2,000 students. So schools are different. The needs are different in each of the States. It is very difficult for the Federal Government to control and dominate and say precisely how learning should occur in every classroom across this country. I fundamentally believe that decisions about our children's education must be made by individuals who know our children's names.

We need to be sure that what we do in this Nation is a benefit to children and not a burden. I am really pleased to see Dr. BILL FRIST, the distinguished Senator from Tennessee, who previously presided in the Chair, because earlier this year he led the fight for a bill we called Ed-Flex that would say: We are going to give schools more flexibility to utilize Federal dollars than they have had before in return for strict accountability.

It was a tough fight. Those on the other side of the aisle, the President, and all his staff, fought that bill tooth and claw—even though the educators and the teachers and principals were telling us: We badly need it. It was a battle. We did not get to go as far as we would have liked, but it was a good step in the right direction. We need to do more of that.

Do we really care about our children? Do we want to make sure they learn as best they can? Let's give the money to the people we elected as our school board presidents and commissioners and superintendents to run our school systems; the people who know our children's names. Those people care about children; it is not just people in this body.

Many of us who have little or no knowledge about education, how is it we think we know all there is to know about education? We can read a newspaper article about somebody having a good idea, so we pass a Federal program to fund it, and we end up with 788 programs that really burden education.

Let me tell you about a number of things that are out there. I had a letter from a good, long-time friend of mine.

I was a Federal prosecutor and attorney general of Alabama. This friend, Dave Whetstone, was a district attorney in one of our larger counties for quite a number of years. Dave Whetstone ran into the IDEA Act. Based on what IDEA says, children with disabilities ought not to be separated. They are supposed to be kept in the classroom. That is certainly a good principle. We ought not to separate children who don't need to be separated. But the act says, no matter what you do or how violent that child may get, they can't be removed from the classroom for more than 45 days. They have to be put back in there because of Federal law.

During committee hearings this year, we heard from a superintendent from Vermont who told us that over 20 percent of the education costs in the school system with which he was involved went to funding the regulations of this program. One cannot believe what it demands. In the Alabama case, there was a young man who was the subject of a Time Magazine article, "Is This the Meanest Kid in All of Alabama?"

I have met with District Attorney Whetstone to discuss this very problem because he raised the question. He wrote me a letter in late April. He said:

> I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.
>
> I had already been having meetings . . . concerning the Federal Disabilities Act.
>
> The general thrust of the matter is that violent children are being kept in school because of the new Federal Rules relating to disabilities.
>
> I can point to at least seven to nine occasions in Baldwin County in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

He goes on to talk about the story of this one child.

In summary—Americans may not understand this—with regard to children who are really disruptive, they hire aides to not only be in the classroom to help the teacher for this one child who is disruptive, the aides go to their homes, ride the school buses with them to keep them from disrupting the bus, stay with them all day, and ride the school bus home at night.

That is what they were doing with this young man. He had violent tendencies. In one case on the school bus, he had an incident, and the aide tried to stop him from wrecking the school bus. He tried to wreck the school bus, and he attacked the aide. That is when the district attorney got involved and filed legal action to try to overcome this thing.

That is the problem we are living with, and that is driven by Federal regulations that are, in fact, reducing our ability to educate. I don't know which children ought to be kept in the classroom and which ought to be removed. I would like to see every child who can stay in a classroom stay in a classroom. I think that is extraordinarily important. But some children are so disruptive that it undermines the whole teaching process. I believe the decision must be left to the local principals and school boards.

I have had teachers tell me: Jeff, I can't put up with it anymore. It is too stressful for me. I am going to get out of this profession that I love as soon as I can.

Much of it is driven, if you talk to your friends and neighbors who teach, by discipline problems. You would not know, if you listened to these education bureaucrats in Washington, that a lot of it is driven by burdensome Federal education rules and regulations.

This Congress, since the Republican Party took the majority, has increased Federal funding for education 27 percent. All this talk about slashing funds for education is not true. We do believe—I certainly believe—in public education and helping public education to flourish, but we need to do it the right way. We need to do it in a way that helps teachers to achieve that sublime moment when the learning occurs in a classroom and kids are motivated and they get that insight that may lead them on to a lifetime of learning.

I am not sure the 788 programs we have now are working. I pledge to the people of the United States, I am going to work to do all I can to continue to support our States in their efforts to educate, but I am going to try to reduce Federal regulation and Federal intervention in their schools and give them the kind of opportunities they have not had in many years to improve education in those schools. Each school does it differently. We can't mandate it from here.

It worked for welfare reform. Do my colleagues remember that? We said: We are going to stop mandating all these rules for every community in America. We are going to challenge the States to take the welfare money we have been spending and create programs they believe, in their State, are comprehensive and will get people off welfare and back to work. It has worked, and we have had a massive reduction in the welfare rolls. It has been good for America.

We can do the same for education. The Senator from Tennessee has been a national leader for education reform. He is on the Health, Education, Labor, and Pensions Committee. He has been a national spokesman for it, and it has been a pleasure for me to join that committee and work with him.

Mr. President, I have concluded my remarks. I am pleased to yield to the distinguished Senator from Tennessee on this subject.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. Mr. President, I commend the Senator from Alabama for his outstanding leadership in the field of education, preparing our children for tomorrow, for that next millennium. He has done outstanding work. We work almost on a daily basis on this very issue.

I also commend the Presiding Officer for his leadership on this issue which, again, means so much to the future of our country.

Earlier this morning I was talking to a group of people who came up to visit from Texas. They said: Senator FRIST, what in your mind is the most important thing that society must do to prepare our country for this new millennium that is upon us?

I very quickly turned it back to the audience and said: What do you think?

When we came to education, every hand went up in the air. Indeed, according to every public opinion survey, education is the No. 1 issue when people ask what the responsibility of the public—not necessarily just the Federal Government but of the public—is in terms of promoting more fulfilling lives in the future. If we look a little bit further at those town meetings, we say: What really can be done? People very quickly come back to our education system, to our public school system. About two out of three Americans are very supportive of public schools but do believe that our public schools will require some major change, some major innovation, some creativity. Just more of the same is simply not going to work.

We only have to look at how we compare to our international counterparts. When we look at reading, math, or science at the fourth grade, the eighth grade, and at the twelfth grade, we are failing compared to other countries all around the world. What is even sadder, if we look at subjects such as reading or math, we fail in the fourth, eighth, and twelfth grades. If we do OK in the fourth grade, we do worse in the eighth grade, and we do miserably in the twelfth grade. The longer someone is in school, when we compare ourselves internationally—we all know our world is becoming smaller, and our borders are beginning to fall in this global economy—when we compare ourselves internationally, we are failing and failing miserably.

Republicans have set forth very solid proposals based on three pretty simple, straightforward priorities. Mention has already been made about the Ed-Flex bill, the Education Flexibility Partnership Act, which was signed by the President, debated on this floor, and involves these same principles.

Those three principles are. No. 1, take education out of the hands of the Federal bureaucrats and return it to the local level, to parents, to teachers, to school superintendents, to local officials, where it belongs.

No. 2, since what we are doing is not working, based on the statistics I just related, let's unleash the spirit of change, of innovation, of doing something a little bit different. We can begin by untying those Federal strings, those Federal regulations which are restricting that change, which are holding back innovation.

No. 3, raise the standard of education excellence so every child gets the education he or she needs and deserves.

For over three decades, we have seen this progression of Federal involvement in our educational system today. As the Senator from Alabama just pointed out, there are over 780 separate Federal education programs. It really comes from a lot of people in this body and other bodies who came up with good ideas to cure particular problems. The result is that you get a layering of these Federal programs, one on top of each other, until you get this whole spider web of good intentions. But these good intentions have increased Federal bureaucracies, each with its own set of regulations, hierarchy, own buildings, own section, each trying to educate people in a better way. These over 780 different Federal education programs are spread across over 40 entirely separate bureaucracies. So it is time to step back, streamline, and better coordinate the resources that we are directing toward education.

Now, it is interesting that, in the Ed-Flex debate, a lot of things were talked about on the floor of the Senate, and one was apparent to me. The statistic was that educators spend over 48 million hours churning out paperwork and red tape because of these Washington-based regulations.

Now, 48 million hours sounds like a lot. How much is it? It is the equivalent of 25,000 teachers working 40 hours a week for 1 year—not in teaching that student but in filling out paperwork and regulations. It is this excessive regulatory burden that we in Washington, DC, impose on them. It is what the Federal Government pushes down on that teacher in that school in Alamo, TN.

How does it translate into taxpayer dollars? That $1 that is sent, on April 15, to Washington, DC, filters down through the bureaucracy and is only worth 65 cents by the time it gets down to the classroom; that is, 35 cents of every taxpayer dollar that comes up to the Federal Government is lost in these 780 programs through 40 different bureaucracies.

The real question is, Can this be modernized? Is there something we can do? The answer is absolutely. Ed-Flex is that first step. It shows that we can make progress by doing what? Education flexibility—giving more flexibility, providing for more accountability; those are two fundamental principles.

As Ronald Reagan said, "There is nothing closer to eternal life than a Government bureaucracy." So, yes, No. 1, we have to address the issues of the bureaucracy. How can we streamline and better coordinate to get more value out of the resources that we put into education? Ed-Flex attacked the issue of improved accountability and improved achievement by looking at those three Republican principles. Individual classrooms have individual needs. Classrooms in Alamo, TN, are different from those in Memphis, and different from Bristol, TN, and different from those in New York City, or San Francisco. Some schools stress technology; some have computers; some are in a rural area and don't have the technology.

The whole point is each school is different, and we in Washington, DC, must recognize the solutions to an individual school's challenges to educate a student have to be based on local concerns, local input, on what those teachers need, on what advise and counsel parents offer to that particular school.

What did Ed-Flex do? As I said, it is the Education Flexibility Partnership Act. No. 1 is flexibility. It gets rid of a lot of the Washington red tape. It comes down from the 780 different programs. You have absolutely the same goals, but how you reach those goals is determined at the local level. Ed-Flex has strong flexibility but also strong accountability. Strong accountability, in that if you have an Ed-Flex program in your State, you must say specifically how that plan will be administered, how achievement will be measured, and you will be held accountable for accomplishing that achievement.

In return, you are given flexibility. Ed-Flex started as a demonstration project in six States, and it was expanded to 12 States. Now, through a bipartisan effort, we are able to expand that to every State in the Union.

Another way to achieve the three principles we are working on is the authorization process—a process that is looking at the reauthorization of the Elementary and Secondary Education Act. This is the big bill that authorizes how we spend all kindergarten-through-12 funding. The purpose of going back and looking at that authorization is to modernize this system, to allow some innovation and creativity, to take it back to local control, instead of Washington, DC, control.

Republicans have designated this legislation as the vehicle to address two principles: No. 1, to retain the same basic elements of education funding through ESEA, the Elementary and Secondary Education Act, but eliminate the red tape that tells localities specifically how to spend it. The bill, as we go forward, needs to stress local control. I believe, and most Republicans believe, that we need to free States and free localities from red tape, from that lack of innovation, from that rigidity, in return for improvements in achievement. We must make sure our students are really learning and progressing over time. In addition, we have to reduce that paperwork by focusing on not just the process but the actual performance of those students who will leave that school and go on to higher education and to competition in our national marketplace and in a global marketplace.

We need to allow States, I believe, to consolidate some of these 780 programs at the State and local level if they believe they can have greater achievement, and if they have a specific plan to do so, and are held accountable for that. We need to empower parents, we need to empower local educators, and then we need to hold them accountable for their results.

Another issue that we absolutely must focus on, and we are focusing on, is the quality of our teachers. There are some people who say the answer to all this is 100,000 more teachers. That makes a good sound bite because more of anything sounds good to people. But I believe we need to go back to that Republican fundamental belief that more can be helpful, but what is more important is the quality of that teacher in that classroom talking to those 10 students or 20 students or 30 students. Just having more of something there isn't necessarily the answer. The answer is in teacher quality.

A researcher from the University of Tennessee put it quite well when he said to me that teacher quality has a greater effect on performance than any other factor, including student demographics or class size. If you have to pick one, it is the quality of that teacher in the classroom. He said—and these are exact words—"When kids have ineffective teachers, they never recover."

Think about that. Other than parents, no other intervention equals the effect on a child's capacity to learn, to assimilate than that of his teacher. Every classroom should have a qualified teacher, proficient in the subjects they teach. Now, one might say, well, no, that is not it; we need more warm bodies in the classroom and that is the answer.

Listen to these statistics. Today, over 25 percent of all teachers are poorly trained to teach; 12 percent have no prior classroom experience before beginning to teach; 14 percent have not fully met State standards. In Massachusetts alone, 59 percent failed the basic licensing exam; 54 percent failed a 10th grade level competency test. If we look all across America, 18 percent of all social studies teachers have neither majored nor minored in the subject they teach; 20 percent of all science teachers have neither majored nor minored in science; 40 percent of all math teachers have neither majored nor minored in mathematics.

Is it surprising, then, when you compare the performance of 12th graders in this country in math and science to other countries around the world that we are not 1st, 5th, 10th, 15th, or 20th in math and science, but we are 21st? We are 21st among our competitor nations around the world. Is it surprising when 40 percent of all math teachers—the person actually teaching in that room with the 12th graders—did not major or minor in the field of mathematics? We hear about "100,000 new teachers." That is a short sound bite, but I think the focus you will see from our side of the aisle is on the quality of teachers and not on numbers alone.

The Teacher Quality Act works aggressively on directing Federal resources to help attract the very best, to help train and retrain those very best teachers. Funds will be available in several areas, including establishing incentives to teachers with advanced degrees in core subjects, or implementing teacher testing with bonuses for those who score well, or expanding the pool of teachers by certifying qualified retired military personnel.

Another issue in our schools today, an issue we hear about all too often, is school violence. Again, the reasons are as many and numerous as the incidents themselves. Common sense says fix the obvious problem. One obvious problem is drugs. A long-term study showed most drug use starts at age 12 or 13. When the White House took a high-profile line on this, illicit drug use declined consistently from 1979 to 1992 and, over that period of about 13 years, fell from 16 percent to 5 percent. However, in the first 5 years of the current administration, over half of that progress has been lost. The latest National Center for Alcohol and Substance Abuse poll shows 35 percent of teens believe drugs are the most important problem they face.

We are responding again under an initiative being put forward through the Youth Drug and Mental Health Services Act. That act will add financial assistance for community programs for violent youth and will add technical assistance to create community partnerships to look at youth drug issues and youth mental health.

An area of discipline we will have to come back to is loopholes in the current law, including the act mentioned this morning, the Individuals with Disabilities Education Act, a bill in which I believe very strongly and which was strongly supported in the efforts of the past Congress. There is a problem in that particular bill regarding violence—violence and discipline in our schools. The fact is, one group of students is disciplined in a different manner from other students. That is unfair and has to be changed. It has not yet been changed.

In my own county, Davidson County in Middle Tennessee, there were eight firearms infractions, meaning there were eight children who brought either guns or bombs to school; six of those were special ed students. Three of those special ed students were expelled, but three were not expelled and came back to the classroom. In Tennessee, the general law is, if a student brings a gun or a bomb into the classroom, they are expelled for that year. Because of the Federal law, we say all students are not treated equally. There is a special class of students who, even if they brought a gun or a bomb to the classroom, may return in 45 days. I see no reason why all children should not be subject to the very same disciplinary action.

Education is the most important gift we can give our children. The time to act is now. We are doing that with Ed-Flex as the first step, with reauthorization of the Elementary and Secondary Education Act, and with the Teacher Quality Act.

I have an 11-year-old, 12-year-old, and a 14-year-old. I don't want to be too pessimistic. When we look at this generation that is coming through, the overwhelming majority of America's children are good, with good intentions, and are working hard. In fact, when comparing the so-called millennial generation with the preceding generation, statistics are improving:

Teen sexual activity is down; teen pregnancies are down, especially in the inner cities; teen drinking is down; teen drunk driving is down; TV time is down; high school dropout rates are down. More time is being spent on homework today. Academic standards are slowly rising; time spent on chores is up; church-going is up. High-tech skills are rising sharply. Most teens today trust institutions; they agree with their parents on core values.

As for violence, the high school murder rate has indeed fallen 50 percent since 1993, the steepest decline in any age bracket. School-related violent deaths are declining. There has been an overall improvement in teen crime. I say that because we have this interesting juxtaposition of great opportunity in our system, but when we compare ourselves internationally, we are failing if performance is the measure.

Again, looking back to the fourth, eighth, and twelfth grade, we are failing our children today, but we are doing it in an overall framework which says that it is possible to succeed. We need to be committed. We need to do it in the right way, using the three Republican principles I put forward. Our children are America's future, they are America's pride, and Republicans intend to do everything we possible can to help them stay that way.

I ask unanimous consent, following the remarks of Senator DORGAN today, at approximately 2:20 p.m., Senator HATCH be recognized for up to 25 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business?

The PRESIDING OFFICER. Nineteen minutes.

TAX DECREASE VETO

Mr. GRASSLEY. Mr. President, the President of the United States vetoed the largest tax decrease bill to pass the Congress since 1981. By doing this, he wants to continue the tax overpayment that working Americans are paying into the Federal Treasury.

The President is saying in his veto that we ought to continue to tax the taxpayers at the 21 percent of gross domestic product level, where taxes are now, the highest level in the history of our country, as opposed to the last 50 years when taxes fell in the range of 18 to 19 percent of gross domestic product.

The people of the United States have been willing and, through consensus, settled on the level of 18 to 19 percent of gross domestic product, both from the standpoint of what they are willing to pay into the Federal Government and also from the standpoint of how that is, at a lower level of taxation, better for the economy.

The President said in his veto message we would put in jeopardy several government programs if we did not continue to tax at this level. The President didn't say in so many words, but he has a plan for spending the $792 billion that the Congress would let the American taxpayers keep. By spending it, he would do it in a fashion that would end up with a $200 billion additional national debt than what we would have by giving the $792 billion to the taxpayers. He would, in a sense, jack up the level of expenditure of the Federal Government to well over the present level of expenditure and put in jeopardy balancing the budget if we had a downturn in the economy and the taxes did not come into the Federal Treasury at the rate of 21 percent of gross domestic product.

Even though the bill passed in a bipartisan way when it first went through the Senate, on final passage it ended up being a Republican tax reduction that went to the President because there were not any people on the other side of the aisle who voted for it.

We were saying that this tax overpayment ought to be left with working Americans because only the people spending the money or investing it do it in a way that creates wealth in America and creates jobs as a result of the creation of wealth.

Anybody who thinks money is better left in the Federal Treasury—at the highest rate of taxation in the history of the country, at 21 percent of GDP—

ought to realize that there are not jobs created as a result of that money going into the Federal till because the Federal Government is not a creator of wealth. Our involvement with the creation of wealth is to leave as many resources as we can to the ingenuity of American working men and women to invest and to spend because it turns over so many more times in the economy than when it is spent by us in Washington.

So this tax decrease, the largest since 1981, was our effort to give a tax refund to working Americans by returning the tax overpayment. We do it in a responsible manner, by devoting 75 percent of the $3 trillion surplus that is going to come into the Federal Treasury over the next 10 years to Social Security, Medicare, paying down the national debt, and other domestic priorities. We would leave three-fourths of that extra dollar that people pay in taxes that do not need to be paid, with the Federal Government for paying down the national debt, strengthening Social Security, $505 billion that could be set aside for strengthening Medicare and other domestic programs, and we would leave 25 percent of that surplus with the taxpayers because we know that hard-working men and women in America can use that money better than it can be misspent here in Washington.

It seems to me the President was intellectually dishonest last week when, in his veto message—that was on television; everybody heard it—he said we were threatening Social Security, we were threatening Medicare, we were not paying down the national debt when we had this tax cut. I say that is intellectual dishonesty because the plan we sent to the President had in mind reserving all of the Social Security payroll tax money to Social Security, paying down the national debt, with $505 billion for strengthening Medicare and other domestic priorities within our Government, and still leaving $800 billion to the taxpayers.

It is only fair to give the taxpayers this money because it is their money that created the surplus in the first place. It is not the hard work of bureaucrats in Washington, it is not the hard work of Members of Congress that created this surplus, it is the ingenuity of the American people. For that ingenuity, they are being overtaxed at this particular time to the tune of 21 percent of gross domestic product compared to the 50-year history of somewhere between 18 percent and 19 percent. It is only fair to give them their money back.

Even Democrats agree that the surplus should be returned to the taxpayers. One Member of the other side of the aisle said this:

> I strongly believe we should return part of that money [meaning the surplus] to hard-working Americans. To suggest we cannot afford to cut income taxes when we are running a $3 trillion surplus is ludicrous.

That is from a Member of the Senate from the other side of the aisle. That same Member said:

> To say that tax cuts stand in the way of needed domestic spending, Medicare and debt relief, is also folly.

It is too bad the President of the United States does not listen to Members of his own party.

The President wants you to believe he vetoed just a $792 billion tax bill—and that is a 10-year figure. But when you look at the bits and pieces of it, I think it will demonstrate the President did not veto just a $792 billion tax bill, but he vetoed lower taxes for middle- and lower-income Americans, he made health insurance less affordable, and he took away incentives to save more. Let me go through what the President vetoed to be very specific, so people know exactly what we planned in this Congress when we passed this tax bill.

We planned to encourage savings, to encourage entrepreneurship, and to give hard-working families the money they need to support themselves. We reduced tax rates for middle- and lower-income Americans. The President vetoed that.

Our tax bill made health insurance more affordable by providing 100-percent tax deductibility for all premiums for the self-employed and, starting for the first time in the history of our tax laws, gave employees who work for corporations, who do not have a corporate health plan, the same tax deductibility for their own individual plans that employees of major corporations have had since World War II. The President vetoed both of those items.

Our bill made it easier for children to care for elderly parents by giving some tax incentives for family caregiving and also making tax deductibility possible for long-term care insurers. The President vetoed that.

One thing we hear about more than any other injustice in the Tax Code is the marriage tax penalty. That correction was in the bill. The President vetoed the provisions to do away with the marriage tax penalty.

We hear from farmers and small businessmen how wrong it is to break up a business to pay a death tax. This bill did away with the estate tax, so there was no tax on death, so you could pass on the family farm and the family business. The President vetoed that.

We had increased incentives for retirement savings because everybody knows Social Security has never been intended to be a sole retirement plan and is not adequate today. So we have to have more encouragement for families to save for retirement. The President vetoed that.

We hear from families, particularly from women who work outside the home, that child care ought to be more affordable. The President vetoed that.

We had full tax deductibility of interest on student loans in this bill. The President vetoed that.

We expanded the Individual Retirement Account opportunities. The President vetoed that.

In short, President Clinton vetoed tax relief measures that would benefit men and women nationwide.

The President has vetoed it, and I do not think there will be a compromise with the President on this because the $800 billion is such an infinitesimal amount of money—only 3.5 percent of all the revenue coming into the Federal Treasury over the next 10 years—that how do you compromise between zero and 3.5 percent when the 3.5 percent is so puny that we in the Congress ought to be embarrassed we could not find ways of saving money and giving even a larger tax cut?

This means this issue will be taken to the country, and we will let the Democratic candidate, presumably Vice President GORE, campaign next year on a platform of spending this money, as President Clinton proposes to spend it, and we will let the Republican candidate for President run on a platform of, hopefully, backing at least this much of a tax cut and more of a tax cut. We will take this issue to the country. Let the people decide, and in letting the people decide, let's have a clear mandate for spending the $792 billion or letting the taxpayers keep it.

The President, in his veto message and all during the month of August, has been trying to make a mountain out of a molehill, as far as this tax cut issue is concerned. He has suggested that $800 billion is a mountain of money—and it is a lot of money—but as I said, it is 3.5 percent of all the money that is going to come into the Federal Treasury over the next 10 years that we could let the taxpayers keep in their pockets or spend it or invest it to create jobs and wealth in America to expand our economy. But, in fact, the mountain is the $23 trillion that is coming into the Federal Treasury over the next 10 years, and the $792 billion tax cut is the molehill.

On this chart, we have the mountain over here, the $22.8 trillion that the working men and women of America are going to pay into the Federal Treasury over the next 10 years. Mr. President Clinton, that is the mountain, but right here is the $792 billion tax cut that you vetoed last week, and that is truly the molehill. Mr. President, you can't make a mountain out of a molehill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INNOVATION IN EDUCATION

Mr. GORTON. Mr. President, the Washington Post printed an article last Sunday about a group of WWII veterans returning to the beaches of Normandy to share stories and remember fallen brothers. It was yet another reminder of the closing window of opportunity historians have to glean firsthand accounts from the generation of men and women who lived through the Great Depression, fought in WWII and came back to build America into the greatest power of health and wealth in the world.

The Washington Post wrote: "World War II veterans are dying at a rate of more than 1,000 a day. 'It's the equivalent to a library burning down every day,' said National Guard Maj. Gen. Gene Krase."

This week I'm presenting my Innovation in Education award to a group of students and educators in Wenatchee, Washington who are working to preserve the oral testimonies and firsthand accounts of the men and women who make up what some have called our greatest generation.

Allison Agnew's 11th grade Honors English class at Eastmont High School began the Honor By Listening program last year, which pairs each student with an elder in the Wenatchee valley to document his or her personal history. After the student recorded and transcribed oral testimonies, they wrote out each story in narrative form.

Businesses and leaders in the community support the process. Representatives from the North Central Washington Museum gave the students lessons on interviewing techniques and how to transcribe oral histories. Local librarians, attorneys, and business leaders joined educators to help the students edit their narratives. Materials and funds for publishing the final product came through donations from local businesses. It was a marvelous community effort.

Incidentally, one of my own staff members, Don Moos, has volunteered countless hours of his time to help connect students with potential interviewees. Don himself is a veteran who fought in the European theater during World War II. In fact, he won a Purple Heart in the Battle of the Bulge, but I have yet to hear his whole story though we have been friends for years. I look forward to reading about his experiences.

This year the junior class at Eastmont will continue the program. It already has obtained a list of 200 possible candidates to interview this fall.

I am proud of the efforts these students are putting forth to not only learn about, but to preserve, the rich heritage of Washington State. It is efforts like these that convince me I am heading in the right direction with my Straight A's bill. If we give educators the freedom and flexibility to meet the unique needs of their students, while providing them with a system of accountability for the results, we will see more innovative programs like this one.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VA-HUD APPROPRIATIONS BILL

Mr. CONRAD. Mr. President, last Friday, the Senate passed the VA-HUD appropriations bill. I first want to commend the chairman and ranking member of that subcommittee for the superb job they did in managing that legislation as it went through the Senate.

I do want to indicate a concern about what was missing in that bill because there is one program that was not funded which I believe is very important to the country, certainly to my State, which is the Community Builders Program. It is my hope that this problem can be corrected in the conference committee. I asked the chairman and the ranking member of the VA-HUD appropriations subcommittee to pay special attention to attempting to provide the resources necessary to keep the Community Builders Program going.

Despite HUD's successful efforts to reduce staff and provide better service, the committee bill will result in the termination of more than 400 community builders across the country. That is a program that is working. This program is designed to bring new blood into that agency. It has been called a prototype for the new type of public servant in the 21st century. HUD, in recruiting for those 400 positions, had over 9,000 applications, including lawyers, academics, and economic and community development experts. These are people who were asked to come and give 2 years to helping revitalize HUD. We signed them up. We recruited them. We signed contracts with them, and now we tell them, sorry, we have changed our minds—even though the program is working. I don't think so.

The individuals who were selected to participate in community builders are experts in community outreach and development, who agreed to a 2-year term of service with HUD. They don't sit at a desk in Washington. They work in the 81 field offices doing face to face contact with people in the communities in which they serve. This is a program that has received accolades from every independent source that has looked at the program, including evaluations conducted by Booz, Allen & Hamilton, the respected private firm, PricewaterhouseCoopers, one of the major accounting firms in the country, and the public strategies group—all who made independent reviews of the Community Builders Program and all of whom said it was a significant improvement for HUD.

If the community builders are now eliminated, some HUD field offices will drop below the minimum staffing level and will have to close. That includes the only office in my State. We have only one and it is going to close. Some people say: North Dakota is a small State, a rural State, you don't have many housing problems. Well, I can tell you that is not the case. We do have serious housing problems. Go to the Indian reservations in my State and you will see housing problems that are enormously serious.

But more than that, when disaster strikes, HUD is absolutely critical. We saw that in 1997 when the flooding disasters hit eastern North Dakota. Let me say that HUD's presence in the State was critically important to the recovery in North Dakota. Secretary Cuomo, in particular, was absolutely superb in his response to the crisis. He understood the very human impact this devastating flood was having on the people of Grand Forks and the people of eastern North Dakota, and he responded. He went out of his way to make certain that HUD's response took into account the unique circumstances of this event.

Rarely have I seen public servants respond in the way we saw in the 1997 flood disaster in North Dakota. I have heard lots of criticisms of HUD over the years, but I can tell you firsthand that their response was extraordinary, and I will never forget it.

Let me give one example. After the disaster bill passed Congress, top HUD staff, including the Secretary, stayed and worked all weekend at HUD headquarters in order to get the money out to North Dakota. That is a level of commitment we rarely see. They were there Saturday, Sunday, from morning until night, to get the money flowing. Indeed, we were able to get $50 million into the hands of the Grand Forks community within 48 hours after the legislation passed. That is the kind of performance one would like to see from public servants on a routine basis. That is what we saw from HUD. They delivered, and they delivered in a way I think makes us all proud.

Because of HUD's quick work, Secretary Cuomo was able to provide that

$50 million in disaster recovery funds to the city to meet the immediate needs shortly after the bill was signed by the President. Without those funds and the dedicated work of countless HUD staff, Grand Forks would not have been able to recover from that devastating flood. I toured Grand Forks with the head of FEMA, James Lee Witt. We were there during the August break, and we saw the resurgence of that community. It is remarkable. This is a town where more than 90 percent of the homes were affected by flood. This is a community that was also hit before the floods by the worst winter storm in 50 years. Then the floods came. In the midst of floods came fire. It was an extraordinary series of events, but there was also an extraordinary Federal response, and I am here today to thank my colleagues who stepped forward and were willing to assist. But I also want to recognize the extraordinary work of HUD, and specifically Secretary Cuomo, because rarely have I seen the kind of response we saw during our period of crisis. In part, it was because he had this new mechanism, these community builders across the country who were infusing new energy and new ideas into the agency that made that response possible.

In Washington, we hear over and over that government needs to be more responsive to people's needs and that government needs to be more flexible and work similar to the private sector. I can say that in Grand Forks, HUD did just that. Grand Forks is not an isolated example. We saw it up and down the Red River Valley. It wasn't just in Grand Forks; it was in Fargo; it was in Wahpeton; it was in Grafton; it was in Menoken. Town after town that was threatened had a full Federal response, and no agency was more responsive than HUD; no people were more helpful than those community builders.

That is why I thought it important to come to the floor and say restore the Community Builders Program, restore it in the conference committee. Let's not recruit some of the top people from all across the country, asking them to serve for 2 years, and then, after a year in a program that has been deemed successful by every independent entity that has examined the program, say to them: Forget it; go home.

The amazing thing is, they won't go home because we have signed contracts with them. If we don't fund it, we are still going to have to pay for those positions.

I hope very much the conference committee will restore the funding to the Community Builders Program, to say to those 400 people who have given so much, we recognize their contribution; we intend to keep them as part of a new HUD, a HUD that has been reformed, a HUD that is responding in a splendid way to disasters such as the one we faced in North Dakota.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I was pleased to hear the remarks of Senator CONRAD about the Community Builders Program at HUD. I echo all of the comments he made about the difference that HUD made in the lives of the people in the Red River Valley who suffered so immensely from the massive flooding that occurred a couple of years ago.

I am on the Senate Appropriations Committee, and we had a discussion about the Community Builders Program. I share the feeling Senator CONRAD has expressed on the floor of the Senate about that program. It seems to me we ought to find a way to continue to fund that program. These are people all across this country who are making a difference, men and women who give new energy and new vitality to the Department of Housing and Urban Development. I think it is a step backward for this Congress to say that program doesn't work. We know it works. We know firsthand its value. We understand its contribution in our communities and other communities across this country.

I placed a statement in the RECORD a couple of days ago about this subject. I was pleased to have my colleague describe this in more detail, its functioning in the context of what we experienced.

I ask the Senator if he doesn't believe, in the end process, in the overall scheme of the amount of money that is spent and invested by the Congress, if the funding for the Community Builders isn't almost an asterisk of an amount, but so significant in terms of what it means to the new direction in HUD and to the capability of HUD to provide new energy and new vitality to these programs. Is it not the case that funding for this program can be done easily, without cost to other programs, but in a way that will make it an incredibly important investment in HUD in the long term?

Mr. CONRAD. The Senator is exactly right. I think back to the time when we were in the midst of that crisis and what a splendid response we got from HUD.

I think people are often critical of Federal agencies. Certainly HUD, especially in the past, has received lots of criticism—well deserved, unfortunately. However, this new Secretary, Mr. Cuomo, has done a remarkable job of transforming that agency. We saw it firsthand in the flood disaster of 1997. Not only did they stay in all weekend down at HUD to get the money out to the affected communities, which was a splendid performance, but they were with us every step of the way in revitalizing and rebuilding that community.

We have just seen the result. The Senator from North Dakota was with me and with James Lee Witt as we toured Grand Forks to see how that community is coming back. It would not have happened, the mayor of Grand Rapids said to me when we were at the League of Cities meeting Saturday night in North Dakota, without the assistance from the Federal Government that was received by the community of Grand Forks.

The key agencies were obviously FEMA and HUD, also SBA. All of those were major contributors, as well as the Commerce Department and EDA. Those four agencies made a profound difference. The mayor said to me flatly, without the contribution made by HUD and Secretary Cuomo, that town would not have come back in the way it has in just this short period.

It is truly amazing to drive through the streets of Grand Forks now, to see the schools that have been rebuilt, to see the downtown that is under construction—a new corporate center, a new county facility—to see other buildings that are being rehabilitated, to drive through the neighborhoods and see the new homes that have been constructed, hundreds of new homes, to see the devastated homes that have been taken out, to see the new greenway that is being created, and to go across the river and see a brand new superstore that is being built and will attract hundreds of thousands of people a year. This is a testimony to programs that work.

We all know there are Federal programs that don't work. We all know there are times when Federal money is not well spent. This is an example of when the Federal Government proved its worth and proved its mettle, performed, and made a difference in the lives of tens of thousands of people.

I want to publicly commend Secretary Cuomo and the people at HUD and to say this Community Builders Program ought not to be thrown over the side. We have 400 people who were recruited from 9,000 who applied to come to work for the Government for 2 years—in and out—to add their expertise and energy. We ought to continue the experiment. We know from every independent analysis this is a program that has worked.

BUDGET SURPLUS

Mr. CONRAD. Today the Office of Management and Budget announced the unified budget is in surplus for fiscal year 1999 by at least $115 billion. That is significantly higher than the unified surplus of $70 billion for fiscal year 1998 and, in fact, is the largest dollar surplus in the history of the United States.

This is a good day. This is a good day for the country, and this is a good day for the Congress. It is certainly a good day for the President and the administration.

In 1992, the budget deficit was $290 billion. The forecast then was that the deficit for this year would be over $400 billion. That was the forecast in 1992 for where we were headed if we didn't change course. We did change course. The President proposed, and the Congress passed, a plan in 1993, a 5-year plan, that has worked splendidly. In each and every year of that 5-year plan, the deficit came down. In 1997, we passed a bipartisan addition to that plan. That addition closed the gap, made the difference, and finished the job. Now we can report we have budget surpluses.

The job is not fully complete because while we are reporting a $115 billion surplus this year, the Social Security surplus is $124 billion. In this year, we are still using $9 billion of that $124 billion Social Security surplus for other things. We shouldn't do that. It ought to stop.

But what dramatic progress we have made. We have gone from budget deficits of $290 billion just 7 years ago to a $115 billion budget surplus this year, and we are within hailing distance of stopping the raid on the Social Security trust fund. The Social Security trust fund is a $124 billion surplus in fiscal year 1999, and we are running a surplus of $115 billion. So we are very close to stopping the raid on the Social Security trust fund.

I hope very much we are able to stay on that course. We know that is in real jeopardy for fiscal year 2000. We know that if everything plays out as is currently contemplated in the Appropriations Committees, we will be using between $30 billion and $40 billion of the Social Security surplus next year. We will be going backwards. Let's not do that. Let's not go backwards. Let's keep moving forward. Next year, let's be able to report that we are not using any of the Social Security surplus for any other purpose. That ought to be our goal.

We are now in this remarkable position of being able to say that if we stay the course, if we don't go out on some big, new spending binge, if we don't have some radical, reckless tax scheme, we will be able to balance the budget without counting Social Security and we will be able to eliminate the publicly held debt of the country in the next 15 years.

Every economist who has come before the Senate Budget Committee and every economist who has come before the Senate Finance Committee has said the highest and best use of these surpluses is to reduce the debt. What we did in 1993 confirms that view.

Remember that in 1993 we took action on a 5-year budget plan to reduce the deficit each and every year. The idea was, that would take pressure off interest rates and that would give the greatest lift to the economy, that by reducing deficits and debt, we would reduce pressure on interest rates, that lower interest rates would help our economy perform more strongly, and we would improve our competitive position in the world.

How well that strategy and plan have served this country. Each and every year of that 5-year budget plan passed in 1993 we reduced the budget deficit. Each and every year we were moving towards lower spending as a percentage of our gross domestic product. Every year of that 5-year budget plan we were moving towards the point at which we could start reducing the national debt. That plan worked.

Now we are able to see the longest economic expansion in our history, the lowest inflation in 30 years, the lowest unemployment in 30 years, and the lowest welfare rates in 30 years, with total spending of the Federal Government being reduced. We have gone from 22.7 percent of our national income, our gross domestic product, going to the Federal Government to this year it being down to 19 percent. We are headed in the right direction. Let's keep that up.

Let's move to a circumstance in which we will be able to report next year that we have stopped raiding the Social Security trust fund. Let's be able to report that we are on schedule to eliminate the publicly held debt of the United States in 15 years. What a great thing that would be for our country. How well that would position us for the baby-boom generation, because pretty soon we baby boomers are going to start to retire. We are going to add dramatically to the burden on the Federal Government from Social Security and Medicare, and the single best way to prepare for that eventuality is to reduce publicly held debt. We can do it. It is within our grasp. But we have to avoid new spending schemes and we have to avoid risky tax schemes if we are going to deliver on that promise.

I hope very much that together we will stay the course and put America in a circumstance in which it is able to announce in 15 years that there is no publicly held debt in America. What a great circumstance that would be for our Nation. I can't think of anything that would be a better present to our children and our grandchildren than to be able to eliminate the publicly held debt in the next 15 years.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

THE IMPORTANCE OF EDUCATION

Mr. DORGAN. Mr. President, I want to make a few comments about the subject of education.

We will have two votes later today on two competing resolutions offered by the majority leader and the Democratic leader here in the Senate on the subject of education. I would like to make a couple of comments about that general subject.

Some long while ago, I was touring refugee camps as a member of a hunger committee in the House of Representatives. One of the camps I recall visiting was on the border between Honduras and Guatemala.

At the United Nations High Command for Relief Operations camp that they were running there on the border of Guatemala, I saw a lot of impoverished people who had been forced to leave their homes and were living in the camp. I visited with some of them through an interpreter. One older fellow, probably in his seventies, could not speak English but he motioned with his hands for me to come with him.

So I followed him about 20 paces or so back to this area where he was living in a tent with so many others. The refugees at this camp had cots to sleep on, and this fellow reached under his cot, and from among his meager belongings, which would have fit in one small knapsack, he pulled out a very small book. Then he grinned a rather toothless grin. He had only a few teeth in his mouth, but his smile was a mile wide as he held up this book to show me. The interpreter who had walked with me into that tent said: He wants to show you the book he is learning to read.

Here was a man living in a refugee camp, sleeping on a cot, in a tent with many others with only a meager subsistence who was proud to show a visitor that he was learning to read. The book he held up to show me was the Spanish equivalent of a "See Spot Run" book. In halting Spanish, he read a couple of pages, and the interpreter interpreted what he was reading for me.

I have always remembered those circumstance because there on that dirt floor, in that tent, in that refugee camp, this fellow in his seventies was enormously proud of being able to learn to read, even though he was on his first primer book.

This story illustrates for a lot of people how important it is to be educated and to have opportunity. How does it happen that opportunity exists in some societies and not in others? How does it happen that we in America have been so fortunate while some others have not?

I have told my colleagues before that one of the first visits I made when I came to Congress was to the oldest Member of Congress at the time, Claude Pepper. He was then in his late eighties. Above the chair in his office were two photographs autographed to him. The first photograph was of Orville and Wilbur Wright making the first airplane flight. Orville Wright had autographed it to Congressman Claude Pepper before he died. Beneath it was an autographed picture of Neil Armstrong walking on the Moon, also autographed to Congressman Claude Pepper.

I was struck by those two gifts from the first persons who learned to fly and then from the first person to fly to the Moon—autographed pictures that occurred in the span of Congressman Pepper's lifetime.

What was it that caused that explosion of knowledge, learning, and technology? The answer: Education. It was our education system that said to every young boy or girl in this country: You can become whatever you want to become. You can be a physicist, a scientist, a doctor, a barber, a mechanic. You decide what you want to become, and our education system allows your young minds to flower and to develop their full potential.

How is it that in our country we invented the television, we invented the computer, we invented plastic, radar, the silicon chip, we learned to fly, we flew to the Moon, and now we splice genes? That all comes from education.

This education system of ours is not perfect. Through public education in America, we have decided there will be universal opportunity for all children and our obligation is to maintain a public school system to provide that opportunity for all. In our public schools in this country, we have about 53 million students who went to school this morning, 53 million children in kindergarten through high school, and that number is going to continue to increase. Our challenge is to have education policies that invest in our schools to make sure those children are attending good schools.

When they walk through the door of a school, we want to make certain children have a good learning environment. Yet we have crumbling schools across this country. I have spoken on the floor at length about some Indian schools I have visited that no one in this Chamber would want their children to attend, but there is not enough money to invest in fixing these crumbling schools. What are we doing to attract and retain the best teachers? Do we have enough money to do that?

Some say these things are too expensive. Yet in the Senate we have folks saying, although we cannot increase education funding, we have enough resources to provide a $792 billion tax cut over 10 years. That is our priority, they say. But we do not have enough money to fund this Federal investment in education. In fact, what has happened is that the $792 billion tax cut is only possible if we put a squeeze on domestic discretionary spending that means there is not enough money to fund education.

My colleagues on Friday described the consequences of the Republican actions. The Republican budget allocation for education, which is 17 percent lower than the 1999 levels, would provide 5,246 fewer new qualified teachers, 50,000 students would be denied afterschool and summer school programs, 142,000 children denied access to Head Start, 100,000 students denied Pell grant awards, and the list goes on because there is not adequate funding to do that.

Some of us believe there are certain obligations we have to maintain a strong public education system. To do that, we have put forward a proposal that does not cost very much but that would allow the refurbishing and remodeling of 6,000 public schools nationwide. Many of these schools across the country were built after the second world war and many of them are in desperate need of modernization and repair. This is a need not currently being met, and we have proposed a method to meet it. Helping local communities to reduce class sizes by being able to hire more teachers, ensuring teachers get the professional development they need to stay on top of their subject matter, increased funding for special education, and providing 1 million more children with access to constructive afterschool programs—all of these are important ingredients for developing a public education system we can be proud of and one that continues to work.

There is a big difference in these proposals and what those on the other side of the aisle have proposed. I am proud to be part of a political party that has always viewed education and investment in this country's children as a priority. There are some people serving in the Senate who have said let's abolish the Federal Department of Education. They have stopped actively trying to do that because they know it is massively unpopular with the American people and so we do not hear much from them anymore. But that is what they believe; that is what they would like to do. They have a right to that belief. I respect that, but I disagree with it profoundly because this country's future progress and opportunities rest on our ability to educate our future, our young children. It is our responsibility to educate our children in good schools with good teachers in classrooms that are safe.

I hope that, when we vote on the education resolutions before us this evening and when we continue to discuss this issue in the days ahead, we might reach a consensus among everyone in this Chamber that education ought to be the engine driving the budget train. It ought not be the caboose on this appropriations train, it should be the lead car. Education ought not be dealt with as an afterthought. It ought to be the priority for this Congress.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk called the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY FARMERS AND THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I want to take some time to talk about a couple of items that are related to the desperate crisis facing America's family farmers. One, what the conference committee on Agriculture Appropriations, of which I am a member, is doing—or, as is more accurate, not doing—to help them. Second, I want to talk to the issue of the burgeoning growing trade deficit.

I will talk for a moment about the Agriculture appropriations bill which is now in conference between the Senate and the House. I am a conferee. The Senate passed its version of that bill and included roughly $7.4 billion in emergency help for family farmers because prices have collapsed and farmers are in desperate trouble. We passed that on August 4.

Weeks and weeks went by and nothing happened. No conference. No meetings. Then last week, those of us who are conferees met with the House of Representatives. Then the Chair called an adjournment. The Members of the House called an adjournment, and we have not met since. Nearly a week later, and there has been no meeting since.

Why? They are all hung up on the House side of the conference with respect to the question of whether we should retain embargoes on food and medicine.

The answer to that is simple: Of course not. Of course we should not retain any embargoes on food and medicine. That is what the Senate said. By a vote of 70, the Senate said let us stop using food as a weapon.

We have used food as a weapon against Cuba, Iran, Iraq, North Korea—you name it. We have embargoes. I do not have any problems with embargoes against countries that are behaving badly, but the embargo should not include food. Why would you want to include food and medicine in embargoes that hurt the poor folks around the globe, the people who need the food and medicine?

I have always maintained that when we put an embargo on food shipments anywhere in the world, it is the equivalent of shooting ourselves in the foot. When you do it for 40 years, it is almost unforgivable. It is one thing to shoot yourself in the foot; it is another thing to take aim, hit it, and then brag about it. That has been the policy.

The Senate, by 70 votes, said: No more; we are going to break the back of food embargoes; we are going to stop using food as a weapon; over; finished; done.

We went to conference, and the House of Representatives said: No, we want to continue using food as a weapon in some circumstances. The result is, we have not even been meeting in that conference, and the emergency help that is needed for family farmers around this country is not getting done because the conference is not meeting.

Hurricane Floyd roared up the east coast, and I am told that there are over 100,000 hogs floating belly up dead in floodwaters, along with a million chickens, untold heads of cattle and horses. There are crops underwater, devastated, and gone. The folks down in that region who were so badly hurt by Hurricane Floyd are flat on their backs wondering how they are going to get through this. How they will get through it depends on this Congress deciding whether it will extend a helping hand saying: When a natural disaster strikes, we want to help you.

Other farmers in my home state were flooded out this spring. Over three million acres of farmland did not get planted early this spring, and family farmers who did get acres planted have discovered that if they got a crop, it was, in many cases, a bad crop with sprout damage. If they got a good crop and hauled it to the elevator, they were told by the grain market their crop was not worth anything because prices had collapsed.

The bill before the conference committee is a bill that provides from the Senate side, not the House side, emergency help for collapsed prices and disaster relief for the massive loss of livestock and for prevented planning. All of those issues are critical for family farmers. If this does not get done, we will have family farmers going belly up in record rates in the next couple of months.

It is unfathomable to me that we have this interminable delay in something that is so urgent. There wasn't a delay in passing a $792 billion tax cut that we could not afford, spending $792 billion in tax breaks over 10 years based on the premise that we might have surpluses in the future. We do not have surpluses yet. All we have are projections by economists.

Nobody knows what is going to happen in the future, but we are told to expect surpluses for 10 years. So before the first real surplus exists, we have folks rushing to the Senate Chamber to cut nearly $800 billion in taxes. There was an urgency to do that, a real urgency. We had to get it done immediately. But, of course, on the issue of providing disaster relief to family farmers, there is not quite the urgency, at least not for some.

There is a crisis in farm country. This deserves a response now. The conference ought to be meeting. We ought to pass emergency relief. We ought to pass disaster relief. We ought to extend a helping hand to farmers of this country to say: You matter. We care and want to help you get through these tough times.

Let me turn to the other issue that is related to the family farm crisis, the trade deficit. Last week, we heard from the Department of Commerce. We see in the newspapers that the trade deficit has gone up once again to a record high of $25.2 billion last month alone.

What does that have to do with farmers? It means we are selling less overseas than we used to. We are importing much more from other countries.

Here is an example of what is happening with our trade deficit with Canada. Mr. President, on this chart, 1998 is in blue; 1999 is in red. There was nearly a doubling of the trade deficit with Canada in one year, a dramatic increase in the trade deficit with Mexico, and a dramatic increase in the trade deficit with the European Union. Of course, these are much lower than the trade deficits that exist with China and Japan. We have huge trade deficits with China and Japan.

In addition to all of this, our family farmers in North Dakota who are hurting so badly are suffering from a massive quantity of durum wheat being shipped into our country, in my judgment illegally, by the Canadians. Last year saw the largest amount of durum wheat imports, and in the first 6 months of this year, the level of imports is 80 percent above that.

What is being done about all of this? Senator BYRD, Senator STEVENS, and I and others were able to establish a Trade Deficit Review Commission last year. That Commission is now meeting to make recommendations on the trade deficit. Otherwise, this matter has met with eerie silence. We do not hear anything from the administration. We do not hear anything from Congress about this issue.

This is a very serious issue that could easily undermine this country's economic growth. We have to do something about it, and we have to do something now. One of the things we ought to do is expect this administration to stand up and take action against unfair trade, which is part of this. I will show you what they have done.

We have a trade dispute with Europe, and the trade dispute actually is about a couple of things. One is beef, which is legitimate. The second is bananas. We do not produce bananas in the United States. We have American corporations that get bananas from the Caribbean and want to ship them to Europe. Europe does not want the Caribbean bananas, so we have a trade dispute on behalf of American corporations that are shipping to Europe something we do not produce. So we are right and they are wrong. On the merits we are right.

It is always surprising to me. We fight so hard over bananas. How about durum wheat? Durum wheat deals with semolina flour. Semolina flour is made into pasta. When you eat pasta, you are eating something from the wheat fields, often in North Dakota. What about standing up for those producers? We stand up for banana producers in the Caribbean. What about standing up for wheat producers?

What have we done now? We have done nothing about the unfair trade from Canada, but we have taken tough action against the Europeans with respect to the banana and beef hormones cases. We said to the Europeans: You better watch it. We're going to take action against you on Roquefort cheese. That is tough. You whip somebody with Roquefort cheese. You can have a big fight.

Or even better, we are going to take action against your Roquefort cheese and chilled truffles. That is strong action. This is going to scare the devil out of the Europeans.

Do you know what else we are going to do? We have decided we are going to take action against goose livers. If that does not scare the Europeans, it will at least scare the geese. Goose livers, chilled truffles, Roquefort cheese—and finally tough action against animal bladders. That is not all. There are some regular things as well.

If we are going to get tough on trade—and I have been waiting for this a long time—maybe we can get tough on durum wheat. But, no, not us, not our trade ambassador. We get tough on goose livers. Maybe I missed the point. Maybe everybody in the world will miss the point.

If we can't stand up and insist on fair trade, on open markets overseas—and, yes, on fair trade at home, to be sure—if we can't do that, this country will never get this trade deficit under control.

The trade deficit is huge and growing. Almost everyone understands that it is dangerous. It is unsustainable. It will inevitably result in a weakened dollar and higher interest rates and less economic growth. This country must get a handle on the trade deficit.

I have sent a letter to President Clinton once again and said to the President: If this trade ambassador is not willing to take action against the Canadians, replace the trade ambassador. The Canadians are just one issue. Replace the trade ambassador if she will not take action.

This ambassador has the authority to self-initiate a trade complaint, and ought to do so. If the failure to do so at USTR is due to the ambassador, get an ambassador who will.

We are willing to get tough with the European over bananas—that we do not produce here.

Forgive me for being cynical. Forgive me for wondering if there is some common sense around here. How about standing up for things that matter in a way that says to our trading partners: This country demands action. This country demands open markets. This country demands fair trade. This country demands a stop to dumping in our marketplace. This country demands an end to unfair trade at secret prices by State trading enterprises that would not be legal in this country.

How does this relate to farmers? As I said before, family farmers must find a foreign home for much of what they produce. Regrettably, our trade policy has now produced very large trade deficits for two reasons. One is because foreign markets have evaporated, dried up, been reduced in size.

It is true that no one in the Congress or the administration caused the Asian crisis. I understand that. Yet there are other problems—the failure to enforce fundamental trade laws, the failure to enforce NAFTA, the negotiation of incompetent trade agreements; and then the failure to even live up to those incompetent agreements. This is not, in my judgment, something that we should be expecting from our trade representatives.

Mr. President, I know my colleague from Utah is seeking recognition. How much time remains, if I might inquire?

The PRESIDING OFFICER. Six minutes 51 seconds.

Mr. DORGAN. Let me take about 2 or 3 additional minutes. I know my colleague has things he would like to say to the Senate, as well.

Let me conclude by saying this. I regret coming to the floor and talking in these terms about the trade ambassador's office or about the administration. I think the trade strategy of this Congress is abysmal, to the extent we have one—and I guess largely we do not because you do not hear anybody talking about a trade strategy except myself and a couple others.

It is this Congress that passed NAFTA. It is this Congress that passed the United States-Canada Free Trade Agreement. It is this Congress that passed the WTO. I didn't vote for any one of the three. But we helped cause these problems, and we ought to help solve them.

This administration has a responsibility, and so does this Congress. And this Congress bears responsibility for the farm policy, the underlying farm policy that relates in some part to this trade policy that is such a significant failure.

Our President has been very helpful in trying to push for a disaster and emergency package that will be helpful to family farmers, to save them from catastrophe, the catastrophe of collapsed prices.

How would anyone in this Chamber, how would anyone in this country like to do business when someone says to you: By the way, your income is going to be changed this year. You say: How is that? And they say: You are going to receive depression-era income. We are going to adjust your income to depression levels.

That is what has happened to family farmers. How many here would like to lose 40, 60, or 80 percent of your income and be told that is the way the market system works? It is not the way it works in a country that cares about producing on the land with a network of family farms.

Europe does not do that. Europe has 7.5 million farms. And it says: We want you to stay on the farms because we want to have a healthy rural system in our country, with small towns that are thriving and family farms that are making a living.

That happens in Europe. It happens because they have public policy that demands it. This country does not have comparable public policy. I hope that it will someday soon.

This Congress must create that public policy. This President will lead in that direction. That is what he believes. This President is strong on those issues. I criticize this administration on trade. On farm policy, this administration has been very helpful.

It is this Congress that is dragging its feet. As a member of the conference committee, I hope very much that we will soon get back to work on an emergency and a disaster package to respond to the desperate needs of family farmers.

I also hope this administration will take action, aggressive action, to deal with these trade problems. I hope the administration and Congress will understand the gravity of the trade deficit and the gravity that the unsustainable increase in our current account deficit poses to this country's economy.

Mr. President, I thank the Senator from Utah for his courtesy.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kindness.

FEDERAL TOBACCO LAWSUIT

Mr. HATCH. Mr. President, never in my years of service to the people of Utah and this country have I witnessed an administration more inclined to twist, deform, or ignore, the rule of law than the Clinton administration. The past 7 years are replete with exploits of legal manipulation. Indeed, the legacy of the administration may prove to be that its most significant exploits—infamous or otherwise—were accomplished by warping the law for blatant political purposes. Here are just a few of the most notorious examples: Attorney General Reno both misapplied and ignored the Independent Counsel Act in order to prevent the appointment of an independent counsel in the campaign finance investigation; the 1996 election fundraising scandal where soft money prohibitions were ignored and foreign donations were illegally and eagerly accepted; fundraising from the White House—it was deplorable the Escalante Proclamation, where a huge chunk of Southern Utah was effectively annexed by the Federal government without any prior consultation with Utah officials, to my knowledge—certainly not any elected officials; the misuse of FBI files by the White House—the myriad proclamations of Executive Orders as a vehicle to skirt the authority of Congress; and just to mention one more, the violation of the Vacancies Act to hold in office individuals lacking Senate confirmation.

This list does not even include the myriad events, dissemblance, and contempt for the law and our courts, which brought us the impeachment.

Given this record, I must confess that I wasn't shocked to learn that the Department of Justice may have misled Congress in sworn testimony and then filed suit against the tobacco industry.

Last Wednesday, the Department of Justice filed in Federal district court a multibillion dollar suit against the tobacco industry seeking recoupment of losses to Federal health care programs. After reviewing the 131-page complaint, I have serious reservations concerning several key counts in the complaint. Moreover, I am skeptical of the entire lawsuit.

It is well known around here that I am no friend of tobacco use, nor an apologist for the tobacco industry. Indeed, I have never used tobacco products in my life and am opposed to tobacco use. I never inhaled or chewed tobacco.

Along with my cosponsor, Senator FEINSTEIN, I worked hard last Congress to pass legislation that would have gone a long way in helping Americans to kick the habit and in reducing teen smoking. The legislation required the tobacco companies to pay over $400 billion to settle existing lawsuits—$429 billion, to be more accurate. In return for the settlement of these lawsuits, the companies would have stopped targeting children and would have funded smoking cessation efforts.

While this measure has yet to pass, I strongly believe that the fairest and most effective solution to the use of tobacco is omnibus legislation such as the Hatch-Feinstein bill rather than relying upon legally dubious lawsuits. Litigation cannot effectively deal with important public policy problems, such as what measures the industry must take to reduce youth smoking or what effect will rising prices have on the black market for cigarettes.

Given my skepticism about the administration's fidelity to the rule of law, I have several questions concerning the Federal lawsuit. The first question I have is, What is the administration's motivation here? It has been reported that many attorneys at the Department of Justice opposed filing of a lawsuit because the Federal Government did not possess a valid cause of action or claim against the tobacco companies.

Indeed, Attorney General Reno, at the April 30, 1997, hearing before the Judiciary Committee, testified that no Federal cause of action existed for both Federal Medicare and Medicaid claims. I disagree with the assertion made by David Ogden, Acting Assistant Attorney General for the Civil Division and the current nominee for that post, that Attorney General Reno was referring only to State actions. Ms. Reno's contention that no Federal cause of action existed was made clearly in response to a question by Senator KENNEDY, who asked whether the Federal Government could recoup both Medicare and Medicaid payments.

It was only after President Clinton, in his State of the Union Address in January, called for a suit against the tobacco industry that the Department of Justice changed its tune and, presto, announced that a legitimate cause of action may exist.

I have been criticized in the past for saying that the politically minded and partisan White House, and not the Attorney General, is in reality running the Department of Justice. In the case of the Federal tobacco litigation, it appears once more that the White House is directing the activities of the Department of Justice for political ends. This lawsuit is a horrible precedent that, if it continues, will erode the liberty of the American people. Here again, the rule of law is apparently being replaced by the rule of the politically correct and expedient.

I urge my colleagues to read the fine story appearing in last Friday's Wall Street Journal entitled "Justice Reverses: Lobbying Effort Wins Turnabout On Tobacco Suit."

This story chronicled the change in the Department's position concerning the viability of the Federal tobacco suit. The story demonstrated that the Department's attorneys were skeptical about a Federal lawsuit. It also established that the Department brought suit only after pressure from the White House and outside lobbyists, who apparently were paid by an outside consultant for their efforts to help convince the Department to change its viewpoints.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 24, 1999]

TOBACCO—JUSTICE REVERSES: LOBBYING EFFORT WINS TURNABOUT ON TOBACCO SUIT

(By David S. Cloud, Gordon Fairclough and Ann Davis)

WASHINGTON.—On a rainy day in January of this year, a group of high-profile academics and lawyers with experience in the tobacco wars trooped into a conference room filled with dour Justice Department officials to make a case for filing a federal lawsuit against the tobacco industry.

The prosecutors were dubious. "The meeting was tense," says G. Robert Blakey, a Notre Dame law professor and member of the group, which some called the Tiger Team. "You could palpably feel the hostility in the room."

But this week the Justice Department made a startling turnabout. On Wednesday it filed a massive civil lawsuit in federal court here charging that major tobacco companies carried on a 45-year campaign of deception that obfuscated the risks of smoking and drove up government health-care costs. The suit is potentially the biggest threat yet against the already beleaguered industry. It is also a major test of Attorney General Janet Reno's Justice Department.

The story of how the department overcame its doubts is a tangled one, involving pressure on the department from several directions at once—from the White House, Congress and plaintiffs' lawyers involved in state suits against the industry.

Inside the department, an institutional reluctance to take on a case involving untested legal theories and an industry sure to wage a bruising fight slowly fell away as key officials realized that they had the makings of a case, albeit a difficult one.

The effort to persuade the department to change its mind began over a year ago, following the collapse of efforts to pass sweeping federal legislation that would have broadened regulatory oversight of tobacco companies and settled the state cases. Mississippi plaintiffs' attorney Richard Scruggs called top Clinton domestic-policy aide Bruce Reed at the White House and volunteered to represent the federal government free in an antitobacco case.

"They were excited about it," Mr. Scruggs says, and were looking for ways to bring the industry back to the negotiating table before the eventual settlements with all the states. He had several meetings with Mr. Reed and others at the White House. But the White House was having trouble sparking interest at Justice, according to administration officials.

The biggest obstacle was Frank Hunger, another Mississippian, who headed the department's civil division, which would have handled the case. Mr. Hunger had been married to Vice President Al Gore's sister, a smoker who died of lung cancer. Advocates of a lawsuit considered him a natural ally, but it turned out that Mr. Hunger and his top aides were dubious that the federal government had a strong statutory basis to sue the industry.

In a meeting with Mr. Scruggs, Mr. Hunger was cordial, but said: "My lawyers are telling me we can't do it," according to Mr. Scruggs. Mr. Scruggs wrote a memo, to address their concerns, but says he got no response. Mr. Hunger declined to comment.

Mr. Scruggs and his allies had a strong motivation to get the federal government involved. Some of the lawyers had represented states in suits against the industry and were hoping to see those settled, in part so they could collect legal fees. They thought the industry would be more likely to settle if it faced the combined weight of the state suits and the federal government.

During the summer and fall of 1998, they worked other angles in hopes of persuading the Justice Department. They met with Mr. Reed and assistant White House counsel Bruce Lindsey to brainstorm.

Then, later in the autumn, Mr. Scruggs says, he got a call from Sen. Kent Conrad (D., N.D.) informing him that Senators Conrad, Edward Kennedy (D., Mass.) and Bob Graham (D., Fla.) were interested in getting him to do a federal case. To persuade Ms. Reno that her staff was wrong, Mr. Scruggs assembled what he called the Tiger Team of Mr. Blakey; professors Laurence Tribe and Einer Elhauge of Harvard Law School; Jonathan Massey, a Washington lawyer; and Kim Tucker, a lawyer then on leave from the Florida attorney general's office. He estimates that he paid them a total of about $250,000 for their efforts.

Inside Justice, interest in tobacco was building anyway. Mr. Hunger announced his intention to leave at the end of 1998. In December, Ms. Reno made the decision, which was kept confidential, to move forward with the lawsuit, aides said. She designated David Ogden, who succeeded Mr. Hunger, to put together the team. It included William Schultz, a former Food and Drug Administration official and onetime aide to tobacco critic Henry Waxman, a Democratic congressman from California.

Many career lawyers in the department remained skeptical, but President Clinton surprised them by announcing in his State of the Union address to Congress in late January that a suit was in the works.

Working in strict secrecy, 15 Justice Department lawyers reviewed thousands of pages of internal industry documents unearthed in state lawsuits. Roberta Walburn, an outside lawyer who represented Minnesota, was hired to help sift through the evidence and discuss legal theories. One shift of Justice Department lawyers worked by day, another by night.

Other outsiders were rebuffed. Ms. Tucker, who worked with the Scruggs team, said she had trouble getting her calls returned. She says a Justice Department attorney even told her: "At some point, outside assistance becomes a hindrance. We at Justice will decide what, if anything, is in the interest of the United States."

Ultimately, the Justice Department decided on a bold use of the Racketeer Influenced and Corrupt Organizations statute, which permits the government to go after profits derived from fraud.

Ms. Reno made the final call to go forward on Tuesday, the day before the suit was filed, a Justice official said. She then telephoned the White House and informed John Podesta, Mr. Clinton's chief of staff.

For President Clinton, the suit holds out the possibility of winning far-reaching restrictions in the marketing and advertising of cigarettes, a legacy he has sought early in his first term.

But that is by no means assured. Tobacco lawyers plan to make a concerted push to have the suit dismissed, on the grounds that the government has no statutory authority to combine millions of individual smokers' claims into a single cost-recovery suit. Also, the industry says the RICO claims seeking ill-gotten profits are unwarranted against a legal industry.

The Justice Department's increasing interest in a civil case coincided with the collapse of its massive five-year criminal investigation of the industry. The case had once seemed promising. But last year, the federal appeals court in Richmond, Va., ruled that the Food and Drug Administration didn't have the authority to regulate tobacco companies. Prosecutors became worried they couldn't charge companies with making false statements about alleged nicotine manipulation to an agency that had no authority over them.

There were other setbacks, too. Brown & Williamson, a unit of British American Tobacco PLC, succeeded in convincing the judge overseeing grand-jury matters to deny the government access to documents the company said were privileged. And several Philip Morris Cos. scientists who were granted immunity in exchange for their testimony revealed little to the grand jury, say people with knowledge of their testimony.

The tobacco industry's jubilation didn't last long. Philip Morris Senior Vice President Steven C. Parrish says an industry lawyer had received assurance from a senior White House official several months ago that a lawsuit wouldn't be filed without the industry getting a chance to make a final presentation. But on Tuesday night, Mr. Parrish says, he learned of the impending lawsuit from reporters.

Mr. HATCH. Another question I have is, Why wasn't Congress consulted? Months prior to the filing of the lawsuit, I had been attempting to ascertain on what legal theories the Department may base a lawsuit against the tobacco companies, but the Department has refused to share the information, even though the Department has asked for an additional $20 million to finance the suit. I assured them that the American people and the Congress will want to know what they are paying for. Congress is not in the habit of writing blank checks, and, in the absence of a straight answer, Congress appropriately refused the additional monies.

Notwithstanding the clear position of Congress, I learned of the filing of the suit from the newspapers. This is particularly galling since the Acting Assistant Attorney General for the Civil Division and the nominee for that office, David Ogden, in written responses dated September 2 to my questions concerning the possible suit against the tobacco industry, wrote that the Department had not even decided whether to file the suit or on what legal theories to pursue any projected litigation. He stated at that time:

> The Department is currently in active preparation for this litigation, and we are in the process of making decisions on whether it will be filed and, if so, based on what legal theories.

Now, less than 3 weeks later, the full-fledged suit has been filed.

I have yet another question. Does the Department of Justice have any chance of prevailing on the merits? The Department seeks to "recoup" the cost of medical care for treatment of tobacco-related illnesses for those on Medicaid, but the injury claimed by the Federal Government may be questionable. The nonpartisan Congressional Research Service recently issued a study which concluded that tobacco use imposes no net cost to the Federal Government. Indeed, the Federal Government receives approximately $6 billion a year in tobacco tax revenue. Moreover, it is simply absurd for the Government to seek recoupment when it has been a vigorous partner with the tobacco industry in promoting tobacco use.

From the late 1960s to the late 1970s, the Federal Government worked hand in hand with the tobacco industry to develop so-called "safe" cigarettes. Until 1974, the Government provided free cigarettes in C rations to servicemen.

Furthermore, cigarettes continue to be sold at substantially discounted rates at military post exchanges. In 1997, the Department of Veterans Affairs blocked claims by veterans for tobacco-related illnesses, contending that these individuals should not be covered because they were responsible for their individual choices and the health problems that resulted from those choices.

Of course, the Federal Government yearly subsidizes tobacco growing. Perhaps the public interest groups should sue the Federal Government, which authorized and fostered the growing of tobacco and the manufacture and sale of tobacco products. Could one not argue that the Government was at least a joint tort-feasor under these circumstances? Furthermore, it is preposterous for the Federal Government now to claim that it did not know of the risks of tobacco use.

Since 1964, the Government has issued Surgeon General reports that warned consumers of the dangers of tobacco use. Since 1966, the Government has required warning labels on cigarette packs. Indeed, everybody not on Mars for the past few decades has known that using tobacco can be harmful.

Besides this hypocrisy and the difficulty in seeing how the Federal Government has been harmed, I question the veracity of at least two main counts of the complaint. These involve alleged violations of the Medical Care Recovery Act, known as MCRA, and the Medical Secondary Payer Provisions, or MSP. The Department of Justice contends that these two statutes create an independent cause of action for the Federal Government to recover Medicaid benefits for tobacco-related illnesses.

Let me point out that the U.S. Supreme Court, in U.S. v. Standard Oil, in 1947, held that, in the absence of a statute, the Federal Government does not possess the independent right of action to recover the medical costs of servicemen. It was in response to Standard Oil that Congress passed the MCRA in 1962 and MSP in 1984. But these changes to Federal law were limited and discrete in scope.

For instance, MCRA allows the Federal Government to independently sue to recover the cost of medical treatment given to military service personnel, veterans suffering from disabilities unrelated to service, and other government workers who received medical help but were injured by negligent third parties. It does not apply to all Medicaid patients nor does it appear to allow the aggregation of all the individual claims in one massive lawsuit, which is what the Department of Justice has done here. Besides aggregating such claims, liability could be proven only through statistics, but I believe a trial based on statistics would be unconstitutional.

Furthermore, MSP allows only for suits against insurance companies providing liability insurance to tortfeasors, but not against the tortfeasors themselves. The MSP cause of action does not apply because the tobacco companies are in no way acting as insurers of their products.

I am still studying the other causes-of-action sounding in violations of the Federal Racketeer Influenced and Corrupt Organization law, better known as RICO, and State civil fraud statutes. But as a preliminary matter, I have serious doubts about their legal viability. RICO, for instance, was enacted to deal with organized crime syndicates. Here we are talking about a legal product, a product that has not only been approved by the Federal Government but which has been subsidized by the Federal Government. RICO does not apply to lawful activities, such as the manufacture and sale of cigarettes, no matter how obnoxious those products may be. For RICO and the State consumer statutes to apply here, the Department must demonstrate that the tobacco industry criminally and fraudulently marketed and sold their products. This is a difficult task that in almost every case has not been successful in a court of law because the harmful effects of tobacco products were well known. Indeed, the day the Department filed a civil suit, it announced that it was terminating the criminal investigation of the tobacco companies and tobacco executives for lack of viable evidence.

I believe these counts of the complaint were added to force the tobacco companies to settle. A successful RICO suit would force the tobacco companies to disgorge all their so-called illegal profits of hundreds of billions of dollars. This would bankrupt the tobacco industry. The Clinton White House is gambling that the tobacco companies will settle and not take the risk of corporate capital punishment in prohibition of all tobacco use. When all is said and done, it would seem that legislation is what is truly needed for a direct recovery suit against the tobacco companies. In short, it seems that this suit lacks merit.

This is not like the State suits against the tobacco companies. I supported the June 20, 1997, global settlement of those suits and conducted a half dozen or so hearings in an attempt to have Congress set a national tobacco policy. The difference is that the Federal suit appears to have no legal basis.

Let me ask rhetorical questions: What is the big deal? Why should anybody care about another suit filed against the big, bad tobacco companies?

I will tell you why. It is for the reasons I stated in this speech. No administration should be able to circumvent the Constitution and Congress' sole authority to raise and spend revenue for the general welfare by suing for billions of dollars and then spending the money without congressional appropriation. If there is no legitimate lawsuit, the action by the Department of Justice would violate separation of powers. That doctrine is a cornerstone of our Constitution's guarantee of liberty. Simply put, litigation should not replace legislation as the means to effect public policy in a democracy.

Granting the Federal Government the unfettered ability to sue any industry which happens to fall into disfavor in order to effectuate a social goal such as reduction in tobacco-related illnesses is a mistake. It would, in essence, allow the executive branch to bypass Congress and the law and set unilaterally our Nation's tobacco policy.

The way to solve the youth tobacco problem and other social problems is for Congress to legislate in an orderly and coherent manner. Litigation will produce ad hoc and incoherent results. Litigation cannot determine, for instance, whether the FDA should regulate tobacco.

There is a disturbing trend in misusing the litigation system for what appears to be social ends. Besides tobacco, Government-sponsored lawsuits have been filed against gun manufacturers and paint manufacturers. It was reported that suits are being considered to be filed against automobile manufacturers, the alcoholic beverage industry, manufacturers of pharmaceuticals and chemicals, Internet providers, the entertainment industry, the dairy industry, and even fast food restaurants are being discussed as potential targets.

Boy, it looks as if the trial lawyers of America got control of the Justice Department. They certainly have control of this administration and its projected successors in either AL GORE or Bill Bradley. Let me quote the distinguished legal scholar and former jurist, Robert Bork, who cogently discerned, in an article entitled "Tobacco Suit is the Latest Abuse of the Rule of Law," published in a September 23 edition of the Wall Street Journal:

The Justice Department's complaint is only the most recent, and it will be by no means the last, effort to use litigation to bludgeon private firms in order to accommodate a prohibition that government could not muster the political support to legislate. Gun manufacturers are beginning to face the same problem. Why not sue oil companies, whose gasoline leads to traffic deaths, or fast-food chains, whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. . . .

Law has been warped for political purposes repeatedly, and never more so than in this Administration. Is there no judge who shall call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

I ask unanimous consent that the full text of the Bork article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 23, 1999]

TOBACCO SUIT IS LATEST ABUSE OF THE RULE OF LAW

(By Robert H. Bork)

At least when the nation decided to end the "scourge" of alcohol, it had the political courage to ratify the 18th Amendment making Prohibition the law of the land.

Not so in these pusillanimous days. Now, as then, we are in the throes of a reform campaign waged with the vigor and self-righteousness of the bluenoses of old. This time their target is cigarettes, not whiskey. But our politicians no longer have the courage to legislate the end of what they condemn. Instead, they resort to lawsuits in an effort to end smoking by destroying the tobacco companies. The end, apparently, justifies any means, no matter how fraudulent.

States attorneys general have filed multi-billion-dollar suits, allegedly to recover the medical expenses the states have incurred caring for victims of smoking. Never mind that the states have made far more money taxing cigarettes than they spend on medical care. If that were all, we could shrug, as we usually do, at the cynicism of our elected officials. Unfortunately, the damage runs deeper than the pillaging of shareholders in the tobacco companies.

The Department of Justice has just filed suit to recover an estimated $25 billion spent by the federal, military and civilian insurers on smoking-related illnesses. This follows the settlement by tobacco companies with states that calls for payment of more than $240 billion over 25 years. It is, unfortunately, to be expected that states would file such suits. (Not for nothing is the National Association of Attorneys General—NAAG for short—often called the National Association of Aspiring Governors.) But one might have hoped that the Justice Department, even under Janet Reno, was above such chicanery. Not so.

The real damage done by this noxious mixture of governmental greed and moralism is not to the tobacco companies' shareholders (they should have seen it coming and got out a long time ago) but to what we still, with increasing irony, call the rule of law.

The federal and state suits suffer from the same defect, which ought to be fatal. All of these governments have known for more than 30 years that smoking creates health risks. Yet with that knowledge, they all permitted the sale of tobacco products and profited nicely, indeed enormously, from excise taxes. How can A tell B he may lawfully sell a product that A knows will cause injury and then sue B for the injury caused? Maybe the people injured could sue B, or A as well, but the one party that should have no cause of action, no complaint whatever, is A.

In the case of tobacco, the people who smoked and were harmed should have no cause of action either. Governmental and private organizations for decades have been pounding the message that smoking is deadly; cigarettes even come with an explicit government warning. Smokers are harassed in restaurants and expelled from their offices to catch pneumonia on the sidewalks. You cannot be sentient and unaware of the risks of smoking.

The lame answer to all of this is that nobody had a choice because smoking is addictive and the tobacco companies hid that fact from the government and from smokers. First and least important, tobacco is not addictive as medical science has long defined addiction. Second, everybody not in solitary confinement for the last four decades has known that using tobacco can be habit-forming.

The law is being deformed in other ways as well. Government suits against the tobacco companies are designed to remove the defenses that could, justifiably, be asserted against individual plaintiffs. While many juries are disinclined to relieve smokers of the consequences of their own informed choices, the government can try to avoid that defense by arguing that it assumed no risk; others did. But of course the government that authorized the sale of a known dangerous product did assume the risk that, under its own laws, it would have to pay when the risk became a fact. The Justice Department's suit would also render irrelevant smokers' lack of reliance upon any company statements as well as the various statutes of limitation.

If that were not enough, the government is charging a violation of the Racketeer Influenced and Corrupt Organizations law—a statute enacted to deal with organized crime—to force the tobacco companies to disgorge their "illicit profits." No wonder President Clinton thinks the companies will buckle and settle. Perhaps they ought to countersue to force the government to pay back its illicit taxes.

The Justice Department's complaint is only the most recent, and it will be by no means the last, effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not muster the political support to legislate. Gun makers are beginning to face the same problem. Why not sue oil companies whose gasoline leads to traffic deaths, or fast-food chains whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. That is what happened here. Yet even Ms. Janet Reno not long ago told a Senate committee that "the federal government does not have an independent cause of action." But the White House insisted, and the attorney general now says she has studied the matter carefully and—presto!—there is a cause of action after all.

Law has been warped for political purposes repeatedly, and never more so than in this administration. Is there no judge who will call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

Mr. HATCH. Mr. President, today's tobacco lawsuit may be tomorrow's beef or dairy industry lawsuit. That is why about 100 trade associations, private business companies, policy organizations, as well as several Governors, have voiced their opposition to this Federal tobacco suit. They understand, as do I, that big government can be as harmful as big tobacco.

I ask unanimous consent that a list of these individuals and organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS AND INDIVIDUALS THAT OPPOSE A FEDERAL LAWSUIT

American Insurance Association, American Legislative Exchange Council, American Tort Reform Association, American Wholesale Marketers Association, Americans for Tax Reform, Anchorage Chamber of Commerce, Associated Industries of Kentucky, Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Burley Stabilization Corporation, Business Civil Liberties, Inc., Business Council of New York State, California Manufacturers Association, Cato Institute, Citizens for a Sound Economy, Citizens for Civil Justice Reform, Civil Justice Association of California, Coalition for Legal Reform Member Organizations, Coalition for Uniform Product Liability Law, Coalitions for America, Connecticut Business and Industry Association, Convenience Store Association of Michigan, Council for Burley Tobacco (The), County Chamber of Commerce (New York).

Eastman Chemical Company, Empire State Petroleum Association, Federation of Southern Cooperatives, Food Distributors International, Food Marketing Institute, Frontiers of Freedom (The Honorable Malcolm Wallop), Governors: The Honorable Roy Barnes (Georgia); The Honorable James Hunt, Jr. (North Carolina;) The Honorable Jim Hodges (South Carolina); The Honorable Don Sundquist (Tennessee); The Honorable James Gilmore (Virginia). Grand Lodge Fraternal Order of Police, Greater Dallas Restaurant Association, Gulf Coast Retailers Association, Harney County Chamber of Commerce, Hispanic Business Roundtable, Hispanic Owned Newspapers, Hotel Employees & Restaurant Employees, Houston Distributing Company.

Illinois Chamber of Commerce, Illinois Civil Justice League, Indiana Manufacturers Association, Indiana Petroleum Marketers & Convenience Store Association, Indiana Retail Council, Inc., Institute for Research on the Economics of Taxation, International Association of Machinists and Aerospace Workers, International Paper, Mackinac Center for Public Policy, Manhattan Institute for Policy Research, Mexican American Grocers Association, Mexican Legislative Exchange Council, Michigan Truck Stop Operators Association, Inc., Missouri Council for Burley Tobacco, National Association of African American Chambers of Commerce, National Association of Beverage Retailers, National Association of Convenient Stores, National Association of Manufacturers, National Association of Wholesale-Distributors, National Center for Public Policy Research, National Consolidated Licensed Beverage Association, National Grocers Association, National Korean American Grocers Foundation, National Restaurant Association, National Roofing Contractors Association, National Supermarkets Association, National Taxpayers Union, National Tobacco Growers Association, National United Merchants Beverage Association, Inc., Nevada State A.F.L.-C.I.O., Nevada State Chamber of Commerce, New York State Restaurant Association (Westchester/Rockland Chapter), Newark, City of.

Oklahoma Conservative Committee, Petroleum Marketers Association of America, Republican National Hispanic Assembly, Reynolds Metal Company, Small Business Survival Committee, Small Business United of Texas, South Carolina Association of Taxpayers, South Carolina Chamber of Commerce, Southern Nevada Central Labor Council, Standard Commercial Tobacco, Inc., Tavern League of Wisconsin, Tax Foundation, Texas Association of Business & Chambers of Commerce, Texas Citizens for a Sound Economy, Texas Food Industry Association, United Food & Commercial Workers, United States Chamber of Commerce, United States Hispanic Chamber of Commerce, Universal Leaf Tobacco Company, Virginia Tobacco Growers Association, Washington Legal Foundation, Westvaco, Wisconsin Manufacturers & Commerce, Wisconsin Merchants Federation, Congressman Robin Hayes.

Mr. HATCH. Mr. President, if we are going to solve this problem of tobacco, we need to face the music in Congress. We need to pass legislation that will solve it. One reason why the Hatch-Feinstein legislation would have worked is because we believe as high as it was, at $429 billion, the tobacco companies reluctantly would have had to agree with it. Therefore, we could have imposed the free speech articles on them that would have prohibited them from advertising, while at the same time causing them to have to advertise in a way that would help our youth to understand the evils of tobacco. That, we believed, should be done. I still believe that should be done. It was so fouled up in the last Congress that we were unable to get that done.

So I am concerned about the misuse of the law, to be able to punish any industry that whoever is presiding in the Federal Government decides they are against. I think it is a travesty of justice, and even though I don't like tobacco and I have never used the products, and even though I think something certainly needs to be done in this area, you don't do it by abusing the process of law, which I think this administration has repeatedly done, time after time after time. I think, as history views what has gone on in this administration, it is going to have to come to the conclusion that this is an administration that has not been dedicated to the rule of law, while it has been triumphantly pushing the rule of law upon other nations, hoping they could have something like we have in this country.

The fact of the matter is, it is hypocrisy, pure and simple. I am very concerned that if we allow our Justice Department to continue to act in this fashion, we are going to reap the whirlwind in this country and there will be no business that would be safe from the all mighty power of the Federal Government. There is one thing worse than big tobacco and that is an unrestrained big government. That is what this lawsuit is all about. It is a voracious desire to get money in an industry that should be gotten, but in a reasonably legal way, basically through legislation.

I hope everybody will look at this lawsuit for what it is. I hope the courts will dismiss it so we can get about legislating and doing what we should to resolve the problems about tobacco use and misuse in our country.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we currently in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. CRAIG. I thank the Chair. I ask unanimous consent that, following my remarks, Senator DOMENICI may have 10 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT RUN AMOK

Mr. CRAIG. Mr. President, let me also join with the Senator from Utah for what I think he spoke very clearly about: the run amok of Government and the idea that we are going to craft public policy through the courts of our land. I believe that is the fundamental responsibility of the Congress, both the House and the Senate. Yet we have seen this administration and the trial lawyer community of this country decide that. First, it is tobacco. They are going to tell the world how to think and then tell the States and the Federal Government what the policy ought to look like. Now they are turning on the gun manufacturers. I don't care where you stand on the issue of guns. What is wrong in this country is to suggest that trial attorneys will meet in the dark of night to decide what group they are going to take on next, amass their wealth for the purpose of making hundreds of millions more, and then turn to the Congress and say, now that we have made these findings, go legislate a policy. I don't believe that is the essence of the foundation of our representative Republic.

VALUE OF PUBLIC LANDS

Mr. CRAIG. Mr. President, I came to the floor today to speak about an event which happened this past Saturday that in many States across the Nation went relatively unnoticed. It was National Public Lands Day. It was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back by volunteering a Saturday to lend a helping hand to improve our public lands.

If you were out and about, you noticed volunteers both in this city on some of our parkways and across the area. But across the Nation, over 20,000 volunteers took some of their precious time. We all know that weekend time in a busy populace is a precious time and, by taking it, they performed over $1 million worth of improvements to our public lands—from helping construct to simply cleaning up and picking up.

In recognition of National Public Lands Day, I want to spend a few minutes today reflecting on the value of our public lands and on what the future holds for them.

There are about 650 million acres of public lands in the United States. They represent a vast portion of the total land mass of our continent. However, most of these lands are concentrated in the West. Coming from Idaho, I recognize that very clearly. There are some States where over 82 percent of that State's land mass is public. In my State of Idaho, it is nearly 63 percent of the entire geography that is owned, managed, and controlled by the Federal Government, or by the citizens of this country.

There can be a great beneficial effect for our public lands, for all of us. For starters, there are a great many resources available on our public lands—from our renewable forests to the opportunities to raise cattle on them, to drilling for oil, to mining for minerals from the surface. And the subsurface of our public lands holds a great deal of resources. We all depend on it for our lives. Without question, our public lands have been the treasure chest of the great wealth of our Nation.

Many of our resources have come from the utilization of the resource of the public land. Having these resources available has afforded not only the opportunities I have spoken to but it has clearly advanced some of our governmental services because most of those resources reap a benefit to the Treasury, and from the Treasury to our schools, our roads, and our national defense. All of these resources and their revenues have helped ease the tax burden on the average taxpayer.

Not only are the taxpayers of our country rightfully the owners of that public land, but we, the Government, and all of us as citizens are beneficiaries of those resources.

Just as important though is the recreational opportunity and the environment that our public lands offer. Every day, people hike and pack in the solitude of our wilderness areas, climb rocks, ski, camp, snowmobile, use their off-road vehicles, hunt, fish, picnic, boat, and swim—the list goes on and on of the level of recreation and expectations we have coming from our public land.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits. Certainly our responsibility as a policymaker—as I am, and as are all Senators—in shaping the use of these lands, I am hopeful that this year Republicans and Democrats in the Senate can work together to pass balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Those public lands have been a historic and primary responsibility of the Congress itself. However, in the last couple of decades several changes have occurred.

We are in the midst of a slow and methodical attack on our very access as individuals to the public land itself. It started with the resources industries. That was the restrictive nature or the change in public policy that limited access by our resource industries and how they might use the land. Some would say, well, that is merely important for the preservation of the land. But what we have also seen is an ever increasing attitude to keep people—just simple people who want to hike or backpack, to have access to that land—off the land or in some way control their very character on the land.

Some radical groups are fighting to halt all resource management on our public lands, and they are working to restrict, as I have mentioned, the elemental human access to those lands. On the Targhee National Forest in Idaho, the Forest Service tore up the land to keep people off. I was out touring that forest and came upon over 300 huge gouges in roads that had been contracted by the Forest Service to stop access to the land. It was all in the name of an endangered species. But at the same time, if that kind of damage or destruction had occurred at the hands of a mining company or a logging company, the owners of those companies would have been in court. Here it was merely the forest land saying, oh, well, this huge tank trap or gouge in the road to stop traffic was our way of protecting the land. I am not sure who was the protector in that instance.

Additionally, we are seeing the implementation of dramatic changes in the philosophy of the public's access to our Forest Service from openness to an element of closeness. At the time when Gifford Pinchot convinced Teddy Roosevelt to remove forested lands from the public preserve and make them forested preserves, the concept was that these lands were open. While they were protected, to be utilized for forest and to be maintained for water quality and wildlife habitat, always the people could have access.

Slowly but surely, there has been a change in that attitude. That attitude has dramatically shifted to one in which the Forest Service would now suggest to you that our U.S. forests are closed to the public unless designated open. Gifford Pinchot would roll over in his grave as not only one of our Nation's great conservationists but one of the great advocates for forested reserves. The reason he would is that he said: If you do not associate the people to their land, ultimately the land becomes the king's land, much like feudal Europe in which the forests were the King's and the serf could not tread on that land unless given express permission by the King.

When the forest is closed—and that is what is being talked about today, and in many instances the chief of the U.S. Forest Service, Chief Dombeck, who is an advocate of this philosophy, "closed unless designated open"—then where do you go to gain permission to access your public lands? You go to the Government. In essence, you go to the King. You go to the ruler.

I don't think that is what Americans want. While Americans may differ on how they want their public land managed and for what reason they want it managed, there is one thing I doubt any of us would argue about, and that is that the Federal Government should not have the absolute right to tell our citizens who may or may not tread upon these lands.

All of us should be outraged by a Forest Service attitude that it is their land and they control it and they will give permission, they will be the implementors of policy in a way that will determine who is locked off the land. That, in my opinion, appears to be their agenda.

That very forest in Idaho I told you about, where large tank traps appeared in the public roads, just in their new forest plan they have changed the philosophy of the management to suggest that all roads are closed and, therefore, the forest is closed unless designated open.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities and in some areas with the preservation of the land's environment. For the water quality, for the wildlife habitat, for all of those fundamental reasons, we enjoy our public land base. But we should not sit here so snidely as to suggest that a Federal agency has the right to say you may enter or you may not enter the land. Yet more and more forests and public lands of our country are now receiving those kinds of restrictions.

Some people like to hike in our back country, others like simply the peace and the solitude, while others prefer to ride ATVs in the woods. Some prefer to camp in a more developed facility, while others prefer primitive spots.

The point is, the recreational opportunities on our public lands should be as diverse as America's public interests. On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation and resource interests can team together to help each other.

In my own State of Idaho in the Clearwater National Forest we have seen a dramatic decline in our elk herds in large part because of a lack of habitat. This is a massive amount of public land. Yet by its management—the suppression of wildfires, the inability of the Forest Service to manage using controlled burns but changing the habitat and the character of the land itself—one of the Nation's largest elk herds collapsed. In the winters of 1996 and 1997, thousands of elk starved to death simply by the mismanagement of our public lands by a Forest Service that would not seek the diversity of landscape that is so critically necessary to maintain those unique elk herds and the vibrancy of the land itself.

Rather than fight each other, elk conservation groups, the Forest Service, and the timber industry are coming together to develop a plan to mechanically thin some of the areas and use prescribed burns and others to treat nearly a million acres to increase elk habitat. Yet on the outside there are some conservation groups that say even thinning a tree is cutting a tree and should not be allowed. How absurd.

Why deny the right of good stewards to manage land in a way that creates diversity and balance so that Idaho can reclaim its heritage of having a large elk herd, and at the same time having more than 4 million acres of wilderness, and at the same time having a vibrant Forest Service products industry, while at the same time having growth within the State as one of its No. 1 economies tourism and recreation. That is a wise and balanced approach toward managing our public lands instead of this single attitude of "lock 'em out, preserve, and deny" the ability to manage public resources in a diverse and balanced way. We need all of our public lands to be used in a way that appeals to all of our citizens, not to just a single, relatively narrow-minded group.

Public land management, because of this, is now embroiled in fights, in appeals, in litigation. Every decision made by our public lands managers ends up in court, oftentimes fought out over weeks, months, and years. While all of that has been going on, the Congress of the United States has sat idly by and watched, simply hoping it would play itself out when, in fact, the fight seems to have intensified.

Differing interests have to come together to realize we all have one common goal: To use our land in a responsible manner, in a sustainable manner, in a balanced manner, in the kind of way that will meet most of our interests, and do so to assure a quality environment and an abundant wildlife habitat. I believe all of those things can be done.

Over the last several years, I have held over 50 hearings on the management of the U.S. Forest Service and why it can't make decisions, and when it does, why those decisions are in court. Why has it become largely the most dysfunctional agency of our Federal Government? Yet it has a phenomenally great legacy of appropriate management and responsible caretakership of the land.

As a result of that, I have introduced S. 1320, a comprehensive reform on the public land laws primarily governing the Forest Service but also reflecting on the BLM. However, until we all realize there is room for everyone on our public lands instead of just "lock 'em up and keep 'em out" solely in the name of the environment; that we can utilize our resources in a wise and sustainable manner; that we can continue to accept these lands in a way that offer a resource to our Treasury, along with a resource to our mind; then I think we will continue to be in litigation. Successful management of our public lands realizes a balanced approach, a diverse approach, and one that I think our country can take great comfort in the legacy of the past. In all fairness, we ought to be a bit embarrassed about our current situation.

Last Saturday was National Public Lands Day. It shouldn't be viewed as just one that talks about the quality of our parks and recreational areas. It should be reflective of the millions and millions of acres of public lands in my State and other Western States that by their own diversity assure an abundant resource, abundant revenue, and opportunities not only for recreational solitude but economic opportunity in the communities that reside on and near those public lands. I hope a lifetime from now our public lands will be as vibrant as they are today, but will be managed in a much more diverse and multiple-use way than it appears we are heading at this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order the Senator from New Mexico is recognized.

TAXES

Mr. DOMENICI. Madam President, for the people of America who are interested in where we are on the tax cuts and the President's message regarding the veto, I thought I might share my version of what has happened.

First of all, the main reason the President has given for vetoing the tax bill is we need to take care of Social Security and Medicare first.

The question is, When will the American people ever get a tax cut? If we don't ask that question, we don't put anything in perspective as to where we are and where we will be.

I will share why I believe the tax cut was right and why I believe what the President is talking about is not right and will probably yield to no tax cut to the American people.

First, I might ask rhetorically, how long has the President been President? I guess he has been President almost 7 years. He will then have an eighth year. Whatever legacy he will leave the American people is close at hand. Why have we not solved Social Security in the 6 years and 9 months he has been President? But now that we have a surplus, when we can give the American people a little piece of it in a tax cut, all of a sudden the President thinks we ought to save Social Security. Why didn't we save it last year or the year before?

Why didn't we save it after the President conducted hearings in three or four cities in America and said he understood it and he thought he knew what we ought to do and he sends a package. However, in terms of reform he does almost nothing and sets up a new fund to put in a piece of everybody's Social Security money, not in individual investment accounts but, in a new trust fund to be run by—whom? Seven or nine people; appointed by whom? The Government of the United States. Who believes the Government is going to manage the funds for Social Security in a way to make money and enhance the value of their pension plans? Who believes that? Hardly anyone.

Second, who believes we ought to have the Federal Government, with appointed people, investing billions and billions, maybe even trillions of dollars in the stock of America and in bonds in America, without being very concerned whether they will distort the market? Instead of being a free market with equities, loans and bonds, it will be a market controlled by what the Federal Government thinks? Just think of that, a year after it exists there will be somebody on the floor of this Senate saying: We should not invest any of that money from Social Security in cigarette companies. Boy, everyone will say, of course, we should do that. Then next year there will be a report that obesity comes from McDonald's and other companies that sell us quick-fix foods. So somebody will say: Why would we want to invest money in McDonald's? They add to obesity in America. Then, who knows what else? We will distort the American market.

Everybody who is thinking understands the President has not submitted anything credible on Social Security. Is it not interesting, there we are showing a $3.4 trillion surplus over the next decade, $2 trillion of which belongs to Social Security, and they will get it—but what about the rest of it? Should we sit around and wait to spend it? Or should we give some of it back in an orderly manner over a decade?

Mr. President, your concerns about Social Security and Medicare do not ring true. They come into existence when you do not want to give the American taxpayers a tax cut. That is why all of a sudden they come up. Now you have even indicated we might be able to get that done in a few weeks. Get what done? Fix Social Security and Medicare, which you have not been able to fix in almost 7 years in office? In a few weeks we can fix it so we can give the American people a tax cut?

Friends, you understand in a Republican budget there is a very large set-aside that is not spent on anything that can be used to repair Medicare. The problem is the President does not have a plan into which anybody wants to buy. He sent us a plan to fix prescription drugs for a part of America that might need them under Medicare, and nobody likes his plan—Democrat or Republican. So why doesn't he sit down and talk seriously about fixing that?

A commission that was bipartisan, that came up with a reasonably good plan—bipartisan, bicameral, citizens and legislators—he caused that to be distorted and thrown away by asking his representatives to vote no when everybody else voted yes. Because we needed a supermajority, it failed by one vote. We had a plan.

If I were a senior, I would say: Madam President, it looks to me as if you do not want my children and my grandchildren to have a tax cut because you are trying to use as an excuse that we have to fix Medicare and Social Security when you do not need that money that is going in the tax cut to fix either of them. Why did it take him so long to fix them, if all of a sudden we must fix them in the next few weeks in order to get a tax cut?

Frankly, there are a lot of other reasons the President has given, but these are the ones that are politically aimed at America. If you read the polls, if you ask the question the wrong way, Americans will say: Fix Medicare and Social Security first. But if you said to them in a poll question: If we have sufficient money left over to give the American people a tax cut and we have enough money for Social Security and Medicare, would you want to give them a tax cut? watch the answer. The answer, instead of what they are quoting around, would be 85 percent. That happens to be the facts.

EDUCATION

Mr. DOMENICI. Madam President, I want to talk a little bit about education because somehow or another we have ourselves involved in competing resolutions about the funding of education when we do not know how much education is going to get funded because the appropriation bill has not been produced yet. If this were a court of law, the Daschle resolution would be dismissed as being premature. There is no issue yet. But we will have to debate it and vote on it. Before we are finished, the Appropriations Committee that handles Labor-Health and Human Services will produce a bill that is more consistent with the budget resolution than anything else.

Regardless of what it looked like 3 or 4 weeks ago, they are going to have sufficient resources. Remember, the President of the United States advance appropriated, in his function and in his budget, $21 billion. We are going to do some of the same things because they are legitimate and proper. When you take that into consideration, frankly, the Daschle resolution is talking about a nonreality.

I can say there is a high probability, and if I had one more afternoon to go talk to a couple of Senators on that committee, I would predict with certainty—but I can say with almost certainty that the subcommittee of the Senate on Labor-Health and Human Services will appropriate more money in education than the President put in his budget. When you combine what they are going to give, it will be more than the President's.

Is it going to have every single item in it? I do not know. In fact, before we vote on the final determination of education funding, the Senate will debate the issue on an appropriations bill which I have just described which will have more funding in it than the President's. We will probably decide in a floor fight on this floor how that education program should be structured. I think the occupant of the chair knows that Republicans have been working very hard at loosening up this money from the strings and rigidities of Washington into something that will go local schools in a looser fashion, from which we can get accountability and flexibility. We give flexibility and we expect accountability. It will not be all the line items the President wants, but it will be more money than the President requested.

So I do not know what we are voting about in these resolutions. They are premature. The only guidance we have is the budget resolution that Republicans voted for and which said that of the domestic programs, there are a number of priorities but the highest one is education. The Senator occupying the chair voted for that resolution. In fact, it said we should appropriate, over the next 5 years, in excess of $28 billion—$26 or $28 billion more than we had been appropriating regularly under the President's approach. Over 10 years, it should be somewhere around $85 billion or $90 billion more. That is the only direction and guidance we have.

That is not binding. But if ever there was something you know you are going to do when you pass a budget resolution, it is this because the American people think it is right. But the American people do not think we are making headway with the existing education programs. They would be thrilled if we gave more money and did it differently. Why should we be doing it the same old way which we have been doing it, which has no accountability and is all targeted whether the schools need it or not? They have to put on the same pair of socks and same shoes in every school district in America. They have to fit into the same shoes in order to get the Federal money, whether they have the problems or not.

Then we have the great program that we call IDEA, where we told them you get started with special education and we will end up paying a substantial portion of it. We did not. We cheated. We made them pay a lot more than they were supposed to after we mandated it. Under Republican leadership, we are putting more and more money into that program for special education because we told them to do it, and we said we would pay a certain percent and we never came close. We keep putting more in than the President. The President complains about some targeted program we do not fund, but we fund IDEA and it loosens up money the States would otherwise have to spend for a program that we mandated, that we never lived up to our commitment on, and that is pretty good and we probably will do that this year, provide more funding than the President asked for.

So I don't know, when this 5:30 vote comes, what we are voting on. I think we ought to put them both off and let's see what the appropriations subcommittee does. But if we do not, I can say I don't know why anybody would vote for the Daschle resolution. It is a statement of unreality. It is a statement of hypotheticals. It is a statement of: Here is how much money they have to spend in that subcommittee, so I am going to do some arithmetic and assume everything is going to get cut 17 percent. That is about where the 17-percent number comes from, but it does not mean anything because nobody suggests that all the money Labor-Health and Human Services gets is going to be divided the way any Senator currently thinks it should be. It is going to be done by a committee that has been doing it for many years.

Those are my two thoughts for the day. I have used about 5 minutes on each, and I talked faster than I normally do because I did not want to stay down here too long. Other Senators want to speak. I repeat: If we cannot give the American taxpayers a cut in their taxes when in the past 6½ years the tax take of America, what we have taken from the taxpayers, is up 58 percent—got it?—the tax receipts of America in the last 6 years 9 months is up 58 percent. The average check increase for American working people is up 11 percent, and the cumulative increase of Government annually over 7 years—6 years 9 months—is 22.

Who was cut short? A 58-percent tax increase, 22-percent growth in Government, 11-percent growth in the paychecks of Americans. They need some of their money back. That is what that issue is about. If not now, when? On education, wait and see. We will do better than the President. It will be hard to convince the President, and he will have something to say about it. We ought to put up a nice big board and add up the numbers when we are finished with appropriations. We will do better than he did.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

ORDER OF PROCEDURE

Mr. JOHNSON. Madam President, I ask unanimous consent to address the body in two parts: one for an initial 1 minute and the second for the remaining 15 minutes.

The PRESIDING OFFICER. Is there objection? Is the Senator requesting he have the time until 3:30?

Mr. JOHNSON. It is my understanding that 3:30 is the scheduled time to commence debate on the education resolutions; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. So I have until 3:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. I ask unanimous consent, then, to consume the remainder of the time available until 3:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

A WISE MOVE

Mr. JOHNSON. Madam President, first I will speak in response to what I regard as the commonsense statesmanship demonstrated on the part of the President with his veto of the Republican tax bill. There is an acknowledgment that there is around $1 trillion that could come into the Treasury over the next 10 years, over and above that required for Social Security.

It was wise on the President's part to say, first of all, we ought to be very prudent about whether that trillion dollars will actually materialize or not. It is based on assumptions that may or may not come true. If they do come true, we should prolong the life of Medicare and pay down existing debt.

Everywhere I go in South Dakota people of both political stripes tell me: Pay down the debt, keep interest rates down, make our economy grow, and if you still have dollars left, make key investments in education, in economic development, child care and health care, and then if there are some resources remaining, do give some tax relief.

The President has submitted a request for $250 million targeted to middle-class and working families, the families that need it most. I believe that veto is a wise move. We ought to go on to a negotiated end to this budget dilemma that will be bipartisan in nature and will be much more deliberative, much more thoughtful, and much wiser about how to use $1 trillion that may or may not materialize.

PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT OF 1999

Mr. JOHNSON. Madam President, the second issue I want to talk about this afternoon is the issue of prescription drug costs. I am going to have to edit my remarks due to time constraints more than I really prefer, but I do want to talk about the prescription drug costs we face in this Nation.

American seniors 65 or older make up only 12 percent of our population but consume, understandably, 35 percent of all prescription drugs. Studies have shown that the average senior citizen takes more than 4 prescription drugs per day and fills an average of 18 per year. Costs have skyrocketed in recent years, increasing an estimated 17 percent last year alone.

What impact has this drug price increase had on senior citizens? It has been catastrophic for all too many. A survey completed in 1993 reported that 13 percent of older Americans say they literally are choosing between buying food or their prescription drugs.

Sadly, I hear the same story everywhere I go in my home State. Thirty-five percent of the Medicare population, equivalent to 13 million people, have no prescription drug benefits of any kind under any kind of insurance plan. Seniors sometimes fail to realize that the Medicare program itself contains no prescription drug benefit.

I recently requested a South Dakota study of prescription drug prices for seniors in our State, a study that I asked the Government Reform and Oversight Committee of the other body to conduct, comparing the prices our seniors pay compared to favored customers such as HMOs, the Federal Government, and large insurance companies.

I ask unanimous consent that the detailed summary of the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESCRIPTION DRUG PRICING IN SOUTH DAKOTA: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

(Minority Staff Report House Committee on Government Reform U.S. House of Representatives, July 31, 1999)

EXECUTIVE SUMMARY

This staff report was prepared at the request of Senator Tim Johnson of South Dakota. In South Dakota, as in many other states around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Johnson requested that the minority staff of the Committee on Government Reform investigate this issue. This report is the first report to quantify the extent of prescription drug price discrimination in South Dakota and its impact on seniors.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study presents disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescriptions drugs than are the drug companies' most favored customers, such as large insurance companies health maintenance organizations, and the federal government. The findings show that senior citizen in South Dakota paying for his or her own prescription drugs must pay, on average, more than twice as much for the drugs as the companies favored customers. The study found that this is an unusually large price differential—more than five times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of "discriminatory" pricing that victimizes those who are least able to afford it. Large corporate, governmental, and institutional customers with market power are able by buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of older Americans.

A. Methodology

This study investigates the pricing of the five brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies, HMO's, and certain federal government purchasers, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores throughout South Dakota. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

B. Findings

The study finds that:

Older Americans pay inflated prices for commonly used drugs. For the five drugs investigated in this study, the average price differential was 121% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. In dollar terms, senior citizens must pay $50.33 to $94.12 more per prescription for these five drugs than favored customers.

TABLE 1.—AVERAGE RETAIL PRICES IN SOUTH DAKOTA FOR THE FIVE BEST-SELLING DRUGS FOR OLDER AMERICANS ARE MORE THAN TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Differential for S. Dakota senior citizens	
					Percent	Dollar
Zocor	Merck	Cholesterol	$27.00	$100.44	272	$73.44
Prilosec	Astra/Merck	Ulcers	59.10	110.82	88	51.72
Norvasc	Pfizer Inc	High Blood Pressure	59.71	110.04	84	50.33
Zoloft	Pfizer, Inc	Depression	115.70	209.82	81	94.12
Procardiz XL	Pfizer Inc	Heart Problems	68.35	121.88	78	53.53
Average price differential						121%

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans, and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in South Dakota was 1,469%. An equivalent quantity of this drug would cost the manufacturers' favored customers only $1.75, but would cost the average senior citizen in South Dakota over $27.00. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would cost the favored customers $10.05, while seniors in South Dakota are charged an average of $47.24. The price differential was 370%.

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies, government buyers with negotiating power, and HMOs. Because these customers typically buy in bulk, some difference between retail prices and "favored customer" prices would be expected.

TABLE 2.—PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,450%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Price differential for S. Dakota seniors
Synthroid	Knoll Pharmaceuticals	Hormone Treatment	$1.75	$27.46	1,469%
Micronase	Upjohn	Diabetes	10.05	47.24	370%

The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the five prescription drugs was 121%, while the price differential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prescription drug prices paid by seniors in South Dakota, the study compared average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that the pharmacies in South Dakota appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in South Dakota are actually below the published national Average Wholesale Price, which represents the manufacturers' suggested price to pharmacies. The differential between retail prices and a second indicator of pharmacy costs, the Wholesale Acquisition Cost, which represents the average price pharmacies actually pay for drugs is only 13%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

Mr. JOHNSON. Madam President, the results of the South Dakota study are consistent with studies in other States finding that seniors in South Dakota pay inflated prices for commonly used drugs. In fact, seniors are paying twice the amount per prescription compared to the price the pharmaceutical companies sell their drugs to their favored customers. In fact, we found some individual prescriptions where the price differential was as high as 1,469 percent for the same drug. These price differentials are far higher for prescription drugs than for any other consumer good.

The average price differential for the five top selling prescription drugs for seniors is 121 percent, while the price differential for other items considered daily essentials for the consumer is only 22 percent.

The study also indicates that pharmaceutical manufacturers—not the drugstores, not the pharmacies—appear to be responsible for this huge differential. South Dakota pharmacies have relatively small mark-ups, between the prices at which they buy the drugs and the prices at which they sell them.

The question is, Where do we go from here? There is talk about a Medicare add-on for prescription drugs. I hope we can go down that road. Quite frankly, a bipartisan agreement about how to pay for it and administer it simply has not been reached. In the interim, there are alternatives.

The Prescription Drug Fairness for Seniors Act of 1999, which I have sponsored with Senator KENNEDY, will provide a mandate—without the use of tax dollars, or any new Federal bureaucracy—that the pharmaceutical industry sell prescription drugs at the same price to Medicare beneficiaries as they sell to their favored customers. No more discrimination. If the Prescription Drug Fairness for Seniors Act was enacted, we could reduce the cost of prescription drugs available to seniors by approximately 40 percent. There would be no bureaucracy, no tax dollars, and a huge benefit for seniors all over America. Our pharmacists would use the existing pharmaceutical distribution system and not create any new bureaucracy.

It is estimated that we will reduce drug prices for seniors by approximately 40 percent. There will be no more devastating choices among groceries, rent, and prescription drug costs.

I am pleased our bill is gaining endorsement and currently has the support of 10 of our colleagues, including Senators DASCHLE, DODD, DORGAN, FEINGOLD, HOLLINGS, INOUYE, LEAHY, KERRY, WELLSTONE, and BINGAMAN. Earlier this year, Representatives TOM ALLEN, JIM TURNER, MARION BERRY, and HENRY WAXMAN were joined by 61 of their colleagues when they introduced the House version of this bill, H.R. 664. They have now over 120 cosponsors.

Several organizations endorsed our legislation, some of which include the National Committee to Preserve Social Security and Medicare, TREA Senior Citizens League, Consumer Federation of America, and Families USA Foundation. Many South Dakota groups have also endorsed our bill, including the South Dakota Coalition of Citizens with Disabilities and the North Central Chapter of the Paralyzed Veterans of America. We now have well over 30 organizations actively supporting this legislation.

Currently, there are several prescription drug proposals in Congress. We ought to have hearings on this issue, and we ought to go forward as aggressively as we can.

Madam President, there is no need to wait. We can act on this now. We can give seniors now the benefit of this 40 percent reduction in prescription drug costs that they deserve and need.

What an irony it is that so many of our seniors wind up not taking their prescription drugs in order to save money and then fall ill with an acute illness and wind up in the emergency room, and then Medicare picks up the tab. Wouldn't it be better if we can find a way to make sure seniors can afford the prescription in the first place to avoid that kind of acute illness, that emergency room visit? The taxpayers will gain, the dignity of the seniors will gain, their physical health will gain. All Americans would be better off with the immediate passage in this Congress of the Prescription Drug Fairness for Seniors Act of 1999.

I yield back such time as may remain.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. What is the situation regarding time?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

The Senate will now resume consideration of Senate Resolution 186 and Senate Resolution 187, which the clerk will report.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BUDGET CAPS AND EDUCATION FUNDING

Mr. BYRD. Madam President, shortly we will be debating two resolutions regarding education funding. Though there are differences in the approaches taken in the resolutions, the bottom line is similar—namely, this Senate and this Congress need to support education, and we need to find sufficient funding to meet our obligations to America's students. We need to support our struggling schools as they attempt to provide safe, disciplined environments in which our youth can learn both the fundamentals of history, literature, mathematics, and science, as well as the emerging fields of the next century—computers, satellite communications, advanced electronics and other information technologies that are reshaping the American workplace.

On this bottom line, we all agree. The difficult part in this difficult appropriations cycle is, how do we get there? Our funding levels are too low to meet the administration's request, too low to meet the needs that we can all see and agree need to be met, but we are constrained by a budgetary straightjacket imposed in 1997. All year, I have advocated breaking the budgetary caps in order to meet our most pressing needs, but until that happens, the Appropriations Committee must play the cards it has been dealt. This evening, the Appropriations Subcommittee on Labor, Health and Human Services, and Education, will meet to mark up an appropriations bill that contains funding for education, among other things. When all is said and done, Madam President, I am very proud of the work of our Committee on Appropriations this year. I have served with many great Senators and I have served with a number of great chairmen of the Committee on Appropriations. None has handled their responsibilities any better than has our current Appropriations Committee Chairman, Senator STEVENS of Alaska. He has worked closely with me throughout his tenure as chairman of the committee in as nonpartisan a manner as anyone I have ever worked with. We have handled these very difficult matters as best we could to the benefit of all Senators and for the American people. In so doing, despite these crushing spending caps, we have been able to pass in the Senate most of the appropriations bills. The final bill, namely the Labor-HHS appropriations for FY 2000, will be marked up in subcommittee this evening and, in all likelihood, in the full Appropriations Committee tomorrow.

Madam President, frankly, I see no intellectually honest way to adequately provide for education without breaking the budgetary caps.

I know neither side wants to suggest that the caps be broken. Each side wants the other side to be the first. I have no hesitancy to say how I feel because I am interested in education. I am interested in meeting the needs of the country and meeting the needs of the people. If it cannot be done without breaking the caps, then so be it.

I cannot support these two resolutions, not because I disagree with their intent, but because I cannot voice my support for increasing education funding on the one hand while in the same breath saying that the budget caps cannot be broken. Education is important. If it is important, it is worth breaking the budget caps. And it is. It is worth breaking the budget caps. Budgetary gimmicks that add months to the fiscal year or that take funds from other critical programs like heating assistance for the poor and the elderly will not hold up over time. They are very frail reeds, very weak reeds, to which to cling in the face of hurricane force winds of need.

Madam President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE REGARDING REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TO EXPRESS THE SENSE OF THE SENATE REGARDING EDUCATION FUNDING

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Res. 186 and S. Res. 187, which the clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 186) expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

A resolution (S. Res. 187) to express the sense of the Senate regarding education funding.

The PRESIDING OFFICER. There will now be a total of 2 hours debate on the two resolutions under the control of the two leaders.

Mr. BYRD. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, as I rode to the office this afternoon, I was listening to news accounts which were reporting that the President was making a series of speeches in which he was criticizing the congressional majority and their plans for education and education improvement in this country.

It seemed to me as I listened to the news accounts—assuming they were accurate—the President was basing his criticism on two counts: No. 1, if you did not believe that his priorities in education were the proper priorities, then you did not really value education in this country and you were failing in your commitment to public schools. His second criterion was the amount of money that was going to be spent on public education at the Federal level.

So really two criteria: You have to spend it where he wants to, and you have to spend the amount he desires, or else you have failed in some kind of litmus test as to a commitment to education.

I reject both of those tests. I think, as you look at the amount of money and the increases in funding for education nationally over the last 25 years, you have to conclude that simply spending more money is not the answer to improving education—that that criterion fails. If that is going to be the criterion, well, then, there may be a lot of people who can say they are committed to education but with very little evidence of success or results.

Because we, as Republicans, disagree with the President's particular priorities, which are funding a new program for 100,000 teachers, whether or not that happens to be the great need in a particular area; and increased funding for the construction of schools, though we know there are many dilapidated schools, many schools that are in need of construction, that may or may not be the priority, the great need in a particular area—because we disagree with his priorities and his effort to further nationalize education in this country, he would deem us then as lacking commitment to education.

I believe, with the reauthorization of the Elementary and Secondary Education Act this year, we have a golden opportunity to dramatically improve Federal education programs that for years have not provided a good return for every dollar.

If we are going to spend taxpayers' money on education—and poll after poll indicates that this is a high priority with the American people; it is high on their list of where they believe emphasis should be placed—then I suggest we must hold the States, we must hold school districts, we must hold even individual schools accountable for the funds they are receiving.

In the past, ESEA has not rewarded success nor has it punished failure. Instead, money is allocated only for specific uses, with no results demanded or expected.

For example, we allocate funding for technology in schools, but in no way do we require schools to show us how this is helping kids to learn. We only require them to use the funding appropriately, but there is no link to the ultimate goal, which is and should be student achievement. In category after category, we find this to be the case. We provide the funds and so long as the States can demonstrate they are spending it appropriately—that is, for the appropriate category—there is no requirement that they demonstrate student achievement.

I believe this system must change. We must allow schools more flexibility in how they use funding to meet their individual needs and show how they are improving student achievement for all students. The bottom line should be, the bottom line must be, in education: Are students learning? Not are we spending more money, not is our funding increasing, not are they meeting a set of regulations that can fill out the forms and demonstrate that they, in fact, have spent technology money on technology, but are students learning, are student achievement scores increasing? That must be the ultimate test.

It is in that area that Federal education programs have abysmally failed. Schools currently receive Federal funding with so many strings attached they cannot effectively use the funding they receive. I believe those strings must be reduced so that the only requirement is the dollars are being spent in the classroom to enable children to learn.

Over the past 34 years, since the Elementary and Secondary Education Act was first passed, it has grown dramatically in size and scope. The Department of Education currently administers 47 K-through-12 programs that are authorized under ESEA. In his fiscal year 2000 budget proposal, the President wanted to create 5 new programs in addition to the 47 currently administered by the Department of Education. I suggest to my colleagues on both sides of the aisle, the last thing this Congress should do is add 5 new programs to ESEA, when all the evidence is that we are failing in the 47 that currently are authorized.

Diane Ravitch, a senior fellow at the Brookings Institution and former Assistant Secretary of Education, who has testified on numerous occasions before congressional committees, puts it this way:

> At present, American education is mired in patterns of low productivity, uncertain standards, and a lack of accountability. Federal education programs have tended to reinforce these regularities by adding additional layers of rules, mandates, and bureaucracy. The most important national priority must be to redesign policies and programs so that education funding is used to educate children, not to preserve the system.

The proposal from the President to add five new programs to ESEA simply reinforces the status quo. In fact, it expands the existing system which has failed American students so terribly.

A study by the Ohio State Legislature reported that more than 50 percent of the paperwork required by a local school in Ohio was the result of Federal education programs and mandates, even though the Federal funding in that Ohio district accounted for only 7 percent of the total education spending—7 percent of the funding, 50 percent of the paperwork. I am afraid that is all too typical of what we find with regard to Federal education spending and Federal education programs.

While spending on education has increased, there has been no corresponding rise in academic achievement. According to Investor's Business Daily, over the past 25 years, inflation-adjusted, per-pupil spending for grades kindergarten through 12 has climbed 88 percent.

Republicans are not opposed to more education spending. In fact, we have proposed that we dramatically increase education spending. But we believe that simply increasing education spending without a corresponding reform of the system is money ill spent. In Arkansas, total education spending since 1970, adjusted for inflation, Federal, State and local, has grown by almost 58 percent. Since 1970, we have seen in Arkansas a dramatic increase in per-student spending, the expenditures on each child, in the public schools in the State of Arkansas. Unfortunately, overall performance of the average 17-year-old student on the NAEP test changed little between the early 1970s and 1990.

Before we decide the answer to improving our education system is to throw in more money and create more programs, may I suggest we examine closely the programs as we reauthorize them and that we change the current system to allow schools to innovatively use their funding to address their problems as they see fit and as they know best.

Now, in the area of IDEA, funding for disabilities, I think that is an area all of us could agree we have done too little. During the reauthorization of IDEA in 1997, the Federal Government was authorized to pay up to 40 percent of the excess cost of educating special education students. However, the President, who lauds his record on education, has consistently funded special education at only about 10 percent of the excess costs. For fiscal year 2000, the President has requested $4.31 billion. That is the same amount appropriated in fiscal year 1999. This is an area Democrats and Republicans have agreed we have not met our Federal commitment and our pledge to the States and local school districts. Yet the President, who wants to create five new programs, has level funded the area of IDEA.

Reduced funding for special education causes the local school districts to pay the cost of educating children with disabilities. Often these costs, as we all know, can be three to four times the amount spent on other students. Therefore, what is happening is that those local schools are taking money from other programs and other services because the Federal law requires them to provide that education for special ed students. As a result, they are shortchanging other needed educational programs because the Federal Government has failed to meet its commitment.

Another area I think we have failed is in the area of impact aid. The President's fiscal year 2000 budget requests $736 million for impact aid. That is an increase of $128 million from 1999. But impact aid provides support to school districts affected by Federal activities, children living on Indian lands and children who live on Federal property who have a parent on active duty in the uniform services. This is one area in which I believe it is very clear that the Federal Government has a role in education. Yet the President's budget does not reflect that priority, that clear responsibility that we have on the Federal level.

Education is mainly a State and local responsibility, where funding is generated from local and State taxes. Yet children who live on Federal lands or on military bases are being cheated out of an equal education. In Arkansas, we have the Ouachita National Forest. We have the Ozark National Forest, the St. Francis National Forest, the Buffalo National River. We have, though many don't realize, because Arkansas is not a far western land, hundreds of thousands of acres in the public domain, school districts that are dependent upon impact aid to fund the educational base because they do not have a tax base upon which they can rely. There is no tax base for these areas.

Any decline in impact aid funding requires State and local school districts to find additional funding to give their children a good education. It is an area that Congress clearly has a role in providing funding. Yet the President continually tries to reduce funding and deemphasize this priority and this responsibility of the Federal Government. In his budget proposal for fiscal year 2000, the President seeks to increase administrative spending for the Direct Loan Program by $115 million. That is a 26-percent increase in the Direct Loan Program for administration. Perhaps nothing reflects the misguided priorities of this administration more than their effort to increase administrative spending in a student assistance program by 26 percent.

Adding programs—the wrong priorities in spending—I think reflects the misguided effort of this administration to further nationalize, further remove local control, and, I believe, continue a system that has demonstrated itself to be broken, which has not given us the results students in this country deserve.

They want to promote the Direct Loan Program—there is no doubt about that—and particularly increase the area of administration that is the very area in which we need to be reducing spending. Then in other areas of student assistance, while the maximum Pell grant award would increase from $3,125 to $3,250, total Pell grant funding would be cut by $241 million. They are particularly important in higher education in States such as Arkansas or any State that has a rural population and a relatively low per capita income.

In Arkansas, that is exacerbated because we have a rather low percentage going on to higher education. The reason for that, many times, is because there is not adequate student assistance available. So while we increase the total amount of a Pell grant, we don't increase—in fact, what would be available is cut in the President's budget dramatically. The result is we have fewer Pell grants available, even though the demand is greater than ever before.

Madam President, let me reiterate my point and my concern about the President's priorities in education and his very ill-timed attacks upon the Republican majority in the House and the Senate. Because we disagree on priorities, his judgment is we are not committed to education. Because we disagree in the amount and where that money should be spent, his conclusion is that we are not committed to education.

I believe Republicans have come forward with one of the most creative, innovative educational priorities since taking control of the House and the Senate: The idea of taking 21 Federal education programs under ESEA and telling the States that, on a cafeteria basis, they can choose which ones of those programs they wish to have consolidated with new flexibility to find creative and innovative solutions at the State and local level. That is what we need to be doing.

But there are those entrenched in the status quo who say: Let's reauthorize what we have been doing; let's put more money into a system that has not given us greater educational achievement. They think that demonstrates greater commitment to our children. I think we do have a golden opportunity this year, and I think the line could not be clearer between those who believe the Federal Government is the solution and those of us who believe we need local control with greater local flexibility, while demonstrating a commitment on the Federal level but giving maximum flexibility for local policymakers to decide how the local issues can be best solved.

I look forward to the education debate in the coming hours and weeks as we conclude this session. I hope that as we reauthorize the Elementary and Secondary Education Act, we will do so in a way that truly demonstrates our love, our commitment, and our concern for the public school students of this country. I look forward to working with Senator GORTON, who has been so active in this whole education area, and Senator FRIST, Senator JEFFORDS, and all on the Education Committee, to fashion an Elementary and Secondary Education Act that will take us in a new direction and result in higher student achievement, better results, better education, as we compete in a world economy.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I yield myself 10 minutes of the time on this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I thank the Senator from Arkansas for his eloquent comments. I am honored to be a part of a partnership with him and with the distinguished Senator from Maine, who now occupies the chair, in proposing a set of reforms on the way in which the Federal Government relates to education in the United States that emphasizes student achievement and a higher quality of education, as against a number of categorical programs where school districts become eligible simply by filling out the right forms and spending the money in the way the Secretary of Education tells them to spend the money, without regard to student achievement and without regard to the priorities set by elected school board members and superintendents and principals and teachers and parents all across the United States.

This afternoon, we are going to vote on two distinctly different approaches to education—a proposal by the minority leader and a proposal by the majority leader. The proposal by the minority leader beats a dead horse. It starts from the proposition that we are to reduce the amount of money we spend on education by some 17 percent, when later on this afternoon—at 6 o'clock—the subcommittee in charge of appropriations for education, in fact, will pass an appropriations bill that not only increases the amount of money we spend on common school education in the United States but increases it by more than the amount requested by the President of the United States in his budget. That is a true commitment to education.

The Democratic proposal ignores the proposition that the President's budget, in fact, lessens the amount of money available for special needs students and education for the disabled; that it reduces very substantially the amount of money for impact aid to those school districts that are greatly impacted by a Federal presence in national parks or forests or military installations; in fact, the proposal before us from the minority leader, ignoring the responsibilities the Federal Government has already undertaken in education, simply talks about new programs, the great advantage of which is that they are titled with names either of the President or of present members of the minority party. It does seem to me that even if we are working within the present system, we would be far better off financing those undertakings which the Congress and the President have already made than by beginning new ones, not particularly requested by the schools themselves, while leaving the financing of past programs to local entities, whether they regard them as the highest priority or not.

But there are, as I think the Senator from Arkansas pointed out, two major differences in the philosophy of education of the two parties exemplified by these two resolutions. First, as I have said, the resolution by the minority leader speaks about a proposal that does not, in fact, exist. It talks about the fact that education spending will be reduced when, in fact, it will be increased by more than the amount the President requests.

Now, the end of that resolution, of course, does say that we should spend more. Interestingly enough, however, it says we should spend more and take it out of other spending programs without breaking the so-called budget caps. That is an interesting proposition but one that would require genuine magic to accomplish. This body has already passed every appropriations bill, except that which includes education. It is on the basis of the passage of those bills that the minority leader comes up with this proposition that we will cut spending for education. I cannot remember a single member of the other party voting and speaking against a single one of these appropriations bills on the grounds that it spent too much money.

As a matter of fact, the great majority of them voted for each one of these bills that brings us into exactly this situation. Yet they state, with alarm, the fact that we would reduce this amount of spending, saying we should not do it; we should spend more money; we should not break the caps; we should take it out of something else—something they have already voted for. Well, we are, in fact, going to increase the amount of money we are spending on education. But we should do it—and this is the second great difference between the two resolutions—in a way that actually improves the quality of education of our young people, measures it in an objective fashion—actual student achievement.

The other side proposes not only more programs that have not dramatically had that impact, but they would like a half a dozen new ones in addition—all categorical aid programs—decided here in Washington D.C., all one-size-fits-all for every school district in the country.

The proposal of the Presiding Officer, myself, and others is a very simple one. We believe the people who spend their lives educating our children, and who have dedicated their lives to educating our children, might just possibly know more about what they need than do Members of this body or bureaucrats in the U.S. Department of Education.

We say, let's take 12, 21, or 24 of these present programs, and let any State which guarantees that it will use that money to improve student grade achievement do so for a period of 5 years and then be tested on one ground: Have students done better? Is the quality of the education they are getting improved by teachers, parents, principals, superintendents, and school board members who decide priorities? A rural district in Maine or an urban district in Washington or a suburban district in Pennsylvania will obviously have different priorities.

That is our goal, and it is a goal that is finding agreement in our educational establishment, wherever the Presiding Officer goes in her State, or wherever I go in my State, or wherever any of us go. Our schools want to be liberated because it is their goal to provide better educational opportunities for the kids. They think they know what the kids and students need. It is as simple as that.

We are fighting a phony battle today because, in fact, we are going to increase the amount of money available for education. But it will do us little good unless student achievement is increased and improved upon. We can only do that by changing the system and trusting those who have devoted their lives to educating our children with coming up with the right answers by which to do so.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we are expected to have two votes at the hour of 5:30—on Senator DASCHLE's and Senator LOTT's Sense-of-the-Senate proposals. The time has been divided for those who favor and those who are opposed to the different proposals. I strongly support the Sense-of-the-Senate which has been introduced by Senator DASCHLE and which I am a cosponsor.

The essence of Senator LOTT's proposal is: Resolved that it is the sense of the Senate that this Congress has taken strong steps to reform our Nation's education system, and allows States, local schools, and parents more flexibility and authority over their children's education; and the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its effort to send decision making to States, local schools, and families.

Of course, we are all in support of reauthorization of the Elementary and Secondary Education Act. We don't have any dispute over that. I have listened to a good part of the debate. I have yet to hear those other steps enumerated and identified or commented on. The one piece of legislation that we took was what was called ED-Flex. That is basically a modest expansion of what was done under the Democratic Goals 2000 in 1994. Goals 2000 was President Clinton's initiative. At that particular time, the initial ED-Flex gave the Governors the flexibility. We provided some modest increase in the flexibility, and I supported it. But it doesn't deal with the kind of problems which we are talking about. That is at the heart of this debate and discussion.

I welcome the fact that since the time Senator DASCHLE introduced his resolution that our Republican leader has made a decision to have a mark-up tonight on these education bills. That is real action. This is the kind of encouragement we would like to have—that we have the introduction of the Daschle resolution, and then under evidently the urging of the majority leader, the Committee on Appropriations is going to meet this evening in order to try to indicate the priority education would have in terms of the national budget. That is as much as you could ever hope for in terms of positive action of a Sense-of-the-Senate resolution—real action. We will wait to see how the Committee on Appropriations in the Senate of the United States is going to act.

What brought about the reasons for the Daschle resolution? Quite frankly, what we heard over the course of the afternoon would respond to those facts. The fact is, since the Republicans have taken over leadership in 1995, in the Senate of the United States, we have found that education as a part of the Federal budget has been the last—not the next to the last but the last—appropriations the Congress has considered. We on this side believe it ought to be the first—not the last but the first.

Now we are caught in a situation with the deadline for adjournment is some time at the end of October and there are only 3 or 4 days remaining in the fiscal year. Finally, we have the Republicans saying: All right. We will finally hold an Appropriations Committee meeting on Monday night when the fiscal year starts later on this week, on Friday. We find that unacceptable.

Members over here can talk in generalities about flexibility. They can talk about the makeup of the Pell program and they can talk about administrative costs over in the Department of Education. We are delighted to get into a more detailed discussion about those particular items. But what those on the other side of the aisle haven't answered is why the funding for the education of the young people in this country has been the last priority under the leadership of the Republicans. That is the issue. That is the question.

With all respect to my friend from Mississippi, and with all respect to the many years he went to public school—I admire that and respect it—it doesn't answer that simple question about why, with all the priorities we have in this country, the leadership has placed this as the last priority.

The history of where the Republicans have been with regard to education as a last priority kind of escapes certain facts. This is extraordinary. My good friend from Mississippi said on September 24: Since Republicans took control of Congress, Federal education funding has increased by 27 percent.

Why? Because of President Clinton and because of the Democratic leadership.

You can say: Well, that is an interesting statement, an interesting comment. Show me.

That is exactly what I intend to do. Right over here is a chart that shows what the funding levels have been under the Republicans since 1995.

In 1994, the Democrats lost the election. The Republicans took over the House and the Senate.

What happened in 1995? In 1995, we had a rescission. What is a rescission? A rescission means the House has appropriated money, the President has signed it, but we want to take some of that money back, rarely used in education, and the Republicans did what? What did they do? We have the suggestion our Republican leader is attempting to convey, that they have been the supporters of expanded use of funding in education.

They had a rescission for $1.7 billion below the bill actually enacted; they asked for a rescission of $1.7 billion.

In 1996, the House bill was $3.9 billion below the 1995 final figure—$3.9 billion below.

In 1997, the Senate bill was $3.1 billion below the President's request.

In 1998, it was $200 million below the President's request.

In 1999, the House bill is more than $2 billion below the President's request.

Those happen to be the facts.

Let me state the time line for passage of these appropriations.

On March 16, 1995, the House rescission bill came to the floor. The Republican leadership could hardly wait to get into office when they sent this bill up to take some of the money back that funded education.

Then we have the omnibus bill in 1996, the last continuing resolution. The funding of that program passed 7 months after the end of the fiscal year.

In 1997, it passed on the last day of the fiscal year.

In 1998, it passed 1 week after the end of the fiscal year.

The agreement for 1999 was passed 3 weeks after the end of the fiscal year. As we have seen, they have virtually all been the last appropriations. Nothing my friends have stated has disputed that. This is the record of the requests under Republican leadership in the House of Representatives and the Senate of the United States. The reason we find that Federal education funding rose during this period of time is that we had the Government shutdown and our President refused to go along with it. He actually raised it.

For the majority leader now to say, look at what we have done, is a complete distortion and misrepresentation of the facts. They cannot dispute it. Those are the facts.

The reason this was brought into such sharp relief is that last Thursday, the House Appropriations Committee went to work again and finally had their series of recommendations where they have cut back or effectively eliminated the President's program to go for smaller class sizes. They had agreed on it at the end of the last Congress. In 1998, Congressman GOODLING said how wonderful it was they had gone ahead and reduced class size for 1 year.

Former Speaker Gingrich said:

> . . . a victory for the American people. There will be more teachers and that is good for all Americans. I'm in.

The Republican leader in the House said this will mean more teachers and this is good for all Americans.

We say fine, that is why we want to expand it. The Republican leader said it was good for all Americans; President Clinton thinks it is good for all Americans; the various statistics and figures in the various STAR evaluations for smaller classes in the State of Tennessee indicate children are making progress. Everyone seems to agree—except who? The Republicans in the House Appropriations Committee that zeroed that program out.

I don't hear from the other side why we have the inconsistency, why it is we have in 1998 Republicans saying it is a victory for the American parents and we have President Clinton supporting it, we have the statistics that say smaller class size for grades 1, 2, and 3 are particularly important in terms of children's academic achievement and accomplishment, and now we find the Republicans in the House of Representatives zero it out, eliminate all of the funding for that particular program. We ask, why?

That happened last week. Later, I will review the various studies showing how the smaller class sizes have been important in terms of academic enhancement and achievement. It ought to be self-evident. No one makes this case more passionately and with more knowledge than perhaps the only school teacher in this body, and that is Senator MURRAY of the State of Washington. She has taught and been a member of a school board and can state the difference between having 15, 25, and 30 children in a classroom. We have had the eloquent statements and comments made by the Teacher of the Year, talking about the difference in being able to know the names of the children and the needs of those particular children and being able to take time with those particular children. It is self-evident. We have seen that. But not according to the Republican Appropriations Committee.

We say this is wrong.

We saw other examples. In the program for helping and assisting children to read, we have made some progress in the area of reading—not much, but we have made noticeable progress. We have a long way to go. We know the challenges out there. There have been a variety of different approaches developed. The chairman of our committee, Senator JEFFORDS, has long been committed to this program. A number of Members enjoy the opportunity to read at Brent Elementary School, here in Washington. We know the importance of children learning to read and how important that program is in terms of their ability to read and in terms of their own academic achievement and accomplishment.

Why in the world would we cut that program way back? It is a matter of priorities. I read Members' comments made on Friday saying: We cannot fund everything; some people—knowing they were meaning this Senator from Massachusetts—want to fund all these programs. The fact is, here is a question of priorities. The debate is about priorities. We are saying education is a No. 1 priority; that is where scarce resources ought to be continued. If there are other priorities, there is a problem, and we have to make a judgment.

But hold this institution accountable for making education the No. 1 priority. We are prepared to do that. We are prepared to call the roll on it. If Members have other priorities they think are more important, they can go along with those and make their judgment.

One of the major achievements of the reauthorization of the Higher Education Act last year was trying to increase the total number of teachers. We don't just need 2.2 million teachers in 10 years; 30 to 40 percent are in retirement at the present time. There is also rising enrollments—447,000 more children started school this year. Some might say we have more teachers, maybe the programs that are working need some help and assistance if we are going to try to help those 447,000 students. What we have found out is one of the important cutbacks was in the program to enhance the additional qualified teachers to be teaching in our schools.

These are the realities. These are the numbers. This was, actually with regard to teaching, 40 percent below the President's request. It is the Teacher Quality Enhancement Program.

We know, even with the President's programs, with 100,000 new teachers, we are not going to be able to do the whole job. The record-high enrollment this year of 53.2 million students—447,00 more children than last year, and the continued rise over the next ten years; 324,000 in 2000, by 282,000 in 2001, by 250,000 in 2002, and continuing on an upward trend in the following years. I do not hear any discussion about: Look, there is an expanding number of students in our schools in this country. How are we going to ensure we will have sufficient teachers who will be qualified; not people who will be in the classroom but well-qualified teachers? That is what we are strongly committed to.

I see my friend and colleague from Illinois who, I am sure, wants to address the Senate. These are questions of priorities. As I have said before, allocating the resources is a question of priorities. Money does not solve all of the problems. But one thing we do know, without resources you are not going to be able to invest in the children of this country—you are not going to be able to do it. We believe this is an indication of a nation's priorities. Not all the programs are going to work perfectly. Some may be altered or changed. We will look forward to the debate on the Elementary and Secondary Education Act, which is the principal instrument to help and assist the local schools.

Their answer to the question of priorities is suggesting we should give first priority to helping and assisting families in this country in the partnership—and it is a partnership—between the local communities and the States and the Federal Government. We provide very little, 7 cents out of every dollar. This idea we are making these decisions that will decide all education policy—we understand where the education responsibility is, it is locally. They put up the majority of resources in it. But we provide some targeted resource to try to make a difference in specific areas. That is what we believe in.

We cannot support this concept that the Congress has taken strong steps. Look at the record: Nothing this year for more teachers or smaller classes; nothing to modernize schools, to help with repairs, to wire the schools for computers; nothing to help train teachers; nothing to help with the basic skills such as literacy—virtually nothing. Virtually nothing. All we have seen so far are cuts in education. That is not strong steps to reform our Nation's education system.

I will be glad to yield 10 minutes to the Senator.

Mr. DURBIN. Madam President, I thank the Senator from Massachusetts, not only for his statement but also for his leadership on this issue. I do not think there is another Member of Congress, let alone the Senate, who could rival his commitment to education over the years.

I am happy it has come to this vote because I think between these two resolutions—one offered by the Republican majority leader, Mr. LOTT, and one offered, as well, on the Democratic side, an alternative by the Democratic minority leader, Senator TOM DASCHLE—we see a difference in approach and a difference in attitude when it comes to education.

It is curious, as the Senator from Massachusetts has noted, that we have left the education issue for last. After we have talked about every other appropriations bill, some 12 other bills, we are finally going to get around to talking about education. Our human experience tells us we usually leave to last the thing we do not want to do. But why in the world would this Congress not want to deal with education? What is our reluctance to deal with an issue which, on a Republican, Democratic, and independent basis, is judged to be the No. 1 issue in America today? The No. 1 issue with American families is dead last when it comes to Senate consideration.

We are only a few days away from the beginning of a new fiscal year. I will be very honest and concede that rarely, if ever, does Congress have all of its work done on time so we start October 1 with all the new spending bills. But I can never recall a time in the 17 years I have served on Capitol Hill when Congress has been in such utter chaos as we approach October 1.

If the Republican leadership has some master plan they have been holding back on how we are going to meet our responsibilities and do the right thing for the American people, I hope they will unveil it in the next 4 days because October 1 is Republican Responsibility Day. The leaders in Congress, Republican leaders, are responsible for, at a minimum, telling the American people what their plan is so we do not have another horrendous Government shutdown and we meet the priorities on which the vast majority of American families agree.

I look at these two resolutions on education and I can clearly tell there is a difference of opinion between the two political parties about an issue where there should be so much common ground. First, Senator LOTT's S. Res. 186—I assume it will be the first one voted on, but whether it is or not, it is interesting to note Senator LOTT goes through and recounts some of the things that have been done in funding education and finds many shortcomings with our public education system. Ninety percent of the children in America go to public schools, 10 percent to private schools and home schools, and I concede in many public school districts and systems there are schools and classes and teachers that, frankly, should be better. I think we ought to strive for accountability when it comes to education but also for a commitment to education from this Nation.

I think Senator LOTT, however, overlooks some of the more important progress that has been made in public education. I note that student achievement on a nationwide basis is definitely improving. Average reading scores have increased from 1994 to 1998 in all grades tested—4, 8, and 12. It is interesting to me the Republican Party generally opposes the idea of national testing so schools can be held accountable. They think this is all local and it should be done locally, though the students, when they graduate, are going to compete far beyond their localities, probably their States, and maybe nationally or globally. But when we look at these tests we find things are getting better.

We have seen student access to modern computers increasing significantly, and we know the partnership we have been striving to establish between the Federal Government and local school districts has improved reading scores in many districts. In my home State of Illinois, which I am honored to represent in the Senate, we have done remarkable things in the public school system. A system written off by Secretary of Education William Bennett a few years ago has now become a model for the Nation. It is because of a partnership—Federal, State, and local partnership. There is nothing inherently wrong with that. In fact, we are proving, in Chicago, that partnerships can make a difference.

So when Senator LOTT, in his resolution, says Congress has to recognize the need for significant reform in light of troubling statistics, I think this is clearly a case where we are either going to light a candle or curse the darkness. In Senator LOTT's situation I am afraid the candle isn't lit.

What we have in the resolution, in the "resolved" clause, which is where you get down to business, very little is said. Let me read it to you. This is Senator LOTT's Republican resolution:

> . . . it is the sense of the Senate that—this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education. . . .

And he goes on in the second paragraph:

> The reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

What a contrast with the resolution that is being supported by Senator KENNEDY and offered by Senator DASCHLE which, for two pages, goes into specific detail as to what this Congress needs to do before we go home if we are going to be able to face families across America and say: Yes, we get the message. Education is critically important.

In the Daschle Democratic resolution, unlike the Republican resolution, he speaks out specifically for us to reduce class sizes so teachers in the early grades can pay more attention to kids who need a helping hand; to increase support for the development and training of professional teachers, and that is something we know we will need as teachers are retiring and as school enrollments continue to work.

More afterschool programs, an issue I feel very strongly about. We can lament violence in our schools; we can lament juvenile crime; but if we do not invest money in afterschool programs, it is easily understood why these problems get worse instead of better.

An increase, and not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994.

An increase in funding so kids who come from the toughest neighborhoods and families with the most problems have a chance to succeed.

More money for kids who are disabled, so they will have a chance to prove themselves.

More money for Pell grants. Boy, if you are a parent who has sent any of your kids through college, you understand what kids coming out of college face: A diploma in one hand and the equivalent of a mortgage in the other; $20,000, $30,000, $40,000 for a bachelor's degree. If we do not accept the commitment that Senator DASCHLE challenges us to accept, these kids will have more and more debt when they graduate. That is clearly something we do not want to see.

We want to make certain that kids, particularly from working families, come out of the college experience and are able to take a good job and not worry, first and foremost, about paying back their school loans which have greatly increased in size.

The Daschle resolution calls for more money for technology in classrooms; also, that the school facilities be modernized. We have seen too many schools that are ramshackle and falling down.

What a clear difference between the Daschle resolution, which speaks in specific terms about the challenges ahead in education, and the resolution offered by Senator LOTT, who is now on the floor, which points, I guess, with some pride, to passing the Ed-Flex bill, which I supported, but says, I guess, in a way, that Congress has already taken strong steps. I think the steps taken by Congress can be a lot stronger and more specific. As we face Responsibility Day, October 1, just a few days away, the question most American families will ask us is, Have we addressed education?

I will close with this thought. At this moment in our history, with our economy the strongest, many say, that it has ever been, with more people, particularly in high-income categories, realizing more income and a better quality of life, with the general economy having weathered, endured, and experienced the most prosperous decade in our history, at a time when we are talking about a surplus in our Federal Treasury when only a few months ago we talked about deficits, at a time when the majority party, the Republican Party, has said, we have so much money in Washington, we have to give $792 billion away in a tax cut primarily to wealthy people, I have to say: Before we do that, let's get things right when it comes to education. I want to say to the American people: We got the message; we will start the 21st century committed to education to make sure the American century, the 20th century, is followed by the next American century, the 21st century.

We will not achieve that by holding to the standards suggested in S. Res. 186. It is weak soup. Instead, we should be dealing with Senator DASCHLE's resolution which calls on this Congress in specific terms to meet its obligation not only to the families across America and the voters who sent us here but the future generations who count on us to be prepared to put education as our highest priority.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DURBIN. I will be happy to yield.

Mr. KENNEDY. As the Senator was going over 1995 through 1999, does the Senator remember when it was the standard Republican position to abolish the Department of Education? I think you and I want every time that President meets with his Cabinet officials one person who is going to think nothing but education, and every time that President talks about national priorities, to speak for the education of the children of this country. That I know has been the position of the Senator from Illinois.

Does the Senator understand why, on the one hand, they were going in that direction and then, within about a year after that, we had Secretary Lamar Alexander's answer in terms of the elementary and secondary school reform: That we have a model school in each congressional district and in each of the States, and they to be decided, by whom? By the local community? No; by the Secretary of Education.

Now we have another approach. We have the block-grant approach. Can the Senator explain to me, within a period of about 5 years how we can go from, on the one hand, abolishing the Department of Education to, on the other hand, having the Secretary of the Department of Education saying we ought to have model schools in each of the congressional districts, to now block granting everything and sending it back to the States?

Mr. DURBIN. It is a curious thing, I respond to the Senator from Massachusetts, that the Republican Party—and I believe it might have been in the party platform; it certainly has been a position taken by many of their prominent Presidential candidates that we should abolish the U.S. Department of Education and, in abolishing that Department of Education, give back responsibility for education to the local school districts and families.

The local school districts and the families should have the premier voice when it comes to educational decisions. But we should not overlook the fact, as the Senator from Massachusetts notes, that there are responsibilities we in Washington should accept. And one of those responsibilities is to gauge the demands of the global economy and to make certain that, as a nation, we are moving forward with the kind of educational system in general that will prepare kids for the future.

I have yet to run into a school district in my home State of Illinois that does not want to have Federal assistance in meeting that responsibility. I concur with the Senator from Massachusetts that the Daschle resolution really deals with that in specific terms. The Lott resolution, unfortunately, does not.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. LOTT. Madam President, I did speak at length on Friday afternoon on this issue of education. I will not repeat everything I said then. I do have a unanimous consent request I want to make momentarily. First, I will make some opening remarks.

I am the son of a schoolteacher. I went to public schools all my life. So did my wife. So did my children. I care a great deal about quality education, public education, private and parochial education. I will take no backdoor approach to education. We have to have quality education in America. It also has to be safe and drug free.

There is a fundamental difference about how we do that. The Democrats think the answer is here in Washington, that nameless and faceless bureaucrats in Washington, DC, know better what should be done in education in Bangor, ME, or Pascagoula, MS. I reject that. I have faith in the students, the teachers, the parents, the administrators, the local officials, and the State officials to do what is right for education.

I may or may not have been right on some educational issues over the years. I voted for a separate Department of Education. I voted for it. I do not want too much revisionist history to be made this afternoon. When I was in the House of Representatives, I did that, and I took a pounding for it. My constituents did not agree with me. They did not think we needed a separate Department of Education. I argued at the time that it was being overrun and overwhelmed by the Department it was in, HEW—Health, Education, and Welfare. It was blocked by the other two issues and did not get the attention it should have. I did that.

I must say, I do not see where a separate Department of Education has done a whole lot of good for education in America. The education scores have continued to go down, although recently some of the test scores may have gone up.

When my children finished high school, I felt they did not have as good an education as I did when I finished high school in Pascagoula, MS. By the way, they went to two of the best high schools in America: Thomas Jefferson High School in Northern Virginia and Annandale High School in Northern Virginia. Yet when they got to the University of Mississippi, even though they had been to the public schools of Fairfax County, they did not have as good a background and preparation for college as some of the students in Biloxi, MS.

What is going on here? I have been through this education thing for a long time. I feel strongly about it. We must have a better education system in America. What we have is not working. What the Democrats are advocating is the same old thing in the same old box. It will not work. We have to come up with different ideas, new ideas.

I repeat one example I went through last Friday. Why is it that elementary and secondary education in America is way down the list of elementary and secondary education programs of the world? I have seen some statistics where we are 17th, and yet higher education is rated the best in the world. How can that be, that elementary and secondary education is not what it should be and higher education is excellent?

I have a couple suggestions for you. One, when you finish high school in America, you have a choice of where you go. You can go to work, if you have been in a vocational education program in high school; you can go to a community college or junior college, a technology training program or job training program; you can go to a college, a university, a State university; you can go to a parochial university; or you can go, Heaven forbid, to Harvard if that is what you choose. Every student in America, everyone who finishes high school, can get a college education—with scholarships and loans.

I was a beneficiary of what was then known as the NDEA loan. When my own family fell apart, I was trying to get a law degree. I held down two jobs and got an NDEA loan, thank the Lord. It helped me get an education. I am for loans. You also have grants and supplemental grants. With the combination of jobs and the Work-Study Program—jobs, grants, loans, scholarships—you can go to school.

Every student may not be able to go to Harvard. Some may have to go to local community college where, by the way, you can get a great education. The community college system in America is fantastic. You have a choice, but not if you are in high school. If you live in a middle school district in a neighborhood, you have to go to the middle school in that neighborhood. If it is no good it does not make any difference. It does not make any difference if it is drug infested. It does not make any difference if it is violence prone. You have to go there, even though there might be a good quality public school right down the street.

Right here in the District of Columbia, you have some good high schools. Yet, if the parents want their children to go or the students themselves want to go to a good high school, they are told: No, you can't do that. That does not seem fair. Some of the teachers union people say: Well, the bad schools might not make it. Right. If the school is not doing its job, then get out of the way. Choice is one of reasons we have much better higher education in America.

The other one is financial aid, because if you want to go to college, you get a loan. But you do not get a loan if you want to help your sixth-grade student get a computer or if you want to help them with some of their other needs. You cannot have a Coverdell A+ savings account for elementary and secondary education. Oh, no. No, we can't have that. They might choose to save their money and put their students in some other school.

So I think we need to think about those differences in how we can improve education overall.

Also, I want to make this point. There is talk about, oh, how Republicans are going to starve education. That is total baloney. In fact, in the Labor-HHS-Education appropriations bill that will be on the floor this week, the Republicans have a half a billion dollars more for education than the President's budget—surprise, surprise. How could that be? As a matter of fact, in recent years—I will give the statistics here in a moment—Republicans have provided for a 27-percent increase for education.

We are not stingy on education. We want education to have the money it needs. We don't want it to be able to waste money on programs, but we want to do it differently. We don't want it to be eaten up here in Washington, DC, where the bureaucracy takes a bite out of it, and a little dribbles down to Atlanta, and a little dribbles down to Jackson, and eventually it gets down to where the student is. No.

We say we have faith in the local and State governments and the teachers, the administrators at the local level. We would like it to go down to where the rubber meets the road. Let them make the choices. If they want to put that money into computers, great. If they want to put it into elementary education, or if they want to put it into remedial reading or remedial math, or if they want to fix a roof, great.

Of course, the answer again for the Democrats is, we should get into the school building business; the Federal Government should start being in charge of repairing local school building roofs, by the way, at a time when every State in the Nation—every one—has a surplus.

Every State has a surplus, and some people say: Well, it might be a few dollars—$34 billion. So how about local and State governments being in charge of building schools? If we start down that road, if we start being in charge of the roofs and building the buildings at the Federal level, we will have to build every one in America. I think once again it will bring more control to Washington, and we should be directing it the other way.

I would like to ask consent to add a modification to our resolution we have pending. I do now ask unanimous consent that the pending resolution be modified with changes I send to the desk.

Before the Chair rules, let me say to the Senate, these are modifications regarding the vetoed tax bill and all the education benefits that bill would have extended to the American people if it had been signed into law by the President.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, we just received these changes. There was an initial presentation, a Lott resolution. Then that was changed on Friday, which was fine. Now this is an additional one. At this time, I would have to reserve the right to object just so we would have an opportunity to read it and familiarize ourselves with it. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, I thank the Senator for putting it in a reservation in that way. He would like to have a chance to read it over.

This is a sense-of-the-Senate resolution. The Democrats are stating their sense of the Senate on education issues. We have our resolution, and we would like to do the same thing. So I hope they will review the language we have in this modification and agree that it could be added to our resolution. But in the meantime, let me state what is in this resolution.

So here is the untold story. This modification, that may be objected to, would simply spell out what was in the tax cut bill the Republicans passed—

the Congress passed and sent to the President, and he vetoed it. What has not been told is that there were a lot of education benefits in that bill.

In fact, it was interesting to me that 1 day after the President vetoed that bill, providing considerable new incentives for education, the Democrats complained about this Congress' performance on education. But they raised not a single voice to protest the unwise veto when you take into consideration the tremendously enhanced education for millions of Americans that was included in that bill.

The President's veto denies 14 million American families from participating in the education savings accounts—that is what I was referring to a while ago—to allow parents to save for their children's education needs at the elementary and secondary level, which they cannot do now. These accounts would have generated $12 billion for parents to provide tutors, pay for books, buy computers, send children to afterschool instruction, and pay for tuition at private schools if their public school failed to make the grade. Twenty million Americans children would have benefited, but the President said no to that.

The President's veto denies 1 million students savings to make college more affordable. Our bill would have provided 1 million students in-State prepaid tuition plans. And my State of Mississippi is one of those; I think the State of Maine may be one of those, and a number of other States. They are being denied this prepaid tuition plan which would provide significant tax relief to make college more affordable.

Why shouldn't parents be able to save in advance for their own children's college tuition? The financial crunch for college would be eased for 1 million students, but the President said no.

The President's veto denies 1 million workers receiving education assistance through their employers. This is something that I believe the Senator from New York, Mr. MOYNIHAN, has advocated for years. In today's competitive economy, education is the key to maintaining skilled workers. One million American workers would have had access to better education or more education, but the President said no.

The President has made college more expensive for millions of Americans. The Taxpayer Relief and Refund Act would have allowed recent college graduates to deduct the interest on their student loans. I would have liked to have had that when I graduated. For my own NDEA loan, the interest rate was not that high then, but it would have helped in paying that loan back. This provision is particularly critical for young people trying to hold down their first job and paying off their college debt at the same time. College would have been more affordable for millions of American students, but once again the President said no.

The American people would have benefited also by the help given in this bill to schoolteachers. Our bill allowed every elementary and secondary school teacher in America to receive tax relief for their professional development expenses.

My mother taught the first grade through the sixth grade but generally first grade. This is something that would have been helpful to her when she was teaching those 19 years. This bill would have made professional development less expensive, but the President said no; that, once again, the teachers should not have this benefit.

So I wanted to point out several educational features that are in this bill. All I am trying to add to our resolution is this information so people will be aware of it.

With regard to our commitment to education, in the bill that will be coming to the floor—and in bills that have come to the floor in recent years—we have raised the Pell grant funding for our Nation's poorest students to historically high levels. We have increased funding for our Nation's disadvantaged schoolchildren, thanks to the leadership of Senator GREGG of New Hampshire and others. And we have raised the funding by $2 billion over the last 3 years for IDEA, the Individuals with Disabilities Education Act. Our commitment to our Nation's disabled children certainly outstrips the President, who recommended funding levels this year that do not even keep pace with inflation. Funding for education has increased by 27 percent since 1994. We will continue moving forward. We will continue to provide adequate funding for education. We will continue to work for innovative ways to improve education, and we will have a bill on the floor this very week that puts money where our mouths are. We are not interested just in saying what the President didn't do or what the Democrats didn't do. We are interested in getting the job done. That may mean doing some things differently from the way they have been done in the past.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time remains on this side?

The PRESIDING OFFICER. Seventeen minutes 37 seconds.

Mr. GREGG. Madam President, I yield myself such time as I may consume.

I think, going forward with this debate, there ought to be some facts pointed out for clarification because the resolution of the Democratic leader and the representations of the Senator from Massachusetts and the Senator from Illinois are not consistent with the facts, as they are presently in existence and on the ground.

Specifically, the Republican budget included a dramatic increase for education, and the mark for education under the Labor-HHS bill, which is being marked up this evening, represents a $2.2 billion increase over last year; no reduction, a $2.2 billion increase.

Let me go through a few of these programs that have been represented by the other side as being reduced. That is misinformation. It is inaccurate, and it is really inappropriate, that the Democratic leader would bring to the floor of the Senate a resolution which is so totally and grossly inaccurate.

In the area of Pell grants, the committee will be marking up a bill which has a $74 million increase over last year's funding; that represents a number of $7.7 billion. In the area of IDEA, the committee will be marking up a bill which has a $701 million increase over last year's funding; that represents a number of $5.8 billion. In the area of IDEA part B, the committee will be marking up a bill which has a committee increase over last year's funding of $678 million, a total budget of $4.8 billion. In the area of the TRIO Program, the committee will be marking up a budget which has a $30 million increase over last year's spending, $630 million.

In the area of title I, the committee will be marking up a budget which has a $324 million increase over last year's budget, a number of $8.7 billion for title I. In the area of the safe and drug-free schools, the committee will be marking up a budget which has an increase of $45 million over last year, a total number $611 million. In the area of Head Start, the committee will be marking up a budget which has a $608 million increase over last year, total budget of $5.2 billion.

In the area of afterschool programs, the committee will be marking up a budget which has a $200 million increase over last year. When you add these increases up, we are significantly above the administration request.

For example, in the Pell grant area, we are $315 million over the administration request. In the IDEA area, we are $375 million over the administration's request. In the IDEA part B area, we are $675 million over the administration's request. In the title I area, we are $16 million over the administration's request. In the safe and drug-free schools area, we are $20 million over the administration's request.

The simple fact is, the representations put forward in this resolution by the Democratic leader are absolutely inaccurate. It is inappropriate that this has not been amended to reflect the markup vehicle which is going forward in the Senate. Maybe the Democratic leader thinks he represents the

House of Representatives, not the Senate. In the Senate, these are the numbers we are working from, dramatic increases in funding and a commitment to programs we think are working.

Yes, there are significant differences on priorities. As both the Senator from Illinois and the Senator from Massachusetts have said, their priorities are different than our priorities. That is true. There is a different philosophy of government, a different philosophy of approach to education.

We happen to believe parents should be empowered. We happen to believe teachers should be empowered. We happen to believe principals should be empowered. We happen to believe local school boards should be empowered to make decisions as to how they operate their schools and where they will put their scarce and valuable resources.

The other side of the aisle happens to think they have the best ideas in the world, that all the good ideas come from the national labor unions and from the Department of Education and from the administration; that, therefore, there should be developed a set of categorical grants which will tell the parents, the teacher, and the principal exactly how they will run their local school because Washington absolutely knows better how to do it than the local parents, the teacher, or the school.

Well, there is the difference. No question about it. The other side wants to set up a categorical program in the area of buildings, in the area of afterschool programs, in the area of teacher ratio. What we want to do is say to the local school district, to the parents, to the teacher, and to the principal: Here are the dollars. We tell you you must set a standard of education which is an excellence standard, a standard which requires that the children in your school meet the basic elements of education—math, reading, and writing. You have to have those standards. But within the context of meeting those standards, which standards shall be set at the State, not by us in Washington—we don't believe in national tests because we don't happen to think people here in Washington should write the tests; we think people in the States should write the tests—once those standards are set at the local school district by the States, then we say to the States, local school districts, parents, and teachers: You make the decision on where the dollars should be. Should they be in a new classroom or with an additional teacher, or maybe there are some schools out there that happen to want another computer, that happen to want to have another French teacher, that want to have another math teacher, or maybe they want to send their kids to some special program. Maybe they have some new concept of education they think is going to work better.

Leave it to the local school district to make that decision. Leave it to the parent to make that decision. Leave it to the principal and the teacher to make that decision. Let us not make those decisions in Washington.

Yes, there are priority differences. Our priority is to empower the parent, the teacher, and the principal. Their priority is to empower the national labor unions, the Department of Education, and the great thinkers in Washington who have the answers to everything on every subject and especially on the issue of education.

We have, in the proposals we will be putting forward, specific programs which do empower parents, which give parents a chance to do something when their kids are in schools that fail. It is an outrage that in this Nation we have 5,000 high schools and elementary schools combined that are failing schools, by the standards set by the people who run those schools. If you have your kids in those schools, what is your option? You don't have an option. Your kid is stuck in that school.

Parents ought to have an option. If their children are in a school that has failed year after year after year after year to teach those children how to write, how to read, how to think, parents shouldn't have to be subjected to sending their kids to those schools. They should have the opportunity to say to that school: OK, we are going to give you 2 years to clean up your act—which is exactly what our proposal does—on your standards. We are not setting the standards. We will not set a bar so high that nobody can reach it. You get to set the standards—you, the State; you, the community.

If that school doesn't meet those standards—and I suspect those standards are going to be reasonably stringent; at least they are in New Hampshire—so that an elementary school, once again, for 2 years in a row fails, then we basically put that school on probation. We say to the State: You have to go into that school and you have to straighten it out. You have 2 years to do that. You have 2 years to get those kids an education, which is what the goal is, obviously.

If after 2 more years that school still doesn't cut it, then we say to the parents of the kids who are going to be subjected to this horrendous school: It is up to you. You make the decision as to whether you want your son or daughter to go to that school. If you decide you want your son or daughter to go to another public school or to another program that involves afterschool activities and you are a low-income person, we are going to let the funds go with your child. We are going to let the funds follow your child rather than have that school absorb all these funds that will do nothing for you in the way of educating your children. That is a difference of opinion. They want to run the failed schools, keep sending money to the failed schools, and they want to build more failing schools.

We say if a school is failing, let's get it under control and make it work; if it doesn't work, let's give the parents some options. We also say: Listen, we have all these categorical programs that almost tell teachers how many pencils they can have in their classrooms. Let's stop that and take a bunch of these categorical programs and put them into a basket of money, and after setting the standards—again, the standards are set by the State, not by us—after setting the standards, say to the local school districts: You can use this basket of money to try to help your kids make the standards. It is called "straight A's." Every school district in this country is for it. The only people against it are the big labor unions in Washington and the Department of Education because they don't want to give up the categorical programs. Why? Because there is political power in those programs. This isn't about education; this is about power, about controlling dollars for the sake of power.

We are talking about getting money out to the parents; they are talking about empowering a bunch of people in Washington who happen to be affluent in their field or effectively are elitists, in my opinion. So, yes, there are differences of philosophy. But on the facts, this resolution carries no weight because it is totally inaccurate on the facts. It should be amended because every one of these cuts it lists is not a cut at all.

While we are on the subject of cuts, who does make the most significant cut at the Federal level? Is it the Republicans? No, it is not. It is the President's budget, sent up here without any increase in spending for the IDEA program, the special ed program. Let's talk about that a little bit because there is a difference in priorities. Special ed is a very important part of education, a good idea put together back in 1976 under 74–142 or 76–142—I am not sure which; there are so many numbers floating around. But it said, if you have a special needs child, that child has the right to a good education in the educational system, and the Federal Government knows it is going to cost a lot to educate that child, so the Government will pay for 40 percent of the cost of that child's education.

What happened? While the Democrats controlled this Congress, year in and year out, that 40-percent number went right down like a roller coaster going down a big hill. The Federal Government's share of education was down to 6 percent when the Republicans took control of the Senate and the House. We recognized that was wrong. What happens when we don't pay the special needs cost is the dollars flow from the local community, who takes over the Federal responsibility, and then the local community no longer has flexibility over the local dollars because they are paying for what the Federal Government was supposed to do in the first place.

(Mrs. HUTCHISON assumed the chair.)

Ms. COLLINS. Will the Senator yield on that point?

Mr. GREGG. I will certainly yield to the Senator from Maine.

Ms. COLLINS. So what the Senator is saying is it has been the Republican Congress that has attempted to live up to the promise made in funding special education; it has been the Republican Congress, and, today, the Appropriations Committee is going to meet to add educational dollars to the President's budget. In fact, we will be increasing spending for essential programs such as special ed, Pell grants, the TRIO programs, above what the President has requested; am I correct in that understanding?

Mr. GREGG. The Senator is absolutely correct. Regarding IDEA, the President, all during his term in office, has never sent up a budget of any significance. However, the Republican Senate and Congress have increased IDEA funding by over 85 percent and, after this year, there will be up to about a 110-percent increase in it over the baseline with which we started.

Ms. COLLINS. If I may, I will ask the Senator from New Hampshire, who has been such a leader on education issues, one further question. So this is not a debate about money because it has been the Republicans who have continually increased educational funding. What this is a debate about is who is going to make the decisions. This is a debate about philosophy. Does the Senator agree with that?

Mr. GREGG. That is exactly right. It is about philosophy and it is about power.

Ms. COLLINS. I thank the Senator.

Mr. GREGG. The Senator from Maine has been a leader on education issues, also, especially IDEA.

To complete my thought on that issue, the President sent up a budget which had no increase in IDEA. He took the money from the special ed kids and he started these new categorical programs—buildings, afterschool, teachers. That money should have gone to special ed to fulfill the obligation of the 40 percent we said we were going to pay in the first place. But, no, he took the money from the IDEA program and put it into the categorical programs, which had the double, insidious effect of making the local governments have to now support the Federal programs, so they lose their local schools. They could have built schools if they wanted to build schools or added teachers or done whatever they wanted to. Now they don't have the dollars because they are supporting IDEA.

On top of that, he says to the local school districts: I have taken your dollars for special ed, which we were supposed to pay you to begin with, and I put them in categorical programs; to get the dollars, you have to do what I tell you to do—build a school, or add a teacher, or you have to do an after-school program. The local school district may not want to do that; they may want to do something else, such as a new French program, or a new computer system. They may want to add to the football team, or put in an arts department. But they can't do it because the money they were going to have to do that with is being spent to do the Federal end of the special ed funds. Now the money that is supposed to come in for that is coming into a categorical grant.

It is all about power and who is going to run the education system. Is it going to be run in Washington by labor union leaders and bureaucrats, or is it going to be run by the teachers, parents, and the principals? That is what this debate is about; it is not about money.

I yield the floor.

Mr. KENNEDY. Madam President, how much time do we have?

The PRESIDING OFFICER. There are 23 minutes remaining.

Mr. KENNEDY. I yield myself 8 minutes.

Madam President, a couple of quick facts. If the good Senator from New Hampshire went back to March 25 of this last year—the time we were considering the $790 billion tax cut—we offered an amendment that would have taken one-fifth that amount of money and completely funded IDEA. The Republicans unanimously rejected it. They unanimously rejected it. They thought we ought to have tax breaks rather than funding IDEA. So, before we get all worked up about this position that was just talked about, we ought to understand that.

Madam President, with all respect to my friend, the majority leader, I don't find traveling around Massachusetts that the school systems are saying: We have sufficient resources and we don't need any help or assistance. The role of the Federal Government, historically, is to provide a very limited amount of resources in targeted areas, where there are some special needs, and that is why we have these targeted resources.

If our good friends on the other side want to have a good deal more funding, generally, in terms of education, they can request their Governors to go ahead and do so. Our role is to find targeted resources.

Now, what are these targeted areas we have talked about? Let's get specific. One of the key areas are smaller class sizes. As I mentioned, the Senator from Washington, Mrs. MURRAY, is our leader on that issue. The project STAR studied 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up research shows that gains lasted through at least the eighth grade. STAR students were less likely to drop out of high school. Research also shows that STAR schools and smaller classes in grades up from K through 3 were between 6 and 13 months ahead of regular classes in math, reading, and science, all the way through the fourth, sixth, and eighth. That is one of the programs that we support. That is a priority item. The Republicans zeroed that out.

I was interested in the Republican leader saying we are going to have a big bill on the floor of the Senate next week. We are saying: Where has it been? We are glad it is going to be here, but where has it been? That is our point.

We have the situation of after-school programs. We know the dangers of young students getting in trouble with violence after school. Juveniles are most likely to commit violent crimes after school, as this chart shows, it is between 3 and 6 p.m.

We had a modest program by the President with $200 million. There were 1,700 applications for that program. Only 184 programs can be funded at the current level of $200 million. There were 1,800 unfunded after-school programs. We are trying to fund those. The Republicans say no.

Take a look at what these dollars have meant in terms of math scores improving. This is in the neediest areas of this country. From 1992 to 1996, in every one of these areas, and particularly in the areas where the students are the poorest, almost double the performance for children in the area of math and science. In each of the various quarters, we have seen a significant increase in the last 4 years.

That is our priority: Smaller class size, after-school programs, and trying to improve student achievement in the areas of math and science.

I'll mention one more area, wiring the schools for the 21st century. We have seen the gradual increase in the schools that are wired. But still, for the instructional rooms where children learn, they do not have those kinds of resources. We believe we should provide some help and assistance. Local school districts want that help and assistance. We are being denied that under the Republican priorities.

Finally, with all respect to our majority leader, the history and the record shows that it has been this President and the Democratic leadership who have seen the increase in the funding over the period of the last 6 years. That is just a matter of record, with all respect.

The final point the Republican leader says: Why didn't they support our tax reductions? The Office of Management and Budget has stated that there would have been a 40-percent reduction in support of education in order to pay for that tax break.

I ask the majority leader, if you have $780 billion that you want to give away in tax breaks, why aren't you providing additional funding on programs that have been tried, tested, and have enhanced the educational achievement of the children of this country?

Madam President, I yield 10 minutes to the distinguished Democratic leader.

Mr. DASCHLE. Madam President, I will use leader time so as not to take what limited time may be left.

I want to speak for a moment and commend the distinguished Senator from Massachusetts for his remarks and for the incredible message I think that chart alone points out.

We heard our Republican colleagues say over and over that they are the ones who have supported education; they are the ones who can take credit for the fact that we have actually improved funding over the course of the last several years. As Senator KENNEDY has pointed out so ably, it is only because we have forced our Republican colleagues to increase this investment that we see any real improvement whatsoever.

That is the reason I am hoping our colleagues will be very wary of the resolution posed by our Republican colleagues this afternoon.

Obviously, if you look at some of the stated priorities, there is very little for which there can be disagreement. We should have well-trained, high-quality teachers. Parents need to be involved in education of their children. There have to be safe schools, and we need to have orderly places for children to learn.

But the problem is the rhetoric and the record are totally opposite. Rhetoric is what we just heard. The record is deep cuts in education every single year. The Republican agenda will not achieve the rhetoric that the resolution the Republicans are proposing today calls for.

Look again at what the House Labor-HHS-Education subcommittee did last week. How does killing class size reduction match the rhetoric in the resolution? How does it match the rhetoric in the resolution to provide only half of the money the President has requested for afterschool programs? How can you ensure that we have orderly places for children to learn when you cut funds from the Safe and Drug Free School program? How do we help make sure children are ready to school when you provide $500 million less for the Head Start Program than the President has requested? How can you do the things the Republicans propose in their resolution and then eliminate the Class Size Reduction Program, making it even more difficult to make sure that every classroom has a qualified teacher. Giving families a $5 annual tax break isn't going to make schools safer or provide afterschool programs. Vouchers do nothing for these kids left behind in low-performing schools.

I urge our colleagues to look very carefully at this resolution, and look at the statement at the end of the resolution which says this Congress is now in a position to be congratulated for its strong education performance.

How do you congratulate a Congress that cuts as deeply as the House did last week? How do you congratulate a Congress that has nothing to show for the record in education except for an Ed-Flex bill we passed last spring that is of very little value in reaching the goals and the stated objectives in the Republican resolution?

That is why we have offered our resolution. Our resolution addresses the priorities stated by our Republican colleagues. We put our money where our mouth is. We do what we need to do—fund the priorities within this budget to ensure that we are able to achieve those goals, not just talk about them.

We provide $1.4 billion to reduce class size. We triple the funding for afterschool programs. We increase college access and affordability. We expand opportunities to incorporate education technology. We advance school literacy and readiness.

Those are the kinds of things you need to do if you are serious about these stated goals which are found in both resolutions.

You have to look at what happens once the resolution passes. From where does the money come, and how big a commitment is there on the part of colleagues on either side of the aisle to achieve what we say we want to achieve? Only one resolution pending does that.

I hope everyone will understand that before they cast their vote.

Let me also make a couple of comments. The Senator from Massachusetts did such a good job that very little else needs to be said with regard to some of the remarks made by our Republican colleagues. But the majority leader on Friday made a couple of statements to which I think there must be a response. He pointed out that spending on education has risen every year since the Republicans took the majority.

It has risen, all right. But it has risen over the objections of many of our colleagues on the other side. It has risen only because this caucus and the administration have pressed the Republican leadership and the Republican Members of the Senate to do what we have advocated again this year—to provide the kind of commitment and resources necessary.

One of the Republicans' first action was to rescind $1.7 billion in education funding. One of their most famous actions over the years has been to propose abolishing the Department of Education altogether. Of course, they shut the Government down in an effort to enact the Draconian cuts in education and all other programs. It was only because Democrats refused to make education such a low priority that these investments are made.

So how ironic now that we have prevailed, they attempt to take credit. I think most people understand that. Democrats have supported real options to involve parents in our education system as well.

Our majority leader asserted last week the Democrats oppose giving parents options. Nothing could be further from the truth. I cannot imagine anybody could actually say that and be serious. We have supported providing choices through open enrollment in public charter schools. More importantly, we believe communities and parents should have the tools—including the resources—to make sure each local neighborhood school provides every single child a high quality education, not just some.

Despite suggestions to the contrary, we support increasing resources for special education. We believe we need to do that in addition to, not instead of, addressing other problems. Helping all children is what we want to do with our educational agenda.

We offered an amendment earlier this year to fully fund the special education program by reducing the Republican tax cut. Guess what. The majority rejected it. I think almost to a person, if not to a person, they rejected it. When it came down to a tax cut or fully funding special education, our Republican colleagues did what we could almost predict they will do every single time: They voted for the tax cut.

I think it is important to note the Republican resolution doesn't give the whole picture about the state of public education. There are problems, but some good things are happening. There is not a word in the resolution they offer today about the good things that have been effective.

I think it was Senator MURRAY who said last week, and it ought to be repeated over and over: Public education isn't failing us; we are failing public education. When we look at the shortfalls in this budget, once again, and the failure to fund the commitment to public education, I think she was right on the mark when she said that.

With the help of incentives from Goals 2000 and the Elementary and Secondary Education Act, school districts are now setting higher academic standards; many school districts are taking strong steps to reform schools using proven, research-based methodologies. Student performance is rising in math, science, and reading. SAT scores are increasing. Students are taking more rigorous, tougher courses they are doing better. A higher percentage of students are receiving passing grades on advanced placement exams, and fewer students are dropping out. I think it is important to note that the gap between whites and blacks in completing high school is closing in many communities.

I hope our Republican colleagues will join in our agenda to help communities achieve all these goals and more. The bottom line is, they have made education their last—not their first, their last—priority. As the Senator from Massachusetts pointed out, we are less than 1 week away from the end of the fiscal year and we have yet to act on education, yet to act to provide the resources necessary to ensure education is funded.

We have a real opportunity this afternoon to voice our concern, to express our support, to commit the resources. There is no question, a strong public education system is critical for our Nation's future. That is exactly what the Democratic agenda provides.

I urge our colleagues who support the resolution we propose to oppose the Lott-Gregg-Coverdell resolution. I urge my colleagues to make the Federal Government a constructive partner in improving our public schools and to work to enact a strong education agenda with more than rhetoric and with a commitment to the resources and the investments that are required to ensure our actions meet our rhetoric.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. We heard from the majority leader and the Senator from New Hampshire that we don't have to worry about education funding because they are going to have an appropriations bill that will far exceed the President's request.

I ask the Senator if on the one hand he finds it perhaps encouraging that we are finally moving to get education reform, and what kind of consideration we ought to give to that kind of assurance?

It is Monday evening. We go into the fiscal year on Friday. The majority leader has said we are going to have a budget that will exceed the President's. Can the Senator tell me why, if they are going to exceed the President's budget, that suddenly we find this money, does he know of any reason we have not had this money before? Doesn't he believe we should have had it before? Or does he know from where the funding will come?

Mr. DASCHLE. I think the Senator asks a very good question. I respond by asking three questions of my own.

If that is the case, why did the House Republican caucus choose to make the deep cuts they did? And, second, why was there not an outcry on that side of the aisle in this Chamber against those cuts? Where was the outcry when those deep cuts were made? If that is the case, my third question is, why today are we continuing to use the Health and Human Services subcommittee's budget, their allocation, as an ATM machine to fund everything else? Why the outcry on our side? Look at the record. Why the practice of using this budget as an ATM machine for everything else? If they support education, why doesn't the record show it?

I think the distinguished Senator from Massachusetts asks a very good question. Frankly, I am interested in their response to that question.

Mr. KENNEDY. If the Senator will yield further, I searched the RECORD and I didn't find it as of last week when the leader put in his own resolution and when we talked about this. There was no comment, no sense of outrage at that particular time.

This is a poor way of dealing with the families of this country that understand our role in the area of education is limited. We spend about 7 cents out of every dollar, but we try to target it in areas of special need. To be able to on one day see these dramatic cuts and 3 days later hear a statement by the majority leader that it will be far in excess of the President's request, does not he agree with me that the American people are entitled to a more serious discussion and debate of a priority which they believe so deeply is important for their children and the future of this country?

Mr. DASCHLE. The Senator is absolutely right.

Ask people in South Dakota, and I am sure in Massachusetts: What do you want us to put our time, effort, and resources into? Without question, time and time and time again they say: We want to make sure that one thing happens—our young people are educated. We want to make absolutely certain if you do anything, ensure we have an educated workforce.

I was with a number of businesspeople over the weekend. Again, I was reminded this is not just an education issue; this is a business issue, an economic issue. This is an American strength issue. This could be called a national security issue. That is what this is. It isn't just about education. Our country is at stake. Whether or not we educate our young people adequately determines in large measure what kind of economy we will have, what kind of society we have, and certainly what kind of strength we will have in the long term.

Mr. KENNEDY. I yield 10 minutes to the Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Democratic leader for an excellent statement and for reminding all Members why we are here on a Monday evening debating this issue: The American public has said education is its No. 1 priority. It ought to be the No. 1 priority of the Senate.

I have been delighted to hear the rhetoric from both sides throughout this year that education is the No. 1 priority. That is why I am so disappointed tonight. Clearly, the budget priorities we now see show education has dropped to last. It is the last appropriations bill to be considered. It is the appropriations bill we have been using from which to steal the funds throughout this entire process. Who gets hurt in the end? It is our children.

I listened to a Senator a few minutes ago saying this is a debate about philosophy. I agree. It is a philosophy about whether or not just a few kids in our country get a good education or whether we are going to make sure every child, no matter who they are or where they come from, gets a good education and how we do that.

In talking to parents across this country, they are not saying eliminate bureaucracy; they are not saying block grant the programs. They are saying: Make sure my child can learn to read and write. They are saying: If my child is in a smaller classroom in first, second, and third grade and gets the attention they need, they will get a good education. They will learn how to read and write; they will be a success.

They are asking Congress to partner with their State and local governments to reduce class size. They are asking Congress to make sure our teachers are given the skills they need to teach the young kids in our classrooms. They are asking Congress to put the resources behind the rhetoric.

When I tell people in my State and across this country that 1.6 percent of the Federal budget goes to education, something they believe is a priority, they are appalled. Education needs to be funded at a level where every child can learn to read and write and be a success in this world. This Congress is failing.

I was extremely disappointed with the House appropriations bill that passed out of committee last week; it eliminated the Eisenhower Teacher Professional Development Program. That is a program that is geared to helping our teachers teach the basics of math and science. Talk to the new startup businesses and the businesses that are succeeding. They say our kids need to learn math and science.

That is what the Eisenhower Grant Program is all about. I met with some scientists in my home State just a few months ago, leaders in the biotech industry, leaders in the technology industry. They spent an evening with me, of their own time, because they wanted to tell me how great the Eisenhower teacher professional development grants were, what they have done for students in our local high schools, invigorated them and got them to go on to science and math in college. They wanted to make sure we continued this program.

What did the House do last week? They took the money out. It is gone. No longer are we saying to schools across this country that making sure we have math and science students who succeed is important. That is wrong.

What else did they do? They eliminated the Goals 2000 Program. This is a program that helps school districts fund their own locally-designed programs to help student achievement by improving the quality of teacher training. Every one of us knows, if you want your company to succeed, you make sure your employees have the best skills they can to work for you. That is what we need to be doing with our teachers. We need to be training them. We need to be making sure they have the skills they need to pass on to our young students today. That is what Goals 2000 is about. The House eliminated it.

The Class Size Reduction Initiative? Eliminated in the House budget. When I went out to my State just a few weeks ago, I went to a school in Tacoma, WA, where they had taken the Class Size Reduction Initiative money we had given them and focused it entirely on the first grade classrooms in the Tacoma school districts. Today, this year, 57 schools in Tacoma, WA, have 15 students in their first grade classrooms. They then used their title I money to help train those teachers in literacy efforts. Their focus this year is to make sure every first grade student can read at the end of the year. That is an amazing program. We are making it happen with the class size reduction money that was passed with bipartisan support a year ago. We are going to now take that away and tell those students and tell those teachers we no longer are going to help them do what they told me was absolutely critical?

As you can see behind me on this chart, K–12 enrollments are increasing dramatically right now. Why are we, then, reducing the levels of support for these students? We have to make sure every child gets the resources he or she needs. We have to make sure the local communities have the resources behind them. We at the Federal level are a partner with our State and our local governments to make sure our kids learn. We want to know their classes are small enough that kids can learn to read and write and do math. We want to know those teachers are trained. We want to know there are afterschool programs so our students do not go home alone, to their neighborhoods, alone where they are not learning or where they are unproductive or can get in trouble. That is what the Democrats have been fighting for. That is what we will continue to fight for.

We know the rhetoric is not going to educate one child. We know all of the bills with big names are not going to educate one child. We do know the dollars—behind reducing class size, training our teachers, Eisenhower grants—make a difference. School districts are held accountable for making sure our kids learn, and we are making sure we have the resources behind those efforts to make sure it happens.

This debate is important. The debate tonight in the Appropriations Committee is even more important—whether we are willing to put those dollars behind those students. I think it is appalling that our kids have been left to last in the budget process, that they are going to be funded by smoke and mirrors. We will not see the reality of this for probably several months, but it will happen. When this is all said and done, if we do not put the dollars behind our students and our teachers and our schools, our kids will get the message. They will get the message that we do not care. I do not want to be sending that message; I do not think anybody here does.

I have listened to the rhetoric. I have heard every Senator come out and say education is critical. If that is the truth, let's pass the Daschle amendment, go to work and make sure our kids have the resources they need to be productive in the next century.

I yield the floor.

Mr. VOINOVICH addressed the Chair.

Mr. DOMENICI. Will the Senator yield for an inquiry? I thought the vote was scheduled by unanimous consent to be at 5:30. Might the Senator from New Mexico inquire when we might start voting?

The PRESIDING OFFICER. The time has been extended. There are a little over 9 minutes for the Senator from Massachusetts and 41 seconds for the Senator from Ohio.

Mr. KENNEDY. I think we were prepared, after these last two speakers, to move ahead. I am told we will reserve.

I know just one Senator who wants to speak for 4 minutes on our side, and we will be prepared to yield back the other time.

The PRESIDING OFFICER. The Senator from Ohio has 41 seconds.

Mr. VOINOVICH. Madam President, I ask unanimous consent I be allowed to speak up to 5 minutes on the pending resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized for up to 5 minutes.

Mr. VOINOVICH. Madam President, this morning President Clinton announced we have set a new record budget surplus. It now stands at $115 billion, according to the President. That would be absolutely wonderful, if it were true. The President says our prosperity now gives us an unprecedented opportunity and an unprecedented responsibility to shape America's future by putting things first, by moving forward with an economic strategy that is successful and sound, and by meeting America's long-term challenges.

He continues to operate as if he has a $2.9 trillion surplus over the next 10 years to take care of every problem and pay for every program over the next decade. However, the numbers the President is relying on are nothing but a mirage, pure speculation. The $2.9 trillion surplus everyone seems to be talking about in the next 10 years is based on 10-year projections. As Federal Reserve Chairman Alan Greenspan said:

> . . . it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

In addition, he stated that:

> . . . projecting five or ten years out is a very precarious activity, as I think we have demonstrated time and time again.

Again, the President continues to play games with the numbers and continues to use Social Security to puff up his inflated budget surplus numbers. How much of this $115 billion so-called surplus is actually offset, using our Nation's pension fund, Social Security? With today's pronouncement, he continues to perpetuate the myth that we have a huge, honest-to-goodness surplus. But he is using Social Security.

Just this last year—and I think this is really important for the American people to understand—there was a great celebration here about having a surplus. But the fact of the matter is that in 1998, when everybody celebrated, there was no on-budget surplus; actually, there was a $30 billion deficit. That is, the expenses exceeded the revenues, and we glossed it over with the Social Security surplus.

We have to stop playing games as if we had all this money to spend. I think the President is doing the American people a disservice. But it is the only way the President is going to be able to fund his expansion of the Federal Government—by claiming the surplus is bigger than it really is and that we are flush with cash. This is not how we should run the Government. It is just plain wrong.

When I was Governor of Ohio, if somebody had come to me from the schools, or from the cities, and said, "Governor, we want to spend $100 billion on a program," and then they said to me, "I want to use the pension funds from the State of Ohio to pay for it," I would have thrown them out of the office. That is what we have been doing in this country, and continue to do, is to pay for programs, frankly, that are the responsibilities of State and local government, by taking the money out of Social Security.

If the President was still the Governor of Arkansas, this wonderful program I have heard about from my Democratic colleagues, all this money for schools, and for all these other new programs, would be appropriate. But the President is not the Governor of the United States of America and this Senate is not the school board of America. The responsibility for education is at the State and local level. Today in this country, with our $5.7 trillion debt, with a deficit that has gone up 1,300 percent, with an interest payment of 14 cents out of every dollar —we are spending more money on interest today than we are on Medicare—we have a terrible financial problem.

I have listened to my colleagues on the other side of the aisle talk about the President's vision. I listen to them every day. I watch them on C-SPAN. They are talking about school construction, 100,000 teachers—they are all great priorities, but they are the responsibility of State and local government.

One of the things this Senate has to face up to, and this country has to face up to: There are certain responsibilities on the Federal Government and there are certain responsibilities on State and local government.

I am going to vote against the Democratic leader and his resolution which continues to raid the pension funds of the United States of America. Does everybody hear me? There is no surplus. Let's stop talking about it. We have a Social Security surplus, and it is time we stop using the pension funds of the people of this country to pay for programs that are the responsibility of State and local government, particularly in terms of where the States are a lot more flush than we are on the Federal level.

Today I will vote against that resolution. I will support the Republican resolution which advocates giving the most amount of flexibility to our State and local school districts and in programs where we do have a proper role.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VOINOVICH. They are on the front lines and should be given every opportunity to make decisions that are most appropriate for their children.

Earlier this year, we passed Ed-Flex in a bipartisan effort. I even went to the Rose Garden when the President signed it. We need more programs similar to Ed-Flex which give local officials flexibility, and we ought not to be funding State and local programs with our pension funds. I thank the Chair.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the distinguished Senator from Massachusetts.

I rise to support the Daschle resolution. There is a difference. It says something about any institution in terms of how it prioritizes its agenda, and it says volumes about where the leadership in this Congress is that puts as the last issue for us to discuss and debate the Education appropriations bill. We are last. This is the last one to be considered, despite the fact the American public has said on numerous occasions over the last year or so that they think this is the most important issue. They apparently think it is the least important issue because they have decided to put it at the end of the day. When everything else is taken care of, now we will see if there is anything left over for education.

We have a different point of view. We say we ought to do this first because this is the Nation's No. 1 priority. If we lack an educated society, if we fail to provide opportunities for children and their families to learn, then every other issue will suffer accordingly.

The U.S. Government contributes about 7 percent—7 cents on every dollar—that goes to fund elementary and secondary education. That is our commitment. What we are talking about is as much as a 17-percent cut of that 7 percent. It will be one thing if we are talking about the Federal Government doing the lion's share of the work in education. We are not. We have a paltry 7 percent that we help contribute to the education of America's young people. Now we are talking as much as a 17-percent cut of that 7 percent.

There is a sense of frustration one can hear in our voices because the American people are frustrated. They understand that for this Nation to succeed in the 21st century, it must have the best prepared, best educated generation we have ever produced. Yet here we are with every other appropriations bill having been passed but this one, the last one.

What does it mean in real terms to the American public? It means in real terms there can be a lot fewer children who will get child care, a lot fewer who will get Head Start—about 140,000 of them—a $1.3 billion cut in title I, an $880 million cut in special education.

Let me tell you how important that one is. Ask any mayor of any city in this country whether or not special education dollars are important to them. Put aside, if you will, the needs of families, which I think speak for themselves. But one of the rising costs for our communities across this country is the staggering cost of educating a special needs child. Yet when we are talking about $880 million in cuts for special education, how do we expect our communities to meet that tremendous challenge for those children?

I respect the Ed-Flex bill. We all voted for it. But to call that major education policy—that does not even come close to being major education policy. It is worthy, but it is not the answer. I think it is things such as class size, school safety, Pell grants for needy families, and certainly doing what we can to see to it there is equal opportunity in education all across this country.

I have school districts in my State where my communities have the resources, and they have every imaginable technological opportunity. But I can take you to a school 15 minutes away in inner cities where you will find four or five computers for a student body of 2,000. I come from an affluent State, but most of our educational funding comes from the local level. There are disparities that exist in every one of our States—huge disparities. When all the U.S. Government does is 7 percent—7 cents on the dollar comes from us—with a huge disparity in opportunity, to suggest somehow we have done enough with the Ed-Flex bill and that is all we need to worry about in 1999 in preparation for the 21st century I do not think convinces the American public we are there.

The Daschle bill is something I will support but, candidly, we ought to be voting on a funding resolution on education, not a sense of the Senate that we ought to deal with education. I am disappointed that is not before us. But of the two propositions in front of us, the Daschle proposal at least lays out the fact we ought to be voting on the funding measures and not stealing from education to pay for every other program in this country. Education ought to come first. That is where we stand, and that is what our resolution suggests.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Whatever time is left, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for up to 5 minutes.

Mr. ROBB. I thank the Chair.

Madam President, first, I join my distinguished colleague from Connecticut in his eloquent address and the passion he brings to that subject. I share that passion.

I certainly join many of our colleagues who have spoken about the need to adequately fund our public education system, but I want to respond to an argument the distinguished majority leader made on Friday regarding the condition of our Nation's schools.

The Senator from Mississippi indicated it is not the Federal Government's job to fix leaky roofs. He indicated it is not the responsibility of the Federal Government to build local schools. He indicated that every State has a budget surplus so the Federal Government should not get involved.

As a former Governor who was able to pump over $1 billion of additional money into public education without a tax increase, I might ordinarily agree with that premise, but there are times which call for extraordinary partnerships among localities, States, and the Federal Government. I believe we are experiencing one of those times.

We have three phenomena that are colliding to put the greatest level of stress on our educational infrastructure that we have seen since the 1950s. Our school facilities across the Nation are over 40 years old on average, our school-age population is skyrocketing, and our States and localities simply do not have the resources to do what needs to be done despite their surpluses.

To say that providing school construction funding is not a Federal responsibility is easy. It is an easy way to sit on our hands and do nothing to help children who wade through puddles to get to class, to do nothing to help children who suffer in up to 100-degree temperatures in buildings with no air conditioning, to do nothing to help the countless mayors across this country who stated they desperately need our help.

In Virginia alone, despite our Commonwealth surplus and plans to invest more money in school infrastructure, we still face a $4 billion shortfall in school construction and repair needs. I have heard from superintendents, local officials, State legislators, parents, and, most important, students who have all asked for Federal help in this area.

For those colleagues who fear Federal intrusion in the area of education, I simply say, if Federal officials want to help local officials pay for school buildings and repairs, things we all acknowledge we need urgently, how do we encroach on local school control of education? Localities have asked for our help, and it is help we can provide without telling them how to run their schools. I believe this is actually one of the least intrusive things that we can do to help from the Federal level.

Providing school infrastructure assistance is not intended to be a panacea for all the challenges we face with respect to increasing academic achievement, but it is certainly a critical need.

Under the leadership of a Republican President, Dwight Eisenhower, our predecessors in Congress summoned the political will to fund a massive national infrastructure initiative.

We did help build roads. We did help build schools. We did it because our States and localities needed our help. We did it because our population was booming. And we did it to try to ensure that the United States would have the infrastructure it needed to be economically sound and competitive. It is my hope that we can summon that will once again.

With that, Madam President, in full support of the statement made by our distinguished Democratic leader and my colleagues on this side of the aisle, and in opposition to the proposal from the other side of the aisle upon which we will vote momentarily, I thank the Chair and yield the floor.

VOTE ON S. RES. 186

The PRESIDING OFFICER. The question is on agreeing to S. Res. No. 186.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 186. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "no."

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—7

Bunning
Chafee
Hagel
Kohl
Leahy
McCain
Torricelli

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Whereas the fiscal year 2000 Senate Budget Resolution increased education funding by $28,000,000,000 over the next five years, and $82,000,000,000 over the next ten years, and the Department of Education received a net increase of $2,400,000,000 which doubles the President's requested increase;

Whereas compared to the President's requested levels, the Democratically controlled Congress' appropriations for the period 1993 through 1995 reduced the President's funding requests by $3,000,000,000, and since Republicans took control of Congress, Federal education funding has increased by 27 percent;

Whereas in the past three years, the Congress has increased funding for Part B of Individuals with Disabilities Education Act by nearly 80 percent, while the Administration's fiscal year 2000 budget only requested a 0.07 percent increase which is less than an adjustment for inflation, and Congress is deeply concerned that while the Administration has provided rhetoric in support of education of the disabled, the Administration's budget has consistently taken money from this high priority program to fund new and untested programs;

Whereas Congress is not only providing the necessary funds, but is also reforming our current education programs, and Congress recognizes that significant reforms are needed in light of troubling statistics indicating—

(1) 40 percent of fourth graders cannot read at the most basic level;

(2) in international comparisons, United States 12th graders scored near the bottom in both mathematics and science;

(3) 70 percent of children in high poverty schools score below even the most basic level of reading; and

(4) in mathematics, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools;

Whereas earlier in 1999, the 106th Congress took the first step toward improving our Nation's schools by passing the Education Flexibility and Partnership Act of 1999, which frees States and local communities to tailor education programs to meet the individual needs of students and local schools;

Whereas the 1999 reauthorization of the Elementary and Secondary Education Act of 1965 will focus on increasing student achievement by empowering principals, local school boards, teachers and parents, and the focus should be on raising the achievement of all students;

Whereas Congress should reject a one-size-fits all approach to education, and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children;

Whereas parents are the first and best educators of their children, and Congress supports proposals that provide parents greater control to choose unique educational opportunities to best meet their children's educational needs;

Whereas every child should have an exceptional teacher in the classroom, and Congress supports efforts to recruit, retrain, and retain high quality teachers;

Whereas quality instruction and learning can occur only in a first class school that is safe and orderly;

Whereas Congress supports proposals that give schools the support they need to protect teachers and students, remove disruptive influences, and create a positive learning atmosphere; and

Whereas success in education is best achieved when instruction focuses on basic academics and fundamental skills, and students should no longer be subjected to untried and untested educational theories of instruction, rather our Nation's efforts should be geared to proven methods of instruction: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education; and

(2) the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

Mr. COVERDELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON S. RES. 187

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 187. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—7

Bunning
Chafee
Hagel
Kohl
Leahy
McCain
Torricelli

The resolution (S. Res. 187) was rejected.

Mr. LOTT. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I wish to comment on Senator DASCHLE's education funding legislation, S. Res. 187.

The resolution states that the funding level for the Subcommittee on Labor, Health and Human Services, and Education has been reduced to pay for other programs. I would like to set the record straight. The 302(b) allocation that was originally assigned to the Subcommittee was temporarily reduced to permit other subcommittees to mark up their bills. This was done with the intention that as these other bills moved through their conferences, additional dollars would be made available to provide the Labor-HHS-Education Subcommittee with the necessary resources to increase funding for education, health and labor programs.

As the Labor-HHS-Education markup proved, there was never any intention to cut 17 percent from education programs. To the contrary, the subcommittee actually recommended $35.2 billion for education programs, an increase of $2.3 billion over the fiscal year 1999 program level and $537.6 million over the administration's budget request.

Instead of reducing Head Start dollars, $5.2 billion was recommended, which increased the program $608.5 million over fiscal year 1999 level and matching the amount requested by the President.

After school programs were doubled from $200 to $400 million; aid to disadvantaged children was increased by $320 million over last year which again matched the President's request.

Instead of decreasing technology programs, $550 million was recommended to maintain last year's program level.

The resolution also states that a $100 million reduction would be cut from the Safe and Drug Free Schools Program. The facts are that Safe and Drug Free schools, as part of the youth violence initiative was increased by $45 million to provide $611 million for state grants, school coordinators and programs to promote safe learning environments for this nation's children.

To provide a free, appropriate, public education to all children, $6.035 billion was provided to children with disabilities increasing the program $911.5 million over last year's amount and $585.7 million over the President's recommendation.

And finally, the subcommittee recommended a $200 increase in the maximum Pell grant to provide $3,325 to help disadvantaged children achieve a college education.

In closing, I wish to point out that these increases in education dollars, have been carefully balanced with savings in other areas in the bill and advance funding. The Labor-HHS-Education bill is within the discretionary spending caps set forth in the budget resolution. This fact points out once again that the findings stated in Senate Resolution 187 were not factual which is the reason I voted against it and led the effort to provide a better formula for Federal funding as reflected in the subcommittee bill.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. KENNEDY. Mr. President, reserving the right to object, what is the pending business if we were to go to the pending business?

The PRESIDING OFFICER. S. 625.

Mr. KENNEDY. The bankruptcy legislation?

The PRESIDING OFFICER. The pending business would have been S. 625, which is the bankruptcy bill.

Mr. KENNEDY. Further reserving the right to object, if that legislation were before the Senate, would it be in order for me to offer the minimum wage as an amendment—if it were pending?

The PRESIDING OFFICER. Amendments are in order, if it were pending.

Mr. KENNEDY. But, as I understand it, the leader now has indicated, by consent request, that we go to morning business, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Further reserving the right to object, can the leader give us any idea when we will be back on the pending legislation, the bankruptcy legislation? Or when we will have an opportunity to address the issue of the minimum wage?

Mr. LOTT. Mr. President, if the Senator will yield?

Mr. KENNEDY. Yes.

Mr. LOTT. I would like to get to the bankruptcy reform legislation. I think that is important. We need to have this reform. The system is not working well now, and there is broad support, I think on both sides of the aisle, for bankruptcy reform. I think we could move to the bill if we could have a full debate on bankruptcy and relevant amendments to that. We could probably even work out an agreement that would include consideration of the small businessman's and small businesswoman's needs, and minimum wage needs. But I do not think it is fair the bankruptcy reform legislation, which should be considered in and of and by itself, should become an outbasket for every amendment to be offered on every subject that has already, in many instances, been considered this year, and that it become a Christmas tree for all kinds of unrelated amendments.

That is why I moved to a cloture vote because I wanted to get up bankruptcy reform. I would like to go to that. I will be glad to work out some sort of agreement as to how that bill will be considered. But I do not think we have the time right now, with the appropriations bills we have to complete before the end of the fiscal year. Hopefully, the last one, the 13th one, will be up—it will be up on Wednesday. We will be on that bill until we complete it. Hopefully, we will complete it by midnight on Thursday night, which would be the 13th bill. It would be only about the third time in the last 15 or 20 years we will have passed all appropriations bills through the Senate by the end of the fiscal year.

So that has been our focus. We have been focusing on the appropriations bills. We will have a conference report in the morning we will need to vote on, the Energy and Water appropriations bill. We will continue to move those bills and the conference reports through. When we get through with that process, then we will look back to what the legislative schedule is going to be. I hope we can come to agreement on how that would be considered.

Mr. KENNEDY. Just further reserving the right to object, of course, we did not give a clear indication whether we would have the opportunity to vote on an increase in the minimum wage. We have seen Members vote for an increase in their own pay, their salaries, for some $4,400. We have doubled the President's salary. We voted for an increase for the military, which I strongly support, and also for Government employees.

I wonder when we will be able to enter into some kind of agreement on the minimum wage. I do not think it will take a great deal of time. We will be glad to do it of an evening, if it would be more convenient for the leadership, working out the schedule. But we have not had the opportunity for the Senate to express its will. We would like to at least get some indication from the leader as to when we might be able to do this, since the days are moving along and still many workers, who are working 40 hours a week, 52 weeks of the year, have not participated in the very substantial economic progress and are looking to the Senate to see whether we will address this issue.

Can the leader help us at all, in terms of indicating when we might have some chance to address that?

Mr. LOTT. I can't at this time because we must focus on the appropriations bills through the remainder of this week. I will need to discuss this with Senator DASCHLE and Senator KENNEDY and see if we can come up with a way we can handle that issue without it opening up the door to all kinds of other issues that, in many instances, for instance, we may have already considered in the Senate.

Having said that, whatever we do, I want to make sure we do it in such a way that entry-level workers, people who do come into restaurants and other small businesses, don't wind up losing their jobs. That is important to them. Also, that we do not wind up doing it in such a way that small businessmen and small businesswomen cannot continue to stay in business.

So I think we have to find a way to offset the costs, particularly for small businessmen and small businesswomen who are working on a very small margin of profit. I know I have heard from some. I remember one lady in particular, outside of Atlanta—I think maybe in Marietta—who had a sweet shop. She basically said: If you do this again without some sort of offsets, I cannot make up the difference anymore myself.

So we have to make sure it is a balanced approach when we do consider this and however we consider it.

However, the answer to your question is any time you and Senator DASCHLE want to sit down and seriously discuss a way to get this done, I will be ready to do it, once we get through the appropriations process, which will be done, hopefully, at the end of this week.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF SUBMISSION OF COMPREHENSIVE TEST BAN TREATY TO SENATE FOR RATIFICATION

Mr. JEFFORDS. Mr. President, as many of my colleagues know, September 23rd was the 2-year anniversary of submission of the Comprehensive Test Ban Treaty to the US Senate for ratification.

Both Republican and Democratic presidents over the span of 4 decades have worked to enhance our national security by negotiating limits on nuclear testing. Progress has been slow and halting, but the inescapable logic of improving security by banning nuclear tests has prevailed. The successful negotiation of the Comprehensive Test Ban Treaty, signed by 152 countries, was the culmination of these decades of effort on the part of the United States. Ratification and entry into force of this treaty is in our best interest and in the best interest of nuclear non-proliferation and international stability.

Mr. President, I have urged the Committee on Foreign Relations to hold hearings on this treaty. I know the Chairman has concerns about the treaty. I hope he will air them in a forum that will allow discussion of his concerns and those of other Members of the Committee. And I urge the Majority Leader to bring this treaty to the Senate floor. Time is of the essence on this matter. America has been the world leader on this issue and was the primary architect of this treaty. We have an obligation to take up this treaty in the Senate, to educate ourselves on its provisions and to debate the merits of its ratification. The eyes of the world are on our actions as the 44 countries who have ratified the treaty prepare to meet on October 6th in Vienna, Austria, to discuss implementation of the treaty. I would vastly prefer that the United States were sitting as a party at that meeting. But at a minimum, we should use this opportunity to make progress on the treaty here in the Senate.

We have an obligation to future generations to improve the national security of our nation. It would be irresponsible of us to let slip out of our grasp a very important tool in the fight against nuclear proliferation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 24, 1999, the Federal debt stood at $5,638,915,059,997.81 (Five trillion, six hundred thirty-eight billion, nine hundred fifteen million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents).

One year ago, September 24, 1998, the Federal debt stood at $5,523,268,000,000 (Five trillion, five hundred twenty-three billion, two hundred sixty-eight million).

Fifteen years ago, September 24, 1984, the Federal debt stood at $1,566,734,000,000 (One trillion, five hundred sixty-six billion, seven hundred thirty-four million).

Twenty-five years ago, September 24, 1974, the Federal debt stood at

$480,939,000,000 (Four hundred eighty billion, nine hundred thirty-nine million) which reflects a debt increase of more than $5 trillion—$5,157,976,059,997.81 (Five trillion, one hundred fifty-seven billion, nine hundred seventy-six million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents) during the past 25 years.

THE VA/HUD APPROPRIATIONS BILL

Mrs. BOXER. Mr. President, I wish to express my support for the amendment offered last Friday by Senator KERRY to fund 50,000 new Section 8 vouchers. Had the Senate voted on this amendment, I would have voted in favor of it. I am pleased that Senator MIKULSKI and others have committed to work on this issue in conference.

The Kerry amendment is particularly important to my home state in light of the current affordable housing crisis in California. Eleven of the twenty-five least affordable metropolitan areas are located in California. The homeownership rate is 47th among the 50 states. More than one-third of homeowners and one-half of renters pay more than thirty percent of their income for housing in California. On average, it takes more than three years to receive a Section 8 voucher in California. In Los Angeles, approximately 8,000 families are currently on the Section 8 waiting list and it can take as long as eight years to get a voucher. That is just too long for a family to wait for affordable housing.

It is clear that in California, and indeed throughout the country, there is a definite need for further housing assistance.

Section 8 housing assistance serves the poorest of the poor, persons with incomes averaging approximately $7,500 per year. Last year, Congress made available almost 100,000 new Section 8 vouchers. No new vouchers had been made available in the past five years. That was an important first step—but it is time to do more. In my own state of California, almost 13,000 families would receive Section 8 assistance under the Kerry amendment.

Our economy is booming: unemployment is at historically low levels, nearly 18 million jobs have been created since 1993, and the inflation rate has averaged just 2.5 percent since 1993—the lowest rate since the Kennedy Administration.

In these economic good times, however, the gap between rich and poor continues to grow. We must continue to assure that everyone in this country has affordable housing.

I urge my colleagues on the conference committee to provide additional Section 8 vouchers to America's families in need of housing assistance.

Mr. President, I also want to talk about the provision in this bill that would eliminate HUD's Community Builder program.

Community Builders act as liaison between HUD and local governments and non-profit organizations. They help local authorities identify the programs in HUD that best serve the needs of their neighborhoods.

Many experts have affirmed that HUD is becoming the model of reinvention. I believe that HUD's Community Builder program has been a key component of HUD's reinvention efforts.

The Community Builder program is working. Ernst & Young's initial audit found that the Builders are knowledgeable about HUD programs, are making customer service more efficient, assisting communities, and using their expertise to make government work better. A similar survey by Andersen Consulting found that "Community Builders have had a positive effect on the ability of [HUD] customers . . . to conduct business."—and recommended an expansion of the Community Builder program to cover more communities. In addition, I have received numerous letters from elected officials and nonprofit organizations throughout California expressing support for the Community Builder program.

Approximately twenty HUD offices would be forced to close if the Community Builder program were eliminated—including one in Fresno, California.

I ask that my colleagues on the conference committee work together to find funding for this important program.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1999.*

MESSAGE FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5365. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dudin v. Commissioner" (99 T.C. 325 (1992)), received September 23, 1999; to the Committee on Finance.

EC-5366. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "James J. and Sandra A. Gales v. Commissioner" (T.C. Memo 1999-27), received September 23, 1999; to the Committee on Finance.

EC-5367. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "RJR Nabisco Inc., et al. v. Commissioner" (T.C. Memo 1998–252) received September 23, 1999; to the Committee on Finance.

EC–5368. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Appeal of Proposed Adverse Determination of Tax-Exempt Status of Bond Issue" (Rev. Proc. 99–35, 1999–41 I.R.B.) received September 23, 1999; to the Committee on Finance.

EC–5369. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ex Parte Communications Prohibition" (Notice 99–50, 1999–40 I.R.B.—, dated October 4, 1999) received September 23, 1999; to the Committee on Finance.

EC–5370. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Work Opportunity Tax Credit and Welfare-to-Work Tax Credit Notice" (Notice 99–51) received September 23, 1999; to the Committee on Finance.

EC–5371. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "HOPWA" (Rev. Rul. 99–39) received September 23, 1999; to the Committee on Finance.

EC–5372. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8839, IRS Adoption Taxpayer Identification Numbers) (RIN1545–AV08), received September 22, 1999; to the Committee on Finance.

EC–5373. A communication from the Acting Director, United States Information Agency, transmitting, pursuant to law, a report relative to management controls and financial management systems at the Agency; to the Committee on Governmental Affairs.

EC–5374. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Montgomery GI Bill-Active Duty; Administrative Error" (RIN2900–AJ70), received September 24, 1999: to the Committee on Veteran's Affairs.

EC–5375. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Zaleplon into Schedule IV" (DEA–182F), received September 24, 1999; to the Committee on the Judiciary.

EC–5376. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas" (RIN1400–AB03), received September 24, 1999; to the Committee on Foreign Relations.

EC–5377. A communication from the Deputy Secretary, Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "10b–18; Purchases of Certain Equity Securities by the Issuer and Others" (RIN3235–AH48), received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5378. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks", received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5379. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to State member bank compliance with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5380. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Designing a Medical Device Surveillance Network"; to the Committee on Health, Education, Labor, and Pensions.

EC–5381. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Health Standards for Occupational Noise Exposure" (RIN1219–AA53), received September 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5382. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SPATS # OK–020–FOR), received September 24, 1999; to the Committee on Energy and Natural Resources.

EC–5383. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Import or Entry Services at Ports" (Docket #98–006–2), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5384. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Addition of Regulated Areas" (Docket #99–075–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5385. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Designation of Quarantined Areas" (Docket #99–076–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5386. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Arizona Marketing Area-Suspension" (DA–99–05) , received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5387. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries" (Docket No. FV99–930–2 FIR) , received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5388. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California: Decreased Assessment Rate" (Docket No. FV99–993–3 FR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5389. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL #6382–5), received September 22, 1999; to the Committee on Environment and Public Works.

EC–5390. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018–AF24), received September 24, 1999; to the Committee on Environment and Public Works.

EC–5391. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Vinegar Generators and Leather Coating Operations" (FRL #6440–1), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5392. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference" (FRL #6441–3), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5393. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation of Attainment and Designation of Areas for Air Quality Planning Purposes" (FRL #6441–6), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5394. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6443–5), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5395. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets" (FRL #6445–4), received September 24, 1999; to the Committee on Environment and Public Works.

EC–5396. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxide Budget and Allowance Trading Program" (FRL #6382–5), received September 22, 1999; to the Committee on Environment and Public Works.

EC–5397. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Emergency Planning and Community Right-to Know Act Section 313 Reporting Guidelines for Semiconductor Manufacturing"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes (Rept. No. 106–163).

By Mr. MCCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001 (Rept. No. 106–164).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1643. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE EDUCATION FOR DEMOCRACY ACT

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut (Mr. DODD) has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

"We the People . . . The Citizen and the Constitution," has proven to be an excellent curriculum and a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of law professionals as well as other community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital.

The popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning. Studies by the Education Testing Service have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

Mr. President, in addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which in cooperation with the United States Information Agency, links American civic educators with their counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Mississippi recently became the latest state to participate in this important international exchange program. Jones County Junior College in Ellisville, Mississippi will partner with universities in Texas and Florida in an exchange with Hungary and other countries.

Ms. Susie Burroughs, Mississippi's new Civic Education program director, is committed to a deeper understanding of democracy and assisting others who desire to teach the ways of a free society in the world's newest democracies. I am pleased that Mississippi teachers will join the more than 8,000 other teachers who have participated in the Civitas training and exchange opportunities.

Mr. President, We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

ALIEN SMUGGLING PREVENTION AND ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Alien Smuggling Prevention and Enforcement Act. This legislation, which I am introducing with my colleagues, Senator SCHUMER and Senator FEINSTEIN, will give law enforcement new tools and resources in the continuing fight against the smuggling of illegal aliens.

Despite continued efforts, Mr. President, alien smuggling remains a serious problem in America. Smugglers have responded to increases in the efforts of our border patrol by adopting more daring methods to smuggle individuals illegally into the United States. In many cases, these methods entail little or no concern for the safety of the individuals being smuggled. Moreover, these attempts increasingly involve organized criminal gangs. As recently as 1996, in the Illegal Immigration Reform and Immigrant Responsibility Act, Congress has acted to combat this dangerous form of smuggling. But it is clear that more needs to be done.

I would like to quote from a story appearing in the August 15, 1999 edition of the Detroit News. This story sums up well our current situation, demonstrating that we face a problem of national importance: "Illegal alien smuggling is a growing yet largely hidden business along the U.S.-Canadian border. Smugglers are getting as much as $50,000 per person to bring in aliens desperate to reach the United States. Yet immigration authorities, short of personnel and detention facilities, can do little to slow the activity." The story goes on to quote Carl L. McClafferty, chief of the Detroit sector of the Border Patrol, who notes "We get spurts of drug smuggling, but we have a constant drone of alien smuggling. For us, alien smuggling is steady work."

My state of Michigan has been hit particularly hard by alien smugglers. Crackdowns in other areas of the country have made Detroit in particular a target for illegal entry. We simply do not have the staff on hand with the tools and resources needed to successfully combat this problem. This means more illegal aliens in our country. It also produces an added boost to criminal gang activities and all the problems these activities bring with them. And that, Mr. President, is why I am introducing this legislation.

The Alien Smuggling Prevention and Enforcement Act would do the following.

First, it would double the personnel devoted to combating alien smuggling. Today, Mr. President, approximately 260 people are employed by the Immigration and Naturalization Service (INS) to investigate and fight alien smuggling. This figure has not risen in the past three years. This legislation would require the INS to add 50 more investigators and other enforcement personnel each year over the next 5 years, each of them devoted to combating alien smuggling.

Second, this legislation would double criminal sentences for alien smugglers. Under U.S. Sentencing Commission guidelines, the current minimum sentence for smuggling one to five aliens is 10 months; for smuggling 6–24 aliens the minimum sentence is 18 months; for 25–100 aliens it's 27 months; and for more than 100 aliens it's 37 months. Simply put, those sentences are not high enough to deter this heinous conduct. Nor are they severe enough, in moral terms, as punishment for acts involving intentional breaking of American law and the serious risk of injury and death to innocent parties and those being smuggled. This legislation would direct the U.S. Sentencing Commission to double the relevant sentences to 20 months, 36 months 54 months, and 74 months, respectively.

Third, this legislation would increase fines for those convicted of alien smuggling to twice the amount an alien smuggler received, or expected to receive, for his or her this illegal activity. Under U.S. Sentencing Commission guidelines, currently the minimum fine is $3,000 for smuggling one to five aliens; for smuggling 6–24 aliens the fine is $4,000; for 25–100 aliens it's $6,000; and for more than 100 aliens it's $7,500. Again, that is simply not strict enough, particularly given the profits to be made from this illegal activity. This legislation would direct the U.S. Sentencing Commission to impose a fine above these minimum levels equal to twice the amount an alien smuggler received, or expected to receive, for his or her illegal activity.

This legislation also would authorize additional operating expense money to conduct undercover operations and prosecute alien smuggling and require an annual report to Congress by the Commissioner of the INS on the agency's strategy to deal wit alien smuggling.

Taken together, Mr. President, these measures will deter alien smuggling. By giving law enforcement personnel the tools they need to catch alien smugglers and seeing to it that they are punished as harshly as is called for by their crime, this legislation will help deter illegal immigration and deal a very real blow to criminal gang activity.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Smuggling Prevention and Enforcement Act of 1999".

SEC. 2. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 3. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses other than those currently covered by guideline 2L1.1(b)(1) involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

"§ 5H1.14. Plea bargaining and other prosecutorial policies.

"Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the

Department of Justice such sums as may be necessary to carry out section 2 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Judiciary Committees of the House of Representatives and the Senate a report on the strategy utilized by the Immigration and Naturalization Service in dealing with alien smuggling.

SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 2, 5, and 6, the term "alien smuggling" means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 690

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 690, a bill to provide for mass transportation in national parks and related public lands.

S. 928

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1052

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1052, a bill to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1209

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1318

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Mississippi (Mr. LOTT), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1556

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1556, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution congratulating and commending the Veterans of Foreign Wars.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. ROBB, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Louisiana (Mr. BREAUX), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 186

At the request of Mr. THOMAS, his name was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 186, supra.

SENATE RESOLUTION 189—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000, AND OCTOBER 1, 2000, THROUGH FEBRUARY 28, 2001

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 189

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of $52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of $22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,118,150, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $903,523, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,796,030, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,568,418, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,160,739, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,348,349, of which amount—

(1) not to exceed $8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,449,315, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,472,442, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,823,318, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,631,426, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,924,935.

(c) Expenses for Period Ending February 28, 2001.— For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,248,068.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,688,097, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,146,192, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,762,517, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,604,978, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,158,449, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,347,981, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $5,026,582, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,144,819, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,560,792, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,946,026, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,845,263, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,068,258, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,647,719, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $703,526, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,330,794, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $567,472, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,246,174, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) Expenses for Period Ending February 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $531,794, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) General Authority.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Fiscal Year 2000 Period.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,459,827, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $622,709, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,674,687, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,141,189, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,260,534, of which amount not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $537,123, of which amount $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed $1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 5, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 27, 1999, during the first rollcall vote to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MT. HOOD COMMUNITY MENTAL HEALTH CENTER

• Mr. WYDEN. Mr. President, I wish to recognize the outstanding work of the VIEWS volunteers at Mt. Hood Community Mental Health Center of Gresham, Oregon. They devote many hours to helping seniors in emotional crisis.

Mt. Hood Community Mental Health Center began in 1985 as an outreach program for seniors at risk of suicide, and soon developed several programs to address various levels of depression or emotional crisis among seniors, including Volunteers Involved in the Emotional Well-being of Seniors (VIEWS). Over the last ten years, Mt. Hood Community Mental Health Center has trained more than 100 peer counselors who have, in turn, provided crucial counseling to over 400 seniors. Without the help of these volunteers, many of Oregon's seniors would have sunk deeper into isolation and despair. As a result of the assistance of these invaluable volunteers, the medical professionals at Mt. Hood Community Mental Health Center have been able to extend their reach far beyond what their limited budget would otherwise allow.

These volunteers are performing extraordinary work. I am proud that my own State of Oregon has initiated this effort, and I again wish to congratulate the VIEWS volunteers for being an example of what we can do to help others make a positive difference in the lives of seniors.•

TRIBUTE TO H. MELVIN NAPIER

• Mr. CRAIG. Mr. President, I would like to rise today to pay tribune to one of Idaho and America's finest veterans, H. Melvin "Mel" Napier, of Boise, ID.

There is no question Mel Napier is a true American patriot and a leader, from his participation in the military, to his work on behalf of veterans, to his contributions in the community. The Air Force has a very special tradition in Idaho, and Mel has long been part of that tradition. Enlisting in the U.S. Air Force during the Korean conflict, Mel served 4 years on active duty and 8 years in the Air Force Reserves as a meteorologist. He has also been a stalwart veteran advocate. His active membership and leadership in the American Legion led him to be selected to be National Vice Commander in 1982–83. In 1983, Mel began his service as State Adjutant for the Legion, and he has served in that capacity until this September.

Mel's service to our country makes it clear that he has never been afraid of challenges, hardships or hard work. Idaho is privileged to have Mel and his family as residents. I am honored to stand before the Senate today and tell my colleagues about Mel; however, I do this with mixed emotions. Mel Napier recently stepped down as State Adjutant for the American Legion, a position he held for 16 years. It is a special individual indeed who commits to that kind of service on behalf of all the men and women in uniform who have proudly served our great nation.

In sum, I would like to thank Mel for his tremendous contribution to our country, and most of all, to America's veterans. I know that Mel will not be leaving the American Legion, or ending his service to veterans because he will no longer serve as State Adjutant, but I do think that this is a very appropriate time to give Mel our thanks and show our gratitude for his service.

Mr. Napier, thank you, congratulations, and Godspeed.●

TRIBUTE TO KATHRYN "KAYCI" COOK

● Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and steward of our National Park System, Kathryn "Kayci" Cook, Superintendent of Fort McHenry National Monument and Historic Shrine and Hampton National Historic Site. Kayci has recently been selected as Assistant Superintendent of Glen Canyon National Park in Utah and I, and many others in the State of Maryland, are sorry to see her go.

Throughout her 18-year career with the National Park Service, Kayci Cook has distinguished herself for her leadership, commitment and dedication to managing and protecting our Nation's most precious natural and cultural resources. Beginning as a seasonal park ranger at Wupatki and Canyon de Chelley National Monuments in northern Arizona, she quickly advanced through the ranks to positions as park ranger at San Antonio Missions National Historical Park in Texas, supervisory ranger at California's Death Valley National Monument, and Chief of Resource Education for Apostle Islands National Lakeshore in Wisconsin. In 1994, her contributions and accomplishments in these positions earned Kayci the prestigious Benvinetto Congressional Fellowship

I came to know Kayci three years ago, soon after she was appointed to lead Fort McHenry and Hampton and have had the privilege of working closely with her on a number of matters of mutual concern affecting these units of the National Park System. I can personally attest to the exceptional talent, ingenuity, and energy which she brought to this position. Under her leadership the fort walls and many historic structures at Fort McHenry have been restored, plans have been advanced to develop a new visitors center to accommodate the increasing number of visitors to the Fort, many preservation projects have been completed at Hampton and a new General Management Plan for this historic site is being completed.

Kayci Cook's hard work and dedication to the stewardship Fort McHenry and Hampton have earned her the respect and admiration of everyone with whom she has worked. She leaves behind two units of the National Park System that have been protected and improved through her efforts and the visitors to these sites will benefit from her labors for years to come. In my judgement, her extraordinary commitment and leadership should serve as a standard for those who will follow her. I greatly value the assistance Kayci provided to me and my staff and wish her the best of luck in the years ahead.●

TRIBUTE TO YOUNG MEN OF IDAHO

● Mr. CRAPO. Mr. President, I rise today to pay tribute to two groups of exceptional young men from my State of Idaho.

In August, the South Central Boise Little League team from Boise, ID, became the first little league team from Idaho ever to compete in the Little League World Series. Under the leadership of Stan McGrady, this team of 11- and 12-year-olds completed an underdog run to win the Western Regional Pennant and advance to the Little League World Series in Williamsport, PA. They won one game and lost two in the World Series, but, more importantly, showed an impressive amount of maturity and sportsmanship and represented our state in an exemplary manner.

Furthermore, the Madison Cats of Rexburg, ID, ended a successful season by competing in the Babe Ruth League World Series in Clifton Park, NY. This team of 14-year-olds, coached by Randy Sutton, went undefeated in both the state and regional tournaments to earn the right to represent the Pacific Northwest in the Babe Ruth World Series.

Along with the entire State of Idaho, I am very proud of these young men. Their accomplishments show a level of dedication and teamwork that will benefit them for many years to come. They were exceptional ambassadors for Idaho. I congratulate them, their parents, and their communities on these unprecedented accomplishments.●

WELFARE REFORM AND THE COLLEGE OPTION: A NATIONAL CONFERENCE

● Mr. WELLSTONE. Mr. President, this weekend, the McAuley Institute, Wider Opportunities for Women, the Center for Women Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY hosted a national conference on the important relationship between welfare reform and higher education. On Friday night, they held an opening night reception and awards ceremony. Unfortunately, I was unable to attend, but I ask to have printed in the RECORD a letter that was read on my behalf as part of the ceremony.

The letter follows.

SEPTEMBER 24, 1999.

TO ALL IN ATTENDANCE: First, I would like to begin by apologizing for the fact that I can't be here in person to accept this award. Certainly, I always like to attend any dinner that someone has gone to the trouble of holding in my honor, but even more so I would love to attend your conference focusing on the important relationship between education and economic self-sufficiency.

Second, I would like to thank all of the sponsors of this conference—the McAuley Institute, Wider Opportunities for Women, the Center for Women's Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY—for presenting me with this award. I have worked with these groups in the past on important legislative efforts, and deeply respect the work that each of these organizations has done to protect and advance the well-being of the most needy among us.

Having done that, though, I would also like to take this time to talk a little bit about poverty and need.

We live in a nation of riches. Since 1969, the era when we launched our War on Poverty, we have seen the nation's total wealth per person grow by 62 percent, and as a nation, we consumed 73 percent more material goods and services per person in 1997 than we did 1969. Yet during that same time, the number of poor children in America grew by 46 percent, or more than 4 million children. About one-half of this growth represented the growing number of poor children in families headed by someone who worked.

1998 was a year of economic prosperity for many Americans. Many of us have benefitted greatly from a strong economy: unemployment is at its lowest level since 1969, and for the second year in a row wages have gone up, cutting across the traditional barriers of race, ethnicity and education.

Unfortunately, though, these gains have barely been felt by those left behind by the growing economic inequality we see in this country. New figures on family income show that the gap between low- and moderate-income families and rich families is at an all-time high. During the 1990s, we have seen a disturbing trend in income gains—the rich in America are benefitting in ways that the poor are not: While the richest 20 percent of households gained about $15,000 dollars in annual income between 1990 and 1997, the poorest 20 percent of families gained only about $35 in annual income. That's a gain of 15 percent versus a gain of less than 1 percent.

A recent study by the Center on Budget and Policy Priorities offers further evidence of the widening income gap between the rich and the poor in this country. Using Congressional Budget Office data, they found that the after-tax income of the richest one percent of the population will more than double between 1977 and 1999, rising 115 percent after adjusting for inflation. At the same time, the average after-tax income for middle-income households, which accounts for 60 percent of all households, will increase by only 8 percent—less than one-half a percent per year—and the average income of the poorest twenty percent of households will actually decrease. As a result of these large increases in income among the rich and the loss of income among the poor, CBPP estimates that in 1999, the richest twenty percent of households in the U.S. will have slightly more income than the other 80 percent of households combined, and the 2.7 million Americans with the highest incomes will have as much after-tax income as the 100 million Americans with the lowest incomes.

My own state of Minnesota provides a telling example of how some of our families are being left behind: Minnesota leads the country in low unemployment—less than 3 percent statewide, less than 2 percent in the Minneapolis-St. Paul area. But even with such impressive figures, we still see a situation where unemployment in our poorest central-city neighborhoods hovers around 15 percent, and a horrifying 60 percent of the children who live in these neighborhoods are growing up in poverty. And it isn't just in our cities, but also among our rural communities, particularly our farm communities, where we see similar levels of poverty and need.

And when we talk about people being poor, we are talking about people in desperate need. It never fails to amaze me what the Federal government defines as poor—in 1997, a three-person family was "officially" poor if it made less than $12,802 a year. Even more upsetting, though, is that most poor families in the U.S. don't even meet tnis minimum. The average poor family with children received in 1997 only $8,688 a year in total income from all sources—the equivalent of $724 a month, $167 a week, less than $24 a day.

Of course, those who suffer the most from poverty in this country are our children. It makes me sick just thinking about it. America's youngest children, those under the age of 6, are more likely to live in poverty than any other age group. During the past two decades there has been a substantial increase in the number and percentage of poor young people in the United States. The young child poverty rate has grown among all racial and ethnic groups, and in urban, suburban, and rural areas. The number of American young children living in poverty increased from 3.5 million in 1979 to 5.2 million in 1997. The young child poverty rate grew by 20 percent during those two decades, and currently one-in-five young children in the U.S. live in poverty. Nearly one-in-two young African American children live in poverty, and about one in three young Latino children live in poverty in the U.S.

Still more horrifying, one in ten young children in the U.S. live in extreme poverty, in families with incomes less than half the poverty level, an amount of only $6,401 for a family of three in 1997. Nearly half of the children living in poverty in the U.S. live in extreme poverty. Currently, the extreme poverty rate among young children is growing faster than the young child poverty rate.

I think what I find most upsetting is not the fact that so many among us still live in poverty, but that so many of those who live in poverty are hard-working parents who are doing everything—everything—that they can. But they still aren't making it. Sixty-one percent of the average poor family's income comes from work—$5,295 a year, $441 a month, $102 a week, or less than $15 a day. For an 8 hour workday, that means someone was earning just under $2 an hour. Only twenty-one percent of our average poor family's income came from welfare—just $1,824 a year, $152 a month, $35 a week, or less than $5 a day. And a majority of all poor children under age 6, 65 percent, live with at least one employed parent. Only one-sixth of poor young children live in families who rely solely on public assistance for income.

How is this possible? How can we live in a time when there are people who literally can't support themselves and their families despite the fact that they work, often nearly 52 weeks a year, 40 hours a week, sometimes more than one job. In a time of unprecedented economic well-being, of budget surpluses, and an 8.6 trillion dollar economy, it is criminal that there are those living among us, who are doing everything within their powers to make ends meet, who cannot provide the basic needs of day-to-day survival for themselves and their families.

We need to ask ourselves, we must ask ourselves, what is happening when we see this happening. We should be desperately concerned when we see that the average income of American families living in poverty actually declined between 1996 and 1997. Simply put, this is both inexcusable and utterly unacceptable. Even in the hardest of times, no family, no child, in this country should be forced to go without the basic necessities of food, shelter, and medical care. But even more so, in a time of unparalleled economic prosperity, how can any one not react with both despair and outrage when confronted by such a scenario?

There is much to be done, much that should be done, much that must be done. I am deeply committed to doing my part: I will continue to offer legislation that protects the rights of the poorest among us, and to fight to help them provide for their needs. I have sponsored or co-sponsored legislation to raise the minimum wage; to find out what's happening to people when they lose their welfare benefits; to allow welfare recipients to count two years of education or vocational training toward their TANF work requirements; to ensure that everyone in America has access to quality, affordable healthcare and child care; and to guarantee that women and children who are victims and survivors of domestic violence have the economic resources and security they need to leave abusive situations. We in Congress must recognize that it isn't enough to tell people they must work, but we also need to provide them with a wide range of supports while they try to make the difficult transition from poverty to economic self-sufficiency. All of it goes together—we must address each if we intend to solve any.

There is so much that you can do with me as well. I urge you to follow what happens in Congress and with the Administration and make your opinion known to your Representatives, to your Senators, and to the President—write, e-mail, fax, and phone. Participate in every way you can, not only for yourselves but also for those who might not feel able to. We must all give a voice to those who are most likely to go unheard, and we must teach them to speak loudly for themselves. We must also make sure that people don't forget the less fortunate among us. Sometimes in our own prosperity, it is easier to simply turn away from that which is difficult or painful to witness. We must not relax our efforts, and we must never allow anyone to declare the war against poverty won until there is no one, no mother, no child, who lies down at night hungry or homeless. No one should have to worry about whether or not they can provide medical care for a sick loved one, or whether or not their child is safe in daycare while they are at work.

I know that I am preaching to the choir at this point, so I will close by simply praising you for all of your efforts—each and every one of you is fighting this fight right on the front lines—and by urging you not to bend and not to give up. In the face of spending cuts, changing priorities, and a simple lack of concern, you are the real "poverty warriors."

And finally, I thank you again for honoring me this evening.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.●

TRIBUTE TO JUDGE RICH

● Mr. HATCH. Mr. President, on June 9, 1999, Judge Giles S. Rich passed away at age 95, still serving on the U.S. Court of Appeals for the Federal Circuit after nearly 43 years as a Federal judge and as the oldest active Federal judge in U.S. history. Today, the Federal court will hold a memorial service in his honor. I rise today to add my voice to those of the participants in that memorial service in paying tribute to this man who contributed as much, if not more, than anyone else in this century to the development of U.S. patent policy and the promotion of American innovation.

Judge Rich was heard to say, "You see, as I go along, practically everything I did was what I didn't intend to do." I believe that statement to be true in large part because Judge Rich was a man who didn't follow success, but was instead followed by success. Bright people and prestigious positions were drawn to him because of who he was.

Judge Rich was educated at Harvard College, from which he graduated in 1926. He went on to receive his law degree from Columbia Law School in 1929. Since Columbia University didn't have any patent law classes, Judge Rich decided to teach himself patent law, through an arrangement with a professor that allowed him to receive credit for a thorough and lengthy paper on patents. He in turn shared his knowledge and intellect with students as a lecturer on patent law at Columbia University from 1942 until 1956, as an adjunct professor at Georgetown University Law Center from 1963 to 1969, and as a lecturer on patent and copyright law as part of the Federal Judicial Center's training program for newly appointed judges from the program's inception in 1965 until 1971.

As a dedicated lawyer, professor, and judge, Judge Rich played a significant role in the development and evolution of intellectual property law in the United States. He practiced law in a private practice from 1929 to 1956, specializing in patent and trademark law. He became a member of the New York Bar in 1929 and was certified by the U.S. Patent Office in 1934. As a member of a two-man drafting committee, he was one of the two people principally responsible for drafting the 1952 Patent Act, which served as the first codification of all our nations' federal patent laws and which has served this country well for half a decade without significant revision. In 1992, Judge Rich earned special recognition from President Bush for his contributions to the patent code of our nation's patent system.

Judge Rich served in private practice until 1956, when President Eisenhower appointed him as an associate judge for the Court of Customs and Patent Appeals (CCPA). Then, in 1982, he was appointed as a Circuit Judge for the CCPA's successor court, the U.S. Court of Appeals for the Federal Circuit, which holds exclusive jurisdiction for patent appeals. From his seat on the Federal Circuit, Judge Rich authored landmark decisions clarifying some of the most difficult concepts in patent law, including decisions that have been hailed as laying the foundation for the modern biotechnology industry and important cases dealing with the complex area of software and computer-related inventions.

Judge Rich was the distinguished recipient of a host of awards during his career, ranging from the Jefferson Medal of New Jersey Patent Law Association in 1955 to the Oldest Active Judge in U.S. History Recognized by Chief Justices in 1997. He was the inaugural recipient of the Pesquale J. Federico Memorial Award for outstanding service to the patent and trademark systems, awarded by the Patent and Trademark Office Society. He was awarded the Charles F. Kettering Award and Distinguished Government Service Award from the George Washington University. He was awarded the Harlan Fisk Stone Medal from Columbia University. There is a law school moot court competition sponsored by the American Intellectual Property Law Association—now in its 28th year—named in his honor. There is even an Inn of Court named in his honor. He has been awarded recognition from intellectual property law associations in cities across the country and, in 1997, was awarded the Centennial Visionary Award by the American Intellectual Property Law Association upon the commemoration of its 100th anniversary. He holds honorary Doctor of Law degrees from the George Washington University, John Marshall Law School, and George Mason University School of Law. And these are but a few of the many accolades Judge Rich has received throughout life.

As with all judges, many of those who followed Judge Rich's decisions admired and agreed with his legal theories, while others disagreed. But all respected his intelligence, strength, and ambition. He wrote in the history of the Court of Customs and Patent Appeals that "[c]ourts are people and little else. Law evolves from their manners of thinking at particular times and from the interactions of people thinking." Judge Giles S. Rich, as a person, helped transform our federal courts. He contributed to a body of statutory and judicial precedent that is unparalleled throughout much of our nation's history. Chief Judge Archer said of Judge Rich in 1994 that Judge Rich was "open-minded, flexible and respectful of the views of his colleagues. He [brought] to the art of judging the temperament and knowledge that are rarely equaled. It sets a high standard for all of us." And as John Reilly stated in eulogizing Judge Rich, he was "a quiet jurist and gentle man who by his tireless scholarship and faithful devotion to the patent law, turned our American century into an inventive, productive powerhouse, to the benefit of us all."

Judge Rich began his career as an intellectual property law practitioner and scholar at a time when radio broadcasts were the latest emerging technology, yet he lived to set much of the patent policy that formed the foundation for the digital revolution. For these contributions to American jurisprudence and our patent system, his presence will always be remembered by legislators, lawyers, and judges who reflect on the law that was made by the feisty judge that wasn't going to stop hearing cases until something forced him to do so.

Judge Rich, at one time, told an attentive audience of a verse his mother would recite, "The wise old owl lie in an oak. The more he saw, the less he spoke; the less the spoke the more he heard. Why can't we be more like that old bird?" The intellectual property community and all of us can learn a great deal from the "old bird," Judge Rich. John Witherspoon, one of Judge Rich's former law clerks, once said that, "Giles Rich is a Master teacher—by which I mean, he doesn't teach at all; those around him simply learn."

Many will miss his presence and the experiences it brought. I send my condolences out to his family, and my gratitude to the man who worked so hard to contribute to American jurisprudence and the preservation of America's status as a nation of inventors.●

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

On September 24, 1999, the Senate amended and passed H.R. 2684, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2684) entitled "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.", do pass with the following amendment

Page 2, strike out all after line 9, over to and including line 3 on page 95, and insert:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,568,364,000, to remain available until expended: Provided, That not to exceed $38,079,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,469,000,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $28,670,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as *defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.*

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $156,958,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $214,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $57,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $415,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $520,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans as authorized by 38 U.S.C. chapter 37 subchapter VI, $48,250,000, to remain available until expended: Provided, That no more than five loans may be guaranteed under this program prior to November 11, 2001: Provided further, That no more than fifteen loans may be guaranteed under this program: Provided further, That the total principal amount of loans guaranteed under this program may not exceed $100,000,000: Provided further, That not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5), $19,006,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: Provided further, That of the funds made available under this heading, $635,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the Department shall conduct by contract a program of recovery audits with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $316,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $60,703,000 plus reimbursements: Provided, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan programs, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $912,594,000: Provided, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That travel expenditures for the immediate Office of the Secretary shall not exceed $100,000.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $97,256,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $43,200,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United

States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $70,140,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $175,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $90,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

SEC. 109. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 110. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called "atomic veterans", patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $11,051,135,000, to remain available until expended: Provided, That of the total amount provided under this heading, $10,855,135,000, of which $6,655,135,000 shall be available on October 1, 1999 and $4,200,000,000 shall be available on October 1, 2000, shall be for assistance under the United States Housing Act of 1937 ("The Act" herein) (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, for enhanced vouchers (including renewals) as provided under the "Preserving Existing Housing Investment" account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) for families eligible for assistance under such Act, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 2000: Provided further, That of the total amount provided under this heading, $156,000,000 shall be for section 8 rental assistance under the Act including assistance to relocate residents of properties: (1) that are owned by the Secretary and being disposed of; or (2) that are discontinuing section 8 project-based assistance; for relocation and replacement housing for units that are demolished or disposed of from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings); for the conversion of section 23 projects to assistance under section 8; for funds to carry out the family unification program; and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That no funds under this heading may be used for Regional Opportunity Counseling: Provided further, That all balances for the section 8 rental assistance, section 8 counseling, new construction sub-rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and programs previously funded within the "Annual Contributions" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That all balances previously recaptured in the "Section 8 Reserve Preservation" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That the unexpended amounts previously appropriated for special purpose grants within the "Annual Contributions for Assisted Housing" account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the amounts previously appropriated for property disposition within the "Annual Contributions for Assisted Housing" account, up to $79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low-Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the "Annual Contributions for Assisted Housing" and "Preserving Existing Housing Investments" accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,555,000,000, to remain available until expended: Provided, That of the total amount, up to $100,000,000 shall be for carrying out activities under section 9(d) of such Act, and technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public housing related to capital activities for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act: Provided further, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the "Annual Contributions for Assisted Housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,900,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–f1925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be solely for technical assistance, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $250,000 for the cost of necessary travel for participants in such training): Provided further, That of the amount provided under this heading, $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That none of the funds under this heading may be awarded pursuant to a Notice of Funding Availability which contains substantive program changes unless such program changes have been subject to review under notice and comment rulemaking: Provided further, That, notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $500,000,000 to remain available until expended: Provided, That for purposes of environmental review pursuant to the National Environmental Policy Act of 1969, a grant under this heading or under prior appropriations Acts for use for the purposes under this heading shall be treated as assistance under title I of the United States Housing Act of 1937 and shall be subject to the regulations issued by the Secretary to implement section 26 of such Act: Provided further, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $620,000,000, to remain available until expended, of which. $4,000,000 shall be used by the National American Indian Housing Council and up to $2,000,000 by the

Secretary to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for departmental salaries and expenses, to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for departmental salaries and expenses, to be used only for the administrative costs of these guarantees.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For an Office of Rural Housing and Economic Development to be established in the Department of Housing and Urban Development, $25,000,000, to remain available until expended: Provided, That of the amount under this heading, up to $3,000,000 shall be used to develop capacity at the State and local level for developing rural housing and for rural economic development and for maintaining a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization: Provided further, That of the amount under this heading, at least $22,000,000 which amount shall be awarded by June 1, 2000 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, the funds under this heading shall be awarded on a priority basis to renew and maintain existing programs funded under this heading: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for technical assistance.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,000,000 shall be available to support Alaska Native serving institutions and native Hawaiian serving institutions as defined under the Higher Education Act, as amended, $1,800,000 shall be available as a grant to the National American Indian Housing Council, and $45,500,000 shall be for grants pursuant to section 107 oj the Act: Provided further, That all funding decisions under section 107 except as specified herein shall be subject to a reprogramming request unless otherwise specified in accordance with the terms and conditions specified in the committee report accompanying this Act: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department: Provided further, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work Demonstration program previously funded within the "Annual Contributions for Assisted Housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Of the amount made available under this heading, $25,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing," for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $45,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and not less than $10,000,000 for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, notwithstanding any other provision of law, $42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That up to $2,500,000 may be used for capacity buildings efforts.

Of the amount made available under this heading, $110,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $95,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The Secretary is directed to transfer the administration of the small cities component of the Community Development Block Grant Program for fiscal year 2000 and all fiscal years thereafter to the State of New York. No funds under this heading may be made available to grantees until the Secretary of Housing and Urban Development transfers the administration of the Small Cities component of the Community Development Block Grants program to the State of New York.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That all Housing Counseling program balances previously appropriated in the "Housing Counseling Assistance" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program *(as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That the Secretary of Housing and Urban Development shall conduct a review of any balances of amounts provided under this heading in this or any previous appropriations Act that have been obligated but remain unexpended and shall deobligate any such amounts that the Secretary determines were obligated for contracts that are unlikely to be performed and award such amounts during this fiscal year: Provided further, That up to 1 percent of the funds appropriated under this heading may be used for technical assistance: Provided further, That all balances previously appropriated in the "Emergency Shelter Grants," "Supportive Housing," "Supplemental Assistance for Facilities to Assist the Homeless," "Shelter Plus Care," "Section 8 Moderate Rehabilitation Single Room Occupancy," and "Innovative Homeless Initiatives Demonstration" accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.*

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $911,000,000, to remain available until expended: Provided, That $710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, and for other eligible elderly persons residing in the neighborhood in which such projects are located on an exception basis, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use, subject to the provision that the Secretary shall select existing section 202 projects to receive such assistance on a competitive basis based on a set of conditions that take into account the need for and quality of the proposed alterations, the extent to which the application demonstrates the ability to complete the alterations promptly and successfully, past history of successful deliverance of services to the elderly, and such other factors as the Secretary deems appropriate: Provided further, That of the amount under this heading, $201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate ,or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $120,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for departmental salaries and expenses; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $49,664,000,000 on or before April 1, 2000, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $153,000,000, including not to exceed $153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $18,100,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000 (including not to exceed $147,000,000 from unobligated balances previously appropriated under this heading), of which $193,134,000, shall be transferred to the appropriation for departmental salaries and expenses; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $7,263,000,000 on or before April 1, 2000, an additional $19,800 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $7,263,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $15,383,000, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $35,000,000, to remain available until September 30, 2001.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by *title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $40,000,000, to remain available until September 30, 2001, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.*

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $80,000,000 to remain available until expended, of which $10,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $985,826,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community Development Block Grants Program" account, $150,000 shall be provided by transfer from the "Title VI Indian Federal Guarantees Program" account, and $200,000 shall be provided by transfer from the "Indian Housing Loan Guarantee Fund Program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,300 employees, including any contract employees working on site in the Department: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act after February 1, 2000 to employ any external community builders or to convert any external community builder to career employee after August 1, 1999: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs: Provided further, That the Secretary is prohibited from using funds in excess of $1,000,000 under this heading or any other heading in this Act to pay for travel: Provided further, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development State or local office.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $95,910,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the "Drug Elimination Grants for Low-Income Housing" account: Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General: Provided further, That of the amount under this heading, $10,000,000 shall be made available for the Inspector General to enter in contracts for independent financial audits of programs at the Department of Housing and Urban Development, including audits of internal financial accounts: Provided further, That the amount made available under the previous proviso shall remain available for obligation until September 30, 2001.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

ENHANCED DISPOSITION AUTHORITY

SEC. 203. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking "fiscal years 1997, 1998 and 1999" and inserting "fiscal years 1999 and 2000".

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 204. (a) ELIGIBILITY.—Section 854(c)(1)(A)(ii) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A))(ii), is amended by inserting after "clause (i)" a comma and "or States that received an allocation under this clause in a prior fiscal year".

(b) MINIMUM GRANT REPEALER.—Section 854(c)(2) of such Act is repealed.

(c) ENVIRONMENTAL REVIEW.—Section 856 of such Act is amended by adding the following new subsection at the end: "(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547), and shall be subject to the regulations issued by the Secretary to implement such section.".

FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 205. Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (b)(5) by striking "during fiscal year 1999", and inserting "in each of fiscal years 1999 and 2000", and

(2) in the first sentence of subsection (c)(4) by striking "during fiscal year 1999" and inserting "in each of fiscal years 1999 and 2000".

CLARIFICATION OF OWNER'S RIGHT TO PREPAY

SEC. 206. (a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project;

(2) only if the owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination; and

(3) only if the owner of the project provides notice of intent to prepay or terminate, in such form as the Secretary of Housing and Urban Development may prescribe, to each tenant of the housing, the Secretary, and the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located, not less than 150 days, but not more than 270 days, before such prepayment or termination, except that such requirement shall not apply to a prepayment or termination that—

(A) occurs during the 150-day period immediately following the date of the enactment of this Act;

(B) is necessary to effect conversion to ownership by a priority purchaser (as defined in section 231(a) of the Low-Income Housing Preservation and Resident Ownership Act of 1990 (12 U.S.C. 4120(a)), or

(C) will otherwise ensure that the project will continue to operate, at least until the maturity

date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed prepayment or termination.

FUNDING OF CERTAIN PUBLIC HOUSING

SEC. 207. No funds in this Act or any other Act may hereafter be used by the Secretary of Housing and Urban Development to determine allocations or provide assistance for operating subsidies or modernization for certain State and city funded and locally developed public housing or assisted housing units, as described in section 9(n)(1)(B) of the United States Housing Act of 1937, unless such unit was so assisted before October 1, 1998.

FHA ADMINISTRATIVE CONTRACT EXPENSE AUTHORITY

SEC. 208. Section 1 of the National Housing Act (12 U.S.C. 1702) is amended by inserting the following new sentence after the first proviso: "For the purposes of this section, the term "nonadministrative" shall not include contract expenses that are not capitalized or routinely deducted from the proceeds of sales, and such expenses shall not be payable from funds made available by this Act.".

FULL PAYMENT OF CLAIMS

SEC. 209. (a) Section 541 of the National Housing Act is amended—

(1) by amending the heading to read as follows: "PARTIAL PAYMENT OF CLAIMS ON DEFAULTED MORTGAGES AND IN CONNECTION WITH MORTGAGE RESTRUCTURING"; and

(2) in subsection (b), by striking "partial payment of the claim under the mortgage insurance contract" and inserting, "partial or full payment of claim under one or more mortgage insurance contracts".

(b) Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by adding a new subsection (a)(6) to read as follows: "(6) The second mortgage under this section may be a first mortgage if no restructured or new first mortgage will meet the requirement of paragraph (1)(A).".

AVAILABILITY OF INCOME MATCHING INFORMATION

SEC. 210. (a) Section 3(f) of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by section 508(d)(1) of the Quality Housing and Work Responsibility Act of 1998, is further amended—

(1) in paragraph (1)—

(A) after the first appearance of "public housing agency", by inserting ", or the owner responsible for determining the participant's eligibility or level of benefits,"; and

(B) after "as applicable", by inserting ", or to the owner responsible for determining the participant's eligibility or level of benefits"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or";

(B) in subparagraph (B), by striking the period and inserting ", or"; and

(C) by inserting at the end the following new subparagraph:

"(C) for which project-based assistance is provided under section 8, section 202, or section 811.".

(b) Section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544), as amended by section 508(d)(2) of the Quality Housing and Work Responsibility Act of 1998, is further amended in paragraph (4)—

(1) by inserting after "public housing agency" the first time it appears the following: ", or the owner responsible for determining the participant's eligibility or level of benefits,"; and

(2) by striking "the public housing agency verifying income" and inserting "verifying income".

ELIMINATION OF SECRETARY PUBLIC HOUSING SET-ASIDE FUNDS

SEC. 211. Subsection (k) of section 9 of the United States Housing Act of 1937, as amended by the Quality Housing and Work Responsibility Act of 1998, is hereby deleted and the following subsections are redesignated, accordingly.

TECHNICAL CORRECTION TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SEC. 212. (a) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(1) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended to read as follows:

"(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;".

TECHNICAL CORRECTION TO FHA SINGLE FAMILY MORTGAGE LIMITS

SEC. 213. (a) IN GENERAL.—Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by inserting after "may not be less than" the following: "the greater of the dollar amount limitation in effect for the area on the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1999.

LIMITATION ON COMPENSATION FOR PUBLIC HOUSING

SEC. 214. None of the funds appropriated in this title under the heading of the Public Housing Operating Fund shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of $125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis due to special circumstances.

LIMITATION ON COMPENSATION FOR YOUTHBUILD

SEC. 215. None of the funds appropriated in this title for the Youthbuild program shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of $125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis.

ADJUSTMENTS TO INCOME ELIGIBILITY FOR UNUSUALLY HIGH OR LOW FAMILIES INCOMES IN ASSISTED HOUSING

SEC. 216. Section 16 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(2)(A), by inserting before the period the following: "; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes"; and

(2) in subsection (c)(3), by inserting before the period the following: "; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes".

GAO REIMBURSEMENT

SEC. 217. The Comptroller General of the United States shall certify to the Congress on a quarterly basis on the cost of time attributable to the failure of the Department of Housing and Urban Development to cooperate in any investigation being conducted by the General Accounting Office with regard to the activities of the Department. Within 30 days of such certification, the Secretary of Housing and Urban Development shall reimburse the General Accounting Office for such costs from the Salaries and Expenses account of the Department of Housing and Urban Development.

HOME TECHNICAL CORRECTION

SEC. 218. Section 212(a)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended in the first sentence by inserting after "community housing development organizations," the following: "to preserve housing assisted or previously assisted with section 8.assistance,".

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD

SEC. 219. Public housing agencies in the states of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2000.

ADMINISTRATION OF THE CDBG PROGRAM BY NEW YORK STATE

SEC. 220. The Secretary of Housing and Urban Development shall transfer on October 1, 1999 the administration of the Small Cities component of the Community Development Block Grants program, as established in the Housing and Community Development Act of 1974, to the State of New York to be administered by the Governor.

RENEWAL OF SECTION 8 PROJECT-BASED CONTRACTS

SEC. 221. (a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b) of this section, the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon the termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide assistance under section 8 of such Act for a covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) under this section at rent levels that do not exceed comparable market rents for the market area.

(b) MANDATORY RENEWALS.—The Secretary shall offer to renew at up to rent levels that do not exceed comparable market rents for the market area any contract for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) that has expired for any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act)—

(1) in a low-vacancy area; or

(2) where a predominant number of units are occupied by elderly families, disabled families, or elderly and disabled families.

(c) ESTABLISHMENT OF MARKET RENTS.—The Secretary shall establish for units assisted with project-based assistance in covered projects (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) adjusted rent levels that are equivalent to rents based on appraisals that are derived from comparable properties if the market rent determination is based on not less than 2 comparable properties, including, if there are no comparable properties in the sane market area, 2 properties that have been certified by the Secretary as similar to the covered properties as to *neighborhood (including risk of crime), type of location, access, street appeal, age, property size, apartment mix, physical configuration, property and unit amenities, utilities, and other relevant characteristics, provided that the comparable projects are not receiving project-based assistance.*

(d) 10-YEAR CONTRACTS.—Notwithstanding any other provision of law, the Secretary and owner of any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) may agree to up to a 10-year contract renewal for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) under which payments shall be subject to the annual availability of appropriations.

ENHANCED VOUCHER AUTHORITY

SEC. 222. (a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting after subsection (s) the following new subsection:

"(t) ENHANCED VOUCHERS.—

"(1) IN GENERAL.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under subsection (o), except that under such enhanced voucher assistance—

"(A) subject only to subparagraph (D), the assisted family shall pay as rent no less than the amount the family was paying on the date of the eligibility event for the project in which the family was residing on such date;

"(B) during any period that the assisted family continues residing in the same unit in which the family was residing on the date of the eligibility event for the project, if the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of subsection (o);

"(C) subparagraph (B) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with subsection (o) if—

"(i) the assisted family moves, at any time, from such project; or

"(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided; and

"(D) if the income of the assisted family declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of the eligibility event for the project.

"(2) ELIGIBILITY EVENT.—For purposes of this subsection, the term 'eligibility event' means, with respect to a multifamily housing project, the prepayment of the mortgage on such housing project, the voluntary termination of the insurance contract for the mortgage for such housing project, or the termination or expiration of the contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project, that, under paragraphs (3) and (4) of section 515(c) or section 524(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) or section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)), results in tenants in such housing project being eligible for enhanced voucher assistance under this subsection.

"(3) TREATMENT OF ENHANCED VOUCHERS PROVIDED UNDER OTHER AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, any enhanced voucher assistance provided under any authority specified in subparagraph (D) shall be treated, and subject to the same requirements, as enhanced voucher assistance under this subsection.

"(B) IDENTIFICATION OF OTHER AUTHORITY.—The authority specified in this subparagraph is the authority under—

"(i) the 10th, 11th, and 12th provisos under the 'Preserving Existing Housing Investment' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), pursuant to such provisos, the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65; 111 Stat. 1351), or the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2469); and

"(ii) paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), as in effect before the enactment of this Act.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.".

(b) ENHANCED VOUCHERS UNDER MAHRAA.—Section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) ASSISTANCE THROUGH ENHANCED VOUCHERS.—In the case of any family described in paragraph (3) that resides in a project described in section 512(2)(B), the tenant-based assistance provided shall be enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).".

(c) ENHANCED VOUCHERS FOR CERTAIN TENANTS IN PREPAYMENT AND VOLUNTARY TERMINATION PROPERTIES.—Section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113) is amended by adding at the end the following new subsection:

"(f) ENHANCED VOUCHER ASSISTANCE FOR CERTAIN TENANTS.—

"(1) AUTHORITY.—In lieu of benefits under subsections (b), (c), and (d), and subject to the availability of appropriated amounts, each family described in paragraph (2) shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) ELIGIBLE FAMILIES.—A family described in this paragraph is a family that is—

"(A) a low-income family or a moderate-income family;

"(B) an elderly family, a disabled family, or residing in a low-vacancy area; and

"(C) residing in eligible low-income housing on the date of the prepayment of the mortgage or voluntary termination of the insurance contract.".

(d) ENHANCED VOUCHERS FOR EXPIRING CONTRACTS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new subsection:

"(b) ENHANCED VOUCHER ASSISTANCE FOR COVERED RESIDENTS.—

"(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary—

"(A) shall make enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) available on behalf of each covered resident of the covered project; and

"(B) may make enhanced voucher assistance under such section available on behalf of any other low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

"(i) is in a covered project; and

"(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

"(B) COVERED PROJECT.—The term 'covered project' means any housing that—

"(i) consists of more than 4 dwelling units;

"(ii) is covered in whole or in part by a contract for project-based assistance under—

"(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983),

"(II) the property disposition program under section 8(b) of the United States Housing Act of 1937,

"(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991),

"(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937,

"(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975),

"(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, or

"(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will under its own terms expire during the period consisting of fiscal years 2000 through 2004;

"(iii) is not housing for which residents are eligible for enhanced voucher assistance pursuant to section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)); and

"(iv) is not housing for which residents are eligible for enhanced voucher assistance pursuant to paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

"(C) COVERED RESIDENT.—The term 'covered resident' means a family who—

"(i) upon the date of the expiration of the contract for project-based assistance for a covered project, is residing in an assisted dwelling unit in the covered project; and

"(ii) as a result of a rent increase occurring after the date of such contract expiration is subject to a rent for such unit that exceeds 30 percent of adjusted income.".

HOUSING FINANCE AGENCIES

SEC. 223. The Secretary may contract with State or local housing finance agencies that have been selected as a Participating Administrative Entity under the Multifamily Assisted Housing Reform and Affordability Act of 1997 for determining the market rental rates of a covered project as defined under such Act.

SECTION 202 EXEMPTION

SEC. 224. Notwithstanding section 202 of the Housing Act of 1959 or any other provision of law, Peggy A. Burgin may not be disqualified on the basis of age from residing at Clark's Landing in Groton, Vermont.

DARLINTON PRESERVATION AMENDMENT

SEC. 225. Notwithstanding any other provision of law, upon prepayment of the FHA-insured Section 236 mortgage, the Secretary shall continue to provide interest reduction payment in accordance with the existing amortization schedule for Darlinton Manor Apartments, a 100-unit project located at 606 North 5th Street, Bozemen, Montana, which will continue as affordable housing pursuant to a use agreement with the State of Montana.

SECTION 236 IRP REFORM

SEC. 226. Section 236(g) of the National Housing Act is amended, in the last sentence, by inserting "or a project owner with a mortgage formerly insured under this section (if such mortgage is held by the Secretary and such project owner is current with respect to the mortgage obligation)," before "may retain".

RISK-SHARING PRIORITY

SEC. 227. Section 517(b)(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended by inserting after "1992." the following: "The Secretary shall give a priority to risk-shared financing under section 542(c) of the Housing and Community Development Act of 1992 for any mortgage restructuring, rehabilitation financing, or debt refinancing included as part of a mortgage restructuring and rental assistance sufficiency plan if the terms and conditions will result in reduced risk of loss to the federal government.".

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $26,467,000, to remain available until expended: Provided, That the American Battle Monuments Commission may borrow up to $65,000,000 from the Treasury of the United States for the construction of the World War II memorial in the District of Columbia on such terms and conditions as required by the Secretary of the Treasury.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $6,500,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $80,000,000, to remain available until September 30, 2001, of which $12,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $32,000,000: Provided further, That not more than $25,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $49,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $423,500,000, to remain available until September 30, 2000: Provided, That not more than $27,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $224,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $40,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations acts, $80,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $11,450,000, of which $910,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $12,473,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $642,483,000, which shall remain available until September 30, 2001: Provided, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of *funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.*

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,897,000,000, which shall remain available until September 30, 2001, and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund: Provided, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That personnel compensation and benefits costs shall not exceed $900,000,000: Provided further, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $32,409,000, to remain available until September 30, 2001: Provided, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,930,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2000), including $650,000,000 as appropriated under this heading in Public Law 105–276, notwithstanding the language in the sixth proviso under this heading of such Act which conditions the availability of such funds for obligation upon enactment by August 1, 1999 of specific Superfund reauthorization legislation, and the seventh proviso; all of which is to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $10,753,100 of the funds appropriated under this heading shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2001: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,556,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,250,000,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $30,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $100,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in Senate Report 106–161 accompanying this Act (S. 1596); $885,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities; and $10,000,000 for competitive grants to States and federally-recognized Indian tribes to develop and implement integrated information systems to improve environmental decisionmaking, reduce the burden on regulated entities and improve the reliability of information available to the public: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and hereafter where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That beginning in fiscal year 2000 and thereafter, notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian Tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That the $2,200,000 appropriated in Public Law 105–276 in accordance with House Report No. 105–769, for a grant to the Charleston, Utah Water Conservancy District, as amended by Public Law 106–31, shall be awarded to Wasatch County, Utah, for water and sewer needs: Provided further, That the funds appropriated under this heading in Public Law 105–276 for the City of Fairbanks, Alaska, water system improvements shall instead be for the Matanuska-Susitna Borough, Alaska, water and sewer improvements.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not award any funds under any heading in this Act to a non-profit organization as defined by section 501(c)(3) of the Internal Revenue Code unless such organization has certified that it has not used federal funds to engage in litigation against the United States.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,675,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $34,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency Management Planning and Assistance" for the consolidated emergency management performance grant program.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $420,000.

EMERGENCY Y2K ASSISTANCE

For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: Provided, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: Provided further, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within 5 years of the loan: Provided further, That none of the funds provided under this heading may be transferred to any county or local government until 15 days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amounts provided under the heading "Funds Appropriated to the President" in title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $100,000,000 are rescinded

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $180,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $8,015,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $255,850,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants: Provided further, That beginning in fiscal year 2000 and thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants: Provided further, That notwithstanding any other provision of law, FEMA shall extend its cooperative agreement for the Jones County, Mississippi Emergency Operating Center, and the $250,000 obligated as federal matching funds for that Center shall remain available for expenditure until September 30, 2001.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105–276, shall not be less than 100 percent of the amounts anticipated by the Director of the Federal Emergency Management Agency (FEMA) necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,710,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) $47,000,000 for operating expenses; (2) $456,427,000 for agents' commissions and taxes; and (3) $50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking "1999" and inserting "2000".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 1999" and inserting "September 30, 2000".

NATIONAL INSURANCE DEVELOPMENT FUND

To liquidate the indebtedness of the Director of the Federal Emergency Management Agency resulting from prior borrowing pursuant to the

Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb et seq.), $3,730,100.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,622,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

INTERNATIONAL SPACE STATION

(INCLUDING TRANSFER OF FUNDS)

For the necessary expenses, not otherwise provided for, in support of the International Space Station, including development, operations and research support; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $2,482,700,000, to remain available until September 30, 2001: Provided, That funds under this heading may be used to support eligible activities under the Launch Vehicles and Payload Operations account, subject to reprogramming approval of such transfer by the Senate and House Appropriations Committees.

LAUNCH VEHICLES AND PAYLOAD OPERATIONS

For the necessary expenses, not otherwise provided for, in support of the space shuttle program, including safety and performance upgrades, space shuttle operations, and payload utilization and operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $3,156,000,000, to remain available until September 30, 2001: Provided, That none of the funds under this heading may be used to support the development or operations of the International Space Station other than the costs of space shuttle flights utilized for space station assembly.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,424,700,000, to remain available until September 30, 2001.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,495,000,000, to remain available until September 30, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $20,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "International Space Station", "Launch vehicles and payload operations", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "International Space Station", "Launch vehicles and payload operations", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Except for activities identified for fiscal year 2000 or prior fiscal years as part of the budget for the International Space Station, NASA shall terminate any discrete program or activity that exceeds either its annual or aggregate budget by fifteen percent as provided in NASA's budget justifications.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, the administrative expenses of the Central Liquidity Facility in fiscal year 2000 shall not exceed $257,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,007,300,000, of which not to exceed $253,630,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $60,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That none of the funds appropriated or otherwise made available to the National Science Foundation in this or any prior Act may be obligated or expended by the National Science Foundation to enter into or extend a grant, contract, or cooperative agreement for the support of administering the domain name and numbering system of the Internet after September 30, 1998: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including award-related travel, $70,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, $688,600,000, to remain available until September 30, 2001: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $55,000,000 shall be available for the purpose of establishing an office of innovation partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms *in the District of Columbia; reimbursement of the General Services Administration for security guard services; $150,000,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $5,550,000, to remain available until September 30, 2001.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $60,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $25,250,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Notwithstanding any other law, funds made available by this or any other Act or previous Acts for the United States/Mexico Foundation for Science may be used for the endowment of such Foundation: Provided, That funds from the U.S. Government shall be matched in equal amounts with funds from Mexico: Provided further, That the accounts of such Foundation shall be subject to U.S. Government administrative and audit requirements concerning grants and requirements concerning cost principles for nonprofit organizations.

SEC. 423. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 424. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 425. None of the funds made available in this Act may be used for purposes of lobbying or litigating against, including any related activity or cost, any Federal entity or official. Any funds received under this Act shall be maintained in an account separate from any funds used for litigating or lobbying. Notwithstanding any other provision of law, none of the funds made available in this Act (or any subsequent Act that makes available appropriations for programs funded under this Act) shall be made available for a period of five years to any entity or person that violates the requirements of the preceding two sentences.

SEC. 426. None of the funds provided in this Act may be obligated after February 15, 2000, unless each department, agency, corporation, and commission that receives funds herein provides detailed justifications to the Committees on Appropriations for all salary and expense activities for fiscal years 2001 through 2005, including personnel compensation and benefits, consulting costs, professional services or technical service contracts regardless of the dollar amount, contracting out costs, travel and other standard object classifications for all headquarters offices, regional offices, or field installations and laboratories, including the number of full-time equivalents per office, and the personnel compensation, benefits and travel costs for each Secretary, Assistance Secretary or Administrator.

SEC. 427. LAW ENFORCEMENT AGENCIES NOT RESPONSIBLE FOR CLEAN-UP OF METHAMPHETAMINE LABORATORIES. Notwithstanding any other provision of law, no state or local law enforcement agency shall be responsible under any Federal law for any costs associated with the clean-up or remediation of any premises used for the manufacture or production of methamphetamine.

SEC. 428. No funds in this Act shall be made available for any activity or the publication or distribution of literature that is designed to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 429. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

SEC. 430. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glenn Research Center, Ohio, to another field center of the Administration.

SEC. 431. GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL. (a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 432. SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH. (a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next 20 years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the United States balance of trade, with a net contribution of more than $41,000,000,000 in 1998.

(8) Less than 10 years ago, American airplane producers controlled over 70 percent of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50 percent of the world's civil aviation market, and is aiming to capture 70 percent.

(10) The rise of foreign competition in the global civil aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

SEC. 433. UNDERGROUND STORAGE TANKS. Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

SEC. 434. The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days.

SEC. 435. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "1999" and inserting "2000".

SEC. 436. PROMULGATION OF STORMWATER REGULATIONS. (a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-

determined population instead of a water quality threshold); and

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(b) PHASE I REGULATIONS.—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

SEC. 437. PESTICIDE TOLERANCE FEES. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000".

ORDERS FOR TUESDAY, SEPTEMBER 28, 1999

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, September 28.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30, with Senators speaking for up to 5 minutes each with the following exceptions: Senator DURBIN, or his designee, 10 to 10:30; Senator SNOWE, or her designee, 10:30 to 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent the Senate stand in recess from 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. tomorrow and be in a period of morning business until 12:30. It is expected that tomorrow morning the Senate will be able to reach an agreement for the consideration of the Energy and Water Appropriations conference report. It is hoped the Senate would begin that conference report at approximately 11 o'clock on Tuesday for 45 minutes of debate. If that agreement is reached, Senators could anticipate the first rollcall vote to occur at approximately 11:45 in the morning.

Following the party conference meetings, the Senate may begin consideration of the digital millennium legislation or any conference reports or appropriations bills available for action while waiting for the continuing resolution from the House of Representatives. Therefore, Senators can anticipate votes throughout tomorrow's session of the Senate.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERTS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, September 28, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1999:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GERALD V. POJE, OF VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES F. WALD, 1222.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD C. MARCOTTE, 7848.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS J. KECK, 7294.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HAL M. HORNBURG, 6836.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WALTER S. HOGLE, JR., 6057.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY S. MCKISSOCK, 8973.

IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 5589:

To be lieutenant

ROBERT C. ADAMS, 5849
LARRY J. ADKINS, 7059
JEFFREY F. ALLSTON, 6322
KENNETH D. ALWARD, 3597
SCOTT A. ANDERSON, 3498
ERIC H. ANDREWS, 1363
JAMES E. ANTHONY, 2075
FLORENCIO C. ARCEO, 3668
FRANK V. ARENA, 2328
TOMMY L. BAILEY, JR., 4233
GUY A. BAKER, 9487
VINCE W. BAKER, 9879
EDGARDO V. BALDUEZA, 6866
THOMAS D. BALL, 6824
CELESTE D. BATEY, 4504
LORRINDA D. BENNETT, 5181
RONALD J. C. BENT, 4540
DENNIS R. BERRY, JR., 2259
JAY T. BILADEAU, 3315
MICHAEL C. BOBINGER, 1329
FERDINAND BOCACHICA, 1672
NORMAN L. BOLGER, 6411
WESLEY E. BOMYEA, 6403
ANTONIO B. BONNER, 2607
ANTHONY F. BOOKHART, 4838
RANDALL L. BOUGHTON, 3890
ALAN R. BRADLEY, 7248
MARK E. BRANHAM, 6103
PAUL H. BREDLAU, 8348
DANIEL A. BRINSON, 4238
PHILLIP K. BRIZZEE, 2218
GERARD T. BROSNAN, 3363
BARRY J. BROWN, 5962
ROBERT L. BROWN, 5676
STEVEN E. BURKE, 6689
BRIAN S. BURNS, 2619
COY B. BYINGTON, 3718
FUNDY A. CARABALLO, 4605
CHARLES K. CARL, 2001
FRANKLIN R. CHAMBERS, 0719
WALTER C. CHANEY IV, 1822
MICHAEL A. CLEVELAND, 1680
JASON CLOTFELTER, 6291
JAMES COOLEY, JR., 6738
TED J. COOPER, 2269
JOHN J. COYNE, 0800
TIMOTHY D. CRONK, 5140
JAMES W. CROOKHAM, 4145
RICHARD K. CROUSE, 1265
APRIL T. CROWELL, 0382
JOSEPH P. CUMMINGS, 2164
PETER M. CYR, 8620
WILLIAM L. DAVENPORT, 6350
FRANK S. DEVENUTO, 2926
JOHN J. DRENNEN, JR., 2091
MARK J. DUARTE, 8385
ROBERT J. DUPREE, 6040
EUGENE F. EARHART, 9620
RODGER N. ELKINS, 0703
HENRY FAMULARO, 1615
KENNETH A. FAULKNER, SR., 9937
JOHN K. FERGUSON, 0358
STEPHEN J. FORREST, 1980
THEODORE A. FROELICH, 9467
GARY B. FROST, 0222
BRIAN H. GAINES, 5783
WAYNE T. GALBRAITH, 3607
CHRISTOPHER N. GILBERT, 9015
JEROME H. GIRDLESTONE, 0451
THOMAS M. GOREY III, 1207
JEFFREY D. GRISHAM, 6096
HOWARD D. GUBBS, 5490
RONALD P. GUSTIN, 8551
JAMES B. HADLEY, 7217
CHARLES A. HALL, 1899
JAMES L. HARRELL, JR., 8860
RANDELL R. HARRIS, 2142
CHARLES E. HARRISON, 2832
ARTHUR E. HARVEY, 1816
HARRY A. HAVERKAMP, 6683
DONALD R. HENDREN, JR., 9581
DAMON K. HILTON, 3773
CHARLES R. HOAGLAND, JR., 2431
LESTER L. HOOD, JR., 1528
ALVIN M. HOPKINS, 5367
EDWARD E. HUNTER, 5825
ROBERT J. HYDE, 9560
RICHARD L. IVEY, 8886
RENEE JARVIS, 3949
BARRY D. JONES, 0943
MICHAEL A. JULCH, 6607
WILLIAM J. KAELBER, 3237
TIMOTHY F. KALVODA, 8987
BRIAN T. KENNEY, 4674
SUNG H. KIM, 3664
GLENN E. LAGGNER, 0538
JAMES G. LANGSTON, 6391
HERVE M. LARA, 7990
TIMOTHY P. LAWLOR, 9806
MILTON J. LOCKLEY, 9460
ALLAN J. LUCAS, 0604
BRADLEY S. MAKI, 0357
SCOTT A. MANN, 2604
DEBORAH A. MASON, 8371
DARREN L. MCFALL, 3809
JEFFREY D. MCFALL, 8735
MICHAEL J. MCGINN, JR., 7071
TENA L. MCKAY, 6227
THOMAS P. MCKEAN, 8541
ANDREW J. MCMENAMIN, 9172
KURT F. MELANGE, 1516
JOSEPH R. MILLER, 5426
RAFAEL MONELL, 0320
JAMES R. MOSS, 9858
MARK A. MUKANOS, 4345
HOWARD W. MUNIZ, 2967
GLENN D. MURPHY, 9896
RICHARD D. NEWTON, 9441
DANNY L. NOLES, 3507
GREGORY A. NORFLEET, 2679
JOYCE J. NYHAUG, 0227
ALVIN OGLETREE, 8207
SANTIAGO ORTIZ, JR., 7069
ALLEN D. OVERSTREET, 3984
STEVE PADRON, 2818
BRIAN K. PATTERSON, 3065
RONALD K. PAYTON, 5514
WILLIAM D. PEACH, 8032
ANDREW W. PELTON, 6115
KARL E. PERCY, 3190
JON R. PHILLIPS, 8379
KEVIN J. PHILLIPS, 8759
EDUARDO RAMIREZ, 0885
KEVIN S. RAYMER, 3760
DENNIS L. REYNOLDS, 3611
ALBERT C. RICHMOND, 4992
TERRY L. ROBBINS, 0126
CHARLES A. ROBERTS, 9961
JUAN B. RODRIGUEZ, 1372
ALONZA ROSS, JR., 9588
KEITH J. ROWE, 6112
EDWARD T. RUSSELL, JR., 1912
SCOTT D. RUSSELL, 7465
JOHN M. SAIA, JR., 4731
MICHAEL L. SCHAEFFNER, 2940
KATHERINE A. SCHNEIRLA, 6017
DAVID B. SHANER, 9960
WILLIAM D. SHANLEY, 5271
ESSIX SHANNON II, 7246
RANDALL E. SHAW, 8131
JAMES D. SHELTON, 4702
RICHARD A. SHEPHERD, 7914
RICHARD S. SHERMAN, 2945
CHRISTOPHER S. SLAGLE, 0346
VINCENT E. SMITH, 4391
KEVIN R. SONCRANT, 5753
AARON W. STACY, 3035
GREGORY W. STARKEY, 6244
FRED T. STAUBS, JR., 1208
ALBERT W. STIMMELL, 3021
ROBERT E. STRICKLAN, 6630
JOSHUA L. STRIKER, 0292
WILLIAM J. SUMMERER, 3524
MICHAEL K. SUTORUS, 5330
MICHAEL C. THIBODEAU, 6156
BRIAN O. WALDEN, 6422
JAMES T. WARBURTON, 6342
TERRILL T. WATKINS, 5530
MATT A. WELLS, 4153
ROBERT A. WESTHEAD, 0979
MAX J. WILDERMUTH, 6505
DARRYL T. WILLIAMS, 4601
GWENDOLYN WILLIS, 0817
JEFFREY W. WILLIS, 4819
TIMOTHY J. ZINCK, 8430

To be lieutenant (junior grade)

WILLIAM P. ALLEN, 3462
RICHARD H. BAILEY, JR., 1407
WILLIAM K. BANE, 0829
SCOTT M. BANNACH, 8111
RICKY A. BEATTY, 5446
BOBBY J. BECK, 5451
LISA M. BECOAT, 1825
ANGEL BELLIDO, 9838
DENNIS K. BENCH, 1900
TIMOTHY J. BERGAN, 9129
JIMMIE W. BRUCE, 2299
TIM P. BRUNDLE, 6807
BRADLEY J. CARDWELL, 5021
JEAN S. CARRILLO, 4085
TIMOTHY A. CARTER, 5918
DAVID D. COMER, 3805
ANTHONY L. CRAIGHEAD, 9198
ERNEST D. CULBREATH, 8342
TROY J. CZEMERYS, 9890
MAC W. DIEHL, 2577
DIANNE M. DORRIS, 5950
PAUL A. DOSEN, 6842
BRYAN K. DUFFEY, 8996
THOMAS C. ENGLAND, 8394
FELIX J. ESTRADA, 4770
KATHRYNN R. FESTA, 5614
SEAN I. FISCHER, 1495
MICHAEL S. FOWLER, 0465
CLARENCE FRANKLIN, JR., 5123
CARMEN P. GASTON, 8886
WILLIAM A. GILBERT III, 1584
SCOTT A. GOBAR, 0639
DAMIAN D. GOMEZ, 2255
MAXINE GOODRIDGE, 8514
TERRY E. GRAHAM, 0039
JEFFREY R. HARMON, 4217
WILBUR L. HARMON, JR., 6081
ANTHONY L. HARRIS, 2227
PAUL B. HASLEY, 1476
STERLING B. HAWKINS, 1874
DONALD C. HENDRIX, JR., 9932
WILLIAM C. HESTER, JR., 2314
RIKI M. HILTON, 1595
DAVID G. HIRLINGER, 4780
PAUL M. HLOUSEK, 9047
DOUGLAS D. HOFFMAN, 0747
SCOTT G. HUNTER, 9685
STEPHEN A. JIRAN, 2813
JIMMIE L. JONES, 7634
BARNEY R. KASSMAN, 4772
KENNETH A. KASZA, 2391
DOUGLAS M. KENT II, 1882
KEN A. KOCH, 6134
DAVID L. KOON, 8550
ALFRED J. LAICER, JR., 5562
ANDY J. LANCASTER, 7511
TIMOTHY M. LEDBETTER, 4229
STEPHEN D. LEWIS, 8448
CLIFFTON J. LINES, 4533
WILLIAM O. LOCK III, 5430
JOSEPH L. LONGWELL, 3729
GREGORY C. LUDWIG, 9651
KENNETH C. LYNCH, JR., 8405
HERBERT MARSHALL, JR., 7224
SIMON L. MARTIN, 0063
RENATO D. MARTINEZ, 3930
STEVEN D. MAXWELL, 1593
TINA M. MCHARGUE, 9731
ROY W. MCKAY, 7330
LEROY MCKINNEY, JR., 1782
GREGORY R. MENARD, 1039
NICHOLAS P. MILANO, 5072
GREGORY D. MOCK, 3140
DENNIS R. MOHR, 0364
JEFFREY B. MONTGOMERY, 6799
BARBARA A. MYERS, 0688
PAUL NIX, JR., 4789
DANIEL A. OLVERA, 7509
CARL R. PATTERSON, 3293
STEPHEN J. PAYSEUR, 3625
KEVIN M. PETTIT, 6054
FREDERICK POLANEC, JR., 0629
CALVIN E. PONTON, 3889
ROBERT R. POWELL, 8532
WARREN L. RABERN, 2871
SCOTT A. RAYBURN, 4935
VICTOR M. RIVERAS, 1229
RAUL RODRIGUEZ, 6948
ANTHONY D. ROPER, 0909
BRIAN K. ROTTNEK, 2115
KEVIN W. RUBEL, 7769
AMBER R. RYAN, 9503
JULIAN E. SALLAS, 6938
DAVID W. SCHMIDT, 1676
PAUL N. SHIELDS, 3831
CHARLES E. SMITH, 2420
KEVIN L. SMITH, 9631
RAYMOND C. SPEARS, 3026
JOHN W. STEFAN, 5369
WILLIAM P. STEPANIAK, 7778
ARRON R. STERLING, 8258
BARRY O. STOWELL, 7897
GARNAR A. SUTTON, 4805
MICHAEL SWANSON, 8855
PHILLIP F. SZUBA, 0172
KERRY P. TILTON, 2339
JOHN F. TROYANOS, 9656
EDGAR S. TWINING II, 4773
JERIT L. VANAUKER, JR., 8078
KEITH J. VENGLAR, 5516
RONALD L. WALKER, 2718
VINCENT U. WEBSTER, 0464
MARK D. WESTBROOK, 1012
JACK V. WRBANICH, 5927
KIRK M. YOUNG II, 6823
KENDAL T. ZAMZOW, 8689
DANIEL L. ZIMMER, 6612

HOUSE OF REPRESENTATIVES—*Monday, September 27, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 1999.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2684. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2684) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. BYRD, and Mr. INOUYE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words from a Prayer of Moses:

Lord, You have been our dwelling place in all generations.

Before the mountains were brought forth, or ever You had formed the earth and the world, from everlasting to everlasting You are God.

You turn us back to dust, and say, "Turn back, you mortals."

For a thousand years in Your sight are like yesterday when it is past, or like a watch in the night.

So teach us to count our days that we may gain a wise heart. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CHINA NOT TRULY READY FOR NTR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, the old adage that "old habits die hard" could not be more appropriate to what has occurred in China since this Congress last July voted to renew most-favored-nation status, now called normal trade relations, or NTR, for another year.

I would like to provide a short update, because many so-called administrative experts are calling for the granting of permanent NTR for China before the end of this year. I want you to judge for yourself.

Get this: Police in Southern China arrested 31 people and demolished three churches just to crush a Protestant religious group. The expectation is that these church leaders will receive a show trial which will be a mockery of justice with no due process and be subject to severe sentences, all because of their choice of worship.

And get this: A recent revelation by the Washington Post, 100,000 people, that is right, 100,000 people were recently arrested, all in preparation for the celebrations China has planned for the 50th anniversary of the Communist rule. One hundred thousand people put in jail under the guise of social stability and safety. How ironic.

Madam Speaker, NTR as it applies to China actually stands for "not truly ready." I urge my colleagues and the administration to think hard before we make this choice of permanent status.

I yield back the balance of my time and any common sense remaining regarding our efforts with China.

GIULIANI CUTS FUNDS TO BROOKLYN ART MUSEUM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, I agree with New York Mayor Giuliani for cutting funds to the Brooklyn Museum of Art. Their latest show features the bust of a man frozen in his own blood, a small pig sliced in half and preserved in a bottle of formaldehyde, and a portrait of the Virgin Mary splattered with elephant feces. Art, Madam Speaker? My ascot.

Let us tell it like it is. The truth is the art world has gone from Michelangelo's Sistine Chapel to Lorena Bobbit's pristine scalpel. Beam me up.

I yield back the trash, not treasures, of the Brooklyn Museum of Disgusting Art.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 717) to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION SHORT TITLE.

This Act may be cited as the "National Parks Air Tour Management Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this Act reflects the recommendations made by that Group.

SEC. 3. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

"§ 40125. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(3) EXCEPTION.—

"(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

"(B) LIMIT ON EXCEPTIONS.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may limit or prohibit commercial air tour operations;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

"(C) may apply to all commercial air tour operations;

"(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

"(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

"(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(3) the area of operation;

"(4) the frequency of flights conducted by the person offering the flight;

"(5) the route of flight;

"(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(8) any other factors that the Administrator considers appropriate.

"(d) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe operations of the commercial air tour;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(e) EXEMPTIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

"(A) the Grand Canyon National Park;

"(B) tribal lands within or abutting the Grand Canyon National Park; or

"(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

"(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100-91 (16 U.S.C. 1a-1 note; 101 Stat. 674-678) is no longer in effect.

"(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18, United States Code) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

"40125. Overflights of national parks.".

SEC. 4. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this Act and the amendments made by this Act;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular

places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 5. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this Act in providing incentives for the development and use of quiet aircraft technology.

SEC. 6. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 717 is an important bill. It represents an historic consensus among Members of Congress and between the air tour industry, conservationists and Federal regulators.

Last Congress, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI) and I as well as several of our distinguished colleagues introduced the National Parks Air Tour Management Act of 1998.

This bill passed the House with tremendous support, but unfortunately foundered due to the slot controversy that overwhelmed us at the end of the 105th Congress.

This bill strikes a balance between air tour operators and conservationists, Native American interests and jurisdictional divisions between the Federal Aviation Administration and the National Park Service. It brings together groups that started very far apart, Madam Speaker, and is a very good bill because of the compromise that it reaches.

The bill promotes safety and quiet in national parks by establishing a process for developing air tour flight management in and around our national parks.

It accomplishes this while ensuring that the FAA has sole authority to control airspace over the United States and that the National Park Service has the responsibility to manage park resources.

Under this legislation, both agencies will work together to develop air tour management plans over national parks to ensure that these air tours are conducted in a safe, efficient and unintrusive, meaning very quiet, manner. At the same time, these air tour management plans will ensure that both air and land visitors to the park are able to experience the park's natural beauty and natural quiet.

I have participated along with many of my colleagues in several hearings over the years on this issue of overflights over our national parks. In 1997, the gentleman from Utah (Mr. HANSEN) of the Subcommittee on National Parks and Public Lands and myself held a field hearing on this issue in St. George, Utah. At that time it appeared that it would be extremely difficult to be able to reach a consensus on this matter because everyone was so far apart. However, with resolve and determination, we have worked out our differences and have crafted legislation that is acceptable to all concerned.

Finally, Madam Speaker, I would like to acknowledge the hard work and dedication of the National Parks Overflights Working Group. These working group members were selected by the administration and represent the air tour, environmental and Native American communities. Together with the Federal Aviation Administration and the National Park Service, this group negotiated together and came up with a framework for regulating air tours over national parks.

I am proud of the efforts made on this bill. The agreements that we reached will ensure that ground visitors and the elderly, disabled and time-constrained traveler may continue to enjoy the scenic beauty of our national parks for generations to come.

We have made a few small changes in the bill to ensure that it is consistent with our agreement with the Committee on Resources. This is a good bill. I strongly urge my fellow Members to support it.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 717, the National Parks Air Tour Management Act of 1999 which was reported favorably by both the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure.

I want to thank the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Minnesota (Mr. OBERSTAR) for introducing H.R. 717. This bill addresses the important issue of managing air tours over America's national parks, and I am very proud to support it.

For 2 years, the National Parks Overflights Working Group, comprised of the Federal Aviation Administration, the National Park Service, the air tour industry, general aviation and environmental and Native American interests, have held a series of discussions about the effects of aircraft noise on national parks. H.R. 717 is a product of those discussions.

H.R. 717 balances the interests of both air tour and land visitors to our Nation's park system. Over the past several years, many national parks have experienced significant increases in the volume of air tour activity. Recent studies indicate that at least 5 million passengers viewed our Nation's parks by air last year alone. This increase in air traffic and the resulting noise pollution can be disturbing to the quiet enjoyment of hikers and other ground tourists visiting our parks.

The bill seeks to promote safety and quiet in national parks by establishing a process for developing air tour flight management plans in and around our national parks. The bill would require commercial air tour operators that conduct tours in national parks or tribal lands to comply with an air tour management plan. The commercial air tour operator would have to apply for authority to conduct operations over a park and the FAA administrator would prescribe operating conditions and limitations for each air tour operator in accordance with the appropriate ATMP.

Additionally, ATMPs are to be developed through public process. The final record of decision is subject to judicial review. The objective of the ATMP is to develop acceptable measures to mitigate the adverse impacts of commercial air tours upon national and cultural resources in national parks and tribal lands.

I urge my colleagues to support this important legislation which will help protect our Nation's natural and cultural resources.

Madam Speaker, I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I urge all Members to support the National Parks Air Tour Management Act of 1999.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINED AIRCRAFT

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft, as amended.

The Clerk read as follows:

H. CON. RES. 187

Whereas for more than 50 years, the International Civil Aviation Organization (in this resolution referred to as the "ICAO") has been the single entity vested with authority to establish international noise and emissions standards and, through the ICAO's efforts, aircraft noise has decreased by an average of 40 percent since 1970;

Whereas the ICAO is currently working on an expedited basis on even more stringent international noise standards, taking into account economic reasonableness, technical feasibility, and environmental benefits;

Whereas international noise and emissions standards are critical to maintaining the economic viability of United States aeronautical industries and to obtaining their ongoing commitment to progressively more stringent noise reduction efforts;

Whereas European Council Regulation No. 925/1999, banning certain aircraft meeting the highest internationally recognized noise standards from flying in Europe, undermines the integrity of the ICAO process and undercuts the likelihood that new Stage 4 aircraft noise standards will be developed;

Whereas while no regional standard is acceptable, European Council Regulation No. 925/1999 is particularly offensive because there is no scientific basis for the regulation and because the regulation has been carefully crafted to protect European aviation interests while imposing arbitrary, substantial, and unfounded cost burdens on United States aeronautical industries;

Whereas the vast majority of aircraft that will be affected by European Council Regulation No. 925/1999 are operated by United States flag carriers; and

Whereas implementation of European Council Regulation No. 925/1999 will result in a loss of jobs in the United States and may cost United States aeronautical industries in excess of $2,000,000,000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) if European Council Regulation No. 925/1999 is not rescinded by the European Council at the earliest possible date, the Secretaries of Transportation and State should take all appropriate actions to ensure that a petition regarding the regulation is filed with the International Civil Aviation Organization pursuant to Article 84 of the Chicago Convention; and

(2) the Secretaries of Commerce, State, and Transportation and other appropriate parties should use all reasonable means available to them to ensure that the goal of having the regulation rescinded is achieved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a very good resolution. I think also a very strong resolution. It targets a European Union regulation that unfairly restricts the use of hushkitted and reengined aircraft in the European Union. The EU seeks to ban these aircraft, which are mostly U.S.-owned, from use beginning in 2002. The European Union claims that the regulation is written to target excessively noisy aircraft.

However, its argument ignores the fact that the aircraft it seeks to ban have been modified to meet all U.S. and international noise restrictions. It also ignores the fact that the regulation allows noisier aircraft to operate in Europe than those it seeks to ban. Let me repeat that, Madam Speaker. This regulation by the EU bans primarily U.S. aircraft, almost exclusively U.S. aircraft, and would allow noisier European aircraft than those U.S. aircraft that this rule would ban.

The resolution directs the U.S. Government to take all immediate steps available to ensure that the regulation is rescinded as soon as possible.

□ 1415

If this is not done, Madam Speaker, the resolution also directs the Department of Transportation to take all available steps to ensure that a dispute resolution petition is filed with the International Civil Aviation Association.

We are making a small change in the resolution and directing the Department of State to take a role in beginning the dispute resolution process also. There has been strong interest recently regarding the status of this regulation. The House Subcommittee on Aviation, which I have the privilege to chair, held a hearing on the issue earlier this month. The subcommittee heard testimony about the great chilling effect of the regulation on the U.S. aviation industry. The European regulation has already cost the industry many, many millions in lost hushkit sales. It expects to lose much more in engine and spare parts sales. The estimates are that the industry could lose as much as $2 billion. In fact, some people estimate that the losses already total over 1 billion and that ultimately U.S. industry could lose as much as $2 billion if this European Union regulation is not eliminated.

This issue has already been visited by this body at one time. Earlier this year, the House passed legislation sponsored by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that would ban the use of the Concorde in the U.S. if the EU regulation was passed. The EU passed its regulation anyway but agreed to defer its implementation for a year. The regulation, though, is adversely affecting U.S. industry even though the EU deferred the implementation of the regulation. Further deferral will only magnify this effect. This discriminatory regulation must be rescinded, and it must be done quickly.

I would like to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations for all their hard work and cooperation on this issue. In addition, the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) have devoted a great deal of time and attention to this issue. I strongly support this resolution, and I urge all of my colleagues to do the same.

Madam Speaker I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), my distinguished subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for introducing House Concurrent Resolution 187 expressing the sense of Congress regarding the European Council Noise Rule affecting hushkitted and reengined aircraft. I urge my colleagues to support this swift and decisive response to a harsh and unjustified European Union noise-reduction regulation which would harm American industry.

The International Civic Aviation Organization, ICAO, created by the Chicago Convention, sets and administers international certification standards for aircraft. Once an aircraft is certified as having met ICAO standards, there should be no restrictions on an operator's use of that aircraft in ICAO member countries. Simply put, ICAO certification gives operators and investors assurances of worldwide marketability.

ICAO has promulgated international noise restrictions known as Chapter 3 noise restrictions. Chapter 3 noise restrictions, similar to U.S. Stage 3 noise restrictions, are currently the most stringent noise restriction in the world. An aircraft may meet Chapter 3 noise restriction by various means. The most common means are, one, purchasing new, quieter aircraft; two, modifying a noisy engine with a device known as a hushkit; or, three, putting quieter State 3-compliant engines on Stage 2 aircraft, a process known as reengining.

The European Union has adopted a regulation that will severely restrict the use of hushkitted and reengined aircraft in Europe despite the fact that these aircraft meet all Stage 3 and Chapter 3 noise compliance regulations. The European Union regulation targets and prohibits long-standing and generally accepted measures for bringing older engines into compliance with current noise regulations; and in doing so, this European Union regulation violates universally recognized international obligations.

Article 33 of the Chicago Convention mandates universal recognition of an airline's air worthiness certificate where an aircraft conforms with ICAO standards. Further, the hushkit industry is almost entirely U.S. based. This regulation would have a discriminatory impact on U.S. hushkit manufacturers and U.S. owners of hushkitted aircraft.

The European Union cites noise pollution and adverse environmental impact as a justification for imposing the hushkit ban. However, there has been no credible evidence that the regulation has any environmental basis. Additionally, the aircraft targeted by the regulation would be banned from airports where noise is not a problem.

I urge my colleagues to support the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) in expressing a sense of Congress that we expect the European Union to comply with international law and abandon its efforts to promulgate this protectionist measure. If this does not happen, we urge the administration to use all options available, including filing an article 84 petition with ICAO to ensure that the goal of rescinding this regulation is met.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, the European Union has passed regrettable legislation that is supposed to help control noise around their airports; but the European legislation will, in fact, let noisy European airplanes fly and will ban quieter American planes. It imposes a design standard rather than a performance standard that oddly enough favors European interests.

Europeans often accuse us of unilateralism, but this regulation strikes at the very heart of an international agreement on whether airplanes can fly internationally or not. The European legislation will come into full effect this spring if nothing is done. There are negotiations under way to achieve this settlement acceptable to both sides; but while the European legislation will come into effect automatically, we will have no ready response.

One response that has passed the House is a measure that would result in a ban on the Concorde landing in our Nation if this law does take effect. Banning the Concorde would result in a lowering by about 20 percent of the airport noise in New York City, by the way. This legislation asks the administration to bring a case under the International Civil Aviation Organization, ICAO, and determine what our rights are. I believe that this procedure, which will take some time, Madam Speaker, is a good counterweight to the impending European legislation.

We do hope that a less solution that permits an improvement in noise control standards over time by an international consensus can be reached. It may be that bringing this ICAO case will help put some pressure on the Europeans to come to a reasonable solution. Accordingly, I hope that members will support this resolution.

We marked this resolution up in our Committee on International Relations just last week, Madam Speaker, and our committee has asked me to support its coming up on suspension.

I appreciate the leadership by the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the full committee, all of whom, Madam Speaker, have taken a great interest in this matter. We will continue to work with the Europeans on this through every available channel.

Again, we hope that this measure will pass by an overwhelming vote, and I urge my colleagues to be supportive.

I thank the gentleman for having yielded the time to me.

Mr. McGOVERN. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking member of the Committee on International Relations.

Mr. GEJDENSON. Madam Speaker, I would like to thank particularly the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) for their great help on this legislation. This is not just about aircraft or engines, it is not simply about the impact on a Pratt and Whitney in my State or other companies in other States. This is a telling sign of how the Europeans plan to restrict American access, American products' access, Madam Speaker, to the European market.

We have all seen that international trade agreements have lowered tariff and other barriers, and sometimes we hear debate about nontariff barriers. Well, what does that mean? Well, what that means is when Americans have a better product, our jet engines are better, they are priced better, they perform better, and they meet the noise standards which are measured in decibels. The Europeans come up with a standard that does not use decibels in the measurement; and as a result of that, they go to a design mechanism and use that to restrict access of American jet engines to the European market.

For my colleagues who may not be involved in jet engine or airplane manufacturing, if the Europeans are successful here in blocking an American product by using not the standard with which we measure noise, but a fabricated standard based on construction that has nothing to do with noise, then we will see the same kind of restrictions for every other American product in every other sector; and, Madam Speaker, that will have an incredibly adverse impact on each and every one of our districts and this country.

The United States is among the most open markets in the world, and we expect to see challenges from developing and poor nations. But when we are competing with the wealthiest nations, the most developed nations on the face of the Earth, to see the European Union trying to use this ruse as an attempt to keep out our products, it foretells of dangerous times ahead in trade. We have a healthy economy, the American economy is strong, our budget surplus is strong. All those things can become in danger if we do not act now.

Again let me commend my colleagues, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), for their excellent work; and I thank the gentleman from New York (Mr. GILMAN) for his cooperation and support on this effort.

Mr. DUNCAN. Madam Speaker, I have no other speakers at this point, and I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding this time to me, and I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for moving again so quickly on this issue of EU hushkit discriminatory regulation and express my appreciation to the gentleman from Illinois (Mr. LIPINSKI) for his strong support, as one ranking member of the Subcommittee on Aviation, and to our colleagues on the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON).

Earlier last year, Madam Speaker, the European Parliament passed a regulation restricting the use of aircraft that would operate within the EU territory that used either hushkitted or reengined engines on their aircraft even though such aircraft comply with the U.S. Stage 3 noise reduction requirements.

As you look at it, on the face of it, the EU says this is legislation necessary to reduce aircraft noise in our congested metropolitan areas that are close to airports. But looking deeper beneath the surface, this is simply economic discrimination masquerading as noise regulation.

I would just take my colleagues back a few years to 1990 when in this Chamber on this floor we debated extensively, and there are members of the staff who can recall it very clearly. I see the majority Counsel of the Subcommittee on Aviation, Mr. Schaffer, smiling who was here at the time; Mr. Heymsfeld on our side, who was chief of staff at the time. We hassled our way through; we chiseled it out of stone word by word, issue by issue, a far-ranging noise regulation that was 2 years ahead of anything Europe was even contemplating, or ICAO in the international arena.

□ 1430

We worked it out, to reduce from 2,360 Stage 2 aircraft in 1990 to zero by the end of this year, reducing from 7.5 million the number of people impacted by unacceptable noise to roughly 500,000 or 600,000 by the end of this year, a 90-plus percent reduction in noise, 2 years ahead of Europe. Along comes the European community and complains that the United States forced the technology, forced a particular kind of engine and hushkitting so as to gain economic advantage over Europe.

There is one word for that argument: Baloney. They knew what we were doing; they knew they could not meet our standards; and they did not want to get up to speed with the United States. They still have not achieved a Stage 3 standard all throughout the European community, and now they want to discriminate against American aircraft that our airlines have equipped to meet our Stage 3 requirements and wish to sell to non-EU countries who wish to operate those aircraft within the European community.

It is that simple. So when the word became very clear about what the European community was up to, the Clinton Administration acted very quickly, moved decisively to complain about the blatantly discriminatory attack on U.S. air carriers and equipment and aviation trade, but Europe did not budge.

So, again it was our committee that moved quickly and decisively earlier this year, again with the support of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN), to act quickly on legislation that I introduced with their and Mr. LIPINSKI's support to ban the operation of the Concorde in U.S. airspace.

If you want something that violates noise rules, the Concorde is it. If you take the Concorde out of the New York air space, you reduce 20 percent of the noise inflicted upon people living in the New York air space.

Well, that quick action by our committee and by the House got the attention of the European community and they moved to negotiate with the United States to allow U.S. aircraft to be sold and operated into the European Union through May of next year, but without protective language that guarantees the purchaser of such aircraft the right to operate the aircraft within the EU. So they created a hollow shell, and they have refused to move any further.

Now, I understand there have been elections within the European parliament electing a whole new body. They have not reconstituted their Transport Committee. The European Parliament has to take certain steps to reformulate that committee and then the new committee should have a proper period of time to reconsider the healthiest rule. But there is a ministerial group within the EU that could have acted a long time ago decisively to move to show good faith, and they have not shown good faith.

That is why we have to have this legislation, to press upon the Secretary of Transportation and the Secretary of State to protest the EU regulation by filing an Article 84 petition under ICAO. I urge the administration, without waiting for the Senate to act on this legislation, to move decisively. File the Section 84 petition. File that notice of total discontent and disapproval of European inaction and discriminatory posture toward the United States, and the Europeans will see the light.

What is at stake is nothing less than the $100 billion U.S. airlines have invested to convert our Stage 2 fleet to Stage 3, and the hundreds of millions of dollars more that U.S. air carriers and the FAA and others have invested in research and development of quieter engines and air frames to move to stage 3 and the next stage, which will be called Stage 4. But unless the EU acts, we are going to see U.S. carriers deprived of something in the neighborhood of $1.6 billion in sales of aircraft, engines, and spare parts to countries who wish to operate these aircraft into the EU air space, aircraft that are quieter than aircraft operated by European carriers.

Now, I will be happy to engage in a debate with the European Union members of parliament at any time. I will be happy to take on any number of them who wish to debate the issue of compliance with Stage 3, the move toward Stage 4 and who has the better technology, because I guarantee you, U.S. air carriers, U.S. manufacturers, are ahead of the field, ahead of anything in Europe, ahead of any other country in the world.

So, Madam Speaker, I commend the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. SHUSTER) for standing up for what is right; for what is fair, for American leadership in aviation, to restore this country and maintain its leadership in aviation throughout the world.

We ought to pass this resolution; the administration ought to act decisively; and we ought to wait no longer for word from a European community that is determined to support a cartel in the sector of aviation airframe and engine technology.

Mr. McGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me first of all say I want to commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his strong and decisive leadership on this particular issue. As has been pointed out by Mr. OBERSTAR and several other speakers and myself, this is not a noise issue, it is a trade issue, and one that is aimed squarely and unfairly at the U.S. It could cost our economy as much as $2 billion in a very short time. As several speakers have pointed out, the EU regulation allows noisier European aircraft while banning quieter U.S. aircraft. This is a very good resolution, and I urge all Members to support it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, as amended.

The question was taken.

Mr. DUNCAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CENTENNIAL OF FLIGHT COMMEMORATION ACT CORRECTIONS

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1072) to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

The Clerk read as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking "or his designee";

(ii) in paragraph (3) by striking ", or his designee" and inserting "to represent the interests of the Foundation"; and in paragraph (3) strike the word "chairman" and insert the word "president";

(iii) in paragraph (4) by striking ", or his designee" and inserting "to represent the interests of the 2003 Committee";

(iv) in paragraph (5) by inserting before the period "and shall represent the interests of such aeronautical entities"; and

(v) in paragraph (6) by striking ", or his designee";

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

"(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.";

(2) in section 5—

(A) in subsection (a)—

(i) by inserting "provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to" after "The Commission shall";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) INTERNATIONAL ACTIVITIES.—The Commission may—

"(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

"(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission."; and

(C) by adding at the end the following:

"(d) ADDITIONAL DUTIES.—The Commission may—

"(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

"(B) actively solicit event information; and

"(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

"(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

"(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

"(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

"(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

"(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

"(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

"(8) encourage organizations to publish works related to the history of aviation.";

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking "the Federal" and inserting "a Federal"; and

(II) by striking "the information" and inserting "information"; and

(B) in paragraph (3) by striking "section 4(c)(2)" and inserting "section 4(d)(2)";

(4) in section 6(c)(1) by striking "the Commission may" and inserting "the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,";

(5) in section 7—

(A) in subsection (a) in the first sentence—

(i) by striking "There" and inserting "Subject to subsection (h), there"; and

(ii) by inserting before the period "or represented on the Advisory Board under section 12(b)(1) (A) through (E)";

(B) in subsection (b) by striking "The Commission" and inserting "Subject to subsection (h), the Commission";

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

"(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.";

(6) in section 9—

(A) in subsection (a)—

(i) by striking "The Commission may" and inserting "After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may"; and

(ii) by striking "its duties or that it" and inserting "the duties under this Act or that the Administrator of the National Aeronautics and Space Administration";

(B) in subsection (b)—

(i) in the first sentence by striking "The Commission shall have" and inserting "After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise"; and

(ii) in the second sentence by striking "that the Commission lawfully adopts" and inserting "adopted under subsection (a)"; and

(C) by amending subsection (d) to read as follows:

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

"(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.";

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking "activities of the Commission" and inserting "actions taken by the Commission in fulfillment of the Commission's duties under this Act";

(ii) in paragraph (3), by adding "and" after the semicolon;

(iii) in paragraph (4), by striking the semicolon and "and" and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking "activities" and inserting "recommendations";

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking ", or the designee of the Secretary";

(II) in subparagraph (B), by striking ", or the designee of the Librarian"; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking "government" and inserting "governmental entity"; and

(bb) by amending clause (ii) to read as follows:

"(ii) shall be selected among individuals who—

"(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

"(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1)."; and

(ii) by adding at the end the following:

"(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting."; and

(B) in subsection (h) by striking "section 4(e)" and inserting "section 4(d)"; and

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last year legislation was enacted establishing a commission to commemorate the 100th anniversary of powered flight. This commission is known as the Centennial of Flight Commission. Its purpose is to conduct publicity and public awareness activities designed to honor the achievement of the Wright Brothers.

It was on December 17, 1903, nearly a century ago, that these two bicycle shop owners from Dayton, Ohio, first proved that man could fly.

The bill before us now is really technical in nature. It makes some corrections to the Centennial of Flight Commemoration Act passed last year. After that act passed, the Justice Department pointed out potential conflict of interest problems with the commission's structure. In addition, the General Accounting Office has reported that the structure of previous commissions has resulted in mismanagement of funds and excessive hiring of consultants.

To correct these problems, the Senate, on August 5 of this year, passed Senate 1072, the bill before us now. This bill removes all executive functions from the commission; it transforms the commission into an advisory commission governed by the Federal Advisory Committee Act; it makes clear that the commission does not represent the United States; it specifies in greater detail the duties of the commission; it allows only the administrators of NASA or the FAA to enter into procurements or other legal agreements on behalf of the commission; it makes clear that the commission employees are Federal employees and restricts private members of the commission from participating in any personnel decisions; it authorize the NASA Administrator, in consultation with the commission, to devise a logo for the commission; and, finally it requires that the members of the commission's advisory board have earned advanced degrees in aerospace, history, or science.

I would like to thank the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. HOBSON), and the gentleman from Ohio (Mr. HALL) for their work in ensuring that this legislation could be brought to the floor today. Their states have a significant stake in the work of this commission; Ohio, because that is where the Wright brothers were from, and North Carolina, because that is where the first flight occurred.

Passage of this legislation today will clear the measure for the President and allow the Centennial of Flight Commission to begin the preparations for the commemoration in 2003.

I urge the House to approve this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1072, the Centennial of Flight Commemoration Act.

On December 17, 1903, Orville and Wilbur Wright completed the first successful manned flight of a heavier-than-air-machine at Kitty Hawk, North Carolina. S. 1072 establishes a commission to coordinate the commemoration of this event.

This act, as was pointed out, was originally signed into law last year. Since that time, the Justice Department has advised the administration that certain portions of that law might violate the appointments clause of the Constitution.

S. 1072, as my colleague from Tennessee has already stated, makes the necessary constitutional corrections, and I urge my colleagues to vote for S. 1072 and support the celebration of the birth of flight.

Mr. DUNCAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Subcommittee on Aviation.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding me time, and I commend the chairman of the Subcommittee on Aviation for bringing this bill to the floor. The gentleman has aptly and appropriately described the technical changes that made necessary this legislation.

Madam Speaker, I just want to take this opportunity to highlight the significance of the legislation to create a commission that will coordinate appropriately and give proper significance to the 100th anniversary of flight.

The distinguished counsel of the Subcommittee on Aviation on the majority side, David Schaffer and I were at the 90th anniversary of powered flight at Kill Devil Hill, otherwise known as Kitty Hawk, North Carolina, on a day that was very reminiscent of the first day of powered flight: dreary, overcast, windy, damp, a biting cold day, that followed, in 1903, an equally bitter, cold, rainy night that left sleet and ice over the rather flimsy barn in which the Wright Brothers slept so that they could be ready early in the next morning to attempt an historic flight.

It literally brings chills, not just physically, but spiritually, to think of the momentous occasion on which they began that journey that brought us today to an industry that represents 6 percent of our gross domestic product; that, together with aerospace, employs nearly 1.5 million people and has a $100 billion payroll; and has put America at the forefront of technological advance; an industry that has made America the envy of the rest of the world, and has set a standard that the rest of the world measures itself by.

There will be many stories and many events that we will want to commemorate as this commission moves toward the 100th anniversary, but there is one that I think is appropriate in this body. It was told by my predecessor, John Blatnik, for whom I was administrative assistant. During the years Sam Rayburn served as Speaker, he and Mr. Rayburn were very close friends.

☐ 1445

Early in 1961, the last year of speaker Rayburn's life on this floor, the House had just passed a very significant appropriations bill. Mr. Rayburn put his arm around John Blatnik's shoulder and said, "This is a very nostalgic moment for me. Fifty years ago in this body, I voted for an appropriation of $50,000 to help two young kids perfect a flying machine for the U.S. Army; their name: the Wright brothers. Today I voted for the first appropriation," said Speaker Rayburn, "to send a man to the moon and bring him back safely to Earth."

As John Blatnik described it, Mr. Rayburn had tears in his eyes. For one person to have lived long enough to see the beginning of powered flight and the beginning of space travel is truly exceptional, and it is an account of visionary leadership that should be described and expressed as we move to the commemoration of the hundredth anniversary of flight, to understand fully how far we have come, what an extraordinary journey this all has been.

I thank the gentleman for bringing this resolution forward, and I urge the commission to begin forthwith, as soon as the necessary legislation is in place, its exceptional work of commemorating this historic milestone in powered flight.

Mr. HALL of Ohio. Madam Speaker, I rise in support of S. 1072, a bill making certain technical and other corrections to Public Law 105–389, the Centennial of Flight Commemoration Act of 1998.

On December 17, 1903, two brothers from Dayton, OH, Orville and Wilbur Wright, on the sands of Kitty Hawk, NC, flew the first manned, controlled, and sustained flight by a power-driven, heavier-than-air machine. The era of flight was born. As we approach the 100th anniversary of this historic event, the conquest of flight remains one of the greatest technological achievements of mankind.

The Centennial of Flight Commemoration Act of 1998 established a Federal commission to assist in commemoration of the centennial of powered flight in the year 2003 and to honor the achievements of the Wright brothers. This is similar to other commissions established to mark important events in our Nation's history.

When signing the bill into law, President Clinton issued a statement raising concerns from the Department of Justice and the Office of Government Ethics. Subsequently, the Commission determined that additional legislation was required for the Commission to carry out its mandate. Members of the Commission wrote the Speaker of the House and the President of the Senate requesting Congress act promptly to address the concerns raised in the President's signing statement.

JANUARY 12, 1999.

Hon. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: The Centennial of Flight Commemoration Act (the Act), P.L. 105–389, was signed by the President on November 13, 1998. It establishes a broadly based Centennial of Flight Commission (the Commission) with members from both the public and private sectors. The purpose of the Commission is to coordinate and promote activities related to the one hundredth anniversary of what is indisputably one of the greatest achievements of the twentieth century—"the first successful, manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine." (the Act, Section 2(1))

Unfortunately, there are problems with the Act. Upon enactment, the President issued a signing statement noting Constitutional and ethical issues that require further legislative action to resolve, and pledging that "[my] Administration will work closely with the Congress to address these issued in future legislation." As a result of these problems, the Commission is, for all practical intents and purposes, unable to carry out fully its functions under the law. Although two members of the Commission, those representing the National Aeronautics and Space Administration and the Federal Aviation Administration, are not personally affected by the issues the President has noted, the other members are unable to perform any meaningful duties. Because the broad participation of all of the members and all sectors of society is fundamental to the success of the Centennial celebration, the statute must be amended.

As stated in Section 2(4) of the Act, "the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence." We ask you to approach this new legislative challenge with similar virtues. The one-hundredth anniversary of the flight is December 17, 2003. That date will not change, and the Commission's time to accomplish its important work is short and cannot be extended. Therefore we, the designated members of the Centennial of Flight Commission, urge the Congress to promptly amend the Act to resolve the problems that have been identified.

An identical letter has been sent to the President of the Senate.

Sincerely,

DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration.
JANE GARVEY,
Administrator, Federal Aviation Administration.
RICHARD T. HOWARD,
President, First Flight Centennial Foundation.
DONALD D. ENGEN,
Director, National Air and Space Museum.
J. BRADFORD TILLSON,
Chairman, Dayton 2003 Committee.

After discussions with the Department of Justice and the Office of Government Ethics, Senator MIKE DEWINE introduced S. 1072, the Centennial of Flight Corrections Act of 1999. The purpose of the bill is to amend the law so that the commission can carry out its original objective. Both the Department of Justice and the Office of Government Ethics concurred that S. 1072 does address the concerns raised in the signing statement.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 4, 1999.

Hon. MICHAEL DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: This letter responds to your letter of July 12, 1999, regarding S. 1072, a bill "to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act," Pub. L. No. 105–389, 112 Stat. 3486.

S. 1072 would address the constitutional issues under the Act that previously were identified by the Department and noted in the President's signing statement. At present, the method of appointment of certain members of the Commission does not comply with the Appointments Clause of the Constitution. Accordingly, the Commission as currently established may not constitutionally exercise significant governmental authority, because only "Officers" appointed in conformity with the Appointments Clause may exercise such authority. *See Buckley v. Valeo*, 424 U.S. 1, 124–41 (1976). As the President stated in signing the Act into law, section 9 of the Act, which authorizes the Commission to devise a logo and regulate and license its use, is unconstitutional because it confers significant authority upon the Commission. See Statement by the President Upon Signing S. 1397, the "Centennial of Flight Commemoration Act" (Nov. 13, 1998); Appointments to the Commission on the Bicentennial of the Constitution, 8 Op. O.L.C. 200 (1984).

S. 1072 would amend section 9 of the Act to provide that the Commission's duties with respect to the logo shall be carried out by the Administrator of the National Aeronautics and Space Administration ("NASA"), after consultation with the Commission. Because the Administrator of NASA is appointed in a manner consistent with the Appointments Clause, this amendment would avoid the constitutional problem pertaining to the Commission's logo.

The President's signing statement also noted that: "although section 5(a)(3) directs the Commission to 'plan and develop' its own commemorative activities, the Commission may not itself implement such activities because of Appointments Clause concerns." The bill would amend section 5(a) to make it clear that the Commission's duty to "plan and develop" commemorative activities (as well as its other duties under that subsection) is limited to "provid[ing] recommendations and advice." This amendment would clarify that the Commission acts as a purely advisory body and would avoid any problem under the Appointments Clause.

After consultation with the Office of Government Ethics, we also believe that the bill addresses the conflict of interest issues described in the President's signing statement, by providing that members of the Commission who are employees of State governments or other financially interested entities cannot enter into contracts or make personnel decisions for the Commission and by enabling the State employees to serve as representatives of their employers in the discharge of purely advisory functions.

Thank you for the opportunity to present our views. Please let us know if we may be of further assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

JON P. JENNINGS,
Acting Assistant Attorney General.

U.S. OFFICE OF GOVERNMENT ETHICS,
Washington, DC, August 3, 1999.

Hon. TONY P. HALL,
House of Representatives, Washington, DC.

DEAR MR. HALL: This letter responds to your letter of July 12, 1999 and the proposed amendment to S. 1072 faxed to this Office on August 2, 1999.

We have reviewed the text of S. 1072 as reported and the proposed amendment. Based upon our review, we believe that if S. 1072 is enacted with this amendment, members of the Centennial of Flight Commission who are not already Federal officers or employees can, for conflicts of interest purposes, be treated as "representatives" of the organizations from which they are to be selected. Thus, the conflict of interest laws will not apply to them. This result will address the conflict of interest concerns raised in the President's signing statement which accompanied the Centennial of Flight Commemoration Act.

We have reached this conclusion after consultation with the Office of Legal Counsel.

Sincerely,

STEPHEN D. POTTS,
Director.

Upon enactment of S. 1072, the commission can actively encourage and assist individuals and organizations celebrating the centennial of flight. The commission can also assemble a calendar of events, disseminate information about the Wright brothers and aviation history, conduct meetings, and assist with U.S. participation in international commemorative activities.

Madam Speaker, on numerous occasions Congress has honored the Wright brothers and their conquest of flight. I can think of few events in our Nation's history that are as worthy of this additional honor.

I urge adoption of the bill.

Mr. JONES of North Carolina. Madam Speaker, I rise today in support of the Centennial of Flight Corrections Act of 1999. S. 1072 allows for certain technical corrections to be made to the Centennial of Flight Commemoration Act of 1998, which was passed into law last year. This Commemoration Act honors the 100th anniversary of the historic "First Flight." In 1903, from the windy sand dunes of Kitty Hawk, North Carolina, Orville and Wilbur Wright secured their place in aviation history. With a great deal of courage and determination, the Wright brothers were able to successfully sustain the first-ever power-driven flight, which forever changed the face of transportation.

Arguably, "First Flight," the dawn of air travel, is one of the greatest achievements of the 20th century. This amazing event is particularly important to North Carolinians who have remembered and honored the Wright brothers' achievements for nearly a century. On our Nation's highways, North Carolina's license plates proudly display the motto "First in Flight." In 1998, the Centennial of Flight Commemoration Act established a federal commission to properly celebrate the Wright brothers' accomplishments and coordinate the activities surrounding the centennial in 2003.

The Centennial of Flight Commission will develop a calendar of events, circulate information on the Centennial, help in publishing scholarly works related to "First Flight," and sponsor civic and educational programs in both North Carolina and Ohio. S. 1072 makes in order certain technical corrections to the original Commemoration Act, which are necessary for the Commission to carry out its mandate. I believe the Commission will prove invaluable to the effective coordination of commemorative events as the 100-year mark of the historic "First Flight" quickly approaches. Please join me in honoring the achievements of Orville and Wilbur Wright as well as an unforgettable century of aviation by supporting this bill.

Mr. HOBSON. Madam Speaker, I would like to share my support of this bill—crafted by my good friend and colleague, Senator MIKE DEWINE—to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act, which Congress passed last year. After the bill became law, the Department of Justice and the Office of Government Ethics expressed concerns about some of the bill's provisions, which we are here to correct today. I was pleased that members of the Ohio and North Carolina delegations worked together in a timely manner to address those concerns.

As 2003 quickly approaches, I look forward to participating in the commemorative events and celebrations coordinated by the Centennial of Flight Commission. The 2003 celebration will highlight one of history's most remarkable achievements and showcase the impressive growth of the Miami Valley's aerospace industry, which the Wright Brothers pioneered nearly a century ago.

The Wright Brothers of Ohio began this century in flight. The Miami Valley—and indeed the world—will honor their achievement at the dawn of the next century, and look beyond the horizon of history to ask "What if?"

Mr. MCGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the Senate bill, S. 1072.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed, as well as on H.R. 717, the National Parks Air Tour Management Act of 1999, and H. Con. Res. 187, Expressing the Sense of Congress Regarding the European Council Noise Rule Affecting Hushkitted and Reengined Aircraft.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-336)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) "making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $161,994,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the remaining unobligated funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,400,722,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, $8,000,000;

Harlan/Clover Fork including grading and landscaping of the disposal site at the Harlan floodwall, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County, and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, $14,050,000;

Jackson County, Mississippi, $800,000;

Natchez Bluff, Mississippi, $2,000,000;

Passaic River Streambank Restoration, New Jersey, $6,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000:

Provided, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland, subject to execution of an agreement for reimbursement by the National Park Service: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $309,416,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,853,618,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $117,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall, using funds provided herein, prepare studies and analyses of the impacts on Regulatory Branch workload and on cost of compliance by the regulated community of proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act and shall submit a report based upon the aforementioned studies and analyses to the Committees on Appropriations of the House and Senate, the Transportation and Infrastructure Committee of the House, and the Committee on Environment and Public Works of the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $149,500,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the U.S. Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $38,049,000, to remain available until expended, of which $15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,321,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $607,927,000, to remain available until expended, of which $2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,089,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as *amended by Public Law 104–206, is amended further by inserting "1999, and 2000" in lieu of "and 1997": Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, and Public Law 105–245, is increased by $1,000,000 (October 1998 prices).*

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $43,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $42,000,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater and surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $60,000,000, to remain available until expended, of which $30,000,000 shall be used for ecosystem restoration activities and $30,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: Provided, That no more than $5,000,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: Provided further, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: Provided further, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed one passenger motor vehicle for replacement only, $644,937,953, of which $820,953 shall be derived by transfer from the Geothermal Resources Development Fund, and of which $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $333,618,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $250,198,000, to be derived from the Fund, to remain available until expended: Provided, That $30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed six passenger motor vehicles for replacement only, $2,799,851,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $240,500,000 to be derived from the Nuclear Waste Fund: Provided, That not to exceed $500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425) as amended: Provided further, That not to exceed $5,432,000 may be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds shall be made available to the State and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $206,365,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $106,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $99,478,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed three for replacement only), $4,443,939,000, to remain available until expended: Provided, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 35 passenger motor vehicles for replacement only, $4,484,349,000, to remain available until expended: Provided, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579) shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,064,492,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $189,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,722,444,000, to remain available until expended: Provided, That not to exceed $5,000 may be used for official reception and representation expenses for transparency, national security and nonproliferation activities.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $112,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $11,594,000; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,773,000, to remain available until expended, of which $773,000 shall be derived by transfer from unobligated balances in "Operation and Maintenance, Southeastern Power Administration"; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $193,357,000, to remain available until expended, of which $182,172,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,309,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $174,950,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $174,950,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, "Energy Supply" without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

SEC. 308. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed four percent shall be available to be used for Laboratory Directed Research and Development: Provided, That none of the funds in the Environmental Management programs are available for Laboratory Directed Research and Development.

SEC. 309. (a) Of the funds appropriated by this title to the Department of Energy, not more than $150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

SEC. 310. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Secretary of Energy. At the beginning of each fiscal year, the Secretary shall issue directions to the laboratories for the programs, projects, and activities to be conducted in that fiscal year. The Secretary and the Laboratories shall devise a Laboratory Funding Plan that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the Laboratory Funding Plan. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

(b) For purposes of this section, "covered contract" means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories.

SEC. 311. As part of the Department of Energy's approval of laboratory funding for prime contractors responsible for management of Department of Energy sites and facilities, the Secretary shall review and approve the incentive structure for contractor fees, the amounts of award fees to be made available for next year, the allowable salaries of first and second tier laboratory management, and the overhead expenditures. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

SEC. 312. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

SEC. 313. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 314. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 315. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of the enactment of this Act, or is generated after such date.

SEC. 316. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, under this section shall recover costs for protection, mitigation and enhancement of fish and wildlife, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the fiscal year 2002–2006 rate period, while preserving the Administrator's ability to establish appropriate reserves and maintain a high Treasury payment probability for the subsequent rate period.".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $20,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $465,000,000, to remain available until expended: Provided, That of the amount appropriated herein, $19,150,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $442,000,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $23,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,000,000, to remain available until expended: Provided, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100–203, $2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

The Tennessee Valley Authority is directed to use up to $3,000,000 from previously appropriated funds to pay any necessary transition costs for Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas Creek, California, $271,100;

San Joaquin, Caliente Creek, California, $155,400;

Buffalo Small Boat Harbor, New York, $15,100;

City of Buffalo, New York, $4,000;

Geneva State Park, Ohio Shoreline Protection, $91,000;

Clinton River Spillway, Michigan, $50,000;

Lackawanna River Basin Greenway Corridor, Pennsylvania, $217,900; and

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, $125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), $1,500,000;

Melaleuca Quarantine Facility, Florida, $295,000;

Lake George, Hobart, Indiana, $3,484,000;

Anacostia River (Section 1135), Maryland, $1,534,000;

Sowashee Creek, Meridian, Mississippi, $2,537,000;

Platte River Flood and Streambank Erosion Control, Nebraska, $1,409,000;

Rochester Harbor, New York, $1,842,000;

Columbia River, Seafarers Museum, Hammond, Oregon, $98,000; and

Quonset Point, Davisville, Rhode Island, $120,000.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, $3,000,000, are rescinded.

NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds made available under the heading "Department of Energy—Energy Programs—Nuclear Waste Disposal Fund" in the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62), $4,000,000 is rescinded, to be derived from the amount specified under such heading for the Nuclear Regulatory Commission to license a multi-purpose canister design.

TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 605. Title VI, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, is repealed.

SEC. 606. Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (Public Law 104–303, 110 Stat. 3682) is amended by striking "in advance in appropriations Acts".

SEC. 607. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 608. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105–204 (112 Stat. 681) are amended by striking "fiscal year 2000" and inserting "fiscal year 2002".

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 609. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the "Cascade Reservoir", created as a result of the building of the Cascade Dam authorized by the matter under the heading "BUREAU OF RECLAMATION" of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as "Lake Cascade".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to "Cascade Reservoir" shall be considered to be a reference to "Lake Cascade".

SEC. 610. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

"(vii) COST LIMITATION.—The annual cost of this provision shall not exceed $500,000 in 1997 dollars.".

SEC. 611. (a) The Secretary of the Army, acting through the Chief of Engineers, in carrying out the program known as the Formerly Utilized Sites Remedial Action Program, shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed:

(1) Sampling and assessment of contaminated areas.

(2) Characterization of site conditions.

(3) Determination of the nature and extent of contamination.

(4) Selection of the necessary and appropriate response actions as the lead Federal agency.

(5) Cleanup and closeout of sites.

(6) Any other functions and activities determined by the Secretary of the Army, acting through the Chief of Engineers, as necessary for carrying out that program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Secretary of Energy.

(b) Any response action under that program by the Secretary of the Army, acting through the Chief of Engineers, shall be subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in this section referred to as "CERCLA"), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300).

(c) Any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under that program shall be credited to the amounts made available to carry out that program and shall be available until expended for costs of response actions for any eligible site.

(d) The Secretary of Energy may exercise the authority under section 168 of the Atomic Energy Act of 1954 (42 U.S.C. 2208) to make payments in lieu of taxes for federally owned property at which activities under that program are carried out, regardless of which Federal agency has administrative jurisdiction over the property and notwithstanding any reference to "the activities of the Commission" in that section.

(e) This section does not alter, curtail, or limit the authorities, functions, or responsibilities of other agencies under CERCLA or, except as stated in this section, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(f) This section shall apply to fiscal year 2000 and each succeeding fiscal year.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2000".

And the Senate agree to the same.

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,
Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 106-253 and Senate Report 106-58 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement appropriates $161,994,000 for General Investigations instead of $158,993,000 as proposed by the House and $125,459,000 as proposed by the Senate.

The conference agreement includes $100,000 for the Pima County, Arizona, project. To the extent appropriate, the study is to proceed with particular reference to recommendations and findings included in the Sonoran Desert Conservation Plan, Pima County, Arizona, dated October 21, 1998.

The conference agreement includes $780,000 for the Metro Atlanta Watershed, Georgia, project. The additional funds have been included for investigations of flood damage prevention along: Utoy, Sandy and Proctor Creeks; Long Island, Marsh and Johns Creek; and Indian, Sugar, Intrenchment and Federal Prison Creeks Watershed.

The conference agreement includes $400,000 for an interim feasibility study of the LaQuinta Channel, Texas, to be accomplished separately from the Corpus Christi Ship Channel study. The study will investigate potential extension of the existing project.

Of the amount provided for Other Coordination Programs, $100,000 is for the Corps of Engineers to provide assistance and support of the preservation and revitalization plans associated with the Wheeling, West Virginia National Heritage Area. These funds will allow the Corps to objectively analyze the planned and ongoing design and construction work connected with these restoration efforts. The conferees direct the Corps to conduct an analysis of the sedimentation buildup behind Santa Cruz Dam in New Mexico. In undertaking this work, the Corps is to prepare a report: describing the nature of the problem and possible solutions; discussing the economic viability and estimated cost of potential solutions; and identifying existing authorities pursuant to which the Corps could undertake corrective measures or describing the need for additional legislative authority that may be required to accomplish the work.

The conference agreement includes language proposed by the House directing the Corps of Engineers to use previously appropriated funds to continue the feasibility phase of the Red River Navigation, Southwest Arkansas, project.

The conference agreement deletes language proposed by the Senate appropriating funds for a study of the Yellowstone River at Glendive, Montana. Funds for this project have been included in the Section 205 program of the Construction, General account.

The conference agreement deletes language proposed by the Senate providing funds for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey, project. The amount appropriated for General Investigations includes $226,000 for this project.

The conference agreement deletes language proposed by the Senate providing funds for a project for flood control at Park River, Grafton, North Dakota. The amount appropriated for General Investigations includes $50,000 for a general reevaluation report to determine whether the project is technically sound, environmentally acceptable and economically justified.

The conference agreement deletes language proposed by the Senate providing funds for the Hunting Bayou element of the Buffalo Bayou and Tributaries, Texas, project. The amount appropriated for General Investigations includes $328,000 for this project element.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,400,722,000 for Construction, General instead of $1,412,591,000 as proposed by the House and $1,086,586,000 as proposed by the Senate.

The conferees are aware of previous efforts by the Corps of Engineers to address sedimentation and other water resource issues along the Dog River in Alabama. The conferees direct the Corps to continue these and other efforts, using available funds, to the extent authorized by law.

The conferees are fully supportive of the San Timoteo feature of the Santa Ana River Mainstem, California, project and expect the Corps to commit funds required to maintain the most efficient construction schedule for this feature's completion.

The conferees direct the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the project cost the cost of any work performed by non-Federal interests on the Panama City Beaches, Florida, project, subsequent to project authorization, to the extent the Secretary determines that work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees direct that the value of flowage easements acquired in the East Reach Remediation Area of the Little Calumet River, Indiana, project, be credited toward the non-Federal share of the project cost, to the extent the Secretary of the Army, acting through the Chief of Engineers, determines that the acquisition of the easements is compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees concur with the House direction on mitigation associated with the Inner Harbor Navigation Canal Lock, Louisiana, project. The conferees note the significant differences in the estimates of the fair market value of property to be transferred to the Corps of Engineers by the local sponsor, and expect the Corps to work in good faith to arrive at an equitable solution to this issue in accordance with current law.

The conferees urge the Corps of Engineers to expedite, to the fullest extent possible, the completion of the Post Authorization Change for the Larose to Golden Meadow (Hurricane Protection), Louisiana, project.

The conferees are aware that the Corps of Engineers has determined, pursuant to the requirements of Section 533(d) of the Water Resources Development Act of 1996, that additional work to be carried out on the Southeast Louisiana, Louisiana, project is technically sound, environmentally acceptable, and economically justified. The conferees expect the Corps of Engineers to continue work on this project in fiscal year 2000 using continuing contracts as provided for in the Act.

Of the funds available for the Houston-Galveston Navigation Channels, Texas, project, such sums as are necessary shall be used to plan and construct barge lanes immediately adjacent to either side of the Houston Ship Channel from Bolivar Roads to Morgan Point.

The Corps of Engineers is directed, using the latest hydrology data available, to maintain in fiscal year 2000 an appropriate level of protection at Longview, Kelso, Lexington, and Castle Rock, Washington, that is not less than that: described in the October 1985 Decision Document (the basis for the project cost sharing agreement with the non-Federal sponsors); authorized in Public Law 99-88; or recommended pursuant to the Mount St. Helens Sediment Control Study, Washington.

The conference agreement includes $25,150,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky, project. Project elements are funded at the levels specified in the House and Senate reports. $700,000 is included for a Detailed Project Report for the Dickenson County, Virginia, element.

The conference agreement includes $6,260,000 for the Section 206 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports. Of the amount provided for the Section 206 program, $100,000 is for the Lake St. Clair, Metro Beach, Michigan, project.

The Secretary of the Army, acting through the Chief of Engineers, shall allow credit toward the costs of the Koontz Lake, Indiana, project for the design and implementation of aquatic ecosystem measures by the non-Federal sponsor accomplished prior to the execution of the project cooperation agreement, to the extent the Secretary determines such work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conference agreement includes $6,500,000 for the Section 14 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House report.

The conference agreement includes $35,800,000 as proposed by the House for the Section 205 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports. Of the amount provided for the Section 205 program, $100,000 is for the City of Augusta, Kansas, project.

The conference agreement includes $7,500,000 for the Section 107 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conference agreement includes $10,000,000 for the Section 1135 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Indianapolis Central Waterfront, Indiana, $8,000,000; Harlan/Clover Fork, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, $14,050,000; Jackson County, Mississippi, $800,000; Natchez Bluff, Mississippi, $2,000,000; Passaic River Streambank Restoration, New Jersey, $6,000,000; Upper Mingo County (including Mingo County tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000.

The conference agreement includes language proposed by the Senate prohibiting the use of funds to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law.

The conference agreement includes language proposed by the Senate permitting the Corps of Engineers to use $1,500,000 for the Assateague Island, Maryland, project, amended to subject the expenditure to reimbursement by the National Park Service.

The conference agreement includes language proposed by the Senate subjecting the expenditure of previously appropriated funds on the Devils Lake, North Dakota, project to a number of conditions.

The conference agreement deletes language proposed by the Senate earmarking funds for: the Norco Bluffs, California, project; the Brevard County, Florida, project; the Everglades and South Florida Ecosystem Restoration, Florida, project; the St. John's County, Florida, project; the Ohio River Flood Protection, Indiana, project; the Lake St. Clair, Metro Beach, Michigan, project; the Rochester Harbor, New York, project; the Brays Bayou element of the Buffalo Bayou and Tributaries, Texas, project; the Virginia Beach, Virginia (Hurricane Protection), project; and the Dickenson County, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky, project. The amount appropriated for Construction, General includes funding for these projects as detailed elsewhere in the statement of managers.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $309,416,000 for Flood Control, Mississippi River and Tributaries instead of $313,324,000 as proposed by the House and $315,630,000 as proposed by the Senate.

The conferees are aware of the difficulties the Corps of Engineers is having in finalizing a project cost sharing agreement (PCA) for the Grand Prairie Region Project in Arkansas. Given these difficulties, the conferees have not included additional funding for the project in FY 2000. This action is taken without prejudice and in recognition that the Corps has previously appropriated funds available for its use in fiscal year 2000. If the issues delaying finalization of the PCA are resolved in FY 2000, the conferees expect the Corps of Engineers to use its reprogramming authority to resume construction.

Of the amount provided for construction of the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, project, up to an additional $2,000,000 is for construction of the Commerce to Birds Point, Missouri, grade raise.

The Secretary of the Army, acting through the Chief of Engineers, is directed to permit credit toward the non-Federal share of the project cost for any work performed by non-Federal interests on the Louisiana State Penitentiary Levee, Louisiana, project, subsequent to project authorization, to the extent the Secretary determines that work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees note that the U.S. Army Corps of Engineers, Vicksburg District, did not conduct necessary dredging and environmental assessment and impact studies for the initial components of the Sardis Lake development at Shady Cove, Mississippi, in accordance with the specific provisions relating to this project under Title I of P.L. 105–62. The conferees direct the U.S. Army Corps of Engineers, Vicksburg District, to take all actions necessary to complete such work as required by P.L. 105–62.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,853,618,000 for Operation and Maintenance, General instead of $1,888,481,000 as proposed by the House and $1,790,043,000 as proposed by the Senate.

The conferees strongly urge the Corps of Engineers to use available funds to upgrade and maintain the water monitoring gages in the Alabama, Coosa, and Tallapoosa (ACT) Rivers, and Apalachicola, Chattahoochee and Flint (ACF) Rivers in Alabama, Florida, and Georgia for the purpose of accurately monitoring water flows. The purpose of these water-monitoring gages is to accurately monitor water flow in the rivers and to use the data in the negotiations and implementation of the Congressionally authorized ACT/ACF Water Compacts.

The Corps of Engineers is directed to complete safety related dredging in the vicinity of shoals number one and number two in the lower end of the dredging area of the Chena River, Alaska, project.

The conference agreement includes $3,200,000 for maintenance dredging of the St. Petersburg, Florida, project. These funds are to be used to dredge to sponsor-constructed depths and to dispose of spoil material on Egmont Key, consistent with existing authorities.

Of the amount provided for the Mississippi River Between Missouri River and Minneapolis, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, project, $6,000,000 is for urgent bank stabilization work along the Sny Island Levee system.

The conferees are very concerned about safety problems resulting from the use of outdated hydrographic surveys in coordination with the Lower Mississippi River Vessel Trafficking System for the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, project. Therefore, the Secretary, acting through the Chief of Engineers, shall expedite updated hydrographic survey of the portion of the Lower Mississippi River coordinated by a Vessel Trafficking System.

The conferees understand that the Corps of Engineers recently released a Draft Environmental Impact Statement for the proposed placement of eighteen million cubic yards of dredged material in an open water site, known as Site 104, located just northeast of the William Preston Lane, Jr. Memorial Bridge (the Chesapeake Bay Bridge) in Maryland. The conferees are concerned about the potential approval of this site and impose upon the Corps an obligation to thoroughly analyze and review all practicable alternatives. In reviewing the alternatives, the Corps should conduct an exhaustive analysis of each site to include how re-suspension of sediments will affect nutrient loading and whether there is a resident population of shortnose sturgeon that would be impacted by the proposed placement of dredged material.

Within available funds, the Corps of Engineers is directed to complete an environmental assessment, prepare plans and specifications, and coordinate with State and Federal agencies for the purpose of proceeding with maintenance dredging of the Little River Harbor, New Hampshire, project, and to proceed if determined to be in the Federal interest.

Of the amount provided for the Garrison Dam, Lake Sakakawea, North Dakota, project, $50,000 is for continued mosquito control activities.

The conference agreement includes language proposed by the House permitting the use of funds from the Harbor Maintenance Trust Fund.

The conference agreement includes language proposed by the Senate prohibiting the use of funds for land acquisition in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

The conference agreement deletes language proposed by the Senate providing $1,500,000 for the development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities. The amount appropriated for Operation and Maintenance, General includes $1,000,000 for the zebra mussel control program of the Corps of Engineers.

The conference agreement deletes language proposed by the Senate earmarking funds for the Matagorda Ship Channel, Point

Comfort Turning Basin, Texas, project. The amount appropriated for Operation and Maintenance, General includes $100,000 for the Secretary of the Army, acting through the Chief of Engineers, to study the economic justification and environmental acceptability of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, in accordance with section 509(a) of Public Law 104-303.

The conference agreement deletes language proposed by the Senate providing that the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial. The Corps of Engineers is directed to use available funds, not to exceed $300,000, for expenses associated with national coordination of the commemoration of the Lewis and Clark Bicentennial.

REGULATORY PROGRAM

The conference agreement appropriates $117,000,000 for the Regulatory Program as proposed by the House instead of $115,000,000 as proposed by the Senate.

The conferees strongly urge the U.S. Army Corps of Engineers to review the need to revise Section 404(b)(1) guidelines to recognize existing land uses and the prior investments made on farmed wetland.

The conferees have provided $5,000,000 to fully implement an administrative appeals process for the Regulatory Program of the Corps of Engineers. This process shall provide for a single-level appeal of jurisdictional determinations, the results of which shall be considered final agency action under the Administrative Procedures Act. This language is not intended to create a new cause of action or legal mechanism that would result in additional litigation.

The conference agreement deletes language proposed by the House providing that the results of a single-level appeal of jurisdictional determinations shall be considered final agency action under the Administrative Procedures Act.

The conference agreement includes language proposed by the House requiring the Corps of Engineers to prepare a report regarding the impacts of proposed replacement permits for the nationwide permit 26 on Regulatory Branch workload and compliance costs, amended to delete language requiring that the report be submitted to certain committees of Congress before the Secretary of the Army may adopt replacement permits or terminate the current nationwide permit 26, and amended to delete a deadline of December 30, 1999, for submission of the report to certain committees of Congress.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $150,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP) as proposed by the House and the Senate, and makes the funds available until expended as proposed by the Senate. The remaining statutory provisions proposed by the Senate are contained in section 611 of the bill.

GENERAL EXPENSES

The conference agreement appropriates $149,500,000 for General Expenses instead of $148,000,000 as proposed by the House and $151,000,000 as proposed by the Senate.

The conference agreement includes language proposed by the House prohibiting the use of funds to support an office of congressional affairs within the executive office of the Chief of Engineers.

The conference agreement deletes language proposed by the House prohibiting the use of funds to support more than one regional office in each division.

REVOLVING FUND

The conference agreement deletes language proposed by the Senate authorizing the use of amounts available in the Revolving Fund to renovate office space in the General Accounting Office (GAO) headquarters building in Washington, D.C. for use by the Corps of Engineers and the GAO.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. The conference agreement includes a provision proposed by the Senate directing the Secretary of the Army, acting through the Chief of Engineers, to undertake work funded in the conference agreement using continuing contracts and providing that no fully allocated funding policy shall apply to projects for which funds are provided in the conference agreement.

SEC. 102. The conference agreement includes a provision proposed by the Senate limiting funding of credits and reimbursements to $10,000,000 per project per fiscal year and a total of $50,000,000 per year for all applicable projects, amended to delete a limitation of reimbursements and credits to a single agreement per project.

SEC. 103. The conference agreement includes language proposed by the Senate providing that none of the funds made available in the conference agreement may be used to revise the Missouri River Master Water Control Manual if such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in states that have rivers draining into the Missouri River below the Gavins Point Dam.

Provision not included in the conference agreement.—The conference agreement deletes language proposed by the Senate directing continued funding of wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota, and earmarking $3,000,000 to fund activities authorized under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. The amount appropriated for Construction, General includes $1,500,000 for these activities.

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CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	150	---	150	---
BALDWIN COUNTY WATERSHEDS, AL	100	---	100	---
BAYOU LA BATRE, AL	100	---	100	---
BLACK WARRIOR-TOMBIGBEE WATERWAY, AL	170	---	170	---
BREWTON AND EAST BREWTON, AL	100	---	100	---
DOG RIVER, AL	350	---	350	---
LUBBUB CREEK, REFORM, AL	---	---	100	---
PERDIDO KEY BEACHES, AL	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	---	75	---	75
ANCHORAGE HARBOR DEEPENING, AK	150	---	150	---
ANIAK, AK	100	---	100	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	---	---	100	---
BREVIG MISSION, AK	100	---	100	---
CHANDALRR RIVER WATERSHED, AK	---	---	100	---
CHENA RIVER WATERSHED, AK	115	---	115	---
COASTAL STUDIES NAVIGATION IMPROVEMENT, AK	220	---	220	---
DOUGLAS HARBOR EXPANSION, AK	140	---	140	---
FALSE PASS HARBOR, AK	150	---	150	---
GASTINEAU CHANNEL, JUNEAU, AK	---	---	100	---
KENAI RIVER WATERSHED, AK	128	---	128	---
MATANUSKA RIVER WATERSHED STUDY, AK	235	---	150	---
NAKNEK RIVER WATERSHED, AK	120	---	120	---
NOME HARBOR IMPROVEMENTS, AK	---	253	---	253
PORT LIONS HARBOR, AK	150	---	150	---
SEWARD HARBOR, AK	---	58	---	58
SHIP CREEK WATERSHED, AK	230	---	230	---
SKAGWAY HARBOR, AK	---	---	100	---
VALDEZ HARBOR EXPANSION, AK	150	---	150	---
WRANGELL HARBOR, AK	---	284	---	284
AMERICAN SAMOA				
WESTERN DISTRICT HARBOR, AS	125	---	125	---
ARIZONA				
COLONIAS ALONG U.S. - MEXICO BORDER, AZ & TX	200	---	600	---
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ	342	---	342	---
GILA RIVER, SANTA CRUZ RIVER BASIN, AZ	200	---	200	---
LITTLE COLORADO RIVER, AZ	50	---	50	---
PIMA COUNTY, AZ	---	---	100	---
RILLITO RIVER, PIMA COUNTY, AZ	250	---	250	---
RIO DE FLAG, FLAGSTAFF, AZ	263	---	263	150
RIO SALADO, PHOENIX REACH, AZ	---	1,545	200	1,545

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RIO SALADO, TEMPE REACH, AZ	---	100	---	233
SANTA CRUZ RIVER, AZ	---	---	250	---
SANTA CRUZ RIVER (PASEO DE LAS IGLESIAS), AZ	200	---	300	---
TRES RIOS, AZ	---	50	---	50
TRES RIOS, AZ	486	---	486	---
TUCSON DRAINAGE AREA, AZ	---	420	---	420
ARKANSAS				
ARKANSAS RIVER (NAVIGATION STUDY), FORT SMITH, AR	100	---	1,000	---
MAY BRANCH, FORT SMITH, AR	200	---	200	---
WHITE RIVER NAVIGATION TO NEWPORT, AR	---	307	---	307
CALIFORNIA				
ALISO CREEK WATERSHED MANAGEMENT, CA	161	---	161	---
AMERICAN RIVER WATERSHED, CA	---	5,000	---	5,000
ARROYO PASAJERO, CA	---	150	---	500
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	200	---	332	---
CITY OF SAN BERNARDINO, CA	---	---	100	---
COAST OF CALIFORNIA, LOS ANGELES COUNTY, CA	---	---	100	---
ENCINITAS, CA	---	---	100	---
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	---	480	---	480
HUNTINGTON BEACH, BLUFFTOP PARK, CA	---	---	300	---
KAWEAH RIVER, CA	---	582	---	582
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LLAGAS CREEK, CA	---	---	---	250
LOS ANGELES COUNTY, CA	---	---	100	---
LOWER MISSION CREEK, CA	---	250	---	250
MALIBU CREEK WATERSHED, CA	100	---	---	---
MARE ISLAND STRAIT DREDGING EXPANSION, CA	50	---	50	---
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	25	---	25	---
MARINA DEL REY AND BALLONA CREEK, CA	---	50	---	50
MARINA DEL REY AND BALLONA CREEK, CA	100	---	100	---
MATILIJA DAM, CA	---	---	100	---
MOJAVE RIVER DAM, CA	300	---	300	---
MORRO BAY ESTUARY, CA	100	---	100	---
MUGU LAGOON, CA	150	---	100	---
MURRIETA CREEK, CA	---	100	---	100
N CA STREAMS, CACHE CREEK, CA	---	---	400	---
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	150	---	150	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	200	---	---	---
N CA STREAMS, MIDDLE CREEK, CA	150	---	100	---
NAPA RIVER, SALT MARSH RESTORATION, CA	275	---	175	---
NAPA VALLEY WATERSHED MANAGEMENT, CA	50	---	---	---
NEWPORT BAY (LA-3 SITE DESIGNATION STUDY), CA	---	---	700	---
NEWPORT BAY HARBOR, CA	---	200	---	200
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	140	---	140	---
OAKLAND HARBOR, CA	---	400	---	400
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ORANGE COUNTY COAST BEACH EROSION, CA	---	---	500	---
ORANGE COUNTY SPECIAL MANAGEMENT PLAN, CA	---	---	400	---
PAJARO RIVER BASIN, WATSONVILLE, CA	---	---	---	250
PAJARO RIVER BASIN STUDY, CA	---	---	100	---
PAJARO RIVER MAINSTEM, CA	---	---	100	---
PENINSULA BEACH, CA	---	---	150	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,.	---	100	---	---
PORT OF STOCKTON, CA	150	---	300	---
RANCHO PALOS VERDES, CA	---	200	---	300
REDWOOD CITY HARBOR, CA	200	---	100	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	125	---	125	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	200	---	200	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,.	2,000	---	3,000	---
SAN ANTONIO CREEK, CA	---	---	100	---
SAN BERNARDINO COUNTY, CA	100	---	100	---
SAN CLEMENTE SHORELINE, CA	---	---	100	---
SAN DIEGO COUNTY SHORELINE, CA	---	---	100	---
SAN DIEGO HARBOR (DEEPENING), CA	---	50	---	---
SAN DIEGO HARBOR (DEEPENING), CA	116	---	116	---
SAN DIEGO HARBOR, NATIONAL CITY, CA	50	---	50	---
SAN FRANCISCO BAY, CA	200	---	600	---
SAN GABRIEL TO NEWPORT BAY, CA	---	---	100	---
SAN JACINTO RIVER, CA	---	---	100	---
SAN JOAQUIN R BASIN, CONSUMNES & MOKELUMNE RIVERS, CA.	50	---	50	---
SAN JOAQUIN R BASIN, CORRAL HOLLOW CREEK, CA	---	---	100	---
SAN JOAQUIN R BASIN, FRAZIER CREEK, CA	---	---	100	---
SAN JOAQUIN R BASIN, PINE FLAT DAM, F&WL HABITAT RESTO	125	---	125	100
SAN JOAQUIN R BASIN, STOCKTON METROPOLITAN AREA, CA...	200	---	380	---
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	150	---	150	---
SAN JOAQUIN R BASIN, TUOLUMNE RIVER, CA	150	---	375	---
SAN JOAQUIN R BASIN, WEST STANISLAUS COUNTY, CA	250	---	300	---
SAN JUAN CREEK WATERSHED MANAGEMENT, CA	414	---	414	---
SAN LUIS OBISPO COUNTY STREAMS, CA	---	---	100	---
SAN PABLO BAY WATERSHED, CA	50	---	50	---
SANTA MARGARITA RIVER AND TRIBUTARIES, CA	232	---	232	100
SANTA ROSA CREEK WATERSHED, CA	200	---	150	---
SANTA YNEZ RIVER, CA	100	---	---	---
SOLANA BEACH, CA	---	---	100	---
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	500	---	500
SOUTHAMPTON SHOAL CHANNEL AND EXTENSION, CA	70	---	---	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	500	---	500	---
SUISUN MARSH, CA	---	---	100	---
SUTTER BASIN, CA	60	---	300	---
TAHOE BASIN, CA & NV	150	---	500	---
TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA	250	---	400	---
TULE RIVER, CA	---	150	---	800
UPPER GUADALUPE RIVER, CA	---	300	---	300
UPPER PENITENCIA CREEK, CA	250	---	250	---
UPPER SANTA ANA RIVER WATERSHED, CA	100	---	100	---
VENTURA HARBOR SAND BYPASS, CA	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
WHITE RIVER, POSO AND DEER CREEKS, CA.................	60	---	500	---
YUBA RIVER BASIN, CA..................................	---	150	---	600
COLORADO				
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	340	---	340	---
CONNECTICUT				
COASTAL CONNECTICUT ECOSYSTEM RESTORATION, CT.........	200	---	150	---
DELAWARE				
C&D CANAL, BALTIMORE HBR CONN CHANNELS, DE & MD (DEEPE	---	500	---	500
DELAWARE BAY COASTLINE, DE & NJ.......................	---	---	---	1,075
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	79	---	79	349
FLORIDA				
BISCAYNE BAY, FL......................................	400	---	400	---
HILLSBOROUGH RIVER BASIN, FL..........................	---	---	100	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL...............	---	---	100	---
MILE POINT, JACKSONVILLE, FL..........................	---	---	100	---
PORT EVERGLADES HARBOR, FL............................	---	105	---	105
ST LUCIE INLET, FL....................................	---	188	---	188
TAMPA HARBOR, ALAFIA CHANNEL, FL......................	---	---	---	175
WITHLACOOCHEE RIVER BASIN, FL.........................	---	---	100	---
GEORGIA				
ALLATOONA LAKE (ETOWAH RIVER), GA.....................	---	---	325	---
ALLATOONA LAKE (LITTLE RIVER), GA.....................	---	---	200	---
AUGUSTA, GA...	189	---	189	---
BRUNSWICK HARBOR, GA..................................	---	469	---	469
INDIAN, SUGAR, INTRENCHMENT AND FEDERAL PRISON CREEKS				
METRO ATLANTA WATERSHED, GA...........................	480	---	780	---
NEW SAVANNAH BLUFF LOCK AND DAM, GA & SC..............	442	---	442	---
SAVANNAH HARBOR EXPANSION, GA.........................	---	100	---	100
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC...........	500	---	500	---
HAWAII				
ALA WAI CANAL, OAHU, HI...............................	40	---	40	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI...........	---	380	---	380
HONOLULU HARBOR MODIFICATIONS, OAHU, HI...............	225	---	225	---
KAHULUI HARBOR MODIFICATIONS, MAUI, HI................	125	---	125	---
KAWAIHAE DEEP DRAFT HARBOR, HI (MODIFICATIONS)........	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
IDAHO				
BOISE RIVER, ID	---	---	100	---
KOOTENAI RIVER AT BONNERS FERRY, ID	---	---	100	---
LITTLE WOOD RIVER, ID	---	---	100	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	---	375	---	375
DES PLAINES RIVER, IL	---	247	---	247
ILLINOIS BEACH, IL	---	---	131	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	350	---	350	---
KANKAKEE RIVER BASIN, IL & IN	295	---	295	---
PEORIA RIVERFRONT DEVELOPMENT, IL	300	---	300	---
ROCK RIVER, IL & WI	200	---	200	---
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	2,100	---	2,100	---
UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO	6,700	---	13,000	---
WAUKEGAN HARBOR, IL	---	450	---	450
WOOD RIVER LEVEE, IL	201	---	201	---
INDIANA				
HAMMOND, IN	---	---	100	---
INDIANA HARBOR, IN	---	---	100	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	1,000	---	1,000
MISSISSINEWA RIVER, MARION, IN	---	---	100	---
MUNCIE, WHITE RIVER, IN	---	---	100	---
ST. JOSEPH RIVER AND SPY RUN CREEK, IN	---	---	100	---
IOWA				
DES MOINES AND RACCOON RIVERS, IA	400	---	300	---
INDIAN CREEK, COUNCIL BLUFFS, IA	90	---	90	---
KANSAS				
TOPEKA, KS	211	---	211	---
TURKEY CREEK BASIN, KS & MO	---	266	---	400
KENTUCKY				
AUGUSTA, KY	150	---	150	---
BANKLICK CREEK, KENTON COUNTY, KY	---	---	100	---
GREEN AND BARREN RIVERS NAVIGATION DISPOSITION, KY	70	---	70	---
GREENUP, KY	---	---	200	---
LICKING RIVER, CYNTHIANA, KY	150	---	250	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	---	---	100	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	304	---	304	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	400	---	400	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	7,157	---	7,157	---

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PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
RUSSELL, KY	---	---	200	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES, LA	---	---	100	---
CALCASIEU LOCK, LA	691	---	691	---
CALCASIEU RIVER BASIN, LA	---	---	100	---
CAMERON LOOP, CALCASIEU PASS, LA	300	---	200	---
EAST BATON ROUGE PARISH, LA	---	134	---	134
INTRACOASTAL WATERWAY LOCKS, LA	700	---	700	---
JEFFERSON PARISH, LA	200	---	200	---
LAFAYETTE PARISH, LA	415	---	415	---
LOUISIANA COASTAL AREA, LA	---	---	1,500	---
ORLEANS PARISH, LA	225	---	225	---
ST. BERNARD PARISH, LA	---	---	100	---
WEST SHORE, LAKE PONTCHARTRAIN, LA	500	---	500	---
MARYLAND				
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	700	---	700	---
ANACOSTIA RIVER, NORTHWEST BRANCH, MD & DC	---	300	---	300
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	600	---	600	---
BALTIMORE METROPOLITAN, DEEP RUN/TIBER HUDSON, MD	---	400	---	400
BALTIMORE METROPOLITAN, GWYNNS FALLS, MD	200	---	200	---
EASTERN SHORE, MD	100	---	100	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD	150	---	150	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	153	---	153	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	---	50	---	50
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	156	---	156	---
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	300	---	300	---
BOSTON HARBOR, MA	---	---	100	---
MICHIGAN				
DETROIT RIVER ENVIRONMENTAL DREDGING, MI	---	---	100	---
KALAMAZOO, MI	---	---	100	---
MUSKEGON LAKE, MI	---	---	100	---
SAULT STE MARIE, MI	---	---	---	200
WHITE LAKE, MI	---	---	100	---
MINNESOTA				
UPPER MISSISSIPPI R FROM LAKE ITASCA TO LOCK DAM 2, MN	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MISSOURI				
BALLWIN, ST LOUIS COUNTY, MO	150	---	150	---
BLUE RIVER BASIN, KANSAS CITY, MO	---	377	---	377
CHESTERFIELD, MO	---	320	---	---
CHESTERFIELD, MO	200	---	200	---
FESTUS AND CRYSTAL CITY, MO	---	325	---	325
KANSAS CITY, MO & KS	315	---	315	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	275	---	275	---
RIVER DES PERES, MO	---	---	---	50
ST LOUIS FLOOD PROTECTION, MO	285	---	285	---
ST LOUIS HARBOR, MO & IL	---	322	---	322
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	58	---	58	---
NEBRASKA				
ANTELOPE CREEK, LINCOLN, NE	---	153	---	153
ANTELOPE CREEK, LINCOLN, NE	72	---	72	---
LOWER PLATTE RIVER AND TRIBUTARIES, NE	350	---	508	92
NEVADA				
CARSON RIVER, NV	16	---	16	---
FALLON, NV	16	---	16	---
LOWER LAS VEGAS WASH WETLANDS, NV	100	---	500	---
LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION,	---	103	---	---
LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION,	87	---	87	---
TRUCKEE MEADOWS, NV	---	550	---	600
NEW JERSEY				
ARTHUR KILL EXTENSION TO PERTH AMBOY, NJ & NY	100	---	100	---
BARNEGAT BAY, NJ	400	---	400	---
BARNEGAT INLET TO LITTLE EGG INLET, NJ	---	---	---	200
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	---	---	---	200
GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ	---	---	226	---
HUDSON-RARITAN ESTUARY, NJ & NY	---	---	100	---
LOWER CAPE MAY MEADOWS TO CAPE MAY POINT, NJ	---	---	---	178
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	310	---
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ.	519	---	519	---
RARITAN BAY AND SANDY HOOK BAY, NJ	545	---	895	200
SHREWSBURY RIVER AND TRIBUTARIES, MONMOUTH COUNTY, NJ.	---	---	100	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	569	---	569	---
STONY BROOK, NJ	---	---	100	---
TOWNSENDS INLET TO CAPE MAY INLET, NJ	---	---	---	400
UPPER PASSAIC RIVER AND TRIBS, LONG HILL, MORRIS COUNT	200	---	200	---
UPPER ROCKAWAY RIVER, MORRIS COUNTY, NJ	200	---	200	---
WOODBRIDGE AND RAHWAY, NJ	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NEW MEXICO				
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50	---	50	---
NORTH LAS CRUCES, NM	---	---	200	---
RIO GRANDE WATER MANAGEMENT, NM, CO & TX	50	---	50	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, N	250	---	250	---
NEW YORK				
ADDISON, NY	150	---	150	---
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	---	1,312	---	1,312
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY	100	---	100	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY	100	---	100	---
BRONX RIVER BASIN,NY	100	---	100	---
CHEMUNG RIVER BASIN ENVIRONMENTAL RESTORATION, NY & PA	100	---	100	---
CLINTON COUNTY, NY	---	---	100	---
ELLICOTT CREEK, NY	---	---	100	---
FLUSHING BAY AND CREEK, NY	600	---	600	---
HAMLIN BEACH AND LAKESIDE BEACH, NY	---	---	100	---
HUDSON RIVER HABITAT RESTORATION, NY	---	100	---	100
HUDSON RIVER HABITAT RESTORATION, NY	100	---	100	---
HUDSON RIVER, HUDSON, NY	---	---	100	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY.	50	---	---	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	166	---	166	---
LINDENHURST,NY	100	---	100	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	---	2,534	---	2,534
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	884	---	884	---
NEW YORK HARBOR ANCHORAGE AREAS, NY	300	---	300	---
NORTH SHORE OF LONG ISLAND, NY	---	---	200	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	50	---	50	---
ONONDAGA LAKE, NY	130	---	130	---
OTSEGO LAKE ENVIRONMENTAL RESTORATION, NY	150	---	150	---
SAWMILL RIVER AND TRIBUTARIES, NY	100	---	100	---
SOUTH SHORE OF LONG ISLAND, NY	50	---	50	---
SOUTH SHORE OF STATEN ISLAND, NY	350	---	350	---
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	---	60	---	60
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	101	---	101	---
UPPER DELAWARE RIVER WATERSHED, NY	300	---	200	---
NORTH CAROLINA				
BOGUE BANKS, NC	---	---	100	---
BRUNSWICK COUNTY BEACHES, NC	---	850	---	850
DARE COUNTY BEACHES, NC	---	---	---	100
JOHN H. KERR DAM AND RESERVOIR, NC	---	---	100	---
LOCKWOODS FOLLY RIVER, NC	400	---	200	---
MANTEO (SHALLOWBAG) BAY, NC	---	350	---	---
NEUSE RIVER BASIN, NC	100	---	---	---
NEW RIVER BASIN, NC, VA & WV	---	---	100	---
TENNESSEE RIVER AND TRIBS, EASTERN BAND CHEROKEE NATIO	398	---	150	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
TENNESSEE RIVER AND TRIBS, FRANKLIN, MACON COUNTY, NC.	199	---	100	---
NORTH DAKOTA				
DEVILS LAKE, ND	300	---	300	---
PARK RIVER, GRAFTON, ND	---	---	50	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	600	---	600
BERLIN LAKE, OH	---	---	100	---
COLUMBUS METROPOLITAN AREA, OH	400	---	300	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	100	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	---	---
MAUMEE RIVER, OH	---	116	---	116
MICHAEL J. KIRWAN DAM AND RESERVOIR, OH	---	---	100	---
MOSQUITO CREEK LAKE, OH	---	---	100	---
MUSKINGUM BASIN SYSTEM STUDY, OH	---	---	100	---
RICHLAND COUNTY, OH	---	---	100	---
OKLAHOMA				
CIMARRON RIVER BASIN, OK & KS	---	---	100	---
SOUTHEAST OKLAHOMA, OK	---	---	100	---
WARR ACRES AND BETHANY, OK	---	---	100	---
OREGON				
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA	---	892	---	892
COLUMBIA SLOUGH, OR	95	---	---	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	200	---	100	---
WALLA WALLA RIVER WATERSHED, OR & WA	90	---	90	---
WILLAMETTE RIVER BASIN REVIEW, OR	291	---	291	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	---	---	100	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	300	---	100	---
PENNSYLVANIA				
BLOOMSBURG, PA	184	---	300	---
CONEMAUGH RVR BASIN, NANTY GLO ENVIRONMENTAL RESTORATI	---	140	---	---
TURTLE CREEK BASIN, BRUSH CREEK ENV RESTORATION, PA	191	---	---	---
TURTLE CREEK BASIN, LYONS RUN ENV RESTORATION, PA	223	---	---	---
TURTLE CREEK BASIN, UPPER TURTLE CREEK ENV RESTORATION	255	---	255	---
UPPER SUSQUEHANA RIVER BASIN, PA & NY	---	---	250	---
PUERTO RICO				
RIO GUANAJIBO, PR	---	403	---	403
RIO NIGUA AT SALINAS, PR	---	463	---	463

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RHODE ISLAND				
RHODE ISLAND ECOSYSTEM RESTORATION, RI	177	---	177	---
RHODE ISLAND SOUTH COAST, HABITAT REST & SRTM DMG REDU	157	---	157	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	400	---	400	---
CHARLESTON ESTUARY, SC	150	---	150	---
PAWLEYS ISLAND, SC	150	---	150	---
SANTEE, COOPER, CONGAREE RIVERS - GOOSE CREEK RESERVOI	---	68	---	---
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	---	50	---	50
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	182	---	182	---
SOUTH DAKOTA				
JAMES RIVER, SD & ND	100	---	100	---
WATERTOWN AND VICINITY, SD	---	95	---	95
TENNESSEE				
DUCK RIVER WATERSHED, TN	394	---	100	---
NOLICHUCKY WATERSHED, TN	200	---	200	---
NORTH CHICKAMAUGA CREEK, TN	288	---	288	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	---	---	100	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	300	---	300	---
CORPUS CHRISTI SHIP CHANNEL, TX	672	---	672	---
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX	---	---	400	---
CYPRESS CREEK, HOUSTON, TX	---	300	---	---
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX	---	1,553	---	1,553
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	830	---	830	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	770	---	770	---
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	840	---	840	---
GULF INTRACOASTAL WATERWAY MODIFICATION, TX	---	---	100	---
GREENS BAYOU, HOUSTON, TX	---	560	---	560
GUADALUPE AND SAN ANTONIO RIVERS, TX	---	---	400	---
HUNTING BAYOU, HOUSTON, TX	---	328	---	328
LOWER COLORADO RIVER BASIN, TX	220	---	500	---
MIDDLE BRAZOS RIVER, TX	300	---	300	---
NORTH PADRE ISLAND, CORPUS CHRISTI, TX	100	---	250	---
NORTHWEST EL PASO, TX	250	---	250	---
PECAN BAYOU, BROWNWOOD, TX	---	62	---	62
RAYMONDVILLE DRAIN, TX	---	100	---	200
SABINE PASS TO GALVESTON BAY, TX	---	---	100	---
SABINE - NECHES WATERWAY, TX	700	---	700	---
SOUTH MAIN CHANNEL, TX	---	600	---	600
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	245	---	245	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
UPPER TRINITY RIVER BASIN, TX	720	---	1,195	---
VIRGIN ISLANDS				
CROWN BAY CHANNEL, VI	---	241	---	241
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	370	---	370	---
CHESAPEAKE BAY SHORELINE, HAMPTON, VA	---	---	245	---
ELIZABETH RIVER BASIN, ENVIR RESTORATION, HAMPTON ROAD	339	---	339	---
JAMES RIVER CHANNEL, VA	---	195	---	195
JOHN H. KERR, VA & NC	---	---	100	---
LOWER RAPPAHANNOCK RIVER BASIN, VA	---	---	100	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	1,050	---	1,050	---
POQUOSON, VA	100	---	100	---
POWELL RIVER WATERSHED, VA	240	---	200	---
POWELL RIVER, ELY/PUCKETTS CREEK, VA	---	250	---	---
PRINCE WILLIAM COUNTY WATERSHED, VA	200	---	100	---
RAPPAHANNOCK RIVER, EMBREY DAM, VA	200	---	200	---
WASHINGTON				
BELLINGHAM BAY, WA	---	---	100	---
CENTRALIA, WA	---	250	---	250
CHEHALIS RIVER BASIN, WA	---	---	100	---
DUWAMISH AND GREEN RIVER BASIN, WA	152	---	152	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	20	---	---
HOWARD HANSON DAM, WA	---	888	---	2,000
LAKE WASHINGTON SHIP CANAL, WA	100	---	200	---
OCEAN SHORES, WA	---	---	100	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	300	---	300	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	---	---	100	---
SKAGIT RIVER, WA	313	---	313	---
SKOKOMISH RIVER BASIN, WA	66	---	66	---
STILLAGUAMISH RIVER BASIN, WA	201	---	150	---
TRI-CITIES AREA RIVERSHORE ENHANCEMENT, WA	200	---	150	---
WEST VIRGINIA				
LOWER MUD RIVER, WV	---	---	---	300
KANAWHA RIVER NAVIGATION, WV	650	---	650	---
MERCER COUNTY, WV	403	---	403	---
NORTH BRANCH POTOMAC RIVER ENVIRON RESTORATION, WV, MD	---	50	---	50
WISCONSIN				
FOX RIVER, WI	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
WYOMING				
JACKSON HOLE RESTORATION, WY	---	340	---	---
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	1,500	---	1,200	---
ENVIRONMENTAL DATA STUDIES	100	---	100	---
FLOOD DAMAGE DATA	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES	9,000	---	8,500	---
GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401)	---	---	500	---
HYDROLOGIC STUDIES	500	---	500	---
INTERNATIONAL WATER STUDIES	1,900	---	500	---
OTHER COORDINATION PROGRAMS	8,100	---	8,000	---
PLANNING ASSISTANCE TO STATES	6,500	---	5,800	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	400	---	400	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	300	---	300	---
RESEARCH AND DEVELOPMENT	27,000	---	26,200	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	700	---	700	---
TRANSPORTATION SYSTEMS	700	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-23,496	---	-23,846	---
TOTAL, GENERAL INVESTIGATIONS	102,362	32,638	123,949	38,045

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	3,000	3,000
MOBILE HARBOR, AL	700	700
TENNESSEE-TOMBIGBEE WILDLIFE MITIGATION, AL & MS	---	1,730
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	750	750
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	3,600	3,600
ALASKA		
CHIGNIK HARBOR, AK	4,357	4,357
COOK INLET, AK	500	1,700
KAKE HARBOR, AK	2,568	2,568
ST PAUL HARBOR, AK	500	1,000
ARIZONA		
CLIFTON, AZ	645	645
ARKANSAS		
DARDANELLE LOCK AND DAM POWERHOUSE, AR (MAJOR REHAB)	11,964	10,464
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	3,080	3,080
MONTGOMERY POINT LOCK AND DAM, AR	20,000	45,000
RED RIVER EMERGENCY BANK PROTECTION, AR & TX	---	4,000
RED RIVER WATERWAY (INDEX, AR TO DENISON DAM, TX)	---	275
CALIFORNIA		
AMERICAN RIVER WATERSHED (NATOMAS), CA	4,000	4,000
AMERICAN RIVER WATERSHED, CA	17,000	17,000
CORTE MADERA CREEK, CA	500	500
GUADALUPE RIVER, CA	5,000	5,000
HUMBOLDT HARBOR AND BAY, CA	3,200	---
IMPERIAL BEACH (SILVER STRAND SHORELINE), CA	---	351
KAWEAH RIVER, CA	---	2,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	30,000	50,000
LOS ANGELES HARBOR, CA	9,785	4,785
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	2,317	2,317
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	300	300
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	4,000	4,000
NAPA RIVER, CA	4,500	3,500
NORCO BLUFFS, CA	---	2,200
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	7,000	7,000
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	3,000	6,000
SAN LORENZO RIVER, CA	4,800	4,800
SANTA ANA RIVER MAINSTEM, CA	20,000	28,000
SANTA BARBARA HARBOR, CA	4,960	4,500
SANTA PAULA CREEK, CA	14,800	14,800

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY).............	1,250	1,250
SURFSIDE-SUNSET AND NEWPORT BEACH, CA................	---	400
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA........	3,055	3,055
WEST SACRAMENTO, CA..................................	7,700	7,000
DELAWARE		
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND...	---	325
DELAWARE COAST PROTECTION, DE........................	259	259
FLORIDA		
BREVARD COUNTY, FL...................................	---	5,000
CANAVERAL HARBOR DEEPENING, FL.......................	830	830
CANAVERAL HARBOR, FL.................................	2,750	2,750
CEDAR HAMMOCK, WARES CREEK, FL.......................	---	3,000
CENTRAL AND SOUTHERN FLORIDA, FL.....................	52,300	52,300
DADE COUNTY, FL......................................	2,000	5,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	21,100	20,000
FORT PIERCE BEACH, FL................................	---	1,000
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	6,000	6,000
KISSIMMEE RIVER, FL..................................	39,800	28,100
LAKE WORTH INLET SAND TRANSFER PLANT, FL.............	---	1,000
LEE COUNTY, FL.......................................	---	350
MANATEE HARBOR, FL...................................	4,700	4,700
MARTIN COUNTY, FL....................................	---	250
MIAMI HARBOR CHANNEL, FL.............................	15,000	15,000
PALM VALLEY BRIDGE, FL...............................	3,000	6,000
PANAMA CITY HARBOR, FL...............................	---	250
PINELLAS COUNTY, FL..................................	2,000	2,000
TAMPA HARBOR (YBOR CHANNEL), FL......................	---	3,200
ST JOHN'S COUNTY, FL (SHORE PROTECTION)..............	---	1,000
GEORGIA		
BUFORD POWERHOUSE, GA (MAJOR REHAB)..................	3,650	3,350
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	1,500	1,500
LOWER SAVANNAH RIVER BASIN, GA.......................	---	200
RICHARD B RUSSELL DAM AND LAKE, GA & SC..............	8,500	8,000
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	8,000	7,500
HAWAII		
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR).........	219	219
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI................	75	75
MAALAEA HARBOR, MAUI, HI.............................	272	272

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	1,600	2,100
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.	100	300
CHICAGO SHORELINE, IL	7,629	13,129
DES PLAINES WETLANDS DEMONSTRATION, IL	---	1,075
EAST ST LOUIS, IL	2,000	2,000
EAST ST LOUIS INTERIOR FLOOD CONTROL, IL	---	488
LOCK AND DAM 24, MISS RIVER, IL & MO (MAJOR REHABILITA	5,044	5,044
LOCK AND DAM 25, MISSISSIPPI RIVER, IL & MO (MAJOR REH	4,456	4,456
LOVES PARK, IL	3,888	3,588
MCCOOK AND THORNTON RESERVOIRS, IL	2,500	4,500
MELVIN PRICE LOCK AND DAM, IL & MO	2,900	2,900
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	28,634	34,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MO, MN	18,955	18,955
INDIANA		
FORT WAYNE METROPOLITAN AREA, IN	4,000	3,600
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	8,000
INDIANA SHORELINE EROSION, IN	---	40
LITTLE CALUMET RIVER, IN	3,900	9,400
OHIO RIVER FLOOD PROTECTION (INDIANA SHORELINE), IN	---	800
PATOKA LAKE, IN (MAJOR REHAB)	2,000	2,000
WHITE RIVER, INDIANAPOLIS (NORTH), IN	---	500
IOWA		
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	2,600	2,300
LOCK AND DAM 14, MISSISSIPPI RIVER, IA (MAJOR REHAB)	4,092	3,792
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	5,000	8,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	3,000	3,000
MUSCATINE ISLAND, IA	2,500	2,500
PERRY CREEK, IA	9,500	9,500
KANSAS		
ARKANSAS CITY, KS	4,300	4,300
WINFIELD, KS	154	154
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	1,450	1,450
DEWEY LAKE, KY (DAM SAFETY)	2,500	2,500
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	7,750	15,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	2,800	10,800
METROPOLITAN LOUISVILLE, POND CREEK, KY	3,251	3,251
SOUTHERN AND EASTERN KENTUCKY, KY	---	2,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LOUISIANA		
ALOHA - RIGOLETTE, LA	581	581
COMITE RIVER, LA	4,000	4,000
INNER HARBOR NAVIGATION CANAL LOCK, LA	13,000	15,900
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	11,887	16,887
LAKE PONTCHARTRAIN STORMWATER DISCHARGE, LA	---	500
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	2,000	2,000
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	1,500	1,500
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	1,400	2,000
PORT FOURCHON, LA	2,184	2,184
RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	21,113	23,600
SOUTHEAST LOUISIANA, LA	47,066	47,066
WEST BANK VICINITY OF NEW ORLEANS, LA	7,000	15,070
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	4,031	4,031
ATLANTIC COAST OF MARYLAND, MD	200	200
BALTIMORE HARBOR AND CHANNELS (BREWERTON CHANNEL), MD	9,578	9,578
CHESAPEAKE BAY ENVIRON RESTOR AND PROT, MD, VA, & PA	---	340
CHESAPEAKE BAY OYSTER RECOVERY, MD	559	559
POPLAR ISLAND, MD	9,502	14,000
MASSACHUSETTS		
BOSTON HARBOR, MA	1,000	1,000
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	5,000	5,000
HODGES VILLAGE DAM, MA (MAJOR REHAB)	3,257	3,000
TOWN BROOK, QUINCY AND BRAINTREE, MA	1,500	1,500
MICHIGAN		
CLINTON RIVER, MI SPILLWAY (DEFICIENCY CORRECTION)	---	250
MINNESOTA		
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	3,200	3,200
MARSHALL, MN	2,275	2,275
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)	3,390	3,190
ST. CROIX RIVER, STILLWATER, MN	---	1,158
MISSISSIPPI		
JACKSON COUNTY, MS	---	800
NATCHEZ BLUFF, MS	---	2,000
PASCAGOULA HARBOR, MS	7,792	7,792
WOLF AND JORDAN RIVERS AND BAYOU PORTAGE, MS	---	1,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSOURI		
BLUE RIVER CHANNEL, KANSAS CITY, MO	13,700	13,700
CAPE GIRARDEAU, JACKSON, MO	1,900	1,900
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,500	3,200
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	3,000	3,000
STE GENEVIEVE, MO	7,000	7,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	13,000	13,000
NEBRASKA		
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	300	1,000
WOOD RIVER, GRAND ISLAND, NE	100	100
NEVADA		
TROPICANA AND FLAMINGO WASHES, NV	20,100	29,000
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	---	7,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,700	1,700
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	16,500	10,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	419	419
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	2,000	2,000
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	1,800	1,800
PASSAIC RIVER STREAMBANK RESTORATION, NJ	---	6,000
RAMAPO RIVER AT OAKLAND, NJ	1,300	1,300
RARITAN BAY AND SANDY HOOK BAY, NJ	---	200
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	1,000	1,000
SANDY HOOK TO BARNEGAT INLET, NJ	9,000	9,000
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,500	1,500
ALAMOGORDO, NM	700	700
LAS CRUCES, NM	2,400	2,400
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	600	600
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	300	300
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	3,320	3,320
FIRE ISLAND INLET TO JONES INLET, NY	3,000	3,000
FIRE ISLAND INLET TO MONTAUK POINT, NY	3,250	4,250
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	60,000	40,000
NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT, NY&NJ	---	1,000
NEW YORK STATE CANAL SYSTEM, NY	---	4,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORTH CAROLINA		
AIWW, REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC	7,000	6,300
BRUNSWICK COUNTY BEACHES, NC	---	200
WILMINGTON HARBOR, NC	18,300	18,300
NORTH DAKOTA		
BUFORD-TRENTON IRRIGATION DISTRICT LAND ACQUISITION, N	5,000	5,000
DEVILS LAKE EMERGENCY OUTLET, ND	10,000	---
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	6,500	6,000
GRAND FORKS, ND - EAST GRAND FORKS, MN	10,000	10,000
HOMME LAKE, ND (DAM SAFETY)	3,000	2,800
LAKE ASHTABULA AND BALDHILL DAM, ND (MAJOR REHAB)	500	500
SHEYENNE RIVER, ND (BALDHILL POOL RAISE)	---	1,000
OHIO		
BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY	1,400	1,400
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	2,266	2,266
MILL CREEK, OH	915	915
WEST COLUMBUS, OH	8,000	16,000
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY)	500	500
TENKILLER FERRY LAKE, OK (DAM SAFETY)	6,800	6,400
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	10,800	10,800
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	6,368	5,510
ELK CREEK LAKE, OR	500	180
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	262	352
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	1,700	1,700
PENNSYLVANIA		
JOHNSTOWN, PA (MAJOR REHAB)	6,800	6,800
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	21,600	45,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	520	520
SAW MILL RUN, PITTSBURGH, PA	3,500	3,500
SOUTHEASTERN PENNSYLVANIA, PA	---	3,000
WYOMING VALLEY, PA (LEVEE RAISING)	20,000	20,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PUERTO RICO		
ARECIBO RIVER, PR	2,500	2,500
PORTUGUES AND BUCANA RIVERS, PR	5,434	5,434
RIO DE LA PLATA, PR	1,000	1,000
RIO PUERTO NUEVO, PR	9,566	9,566
SAN JUAN HARBOR, PR	8,000	8,000
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	37,284	37,284
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	---	2,200
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	2,000	1,500
PIERRE, SD	10,000	7,500
TENNESSEE		
BLACK FOX, MURFREE SPRINGS, AND OAKLAND WETLANDS, TN	---	2,000
TENNESSEE RIVER, HAMILTON COUNTY, TN	---	1,500
TEXAS		
BRAYS BAYOU, HOUSTON, TX	9,800	9,800
CHANNEL TO VICTORIA, TX	8,700	7,900
CLEAR CREEK, TX	3,200	2,900
CYPRESS CREEK, HOUSTON, TX	---	4,569
EL PASO, TX	6,200	5,600
GIWW, ARANSAS NATIONAL WILDLIFE REFUGE, TX	9,000	9,000
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	60,000	60,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	2,000	2,000
SAN ANTONIO CHANNEL IMPROVEMENT, TX	610	610
SIMS BAYOU, HOUSTON, TX	18,300	18,300
WALLISVILLE SALTWATER BARRIER, TX	---	4,756
VIRGINIA		
AIWW, BRIDGE AT GREAT BRIDGE, VA	3,000	3,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	1,400	1,400
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	550	550
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,197	1,197
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	19,500
VIRGINIA BEACH, VA (REIMBURSEMENT)	---	1,400

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CORPS OF ENGINEERS - CONSTRUCTION, GENERAL 13:44 9/25/99 PAGE 8

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	100,000	67,500
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	1,300	1,300
MT ST HELENS SEDIMENT CONTROL, WA	540	540
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	2,300	2,300
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	750	750
GREENBRIER RIVER BASIN, WV	---	800
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	5,400	25,150
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB)	600	600
MARMET LOCK, KANAWHA RIVER, WV	9,800	11,350
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	7,150	7,150
SOUTHERN WEST VIRGINIA, WV	---	1,500
TYGART LAKE, WV (DAM SAFETY)	2,900	2,900
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	2,600
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	1,400	1,400
WISCONSIN		
LAFARGE LAKE, KICKAPOO RIVER, WI	---	3,000
MISCELLANEOUS		
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	4,500	6,250
BEACH EROSION CONTROL PROJECTS (SECTION 103)	2,500	2,500
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)	1,000	1,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	20,000	10,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14)	8,500	6,500
EMPLOYEES' COMPENSATION	19,554	19,554
FLOOD CONTROL PROJECTS (SECTION 205)	26,900	35,800
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	400
NAVIGATION PROJECTS (SECTION 107)	4,500	7,500
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	8,500	10,000
RIVERINE ECOSYSTEM RESTORATION AND FLOOD HAZARD MITIGA	25,000	---
SNAGGING AND CLEARING PROJECT (SECTION 208)	100	100
REDUCTION FOR ANTICIPATED SAVINGS AND SIPPAGE, AND CARRYOVER BALANCES	-211,789	-225,000
TOTAL, CONSTRUCTION GENERAL	1,239,900	1,400,722

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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES 11:42 9/24/99 PAGE 1

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
MISSISSIPPI RIVER, ALEXANDER COUNTY, IL AND SCOTT	30	30
ALEXANDRIA, LA TO THE GULF OF MEXICO	700	700
DONALDSONVILLE TO THE GULF, LA	250	250
MEMPHIS METRO AREA, TN & MS	675	675
BAYOU METO BASIN, AR	1,767	1,767
MORGANZA, LA TO THE GULF OF MEXICO	700	1,000
REELFOOT LAKE, TN & KY	318	318
SPRING BAYOU, LA	---	100
WOLF RIVER, MEMPHIS, TN	525	525
COLLECTION AND STUDY OF BASIC DATA	365	365
SUBTOTAL, GENERAL INVESTIGATIONS	5,330	5,730
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	37,685	37,685
EIGHT MILE CREEK, AR	700	700
GRAND PRAIRIE REGION, AR	21,900	---
HELENA AND VICINITY, AR	2,190	2,190
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	23,250	30,000
ST FRANCIS BASIN, AR & MO	4,350	4,850
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,500	7,500
ATCHAFALAYA BASIN, LA	19,750	22,000
L'ANGUILLE RIVER, AR	---	100
LOUISIANA STATE PENITENTIARY LEVEE, LA	3,000	9,000
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	100	100
MISSISSIPPI DELTA REGION, LA	10,400	10,400
TENSAS BASIN, RED RIVER BACKWATER, LA	8,930	8,930
YAZOO BASIN:	(24,279)	(41,150)
BACKWATER LESS ROCKY BAYOU, MS	20	20
BACKWATER PUMP, MS	500	1,000
BIG SUNFLOWER RIVER, MS	3,915	4,500
DEMONSTRATION EROSION CONTROL, MS	6,294	20,000
MAIN STEM, MS	20	20
REFORMULATION UNIT, MS	1,570	1,570
TRIBUTARIES, MS	340	340
UPPER YAZOO PROJECTS, MS	11,620	13,700
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	7,800	9,800
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS	2,500	2,500
WEST TENNESSEE TRIBUTARIES, TN	2,398	2,398
SUBTOTAL, CONSTRUCTION	176,732	189,303

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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES 11:42 9/24/99 PAGE 2

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	55,876	55,876
HELENA HARBOR, PHILLIPS COUNTY, AR	284	284
INSPECTION OF COMPLETED WORKS, AR	443	443
LOWER ARKANSAS RIVER, NORTH BANK, AR	66	66
LOWER ARKANSAS RIVER, SOUTH BANK, AR	108	108
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	3,736	6,500
ST FRANCIS BASIN, AR & MO	6,300	8,700
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,344	2,344
WHITE RIVER BACKWATER, AR	964	964
INSPECTION OF COMPLETED WORKS, IL	45	45
INSPECTION OF COMPLETED WORKS, KY	25	25
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	644	644
ATCHAFALAYA BASIN, LA	10,560	12,810
BATON ROUGE HARBOR, DEVIL SWAMP, LA	157	157
BAYOU COCODRIE AND TRIBUTARIES, LA	101	101
BONNET CARRE, LA	1,068	1,068
INSPECTION OF COMPLETED WORKS, LA	373	373
LOWER RED RIVER, SOUTH BANK LEVEES, LA	84	84
MISSISSIPPI DELTA REGION, LA	436	436
OLD RIVER, LA	4,027	4,027
TENSAS BASIN, RED RIVER BACKWATER, LA	2,927	2,927
GREENVILLE HARBOR, MS	333	333
INSPECTION OF COMPLETED WORKS, MS	193	193
VICKSBURG HARBOR, MS	199	199
YAZOO BASIN:	(20,475)	(24,506)
ARKABUTLA LAKE, MS	3,265	4,265
BIG SUNFLOWER RIVER, MS	209	209
ENID LAKE, MS	3,214	4,214
GREENWOOD, MS	946	946
GRENADA LAKE, MS	4,280	5,280
MAIN STEM, MS	1,059	1,059
SARDIS LAKE, MS	4,334	5,334
TRIBUTARIES, MS	1,269	1,300
WILL M WHITTINGTON AUXILIARY CHANNEL, MS	493	493
YAZOO BACKWATER AREA, MS	560	560
YAZOO CITY, MS	846	846
INSPECTION OF COMPLETED WORKS, MO	202	202
WAPPAPELLO LAKE, MO	3,500	3,500
INSPECTION OF COMPLETED WORKS, TN	113	113
MEMPHIS HARBOR, MCKELLAR LAKE, TN	800	800
MAPPING	1,117	1,117
SUBTOTAL, MAINTENANCE	117,500	128,945
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-19,562	-14,562
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	280,000	309,416

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	3,000	3,000
ALABAMA - COOSA RIVER, AL	5,185	5,385
BAYOU CODEN, AL	---	500
BAYOU LA BATRE, AL	10	10
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	15,917	19,200
BON SECOUR, AL	---	150
DAUPHIN ISLAND BAY, AL	---	500
DOG AND FOWL RIVERS, AL	---	500
GULF INTRACOASTAL WATERWAY, AL	4,000	5,500
INSPECTION OF COMPLETED WORKS, AL	40	40
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	5,560	5,560
MOBILE HARBOR, AL	17,562	19,562
PERDIDO PASS, AL	---	250
PROJECT CONDITION SURVEYS, AL	300	300
REGIONAL SEDIMENT MANAGEMENT PILOT PROJECT, AL & FL	---	1,000
ROBERT F HENRY LOCK AND DAM, AL	6,183	6,183
SCHEDULING RESERVOIR OPERATIONS, AL	95	95
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	19,999	21,000
WALTER F GEORGE LOCK AND DAM, AL & GA	7,910	7,910
ALASKA		
ANCHORAGE HARBOR, AK	1,794	1,794
CHENA RIVER LAKES, AK	1,552	1,552
DILLINGHAM HARBOR, AK	401	401
HOMER HARBOR, AK	188	188
INSPECTION OF COMPLETED WORKS, AK	35	35
LOWELL CREEK TUNNEL (SEWARD), AK	---	1,000
NINILCHIK HARBOR, AK	180	180
NOME HARBOR, AK	460	460
PETERSBURG HARBOR, AK	88	88
PROJECT CONDITION SURVEYS, AK	502	502
ST PAUL HARBOR, AK	384	384
WRANGELL NARROWS, AK	1,024	1,024
ARIZONA		
ALAMO LAKE, AZ	1,180	1,180
INSPECTION OF COMPLETED WORKS, AZ	75	75
PAINTED ROCK DAM, AZ	1,118	1,118
SCHEDULING RESERVOIR OPERATIONS, AZ	27	27
WHITLOW RANCH DAM, AZ	155	155
ARKANSAS		
BEAVER LAKE, AR	3,702	3,702
BLAKELY MT DAM, LAKE OUACHITA, AR	5,585	5,585
BLUE MOUNTAIN LAKE, AR	1,117	1,117

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 11:53 9/24/99 PAGE 2

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BULL SHOALS LAKE, AR	5,536	5,536
DARDANELLE LOCK AND DAM, AR	5,673	5,673
DEGRAY LAKE, AR	4,167	4,167
DEQUEEN LAKE, AR	1,285	1,285
DIERKS LAKE, AR	1,054	1,054
GILLHAM LAKE, AR	1,002	1,002
GREERS FERRY LAKE, AR	4,946	4,946
HELENA HARBOR, PHILLIPS COUNTY, AR	295	295
INSPECTION OF COMPLETED WORKS, AR	283	283
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	25,086	25,086
MILLWOOD LAKE, AR	1,816	1,816
NARROWS DAM, LAKE GREESON, AR	3,498	3,498
NIMROD LAKE, AR	1,367	1,367
NORFORK LAKE, AR	3,803	3,803
OSCEOLA HARBOR, AR	523	523
OUACHITA AND BLACK RIVERS, AR & LA	6,538	6,538
OZARK - JETA TAYLOR LOCK AND DAM, AR	5,515	5,515
WHITE RIVER, AR	2,363	2,363
YELLOW BEND PORT, AR	171	171
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,844	1,844
BUCHANAN DAM, H V EASTMAN LAKE, CA	2,055	2,055
CHANNEL ISLANDS HARBOR, CA	170	170
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,877	3,877
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,272	4,272
FARMINGTON DAM, CA	332	332
HIDDEN DAM, HENSLEY LAKE, CA	2,069	2,069
HUMBOLDT HARBOR AND BAY, CA	4,189	4,189
INSPECTION OF COMPLETED WORKS, CA	1,021	1,021
ISABELLA LAKE MITIGATION, CA	3,700	3,700
ISABELLA LAKE, CA	1,456	1,456
LARKSPUR FERRY CHANNEL, CA	---	3,340
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	165	165
LOS ANGELES - LONG BEACH HARBORS, CA	100	1,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	3,940	3,940
MARINA DEL REY, CA	---	3,500
MERCED COUNTY STREAMS, CA	277	277
MOJAVE RIVER DAM, CA	246	246
MORRO BAY HARBOR, CA	2,818	3,818
NEW HOGAN LAKE, CA	1,894	1,894
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,081	1,081
NEWPORT BAY HARBOR, CA	40	40
NOYO RIVER & HARBOR, CA	758	758
OAKLAND HARBOR, CA	8,149	8,149
OCEANSIDE HARBOR, CA	1,170	1,170
PINE FLAT LAKE, CA	2,301	2,301
PORT OF HUENEME, CA	---	2,700
PROJECT CONDITION SURVEYS, CA	1,138	1,138

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
RICHMOND HARBOR, CA	5,546	5,546
SACRAMENTO RIVER (30 FOOT PROJECT), CA	1,656	1,656
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,149	1,149
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	153	153
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	2,289	2,289
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,473	2,473
SAN FRANCISCO HARBOR, CA	2,441	2,441
SAN JOAQUIN RIVER, CA	1,662	1,662
SANTA ANA RIVER BASIN, CA	3,007	3,007
SANTA BARBARA HARBOR, CA	1,646	1,646
SCHEDULING RESERVOIR OPERATIONS, CA	1,516	1,516
SUCCESS LAKE, CA	1,880	1,880
SUISUN BAY CHANNEL, CA	2,995	2,995
TERMINUS DAM, LAKE KAWEAH, CA	1,684	1,684
VENTURA HARBOR, CA	2,875	2,875
YUBA RIVER, CA	36	36
COLORADO		
BEAR CREEK LAKE, CO	454	454
CHATFIELD LAKE, CO	778	778
CHERRY CREEK LAKE, CO	530	330
INSPECTION OF COMPLETED WORKS, CO	129	129
JOHN MARTIN RESERVOIR, CO	2,051	2,051
SCHEDULING RESERVOIR OPERATIONS, CO	300	300
TRINIDAD LAKE, CO	702	702
CONNECTICUT		
BLACK ROCK LAKE, CT	328	328
COLEBROOK RIVER LAKE, CT	412	412
HANCOCK BROOK LAKE, CT	232	232
HOP BROOK LAKE, CT	797	797
MANSFIELD HOLLOW LAKE, CT	512	512
NORTHFIELD BROOK LAKE, CT	290	290
STAMFORD HURRICANE BARRIER, CT	340	340
THOMASTON DAM, CT	556	556
WEST THOMPSON LAKE, CT	418	418
DELAWARE		
CEDAR CREEK, DE	265	265
CHESAPEAKE AND DELAWARE CANAL, ST GEORGE'S BRIDGE REPL	4,000	4,000
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	19,518	19,518
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	456	456
MISPILLION RIVER, DE	305	305
MURDERKILL RIVER, DE	430	430
WILMINGTON HARBOR, DE	3,395	3,395

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 11:53 9/24/99 PAGE 4

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	880	880
POTOMAC RIVER BELOW WASHINGTON, DC	985	985
WASHINGTON HARBOR, DC	37	37
FLORIDA		
AIWW, NORFOLK, VA TO ST JOHNS RIVER, FL, GA, SC, NC &	30	30
APALACHICOLA BAY, FL	---	1,000
CANAVERAL HARBOR, FL	7,332	7,332
CENTRAL AND SOUTHERN FLORIDA, FL	8,470	8,470
FERNANDINA HARBOR, FL	2,652	2,652
FORT PIERCE HARBOR, FL	1,023	1,023
INSPECTION OF COMPLETED WORKS, FL	100	100
INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R,	50	50
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	3,286	3,286
JACKSONVILLE HARBOR, FL	7,193	7,193
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	5,699	5,699
LAGRANGE BAYOU, WALTON COUNTY, FL	---	250
MANATEE HARBOR, FL	2,620	2,620
MIAMI HARBOR, FL	4,200	5,000
OKEECHOBEE WATERWAY, FL	4,680	4,680
OKLAWAHA RIVER, FL	10	10
PALM BEACH HARBOR, FL	2,101	2,101
PANAMA CITY HARBOR, FL	1,300	1,300
PONCE DE LEON INLET, FL	7,696	7,696
PORT EVERGLADES HARBOR, FL	2,900	2,900
PROJECT CONDITION SURVEYS, FL	400	400
REMOVAL OF AQUATIC GROWTH, FL	3,130	3,130
SCHEDULING RESERVOIR OPERATIONS, FL	70	70
ST LUCIE INLET, FL	2,242	2,242
ST PETERSBURG, FL	---	3,200
TAMPA HARBOR, FL	7,041	7,041
WITHLACOOCHIE RIVER, FL	34	34
GEORGIA		
ALLATOONA LAKE, GA	6,328	6,328
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	5,830	6,500
ATLANTIC INTRACOASTAL WATERWAY, GA	2,310	2,310
BRUNSWICK HARBOR, GA	6,231	6,231
BUFORD DAM AND LAKE SIDNEY LANIER, GA	7,000	7,000
CARTERS DAM AND LAKE, GA	8,150	8,150
HARTWELL LAKE, GA & SC	9,500	9,500
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	8,750	8,750
RICHARD B RUSSELL DAM AND LAKE, GA & SC	8,000	8,000
SAVANNAH HARBOR, GA	13,757	13,757
SAVANNAH RIVER BELOW AUGUSTA, GA	2,340	2,340

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 13:50 9/25/99 PAGE 5

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WEST POINT DAM AND LAKE, GA & AL	6,200	6,200
HAWAII		
BARBERS POINT HARBOR, HI	121	121
INSPECTION OF COMPLETED WORKS, HI	279	279
PROJECT CONDITION SURVEYS, HI	750	750
IDAHO		
ALBENI FALLS DAM, ID	2,759	2,759
DWORSHAK DAM AND RESERVOIR, ID	2,304	2,304
INSPECTION OF COMPLETED WORKS, ID	82	82
LUCKY PEAK LAKE, ID	1,238	1,238
SCHEDULING RESERVOIR OPERATIONS, ID	176	176
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ID	63	63
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	2,539	2,539
CARLYLE LAKE, IL	4,879	4,879
CHICAGO HARBOR, IL	5,146	5,146
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	185	185
ILLINOIS AND MISSISSIPPI CANAL, IL	405	405
ILLINOIS WATERWAY, IL & IN	25,368	25,368
INSPECTION OF COMPLETED WORKS, IL	432	432
KASKASKIA RIVER NAVIGATION, IL	1,588	1,588
LAKE MICHIGAN DIVERSION, IL	837	837
LAKE SHELBYVILLE, IL	5,558	5,558
MISS R BETWEEN MO R AND MINNEAPOLIS, IL, IA, MN, MO &	103,547	105,047
NORTH BRANCH CHICAGO RIVER, IL	150	150
PROJECT CONDITION SURVEYS, IL	43	43
REND LAKE, IL	3,881	3,881
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	97	97
WAUKEGAN HARBOR, IL	736	736
INDIANA		
BROOKVILLE LAKE, IN	844	844
BURNS WATERWAY HARBOR, IN	1,829	1,829
BURNS WATERWAY SMALL BOAT HARBOR, IN	266	766
CAGLES MILL LAKE, IN	709	709
CECIL M HARDEN LAKE, IN	837	837
INDIANA HARBOR, IN	1,064	---
INSPECTION OF COMPLETED WORKS, IN	92	92
J EDWARD ROUSH LAKE, IN	802	802
MICHIGAN CITY HARBOR, IN	213	213
MISSISSINEWA LAKE, IN	825	825
MONROE LAKE, IN	803	803

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 11:53 9/24/99 PAGE 6

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PATOKA LAKE, IN	730	730
PROJECT CONDITION SURVEYS, IN	42	42
SALAMONIE LAKE, IN	741	741
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	154	154
IOWA		
CORALVILLE LAKE, IA	2,755	2,755
INSPECTION OF COMPLETED WORKS, IA	109	109
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	211	211
MISSOURI RIVER - SIOUX CITY TO MOUTH, IA, NE, KS & MO	7,182	7,182
RATHBUN LAKE, IA	2,147	2,147
RED ROCK DAM AND LAKE RED ROCK, IA	3,577	3,577
SAYLORVILLE LAKE, IA	3,905	3,905
KANSAS		
CLINTON LAKE, KS	1,582	1,582
COUNCIL GROVE LAKE, KS	1,130	1,130
EL DORADO LAKE, KS	560	560
ELK CITY LAKE, KS	716	716
FALL RIVER LAKE, KS	1,184	1,184
HILLSDALE LAKE, KS	938	938
INSPECTION OF COMPLETED WORKS, KS	275	275
JOHN REDMOND DAM AND RESERVOIR, KS	975	1,500
KANOPOLIS LAKE, KS	1,370	1,370
MARION LAKE, KS	1,331	1,331
MELVERN LAKE, KS	2,016	2,016
MILFORD LAKE, KS	1,856	1,856
PEARSON - SKUBITZ BIG HILL LAKE, KS	900	900
PERRY LAKE, KS	2,089	2,089
POMONA LAKE, KS	1,752	1,752
SCHEDULING RESERVOIR OPERATIONS, KS	347	347
TORONTO LAKE, KS	468	468
TUTTLE CREEK LAKE, KS	1,767	1,767
WILSON LAKE, KS	1,731	1,731
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	7,382	7,382
BARREN RIVER LAKE, KY	2,057	2,057
BIG SANDY HARBOR, KY	1,170	1,170
BUCKHORN LAKE, KY	1,209	1,209
CARR CREEK LAKE, KY	1,364	1,364
CAVE RUN LAKE, KY	819	819
DEWEY LAKE, KY	1,293	1,293
ELVIS STAHR (HICKMAN) HARBOR, KY	340	340
FISHTRAP LAKE, KY	1,609	1,609
GRAYSON LAKE, KY	1,113	1,113
GREEN AND BARREN RIVERS, KY	1,142	1,142

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GREEN RIVER LAKE, KY	1,826	1,826
INSPECTION OF COMPLETED WORKS, KY	112	112
KENTUCKY RIVER, KY	1,084	2,084
LAUREL RIVER LAKE, KY	1,780	1,780
LICKING RIVER OPEN CHANNEL WORK, KY	17	17
MARTINS FORK LAKE, KY	662	662
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	76	76
NOLIN LAKE, KY	1,907	1,907
OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV	83,884	83,884
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV.	5,789	5,789
PAINTSVILLE LAKE, KY	932	932
ROUGH RIVER LAKE, KY	1,625	1,625
TAYLORSVILLE LAKE, KY	1,043	1,043
WOLF CREEK DAM, LAKE CUMBERLAND, KY	5,345	5,995
YATESVILLE LAKE, KY	1,071	1,071
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	12,631	13,221
BARATARIA BAY WATERWAY, LA	2,119	2,119
BAYOU BODCAU RESERVOIR, LA	509	509
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	5	5
BAYOU PIERRE, LA	25	25
BAYOU TECHE AND VERMILION RIVER, LA	32	32
BAYOU TECHE, LA	212	5,212
CADDO LAKE, LA	127	127
CALCASIEU RIVER AND PASS, LA	7,560	8,400
FRESHWATER BAYOU, LA	3,585	3,585
GRAND ISLE AND VICINITY, LA	---	455
GULF INTRACOASTAL WATERWAY, LA	12,506	13,646
HOUMA NAVIGATION CANAL, LA	3,443	3,443
INSPECTION OF COMPLETED WORKS, LA	260	260
LAKE PROVIDENCE HARBOR, LA	579	579
MADISON PARISH PORT, LA	93	93
MERMENTAU RIVER, LA	2,445	2,445
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	2,743	2,743
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,	64,430	64,430
MISSISSIPPI RIVER, GULF OUTLET, LA	14,989	16,000
PROJECT CONDITION SURVEYS, LA	80	80
RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	8,781	10,781
REMOVAL OF AQUATIC GROWTH, LA	2,270	2,270
WALLACE LAKE, LA	209	209
MAINE		
PORTLAND HARBOR, ME	6,985	6,985
PROJECT CONDITION SURVEYS, ME	1,030	1,030
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD	440	440
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	625	625
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	16,142	16,142
CUMBERLAND, MD AND RIDGELEY, WV	140	140
INSPECTION OF COMPLETED WORKS, MD	324	324
JENNINGS RANDOLPH LAKE, MD & WV	1,616	1,616
KNAPPS NARROWS, MD	770	770
NANTICOKE RIVER NORTHWEST FORK, MD	850	850
NORTHEAST RIVER, MD	770	770
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	380	380
PROJECT CONDITION SURVEYS, MD	450	450
SCHEDULING RESERVOIR OPERATIONS, MD	143	143
TOLCHESTER CHANNEL, MD	5,800	5,800
WICOMICO RIVER, MD	895	895
MASSACHUSETTS		
BARRE FALLS DAM, MA	494	494
BIRCH HILL DAM, MA	423	423
BUFFUMVILLE LAKE, MA	443	443
CAPE COD CANAL, MA	10,816	10,816
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	202	202
CHATHAM (STAGE) HARBOR, MA	215	215
CONANT BROOK LAKE, MA	168	168
CUTTYHUNK HARBOR, MA	118	118
EAST BRIMFIELD LAKE, MA	375	375
GREEN HARBOR, MA	332	332
HODGES VILLAGE DAM, MA	381	381
INSPECTION OF COMPLETED WORKS, MA	125	125
KNIGHTVILLE DAM, MA	362	362
LITTLEVILLE LAKE, MA	395	395
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	280	280
NEW BEDFORD HARBOR, MA	230	230
PROJECT CONDITION SURVEYS, MA	3,227	3,227
SALEM HARBOR, MA	175	175
TULLY LAKE, MA	391	391
WEST HILL DAM, MA	550	550
WESTVILLE LAKE, MA	414	414
MICHIGAN		
ALPENA HARBOR, MI	441	441
ARCADIA HARBOR, MI	68	68
BAY PORT HARBOR, MI	227	227
CASEVILLE HARBOR, MI	333	333
CEDAR RIVER HARBOR, MI	---	500
CHANNELS IN LAKE ST CLAIR, MI	512	512
CHARLEVOIX HARBOR, MI	133	133

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CLINTON RIVER, MI	368	368
DETROIT RIVER, MI	3,235	3,235
FRANKFORT HARBOR, MI	363	363
GRAND HAVEN HARBOR, MI	615	615
GRAND TRAVERSE BAY HARBOR, MI	345	345
HARRISVILLE HARBOR, MI	142	142
HOLLAND HARBOR, MI	379	379
INLAND ROUTE, MI	43	43
INSPECTION OF COMPLETED WORKS, MI	205	205
KEWEENAW WATERWAY, MI	291	291
LAC LA BELLE, MI	156	156
LELAND HARBOR, MI	156	156
LEXINGTON HARBOR, MI	247	247
LITTLE LAKE HARBOR, MI	97	97
LUDINGTON HARBOR, MI	1,152	1,152
MANISTEE HARBOR, MI	52	52
MANISTIQUE HARBOR, MI	1,356	1,356
MENOMINEE HARBOR, MI & WI	28	28
MONROE HARBOR, MI	137	137
MUSKEGON HARBOR, MI	120	120
NEW BUFFALO HARBOR, MI	444	444
ONTONAGON HARBOR, MI	400	400
PENTWATER HARBOR, MI	1,708	1,708
POINT LOOKOUT HARBOR, MI	328	328
PORTAGE LAKE HARBOR, MI	579	579
PRESQUE ISLE HARBOR, MI	134	134
PROJECT CONDITION SURVEYS, MI	195	195
ROUGE RIVER, MI	57	57
SAGINAW RIVER, MI	1,387	1,387
SAUGATUCK HARBOR, MI	2,042	2,042
SEBEWAING RIVER (ICE JAM REMOVAL), MI	10	10
SOUTH HAVEN HARBOR, MI	488	488
ST CLAIR RIVER, MI	1,064	1,064
ST JOSEPH HARBOR, MI	667	667
ST MARYS RIVER, MI	21,957	21,957
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,426	2,426
WHITE LAKE HARBOR, MI	324	324
WHITEFISH POINT HARBOR, MI	115	115
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	209	209
DULUTH - SUPERIOR HARBOR, MN & WI	2,480	2,480
INSPECTION OF COMPLETED WORKS, MN	161	161
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	527	527
MINNESOTA RIVER, MN	155	155
ORWELL LAKE, MN	561	561
PROJECT CONDITION SURVEYS, MN	57	57
RED LAKE RESERVOIR, MN	242	242
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	3,219	3,219

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN..........	64	64
MISSISSIPPI		
BILOXI HARBOR, MS..	15	15
CLAIBORNE COUNTY PORT, MS..................................	108	108
EAST FORK, TOMBIGBEE RIVER, MS.............................	150	150
GULFPORT HARBOR, MS..	2,216	2,216
INSPECTION OF COMPLETED WORKS, MS..........................	360	360
MOUTH OF YAZOO RIVER, MS...................................	104	104
OKATIBBEE LAKE, MS...	1,620	1,620
PASCAGOULA HARBOR, MS......................................	3,417	3,417
PEARL RIVER, MS & LA.......................................	263	263
ROSEDALE HARBOR, MS..	1,034	1,034
YAZOO RIVER, MS..	15	15
MISSOURI		
CARUTHERSVILLE HARBOR, MO..................................	200	200
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO................	5,174	5,174
CLEARWATER LAKE, MO..	2,248	2,248
HARRY S TRUMAN DAM AND RESERVOIR, MO.......................	8,613	8,613
INSPECTION OF COMPLETED WORKS, MO..........................	669	669
LITTLE BLUE RIVER LAKES, MO................................	825	825
LONG BRANCH LAKE, MO.......................................	801	801
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,544	13,544
NEW MADRID HARBOR, MO......................................	269	269
POMME DE TERRE LAKE, MO....................................	1,888	1,888
PROJECT CONDITION SURVEYS, MO..............................	30	30
SMITHVILLE LAKE, MO..	1,083	1,083
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO.............	421	421
STOCKTON LAKE, MO..	3,247	3,247
TABLE ROCK LAKE, MO..	5,963	5,963
WAPPAPELLO LAKE, MO..	20	20
MONTANA		
FT PECK DAM AND LAKE, MT...................................	3,842	3,842
INSPECTION OF COMPLETED WORKS, MT..........................	21	21
LIBBY DAM, LAKE KOOCANUSA, MT..............................	2,520	2,520
SCHEDULING RESERVOIR OPERATIONS, MT........................	48	48
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MT..........	67	67
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD.......	7,184	7,184
HARLAN COUNTY LAKE, NE.....................................	2,379	2,379
INSPECTION OF COMPLETED WORKS, NE..........................	150	150
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	900	900
MISSOURI NATIONAL RIVER....................................	---	250

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING, NE.	250	250
PAPILLION CREEK & TRIBUTARIES LAKES, NE	678	678
SALT CREEK AND TRIBUTARIES, NE	796	796
SCHEDULING RESERVOIR OPERATIONS, NE	106	106
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	37	37
MARTIS CREEK LAKE, NV & CA	532	532
PINE AND MATHEWS CANYONS LAKES, NV	181	181
NEW HAMPSHIRE		
BLACKWATER DAM, NH	361	361
EDWARD MACDOWELL LAKE, NH	394	394
FRANKLIN FALLS DAM, NH	502	502
HOPKINTON - EVERETT LAKES, NH	941	941
OTTER BROOK LAKE, NH	479	479
PORTSMOUTH HARBOR, PISCATAQUA RIVER, NH	---	20
SURRY MOUNTAIN LAKE, NH	485	485
NEW JERSEY		
BARNEGAT INLET, NJ	1,270	2,270
COLD SPRING INLET, NJ	545	545
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE.	15,356	16,856
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,280	3,280
NEW JERSEY INTRACOASTAL WATERWAY, NJ	1,854	1,854
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	165	165
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	700	700
RARITAN RIVER, NJ	1,191	1,191
SALEM RIVER, NJ	---	940
SHREWSBURY RIVER, MAIN CHANNEL, NJ	70	70
NEW MEXICO		
ABIQUIU DAM, NM	1,198	1,198
COCHITI LAKE, NM	1,926	1,926
CONCHAS LAKE, NM	1,150	1,150
GALISTEO DAM, NM	315	315
INSPECTION OF COMPLETED WORKS, NM	103	103
JEMEZ CANYON DAM, NM	600	600
SANTA ROSA DAM AND LAKE, NM	836	836
SCHEDULING RESERVOIR OPERATIONS, NM	115	115
TWO RIVERS DAM, NM	303	303
UPPER RIO GRANDE WATER OPERATIONS MODEL	---	800
NEW YORK		
ALMOND LAKE, NY	451	451

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ARKPORT DAM, NY	228	228
BAY RIDGE AND RED HOOK CHANNELS, NY	70	70
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,053	1,053
BRONX RIVER, NY	70	70
BUFFALO HARBOR, NY	1,425	1,425
BUTTERMILK CHANNEL, NY	700	700
CATTARAUGUS CREEK HARBOR, NY	50	50
DUNKIRK HARBOR, NY	510	510
EAST RIVER, NY	150	150
EAST ROCKAWAY INLET, NY	250	250
EAST SIDNEY LAKE, NY	463	463
EASTCHESTER CREEK, NY	2,000	2,000
FIRE ISLAND INLET TO JONES INLET, NY	505	533
FIRE ISLAND INLET, NY	810	810
FLUSHING BAY AND CREEK, NY	325	325
GLEN COVE CREEK, NY	125	125
GREAT SODUS BAY HARBOR, NY	200	200
GREAT SOUTH BAY, NY	40	40
HUDSON RIVER CHANNEL, NY	200	200
HUDSON RIVER, NY	2,575	2,575
INSPECTION OF COMPLETED WORKS, NY	808	808
JAMAICA BAY, NY	250	250
JONES INLET, NY	1,200	1,200
LAKE MONTAUK HARBOR, NY	60	60
LONG ISLAND INTRACOASTAL WATERWAY, NY	200	200
MATTITUCK HARBOR, NY	220	220
MORICHES INLET, NY	70	70
MT MORRIS LAKE, NY	3,975	3,975
NEW YORK AND NEW JERSEY CHANNELS, NY	953	953
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	4,955	4,955
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	740	740
NEW YORK HARBOR, NY	6,105	6,105
OSWEGO HARBOR, NY	395	395
PORTCHESTER HARBOR, NY	60	60
PROJECT CONDITION SURVEYS, NY	1,706	1,706
ROCHESTER HARBOR, NY	815	815
ROUSES POINT, NY	25	25
SAG HARBOR, NY	800	800
SHINNECOCK INLET, NY	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	728	728
STURGEON POINT HARBOR, NY	15	15
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	565	565
WESTCHESTER CREEK, NY	70	70
WHITNEY POINT LAKE, NY	542	542
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	5,552	5,552
B EVERETT JORDAN DAM AND LAKE, NC	1,346	1,346
BOGUE INLET AND CHANNEL, NC	550	550

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CAPE FEAR RIVER ABOVE WILMINGTON, NC	707	707
CAROLINA BEACH INLET, NC	1,346	1,346
FALLS LAKE, NC	1,029	1,029
INSPECTION OF COMPLETED WORKS, NC	22	22
LOCKWOODS FOLLY RIVER, NC	380	380
MANTEO (SHALLOWBAG) BAY, NC	4,998	4,998
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	3,709	3,709
NEW RIVER INLET, NC	825	825
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	210	210
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	59	59
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	1,660	1,660
WILMINGTON HARBOR, NC	6,431	6,431
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	204	204
GARRISON DAM, LAKE SAKAKAWEA, ND	7,997	7,997
HOMME LAKE, ND	174	174
INSPECTION OF COMPLETED WORKS, ND	13	13
LAKE ASHTABULA AND BALDHILL DAM, ND	1,460	1,460
PIPESTEM LAKE, ND	802	802
SOURIS RIVER, ND	368	368
OHIO		
ALUM CREEK LAKE, OH	667	667
ASHTABULA HARBOR, OH	845	845
BERLIN LAKE, OH	4,503	4,503
CAESAR CREEK LAKE, OH	1,228	1,228
CLARENCE J BROWN DAM, OH	719	719
CLEVELAND HARBOR, OH	5,535	5,535
CONNEAUT HARBOR, OH	1,352	1,352
DEER CREEK LAKE, OH	670	670
DELAWARE LAKE, OH	1,917	1,917
DILLON LAKE, OH	746	746
FAIRPORT HARBOR, OH	481	481
HURON HARBOR, OH	840	840
INSPECTION OF COMPLETED WORKS, OH	228	228
LORAIN HARBOR, OH	790	790
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	1,200	1,200
MOSQUITO CREEK LAKE, OH	1,422	1,422
MUSKINGUM RIVER LAKES, OH	7,078	7,078
NORTH BRANCH KOKOSING RIVER LAKE, OH	327	327
PAINT CREEK LAKE, OH	673	673
PORTSMOUTH HARBOR, OH	80	80
PROJECT CONDITION SURVEYS, OH	74	74

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ROCKY RIVER, OH	340	1,400
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	1,037	1,037
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	174	174
TOLEDO HARBOR, OH	3,385	3,385
TOM JENKINS DAM, OH	279	279
WEST FORK OF MILL CREEK LAKE, OH	574	574
WILLIAM H HARSHA LAKE, OH	856	856
OKLAHOMA		
ARCADIA LAKE, OK	403	403
BIRCH LAKE, OK	611	611
BROKEN BOW LAKE, OK	1,508	1,508
CANDY LAKE, OK	30	30
CANTON LAKE, OK	2,497	2,497
COPAN LAKE, OK	1,020	1,020
EUFAULA LAKE, OK	7,366	7,366
FORT GIBSON LAKE, OK	4,034	4,034
FORT SUPPLY LAKE, OK	751	751
GREAT SALT PLAINS LAKE, OK	259	259
HEYBURN LAKE, OK	697	697
HUGO LAKE, OK	1,404	1,404
HULAH LAKE, OK	491	491
INSPECTION OF COMPLETED WORKS, OK	91	91
KAW LAKE, OK	2,740	2,740
KEYSTONE LAKE, OK	6,543	6,543
OOLOGAH LAKE, OK	2,947	3,447
OPTIMA LAKE, OK	74	74
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	32	32
PINE CREEK LAKE, OK	1,414	1,414
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,501	4,501
SARDIS LAKE, OK	1,287	1,287
SCHEDULING RESERVOIR OPERATIONS, OK	369	369
SKIATOOK LAKE, OK	1,084	1,084
TENKILLER FERRY LAKE, OK	3,400	3,400
WAURIKA LAKE, OK	1,997	1,997
WEBBERS FALLS LOCK AND DAM, OK	3,066	3,066
WISTER LAKE, OK	679	679
OREGON		
APPLEGATE LAKE, OR	872	872
BLUE RIVER LAKE, OR	297	297
BONNEVILLE LOCK AND DAM, OR & WA	5,747	5,747
CHETCO RIVER, OR	442	442
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	15,173	17,473
COLUMBIA RIVER AT THE MOUTH, OR & WA	7,426	7,426
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	356	356
COOS BAY, OR	4,112	4,112

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
COQUILLE RIVER, OR	434	434
COTTAGE GROVE LAKE, OR	913	913
COUGAR LAKE, OR	690	690
DEPOE BAY, OR	178	178
DETROIT LAKE, OR	609	609
DORENA LAKE, OR	556	556
FALL CREEK LAKE, OR	433	433
FERN RIDGE LAKE, OR	997	997
GREEN PETER - FOSTER LAKES, OR	1,001	1,001
HILLS CREEK LAKE, OR	334	334
INSPECTION OF COMPLETED WORKS, OR	163	163
JOHN DAY LOCK AND DAM, OR & WA	3,450	3,450
LOOKOUT POINT LAKE, OR	1,692	1,692
LOST CREEK LAKE, OR	3,594	3,594
MCNARY LOCK AND DAM, OR & WA	4,501	4,501
PORT ORFORD, OR	737	787
PROJECT CONDITION SURVEYS, OR	137	137
ROGUE RIVER, OR	866	866
SCHEDULING RESERVOIR OPERATIONS, OR	105	105
SIUSLAW RIVER, OR	809	809
SKIPANON CHANNEL, OR	1,013	1,013
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	7	7
TILLAMOOK BAY AND BAR, OR	14	14
UMPQUA RIVER, OR	1,254	1,254
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	514	514
WILLAMETTE RIVER BANK PROTECTION, OR	66	66
WILLOW CREEK LAKE, OR	637	637
YAQUINA BAY AND HARBOR, OR	3,691	4,000
PENNSYLVANIA		
ALLEGHENY RIVER, PA	9,789	9,789
ALVIN R BUSH DAM, PA	749	749
AYLESWORTH CREEK LAKE, PA	232	232
BELTZVILLE LAKE, PA	875	875
BLUE MARSH LAKE, PA	2,002	2,002
CONEMAUGH RIVER LAKE, PA	940	940
COWANESQUE LAKE, PA	1,824	1,824
CROOKED CREEK LAKE, PA	2,312	2,312
CURWENSVILLE LAKE, PA	669	800
EAST BRANCH CLARION RIVER LAKE, PA	884	884
ERIE HARBOR, PA	123	123
FOSTER JOSEPH SAYERS DAM, PA	712	712
FRANCIS E WALTER DAM, PA	796	796
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	248	248
INSPECTION OF COMPLETED WORKS, PA	143	143
JOHNSTOWN, PA	13	13
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,388	1,388
LOYALHANNA LAKE, PA	1,086	1,086
MAHONING CREEK LAKE, PA	879	879

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MONONGAHELA RIVER, PA	12,395	12,395
PROJECT CONDITION SURVEYS, PA	86	86
PROMPTON LAKE, PA	935	935
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,042	3,900
SCHUYLKILL RIVER, PA	2,565	2,565
SHENANGO RIVER LAKE, PA	2,121	2,121
STILLWATER LAKE, PA	387	387
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	70	70
TIOGA - HAMMOND LAKES, PA	1,968	1,968
TIONESTA LAKE, PA	2,075	2,075
UNION CITY LAKE, PA	259	259
WOODCOCK CREEK LAKE, PA	796	796
YORK INDIAN ROCK DAM, PA	542	542
YOUGHIOGHENY RIVER LAKE, PA & MD	2,184	2,184
RHODE ISLAND		
BLOCK ISLAND HARBOR OF REFUGE, RI	675	675
PROVIDENCE RIVER AND HARBOR, RI	3,906	3,906
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	3,391	3,391
CHARLESTON HARBOR, SC	5,779	5,779
COOPER RIVER, CHARLESTON HARBOR, SC	3,375	3,375
FOLLY RIVER, SC	236	236
GEORGETOWN HARBOR, SC	4,064	4,064
INSPECTION OF COMPLETED WORKS, SC	26	26
PORT ROYAL HARBOR, SC	1,424	1,424
PROJECT CONDITION SURVEYS, SC	75	75
SHIPYARD RIVER, SC	811	811
TOWN CREEK, SC	345	345
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	6,853	6,853
COLD BROOK LAKE, SD	644	644
COTTONWOOD SPRINGS LAKE, SD	223	223
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	8,091	8,091
INSPECTION OF COMPLETED WORKS, SD	13	13
LAKE TRAVERSE, SD & MN	642	642
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	130	130
OAHE DAM, LAKE OAHE, SD & ND	10,812	10,812
SCHEDULING RESERVOIR OPERATIONS, SD	61	61
TENNESSEE		
CENTER HILL LAKE, TN	5,167	5,167
CHEATHAM LOCK AND DAM, TN	5,704	5,704

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CHICKAMAUGA LOCK, TN	---	2,800
CORDELL HULL DAM AND RESERVOIR, TN	4,220	4,220
DALE HOLLOW LAKE, TN	4,200	4,200
INSPECTION OF COMPLETED WORKS, TN	4	4
J PERCY PRIEST DAM AND RESERVOIR, TN	3,396	3,506
OLD HICKORY LOCK AND DAM, TN	6,006	6,516
TENNESSEE RIVER, TN	16,123	16,123
WOLF RIVER HARBOR, TN	388	388
TEXAS		
AQUILLA LAKE, TX	602	602
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,242	1,242
BARBOUR TERMINAL CHANNEL, TX	1,000	1,000
BARDWELL LAKE, TX	1,436	1,436
BAYPORT SHIP CHANNEL, TX	1,625	1,625
BELTON LAKE, TX	2,542	2,542
BENBROOK LAKE, TX	1,896	1,896
BRAZOS ISLAND HARBOR, TX	1,062	1,062
BUFFALO BAYOU AND TRIBUTARIES, TX	2,034	2,034
CANYON LAKE, TX	2,265	2,265
CEDAR BAYOU, TX	1,131	1,131
CHANNEL TO HARLINGEN, TX	950	950
CORPUS CHRISTI SHIP CHANNEL, TX	4,690	4,690
CORPUS CHRISTI SHIP CHANNEL, BARGE LANES, TX	---	400
DENISON DAM, LAKE TEXOMA, TX	6,728	6,728
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	14	14
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,288	2,288
FREEPORT HARBOR, TX	5,100	5,100
GALVESTON HARBOR AND CHANNEL, TX	1,985	1,985
GIWW, CHANNEL TO VICTORIA, TX	315	315
GRANGER DAM AND LAKE, TX	1,652	1,652
GRAPEVINE LAKE, TX	2,267	2,267
GULF INTRACOASTAL WATERWAY, TX	23,072	23,072
HORDS CREEK LAKE, TX	1,201	1,201
HOUSTON SHIP CHANNEL, TX	6,416	6,416
INSPECTION OF COMPLETED WORKS, TX	854	854
JIM CHAPMAN LAKE, TX	1,045	1,045
JOE POOL LAKE, TX	740	740
LAKE KEMP, TX	154	154
LAVON LAKE, TX	2,390	2,390
LEWISVILLE DAM, TX	3,123	3,123
MATAGORDA CHANNEL, POINT COMFORT TURNING BASIN, TX	---	100
MATAGORDA SHIP CHANNEL, TX	3,780	3,780
MOUTH OF THE COLORADO RIVER, TX	2,950	2,950
NAVARRO MILLS LAKE, TX	1,456	1,456
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,934	1,934
O C FISHER DAM AND LAKE, TX	1,488	1,488
PAT MAYSE LAKE, TX	1,974	1,974
PROCTOR LAKE, TX	1,490	1,490

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, TX	50	50
RAY ROBERTS LAKE, TX	1,093	1,093
SABINE - NECHES WATERWAY, TX	9,500	9,500
SAM RAYBURN DAM AND RESERVOIR, TX	4,572	4,572
SCHEDULING RESERVOIR OPERATIONS, TX	235	235
SOMERVILLE LAKE, TX	2,508	2,508
STILLHOUSE HOLLOW DAM, TX	2,006	2,006
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	2,062	2,062
TRINITY RIVER AND TRIBUTARIES, TX	---	1,900
WACO LAKE, TX	2,907	3,532
WALLISVILLE LAKE, TX	1,090	1,090
WHITNEY LAKE, TX	5,088	5,088
WRIGHT PATMAN DAM AND LAKE, TX	2,587	2,587
UTAH		
INSPECTION OF COMPLETED WORKS, UT	63	63
SCHEDULING RESERVOIR OPERATIONS, UT	414	414
VERMONT		
BALL MOUNTAIN LAKE, VT	703	703
BURLINGTON HARBOR BREAKWATER, VT	160	1,300
NARROWS OF LAKE CHAMPLAIN, VT & NY	536	536
NORTH HARTLAND LAKE, VT	511	511
NORTH SPRINGFIELD LAKE, VT	631	631
TOWNSHEND LAKE, VT	724	724
UNION VILLAGE DAM, VT	520	520
VIRGINIA		
APPOMATTOX RIVER, VA	391	391
ATLANTIC INTRACOASTAL WATERWAY, VA	2,364	2,364
CHANNEL TO NEWPORT NEWS, VA	45	45
CHINCOTEAGUE INLET, VA	842	842
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,566	1,566
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	920	920
INSPECTION OF COMPLETED WORKS, VA	59	59
JAMES RIVER CHANNEL, VA	3,983	5,100
JOHN H KERR LAKE, VA & NC	11,190	11,190
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,347	1,487
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	282	282
NORFOLK HARBOR, VA	5,815	6,500
NORTH FORK OF POUND RIVER LAKE, VA	340	340
PAGAN RIVER, VA	145	145
PHILPOTT LAKE, VA	2,252	2,252
POTOMAC RIVER AT ALEXANDRIA, VA	660	660
POTOMAC RIVER AT MOUNT VERNON, VA	---	400
PROJECT CONDITION SURVEYS, VA	630	630
RUDEE INLET, VA	1,002	1,002

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
TANGIER CHANNEL, VA	648	648
THIMBLE SHOAL CHANNEL, VA	3,347	3,347
WATERWAY ON THE COAST OF VIRGINIA, VA	1,185	1,185
WASHINGTON		
BELLINGHAM HARBOR, WA	512	512
CHIEF JOSEPH DAM, WA	811	811
COLUMBIA RIVER AT BAKER BAY, WA & OR	450	450
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	6	6
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,225	1,225
FRIDAY HARBOR, WA	300	300
GRAYS HARBOR AND CHEHALIS RIVER, WA	13,150	16,150
HOWARD HANSON DAM, WA	1,710	1,710
ICE HARBOR LOCK AND DAM, WA	2,791	2,791
INSPECTION OF COMPLETED WORKS, WA	177	177
LAKE WASHINGTON SHIP CANAL, WA	8,530	8,530
LITTLE GOOSE LOCK AND DAM, WA	1,138	1,138
LOWER GRANITE LOCK AND DAM, WA	5,920	5,920
LOWER MONUMENTAL LOCK AND DAM, WA	1,801	1,801
MILL CREEK LAKE, WA	870	870
MT ST HELENS SEDIMENT CONTROL, WA	409	409
MUD MOUNTAIN DAM, WA	3,157	3,157
OLYMPIA HARBOR, WA	927	927
PROJECT CONDITION SURVEYS, WA	308	308
PUGET SOUND AND TRIBUTARY WATERS, WA	1,041	1,041
QUILLAYUTE RIVER, WA	1,061	1,061
SCHEDULING RESERVOIR OPERATIONS, WA	453	453
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA	3,400	3,400
SEATTLE HARBOR, WA	727	727
STILLAGUAMISH RIVER, WA	195	195
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	59	59
TACOMA, PUYALLUP RIVER, WA	72	72
THE DALLES LOCK AND DAM, WA & OR	2,402	2,402
WILLAPA RIVER AND HARBOR, WA	727	727
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,076	1,076
BLUESTONE LAKE, WV	1,218	2,000
BURNSVILLE LAKE, WV	1,390	1,390
EAST LYNN LAKE, WV	1,585	1,585
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	84	84
KANAWHA RIVER LOCKS AND DAMS, WV	7,314	7,314
R D BAILEY LAKE, WV	1,643	1,643
STONEWALL JACKSON LAKE, WV	937	937
SUMMERSVILLE LAKE, WV	1,505	1,505
SUTTON LAKE, WV	1,648	1,648
TYGART LAKE, WV	1,923	1,923

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WISCONSIN		
ALGOMA HARBOR, WI	107	107
ASHLAND HARBOR, WI	195	195
BIG SUAMICO HARBOR, WI	368	368
EAU GALLE RIVER LAKE, WI	685	685
FOX RIVER, WI	3,487	3,487
GREEN BAY HARBOR, WI	996	996
KENOSHA HARBOR, WI	494	494
KEWAUNEE HARBOR, WI	69	69
LA FARGE LAKE, WI	52	52
MANITOWOC HARBOR, WI	226	226
MILWAUKEE HARBOR, WI	832	832
OCONTO HARBOR, WI	168	168
PROJECT CONDITION SURVEYS, WI	93	93
SHEBOYGAN HARBOR, WI	230	230
STURGEON BAY HARBOR & LAKE MICHIGAN SHIP CANAL, WI	507	507
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	707	707
TWO RIVERS HARBOR, WI	117	117
WYOMING		
JACKSON HOLE LEVEES, WY	1,126	1,126
SCHEDULING RESERVOIR OPERATIONS, WY	288	288
MISCELLANEOUS		
COASTAL INLET RESEARCH PROGRAM	3,000	2,500
CULTURAL RESOURCES (NAGPRA/CURATION)	2,000	1,500
DREDGE WHEELER READY RESERVE	12,450	9,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,085	500
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	8,000	6,500
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	2,500	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	500	500
HARBOR MAINTENANCE FEE DATA COLLECTION	575	575
MANAGEMENT TOOLS FOR O&M	975	500
MONITORING OF COASTAL NAVIGATION PROJECTS	2,000	1,000
NATIONAL DAM SAFETY PROGRAM	40	40
NATIONAL DAM SECURITY PROGRAM	20	20
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	6,000	5,000
NATIONAL RECREATION MANAGEMENT SUPPORT (NRMS) PROGRAM	1,850	1,000
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	1,365	415
PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SECTION 3)	50	50
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	500
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	950	700
WATERBORNE COMMERCE STATISTICS	4,542	4,000
WETLANDS FUNCTIONAL ASSESSMENT METHODOLOGY	1,000	---
ZEBRA MUSSEL CONTROL	1,500	1,000

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 13:52 9/25/99 PAGE 21

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-19,284	-54,435
TOTAL, OPERATION AND MAINTENANCE................	1,835,900	1,853,618

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $39,370,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the Senate instead of $37,190,000 as proposed by the House.

The conference agreement provides that the amount to be deposited into the Utah Reclamation Mitigation and Conservation Account shall be $15,476,000 as proposed by the House instead of $17,047,000 as proposed by the Senate.

The conference agreement provides that the amount available to the Utah Reclamation Mitigation and Conservation Commission shall be $10,476,000 as proposed by the House instead of $12,047,000 as proposed by the Senate.

The conference agreement provides that the amount available for administrative expenses shall be $1,321,000 as proposed by the Senate instead of $1,283,000 as proposed by the House.

Bureau of Reclamation

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $607,927,000 for Water and Related Resources instead of $604,910,000 as proposed by the House and $612,451,000 as proposed by the Senate.

Of the amount provided for the American River Division of the Central Valley Project, $3,000,000 is for construction of a permanent pumping facility for the Placer County Water Agency, and $2,900,000 is to initiate construction of a temperature control device at Folsom Dam.

The conference agreement includes final year funding for the Equus Beds Groundwater Recharge Demonstration Project in Kansas.

The conferees direct the Bureau of Reclamation to use available funds to provide additional recreation facilities at Silo Campground on the southern end of the Canyon Ferry Reservoir in Broadwater County in Montana. The expenditure of these resources will be considered as an in-kind contribution to Broadwater County if consistent with Public Law 105–277.

The conference agreement includes $1,500,000 for the Newlands Water Rights Fund authorized by the Truckee-Carson-Pyramid Lake Water Rights Settlement Act to be utilized to pay for purchasing and retiring water rights in the Newlands Reclamation Project.

The conferees prohibit the use of funds for any water acquisition undertaken by the Bureau of Reclamation for the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said acquisition is in compliance with the acquisition provisions contained in section 202 of this title for Drought Emergency Assistance.

The conferees are aware of the WateReuse Research Foundation's ongoing efforts to conduct research on the science and technology aspects of water reclamation and encourage the Bureau of Reclamation to provide assistance to support the WateReuse Foundation's research program.

The conference agreement provides that the amount available for transfer to the Lower Colorado River Basin Development Fund shall be $24,089,000 as proposed by the House instead of $24,326,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate extending the authority of the Reclamation States Emergency Drought Relief Act of 1991.

The conference agreement includes language proposed by the Senate increasing the authorized level of appropriations for Indian municipal, rural and industrial features of the Garrison Unit Diversion project.

The conference agreement deletes language proposed by the Senate earmarking funds for the Lake Andes-Wagner/Marty II demonstration program. The amount appropriated for Water and Related Resources includes $150,000 for this program.

The conference agreement deletes language proposed by the Senate earmarking funds for the Walker River Basin, Nevada, project. The amount appropriated for Water and Related Resources includes $300,000 for this project.

The conference agreement deletes language proposed by the Senate earmarking funds for environmental restoration at Fort Kearny, Nebraska.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $12,425,000 for the Bureau of Reclamation Loan Program Account as proposed by the House and Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $42,000,000 for the Central Valley Project Restoration Fund instead of $47,346,000 as proposed by the House and $37,346,000 as proposed by the Senate.

CALIFORNIA BAY-DELTA RESTORATION

The conference agreement appropriates $60,000,000 for the California Bay-Delta Restoration program instead of $75,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The conference agreement provides that the amount to be used for ecosystem restoration activities shall be $30,000,000 as proposed by the Senate instead of $45,000,000 as proposed by the House and that the amount to be used for other activities shall be $30,000,000 as proposed by the House instead of $20,000,000 as proposed by the Senate.

The conference agreement provides that the amount to be used for planning and management shall not exceed $5,000,000 instead of $7,000,000 as proposed by the House and $2,500,000 as proposed by the Senate.

POLICY AND ADMINISTRATION

The conference agreement appropriates $47,000,000 for Policy and Administration instead of $45,000,000 as proposed by the House and $49,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

SEC. 201. The conference agreement includes a provision making appropriations available for purchase of not more than six passenger motor vehicles as proposed by the House instead of not more than seven as proposed by the Senate.

SEC. 202. The conference agreement includes a provision proposed by the Senate imposing limitations on the use of appropriated funds for the leasing of water for specified drought related purposes, amended to limit the use of funds primarily for water leasing instead of exclusively for water leasing.

Provision not included in the conference agreement.—The conference agreement deletes language proposed by the Senate permitting certain investments of advance payments to Indian tribes, tribal organizations, and tribal consortia.

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT	---	6,996	---	6,996
CENTRAL ARIZONA PROJECT (LCRBDF)	27,326	---	24,089	---
COLORADO RIVER BASIN SALINITY CONTROL, TITLE I	1,036	12,056	1,036	9,056
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	50	---	---	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	580	---	200	---
SALT RIVER PROJECT, HORSE MESA DAM	---	1,590	---	1,590
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	850	---	800	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	5,873	---	5,598	---
TRES RIOS WETLANDS DEMONSTRATION	400	---	400	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY	150	---	150	---
YUMA AREA PROJECTS	109	15,423	109	15,423
HEADGATE ROCK HYDROELECTRIC PROJECT	---	---	5,000	---
CALIFORNIA				
CACHUMA PROJECT	639	723	639	723
CALIFORNIA INVESTIGATIONS PROGRAM	500	---	200	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT	1,500	---	1,500	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION	8,800	10,103	8,800	8,103
DELTA DIVISION	14,362	4,651	12,949	4,651
EAST SIDE DIVISION	575	3,781	575	3,781
FRIANT DIVISION	3,614	2,498	3,614	2,498
MISCELLANEOUS PROJECT PROGRAMS	11,099	1,734	11,099	1,734
REPLACEMENTS, ADDITIONS, EXTRAORDINARY MAINTENANCE	---	8,500	---	4,000
SACRAMENTO RIVER DIVISION	7,032	1,649	8,000	1,649
SAN FELIPE DIVISION	1,163	---	585	---
SAN JOAQUIN DIVISION	1,443	---	1,443	---
SHASTA DIVISION	3,480	7,139	3,426	7,139
TRINITY RIVER DIVISION	8,006	4,807	5,506	4,807
WATER AND POWER OPERATIONS	635	5,750	635	5,750
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	5,912	6,302	5,744	6,302
YIELD FEASIBILITY INVESTIGATION	2,000	---	2,000	---
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,564	---	3,564	---
LONG BEACH AREA WATER RECLAMATION PROJECT	1,500	---	1,500	---
LOS ANGELES AREA WATER RECLAMATION/REUSE PROJECT	7,500	---	7,500	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO PROJ	---	---	1,500	---
NORTH SAN DIEGO CNTY AREA WATER RECYCLING PROJECT	1,500	---	1,500	---
ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT	1,500	---	1,500	---
ORLAND PROJECT	---	570	---	570
SALTON SEA RESEARCH PROJECT	1,000	---	800	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	10,600	---	10,600	---
SAN GABRIEL BASIN PROJECT	2,000	---	2,000	---
SAN JOSE AREA WATER RECLAMATION AND REUSE PROGRAM	3,000	---	3,000	---
SOLANO PROJECT	995	1,005	995	1,005
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	625	---	350	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
COLORADO				
ANIMAS-LAPLATA PROJECT, SECTIONS 5 AND 8	3,000	---	2,000	---
COLLBRAN PROJECT	813	798	813	798
COLORADO-BIG THOMPSON PROJECT	304	7,506	304	7,506
COLORADO INVESTIGATIONS PROGRAM	435	---	200	---
FRUITGROWERS DAM PROJECT	94	16	94	16
FRYINGPAN-ARKANSAS PROJECT	339	4,927	339	4,927
FRYINGPAN-ARKANSAS PROJECT, PUEBLO DAM	---	6,700	---	6,700
GRAND VALLEY UNIT, CRBSCP	403	506	403	506
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	763	1,010	763	1,010
LOWER GUNNISON BASIN UNIT, CRBSCP	---	319	---	319
MANCOS PROJECT	44	22	44	22
PARADOX VALLEY UNIT, CRBSCP	---	2,058	---	2,058
PINE RIVER PROJECT	362	58	362	58
SAN LUIS VALLEY PROJECT, CLOSED BASIN/CONEJOS DIV	316	3,591	316	3,591
UNCOMPAHGRE PROJECT	293	23	293	23
UPPER COLORADO RIVER BASIN SELENIUM STUDY	100	---	100	---
IDAHO				
BOISE AREA PROJECTS	2,385	2,726	2,385	2,726
COLUMBIA-SNAKE RIVER SALMON RECOVERY PROJECT	13,122	---	9,500	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	200	---	200	---
FORT HALL INDIAN RESERVATION	---	---	250	---
IDAHO INVESTIGATIONS PROGRAM	363	---	325	---
LEWISTON ORCHARDS, RESERVOIR 'A' DAM	---	150	---	150
MINIDOKA AREA PROJECTS	4,030	1,809	4,030	1,809
MINIDOKA NORTHSIDE DRAINWATER MANAGEMENT PROJECT	315	---	250	---
KANSAS				
EQUUS BEDS GROUNDWATER RECHARGE DEMONSTRATION PROJECT	---	---	423	---
KANSAS INVESTIGATIONS PROGRAM	400	---	400	---
WICHITA PROJECT	---	219	---	219
MONTANA				
FORT PECK RURAL WATER SYSTEM, MT	---	---	3,000	---
HUNGRY HORSE PROJECT	69	177	69	177
MILK RIVER PROJECT	145	353	117	353
MONTANA INVESTIGATIONS PROGRAM	446	---	250	---
ROCKY BOYS INDIAN WTR RIGHTS SETTLEMENT STUDY	1,000	---	500	---
NEBRASKA				
MIRAGE FLATS PROJECT	30	28	30	28
NEBRASKA INVESTIGATIONS PROGRAM	150	---	150	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
NEVADA				
LAHONTAN BASIN PROJECT	6,352	1,098	6,652	1,098
LAKE MEAD AND LAS VEGAS WASH	---	---	1,400	---
NEWLANDS WATER RIGHTS FUND	---	---	1,500	---
WALKER RIVER BASIN PROJECT	---	---	300	---
NEW MEXICO				
CARLSBAD PROJECT	1,012	576	1,012	576
MIDDLE RIO GRANDE PROJECT	2,010	9,766	4,010	9,766
NAVAJO-GALLUP WATER SUPPLY PROJECT	---	---	300	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	268	---	268
RIO GRANDE PROJECT	769	2,564	769	2,564
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	124	---	124	---
SO. NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	254	---	254	---
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	213	---	213	---
UTE RESERVOIR PIPELINE PROJECT	---	---	250	---
VELARDE COMMUNITY DITCH PROJECT	2,313	---	2,313	---
NORTH DAKOTA				
DAKOTA INVESTIGATIONS PROGRAM	200	---	100	---
DAKOTA TRIBES INVESTIGATIONS PROGRAM	150	---	150	---
GARRISON DIVERSION UNIT, P-SMBP	26,849	180	27,849	180
OKLAHOMA				
ARBUCKLE PROJECT	---	161	---	161
MCGEE CREEK PROJECT	---	530	---	530
MOUNTAIN PARK PROJECT	---	225	---	225
NORMAN PROJECT	---	156	---	156
OKLAHOMA INVESTIGATIONS PROGRAM	275	---	150	---
W.C. AUSTIN PROJECT	---	255	---	255
WASHITA BASIN PROJECT	---	640	---	640
OREGON				
CROOKED RIVER PROJECT	105	297	105	297
DESCHUTES ECOSYSTEM RESTORATION PROJECT	1,000	---	500	---
DESCHUTES PROJECT	165	122	165	122
GRANDE RONDE WATER OPTIMIZATION STUDY	50	---	50	---
KLAMATH PROJECT	12,390	292	10,390	292
MALHEUR/OWYHEE/POWDER/BURNT RIVER BASINS	50	---	---	---
OREGON INVESTIGATIONS PROGRAM	810	---	610	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	165	626	165	626
TUALATIN PROJECT	91	97	91	97
TUMALO IRRIGATION DIST., BEND FEED CANAL, OR	---	---	200	---
UMATILLA BASIN PROJECT (PHASE III)	250	---	250	---
UMATILLA PROJECT	336	1,270	336	1,270

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
SOUTH DAKOTA				
LAKE ANDES - WAGNER/MARTY II	---	---	150	---
MID-DAKOTA RURAL WATER PROJECT	5,000	10	14,000	10
MNI WICONI PROJECT	23,873	5,527	23,873	5,527
RAPID CITY WASTEWATER REUSE STUDY	50	---	---	---
RAPID VALLEY PROJECT	---	23	---	23
TEXAS				
CANADIAN RIVER PROJECT	---	124	---	124
EL PASO WATER RECLAMATION AND REUSE	---	---	1,000	---
NUECES RIVER PROJECT	---	387	---	387
PALMETTO BEND PROJECT	---	541	---	541
SAN ANGELO PROJECT	---	255	---	255
TEXAS INVESTIGATIONS PROGRAM	390	---	200	---
UTAH				
HYRUM PROJECT	49	12	49	12
MOON LAKE PROJECT	14	11	14	11
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	150	---	150	---
NEWTON PROJECT	35	12	35	12
NORTHERN UTAH INVESTIGATIONS PROGRAM	400	---	350	---
OGDEN RIVER PROJECT	67	18	67	18
PROVO RIVER PROJECT	335	293	335	293
SCOFIELD PROJECT	49	3	49	3
SOUTHERN UTAH INVESTIGATIONS PROGRAM	400	---	200	---
STRAWBERRY VALLEY PROJECT	84	3	84	3
TOOELE WASTEWATER REUSE PROJECT	---	---	571	---
WEBER BASIN PROJECT	1,845	140	1,845	140
WEBER RIVER PROJECT	281	7	281	7
WASHINGTON				
COLUMBIA BASIN PROJECT	5,030	8,984	5,030	8,984
LOWER ELWHA KLALLAM RURAL WATER SUPPLY FEAS. STUDY	100	---	---	---
TULALIP TRIBES WATER QUALITY FEASIBILITY STUDY	50	---	---	---
WASHINGTON INVESTIGATIONS PROGRAM	410	---	200	---
YAKIMA PROJECT	491	7,535	491	7,535
YAKIMA RIVER BASIN WTR ENHANCEMENT PROJECT	11,734	---	10,480	---
WYOMING				
KENDRICK PROJECT	4	4,642	4	4,642
NORTH PLATTE PROJECT	18	1,164	18	1,164
SHOSHONE PROJECT	38	859	38	859
WYOMING INVESTIGATIONS PROGRAM	20	---	15	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II	12,300	---	12,300	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	4,222	1,014	3,356	902
COLORADO RIVER STORAGE, SECTION 8, RF&W	10,650	---	7,650	---
COLORADO RIVER WATER QUALITY IMPROVEMENT	75	---	75	---
DEPARTMENT IRRIGATION DRAINAGE PROGRAM	3,600	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE	500	---	3,000	---
EFFICIENCY INCENTIVES PROGRAM	5,250	---	3,000	---
EMERGENCY PLANNING AND DISASTER RESPONSE PROGRAM	---	306	---	306
ENDANGERED SPECIES RECOVERY IMPLEMENT. PROGRAM	15,118	---	15,118	---
ENVIRONMENTAL AND INTERAGENCY COORDINATION	1,677	---	677	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	2,083	---	1,500	---
EXAMINATION OF EXISTING STRUCTURES	---	3,892	---	3,892
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,375	---	875
GENERAL PLANNING ACTIVITIES	2,135	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM	6,232	---	5,232	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	13,540	---	8,540	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	910	---	910
NATIONAL FISH AND WILDLIFE FOUNDATION	1,300	---	1,300	---
NATIVE AMERICAN AFFAIRS PROGRAM	9,250	---	7,680	---
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING	1,048	---	884	---
OPERATION AND MAINTENANCE PROGRAM MANAGEMENT	98	538	98	538
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PROJECT	3,174	24,593	3,174	24,593
POWER PROGRAM SERVICES	1,031	642	1,023	550
PUBLIC ACCESS AND SAFETY PROGRAM	436	---	436	---
RECLAMATION LAW ADMINISTRATION	5,235	---	4,696	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII	4,222	---	4,222	---
RECREATION, FISH AND WILDLIFE PROGRAM ADMINISTRATION	2,053	---	1,891	---
SAFETY OF DAMS:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,600	---	1,600
SAFETY OF DAMS EVALUATION AND MODIFICATION	---	60,869	---	54,983
SCIENCE AND TECHNOLOGY:				
APPLIED SCIENCE AND TECHNOLOGY DEVELOPMENT	4,503	---	3,242	---
DESALINATION RESEARCH DEVELOPMENT PROGRAM	1,300	---	1,300	---
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM	50	---	50	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCE	215	---	215	---
TECHNOLOGY ADVANCEMENT	300	---	300	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM	1,000	---	1,000	---
SITE SECURITY	---	754	---	754
SOIL AND MOISTURE CONSERVATION	257	---	257	---
TECHNICAL ASSISTANCE TO STATES	1,911	---	600	---
TITLE XVI WATER RECLAMATION AND REUSE STUDY	2,214	---	2,214	---
UNITED STATES/MEXICO BORDER ISSUES - TECH SUPPORT	100	---	100	---
WATER MANAGEMENT AND CONSERVATION PROGRAM	8,836	---	6,600	---
WETLANDS DEVELOPMENT	5,595	---	3,595	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	---	-30,800	---	-46,000
TOTAL, WATER AND RELATED RESOURCES..............	409,199	243,639	395,578	212,349

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT	2,600	---	2,600	---
CHINO BASIN DESALINATION PROJECT	117	---	117	---
SALINAS VALLEY WATER RECLAMATION	1,700	---	1,700	---
SAN SEVAINE CREEK WATER PROJECT	6,408	---	6,408	---
TEMESCAL VALLEY PROJECT	1,175	---	1,175	---
VARIOUS				
LOAN ADMINISTRATION	425	---	425	---
TOTAL, LOAN PROGRAM	12,425	---	12,425	---

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

HOUSE AND SENATE VIEWS

The reports accompanying the House and Senate passed bills include strongly held views of each body regarding the Department of Energy. The conferees have resolved all differences between the two bodies related to funding and where specific direction or requirements are provided. However, the conferees have not attempted to reconcile those portions of the reports that express the opinion of either body.

For example, the House and Senate reports express differing views on the external regulation of the Department's facilities. The conferees have not addressed this difference of opinion. However, where funding is involved, as it is with regard to providing funding within the Office of Environment, Safety and Health for external regulation, the conferees have agreed not to eliminate such funds as proposed by the Senate.

In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly.

DEPARTMENT OF ENERGY ORGANIZATIONAL STRUCTURE

The conferees expect the Department to reduce field office staffing by five percent from the current fiscal year 1999 aggregate levels. These reductions are not to be prorated, but should be based on an analysis of staffing needs at each individual office.

EXTERNAL INDEPENDENT ASSESSMENTS OF CONSTRUCTION PROJECTS

The conferees agree that none of the funds provided for fiscal year 2000 construction projects may be obligated until an external, independent assessment of the baseline cost and schedule has been performed and provided to the House and Senate Committees on Appropriations for review. The Department is also directed to improve the corrective action plans prepared in response to these external reviews. The quality of the corrective action plans received by the Committees on Appropriations has been marginal at best.

CONTRACTOR TRAVEL

The conference agreement includes a statutory provision limiting reimbursement of Department of Energy management and operating contractors for travel expenses to not more than $150,000,000 and requiring contractor travel to be consistent with the rules and regulations for Federal employees. This reduction is not to be prorated, but should be applied to those organizations which appear to have the most egregious travel practices. This is not meant to restrict trips between laboratories to coordinate on program issues. The conferees are particularly concerned with the number of trips by laboratory employees to Washington, D.C., and the expense and excessive number of laboratory employees who travel to Russia.

The Department is also directed to ensure that reimbursements for contractor travel shall not exceed those costs which would be allowed for travel by employees of the Federal government. The conferees are aware that there is a cost difference because contractors cannot receive government rates for certain travel expenses. However, the regulations should ensure that contractors are not allowed to charge the government for business class or first class travel expenses, hotels which exceed the government per diem allowance, and other expenses and benefits such as the personal use of frequent flier miles which are not allowed if the traveler is a Federal employee. Guidelines that provide for deviations from Federal travel regulations may be approved by the Secretary.

AUGMENTING FEDERAL STAFF

The conferees agree that a reduction is required in the number of Department of Energy management and operating contractors who are assigned to the Washington metropolitan area. Funding for management and operating contractors has been reduced by $15,000,000. The conference agreement endorses the Department's proposed management plan to address this problem and to limit the current assignments to not more than 270 positions in fiscal year 2000. Those positions must perform functions that are highly technical and directly related to laboratory missions. Additionally, the Washington contractor offices (currently 13 for 9 laboratories) should be consolidated into one or two workplaces unless the Department finds that all of the offices can be eliminated by locating them in Department of Energy office space.

The conference agreement adopts the report requirement proposed by the House. This report, which is due on January 31, 2000, is to be augmented to include the status of the Department's proposed management reforms.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2000 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement modifies the current laboratory directed research and development (LDRD) program by reducing the allowable cost from six percent to four percent of the funds provided to the laboratories. None of the funds provided to laboratories for environmental cleanup activities may be taxed for LDRD purposes.

COMPUTER SECURITY

The conference agreement does not withhold funding for information management systems as proposed by the House.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language on improving project management in the Department of Energy and overhead costs reviews, and the Senate report language on personnel security.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 31, 2000, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement appropriates $644,937,953 instead of $615,317,304 as proposed by the House or $721,233,000 as proposed by the Senate. The conference agreement does not include the Senate bill language providing $15,000,000 for civilian research and development.

SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES

The conference agreement provides $362,240,000 instead of $356,450,000 as proposed by the House or $353,900,000 as proposed by the Senate.

Solar building technology research.—The conference agreement includes $2,000,000, the amount provided by the Senate, instead of $2,810,000 as proposed by the House. The conference agreement includes $1,700,000 for technology development and $300,000 for quality assurance.

Photovoltaic systems research and development.—The conference agreement includes $69,847,000, instead of $72,977,000 as proposed by the House or $66,847,000 as proposed by the Senate. Within the $67,000,000 provided to the Office of Energy Efficiency and Renewable Energy, the conferees have provided $27,000,000 for advanced materials and devices, $15,309,000 for fundamental research, and $24,691,000 for collector research and systems development program of which up to $1,500,000 may be used for "million solar roofs" activities. From the amount provided, the conferees have provided $1,000,000 for the Materials Science Center in Tempe, Arizona.

Concentrating solar power systems.—The conference agreement includes $15,410,000, the same amount as the House, instead of $15,000,000 as proposed by the Senate. The conferees have provided $5,000,000 for distributed power system development, $5,000,000 for dispatchable power system development, and $2,900,000 for advanced component and system research. No funds have been provided here for strategic alliances and market awareness activities. The conferees have included $2,500,000 for research and development for the U.S.-manufactured 22kw dish sterling program.

Biomass/biofuels research and development.—The conference agreement includes $98,740,000, instead of $98,960,000 as proposed by the House or $99,690,000 as proposed by the Senate. The conferees have provided $26,740,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement includes $32,500,000 for power systems and $39,500,000 for the transportation program. The conferees have provided up to $1,000,000 for the regional biomass program to be derived from the power program. The conferees have not included the House provision prohibiting further funding of the Vermont gasification project. The conference agreement includes up to $5,000,000 for the final Federal contribution to this facility. The conferees have provided $1,000,000 for the Consortium for Plant Biotechnology Research, to be derived from the power program. The conferees have included the House provision providing up to $6,000,000 for the multi-agency biomass program. The Department is directed to include a competitive solicitation for projects that meet criteria for funding under the Department's unique role in this multi-agency effort.

The conference agreement does not include funds for the Vermont agriculture methane project or the Southern Illinois University project as provided in the Senate report. The conferees have included up to $500,000 for the P-series fuel project at the University of Louisville. The conferees have not included any other new projects in the transportation program. The conferees note that the Department has funded several biomass energy projects during recent years whose timelines have been delayed for various reasons. The conferees believe it is time for the Department to complete these projects and related activities before initiating new projects. Accordingly, funds are included for the completion and/or termination costs of previously funded biomass projects. The conferees have provided $3,000,000 for the Michigan Biotechnology Institute (MBI), to be derived equally from the power and transportation programs. The conferees direct that the Department and MBI submit a spending plan to the Committees on Appropriations for approval no later than November 30, 1999.

Wind energy research and development.—The conference agreement includes $33,283,000, instead of $31,243,000 as proposed by the House or $34,283,000 as proposed by the Senate. The conferees have provided $283,000 for research to be managed by the Office of Science, the same as the budget request. Within the $33,000,000 provided to the Office of Energy Efficiency and Renewable Energy, $13,500,000 is for applied research, the same amount as the budget request. The conference agreement does not include prescriptive language specifying allocations as included in the Senate Report.

Renewable energy production incentive.—The conference agreement includes $1,500,000, the amount of the budget request and the amount provided by the Senate, instead of $2,610,000 as proposed by the House.

Solar program support.—The conference agreement includes $5,000,000, a $3,000,000 increase over the amount provided by the House and Senate. The conferees have included the House proposal to provide $1,000,000 for electricity restructuring activities and $1,000,000 for feasibility studies in preparation for a competitive solicitation. The conferees have provided an additional $3,000,000 for the Department to conduct distributed power system integration research and development. This effort is to be part of the competitive solicitation program and shall include modeling, field testing and analyses to determine the best means of integrating distributed power resources, including renewable energy, combined heat and power, and hybrid systems into the electricity system in a manner that enhances reliability, safety and power quality.

International solar energy.—The conference agreement includes $4,000,000 instead of $4.950.000 as provided by the House or $3.000,000 as provided by the Senate. Of this amount, $3,000,000 is to be provided expeditiously to International Utility Efficiency Partnerships, Inc. (IUEP). IUEP shall competitively award all projects, continuing its leadership role in reducing carbon dioxide emissions using voluntary market-based mechanisms.

National Renewable Energy Laboratory (NREL).—The conference agreement includes $1,100,000, the amount of the budget request, as proposed by the Senate instead of $2,800,000 as proposed by the House.

Geothermal technology development.—The conference agreement includes $24,000,000, the amount provided by the Senate, instead of $24,310,000 as proposed by the House. The conference agreement includes $6,000,000 for exploration research and development and $5,500,000 for drilling technology research and development.

Hydrogen research and development.—The conference agreement includes $27,970,000, instead of $24,730,000 as proposed by the House and $29,970,000 as proposed by the Senate. The conferees have provided $2,970,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement does not include the specific funding items listed in the Senate report except for $250,000 for the carbon dioxide/hydrogen production gas reforming facility in Nevada and $350,000 for the Montana Trade Port Authority in Billings, Montana.

Hydropower.—The conference agreement includes $5,000,000 as proposed by the Senate, instead of $2,760,000 as proposed by the House. The amount provided is exclusively for cost-shared research and development of "fish-friendly" turbines.

Renewable Indian energy resources.—The conference agreement includes $4,000,000, the same amount as proposed by the Senate, instead of no funds as proposed by the House. The conferees have provided funds in accordance with the Senate report, except that $1,000,000 is provided for the Nome diesel upgrade instead of the Kotzebue wind project.

Electric energy systems and storage.—The conference agreement includes $38,410,000, instead of $38,910,000 as proposed by the House or $33,500,000 as proposed by the Senate. The conferees have provided $31,910,000 for high-temperature superconducting research and development, $3,500,000 for energy storage systems and $3,000,000 to support a national laboratory/utility industry partnership to conduct research on reliability of the nation's electricity infrastructure including the impact of electricity restructuring on safety and reliability. The conference agreement includes $500,000 for the distributed power demonstration project at the Nevada Test Site instead of $1,000,000 as provided in the Senate report.

Program direction.—The conference agreement includes $17,720,000, the same amount provided by the House, instead of $17,750,000 as proposed by the Senate.

NUCLEAR ENERGY

The conference agreement provides $288,700,000, instead of $265,700,000 as proposed by the House or $297,700,000 as proposed by the Senate.

Advanced radioisotope power systems.—The conference agreement includes $34,500,000, instead of $32,000,000 as provided by the House or $37,000,000 as provided by the Senate.

Test reactor area landlord.—The conference agreement includes $9,000,000, the same amount as proposed by the House and the Senate.

University reactor fuel assistance and support.—The conference agreement includes $12,000,000, the same amount provided by the House and the Senate.

Nuclear energy plant optimization.—The conference agreement includes $5,000,000, the same amount provided by the House and the Senate. The conferees direct that the Department ensure that projects are funded jointly with non-Federal partners and that total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

Nuclear energy research initiative.—The conferees have provided $22,500,000 for the nuclear energy research initiative, instead of $25,000,000 as recommended by the Senate or $20,000,000 as recommended by the House.

Civilian research and development.—The conference agreement includes $9,000,000, instead of no funding as recommended by the House and $15,000,000 as provided by the Senate. The conferees direct that funding be provided in accordance with the Department's Roadmap for Developing ATW Technology and encourage international participation and cooperation in the program.

Fast Flux Test Facility.—The conference agreement provides $28,000,000 as proposed by the Senate, instead of $30,000,000 as proposed by the House.

Termination costs.—The conference agreement provides $80,000,000 as provided by the Senate, instead of $75,000,000 as provided by the House. The conference agreement provides the full amount of the budget request to complete draining and processing EBR-II primary sodium. The conferees direct the Department to notify the Committees immediately if any issues arise that would delay the Department's plan to complete these activities as stated in the budget justification documents. If additional funds are required, the Department should send a reprogramming request to the Committees as expeditiously as possible.

Uranium programs.—The conference agreement includes $43,500,000, instead of $40,000.000 as proposed by the House and $39,000,000 as proposed by the Senate. The conferees have provided an additional $3.987,000 to address worker and public health and safety concerns at the gaseous diffusion plant sites.

Isotope support.—The conference agreement includes $20,500,000, instead of $18,000,000 as proposed by the House or $23,000,000 as proposed by the Senate. The conferees have included $7,500,000 for the Isotope production facility, the same amount as provided by the Senate.

Program direction.—The conference agreement includes $24,700,000, the same amount provided by the House and the Senate.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $38,998,000, instead of $36,750,000 as recommended by the House or $48.998,000 as recommended by the Senate. The conferees direct that the reduction from the budget request be directed to eliminate lower-priority activities currently funded in this program. The conference agreement does not preclude funding for external regulation-related activities.

ENERGY SUPPORT ACTIVITIES

Technical information management program.—The conference agreement includes $8,600,000, the same amount provided by the House and the Senate.

Transfer of funds to the Occupational Safety And Health Administration.—The conference agreement includes $1,000,000 for safety and health activities related to non-Federal workers at Federal facilities and regulatory responsibilities at non-nuclear facilities. This is the same amount as the House, instead of no funding as recommended by the Senate.

Field operations.—The conference agreement includes the House provision transferring funding of field offices to sponsoring programs in accordance with the Department's management reorganization plan. Funding for the Chicago, Oakland and Oak Ridge offices has been provided in the Science account. Funding for the Idaho office has been moved to the Environmental Management account.

Oak Ridge landlord.—The conference agreement includes the House provision transferring funding to the Science account.

FUNDING ADJUSTMENTS

The conferees have included the transfers totaling $5,820,953 from the Geothermal Resources Development and United States Enrichment Corporation Funds as proposed in the budget request and included in the House and Senate bills. The conference agreement also includes $47,100,000, the same amount as the budget request, for research performed by the Office of Science related to solar and renewable energy technologies.

The conference agreement does not include the Senate provision to use $31,539,000 identified as prior year balances. The House did not include a prior year balance adjustment. The conference agreement includes a reduction of $1,500,000 for contractor travel, a $1,000,000 reduction for management and operating contractors in Washington, D.C., and a $5,000,000 general reduction.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement appropriates $333,618,000 instead of $327,223,000 as proposed by the House and $327,922,000 as proposed by the Senate.

The conference agreement includes $595,000 for the National Low-Level Waste Program in fiscal year 2000. These funds are to be used to maintain Federal data bases for tracking and reporting on low-level waste disposal information.

The conference agreement includes an additional $5,800,000 to complete cleanup at the Grand Junction site in Colorado in fiscal year 2000.

The conferees are aware of additional costs being incurred in the TMI Fuel Storage project related to compliance with Nuclear Regulatory Commission safety requirements. The Department should submit a reprogramming request as expeditiously as possible to remedy this shortfall.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates $250,198,000 instead of $240,198,000 as proposed by the House and $200,000,000 as proposed by the Senate.

An additional $10,000,000 has been provided to accelerate cleanup activities at the gaseous diffusion plants in Paducah, Kentucky, and Portsmouth, Ohio, in an effort to deal with radioactive contamination of groundwater, surface water, and on-site burial grounds, as well as decontamination and decommissioning of facilities. The conferees are aware of over $30,000,000 in additional cleanup work at the Paducah site alone that was identified in the Phase I preliminary investigation completed by the Department on September 14, 1999. The conferees urge the Department to substantially increase the funding request in fiscal year 2001 for the Paducah and Portsmouth facilities to fully characterize waste in and around the DOE reservations and to eliminate the existing threats to the residents, workers, and the environment.

Funding of $30,000,000, the same as the budget request, has been provided for the uranium and thorium reimbursement program. The conferees recognize there are eligible uranium and thorium licensee claims under Title X of the Energy Policy Act that have been approved for reimbursement, but not yet paid in full. The conferees direct the Department of Energy to submit with the fiscal year 2001 budget request a current list of the licensees approved for payment, amounts paid to date, and remaining balances requiring reimbursement for each of the claimants.

SCIENCE

The conference agreement appropriates $2,799,851,000, instead of $2,718,647,000 as provided by the House or $2,725,069,000 as provided by the Senate. The conference agreement does not include the Senate bill language providing funding for Boston College, the University of Missouri or the Natural Energy Laboratory of Hawaii.

High energy physics.—The conference agreement provides $707,890,000 for high energy physics, instead of $715,525,000 as provided by the House or $691,090,000 as provided by the Senate. The conference agreement does not include the Senate reduction for research and development of a TeV scale center of mass accelerator. The conferees do have concerns about the early cost projections of this planned facility and urge the Department to consider reasonable expectations of budgets and significant international participation during the early planning process for this proposed facility.

Nuclear physics.—The conference agreement provides $352,000,000 for nuclear physics, instead of $357,940,000 as provided by the House or $330,000,000 as provided by the Senate. The conference agreement does not include the Senate provision eliminating funding for the Bates Linear Accelerator Laboratory.

Biological and environmental research.—The conference agreement includes $441,500,000, instead of $406,170,000 as provided by the House or $429,700,000 as provided by the Senate. The conferees have included $19,500,000 for the low-dose effects program including a review of the Hiroshima dosimetry system. The conferees have not provided $2,000,000 in the Defense Environment, Safety and Health account as proposed by the Senate for this review. The conferees have provided $100,000 to study the effects of radiation on avian populations at the Nevada Test Site.

The conference agreement includes $5,000,000 for improvements and optimum utilization of the University of Missouri research reactor and $1,500,000 for the Natural Energy Laboratory in Hawaii. The conferees have provided $2,500,000 for the bone marrow transplantation/radioimmunotherapy program at the City of Hope National Medical Center and $1,000,000 for the Gallo Institute of the Cancer Institute of New Jersey. The conference agreement also includes $1,000,000 for cancer research at the Burbank Hospital Regional Center in Fitchburg, Massachusetts; $2,000,000 for the Midwest Proton Radiation Institute; $1,000,000 for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois; and $1,000,000 for the breast cancer program at the North Shore-Long Island Jewish Health System.

The conference agreement includes $1,500,000 for the Medical University of South Carolina's Cancer Research Center, $1,500,000 for the West Virginia National Education and Technology Center, $1,500,000 for the University of Las Vegas Science Complex, $1,000,000 for the Science Center at Creighton University, and $1,500,000 for the Utton Transboundary Center. The conference agreement includes $10,000,000 to further development of technologies using advanced functional brain imaging methodologies, including magnetoencephalography, for conduct of basic research in mental illness and neurological disorders. The conferees are aware of research into the molecular basis of disease and MicroPET at the University of California Los Angeles and encourage the Department to review this new technology and possible collaborations and report back to the Committees.

Basic energy sciences.—The conference agreement includes $783,127,000 instead of $735,989,000 as recommended by the House or $854,545,000 as recommended by the Senate. The conferees have included $7,000,000 for the Experimental Program to Stimulate Competitive Research, the same amount as provided by the House and the Senate. The conferees included very modest reductions to BES research programs and they strongly oppose any effort by the Department to target one laboratory when allocating this reduction.

Spallation Neutron Source.—The recommendation includes $117,900,000, including $100,000,000 for line-item construction costs and $17,900,000 for related research and development. The amount provided is $69,000,000 less than the amount provided by the Senate and $50,000,000 more than the amount provided by the House. The conferees have provided the same amount authorized in the House-passed authorization bill.

Computational and technology research.—The conference agreement includes $132,000,000, instead of $143,000,000 as provided by the House or $129,000,000 as provided by the Senate. The conferees strongly support the Department's current supercomputer programs including ASCI, NERSC, and modeling programs. The conferees urge the Department to submit a comprehensive plan for a non-Defense supercomputing program that reflects a unique role for the Department in this multi-agency effort and a budget plan that indicates spending requirements over a five-year budget cycle.

Energy research analyses.—The conference agreement includes $1,000,000, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes $21,260,000, the same amount provided by the House and the Senate. The conference agreement includes the additional $1,000,000 provided by the House to fully fund the Department's commitment to the payment-in-lieu of taxes program and does not include the additional $1,000,000 provided by the Senate for roofing improvements at Oak Ridge National Laboratory.

Fusion energy sciences.—The conference agreement includes $250,000,000, the same amount provided by the House instead of $220,614,000 as provided by the Senate. The conferees are pleased with the highly supportive recent report on fusion energy science from the Secretary of Energy's Advisory Board and with the comprehensive scientific plan developed by the Fusion Energy Sciences Advisory Committee (FESAC). The FESAC plan should be used by the Department as guidance in the allocation of the resources provided for fusion energy sciences.

Oak Ridge landlord.—The conference agreement includes $11,800,000 as proposed by the House.

Program Direction.—The recommendation is $131,108,000, instead of $126,963,000 as proposed by the House or $52,360,000 as proposed by the Senate. The conferees have provided $52,360,000 for headquarters program direction activities, the same amount provided by the House and Senate.

FUNDING ADJUSTMENTS

The conference agreement includes a reduction of $10,834,000 for contractor travel, the same amount as the budget request. The conferees have also included a $1,000,000 reduction for management and operating contractors in Washington, D.C.; a $10,000,000 general reduction; and a $10,000,000 reduction reflecting the House provision to include all funding for science education activities with program direction funding.

NUCLEAR WASTE DISPOSAL

The conference agreement appropriates $240,500,000 for Nuclear Waste Disposal instead of $242,500,000 as proposed by the Senate and $169,000,000 as proposed by the House.

The conference agreement includes $500,000 for the State of Nevada instead of $4,727,000 as proposed by the Senate and no funds as proposed by the House. This funding will be provided to the Department of Energy which will reimburse the State for actual expenditures on appropriate scientific oversight responsibilities conducted pursuant to the Nuclear Waste Policy Act of 1982. These funds may not be used for salaries and expenses for State employees in the oversight office.

The conference agreement includes $5,432,000 for affected units of local government as proposed by the Senate instead of no funds as proposed by the House. Funding for the affected local governments is to be allocated in the same proportion as was provided to each affected local government in fiscal year 1998.

The conference agreement includes $1,000,000 for seismic evaluations instead of $3,000,000 as proposed by the Senate. No funds are provided in this account for the development of accelerator transmutation of waste technology.

DEPARTMENTAL ADMINISTRATION

The conference agreement appropriates $206,365,000 for Departmental Administration instead of $193,769,000 as proposed by the House and $219,415,000 as proposed by the Senate. Funding of $10,000,000 is to be transferred to this account from Other Defense Activities. Revenues of $106,887,000, $10,000,000 less than the budget request, are estimated to be received in fiscal year 2000, resulting in a net appropriation of $99,478,000.

The conference agreement provides $26,000,000 for the Chief Financial Officer, an increase over the budget request of $23,792,000. These additional funds are to support the new engineering and construction division.

The conference agreement provides $1,000,000 as proposed by the House for severance payments for the office of field management.

Reprogramming Guidelines.—The conference agreement provides reprogramming authority of $500,000 or 5 percent, whichever is less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. This should provide the needed flexibility to manage this account. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $500,000 or 5 percent to an individual program account during the fiscal year require prior notification and approval from the House and Senate Committees on Appropriations.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement appropriates $29,500,000 for the Inspector General instead of $30,000,000 as proposed by the House and $29,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates $4,443,939,000 instead of $3,962,500,000 as proposed by the House and $4,609,832,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate providing that funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense must be provided in accordance with procedures established for Work for Others by the Department of Energy.

The conference agreement deletes language proposed by the Senate allowing the use of stockpile stewardship funds for regional economic development and language proposed by the House deferring the obligation of $1,000,000,000 until certain conditions are met.

Stockpile stewardship.—The conferees have postponed the integrated strategy proposed by the Senate. From within available funds, the conference agreement provides $10,000,000 to enhance or provide new microsystems capability at the Sandia National Laboratory and $5,000,000 to begin the process of moving the Atlas pulsed power experimental facility to the Nevada Test Site.

Funding of $316,000,000 has been provided for the accelerated strategic computing initiative (ASCI) program, a reduction of $25,000,000 from the request of $341,000,000.

Inertial Fusion.—The agreement includes the additional $10,000,000 proposed by the House for the inertial fusion program to further development of high average power lasers.

National Ignition Facility.—The conference agreement does not include the additional funding proposed by the Senate for the National Ignition Facility.

The National Ignition Facility has been described as one of the cornerstones of the Stockpile Stewardship Program. The conferees understand that the most recent internal review of the project has concluded that the projected cost to complete the project has increased and the completion date will be delayed. The conferees are very disappointed by this. Additional reviews will be performed in coming months to establish the appropriate future actions for proceeding with this project.

The conferees direct that the Secretary of Energy complete and certify a new cost and schedule baseline for the National Ignition Facility and submit that certification to the Committees by June 1, 2000. If the Secretary is unable to provide such a certification, the Department should prepare an estimate of the costs necessary to terminate the project.

Technology transfer.—The conference agreement provides $14,500,000 for the technology transfer program. This includes $5,000,000 for the Amarillo Plutonium Research Center, the same as the budget request. The remaining funds support the projects identified in the budget request. The conferees recognize that the funds provided for technology transfer have been reduced substantially in recent years and recommend that the Department concentrate the remaining funds on technology partnerships with small business.

Education.—The conference agreement provides $18,600,000 for education programs, including the budget request of $6,000,000 for the Northern New Mexico Educational Enrichment Foundation and $8,000,000 for the Los Alamos School District.

Stockpile management.—For core stockpile management activities, the conference agreement provides $1,965,300,000, which includes the following adjustment to the budget request. Additional funding of $25,000,000 is to be distributed among the Y–12 plant in Oak Ridge, Tennessee; the Kansas City plant in Missouri; the Pantex plant in Amarillo, Texas; and, if necessary, up to $1,000,000 may be provided to plan modifications of the nuclear materials vault at the Los Alamos TA-55 facility.

Tritium.—A total of $175,000,000 is provided for continued research and development on a new source of tritium. Funding of $36,000,000, an increase of $5,000,000 over the budget request, has been provided for design only activities in Project 98–D–126, Accelerator Production of Tritium.

Chemical and Metallurgical Research (CMR) Building Upgrades.—The conference agreement provides $15,000,000 for upgrades to the CMR building. The conferees direct the Department to initiate the conceptual design of a replacement facility using existing operating funds.

Transportation Safeguards Division.—The conference agreement establishes a separate account for the Transportation Safeguards Division, as proposed by the House, and provides the budget request of $91,812,000. The conferees are aware that funding adjustments may be required in fiscal year 2000 to accommodate additional program activities.

Program direction.—The conference agreement provides $209,000,000, a reduction of $5,688,000 from the budget request after transferring $31,812,000 to the Transportation Safeguards Division account.

Funding adjustments.—The conference agreement includes the use of $7,668,000 of prior year balances, $30,000,000 for contractor travel savings, $5,000,000 for management and operating contractor savings, and a general reduction of $29,800,000.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement appropriates $4,484,349,000 for Defense Environmental Restoration and Waste Management instead of $4,157,758,000 as proposed by the House and $4,551,676,000 as proposed by the Senate. Additional funding of $1,064,492,000 is contained in the Defense Facilities Closure Projects account and $189,000,000 in the Defense Environmental Management Privatization account for a total of $5,737,841,000 provided for all defense environmental management activities.

In the event that the conference agreement requires a general reduction of available funding, such reductions shall be applied to the lowest priority projects and activities at each site in order to preserve critical program activities.

The conference agreement does not include statutory language proposed by the Senate earmarking funds for a project in Idaho.

Site/Project Completion.—The conference agreement provides an additional $10,000,000 to address funding shortfalls at the Hanford site in Richland, Washington.

Post 2006 Completion.—The conference agreement includes an additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement; $13,000,000 to maintain schedules required by revised compliance agreements with the State of Washington; and $10,000,000 to support high level waste removal activities at the Savannah River Site in South Carolina.

Waste Isolation Pilot Plant (WIPP).—The conferees have included statutory language that would enable the Department to use funds otherwise available to the State of New Mexico to meet any bonding requirements that the State may impose on the operations of WIPP. The inclusion of such a provision should not be taken as a precedent. To the contrary, should such a requirement be imposed on the operation of WIPP, the conferees will recommend a statutory prohibition on such requirements.

The Department of Energy should review the role of the Environmental Evaluation Group to determine whether it is necessary to continue this oversight group now that WIPP has opened.

Health effects studies.—No funds are provided for health effects studies in the Environmental Management program. All funding for health effects studies is included in the Environment, Safety and Health (Defense) program.

Science and Technology Development.—The conference agreement provides $230,500,000 for the technology development program, the same as the budget request. The Department is directed to provide $5,000,000 from within available funds for the next round of new and innovative research grants in the environmental management science program in fiscal year 2000. The Department is urged to reallocate funds to the extent possible to provide up to $10,000,000 for technology deployment activities.

The conference agreement provides $4,500,000, an increase of $500,000 over the budget request, for the Diagnostic Instrumentation and Analysis Laboratory.

Program direction.—The conferees have provided $339,409,000 for the program direction account. The recommendation includes funding for the Federal employees at the Idaho Operations Office consistent with the Department's new organization structure.

Economic development.—The conference agreement maintains the current policy that no cleanup funds are to be used for economic development activities. The conferees have provided $24,500,000 in the worker and community transition program which was established and authorized to fund such activities, and expect all economic development activities to be funded from that program.

Funding adjustments.—The conference agreement includes the use of $40,000,000 of prior year balances; $6,000,000 for contractor travel savings; $8,700,000 in offsetting collections; and $2,000,000 for management and operating contractor savings.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement appropriates $1,064,492,000 for the Defense Facilities Closure Projects account instead of $1,054,492,000 as proposed by the House and $1,069,492,000 as proposed by the Senate. The conferees expect the Department to request adequate funds to keep each of these projects on a schedule for closure by 2006 or earlier.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $189,000,000 for the environmental management privatization program instead of $228,000,000 as proposed by the House and the Senate. The conferees are aware that funding requirements for the Disposal Cell at Oak Ridge, Tennessee, have been reduced by $39,000,000.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates $1,722,444,000 for Other Defense Activities instead of $1,651,809,000 as proposed by the House and $1,872,000,000 as proposed by the Senate. Details of the conference agreement are provided below.

NONPROLIFERATION AND NATIONAL SECURITY

The conference agreement provides $744,850,000 for nonproliferation and national security programs instead of $691,050,000 as proposed by the House and $822,300,000 as proposed by the Senate.

Competitive research.—The conferees direct the Department to initiate a free and open competitive process for 25 percent of its research and development activities during fiscal year 2000. In addition, 25 percent of the Department's treaty monitoring program is to be awarded through an open competitive process. The competitive process should be open to all Federal and non-Federal entities.

The conference agreement provides funds for Project 00–D–192, the Nonproliferation and International Security Center at Los Alamos. However, none of the funds may be obligated until an external, independent project assessment has been completed and provided to the House and Senate Committees on Appropriations for review.

Federal employees.—The conferees are aware that the Department does not have enough qualified Federal employees available to manage the nonproliferation and national security programs, particularly the Russian programs. The conferees will favorably consider a reprogramming of funds from these program areas to the program direction account as Federal employees are hired to replace the contractor employees who currently oversee these programs contrary to proper role of contractor employees.

Arms Control.—The conference agreement includes $41,152,000 for chemical and biological non-proliferation activities; $150,000,000 for the materials protection, control and accounting program; $22,500,000 for the Initiatives for Proliferation Program; and $7,500,000 for the Nuclear Cities Initiative.

Emergency Management.—The conference agreement includes the budget request of $21,000,000 for emergency management.

Nuclear Safeguards and Security.—The conference agreement provides $69,100,000, an increase of $10,000,000 over the budget request. This funding is recommended to enhance protection of critical facilities and infrastructure against physical and cyber attacks. From within available funds, $1,000,000 is provided to address the vulnerabilities of security equipment; $1,000,000 is provided to procure safety locks to meet Federal specifications; and $1,000,000 is to be used for an enhanced information assurance program.

Security Investigations.—The conference agreement provides $33,000,000 for security investigations, an increase of $3,000,000 over the budget request.

HEU Transparency Implementation.—The conference agreement provides $15,750,000, the same as the budget request.

International Nuclear Safety.—The conference agreement provides $15,000,000 for the international nuclear safety program. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. No funds are provided to initiate new programs in fiscal year 2000 or to expand new programs initiated in fiscal year 1999.

Program direction.—The conference agreement provides $89,000,000 for the program direction account. The conferees are aware of and support the proposal to restructure the Moscow office by reducing the use of national laboratory employees.

INTELLIGENCE

The conference agreement includes $36,059,000 as proposed by the House and the Senate to support the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $39,200,000 as proposed by the House and the Senate to support the Department's counterintelligence program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $5,000,000 in support of the newly established office of independent oversight and performance assurance. This is in addition to the funds provided for this office in the budget for Environment, Safety and Health (Defense).

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $98,000,000 for defense-related environment, safety and health activities instead of $96,600,000 as proposed by the House and $94,000,000 as proposed by the Senate. The conference agreement does not reduce funding for environmental evaluations and contractor support to the Defense Nuclear Facilities Safety Board liaison. The budget request of $13,500,000 has been provided for the Radiation Effects Research Foundation.

Health Effects Studies.—The conferees have provided $48,956,000 for health effects studies. This amount includes the budget request of $40,956,000 in this account and $8,000,000 from the Defense Environmental Management program.

From within available funds, the Department should reprioritize the funding for health effects studies to address the health concerns of current and former workers for the purpose of early identification of work-related diseases at the gaseous diffusion plants in Paducah, Portsmouth, and Oak Ridge. As part of this screening program, the Department is urged to make use of recent medical advances that detect lung cancers at an early stage. Medical screening results will be assessed by occupational medicine physicians, and the participants, where appropriate, will be provided referral assistance. The conferees also urge the Department to request sufficient funds for fiscal year 2001 to provide medical surveillance for those workers, both former and current, who were not screened under this accelerated program at the three gaseous diffusion plants.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $24,500,000 for the worker and community transition program instead of $20,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. Since there are no significant program funding decreases in the Department of Energy in fiscal year 2000, the conferees have reduced the funding allocated for enhanced severance benefits and local assistance grants.

The conferees do not agree that this program should share the infrastructure burden that is necessary to maintain test readiness at the Nevada Test Site, but support efforts to diversify technical activities at the Nevada Test Site.

FISSILE MATERIALS DISPOSITION

The conference agreement provides $173,235,000 for fissile materials disposition instead of $190,000,000 as proposed by the House and $205,000,000 as proposed by the Senate. The conference agreement does not include the budget request of $21,765,000 for Project 00–D–142, Immobilization and Associated Processing Facility, which has been delayed. The conference agreement provides no long-lead procurement funds for Project 99–D–141, Pit Disassembly and Conversion Facility.

The conferees have included $5,000,000 as proposed by the Senate to support the joint U.S.-Russian development program of advanced reactor technology to dispose of Russian excess weapons-derived plutonium. Of this funding, $2,000,000 is available for work to be performed in the United States by the Department of Energy and other U.S. contractors, and $3,000,000 is to be expended for work in Russia. The $3,000,000 shall be made available for work in Russia on the gas reactor technology on the condition and only to the extent that the Russian Federation matches these contributions with either comparable funding or contributions-in-kind.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $10,000,000 for national security programs administrative support instead of $25,000,000 as proposed by the House and no funding as proposed by the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $3,000,000 as proposed by the House and the Senate.

NAVAL REACTORS

The conference agreement includes $677,600,000 as provided by the House and the Senate.

FUNDING ADJUSTMENTS

The conference agreement includes the use of $49,000,000 of prior year balances; $13,000,000 for contractor travel savings; $20,000,000 offset to user organizations; and $7,000,000 for management and operating contractor savings. Reductions to prior year balances should be applied to those programs which have uncosted balances which are nearly equal to the program expenditures for the entire fiscal year.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $112,000,000 as proposed by the House instead of $112,500,000 as proposed by the Senate. Funding proposed by the Senate for the accelerator transmutation of waste program has been included in the Energy Supply account.

POWER MARKETING ADMINISTRATIONS

The conference agreement does not include the Administration's proposal, included in the House bill, to eliminate the Department's purchase power programs. The conference agreement includes the Senate provision to fund these purchases in advance as in prior years.

The conference agreement does not include the House statutory provision prohibiting the power marketing administrations (PMAs) from installing fiber optic cable in excess of operational needs. Under current law, the PMAs have authority to install fiber optic cable as part of the authority to operate transmission services. The conferees note that the same authority exists for all the PMAs. Installed and planned fiber optic cable costs for Western Area Power Authority (WAPA) amount to approximately $6,000,000 and comparable costs of the Bonneville Power Administration (BPA) are approximately $140,000,000. Because WAPA manages approximately 17,000 miles of transmission and BPA manages approximately 15,000 miles, there are concerns about this level of spending on fiber optic cable installations.

The conferees direct the PMAs to prepare a comprehensive fiber optic cable plan that includes all activities relating to installation, operation, marketing and leasing of fiber optic cables and related communications operations. The plan should provide details on current and future operational needs, summary information of current leases, planned leasing costs and revenues, criteria used to determine where and when to install fiber optic cable, and criteria used to determine leasing agreements. The plan should include summary tables so that comparisons can be made among the PMAs. For example, the plan should include cost-per-mile figures, outyear projections and expected revenues for each of the PMAs. The Administrators should include justification for all fiber optic cable installation activities including the PMAs' specific statutory authority for the activities included in the plan. The plan shall be submitted to the appropriate committees of the House and Senate within 180 days of enactment of this Act.

BONNEVILLE POWER ADMINISTRATION

The conferees have included the House provision providing $1,500 for official reception and representation expenses, instead of $3,000 as provided by the Senate.

SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $39,594,000 as provided by the Senate, instead of no funding as recommended in the budget request or the House bill. The conferees have included a 3,000,000 rescisson instead of the $5,500,000 rescission included in the Senate bill. The conference agreement includes the Administration's proposal, included in the House bill, to transfer $773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,773,000, instead of $28,000,000 and as proposed by the Senate and $27,167,000 as proposed by the House. The conference agreement includes the Administration's proposal, included in the House bill, to transfer $773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

WESTERN AREA POWER ADMINISTRATION

The conference agreement includes $193,357,000, instead of $171,471,000 as provided by the House or $223,555,000 as provided by the Senate. It is the conferees' intent to fully fund the Western Area Power Administration (WAPA) including any necessary purchase power and wheeling costs. However, as the conferees attempted to determine the appropriate level of funding in the absence of an Administration request for such funds, their efforts were frustrated by WAPA's inability to provide basic information such as WAPA's current level of unobligated previously appropriated purchase power and wheeling funds and by uncertainties regarding future requirements caused by potential or ongoing contract renegotiations. If WAPA later determines that the amount provided is insufficient, the conferees direct the Department to expeditiously submit a reprogramming request.

FALCON AND AMISTAD FUND

The conference agreement includes $1,309,000, the same amount provided by the House and Senate.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes $174,950,000, the same amount as provided by the House, instead of $170,000,000 as provided by the Senate.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. Section 301 does not preclude extension of a contract awarded using competitive procedures.

SEC. 302. The conference agreement includes a provision proposed by the House that none of the funds may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation.

SEC. 303. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

SEC. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants authorized under the provisions of section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

SEC. 305. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress.

SEC. 306. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

SEC. 307. The conference agreement includes a provision proposed by the House allowing the Secretary of Energy to enter into multi-year contracts without obligating the estimated costs associated with any necessary cancellation or termination of the contract. This provides the Department of Energy with the same flexibility provided to the Department of Defense.

SEC. 308. The conference agreement modifies language proposed by the House pertaining to Laboratory Directed Research and Development (LDRD) funding. The provision caps funding for LDRD at four percent. Funds provided to the laboratories for programs such as environmental cleanup and restoration may not be taxed for LDRD purposes.

SEC. 309. The conference agreement modifies language proposed by the House and Senate limiting to $150,000,000 the funds available for reimbursement of management and operating contractor travel expenses. The language also requires the Department of Energy to reimburse contractors for travel consistent with regulations applicable to Federal employees.

SEC. 310. The conference agreement modifies language proposed by the House requiring the Department of Energy's laboratories to provide an annual funding plan to the Department for approval by the Secretary. This requirement has been expanded to all of the Department's multi-purpose national laboratories.

SEC. 311. The conference agreement modifies a provision proposed by the House requiring the Secretary of Energy to review and approve the contract terms of all prime contractors who manage Departmental sites and facilities.

SEC. 312. The conference agreement includes a provision proposed by the House prohibiting the expenditure of funds to establish or maintain independent centers at Department of Energy laboratories or facilities unless they are specifically identified in the budget submission. The Department should provide to the House and Senate Committees on Appropriations by November 30, 1999, a list of all such centers at each laboratory or facility, the annual cost, number of employees, and the source of funding.

SEC. 313. The conference agreement includes language proposed by the House and Senate prohibiting the expenditure of funds to restart the High Flux Beam Reactor.

SEC. 314. The conference agreement modifies language proposed by the House limiting the activities of the Federal power marketing administrations in several areas. The conferees have prohibited the use of funds by the Bonneville Power Administration to to perform energy efficiency services outside Bonneville's service territory, with the exception of services provided internationally.

SEC. 315. The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision applies to the five material categories addressed in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues on Scrub Alloy Stored at the Rocky Flats Environmental Technology Site", Table S-2, Notice of Intent Categories.

SEC. 316. The conference agreement modifies language proposed by the Senate limiting the inclusion of costs of fish and wildlife protection within rates charged by the Bonneville Power Administration. The Administrator is directed to provide a report to the appropriate committees of the House and Senate which includes assumptions to be used in determining fish and wildlife costs during the 2002-2006 rate period. The report should be provided not later than December 31, 1999.

Provisions not adopted by the conferees.—The conference agreement deletes language proposed by the House limiting the waiving of overhead or added factor charges for work performed for other Federal agencies.

The conference agreement deletes language proposed by the House repealing section 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-349, the Urgent Supplemental Appropriations Act, 1986.

The conference agreement deletes bill language proposed by the House limiting the use of funds by the Federal power marketing administrations in the area of fiber optic telecommunications.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

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Department of Energy (in thousands)

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	Budget Request	Conference
ENERGY SUPPLY		
SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES		
Solar energy		
Solar building technology research	5,500	2,000
Photovoltaic energy systems	93,309	67,000
Photovoltaic energy research	2,847	2,847
Subtotal, Photovoltaic	96,156	69,847
Concentrating solar power	18,850	15,410
Biomass/biofuels energy systems		
Power systems	38,950	32,500
Transportation	53,441	39,500
Subtotal, Biomass/biofuels energy systems	92,391	72,000
Biomass/biofuels energy research	26,740	26,740
Subtotal, Biomass	119,131	98,740
Wind energy systems	45,600	33,000
Wind energy research	283	283
Subtotal, Wind	45,883	33,283
Renewable energy production incentive program	1,500	1,500
Solar program support	10,000	5,000
International solar energy program	6,000	4,000
National renewable energy laboratory	1,100	1,100
Solar photoconversion energy research	14,260	14,260
Total, Solar Energy	318,380	245,140

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	Budget Request	Conference
Geothermal		
Geothermal technology development	29,500	24,000
Hydrogen research	28,000	25,000
Hydrogen energy research	2,970	2,970
Total, Hydrogen	30,970	27,970
Hydropower	7,000	5,000
Renewable Indian energy resources	---	4,000
Electric energy systems and storage		
Transmission reliability	4,000	3,000
High temperature superconducting R&D	31,000	31,910
Energy storage systems	6,000	3,500
Total, Electric energy systems and storage	41,000	38,410
Program direction	19,171	17,720
TOTAL, SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES	446,021	362,240

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	Budget Request	Conference
NUCLEAR ENERGY		
Nuclear energy R&D		
Advanced radioisotope power system	37,000	34,500
Test reactor area landlord	6,070	6,070
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID	1,430	1,430
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	1,500	1,500
Subtotal, Construction	2,930	2,930
Subtotal, Test reactor area landlord	9,000	9,000
University reactor fuel assistance and support	11,345	12,000
Nuclear energy plant optimization	5,000	5,000
Nuclear energy research initiative	25,000	22,500
Civilian research and development	---	9,000
Total, Nuclear energy R&D	87,345	92,000
Fast flux test facility (FFTF)	30,000	28,000
Termination costs	65,000	80,000
Uranium programs	41,000	43,500
Isotope support	13,000	13,000
Construction		
99-E-201 Isotope production facility (LANL)	8,000	7,500
Total, Isotope support	21,000	20,500
Program direction	24,960	24,700
TOTAL, NUCLEAR ENERGY	269,305	288,700

	Budget Request	Conference
ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health	31,752	20,000
Program direction	18,998	18,998
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	50,750	38,998
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,600	1,600
Program direction	7,500	7,000
Total, Technical information management program	9,100	8,600
Transfer to OSHA	---	1,000
Field operations	102,000	---
Oak Ridge Landlord	11,812	---
TOTAL, ENERGY SUPPORT ACTIVITIES	122,912	9,600
Subtotal, Energy supply	888,988	699,538
Renewable energy research program	-47,100	-47,100
General reduction	---	-6,000
Transfer from Geothermal and USEC	-5,821	-5,821
Contractor travel savings	-1,276	-1,500
TOTAL, ENERGY SUPPLY	834,791	639,117

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	Budget Request	Conference
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	211,146	216,946
Site/project completion	98,366	95,250
Construction		
93-E-900 Long-term storage of TMI-2 fuel, INEL	2,500	2,500
Subtotal, Site/project completion	100,866	97,750
Post 2006 completion	18,922	18,922
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	330,934	333,618
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	210,198	220,198
Uranium/thorium reimbursement	30,000	30,000
TOTAL, URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING	240,198	250,198

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	Budget Request	Conference
SCIENCE		
High energy physics		
Research and technology	227,190	229,190
Facility operations	441,200	450,000
Construction		
00-G-307 SLAC office building	2,000	2,000
99-G-306 Wilson hall safety improvements, Fermilab	4,700	4,700
98-G-304 Neutrinos at the main injector, Fermilab	22,000	22,000
Subtotal, Construction	28,700	28,700
Subtotal, Facility operations	469,900	478,700
Total, High energy physics	697,090	707,890
Nuclear physics	352,825	352,000
Biological and environmental research	411,170	441,500
Basic energy sciences		
Materials sciences	407,636	405,000
Chemical sciences	215,577	209,582
Engineering and geosciences	37,545	37,545
Energy biosciences	31,226	31,000
Construction		
99-E-334 Spallation neutron source (ORNL)	196,100	100,000
Total, Basic energy sciences	888,084	783,127

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	Budget Request	Conference
Other energy research		
Computational and technology research	196,875	132,000
Energy research analyses	1,000	1,000
Multiprogram energy labs - facility support		
Infrastructure support	1,160	2,160
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	18,351	18,351
Multiprogram general purpose facilities		
Construction		
94-E-363 Roofing improvements (ORNL)	749	749
Subtotal, Multiprogram energy labs - fac. suppor	20,260	21,260
Total, Other energy research	218,135	154,260
Fusion energy sciences program	222,614	250,000
Oak Ridge landlord	---	11,800
Program direction		
Headquarters	52,360	52,360
Field offices	---	78,748
Total, Program direction	52,360	131,108
Subtotal, Science	2,842,278	2,831,685
Contractor travel savings	-10,834	-10,834
General reduction	---	-21,000
TOTAL, SCIENCE	2,831,444	2,799,851

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	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	4,940	4,940
Board of contract appeals	838	838
Chief financial officer	23,792	26,000
Contract reform	3,200	3,000
Congressional and intergovernmental affairs	4,910	4,910
Economic impact and diversity	5,046	4,700
Field management	8,080	1,000
General counsel	21,434	20,750
Management and administration	101,273	98,000
Policy office	17,430	14,000
Public affairs	3,963	3,700
Subtotal, Salaries and expenses	194,906	181,838
Program support		
Minority economic impact	1,700	1,700
Policy analysis and system studies	1,000	350
Environmental policy studies	2,432	1,000
Scientific and technical training	450	450
Corporate management information program	13,000	12,000
Subtotal, Program support	18,582	15,500
Total, Administrative operations	213,488	197,338
Cost of work for others	34,027	34,027
Subtotal, Departmental Administration	247,515	231,365
Use of prior year balances and other adjustments	-7,138	-15,000
Transfer from other defense activities	---	-10,000
Total, Departmental administration (gross)	240,377	206,365
Miscellaneous revenues	-116,887	-106,887
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	123,490	99,478
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	30,000	29,500

Department of Energy (in thousands)

	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
Stockpile stewardship		
Core stockpile stewardship	1,635,355	1,610,355
Construction		
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	8,000	8,000
00-D-105 Strategic computing complex, LANL Los Alamos, NM	26,000	26,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	1,800	1,800
99-D-102 Rehabilitation of maintenance facility, LLNL, Livermore, CA	3,900	3,900
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	2,000	2,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	2,400	2,400
99-D-105 Central health physics cailbration facility, LANL, Los Alamos, NM	1,000	1,000
99-D-106 Model validation & system certication center, SNL, Albuquerque, NM	6,500	6,500
99-D-108 Renovate existing roadways, Nevada Test Site, NV	7,005	5,000
97-D-102 Dual-axis radiographic hydrotest facility (LANL), Los Alamos, NM	61,000	61,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations	2,640	2,640
96-D-104 Processing and environmental technology laboratory (SNL)	10,900	10,900
Subtotal, Construction	133,145	131,140
Subtotal, Core stockpile stewardship	1,768,500	1,741,495

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	Budget Request	Conference
Inertial fusion	217,600	227,600
Construction		
96-D-111 National ignition facility, LLNL	248,100	248,100
Subtotal, Inertial fusion	465,700	475,700
Technology transfer/education		
Technology transfer	22,200	14,500
Education	29,800	18,600
Subtotal, Technology transfer/education	52,000	33,100
Total, Stockpile stewardship	2,286,200	2,250,295
Stockpile management	1,839,621	1,804,621
Construction		
99-D-122 Rapid reactivation, various locations	11,700	11,700
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	17,000	17,000
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	3,429	3,429
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	11,300	11,300
98-D-123 Stockpile mgmt. restructuring initiative Tritium factory modernization and consolidation, Savannah River, SC	21,800	21,800
98-D-124 Stockpile mgmt. restructuring initiative Y-12 consolidation, Oak Ridge, TN	3,150	3,150
98-D-125 Tritium extraction facility, SR	33,000	33,000
98-D-126 Accelerator production of Tritium, various locations	31,000	36,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	4,800	4,800
95-D-102 Chemistry and metallurgy research (CMR) upgrades project (LANL)	18,000	15,000

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	Budget Request	Conference
88-D-123 Security enhancements, Pantex plant, Amarillo, TX	3,500	3,500
Subtotal, Construction	158,679	160,679
Total, Stockpile management	1,998,300	1,965,300
Transportation safeguards division		
Operations and equipment	---	60,000
Program direction	---	31,812
Total, Transportation safeguards division	---	91,812
Program direction	246,500	209,000
Subtotal, Weapons activities	4,531,000	4,516,407
Use of prior year balances	---	-7,668
Contractor travel savings	-23,065	-30,000
Directed savings	---	-5,000
General reduction	---	-29,800
TOTAL, WEAPONS ACTIVITIES	4,507,935	4,443,939

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	Budget Request	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	892,629	902,002
Construction		
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC	3,100	3,100
99-D-404 Health physics instrumentation laboratory (INEL), ID	7,200	5,000
98-D-401 H-tank farm storm water systems upgrade, Savannah River, SC	2,977	2,977
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	16,860	16,860
98-D-700 Road rehabilitation (INEL), ID	2,590	2,590
97-D-450 Savannah River nuclear material storage, Savannah River Site, Aiken, SC	4,000	4,000
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River site, Aiken, SC	12,220	12,220
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	24,441	20,941
96-D-464 Electrical & utility systems upgrade, Idaho chemical processing plant (INEL), ID	11,971	11,971
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC	931	931
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA	2,000	2,000
Subtotal, Construction	88,290	82,590
Total, Site/project completion	980,919	984,592

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	Budget Request	Conference
Post 2006 completion		
Operation and maintenance	2,478,997	2,511,997
Uranium enrichment D&D fund contribution	420,000	420,000
Construction		
00-D-401 Spent Nuclear Fuel treatment and storage facility Title I & II, Savannah River, SC	7,000	7,000
99-D-403 Privatization Phase I infrastructure support, Richland, WA	13,988	13,988
97-D-402 Tank farm restoration and safe operations, Richland, WA	20,516	20,516
94-D-407 Initial tank retrieval systems, Richland, WA	4,060	4,060
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	8,987	8,987
Subtotal, Construction	54,551	54,551
Total, Post 2006 completion	2,953,548	2,986,548
Science and technology	230,500	230,500
Program direction	349,409	339,409
Subtotal, Defense environmental management	4,514,376	4,541,049
Use of prior year balances/general reduction	---	-40,000
Contractor travel savings	-7,725	-6,000
Offsetting collections	-8,700	-8,700
Directed savings	---	-2,000
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,497,951	4,484,349
DEFENSE FACILITIES CLOSURE PROJECTS		
Closure projects	1,054,492	1,064,492

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	Budget Request	Conference
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations	253,000	233,000
Use of prior year balances	-25,000	-44,000
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION	228,000	189,000
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	5,780,443	5,737,841
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Nonproliferation and national security		
Verification and control technology		
Nonproliferation and verification, R&D	215,000	215,000
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL	6,000	6,000
Subtotal, Nonproliferation & verification	221,000	221,000
Arms control	296,000	281,000
Subtotal, Verification and control technology	517,000	502,000
Emergency management	21,000	21,000
Nuclear safeguards and security	59,100	69,100
Security investigations	30,000	33,000
HEU transparency implementation	15,750	15,750
International nuclear safety	34,000	15,000
Program direction - NN	90,450	89,000
Subtotal, Nonproliferation and national security	767,300	744,850
Intelligence	36,059	36,059
Counterintelligence	39,791	39,200
Security and emergency operations	65,214	---
Independent oversight and performance assurance	6,800	5,000
Environment, safety and health (Defense)	67,231	73,231
Program direction - EH	24,769	24,769
Subtotal, Environment, safety & health (Defense)	92,000	98,000
Worker and community transition	26,500	21,000
Program direction - WT	3,500	3,500
Subtotal, Worker and community transition	30,000	24,500

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	Budget Request	Conference
Fissile materials disposition	129,766	134,766
Program direction - MD	7,343	7,343
Construction		
00-D-142 Immobilization and associated processing facility, various locations	21,765	---
99-D-141 Pit disassembly and conversion facility, various locations	28,751	18,751
99-D-143 Mixed oxide fuel fabrication facility, various locations	12,375	12,375
Subtotal, Construction	62,891	31,126
Subtotal, Fissile materials disposition	200,000	173,235
National Security programs administrative support	---	10,000
Office of hearings and appeals	3,000	3,000
Subtotal, Other national security programs	1,240,164	1,133,844
Contractor travel savings	-5,790	-13,000
Total, Other national security programs	1,234,374	1,120,844

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	Budget Request	Conference
Naval reactors		
Naval reactors development	620,400	633,000
Construction		
GPN-101 General plant projects, various locations	9,000	9,000
98-D-200 Site laboratory/facility upgrade, various locations	3,000	3,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	12,000	12,000
Subtotal, Construction	24,000	24,000
Subtotal, Naval reactors development	644,400	657,000
Program direction	20,600	20,600
Total, Naval reactors	665,000	677,600
Subtotal, Other defense activities	1,899,374	1,798,444
Use of prior year balances	---	-49,000
Offset to user organizations	-20,000	-20,000
Contribution from labs	-12,559	---
Directed savings	---	-7,000
Other reductions	-3,800	---
TOTAL, OTHER DEFENSE ACTIVITIES	1,863,015	1,722,444
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	112,000	112,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	12,263,393	12,016,224

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	Budget Request	Conference
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Operation and maintenance/program direction	---	11,594
Purchase power and wheeling	---	28,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	---	39,594
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,625	3,625
Purchase power and wheeling	---	833
Program direction	17,631	17,631
Construction	6,684	6,684
Subtotal, Operation and maintenance	27,940	28,773
Transfer from Southeastern Power	-773	-773
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	27,167	28,000
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	26,802	26,802
System operation and maintenance	35,096	35,096
Purchase power and wheeling	---	41,886
Program direction	104,537	104,537
Utah mitigation and conservation	5,036	5,036
Subtotal, Operation and maintenance	171,471	213,357
Use of prior year balances	---	-20,000
TOTAL, WESTERN AREA POWER ADMINISTRATION	171,471	193,357
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	1,309	1,309
TOTAL, POWER MARKETING ADMINISTRATIONS	199,947	262,260

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	Budget Request	Conference
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	179,900	174,950
FERC revenues	-179,900	-174,950
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION	---	---
NUCLEAR WASTE DISPOSAL		
Repository program	198,189	180,689
Program direction	59,811	59,811
Subtotal from Nuclear Waste Disposal Fund	258,000	240,500
Transfer from defense nuclear waste disposal	(39,000)	---
TOTAL, NUCLEAR WASTE DISPOSAL	258,000	240,500
GRAND TOTAL, DEPARTMENT OF ENERGY	17,112,197	16,670,746

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $66,400,000 for the Appalachian Regional Commission instead of $60,000,000 as proposed by the House and $71,400,000 as proposed by the Senate. Of this amount, $1,000,000 is for the Richie County Dam project in West Virginia.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement appropriates $17,000,000 for the Defense Nuclear Facilities Safety Board instead of $16,500,000 as proposed by the House or $17,500,000 as proposed by the Senate.

DENALI COMMISSION

The conference agreement includes $20,000,000 for the Denali Commission instead of $25,000,000 as proposed by the Senate. The conference agreement deletes language proposed by the House rescinding $18,000,000 previously appropriated to the Denali Commission.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $465,000,000, instead of $455,400,000 as recommended by the House or $465,400,000 as recommended by the Senate. The conferees have provided $19,150,000, to be derived from the Nuclear Waste Fund, for the Commission's ongoing work to characterize Yucca Mountain as a potential site for a permanent nuclear waste repository. The conference agreement also includes $3,850,000 for regulatory reviews and other assistance provided to the Department of Energy.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $5,000,000, the same amount provided by the Senate, instead of $6,000,000 as provided by the House.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement appropriates $2,600,000 as proposed by the House instead of $3,150,000 as proposed by the Senate.

TENNESSEE VALLEY AUTHORITY

The conference agreement deletes language proposed by the Senate appropriating $7,000,000 for the Tennessee Valley Authority. The conference agreement includes language providing authority for the Tennessee Valley Authority to use up to $3,000,000 in previously appropriated funds to pay for transition costs of Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The conference agreement includes language proposed by the Senate rescinding appropriations for specified projects within the General Investigations and Construction, General account, amended to delete language proposed by the Senate to rescind appropriations from: the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, investigation; the Southern and Eastern Kentucky, Kentucky, construction project; and the South Central Pennsylvania, Environmental Improvements Program, Pennsylvania, construction project.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes a rescission of $3,000,000 instead of language proposed by the Senate rescinding $5,500,000 from the Southeastern Power Administration.

NUCLEAR WASTE DISPOSAL

The conference agreement includes language to rescind $4,000,000 from the multipurpose canister design program in the Nuclear Waste Disposal Fund. This funding was provided in Public Law 105–62, the FY 1998 Energy and Water Development Appropriations Act.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The conference agreement includes language proposed by both the House and Senate directing that none of the funds in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. The conference agreement includes language proposed by both the House and Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

SEC. 603. The conference agreement includes language proposed by both the House and Senate providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior as described in the Bureau of Reclamation report entitled, "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995" and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

SEC. 604. The conference agreement includes language proposed by both the House and Senate providing a one-year extension of the authority of the Nuclear Regulatory Commission to collect fees and charges to offset appropriated funds.

SEC. 605. The conference agreement includes language proposed by the House to repeal the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, as authorized under title VI of division C of Public Law 105–277. This Act was reauthorized in subsequent legislation.

SEC. 606. The conference agreement includes language proposed by the House making a technical change to a provision of the Water Resources Development Act of 1996 authorizing reimbursement for work by non-Federal interests on certain civil works projects of the Corps of Engineers.

SEC. 607. The conference agreement includes language proposed by the House limiting the use of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol.

SEC. 608. The conference agreement includes language proposed by the Senate amending the United States Enrichment Corporation Fund.

SEC. 609. The conference agreement includes language proposed by the Senate changing the name of the Cascade Reservoir in Idaho to "Lake Cascade."

SEC. 610. The conference agreement includes language proposed by the Senate amending the Pacific Northwest Electric Power Planning and Conservation Act by changing an annual cost limitation.

SEC. 611. The conference agreement includes language providing permanent authority for the Corps of Engineers to expend funds for various activities in the Formerly Utilized Sites Remedial Action Program (FUSRAP). The Committees on Appropriations have been providing annual authorization for these activities.

Other.—The Senate bill included section 604 prohibiting the restart of the High Flux Beam Reactor. The conference agreement includes this prohibition in Title III, Department of Energy, General Provisions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

(In thousands of dollars)

New budget (Obligational) authority, fiscal year 1999	$22,158,325
Budget estimates of new (obligational) authority, fiscal year 2000	22,021,026
House bill, fiscal year 2000	20,640,395
Senate bill, fiscal year 2000	21,717,325
Conference agreement, fiscal year 2000	21,729,969
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−428,356
Budget estimates of new (obligational) authority, fiscal year 2000	−291,057
House bill, fiscal year 2000	+1,089.574
Senate bill, fiscal year 2000	+12,644

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,
Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUYE,
Managers on the Part of the Senate.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

Mrs. KELLY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Innovation Research Program Reauthorization Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982 and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this section referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of this Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2007.".

SEC. 4. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 5. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 6. RIGHTS TO DATA.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) ADDITIONAL MODIFICATIONS.—Not later than 90 days after the enactment of the Small Business Innovation Research Program Reauthorization Act of 1999, the Administrator shall modify the policy directives issued pursuant to this subsection to clarify that the rights provided for under subparagraph (2)(A) of this subsection apply to all Federal funding awards falling under the definitions of 'first phase', 'second phase', or 'third phase', as specified in subsection (e)(4).".

SEC. 7. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to ask my colleagues to support H.R. 2392, the Small Business Innovation and Research Program Reauthorization Act of 1999. The Small Business Innovation and Research Program was established in 1982 as a vehicle for helping give small businesses the most dynamic and innovative segment of our economy access to millions of dollars of Federal research and development funds.

The SBIR program operates at every Federal agency with an extramural research budget of more than $100 million and offers funding to small businesses in three phases: phase one, the initial research and development; phase two, continuing research for the most promising projects; and, phase three, the final assistance for moving technologies to the Federal procurement marketplace and to the private sector.

The result has been an unqualified success. Small businesses given access to these Federal dollars have created exciting new technologies, created new jobs along with them, and helped expand their business and our economy.

Let me give my colleagues just one example. PCA, Incorporated, a small company in New York, has developed, through the SBIR program, new quality-assurance software that is being used in almost every system at the Department of Defense. This innovative software allows our armed forces to debug the software and check the metrics in every software system they have from the on-board systems in an F-16 fighter to the navigation systems in all of the Navy's attack submarines, new technology that will enable the Navy to protect our country.

That is the SBIR program, harnessing the entrepreneurial spirit and technological skill of small business and putting it to work in defense, medicine, and commerce.

Let me briefly describe the provisions of H.R. 2392. It has 10 provisions, not including the short title. Section 2 of H.R. 2392 expresses the sense of Congress regarding the overwhelming success of the SBIR program.

Section 3 will authorize the SBIR program for 7 years.

Section 4 includes the Committee on Science in certain reporting requirements regarding the SBIR program.

Section 5 clarifies the funding requirements for third-phase participation in the SBIR program.

Section 6 requires the SBA to clarify, through policy directives, the rights and technical data that are granted to SBIR awardees.

Section 7 requires that agencies participating in SBIR include the program in their annual performance plans.

Sections 8 through 11 are new provisions, added with the bipartisan cooperation and assistance of our colleagues at the Committee on Science.

Section 8 provides for the creation of a database to compile information on the project's funding through the SBIR program. It also contains technical corrections to improve the data collection currently required by the program.

Section 9 authorizes the SBA to issue new policy directives to SBIR program managers at the various Federal agencies. These new directives would allow them to increase under certain situations the funding levels provided to small businesses in phase 2 of SBIR.

Section 10 will require SBIR to phase 2 award winners to file a commercial plan detailing their marketing strategies and plans for the new technologies they are developing.

Finally, section 11 of H.R. 2392 will authorize the National Research Council, in consultation with the SBA Office of Advocacy and other interested parties, to conduct a comprehensive study of the SBIR program.

Madam Speaker, these are all simple, common sense improvements to a successful program with strong congressional support. This support is exemplified by H.R. 2392's 7-year reauthorization, which is a serious commitment to this program.

The Committee on Small Business believes that this extended authorization will allow SBIR program managers to plan for future years' activities without concern over the status of the program.

In closing, let me urge all of my colleagues to support H.R. 2392 and the SBIR program. This is an outstanding program which enables small businesses to contribute to our economy, health, and national defense. It deserves our continued support and this reauthorization.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will be considering H.R. 2392, the Small Business Innovation Research Act of 1999, SBIR. One of the most important jobs for us serving on the Committee on Small Business is to provide small businesses with every opportunity to succeed. This bipartisan piece of legislation does just that. It levels the playing field for small businesses engaging in research and development, providing them with the tools they need to succeed in today's technologically intensive market.

America is currently experiencing one of the longest periods of economic growth in its history. One of the biggest reasons for this unparalleled economic growth is the innovation and technological advances made by our small businesses. Our small entrepreneurs have always been at the forefront of technological research and innovation. There are many reasons for this, ranging from lower costs, greater flexibility, and closer contact with customers to a greater willingness to engage in high-risk research and development products.

Despite their remarkable track record, however, small firms often lack the capital or the access to the Federal research and development budgets they need to transform a great idea into a commercial success.

To strengthen and expand the competitiveness of U.S. small business technology in the Federal marketplace, a Democratic Congress established the Small Business Innovation Research Program in 1982. The goal of the SBIR program is to strengthen the role of small innovative firms in federally funded research and development.

Under this program, Federal agencies with extramural research budgets in excess of $100 million per year set aside a small part of their R&D budget, currently 2.5 percent, for innovative small firms. SBIR provides an information pipeline to the high technology small business community, and gives small businesses an unrivaled opportunity to produce cutting-edge research and development and take their findings to the marketplace.

Comparatively, this is a small amount. Since its inception, the SBIR program has a proven record of bringing high-quality products and services to the market.

One of the most important areas SBIR has helped is in the war against cancer by providing breakthroughs in the areas of medicine, pharmaceuticals, and the environment.

For example, through R&D funds from the National Cancer Institute facilitated by the SBIR program, GMA Industries has engaged in several projects that have led to technological innovations resulting in lower costs that are significantly under industry norms for document imaging and capture and database development.

Additionally, thanks to this program, jobs have been created, the economy has grown and America has remained at the forefront of innovation.

INC Magazine has even called the SBIR program the most important piece of small business legislation yet enacted in our lifetime.

Small businesses may not have the huge budgets that some larger firms have, but what they lack in size they make up in ideas.

What this program does is level the playing field. This program gives most of those with the ideas, but lacking resources, an opportunity to develop their innovations.

□ 1500

It makes sure that those ideas are looked at and funded. SBIR and its participants keep this Nation ahead of the curve and ahead of the world.

As a testament to its success, SBIR has been modeled and copied by several countries around the world. Representatives from the governments throughout the world come here to study this program so they can implement it back to their own countries.

The legislation we have before us today will reauthorize SBIR for 7 years and make some minor technical changes. Even though authorization does not lapse until October of 2000, it is critical that we act, Madam Speaker, now so that participating agencies are able to properly develop guidelines and assess their research needs to ensure that America's cutting edge firms continue to have opportunities available to them.

The other changes made by this legislation will allow small firms to continue research on marketable ideas developed under their grant, providing them with the continuity that firms working on research and development need.

The SBIR program has proven to be an essential element for our Nation's growing technological sectors. Both sides have worked closely on this issue because both sides agree that this is an essential program for the success of small firms.

I urge by colleagues to cast a "yes" vote on this bipartisan piece of legislation that will ensure our small firms having a level playing field in the high technology market.

I would like to thank the gentleman from Missouri (Mr. TALENT), chairman, and the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member, for their tenacity in bringing this bipartisan bill to us.

Madam Speaker, I reserve the balance of my time.

Mrs. KELLY. Madam Speaker, I have no speakers at this time, and I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the former ranking member on the Committee on Small Business.

Mr. LAFALCE. Madam Speaker, I am especially pleased to rise today in support of H.R. 2392, the bill reauthorizing the Small Business Innovation Research Program. This bill is particularly meaningful for me for, about 17 years ago, I authored and managed floor consideration of the bill that created the SBIR program. We were on the House floor in a hotly contested issue at that time for 3 days. But with the help of Members from both sides of the aisle, the small business community won a major victory.

The purpose of the SBIR program was and is to strengthen the role of the small innovative firms in federally funded research and development and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of our Nation's economy.

We can look back with great pride in what we accomplished over the past 17 years because the SBIR program, during that period, has established itself as perhaps the most effective technology program in the Federal Government. Study after study by the GAO and SBA show that this program has generated a remarkable amount of innovation by small companies.

According to an April 1998 GAO study, nearly 50 percent of SBIR research is commercialized or receives additional research and development funding. That is a very competitive success rate. It is also a great example of Federal agencies working together with small businesses to develop technologies to solve specific problems and fill procurement needs in a cost effective way.

But the significance of the program transcends the small business community and the Federal R&D effort. It goes to the much larger issue of long-term economic growth in our country. In the effort to continue long-term growth, nothing is more important than new technology. According to growth accounting studies, technological advances account for nearly 50 percent of the growth in GNP per person.

In short, the SBIR program creates jobs, increases our capacity for technological innovation, and boosts our international competitiveness. It certainly should be reauthorized.

Mrs. KELLY. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentlewoman from New York for yielding me the time, and I thank her for her work on this legislation and her work on the Committee on Small Business. I also thank the ranking member of the committee.

Madam Speaker, today I rise in support of H.R. 2392. This is a bill to reauthorize the Small Business Innovation Research Program called SBIR. The SBIR program expires on September 30 of next year.

Now, within H.R. 2392, the Small Business Technology Transfer will be reauthorized at its current set-aside level through fiscal year 2006.

My Subcommittee on Technology of the Committee on Science held a hearing on SBIR this past summer. I am pleased that provisions worked on by the committee have been incorporated into H.R. 2392.

So on behalf of the Committee on Science, the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Texas (Mr. HALL), the ranking member, as well as the gentleman from Michigan (Mr. BARCIA), ranking member of the Subcommittee on Technology, and myself, I want to thank the gentleman from Missouri (Mr. TALENT), chairman of the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for the effective and bipartisan work that was done by both the Committee on Science and the Committee on Small Businesses.

H.R. 2392 requires any small business that applies for a Phase II award submit a commercialization plan with their application. The plan is not intended to be submitted separate from the proposal, nor is it to be as elaborate as a formal business plan. It is merely to ensure that the small business has thought through the commercialization process, whether it ends up on the marketplace shelves or is procured by the funding agency.

It should be noted that any work done under SBIR for agency mission purposes would be considered commercialization and would require a commercialization plan under this provision.

H.R. 2392 also includes a comprehensive study and review of the current operation and functions of the SBIR program. Aside from GAO reports on the SBIR program, very little outside academic review has been published about the program.

SBIR is a very important tool of innovation within the small business community, and its impact in developing leading-edge technology is well documented through success stories shared with both committees.

However, the study required in this legislation is an attempt to investigate SBIR's impact by looking at how it stimulated the technological innovation of small businesses and has assisted small businesses in meeting the research and development needs of the participating agencies.

These are primary goals of the SBIR program, and by conducting a comprehensive study, Congress will be better able to understand how the program is advancing them.

Also included in the legislation is a requirement that the Small Business Administration keep an up-to-date database on SBIR awards. The database is intended solely for purposes of evaluation. It asks that the basic information needed to evaluate the SBIR program be kept in an electronic format.

There has been some concern that keeping commercialization statistics will not reflect the program's true record of success because it will unfairly include those projects that are not geared toward commercialization but still within the mission of SBIR such as research development.

This is remedied within the database itself. For instance, the government database requires that each second phase award contain information on the revenue generated by that product or service unless it is a research or research development service. Such a distinction can be made at the time the information is input into the system, thus avoiding unfair evaluation of those awards.

Madam Speaker, H.R. 2392 is a bill that continues the success of SBIR and provides for some important reforms to improve this worthwhile program. I urge my colleagues to support its passage.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Speaker, I rise today in support of H.R. 2392, the Small Business Innovative Research Program Reauthorization. I want to take this opportunity to commend my colleagues, the gentlewoman from California (Ms. MILLENDER-McDONALD), the gentlewoman from New York (Mrs. KELLY), the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member, and the gentleman from Missouri (Mr. TALENT) for their hard work and leadership on our committee.

The SBIR research program is one of the most effective and successful technology programs for entrepreneurs. Today's vote will take us one step closer to extending the program for another 7 years.

Without research and development budgets, small businesses rely on the SBIR program to help them fund important innovative research and development. As a member of the Committee on Small Business and ranking member on the Subcommittee on Rural Enterprises, Business Opportunities and Special Small Business Problems, it is my priority to ensure that small businesses continue to have every opportunity to succeed and that our government is a partner in that endeavor. An important part of this effort is the continued funding of SBIR.

Agency programs report that SBIR awards are much more likely to result in commercial products than other government-funded programs. In addition, approximately 12 percent of the SBIR awards made under the program are given to minority and disadvantaged businesses. This translates into over $850 million since the program began, providing real opportunities for many businesses that might not otherwise have this funding.

As we have seen with companies such as Microsoft and others, small businesses provide the innovation that makes this country the leader in technological advances. SBIR has helped companies create innovations in medical and pharmaceutical research to fight cancer and other diseases. These advances have not only enhanced business performance domestically and helped companies increase their export sales, but they have helped countless individuals and their families to live healthier, longer, and better lives.

SBIR is a win-win situation. I am pleased to support H.R. 2392 through which Congress would do more to ensure that valuable research dollars continue to be available to small businesses, and I ask for the support of my colleagues.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, a little while ago in a major address, Alan Greenspan credited our Nation's productivity advances as a major contributor of the Nation's phenomenal economic performance. Booming economic growth without inflation is impossible to sustain without productivity gains. At the center of productivity is new superior technology. Technological advances accounts for nearly 50 percent of growth in GNP per person employed. It is small businesses that deliver new innovations more effectively and efficiently.

The National Science Foundation found, for example, that the cost of R&D is significantly lower in small firms than in large ones. Another series of studies found that small firms are more innovative per dollar or per employee than other R&D sources. Simply put, Madam Speaker, the taxpayer gets more bang for his or her bucks when small dynamic companies do the job.

This should not surprise us, Madam Speaker. The SBIR program is one of the most competitive programs there is for research. The Federal managers for the program have told us that the research done is at least as good as and in some cases superior to the research they would get from traditional sources and that SBIR awards are much more likely to result in commercial products than other government-funded R&D.

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During our hearings we discovered that the private sector awards of R&D to small businesses in the marketplace has indeed been growing at a rapid pace.

Finally, Madam Speaker, the Small Business Development Innovation Research Program, created 18 years ago, has remained one of the most effective technology programs in the Federal Government. Repeatedly studied by GAO, the SBA, and individual Federal agencies, the program has shown strong performance and has given remarkable impetus to the technological innovation that feeds growth. Its purpose remains meeting the Federal Government's research and development needs, and no one can question that it does just that.

I do urge my colleagues to vote in favor of this important bipartisan piece of legislation that allows our Nation's most innovative small firms to have a level playing field in this highly competitive market. It is to all America's benefit to see our small businesses succeed, because they are a driving force in our economy.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. KELLY. Madam Speaker, I yield myself such time as I may consume.

In closing, Madam Speaker, I would like to thank the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. TALENT). I would also like to thank the committee's ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ). And I would also like to thank the gentlewoman from California, the chairman, and ranking members of the Committee on Science and the committee staffs of both committees who have worked on this piece of legislation.

Mr. UDALL of Colorado. Madam Speaker, I rise in support of H.R. 2392, the Small Business Innovation Research Program Authorization of 1999 and urge its adoption.

The SBIR program was established by the Small Business Innovation Development Act in 1982, based on a successful pilot program at the National Science Foundation. Today's vote takes us one step closer to extending this valuable program for another 7 years.

Madam Speaker, Colorado is home to many cutting-edge small businesses. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Along the Front Range of Colorado we have experienced tremendous growth in high-tech businesses during the last decade. I feel that the tremendous high-tech growth we have enjoyed can be directly traced to the hundreds of SBIR recipients working in our region.

The Small Business Innovation Research Program has filled a real need for these companies over the years. Although the main purpose of the program remains meeting the federal government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

We have made some improvements in the bill as introduced which are supported by the National Venture Capital Association. Venture capitalists have told us that they look at the quality of the management team as much or more than the quality of the product to be commercialized when funding a start-up company. They feel there is much more to commercial success than a great idea. This is why H.R. 2392 asks each Phase II applicant to submit a commercialization plan to show that in addition to thinking through what it will take to achieve technological success, each Phase II awardee is planning for commercial success as well. If the company plans to license a successful technology, the plan will need to describe how it plans to locate the licensee and get the technology to the point where it meets the licensee's needs. If the company plans to do its own manufacturing, the plan should describe the steps the company will take to acquire manufacturing expertise. These plans are not meant to be long, exhaustive, or burdensome to the companies. Rather, they are just meant to show that commercialization is being taken seriously and that there is a good chance the product developed under SBIR will penetrate intended markets. Of course, if the problem being addressed is unique to the government, the company's commercialization plan should be geared to penetrating the federal procurement system or otherwise meeting the needs of the government customer.

Madam Speaker, the SBIR program simply seeks to level the playing field for small businesses. Small businesses might not have the colossal R&D departments that some larger businesses have, but they do have the colossal ideas. SBIR makes sure those ideas are looked at and funded. I urge my colleagues to vote "yes" on extending this important program.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to strongly support this measure. As Calvin Coolidge once wrote, "The chief business of the American people is business." I wholeheartedly agree. But we must acknowledge that all sectors of our society must have equal access to the business world, not just big businesses. To achieve such a goal, it is vitally important that we provide opportunities for small, minority-owned, and women-owned businesses.

This bill reauthorizes the Small Business Innovation Research Program, SBIR, a program that assists small businesses in obtaining federal research and development funding. This program also was formed to bolster the involvement of minority and disadvantaged persons in technological innovation and to help small businesses meet federal research and development needs.

I have always been an advocate of small business opportunities for minority and disadvantaged persons in technological innovation. In an effort to provide even greater opportunities, I sponsored an amendment that passed in the House that incorporated Historically Black Colleges and Universities and Hispanic Serving Institutions in the language of the FAA Authorization Act of 1997. This amendment targeted research at institutions that involved undergraduates in their research on subjects of relevance to the FAA.

Almost four million Texans work in businesses with less than 500 employees, generating a total payroll of about $100 billion a year. This sector of business is growing. From 1992 to 1996, small businesses have added 162,201 new jobs. In 1998, Texas businesses with less than 100 employees employed 42.4 percent of the Texas, non-farm workforce, up from 40.6 percent in 1996. Small and medium businesses account for more than 67 percent of the Texas workforce.

Minority-owned businesses are another fast growing segment of the business world. In 1997, our nation's more than 3.2 million minority-owned businesses generated $495 billion in revenues and employed nearly 4 million workers. From 1987 to 1997, the number of minority-owned firms increased 168 percent while their revenues and employees grew nearly twice as fast.

Sadly, minority-owned businesses traditionally have not received a fair share of contracting dollars. In 1996, small disadvantaged businesses had the ability to capture 40.2 percent of the contracting dollars but were actually awarded only 26.4 percent. We must provide more opportunities for these minority-owned businesses.

Women-owned businesses are equally important. As of 1999, there are 9.1 million women-owned businesses in the United States, employing over 27.5 million people and generating over $3.6 trillion in sales. Between 1987 and 1999, the number of women-owned firms increased by 103 percent nationwide, employment increased by 320 percent, and sales grew by 436 percent. As of 1999, women-owned firms accounted for 38 percent of all firms in the United States.

We must assist and advocate small businesses, minority-owned businesses, and women-owned businesses. Not only do these businesses provide jobs for our citizens, but they also bolster our nation's strong economy. To ignore such an important sector of our nation would be a grave misjudgment on our part. For that reason, I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Madam Speaker, I rise today in support of H.R. 2392, a bill to reauthorize the Small Business Innovation Research, SBIR, program through Fiscal Year 2006. As Chairman of the House Science Committee, I am pleased that H.R. 2392 continues to recognize the important role that small businesses play in supporting federal research and development efforts.

SBIR is designed to promote innovation in federal research by increasing the participation of small businesses across the country through a 2.5 percent set-aside of an agency's extramural R&D budget. Currently, 10 federal agencies participate in the SBIR program.

In order to allow H.R. 2392 to move forward expeditiously, the Committee on Small Business agreed to incorporate into the legislation certain provisions, authored by the Science Committee. The provisions are of importance to the science community and allow for greater accountability of the multibillion-dollar program.

For example, H.R. 2392 takes important steps to enhance Congressional oversight by requiring each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act.

Next, the Small Business Administration will be required to maintain an electronic database that will enable Congress, the Administration, and participating agencies to accurately evaluate the program's performance.

In that same light of evaluation, H.R. 2392 calls for the National Research Council to conduct a comprehensive review of the SBIR program. This review follows up on the earlier report done by the NRC at the request of the Science Committee, on how best to evaluate federal research and development. The SBIR study should use that report as its guideline in developing its evaluation methods.

Finally, the bill also allows for awards to exceed the Phase I and Phase II caps on time and duration, provided that the awarding agency justifies such action to the Administration. Preference is to be given to small businesses that have commitments for second and third phase funding from sources outside the SBIR program. This provision improves the program's administrative flexibility.

I would like to thank the Ranking Member of the Science Committee, Mr. HALL, the Chairwoman of the Subcommittee on Technology, Mrs. MORELLA, and the Ranking Member Mr. BARCIA for their work in bringing this bill to the floor. I would also like to thank the Chairman of the Small Business Committee, Mr. TALENT, and Ranking Member Ms. VELÁZQUEZ, for working with the Science Committee.

Madam Speaker, H.R. 2392 is a good bill and I urge all members to support its swift enactment.

Mrs. KELLY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2392, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2392, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MAKING IN ORDER ON MONDAY, SEPTEMBER 27, 1999, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. DREIER. Madam Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Monday, September 27, 1999, to consider the conference report to accompany the bill (H. R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECOGNIZING THE FOREIGN SERVICE OF THE UNITED STATES ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 168) recognizing the Foreign Service of the United States on the occasion of its 75th Anniversary.

The Clerk read as follows:

H. RES. 168

Whereas the modern Foreign Service of the United States was established 75 years ago on May 24, 1924, with the enactment of the Rogers Act, Public Law 135 of the 68th Congress;

Whereas today some 10,300 men and women serve in the Foreign Service at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, administrative, security, and other functions the men and women of the Foreign Service of the United States perform are crucial to the United States national interest;

Whereas the men and women of the Foreign Service of the United States, as well as their families, are constantly exposed to danger, even in times of peace, and many have died in the service of their country; and

Whereas it is appropriate to recognize the dedication of the men and women of the Foreign Service of the United States and, in particular, to honor those who made the ultimate sacrifice while protecting the interests of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Foreign Service of the United States and its achievements and contributions of the past 75 years;

(2) honors those members of the Foreign Service of the United States who have given their lives in the line of duty; and

(3) commends the generations of men and women who have served or are presently serving in the Foreign Service for their vital service to the Nation.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from Georgia (Ms. MCKINNEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I am pleased to bring before the body House Resolution 168, recognizing the Foreign Service of the United States on the occasion of its 75th anniversary.

Madam Speaker, only when unrest or tragedy strikes abroad do many Americans become aware of the outstanding work of the thousands of men and women who serve in the Foreign Service of our Nation. The Members of the Foreign Service take responsibility for helping Americans in danger. As we found just last summer in Kenya and Tanzania, Foreign Service members and their families sometimes also become the victims of violence, along with other Americans stationed abroad along with their families. We need to do more, and we will do more to protect all the Americans we have asked to work for us overseas.

Indeed, six American ambassadors have been killed abroad over the past 31 years. And many in the rank and file of our Foreign Service and their families have tragically fallen victim to terror or to the more mundane hazards of life abroad in service to their Nation.

Every day these dedicated individuals stand ready to promote the interests of our Nation. They do this by carrying out tasks such as protecting the property of an American who dies overseas, reporting on political developments, screening potential entrants to the United States, promoting the sale of American goods, or securing American personnel and facilities overseas. They and their families often live in dangerous environments and are often separated from their extended families and friends.

At home, the men and women of the Foreign Service perform essential functions in the Departments of State, Commerce, and Agriculture, in the United States Information Agency, and in the Agency for International Development. Our modern Foreign Service was established by the Rogers Act of 1924. We are now celebrating its 75th anniversary year of its enactment. It is all together befitting at this time to congratulate the men and women of the Foreign Service and to commemorate the significant sacrifices they have made in the service of our Nation.

Let me note that I appreciate the support of the cosponsors of this resolution, the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democrat on our committee, and the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Accordingly, Madam Speaker, I urge my colleagues to join with me in voting for this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. McKINNEY. Madam Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

I would like to take this moment to personally thank the brave men and women who represent us on the front lines in our embassies and posts around the world and who, if particularly lucky and gifted, can climb their way to our most senior diplomatic posts in the State Department or in the White House.

Additionally, we have seen that, increasingly, to join the Foreign Service means a willingness to put one's life on the line in service to our country, because of the proliferation of weapons of mass destruction, individuals who disagree with our policy, or just plain madmen with a means to destroy. I commend all these individuals who care enough about the world and our place in it that they are willing to serve in posts from Australia to Zanzibar representing our country's interests.

Unfortunately, though, while I intend to vote for this measure, I chose not to cosponsor it because I requested that language regarding the treatment of black and minority Foreign Service officers be included in the bill. It is important to recognize how far we have come and to celebrate the good things; however, we should never purposely omit critical information about challenges yet unmet.

First of all, I can understand why Madeleine Albright's State Department would not want any mention of how minorities are faring in her State Department. A description in one word would be, poorly. After choosing to use scarce resources to fight rather than settle a lawsuit filed by black Foreign Service officers, the State Department has still not admitted having discriminated against black Foreign Service officers. At least the Department of Agriculture admitted having discriminated against black and minority farmers. I am saddened that Madeleine Albright's State Department will not admit such behavior.

Yet, after its reorganization, the State Department will have to contend with two additional lawsuits filed by African Americans against the United States Information Agency and the Voice of America. These two lawsuits, Brown versus Duffey/USIA and Dandridge versus USIA, are representative of the paucity of the presence of black men and, moreover, their treatment once employed by the Voice of America. Dandridge versus USIA is still pending before the EEOC and also addresses the disparity of treatment in hiring and appropriations by Voice of America toward African American male employees.

Words cannot express how deeply saddened I am by this state of affairs. Everyone knows that women interested in international service had to file a lawsuit against the Government in order to get fair representation in the Foreign Service. After that lawsuit, the numbers of women rapidly improved, and we all worked hard to get Madeleine Albright into her historic position. Yet a woman, in charge of the State Department, is stalling on this important area of bringing minority representation up to where it should be.

America's foreign policy apparatus is supposed to discriminate against no one. That is why women from across this country filed two lawsuits, the now famous original Hartman case and the appellate Palmer case. The State Department has responded to the Hartman lawsuit, and now it has really improved the numbers of white women represented at all levels.

However, when one looks at the State Department's own numbers for their absorption of minorities into the Foreign Service, the shocking fact is that Latinos, Asian Americans, and Native Americans are grossly underrepresented. And despite having filed a lawsuit, as white women did, black Foreign Service officers did not even get fair treatment with their lawsuit, with Madeleine Albright fighting it tooth and nail. Even as late as last year, yet another lawsuit has been filed against Madeleine Albright's Department of State. We have too few minorities serving right now as either ambassadors or deputy chiefs of mission.

Additionally, the seventh floor of the State Department building, from which this country's foreign policy is run, has historically, never, itself, had more than token minority representation. We have had precious few minorities in deputy assistant or assistant secretary positions. We have never had a minority serve as an under secretary or even as the public affairs spokesperson for the Department.

Finally, Madam Speaker, I recently accompanied the President on his trip to the United Nations. On that plane, with dozens of foreign policy advisers, the State Department had not one minority accompanying the President. Is this the picture that we really want to paint to an increasingly shrinking world, that we are not willing to accept the best and brightest among our own citizens, even if they happen to be minorities?

I join my colleagues in recognizing the Foreign Service for achieving 75 years of service this year. However, I also recognize that the State Department has a long way to go before it sheds its nickname, "the last plantation." And at the rate it is going, it will be a long time indeed. Madam Speaker, I continue to be ready to work with the State Department to improve the figures that are submitted for the RECORD as follows:

DIVERSITY FACT SHEET—DEPARTMENT OF STATE

Overall, African American men and women are 22.8% of the Department of State's workforce. While on the surface, this looks good, as always, the devil is in the details:

46% of all African Americans employed at the Department of State are concentrated in the lowest GS levels in the Department of State. Of the 3,466 African American men and women employed at the Department of State, 1,588 hold the positions of GS 10 to GS 2. These are certainly not the policy making positions within the Department of State.

Hispanics, Native Americans and Asians are worse off: Hispanics make up 3.9% of the overall Department of State workforce; Native Americans make up ½% of the workforce; and, Asians are 3.4% of the workforce. Thus, the numbers are even smaller when looking at the Foreign Service.

African Americans only hold 5% of White Collar jobs—management, policy and leadership positions. Hispanics hold 6.3% of all DOS white collar jobs; Native Americans hold 1% of DOS white collar jobs; and Asians hold 4.8% of all DOS white collar jobs.

The pattern is consistent: The higher up in DOS management you go, the less likely you are to find minorities, including women.

As late as January 20, 1998, law suits have continued to be filed against the Department of State. Michael T. Johnson v. Madeleine Albright, Secretary of State, U.S. Department of State was filed on behalf of African American males complaining of employment discrimination.

"The Thomas Case" was filed on behalf of African American Foreign Service officers, and accused the Department of State of racial bias in hiring and promotions. The law suit was settled by a consent decree and DOS is currently implementing the details of the consent decree. In settling in this manner, DOS did not admit discriminating against black FSO and admitted no wrongdoing of any type in their hiring and/or promotional practice as related to African American DOS employees.

James A. Baker, III, Secretary of State, U.S. Department of State, also known as "The Hartman Case" (Carolee Brady Hartman v. U.S. Department of State) filed, on behalf of women Foreign Service officers, has been in litigation and various stages of settlement since 1977.

"The Palmer Case" (Allison Palmer, et. al., v. James A. Baker, III, Secretary of State), also fought by the Department of State, noted that while women needed to prove further allegations of discrimination in promotions, the information provided to the court by the Department of State, did not successfully rebut evidence of promotion discrimination by DOS based on sex.

Voice of America has 2 law suits alleging discrimination in hiring and promotions. Brown v. Duffey/USIA, was filed on behalf of U.S. born African Americans alleging discrimination at VOA. This case is in the process of being settled.

Dandridge v. USIA was filed on behalf of 9 African American employees and has not been certified as a class action lawsuit. It is currently pending before EEOC with no action taken thus-far-to-date by EEOC.

TABLE 2.—RACE/NATIONAL ORIGIN DISTRIBUTION OF FEDERAL CIVILIAN EMPLOYMENT BY PAYPLAN AND GRADE AS OF SEPTEMBER 30, 1996; MEN AND WOMEN COMBINED

Agency—Department of State—pay plan and grade	Total number	Total minorities		Blacks		Hispanics		Asian or Pacific Islander		American Indian or Alaskan Native		Whites	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, all pay plans	15176	3466	22.8	2288	15.1	598	3.9	511	3.4	69	.5	1171.0	77.2
Total GS and related	13617	3246	23.8	2163	15.9	543	4.0	477	3.5	63	.5	1037.1	76.2
GS–02	17	9	52.9	8	47.1	1	5.9	....	....	....	....	8	47.1
GS–03	61	26	42.6	21	34.4	3	4.9	2	3.3	....	....	3.5	57.4
GS–04	194	110	56.7	82	42.3	13	6.7	12	6.2	3	1.5	8.4	43.4
GS–05	224	114	50.9	99	44.2	8	3.6	7	3.1	....	....	11.0	49.1
GS–06	242	166	68.6	146	60.3	7	2.9	10	4.1	3	1.2	7.6	31.4
GS–07	1052	419	39.8	343	32.6	30	2.9	43	4.1	3	.3	63.3	60.2
GS–08	862	297	34.5	225	26.1	39	4.5	30	3.5	3	.3	56.5	65.5
GS–09	1385	414	29.9	283	20.4	59	4.3	63	4.5	9	.6	97.1	70.1
GS–10	56	33	58.9	28	50.0	5	8.9	....	....	....	....	2.3	41.1
GS–11	2415	463	19.2	259	10.7	103	4.3	92	3.8	9	.4	195.2	80.8
GS–12	2501	511	20.4	316	12.6	99	4.0	86	3.4	10	.4	199.0	79.6
GS–13	789	175	22.2	128	16.2	24	3.0	20	2.5	3	.4	61.4	77.8
GS–14	2294	333	14.5	148	8.5	84	3.7	86	3.7	15	.7	196.1	85.5
GS–15	1525	176	11.5	77	5.0	68	4.5	26	1.7	5	.3	134.9	88.5
Average grade	11.2	9.9	....	8.4	....	11.2	....	10.8	....	11.1	....	11.6	....
Senior pay levels	965	76	7.9	49	5.1	17	1.8	9	.9	1	.1	88.9	92.1
Other white collar	522	89	17.0	26	5.0	33	6.3	25	4.8	5	1.0	43.3	83.0
Total wage systems	72	55	76.4	50	69.4	5	6.9	....	....	....	....	1.1	23.6

*Less than 0.05 percent.

APPENDIX I.—TABLES SHOWING REPRESENTATION LEVELS AND PROGRESS MADE BY SPECIFIC EEO GROUPS AT FOUR AGENCIES

Grade level	Number			Percent			Relative number		
	1984	1992	Change	1984	1992	Change	1984	1992	Change
Asian men	13	31	18	0.56	1.30	2.32	0.68	1.83	2.69
Asian women	8	19	11	0.35	0.80	2.29	0.42	1.12	2.67
Native American men	4	11	7	0.17	0.46	2.71	0.21	0.65	3.10
Native American women	0	2	2	0.00	0.08	(b)	0.00	0.12	(b)
Total (a)	2,306	2,388	82	100.00	99.99	....	....	....	....

[a] Percentages may not add to 100 due to rounding.

[b] The amount of change (increase or decrease) cannot be computed because there was no one (0.00) in that EEO group at that grade level in the base year (1984).

Source: OPM's CPDF.

Madam Speaker, I urge my colleagues to support this resolution, and I urge the State Department to change its ways.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. MCKINNEY. Madam Speaker, I yield 30 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentlewoman for yielding me this time, and I join the gentlewoman and the chairman of the committee in urging Members to support this legislation recognizing the Foreign Service of the United States on the occasion of its 75th anniversary.

As one who benefits from the foreign service by rather extensive travel, pursuant to duties on the Committee on International Relations and now the Permanent Select Committee on Intelligence, I, for one, am grateful to the employees around the world.

I would like to associate myself, however, with the remarks of the gentlewoman with reference to the need for increased minority hiring. That is a must and it simply must be done; and 75 years will not account for how long it should take.

Expediting businesspersons, expediting Congress people, expediting the military, all of these are some of the duties that Foreign Service officers in this country and for this country perform. I, for one, rather than just stand here and compliment them, I would like to see to it that their pay, their pensions, and the facilities they work in meet the requirements of a Nation that has the standing that we do in the world.

Ms. JACKSON-LEE of Texas. Madam Speaker, diplomacy is an instrument of power, essential for maintaining effective international relationships. It is a principal means through which the United States defends its interests, responds to crises, and achieves its international goals. The Department of State is the lead institution for the conduct of American diplomacy; a mission based on the role of the Secretary of State as the President's principal foreign policy adviser. The oil, which makes this machine run so well, is the Foreign Service.

Madam Speaker I rise in support of H. Res. 168. This resolution expresses the sense of the House of Representatives recognizing the Foreign Service of the United States and its achievements and contributions of the past 75 years. Without these foot soldiers of diplomacy the United States' interests around the world would certainly not be advanced.

This resolution is fitting because it honors those members of the foreign service who have given their lives in service of this nation. We cannot afford to forget those men and women who have died in the line of duty in places like Kenya and Tanzania. Since its establishment, the Secretary of State has commemorated 186 American diplomats who have died in the line of duty. Likewise we cannot afford to forget the generations of men and women who have served or are presently serving this nation with vital contributions to the nation.

Among the services provided by the Foreign Service are the following:

Leads representation of the United States overseas and advocates U.S. policies for foreign governments and international organizations.

Coordinates and provides support for the international activities of U.S. agencies, official visits, and other diplomatic missions.

Conducts negotiations, concludes agreements, and supports U.S. participation in international negotiations of all types.

Coordinates and manages U.S. Government response to international crises of all types.

Assists U.S. business and protects and aids American citizens living or traveling abroad.

This resolution marks and commends the 75 years of service, which the Foreign Service has given to our nation. To the men and women of the Foreign Service, I commend you for your hard work, dedication, and distinguished service to the nation and I thank you and your family for all of the sacrifices you have made in the name of this country.

I urge my colleagues to overwhelmingly support this House Resolution.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H. Res. 168, a resolution honoring the United States Foreign Service on the occasion of its 75th anniversary. The significance of the contribution of the Foreign Service to the security and well-being of the United States cannot be overstated. Foreign Service Officers are literally on the front line of the struggle to protect our country's values, ideals, prosperity, and security. Scores of American diplomats have made the ultimate sacrifice for their country as was tragically demonstrated most recently in the terrible toll taken by the terrorist bombings in Nairobi and Dar Es Salaam. American diplomats today are every bit as vulnerable as members of the Armed Forces, and they are far more vulnerable to directed acts of terrorism. They deserve all the protection we can possibly provide.

In this context, this Member has been disturbed by the Administration's rather tepid response to the Crowe Commission report on embassy security. The Crowe Commission, this Member will remind his colleagues, called for $1.4 billion in embassy security assistance each year for 10 years. Clearly, the United States has been remiss for many years in not taking stronger action to protect its diplomats and facilities abroad from terrorist attack. This body must do everything possible to rectify this problem as soon as possible, and adhering to the Crowe Commission guidelines is an important first step.

Madam Speaker, this Member would like to offer my warm congratulations to each and every Foreign Service Officer. This Member would note that the Pearson Fellowship program, which provides outstanding young Foreign Service Officers will temporary assignment to the legislative branch, has been a particularly effective tool to help this body better understand U.S. foreign policy.

Madam Speaker, this Member urges strong support for H. Res. 168.

□ 1530

Ms. McKINNEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 168.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT, AND PEACEFUL ELECTIONS

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 140) expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 140

Whereas René Preval was elected president of Haiti on December 17, 1995, and inaugurated on February 7, 1996;

Whereas a political impasse between President Preval and the Haitian Parliament over the past 2 years has stalled democratic development and contributed to the Haitian people's political disillusionment;

Whereas Haiti's economic development is stagnant, living conditions are deplorable, and democratic institutions have yet to become effective;

Whereas Haiti's political leaders propose free, fair, and transparent elections for local and national legislative bodies; and

Whereas Haiti's new independent Provisional Electoral Council has scheduled those elections for November and December 1999: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the provisional Electoral Council of Haiti for its decision to hold elections for 19 senate seats, providing for a transparent resolution of the disputed 1997 elections;

(2) urges the Government of Haiti to actively engage in dialogue with all elements of Haitian society to further a self-sustainable democracy;

(3) encourages the Government and all political parties in Haiti to proceed toward conducting free, fair, transparent, and peaceful elections as scheduled, in the presence of domestic and international observers, without pressure or interference;

(4) urges the Clinton Administration and the international community to continue to play a positive role in Haiti's economic and political development;

(5) urges the United Nations to provide appropriate technical support for the elections and to maximize the use of United Nations civilian police monitors of the CIVPOL mission during the election period;

(6) encourages the Clinton Administration and the international community to provide all appropriate assistance for the coming elections;

(7) encourages the Government of Haiti to adopt adequate security measures in preparation for the proposed elections;

(8) urges all elements of Haitian civil society, including the political leaders of Haiti, to publicly renounce violence and promote a climate of security; and

(9) urges the United States and other members of the international community to continue support toward a lasting and committed transition to democracy in Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 140.

When we marked up this resolution in the Committee on International Relations, our main concern was that free and fair elections be held to meet the constitutional deadline of January 10 for installing a newly elected legislature. As matters now stand, this apparently will not happen. Although Haitian President Rene Preval cites concerns over the feasibility of the Provisional Electoral Council's calendar, he has in fact been delaying these critically important elections.

As long as there is an opportunity that Haiti can hold genuinely pluralistic elections, we should, as this resolution urges, be supportive. For example, because there is a politically diverse Provisional Electoral Council, a significant sector of the opposition favors elections for parliament and for local officials. I note, however, a disturbing absence of high-level attention in the White House and in the State Department to the unfolding electoral situation in Haiti. Our ambassador, Timothy Carney, deserves high level support from our administration.

I am deeply concerned by the serious problems that threaten these elections. President Preval failed to see that the elections were held last year, and this summer failed to sign the critically important electoral law for 1 month. And now President Preval has become hostile to the Electoral Council that he appointed.

As the election in Haiti nears, street violence threatens freedom of assembly and freedom of speech and may threaten the elections as well. Former President Aristide's Lavalas Family party has fomented recent violent disturbances, including an attack on a peaceful rally organized by business, religious and civic groups in Port-Au-Prince on May 31.

Rising common crime and specific acts of violence have awakened broad concerns regarding public safety. Most recently, on September 4, an explosive device was thrown at the Chamber of Commerce the day after the Chamber issued a call for nonviolence. And on September 5, shots were fired at an opposition leader by a trained gunman. Shots were also recently fired in front of an Electoral Council magistrate's home.

The Haitian National Police has yet to develop and make public a comprehensive plan to provide security during the forthcoming election. The Electoral Council faces significant logistical hurdles to provide critically important voter identification cards and to be able to meet the tight electoral calendar that it has established.

When I concurred with releasing funds to support these elections, it was with the understanding that if Haiti backs away from the transparent settlement of the disputed 1997 elections, or if the Provisional Electoral Council's independence and credibility by a broad spectrum of political parties is put into question, that U.S. technical assistance should end.

I agree with the administration's efforts to secure a 2- or 3-month extension of the United Nations civilian police monitoring mission in Haiti. The full contingent of civilian police monitors should actively monitor and support the Haitian National Police's security plan for the election. There are a number of additional steps that should also be undertaken.

Foremost, President Preval needs to stop stalling and start supporting the Electoral Council that he appointed. President Preval should also commit to separating the legislative and municipal elections from next year's presidential election. And the Clinton administration must ensure that the election will be properly supported. International contingency plans for supporting logistical aspects of the election may prove to be critically important.

The United States and our allies should act to prevent violent elements in the Lavalas Family party or other violent individuals or groups in Haiti from disrupting or even derailing the election through violence and intimidation. Denial of visas and other steps should be applied.

Also, the Haitian National Police should produce and make public a detailed plan for providing security for the election. The police should follow the Electoral Council's example and invite political party leaders to review and comment on their election security plans.

I want to thank the gentleman from Florida (Mr. HASTINGS), a senior member of our committee, for bringing this resolution to our attention. With these caveats in mind, I support its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I would, without quarreling, point out that some of the support for the electoral process has been held up by the majority party. The organization that would be in a position to do some of this supporting has not received the fundings that were due them largely in part because of caveats that have been set forth by the majority. While I do not quarrel with the majority's right to do that, then I do not think you ought be heard to complain that certain things are not being done when moneys were supposed to be appropriated for them to be done and then they are not done. That causes me to have serious concern. And to say that the Clinton administration must properly support the election and then withhold the funds for it to be done is kind of disingenuous, at least in my view.

Additionally, Madam Speaker, I would like to point out to the chairman of the Committee on International Relations that I along with Senator GRAHAM and the special envoy of President Clinton, former Governor Buddy McKay, were in Haiti along with the gentleman from Massachusetts (Mr. DELAHUNT) on a fact-finding mission. Mr. McKay stayed longer than we did because of his duties and went back since that time with reference to ongoing matters as pertains to Haiti. While we were there and upon our return, I felt it necessary to introduce this resolution urging the government of Haiti to conduct free, fair, transparent, and peaceful elections.

Madam Speaker, Haiti's Electoral Council has scheduled parliamentary and local elections for December 16, 1999 and January 19, 2000. Because these elections represent the best chance for Haiti to resolve its political stalemate and proceed with reforms, it is critical that these elections be held as scheduled.

The United States and the international community must assist in maintaining stability and help to strengthen the roots of the rule of law in Haiti. To illustrate our support, we must do the following: provide technical assistance in order to effectively register voters; provide comprehensive aid in developing a security plan where all parties and candidates can campaign freely and without violence; salute the electoral authorities for striving to be fair and judicious; and condemn anyone who attempts to curtail the electoral laws in Haiti.

Free, fair, transparent, and peaceful elections in Haiti are in the best interest of the United States in general and specifically in Florida, my home State. If the United States does not continue its support for Haiti, many Haitians will find themselves again in the dangerous waters en route to our shores. A State whose health and human services budgets are already overburdened, such as my State, cannot stand the weight of further illegal immigration. Moreover, if we are unwilling to pay a small price now, we will, I repeat, we will pay a much greater price later.

Madam Speaker, my resolution is rather simple. It encourages this body to support Haiti's scheduled elections and demands little of us as it refers to expenditures of personnel and resources. Further, it illustrates the importance which the United States emphasizes on free, fair, transparent, and peaceful elections. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Madam Speaker, I thank the distinguished gentleman from New York for his generosity with the time.

Madam Speaker, I am pleased that the House is taking up this resolution this afternoon of my colleague the gentleman from Florida (Mr. HASTINGS). As my colleagues know, Haiti has scheduled parliamentary elections as a way to resolve a crisis that has brought democracy, governance and economic development in Haiti to almost a full halt. In the 5 years since 20,000 U.S. troops forcibly restored Jean-Bertrand Aristide to power, the lights of democracy for Haiti have dimmed significantly and, in fact, they are in danger of going out entirely. Today in Haiti, it is actually worse for many people than it was before our intervention. The current U.S. ambassador to Haiti, Mr. Carney, who has been referred to put it this way and I quote him: "Haiti is a long way from getting democracy. It lacks nearly all of the elements that make up a democracy." This is after several years of intense attention and billions of taxpayers' dollars. For the first time in years, I think we are beginning to see at least some of the folks in the Clinton administration make an honest assessment of the situation on the ground in Haiti. I think the excursion, the trip, the fact-finding analysis that the gentleman from Florida has referred to is proof of the fact that there is an interest to assist the situation accurately and realize just how badly off the people in Haiti are these days. I hope that the rose-colored glasses that we have seen so often in the Clinton administration have finally come off.

The United States has a significant investment in Haiti, significant in terms of our military involvement and our financial commitment as well. We are literally talking about billions—that is billions with a "B"—of taxpayers' dollars we have spent in Haiti in the past few years. To many observers, it seems apparent that this investment has, in fact, been squandered. While the Clinton administration has a lot to account for in terms of explaining this failure to the American people, I think the question before Congress today is more important: Where do we go from here? The first step is to provide encouragement for the elections to go forward. We must also acknowledge that those elections face very serious challenges, including politically motivated violence that we have already seen manifest, and the active hostility of some of Haiti's leading politicians to the actions, well-meant actions and the necessary actions, of the Provisional Electoral Council.

In addition to helpful technical assistance that we might provide, the United States also must send a clear signal to Haiti's leaders, especially the President-in-waiting Aristide, that efforts to subvert or improperly influence the electoral process will not be tolerated. These parliamentary elections are often referred to as a, quote, roadmap for resolving the crisis in Haiti. We have heard that language before. Actually, we hear it before almost every election in Haiti. The last vestiges of Haiti's pretense of democracy will fade entirely if full, fair, free, and transparent elections do not happen on schedule. I will not go so far as to hope for peaceful, but I will put in the other qualifiers. I have been in Haiti for elections and there is a lot of enthusiasm. I do not think "peaceful" is a realistic expectation. But I think "controlled" is.

Haitian leaders should be on notice by this resolution—and I hope they are—and so should U.S. taxpayers who have footed the bill for the Clinton administration's failures in the past. They should take notice, lest we squander more good money after wasting so much already.

Good money after bad is a poor idea no matter how well-intentioned we may be. For that reason, I will support the resolution, of course, but I will ask for close oversight of how the funds are to be spent and I will ask for no rose-colored glasses in assessing what is really going on so that if we run into roadblocks, we understand what is before us and we are in a position to report faithfully to the American people what has happened rather than what we hoped had happened.

☐ 1545

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), my colleague.

Mrs. CHRISTENSEN. Madam Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding this time to me.

Madam Speaker, I rise today in support of House Concurrent Resolution 140 expressing the sense of Congress that Haiti should conduct free, fair, transparent and peaceful elections, and I thank the gentleman from Florida (Mr. HASTINGS), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Michigan (Mr. CONYERS) for their bill, as well as the gentleman from New York (Mr. GILMAN), for their leadership and support of this resilient island nation.

I have had the opportunity to visit Haiti three times over the last 3 years. The last time was 2 weeks ago with the gentleman from Michigan (Mr. CONYERS) and several of my other colleagues, specifically to review the progress that was being made with regard to the upcoming elections.

Madam Speaker, I saw a Haiti which despite the fact that democracy has not made any significant bread and butter changes in the lives of its people continue to hold on to the ideal of full democracy and economic progress despite the steepness of the uphill battle. The people of Haiti remain strong in the spirit which, despite the odds, made them an independent nation almost 200 years ago. Despite continuing poverty, little infrastructure, recent hurricane damage, we were able to see active building and vibrant commerce as well as other, if small, signs of improvement and hope. Much progress, Madam Speaker, I think was also seen in the public sector.

Madam Speaker, the people of Haiti want the upcoming elections, and they want elections that they will have confidence in. The United States has helped in the past years to help Haiti on the road to democracy and a healthier economy, but we have done far less than we should have. In the upcoming elections we have the opportunity to correct this and make an important contribution to the future of the Haitian people, to the Caribbean region, and to our hemisphere.

I join my colleagues in expressing the sense of Congress in support of free, fair, transparent and peaceful elections; but Madam Speaker, we should do more by making all the necessary resources available to make it possible.

This is another critical juncture in Haitian history. The integrity and the outcome of this election will determine Haiti's future. I want us to be on the right side of that history. I urge the passage of House Concurrent Resolution 140.

Mr. GILMAN. Madam Speaker, does the gentleman from Florida have any further requests for time?

Mr. HASTINGS of Florida. I do not, Madam Speaker, but I yield myself such time as I may consume to point out that the gentleman from Michigan (Mr. CONYERS) and the gentleman from New Jersey (Mr. PAYNE) and the staff of the chairman 2 weeks ago visited Haiti, and I regret very much that the gentleman from Michigan (Mr. CONYERS) is not here at this time for he had intended to speak regarding his personal findings.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge support for this resolution.

Mr. CONYERS. Madam Speaker, I would like to commend my colleagues for their hard work on this important resolution. Although the language was changed to accommodate opinions from the other body, I believe it still carries the appropriate positive message about Haiti's democratic progress. After all, October 15 will mark only 5 years that have gone by since the restoration of the legitimate government of Haiti and its elected president, Jean-Bertrand Aristide.

Haiti has come a long way since the dark days when General Cedras and Colonel Francois ruled the streets of Port-au-Prince with an iron fist of terror. I had the opportunity to make my own first hand evaluation 2 weeks ago when I led a bipartisan delegation to Haiti accompanied by my good friends Representatives CAMPBELL, PAYNE, HILLIARD, CHRISTENSEN, and FALEOMAVAEGA. I would also like to thank the gentleman from Illinois, the chairman of the Judiciary Committee, for authorizing the CODEL to travel. Today we are releasing our findings in a comprehensive trip report. While we found that elections probably will not happen in December as hoped, a brief delay may end up being in the best interests of broad participation in the process.

Haiti remains one of the world's poorest countries, with a per capita income of $380 per year. However, it has taken some important steps. Inflation is down to 8 percent, from about 50 percent in 1995. The budget deficit declined to less than 2 percent of GDP in 1998 and the exchange rate is stable. The economy has benefitted from a growth both in the assembly sector and in increased agricultural exports such as mangos and coffee; these factors contributed to an impressive growth rate of 4 percent last year.

Haiti is also trying hard to tackle a drug transshipment problem. In the last 3 weeks, the police leadership has made several arrests in several drug busts ranging from 13 pounds and 15 pounds of cocaine, to another one believed to amount to over 1,500 pounds. The police leadership are making admirable efforts to keep its ranks clean, arresting four of its own officers in connection with that last incident.

I believe today's resolution keeps Haiti in proper perspective and embraces the spirit of democratic progress. It encourages the United States and the international community to provide assistance to the elections, urges the government of Haiti to remain engaged with civil society, and asks all elements of Haitian society to help promote a climate of peaceful environment for the elections. This last part is important because a group of Haitian business representatives led by Mr. Lionel DeLatour reminded me during my trip, no one sector holds a monopoly on blame for transgressions. The resolution commends the Provisional Electoral Council, whom I also met with 2 weeks ago, for its efforts to resolve the controversial 1997 elections.

I urge your support of this resolution and I commend our report to your attention, which I am inserting into the RECORD.

HAITI TRIP REPORT, SEPTEMBER 10–12, 1999

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MADAME SECRETARY: On September 10–12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) The pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the object of continuing your progress in the consolidation of democracy in the nation of Haiti.

Respectfully Submitted,
JOHN CONYERS, Jr.

TOM CAMPBELL.
ENI FALEOMAVAEGA.
DONALD M. PAYNE.
EARL F. HILLIARD.
DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.
Hon. JANET RENO,
The Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: On September 10–12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

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DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.
Hon. HENRY HYDE,
Chairman, House Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HYDE: You authorized a House Judiciary Committee congressional delegation to travel Haiti between September 10th and 12th. The delegation was led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) the pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

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INTRODUCTION

From September 10th to September 12th, 1999, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, led a bipartisan congressional delegation (CODEL) to Haiti. The delegation focused on upcoming elections and issues relevant to their successful undertaking such as international monitoring, the proper role of the police and building confidence in the political process. It also looked at the status of police training, the U.S. Department of Justice's role in the establishment of an independent judiciary, and the efficacy of anti-drug operations.

The members of the CODEL included: Rep. John Conyers, Jr., Chairman (D–MI); Rep. Tom Campbell (R–CA); Rep. Donald Payne (D–NJ); Rep. Earl Hilliard (D–AL); Del. Eni Faleomavaega (D–AS); and Del. Donna Christian-Christensen (D–VI).

In 1990, Jean Bertrand-Aristide was elected president in Haiti's first legitimate, democratic elections. A year later he was overthrown in a coup d'etat and a violent military regime took over, ruling by repression and fear. In 1994, a United States-led multinational force restored democracy to Haiti. Ever since then, Haiti has been grappling with complicated economic, political and social questions necessary for the consolidation of democracy. This report explores some of those challenges and is meant to provide some useful observations.

In addition to having jurisdiction over operations of the Department of Justice generally, the Judiciary Committee has explicit jurisdiction over enforcement of federal drug statutes, administration of the federal courts, treaties, conventions and other international agreements. It also has jurisdiction over immigration and related issues.

The delegation objectives were:

Evaluate progress of investigations into human rights violations and the role of US assistance, particularly as it relates to the police.

Examine the impact of the withdrawal of the permanent U.S. military presence.

Determine the status of judicial reform and the efficacy of US assistance.

Observe preparations for the elections and make judgments regarding the timetable, the technical steps necessary for their undertaking, the ability of the police to maintain a secure environment, and the role of international observers.

Make observations regarding the public's confidence in the electoral process, the competence of electoral institutions, and the likelihood of broad civic participation in the process.

Our findings and recommendations follow.

THE POLICE

BACKGROUND

After the restoration of democracy to Haiti in 1994, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) established the Haiti Police Development Program. In the first phase of this program, ICITAP trained 5200 members of the Haitian National Police (HNP). By next year, ICITAP hopes to have established permanent education programs allowing the HNP to become more self-sufficient, institutionalized issues of integrity and civic duty, and set guidelines for the formation of specialized units such as CIMO, the riot control squad, and the BLTS, the counter-narcotics unit.

The delegation met with representatives of ICITAP, as well as OPDAT (the Overseas Prosecutorial Development Assistance Program), the US Department of Justice program responsible for judicial reform assistance. Their budget for FY 1999 is $6.1 million.[1]

A number of things suggest that on the bureaucratic level, the police will meet ICITAP's goals. For example, in the past seven months, three classes have come through the police academy which were 100% trained by Haitians with about 100 cadets in each class. Also, the fact that the HNP developed their own annual budget this year for the first time is an encouraging sign.

CHALLENGES FACING THE POLICE

The Haitian National Police, however, continue to face serious challenges including (1) continued problems with excessive use of force, human right abuses and mistreatment of prisoners; (2) drug trafficking within the force; and (3) keeping the police politically neutral and effectively engaged in providing security. Looming large in the foreground of these questions is what the impact of the U.S. troop withdrawal will be, the probable elimination of the police mentoring mission (CIVPOL), and the scaling down of the UN/OAS civilian mission's (MICIVIH) human rights monitoring work.

Attrition and recruitment

In response to concerns raised earlier this year by the House Appropriations Committee, the HNP in cooperation with ICITAP, conducted a study on attrition which concluded that attrition was not as bad as it seemed on the surface. According to this study, 1056 police left the force voluntarily or involuntarily between 1995 and April 1999. The overwhelming number of separations were dismissals: 602 police agents and 230 civilian employees fired. The justifications for dismissal ranged from corruption and alleged murder to poor punctuality. There is also a serious attrition problem of another kind: 115 officers have been killed since 1995.[2] As a consequence of the study, the HNP now systematically utilizes exit interviews.

The CODEL was alarmed to hear drastically varying estimates of the actual number of police active in the force. While the official figure is 6500, several sources in Washington, and Haiti assert that the actual number is probably more in the range of 3500–4000. This is alarming for a number of reasons: First of all, the need for police will be great in the months leading up to elections. Second, a reduction in the actual number of police could result in an over-reliance on elite forces, and third, it places tremendous strain on the active duty officers who are already expected to work unreasonably long weeks.

Human rights abuses

The human rights situation is a marked improvement from the years of the de facto regime and abuses do not appear to have any kind of pattern. The CODEL does however have serious concerns about the general conduct of the police and certain incidents in particular.

A top priority of the delegation was investigating the involvement of the HNP in the execution of eleven people on May 28, 1999 in the neighborhood of Carrefour Feuille. Protests in the days following were so violent that the Justice Minister and the Prime Minister had to flee the funeral services for the victims. The Minister of Justice has appointed a three judge panel to investigate the incident and six members of the HNP are currently in jail.

The National Coalition for Haitian Rights (NCHR) has complained that the Minister should not have appointed the panel without the Inspector General's report and is very concerned that the case will be mishandled. MICIVIH has criticized handling of Carrefour, arguing that some suspects are being held in isolement, an extra-constitutional and arbitrarily-created form of detention

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Footnotes at end of text of article.

where the suspects have not been charged. It is also generally worried that the investigation is proceeding very slowly. Robert Manuel, the Secretary of State for Public Safety, personally promised Rep. Conyers progress on this investigation and an update in the near future to be announced publicly.

Earlier in the day of May 28, riots erupted in Port-au-Prince when a demonstration organized by a group of businesses and civil society organizations speaking out for peaceful elections faced counter demonstrators throwing rocks. The demonstration's organizers have charged that the behavior of the police exhibited a bias in favor of the counter-demonstrators, while the counter-demonstrators dismiss the allegations. The role of CIMO, the riot control unit formed in 1997 to handle such incidents, is at the center of some of the charges of police misconduct. For example, last year CIMO was dispatched to the town of Mirebalais and along with UDMO (the departmental crowd control unit) and GIPNH (a SWAT team), shares responsibility for severe abuses of a number of political activists. CIMO's accountability and public perception could be improved vastly by changing its uniforms, which lack badges. This measure, suggested by the U.S. Department of Justice last year, has not been implemented.

In May and June, MICIVIH learned of 16 cases of people being killed by a vigilante group. On May 13, an investigation team sent to Titanyen discovered the bodies of two people who had been taken away from Bois Neuf that morning by a group of people, two of them in police uniform. Since then, a total of 14 bodies have been discovered in graves in the area. Progress in this investigation has reportedly been extremely slow as well and the delegation would like to get status report soon.

In 1998, MICIVIH recorded 423 incidents of police brutality. Law enforcement misconduct has inspired a popular campaign against the HNP leadership. Local organizations, many of which appear to be aligned with Fanmi Lavalas, have been demanding the resignation of the police director, Pierre Denize and Bob Manuel, the Secretary of State for Security.

There is an active collective of indigenous organizations that carry out human rights activities, many of which the CODEL met with, but it is clear that they operate at great personal risk. For example, on March 8, Pierre Esperance, Director of the Haiti office of NCHR, was shot and injured shortly after a threatening flyer was found near his office. Some of these organizations, such as those encountered by delegation staff in Gonaive, are awaiting certification as official NGO's from the Haitian Ministry of Social Affairs. It is critical that such bureaucratic obligations are undertaken so that these organizations are able to fill any void left by a downgraded or nonexistent MICIVIH, which has been pivotal in training these indigenous groups.

Police role during the elections

The police have thus far managed to keep their distance from politics, a major step forward for a country with a deep history of the politicization of law enforcement. This is a tremendous break from the past, when law enforcement served as the long arm of executive power. However, the elections will present other challenges as well, such as the potential for violence against candidates. For example:

On September 5, a gunman fired on Sauveur Pierre Etienne, secretary of the OPL, an opposition party.

In March, Sen. Jean Yvon-Toussaint was killed in front of his home. On August 24, gunmen shot at the home of Emmanuel Charles, one of the nine members of the Provisional Electoral Council (CEP).

On August 21, another CEP official experienced a carjacking.

In July, election offices in Gonaives and Jacmel were set afire.

The State Department plans on augmenting CIMO for the elections and is working on approving contracts for new riot control equipment. It has also suggested a "nonviolence pact," to be signed by all participating parties.

Drugs

According to the Drug Enforcement Administration (DEA), approximately 2720 kilograms of cocaine were seized coming from Haiti between May 1998 and June 1999. Most drugs are smuggled into Haiti via ships, although airdrops and cargo shipments are also used. Most of the drug smuggling is done by Colombians who either live in Haiti or routinely travel there.

Although Haiti still has not signed a formal ship-rider agreement, the U.S. Coast Guard claims that it has "carte blanche" to conduct overflights or board any vessel at any time as long as the Haitian authorities are informed in real time. If this is indeed the case, and drug shipments from Haiti are on the rise, then the most logical improvement would be to dramatically increase the U.S. law enforcement presence, particularly the Coast Guard.

Haiti does not have asset seizure laws, therefore law enforcement agents cannot confiscate large sums of money. Neither does it have domestic laws relating to money laundering and it will not have any until the new parliament is in place next year. In the meantime, President Preval has sought the voluntary cooperation of private banks by requesting them to ask pertinent questions of clients who make large deposits and to help provide such information to the government for tax collection purposes. When the delegation inquired about this arrangement with business representatives, they stated that the assets of the banking sector are sector are actually very small. Nevertheless, the delegation hopes such cooperation with Preval's proposal is forthcoming.

THE INTERNATIONAL PRESENCE

The UN/OAS civilian mission

NICIVIH is being phased out due to the withdrawal of U.S. assistance. The mission plans on going to the UN General Assembly for a new mandate, replacing the current one authorized by the UN Security Council under the MIPONUH (United Nations Civilian Police Mission in Haiti) banner. This means the UN share of funding would come from the General Assembly, while the OAS will continue to contribute their share. The new mission will have some police monitoring component and probably will combine the MIPONUH and MICIVIH functions. Plans on how to facilitate this transition are still in the air but a temporary extension of the current mandate is a possibility. In the opinion of the delegation, a premature withdrawal of MICIVIH would leave a substantial gap in the human rights monitoring capabilities in Haiti simply because local organizations lack experience. Any phase out over the next year should attempt to minimize this impact.

U.S. troops

On June 9, the House voted 227-198 for an amendment to the Defense Authorization bill offered by Reps. Ben Oilman (R-NYC) and Porter Foss (R-FE) to withdraw U.S. troops from Haiti. Every member of the MODEL opposed this amendment. The amendment, if it becomes law, would end the U.S. Support Group in Haiti, an outgrowth of Operation UPHOLD DEMOCRACY in 1994. The Clinton Administration strongly opposed the amendment, pointing out that the Support Group has built roads and provided health care to thousands of Haitians, and arguing that a premature withdrawal would be disruptive to the pre-election security climate. The delegation is particularly concerned about the withdrawal in light of the phasing out of MICIVIH. These two events combined will leave vacuum that Haiti can ill afford. The administration has pledged to maintain a U.S. presence by rotating troops in for specific humanitarian missions.

CONGRESSIONAL ISSUES

The House International Relations Committee and the Senate Foreign Relations Committee have frozen the U.S. contribution to MICIVIH, which gets about 60% of its funding from the UN and 40% from the OAS. Previously, the US paid roughly $3.2 million of the $5 million OAS share per year. The Senate Foreign Relations Committee has a hold on a $425,000 arrears payment. The delegation believes this Congressional hold is counterproductive to the establishment of democratic institutions in Haiti and undercuts the role of a key international presence.

Recommendations relating to law enforcement:

When the new parliament takes office in 2000, the passage of forfeiture laws and legislation to combat money laundering should be a top priority. Until then, the private sector should recognize their responsibility to voluntarily provide such information.

The U.S. Congress needs to at least ensure that any MICIVIH phase-out minimizes any human rights observation void. Releasing the Senate Foreign Relations Committee's hold on $425,000 in arrears would facilitate a smooth transfer of responsibility to local organizations.

The delegation urged Manuel and Denize to make public announcements when they launch an investigation into serious police misconduct. This will increase confidence in criminal investigations.

Increase the U.S. Coast Guard presence in Haiti.

A non-violence pact prior to the elections is a good idea, but it should originate from within the Haitian system, for example from the CEP.

The Haitian Ministry of Social Affairs should do everything it can to expedite requests from NGO's requesting formal certification.

If CIMO should continue to receive equipment and additional training from the US, the HNP should take steps to improve its accounability and public image.

The political section of the U.S. Embassy and USAID should continue to reach out to local human rights organizations, who have explicitly expressed a desire to increase contact.

THE JUDICIAL BRANCH

BACKGROUND

The Haitian judicial system is corrupt and extremely slow. Many of the judges are holdovers from the years of the Duvalier dictatorship. An increasing problem is the vulnerability of judges to corruption from drug trafficking networks; this is partially linked to the fact that judges still receive very low pay.

The delegation was impressed with the new Minister of Justice, Camille LeBanc. He described his priorities as hiring a new generation of qualified professionals, modernizing outdated laws, and increasing the resources available, in particular for justices of the peace and those involved in judicial processes at the local level. He plans to provide justices of the peace with transportation, enabling them to be the first line of investigation against voter fraud during the elections, and he intends to permit the commissaries at the regional level to investigate allegations made by one candidate against another. Both seem like sensible ideas if implemented properly, in which case could make important contributions to a climate of confidence during the election cycle.

THE UNITED STATES AND THE HAITIAN JUDICIARY

U.S. Administration of Justice programs

The U.S. has been helping Haiti reform its judicial system through its Administration of Justice (AOJ) program. The project began with an agreement signed between the U.S. and the legitimate government of Haiti in 1993. Over the last five years, the Agency for International Development has spent $20 million out of $27 million committed.

Most of the AOJ programs concluded this summer, including programs to improve the competency of judicial personnel by mentoring judges, distributing legal materials, and working with bar associations. The projects providing legal assistance, advocacy training, and conducting public education on human rights and women's rights wound down as well.

Since the AOJ program began, over 50,000 individuals have received legal assistance and information from Non-Governmental Organizations funded through USAID and its subcontractor, Checci. The Department of Justice's Overseas Prosecutorial Development and Training Assistance Program (OPDAT) has trained over fifty magistrates and parquets (model prosecutors) in jurisdictions throughout the country. In the new five year plan, USAID and the Ministry of Justice expect to revive this program substantially as well as establish new training efforts related to commercial arbitration. For its part, OPDAT expects to train 50–100 more magistrates.

The U.S. Government and the question of impunity

During the restoration of democracy, the U.S. Army seized documents, photographs and other materials from the headquarters of the FAd'H (the Haitian army) and FRAPH (the Front for the Advancement and Progress of Haiti), a paramilitary organization with links to the Central Intelligence Agency. The delegation firmly believes that all of these materials should be returned immediately.[3]

While the FRAPH documents will not solve all of Haiti's problems with the justice system, a long and productive meeting with local human rights organizations in Port-au-Prince convinced the delegation that they are extremely important to many Haitians. Their return would in a concrete way assist lawyers investigating the thousands of murders that occurred during the period of de facto rule and in a broader sense contribute to a much needed sense of reconciliation.

A study by the American Law Division of the Congressional Research Service concluded that the documents are the property of the Haitian Government, and it is clear the seizure violated the spirit, if not the letter, of the Multinational Force's mandate. Claims by the Department of Defense and other branches of the U.S. government that the documents needed to be redacted to comply with the Privacy Act are simply without merit. The documents should be returned in their original form.

Supposedly the U.S. Government has reopened talks on the issue with the new Minister of Justice, Camille LeBlanc. The CODEL hopes that an inter-governmental committee can begin talks soon.

THE PRISON SYSTEM

Overcrowding in the prisons remains a serious problem. The population in detention has doubled in the last 2–3 years to over 3000 people, about 80% of whom are in pre-trial detention. For the last several years, a $1.2 million prison reform project has been funded by USAID and carried out by the UN Development Program. Much progress has been made, but a registry at the national penitentiary is still incomplete.

While the staff delegation did not tour the prison in Gonaive, it has been recently refurbished—partly in the expectation that there will be convictions in the Raboteau Massacre case. We were also encouraged to hear reports that even though prison officials sometimes have shortages of food, the conditions are generally decent compared to the rest of the country. This is clearly a testament to the excellent work of the MICIVIH field office and the local NGO's they have been training. Unfortunately, the NGO's did note that the police, i.e., those outside of the prisons, continue to be abusive. Significant work remains to be done before organizations such as these are capable of filling a void left by the departure MICIVIH.

CONGRESSIONAL ISSUES

The Senate Appropriations Subcommittee on Foreign Operations has a hold of $2.5 million due to concerns that the judicial project redesign was prepared without the involvement of the Justice Minister. As LeBlanc moves forward with judicial reform, more resources will become available.

The delegation would like to convey to Congress that the Government of Haiti has assumed more of the costs of the Ecole de la Magistrature, which is a positive sign toward meeting Congressional conditionalities.

Recommendations related to the judiciary:

The Minister of Justice needs to set a numerical goal for reduction of the prison population. An inter-governmental committee including the Haitian Minister of Justice should be formed immediately to begin the return of the FRAPH documents to the Government of Haiti in their original form.

The Government of Haiti should demonstrate its commitment to judicial reform by approving the program agreed to at the donors meeting on July 6, 1998, appointing new staff, and passing legislation relating to the magistrates school and other matters relevant to the establishment of an independent judiciary.

THE ELECTIONS

BACKGROUND

On April 6, 1997, Haiti held elections for nine Senate seats, two vacant seats in the Chamber of Deputies (the lower chamber of parliament) and local government positions.[4] The turnout of these elections was only about 5% by most estimates and there were charges of serious fraud. Other problems included a decision by the CEP to not count blank ballots, official publication of the election results without the approval of the prime minister, and voter confusion due to inadequate civic education. The only positive aspect in the eyes of many observers was that reports of election violence were minimal. The controversy surrounding the elections culminated in the resignation of Prime Minister Rosny Smarth on June 9, 1997, who sought to distance himself from tainted elections.

When elections scheduled for the fall of 1998 did not take place, the parliament voted to extend its term. A constitutional crisis erupted in January 1999 when President Preval refused to recognize the vote and announced he would rule by electoral decree. The parliament responded by charging Preval with trying to rule as a dictator.[5] Eventually, the dispute was resolved after negotiations between an informal group of political parties called the Espace de Concertation and the executive branch were able to choose a CEP.

New elections

The upcoming elections will run seats for the Chamber of Deputies, most of the Senate seats, as well as the Communal Administration Councils (CASECs), the Communal Assemblies (ASECs) and City Delegates. They were originally set to take place on November 28. A few days prior to the delegation's arrival, the CEP declared that the elections would take place on December 19. After our return, President Preval announced the formation of a committee to look at election schedules.

Much of the political wrangling this summer among the CEP, the president, the Prime Minister and the major political parties centered on whether 17 or 19 Senate seats would be run, since the latter number would indicate rerunning the two contested Senate seats that went to Lavalas candidates in the 1997 elections. On June 11, the CEP announced that it was effectively annulling the results of those elections. Subsequent statements describing what it means by "running all vacant seats" have clarified that elections will be held for all 19 Senate seats. Lavalas has indicated that it will participate in these elections.

ELECTION ISSUES

Voter registration

A key goal of the CODEL was to determine whether preparations for these elections are proceeding on schedule. The information collected varied greatly: The National Coalition for Haitian rights believes that the timetable for the elections is too short and that more time is needed to organize voter registration, hire staff for the CEP, and restore confidence in the HNP.[6] The National Democratic Institute (NDI) believes the technical preparations are unnecessarily elaborate and will result in delayed elections. Similarly, the International Republican Institute (IRI) believes that while the cards are a useful long term goal, they are probably infeasible by December. The International Foundation for Election Systems (IFES), which is handling much of the technical preparations, believes the preparations are necessary and achievable.

A postponement of the elections until next year would probably be contentious. Critics of a delay, such as the U.S. embassy and most of the political opposition parties, argue that it would allow political candidates to run on the coattails of Aristide, who will be running for president. Second, they note that since the constitution stipulates that the parliament must be in place by the second week of January, any extension of the parliament's term would probably violate that provision. Finally, they suggest that a delay would undermine confidence; a potential hazard could be a boycott of the elections by some opposition parties. The delegation urges those parties to not withdraw from the political process by doing so.

The issuance of voter identification cards for the election is a controversial issue because many Haitians believe it is simply infeasible for 4.5 million voters to get an ID card in time for the elections and an unsuccessful attempt to do so would result in an urban bias in the electoral results. Moreover, Prime Minister Alexis expressed outrage that the funding for the contract, which went to Code Canada, circumvented the Haitian Ministry of Finance and the CEP. Former president Aristide and many other NGOs suggested that implementation of the voter ID plan begin in both the urban and rural areas with equal vigor, an idea that seems eminently reasonable to the CODEL.

The delegation believes that a postponement of the elections is all but certain. Regardless of when they take place, the massive undertaking of voter ID cards should begin as soon as equipment is in place and staff has been trained. Various factors indicate that any fallout from delay could be mitigated by assurances that two elections—one for the president and one for the parliament—take place. During meetings in Haiti and in Washington, representatives of the Haitian business community assured the delegation that having two separate elections is more important than having the elections in December. The words of the President of the BED (the regional electoral council) for Gonaive and the Artibonite region are illustrative; he emphasized during a meeting with delegation staffers that "when elections take place is less important than having people motivated, educated and prepared for them."

Election Observation

As in 1997, the bulk of the international observation will be carried out by the Organization of American States (OAS). The Inter-American Commission of Human Rights will also help.

MICIVIH has also played an important role during elections by monitoring freedom of expression and human rights aspects as they relate to electoral participation and they plan to do so this year as well. Until recently, it has 120 permanent observers throughout the country, but due to cutbacks and the expiration of the UN Mission on November 30, it has been phasing out its operations.

Two indigenous election observation coalitions have sprung up: the first is the National Electoral Observer Network (RENO), started by a group of business people which hopes to place 4000 observers around the country. The other is the National Civic Network (RCN), composed of center-Right political organizations. The delegation was encouraged by signs that these two coalitions have been cooperating with each other.

Earlier this summer, IRI, the counterpart to NDI, pulled out of Haiti citing physical danger to their staff. IRI had been the focus of a campaign against their effort to organize a coalition of political parties into a bloc. NDI is continuing its work with the Civic Forum, a project it began in October 1997 to provide civic education to citizens around the country. It plans to help encourage voter participation in the elections, sponsor candidate debates and train non-partisan election observers. They will be receiving State Department funding for their election work. The delegation condemns any violence against IRI or any American NGOs and hopes that Haitians will welcome foreign observers in the next elections.

CONGRESSIONAL ISSUES

The FY 1999 Foreign Operations Appropriations Act set up criteria that must be met before the U.S. can provide assistance for the elections.[7] On August 16, President Clinton certified to Congress that "the central Government of Haiti: (1) has achieved a transparent settlement of the contested April 1997 elections, and (2) has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups in Haiti." The first criteria was met when the CEP annulled the 1997 elections on June 11 and with the promulgation of the electoral law, published on July 19 and corrected on July 22. The second criteria was met based on a fair process utilizing the Espace de Concertation that picked the CEP in March and by judging how they have acted since.

The delegation urges Congressional leaders to recognize the extraordinary circumstances at play in Haiti and to remain committed to funding free, fair and widely participatory elections in Haiti.

Recommendations relating to the elections:

If the implementation plan for the ID cards moves forward as planned, it should occur in urban and rural areas simultaneously in order to prevent a geographical bias in turnout. It will also help secure the confidence of the rural population in the process.

While it is highly unlikely that the voter ID cards will reach the more than 4 million voters by December, they are nonetheless a worthy goal and the process should begin as soon as possible.

Two separate electoins—one for parliament and one for the presidency—need to take place and the political leadership of Haiti needs to publicly maintain that commitment.

U.S. assistance for the elections is crucial and Congress needs to remain committed to them, even if there should be a brief postponement.

FOOTNOTES

[1] The amount of that money going to outside consultants has been decreasing. ICITAP-Washington sees this as an encouraging development that is a result of re-competing their contracts, which are now with DYNCORPS and SAIC.

[2] The UN Secretary General's report of May 10, 1999, gave even higher numbers: 50 killed in 1996, 53 in 1997, 31 in 1998, and at least 16 this year for a total of 159.

[3] These demands were enumerated in some detail in three letters from a sum total of 80 members of Congress sent to President Clinton and Secretary of State Warren Christopher.

[4] The local government positions included 5,883 members of the Territorial Assembly and 392 Town Delegates, all of whom serve two year terms. A second round of elections is usually necessary. These runoff elections were scheduled for June 15, 1997 but were postponed indefinitely due to the controversy surrounding the first round.

[5] The Constitution says members of parliament should serve four year terms but a 1995 presidential decree (issue by Aristide and accepted without controversy) said the tenure for current members of parliament should end in January 1999. The decree was meant to correct an election schedule disrupted by the military dictatorship that ruled form 1991–1994.

[6] See "Violence Threatens Haiti Elections," An NCHR Briefing Paper, July 1999.

[7] Section 561(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 1999. (Public Law 105-277).

APPENDIX A: PARTIAL LIST OF MEETINGS AND INTERVIEWS

President Rene Preval
Former President Jean-Bertrand Aristide
Camille LeBlanc, Minister of Justice and Gabriel Zephyr
Robert Manuel, Secretary of State for Public Safety
Pierre Denize, Director of the HNP
Debussy Daimier, Carlo Dupiton, Micheline Figaro, Irma Rateau of the CEP
Colin Granderson, Director of MICIVIH
The Center for Free Enterprise and Democracy (CLED)
The Chamber of Commerce
Viles Alizar, The National Coalition of Haitian Rights (NCHR)
Johnson Aristide & Mondesir Jean Gaston, Soley Jistis Demokrasi (SOJIDEM), "The Sun of Justice"
Jocie Philistin & Lovinsky Pierre-Antoine, Fondasyon 30 Septanm, "The September 30th Foundation"
Lesly St. Vil, MAP VIV
Paul Rony, Popular Democratic Organization of Raboteau (OPDR)
Brian Concannon, Bureau , des Avocats Internationaux
Vincent Louis, Peace Brigades International
Robert August, Ayiti Kapab
Gergard Phillipe August, MOP
Marc Basin, MIDH
Victor Benoit and Micha Gaillard, KONAKOM
Gerard Pierre Charles, Sen. Yvelt Cheryl and Paul Dejucan OPL
Hubert de Ronceray, MDN
Fr. Edner Devalcin, Fanmi Lavalas
Serges Gilles Panpra
Evans Paul and Frea Brutus, KID
Claude Roumain, Generation 2004
Rene Theodore, MRN
RENO
RCN
Auguste Augustin, Council Electorale Provence et Bureau Electorale Dept Pierre Pierrot, President Organization des Defence et Civics of Artibonite
Joseph Elie
The National Democratic Institute
The United Nations Development Program
Micheline Begin, International Foundation of Electoral Systems
Carl Le Van, Minority Staff, House Judiciary Committee
Charisse Glassman, Minority Staff, House International Relations Committee
Caleb McCarry, Majority Staff, House International Relations Committee

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 140, expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections. I urge that these elections be held without delay. Haiti is the world's oldest black republic and the second-oldest republic after the United States in the Western Hemisphere. Haitians actively assisted the American Revolution and independence movements of Latin American countries.

From 1843 until 1915, Haiti experienced numerous periods of intense political and economic disorder including 22 changes of government. The country continued to experience economic hardships and political dictatorship until December 1990 when Jean Bertrand Aristide, won 67% of the vote in a presidential election that international observers deemed largely free and fair. Aristide took office in February 1991. He was overthrown by dissatisfied elements of the army and forced to leave the country in September of that year. It has been estimated that 3,000 Haitians were killed during the three years that President Aristide lived in exile. In 1993, President Aristide returned to Haiti and assumed the presidency of the country. The people of Haiti as well as many in the world, looked forward to democracy taking root and the development of a striving environment that would stimulate economic growth.

President Aristide himself set in motion the presidential election process that led to his peaceful transference of power in accordance with the provisions of the Haitian constitution after the expiration of his five-year term. President Aristide stressed the importance of establishing the constitution precedent of a legitimate transfer of power for the future of Haitian democracy over his personal beliefs or that of his most ardent supports. On February 7, 1996, President Rene Preval was inaugurated as President of Haiti in the first peaceful and constitutional transfer of power from one freely elected president to another in that country. Through this unprecedented event, the political leaders of Haiti are viewed as committed to the permanent establishment of democratic processes in accordance with the Haitian constitution.

During the past 18 months, Haitian leaders have been unable to reach agreement on critical issues. The environment of hope and the commitment to democracy have been hampered by the lack of a functioning government in Haiti since June 1997. Haitian political leaders must correct this. I applaud the establishment of the electoral council and urge the immediate establishment of dates for an election.

Haiti has made progress with privatizing many state owned industries helping the economic conditions in the country. The once feared Police Force of Haiti is now thought by most citizens as doing a good job. However, foreign investors worry when no government is in place. And without a functioning government, economic reforms are becoming stagnant.

Elections, without delay, are critical to restore the Parliament and restore a true democracy. I urge my colleagues to join me in supporting this resolution.

Mrs. MEEK of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 140—the resolution sponsored by my good friend from Florida, Representative HASTINGS. This resolution expresses the Sense of the Congress that Haiti should conduct free, fair, open and peaceful elections.

The establishment of a constitutional government and functioning parliament in Haiti demands a commitment by the United States to support free and fair elections in Haiti. Earlier this year, President Rene Preval's government and six political parties signed an agreement aimed at resolving a costly and contentious political standoff that left Haiti without a functioning government for the past two years. This agreement paved the way for new parliamentary elections.

There is no doubt that the political environment in Haiti is fragile. We know that since the resignation of the Prime Minister in June 1997, this impoverished country has experienced very disturbing violence. This volatile environment has altered the landscape of the country in ways that, among other things, has limited Haiti's ability to advance commerce and provide much needed services to a desperate people. Haiti is undergoing the strenuous birth pains of Democracy.

Haiti is the poorest country in the Western Hemisphere and among the poorest nations in the world. There is no wonder that this budding democracy remains delicate.

This goes to a larger issue. There are those in this body that do not want to support and advance democracy in Haiti. There are some who believe that democracy just springs up—that it just happens. The fact is that forging a democracy takes work. Look how hard we work to preserve democracy in America. In order to have a viable democracy in Haiti, the United States, as well as the international community, must play a critical role in providing the technical and logistical support needed for viable democratic elections.

The United States has made a significant commitment to democracy in Haiti because it is in our national interest. In the past, political instability in Haiti has led to Haitian refugees flooding our borders seeking economic opportunity. If we do not want this to happen, the United States should keep its previous commitment to democracy in Haiti and help to facilitate free and open election. I urge my colleagues to support this resolution.

Mr. GILMAN. Madam Speaker, I do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 140, as amended.

The question was taken.

Mr. GILMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARINE MAMMAL RESCUE ASSISTANCE ACT OF 1999

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1934) to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program, as amended.

The Clerk read as follows:

H.R. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Act of 1999".

SEC. 2. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) ADVISORY GROUP.—

"(1) IN GENERAL.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

"(2) MEMBERSHIP.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

"(3) PUBLIC PARTICIPATION.—

"(A) MEETINGS.—The advisory group shall—

"(i) ensure that each meeting of the advisory group is open to the public; and

"(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

"(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

"(4) EXEMPTION.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Speaker, first, let me express my appreciation to my colleagues, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. LOBIONDO), for joining me and for working so hard to bring this bill to the floor. I would also like to thank the gentleman from New Mexico (Mr. UDALL) for his interest in, and efforts to help, this bill to proceed to the extent that it has.

Madam Speaker, as the author of H.R. 1934, I rise obviously in strong support of the Marine Mammal Rescue Assistance Act. I am pleased that the House is considering this bill, and I would like to urge everyone to vote for it. But first, let me just explain what the bill does, Madam Speaker, and why I believe it is so urgently needed.

Madam Speaker, H.R. 1934 would establish a grant program to fund and rescue and rehabilitate marine mammals; and it would conduct, it would provide for us to conduct, scientific work associated with live and dead marine mammals; and third and finally, it would assist those centers which carry out those humanitarian rescues and recoveries.

Madam Speaker, Americans are always thrilled to see news reports of rescue attempts of stranded or beached Atlantic bottlenose dolphins, manatees or pygmy sperm whales. These efforts are extremely expensive, and this bill helps in no small way to offset some of these costs. Although title IV of the Marine Mammal Protection Act, as it currently stands, provides funds to compensate participants of the Nation's stranding network, it is limited to certain work associated with unusual mortality events which are defined as unexpected or a scientific die-off of marine mammals.

Madam Speaker, regrettably at the same time, funds are currently not available for small strandings, either live or dead, of dolphins on the New Jersey beaches or the now famous live stranding of the baby grey whale on a California beach that was successfully rescued, rehabilitated and released back to the wild by Sea World. Furthermore, there are few funds available to research the cause of these standings or to care for these sick animals.

The examples I have mentioned are just two of the hundreds of small live and dead standings that occur frequently on our Nation's shores. Hundreds of dolphins, harbor porpoises, seals, sea lions, manatees, sea otters, and even beluga whales become stranded on our shores. Every year hundreds of people like my constituent, Robert Schoelkopf, director of the Marine Mammal Stranding Center in Brigantine, New Jersey, rescue and recover and collect important scientific data and at times successfully release these animals back into the wild.

In his testimony recently, Mr. Schoelkopf noted that his stranding center has handled 1,852 marine mammals. He stated that the National Marine Fishery Service has acknowledged the need for stranding networks along the coast to be the first response to not only typical standings but also for unusual episodes.

Yet, Madam Speaker, there are no funds available for people like Bob Schoelkopf who work side by side with the National Marine Fishery Service and the Fish and Wildlife Service to save and study these magnificent animals. This bill would fill that void by making a small but critical amount of money available through the competitive grant process to help cover some of the costs associated with these non-unusual mortality events.

Madam Speaker, I would just like to urge my colleagues to support the passage of this important conservation bill and again express my gratitude for my colleagues who have worked so hard as partners on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we do not have any objections to this legislation that is before the House today, H.R. 1934, the Marine Mammal Rescue Assistance Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and his staff for working in a truly cooperative bipartisan manner with minority Members on the Committee on Resources to craft this important bill.

All Members should vote for this bill.

Few events catch the public's collective emotion more than episodic strandings or mysterious fatalities of marine mammals. With growing concern, members of the Committee on Resources continue to hear of numerous incidents of unusual or unexplained mortality events effecting marine mammals. Perhaps most troubling, many of these stranding and mortality events are affecting marine mammal populations that are considered robust and healthy; and regrettably, while the frequency of standings is increasing, we still know relatively little about what is causing this to occur.

In 1992, Congress amended the Marine Mammal Protection Act to add a new title IV with the purpose to establish a coordinated Federal, State, and private effort to address the problems and challenges associated with marine mammal strandings or unusual mortality events. In many respects, Madam Speaker, the marine mammal health and stranding program established under title IV has been effective.

Nonetheless, Madam Speaker, we have fallen short of the goals established for this program, in some cases especially the need for better analysis of rescued and diseased marine mammals and the need for additional research to determine if there are crossover connections between marine mammal strandings and human health threats in the marine environment. Much work still remains to be done.

Moreover, costs of stranding rescue operations have risen sharply, so sharply in fact that some stranding facilities have had to sacrifice other programs which has had the effect of dampening effectiveness. This legislation will give marine mammal stranding facilities better tools and financial assistance to meet this and other unmet needs of the program.

The grant program authorized in this bill will help relieve the financial burden currently affecting many network stranding facilities; and importantly, these new grants could be used to support valuable new research on dead marine mammals without cutting back funds necessary to support the humane care and treatment of recovered live animals. We also hope that the advisory group created by this bill will be effective in developing priorities for funding these new grant proposals.

I know that the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member of the Subcommittee on Fisheries Conservation, Wildlife and Oceans very much appreciates the cooperation of the gentleman from New Jersey (Mr. SAXTON), the subcommittee chairman, to ensure that these grants may be used to enhance scientific investigation and are not simply used to offset operating expenses at stranded facilitates.

Also, the gentleman from American Samoa (Mr. FALEOMAVAEGA) also appreciates the chairman's cooperation to ensure that this legislation provides for the fair distribution of grant dollars to all stranding network regions and also provide sufficient funds to allow the National Oceanic and Atmospheric Administration to administer the new grant program. We still contend that it makes sense to set aside some discretionary funds for emergency or technical assistance since these funds would allow NOAA to fill in the gaps in coverage or to address unexpected needs that arise in the field. Ultimately, experience will determine whether this additional flexibility is needed.

Madam Speaker, the marine mammal health and stranding program is vital to the protection and rehabilitation of thousands of marine mammals annually, but the program can be improved. I believe the new grant program created by this legislation will provide additional financial resources to support the national network of stranding facilities, will increase our understanding of marine mammal ecology, and will increase public awareness of the health and safety of the coastal marine environment.

□ 1600

I urge all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Madam Speaker, I thank my friend the distinguished gentleman from New Jersey for yielding me time and congratulate him for his many years of leadership in this particular area. It is not only strandings of mammals, it is other protections as well that he has been a champion over the years, and I congratulate his colleague on the other side of the aisle and the bipartisan effort here.

I rise in strong support of this. People wonder sometimes with this type of legislation, what is the constituency? Well, I will tell you the constituency for stranded mammals is anybody who has ever seen a stranded mammal. There is some response, some chord that is hit in us, and it seems that people will rush to the water and jump in cold water and get their clothes all wet and do things that they normally would not do in order to try and provide some relief for stranded mammals. I have seen it many times in my own district, and I have seen extraordinary efforts and great sacrifice made to try and take care of these creatures who sometimes run afoul with problems.

I think this is a good testimony, that we do care very much, and that we do need legislation, because all the good intentions sometimes do not provide the professional way of dealing with stranded animals.

I will tell you that in my district, I am very proud to have Mote Marine Laboratory, which also has a stranding program which I believe is second to none. It has done all kinds of rescue work over the years. It has been very busy. It is very professional and very accomplished. I know they have provided testimony for this legislation, and I congratulate them on their efforts as well.

I think with the people involved and committed for the purposes that are at stake in this resolution, that we will have success, and I think this is an entirely appropriate type of support for government and government involvement in something which is indeed a national treasure, and that is our marine mammals. I congratulate all those involved.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR), a key legislator in the reauthorization of the Marine Mammal Protection Act and also key in appropriations for this program.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 1934, the Marine Mammal Rescue Assistance Act. I commend once again, almost every week now, the gentleman from New Jersey (Mr. SAXTON), for his leadership on this important issue, another one of our important issues relating to the oceans of this great country and the world.

This legislation is critical to anybody who has coastal shoreline where the populations of marine mammals exist, because this goes to how do you serve those marine mammals when they are in trouble; how do you get them when they are stranded; and why do you do that.

Do you know that Megatrend says that the leading development in America has been what they call watchable wildlife? More people are watching wildlife than all of the national sports in this country, than all the professional sports. That wildlife, a lot of it is marine wildlife.

Marine wildlife is important to the ecology of the ocean, the health of the ocean and the coastal communities, but it is also important for tourism, because people come to the coastlines and they want to see the wild animals that are in that coastal zone; and the wild animals in many cases are endangered.

I happen to represent an area where we have the southern sea otter population. It is not recovering very well. The recovery rate for the southern sea otter is unacceptable since 1995. Researchers have documented an increased rate in mortality, an 11 percent reduction in the population. In fact, last year 10 percent of the total population of this endangered animal was found dead, stranded on beaches in my district. That is 213 of the 2,090 animals left in this population were found dead, washed up on beaches just last year.

The southern sea otter is vital. It is vital to the health of our sea mammal community. It is vital to the tourism in our area; and I think it is just vital that we have beautiful animals like this to understand, protect, and to study.

Fortunately, the bill of the gentleman from New Jersey (Mr. SAXTON) will provide funds for the preparation and transportation of tissues from the deceased animals so the researchers can determine the cause of death and turn this trend around.

Mr. Speaker, my only reservation is that we not decrease funding for research and assistance for other existing marine mammal programs. In fact, we need to fully fund what is authorized in this bill. The majority of marine mammal strandings occur on the West coast; and, unfortunately, the strandings are increasing. So I hope that we will begin to be able to have enough money for the marine mammal recovery and not take this money from other marine mammal protection programs.

I urge my colleagues to support this bill, and I ask that we increase funding for marine mammal protection and research. We need to support the Marine Mammal Rescue Assistance Act, but not at the expense of other national marine fishery services programs.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by saying I believe this is an extremely important bill, and I would like to thank everyone who has had something to do with it, from the Member level as well as from the staff level.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1934, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYING LAND IN NEW MEXICO TO SAN JUAN COLLEGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 293) to direct the Secretaries of

Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

The Clerk read as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 293 was introduced by Senator PETE DOMENICI of New Mexico. The legislation would require the Secretaries of Agriculture and Interior to convey a 10 acre parcel of land known as the Old Jicarilla Site to San Juan College.

The Forest Service no longer requires its use and has not occupied the site for several years. The bill would require the site to be used for educational and recreational purposes.

Back in February of this year, our esteemed colleague, the gentleman from New Mexico (Mr. UDALL), who has worked so hard on this bill, introduced H.R. 695 as the House companion. He worked diligently to see that his legislation passed the committee process, and finally it passed the House under suspension of the rules in early August. However, because the Senate would prefer the House to pass its version, S. 293, we are here today to do just that so this legislation might be enacted into law.

Let me close by saying that my good friend the gentleman from New Mexico (Mr. UDALL) has done a great job on this legislation, and I urge everyone to support the passage of S. 293 under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 293, like H.R. 695 passed by the House on August 2, 1999, would direct the Secretary of Interior to convey approximately 20 acres of real property and improvements at an abandoned and surplus ranger station administrative site in San Juan County, New Mexico, to San Juan College in Farmington, New Mexico. The Forest Service has determined that the Old Jicarilla Site, as the site is known, is of no further use because the Forest Service moved its operations to a new administrative facility in Bloomfield, New Mexico, several years ago. In fact, the site has been unoccupied for several years.

With over one-third of the land in New Mexico under Federal ownership, it is often difficult for local communities to find appropriate sites for educational and recreational purposes. This bipartisan legislation will overcome this hurdle by conveying surplus Federal lands to San Juan College.

The college would pay for all lands to be conveyed in accordance with the Recreation and Public Purposes Act and would use the site for educational and recreational purposes. In the event that the land ceased to be used for such purposes, it would revert to the United States.

According to Dr. James C. Henderson, president of San Juan College, "San Juan College has grown to be the fourth largest college in New Mexico. The college serves the people of the northwest quadrant of the State in numerous ways, by providing business and industrial training, life-long learning opportunities, and various academic and technical degree programs."

The transfer of the Old Jicarilla Site to San Juan College would allow the college to better serve the surrounding community by offering new programs that meet the needs of that community. In addition, the facilities would be available to other civic organizations, such as the Scouts and the Boys and Girls Club.

This legislation creates a situation in which the Federal Government, the State of New Mexico, the people of San Juan County, and, most importantly, the students and faculty of San Juan College, all benefit.

I would like to thank Dr. Henderson, Ms. Marjorie Black, his executive assistant, and the staff of San Juan College, the Forest Service, and the Bureau of Land Management for their hard work directed towards making this transfer a reality.

In addition, I would like to thank the gentlewoman from New Mexico (Mrs. WILSON) for her work, as well as my New Mexico colleagues in the Senate, Senator BINGAMAN, and, in particular, Senator DOMENICI for beginning this effort in the last Congress and continuing his efforts again in this Congress. I thank Members for their consideration in this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I am pleased to be here today to ask my colleagues to pass Senate 293, the Old Jicarilla Site Conveyance Act of 1999. It does allow the college to be able to administer a piece of unwanted land that is now owned by the Federal Government.

For those who do not live in the Rocky Mountain West, you might think, well, gosh, why is no other land available? But in San Juan County, 90 percent of the land is owned by the Federal Government, which is why a piece of legislation like this is needed.

This bill passed the Senate in the last Congress but did not pass the House before we went to adjournment. It is a very simple bill and it is just something that is part of the routine business that we have to do and need to get done.

I want to thank my colleagues for their work on this, particularly the gentleman from northern New Mexico (Mr. UDALL), Senator PETE DOMENICI, and Senator JEFF BINGAMAN, who sponsored this in the Senate and passed it last year. With your assistance, we will pass it and make it possible for San Juan College to continue the great education that it provides to so many New Mexicans.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 293.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes, as amended.

The Clerk read as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term "Map" means the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99". The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term "Park" means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as "Tract A" and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as "BLM Withdrawal (Tract B)" (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled 'Proposed Additions to the Curecanti National Recreation Area,' dated 01/25/99, totaling approximately 1,065 acres and entitled 'Hall and Fitti properties'.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

□ 1615

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 323, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, authorizes the establishment of a new National Park unit, the Black Canyon of the Gunnison National Park. This bill also expands the Black Canyon of the Gunnison Wilderness area and establishes the Gunnison Gorge National Conservation area.

Creation of this new park unit can also be attributed in large part of the hard work of our colleague, the gentleman from Colorado (Mr. MCINNIS).

Many people have worked hard on this bill in trying to accommodate all of the concerns associated with this important bill. For example, this bill will continue the use of grazing where it existed prior to creating the new park unit and will continue to allow hunting on privately owned land within the boundaries of the park.

Concerns dealing with water rights and off-road vehicle use also have been addressed.

Mr. Speaker, I would again like to commend our colleague, the gentleman from Colorado (Mr. MCINNIS), for the great work that he did.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SAXTON) for yielding me this time.

Mr. Speaker, in just a few moments we are going to be voting on the bill, S. 323, the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999.

For the benefit of my colleagues here on the floor, I thought I would show just a few pictures, photographs, of what we are about to make as a national park in the state of Colorado. Colorado has not had a national park in 84 years. If ever there were a property in Colorado deserving of this special privilege, it is the Black Canyon.

A few moments here of a description of the Black Canyon, and at this time it would be appropriate to give credit to the Southwest Parks and Monuments Association, Tucson, Arizona. I think their description of the Black Canyon really best summarizes it for the short period of time that we have.

"Most people see the 20,000 acres of the Black Canyon of the Gunnison National Monument," soon to be a national park, "not from the river but from the south or north rims. We tiptoe up to the overlooks and clutch the guardrails with white knuckles before peering over the brink. Violet-green swallows dive and chitter among the sheer cliffs, fearless acrobats apparently oblivious to the gaping abyss. Nearly 2,000 feet below, nearly 2,000 feet below, we see the Gunnison River, like a tiny green thread but with a clearly audible roar. The water is so clear trout might be spied in the pools far below. The impressive effect of the scene reduces us to inadequate adjectives: gorgeous, awesome, spectacular."

Inevitably we start to wonder: What caused this great gorge here, and how do we allow all of the people of America to get the opportunity to see it?

Geologist Wallace Hansen says the Black Canyon was made possible by an interplay of coincidences. All of the right ingredients happened to come together in this part of the world to make the Black Canyon of the Gunnison. Start with a free-flowing river with lots of water and stir in a generous amount of sediment. It helps if the river is flowing down a very steep hill. Send the river through a raised block of some very hard rock. Spice sparingly with gully wash and frost action and simmer uncovered for a couple of million years. The Gunnison River was and still is the primary agent responsible for carving the Black Canyon.

Other canyons may have greater steepness or depth but few combine both of these attributes as magnificently as the Black Canyon. A few breathtaking statistics will suffice. At the Narrows at the river level, the gorge is 40 feet wide and the walls are 1,700 feet high. Below East Portal, the canyon is 1,920 feet deep. Painted Wall, Colorado's highest cliff, soars up a staggering 2,250 vertical feet.

The Black Canyon was named for the dark rock that makes up the walls, rocks that have been subjected to untold amounts of heat and pressure. Geologists call them basement rocks, for they are the foundation of the Earth's crust and often are deeply buried. This rock exposed in the canyon is much older than the canyon itself. Indeed, these basement rocks are among the oldest rocks on the Earth, exceeding 1.7 billion years of age.

This legislation which we are about to vote on today has been a long time coming to the Western Slope of Colorado, and particularly the Colorado's third congressional district. It is a prime example of legislation which incorporates the input of local constituents and locally elected officials, as well as input from the Federal agencies involved; lots of team work. This is a well-developed and innovative approach to protecting unique natural resources for future generations in the most fiscally responsible manner possible.

Earlier this year, I introduced House Resolution 1165, the Black Canyon National Park and Gunnison Gorge National Conservation Area Act of 1999. I would like to extend my thanks to my fellow colleagues who joined me by cosponsoring this bill. I greatly appreciate their assistance and their support.

I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who has worked with me in the last hours to ensure that this legislation was brought to the floor today for prompt consideration.

Mike Strang, my predecessor from years ago, was the first one that introduced the bill on the Black Canyon and he, too, today is to be acknowledged.

Across the Capitol, Senator CAMPBELL who has spent endless hours on this and put a lot of energy and a lot of resources in to seeing that today we have reached this point where we can pass a bill on to the President for signature should also be congratulated and thanked. His effort is appreciated and will be appreciated for many generations to come.

I also should at this point thank the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG) and, of course, the subcommittee chairman, the gentleman from Utah (Mr. HANSEN), for their work in the Committee on Resources in quickly getting this bill through the committee and on to the floor.

This legislation does far more than simply create a new national park from what is now a national monument. This legislation establishes a cooperative approach to managing this natural resource and calls on all affected resource management agencies in the area to play key collaborative roles.

I want to stress that the collective management approach this legislation creates does not in any way require, imply or contemplate an attempt by the Federal court to usurp water rights, State water law or intrude upon private property rights.

The Secretary of the Interior will manage the entire area and will be able to utilize all fiscal and human resources in the administration and management of this natural resource in a unique money-saving manner. This legislation will also eliminate redundant operations and form a coordinated, efficient, and fiscally responsible management structure.

Much work has been done to forge consensus on this issue, and I am pleased to bring forward this cooperative management plan for this beautiful example of our national and natural heritage.

Mr. Speaker, enactment of this bill will not, will not, be the last step in protecting the Federal lands in Colorado. As this bill demonstrates, when an area is appropriate for wilderness designation and when all of these outstanding issues have been satisfactorily addressed, the Colorado delegation will respond with appropriate legislation.

I would also note that other protection short of the absolute wilderness designation, such as a national park, may be appropriate in many cases, and I would encourage the Congress, Coloradans, the counties, local users and interests who would be impacted to consider this possibility when discussing how to best utilize public lands within Colorado.

I would like to take this opportunity to discuss certain perceptions regarding the need to preserve and protect our Nation's lands. As is evident by the different forms of land management utilized in my bill, the fact that Federal lands are not designated as wilderness does not mean that the land is not protected. In this area, as a result of this legislation, we will designate a national park, enlarge a wilderness area, and establish a conservation area. One can see the range of tools available to the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Parks Service to help protect and preserve the integrity of our lands.

Local control is a privilege that is already hard to come by and difficult to keep. Once an area is designated as wilderness, the option of local control is no longer available. It usurps that local control. The lands are then governed by a very strict Federal statute. For that reason, in my opinion, any wilderness proposal must carefully consider local interests before proposing broad wilderness designation.

In my support for public land-use policy, I have sought to achieve a common sense balance between local control, multiple use, and protecting Colorado's and the United States' resources. I have and will continue to support wilderness, or other forms of intense management, in Colorado that is well considered and which enjoys local support, such as the Black Canyon of the Gunnison legislation. I will continue to work to achieve appropriate levels of protection for the pristine and beautiful areas within Colorado.

Let me take just one moment to put this bill in its proper perspective. First introduced in the 1980s by Mike Strang, as I mentioned earlier, this bill will create a new national park in the State of Colorado for the first time since 1915, when Rocky Mountain National Park was named. It has been almost 85 years since the last new national park in Colorado. I am thrilled to be here today, to be carrying this legislation and to team up with Senator CAMPBELL to take it through the United States Congress so that Colorado now has a new national park.

It has been a long time, 85 years. The last time we had a park in our State was in 1915, when Ford was still producing Model T Fords. Closer to home, Pancho Villa led raids into New Mexico and Texas; and in Denver, one could buy a loaf of bread for 5.6 cents. That is how long ago it has been.

Today is a big day for the State of Colorado. It is a victory for the United States Congress. It is a victory for the citizens of the United States.

We have a fiscally sound management plan helping protect our resources that does not lock out humans but instead can make all of us very, very proud of what we have in the Black Canyon and is very amply reflected in these photos.

We can see how long it has been since we have had that national park. Today this step we are going to take is a historic step.

Mr. Speaker, I close my statement by thanking all of my fellow Members for their time, and I urge all of the Members of the House to vote yes in support of the passage of S. 323.

I would finally point out, again, this is a cooperative effort, bipartisan. It was the local control that was key. This project did not start in the United States Congress. This project started in the town of Montrose, Colorado, a wonderful community in western Colorado. That is where this project started, locally. They sat down, they formed a consensus. They went to their State officials, and then they came to their Federal officials.

It is a victory for all of us, and I am proud to be the representative, representing the State of Colorado, on the House floor carrying this bill.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have a rare opportunity to build on one of the best ideas America has ever had. The creation of our national parks system has provided invaluable opportunities for the protection of our natural resources and for recreation and enjoyment of those resources by visitors from around the country and around the world.

The legislation before us will add a new park to the list, which includes places like Yellowstone, Yosemite, Grand Canyon, and Denali. We urge our colleagues to support it.

S. 323 will abolish the existing Black Canyon of the Gunnison National Monument in western Colorado and create in its place the Black Canyon of the Gunnison National Park, along with a new national conservation and wilderness area.

□ 1630

The redesignation of this monument is an important step because it will allow us to better protect the valuable natural and cultural resources that make this area unique.

Because our national parks are so special, however, this is not a step we take lightly. This new park will be significantly larger than the existing monument. The bill also adds approximately 4,500 acres to the park and authorizes the purchase of another 2,500 acres in the future. In addition, it creates a new 57,000 acre National Conservation Area, 18,000 acres of which will be designated as wilderness. With these additions, these new parks will offer a variety of resources, scenery and, recreational activities characteristic to our national parks.

In addition, this legislation deals with difficult land management issues such as grazing and the use of off-road vehicles in a way that is consistent with the long-term protection of this sensitive area. We are especially pleased that the legislation, as amended, now includes agreed-upon language with regard to use of off-road vehicles that is consistent with other national conservation area designations.

We would like to thank the sponsor of this legislation as well as the gentleman from Utah (Chairman HANSEN) and the gentleman from Alaska (Chairman YOUNG) for working with us to craft a bill we can all support.

I should also mention the role of another UDALL in making this new park a reality. The gentleman from Colorado (Mr. UDALL) and his staff played a critical role in perfecting this bill, and I know this new park means a great deal to the gentleman from Colorado and his constituents.

I urge my colleagues to support S. 323. I also would like to say to the gentleman from Colorado (Mr. MCINNIS) that this is a very important moment for the State of Colorado. It has been 85 years, and it is a very special moment for the State of Colorado. I think the gentleman from Colorado (Mr. MCINNIS) has played a very key role in this far-sighted piece of legislation that we pass today. It truly is, as the gentleman has said, a bipartisan effort with the gentleman from Colorado (Mr. UDALL), the gentleman from Colorado (Mr. MCINNIS), Senator BEN NIGHTHORSE CAMPBELL all working together through the Committee on Resources to see that this is done and now is a reality happening here on the House floor.

I would also like to thank all of the members of the staff of the Committee on Resources that have worked on this issue, and also Stan Sloss on the staff of the gentleman from Colorado (Mr. UDALL) I know has worked very hard.

Mr. UDALL of Colorado. Mr. Speaker, I support this bill. It is a measure of great importance to Colorado.

The Black Canyon National Monument is one of our State's treasures. Its establishment was a wise act of President Hoover that demonstrated the importance and value of the Antiquities Act. I am glad that we are moving today to build on that foundation by redesignating it as a National Park.

I am also very pleased that the bill includes designation of wilderness for nearby public lands managed by the Bureau of Land Management. As I've said before, I think we should make it a priority to act to protect the wilderness values of Colorado's BLM lands, and I hope that the Committee will soon consider further wilderness designations for those lands, such as those proposed by our colleague from the First District, Ms. DEGETTE.

As we considered the bill in the Resources Committee, I did have some concerns about some of its technical details. In particular, I was concerned that there might be some misunderstanding about how the bill would affect the status of water rights now held or claimed by the United States. I had been prepared to seek to amend the bill to clarify that point. However, thanks to the cooperation of the Subcommittee Chairman, Mr. HANSEN, language has been included in the Resources Committee's report on the bill that I think removes any possible misunderstanding.

As the report makes clear, section 10 of the bill is intended to assure that the existing water rights of the United States, conditional and absolute, are preserved unimpaired. The report also makes it clear that this bill will neither expand nor diminish the water rights held by the United States for the benefit of the monument and, upon enactment of this legislation, the national park, and that those federal water rights will retain both their priority date and their purposes. In addition, the report explains it is the existence of these federal water rights—and the fact that they will be transferred, unimpaired, to the new Black Canyon of the Gunnison National Park—that has led the Committee to conclude that the reservation of new federal water rights is unnecessary to protect the water-related values of the new national park, the new national conservation area, or the new wilderness designations.

I greatly appreciate the willingness of Chairman Hansen to work with me to make sure that the legislative history of this bill leaves no doubt about these very important points. I also am very glad that he and the other majority members of the Committee were willing to work with Mr. ROMERO-BARCELÓ, Mr. MILLER, and the rest of us on our side of the aisle to resolve questions about management of off-road vehicle use of some of the lands covered by this bill. The result is that the committee has been able to come to the House with a bill that enjoys broad, bipartisan support.

However, Mr. Speaker, there does remain one other matter of great importance to the future of this unit of the National Park System that is not directly addressed in the bill or the committee's report. It involves an imminent threat to the existing Black Canyon National Monument. It centers on a tract of land—about 120 acres—that's a non-federal inholding within the current Monument boundaries.

This tract isn't a remote, isolated one. It is just inside the National Monument boundary. The land slopes up and away from the canyon rim. The Monument's Superintendent says it's important for protecting the views from the canyon overlooks—the parts of the Monument that attract the most visitors. What's more, there's a road on the tract—a main road into the Monument, as a matter of fact. And, right now, beside that main Monument road, there's something else, something new. It's a billboard advertising building sites for trophy homes or for a commercial activity like a bed and breakfast. "For sale," the billboard says, "Beautiful canyon views," with "World-class sunsets" and "year-round access on paved road."

This is not a theory, Mr. Speaker. This is a fact. This is a threat to this park.

From talking to other members of our state's delegation, and from listening to what other Coloradans are saying, I am convinced that almost everyone agrees that this threat needs to be averted and that these lands need to be shielded from development. But it seems that there is disagreement about how to achieve that goal.

For myself, I think the simplest and best thing to do would be for the United States to acquire full title for that inholding by paying the owner its full fair market value—but nothing more. The National Park Service has told me that they share that view.

Toward that end, when the bill was considered by the Committee I sought to amend it to include language that would authorize and direct the Secretary of the Interior to acquire whatever interests in these 120 acres the Secretary determines desirable in order to protect the resources and values of the Black Canyon of the Gunnison.

As it happens, that language was not adopted by the Committee, and it is not part of the bill before us today. I still think its inclusion would have made this good bill even better. However, I have agreed to having this bill be considered today under conditions that will preclude any attempt to add such language through an amendment on the House floor.

My agreement to this procedure was prompted, first, by the request of other members of our Colorado delegation—particularly Representative McInnis and Senator Campbell—and also by other factors:

First, I think this legislation's prompt enactment is highly desirable—and while I don't think adoption of my amendment should slow its progress, I have reluctantly concluded that some of our colleagues in the House, as well as some members of the other body, may not be prepared to give this bill appropriate consideration if it were so amended.

Second, even without further legislation the Interior Department already has some authority to respond to this imminent threat to the integrity of the Black Canyon, even though under current law that authority does not include the power to condemn the full fee title to the inholding.

And, finally, I have been assured that the National Park Service is moving to respond to the threat.

Shortly after the Resources Committee completed its consideration of this bill I wrote to the Secretary of the Interior to urge that prompt action be taken to respond to this threat to the National Monument—and, in response, I now have been assured that the Interior Department and the National Park Service agree with me about the need to take quick action and that they are initiating such action. For the record, I am including at the end of this statement the letters I have exchanged with the Interior Department and the National Park Service on this subject. As outlined in the letter to me from Denis Galvin (its Acting Director), the National Park Service is taking the necessary steps either to acquire full title to the inholding through an agreement with its owner or, in the alternative, to use its current authority to acquire a conservation easement to prevent incompatible development on the inholding.

Mr. Speaker, I hope that the National Park Service will not falter in this effort to protect the Black Canyon of the Gunnison—and I can assure the Service, our colleagues, and the people of Colorado that I am prepared to do all I can toward that same goal. As indicated in my letter to Director Stanton, I will do all I can, whether by way of new legislation or through seeking appropriation of necessary funds.

With regard to that question of funding, I recognize some may be concerned about the cost of heading off this threat. I understand that, and appreciate it. After all, we are talking about taxpayers' money.

But, Mr. Speaker, I would ask—what is the cost of doing nothing? What would be the cost to the Black Canyon if this land is transformed from open space into buildings? What would be the cost to the experience of visitors if this part of Colorado's countryside becomes yet another tract of trophy homes or commercial developments? I submit that those costs are not only hard to estimate—they are incalculable. I submit those costs would far exceed whatever money may have to come out of the Treasury to prevent that outcome.

And, I submit, legislation along the lines of the amendment I proposed in the Committee might well actually reduce the monetary cost to the taxpayers for protecting the Black Canyon.

Remember, under current law, the National Park Service can acquire full title to the lands only on whatever terms the owner will accept. Under my amendment, if there were an impasse over the fair market value of that full title, court would decide just what that value is, meaning how much the taxpayers are required to pay.

Without that kind of new authority, according to the letter to me from the Acting Director, the National Park Service likely would be required to pay about 90 percent of the same fair market value for a conservation easement that would prevent incompatible development but would leave an inholding to which there would be no established right of public access or use. I don't find that fully satisfactory for anyone—especially for the taxpayers—even though it would be better than allowing the development of these lands.

In conclusion, Mr. Speaker, while I think this bill would have been improved if the Committee had adopted my amendment it remains a good and important measure that deserves the approval of the House, and I urge its passage.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 1999.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR SECRETARY BABBITT: I am writing to urge you to act to avert a serious threat to the integrity of the Black Canyon of the Gunnison National Monument.

As you know, Congress is currently considering legislation to elevate this monument to the status of a national park. On July 21, the House Resources Committee considered a bill (S. 323) to do that. I support this change in status, have been working to resolve some technical questions, and have voted to favorably report the bill to the full House.

Just before the Committee's consideration of the bill, it was learned that a tract of about 120 acres within the present boundaries of the monument has been acquired by a developer and is now being offered for sale for residential or commercial development. This property is bisected by a main road into the Monument and is in close proximity to the canyon rim. If houses or other structures were to be developed on these parcels, it would seriously affect the visual and environmental integrity of this National Park System unit and would seriously diminish the experience of visitors to this strikingly beautiful canyon.

In response, I sought to offer an amendment to authorize and direct you, as Secretary of the Interior, to acquire any and all interests in these lands that you might determine should be acquired in order to protect the resources and values of the Black Canyon.

As you know, under current law, the United States can acquire full title to these lands only with the agreement of the landowner, although lesser interests can be acquired in the absence of such agreement. In other words, full title can be acquired only upon the terms set by the developer. My amendment would have provided the National Park Service with full authority to acquire any and all interests in the land—for fair market value but not for whatever extortionate price might be demanded. While the Committee did not adopt this amendment, I stand ready to take further steps to protect the Black Canyon as may be appropriate. However, the bill has not yet reached the floor and, as you know, the House now has adjourned until September.

Under these circumstances, I think it is imperative for you to act promptly to address this serious situation, using authority currently available to the Department of the Interior if possible or by indicating what additional authority is required or would be desirable.

The Black Canyon of the Gunnison is one of the Colorado's crown jewels, and a national treasure as well. I feel sure you share my view that its protection is a matter of highest priority, and I look forward to your response to this urgent request.

Sincerely,

MARK UDALL.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, September 14, 1999.

Hon. MARK UDALL,
House of Representatives,
Washington, DC.

DEAR MR. UDALL: Thank you for your letter of August 12, 1999, to Secretary Babbitt. I agree with you that we need to take quick action to protect a tract of land within the boundary of Black Canyon of the Gunnison National Monument that is now being offered for sale by TDX, Inc. for residential or commercial development. As the National Park Trust recently identified, inholdings in many national park areas pose a variety of threats to the purposes for which the units were established.

The authorities available to the National Park Service to resolve land issues at Black Canyon of the Gunnison National Monument are constrained by existing law that requires us to purchase fee title only from willing sellers. Therefore our first approach to protect this 120 acres would be to file a complaint in condemnation for full free interest with consent from TDX, Inc. The National Park Service would put forth every effort to come to an agreement on the purchasing cost with TDX, Inc. However if TDX, Inc. is unwilling to sell in fee at the appraised price, an alternative would be to seek legislation to give the park the additional authority to settle this matter. Finally, if neither of the two previous actions work we would attempt to acquire a conservation easement for less than fee simple through the complaint in condemnation process. This last action would most likely require the National Park Service to pay approximately 90 percent of full fee value without gaining public access or use. While it would prevent incompatible development, TDX, Inc. would still own an inholding within the park.

We do not believe amending the legislation currently before Congress, S. 323, is the most effective solution. The sooner the present legislation passes, the more quickly we will be able to protect lands that are part of the proposed new boundary and prevent additional threats from developing. There are three tracts of private land, totaling 2,500 acres, within the proposed expansion area, each with a willing seller. Any delay to S. 323 could result in a change in ownership to an "unwilling" seller similar to TDX, Inc.

An independent appraisal for the TDX, Inc. parcel has been requested and we should have the results in the next 30 to 60 days. The fair market value of the property most likely will not meet the current asking price that may result in this action ending up in the courts for a final decision. Current appropriations most likely will not cover the cost of the TDX, Inc. acquisition. There are no funds appropriated for other available parcels called for in this legislation.

We are fully committed to the passage of S. 323 in this session, and to the protection of all resource values in Black Canyon of the Gunnison National Monument. It may take different methods to accomplish our goals. We are willing to work with you, as well as the rest of the Colorado delegation in order to do this in the best and most efficient way possible.

Sincerely,

ROBERT STANTON,
Acting Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 24, 1999.

Mr. ROBERT G. STANTON,
Director, National Park Service,
Washington, DC.

DEAR DIRECTOR STANTON: Thank you for Acting Director Galvin's response to my letter to Secretary Babbitt about the need to protect the integrity of the Black Canyon National Monument.

I am glad that the National Park Service and the Department of the Interior agree that quick action is needed to protect the TDX tract within the Monument, and that act toward that end is now underway. I also agree that acquisition of the full fee to the land pursuant to an agreement with TDX would be the optimal outcome.

At the same time, as your letter indicates, it's essential that the National Park Service be prepared to act to protect this unit of the National Park System even in the absence of such an agreement. I have been and remain prepared to seek adoption of legislation to provide the Service additional authority with respect to acquisition of these lands. However, it would be unrealistic to assume that such legislation could be enacted before Congress adjourns this fall. Therefore, it's imperative that the National Park Service continue all necessary preparations to use its existing authority to acquire a conservation easement on the TDX tract through the condemnation process in the event that the Service does not reach an agreement for acquisition of the full title. You can be sure that I will do all I can to assist in that undertaking, including seeking appropriation of the necessary funds.

I look forward to continue working with you and the other members of Colorado's delegation in the Congress to protect the Black Canyon of the Gunnison and to complete action on the legislation that will establish it as a National Park.

Sincerely,

MARK UDALL.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 323, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of it clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

PROVIDING FOR MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 944) to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

The Clerk read as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA.

Public Law 105–188 (112 Stat. 620 and 621) is amended—

(1) in the title, by inserting "and certain former Indian reservations in Oklahoma" after "Fort Berthold Indian Reservation"; and

(2) in section 1—

(A) by striking the section heading and inserting the following:

"SECTION 1. LEASES OF CERTAIN ALLOTTED LANDS.";

and

(B) in subsection (a)(1)(A), by striking clause (i) and inserting the following:

"(i) is located within—

"(I) the Fort Berthold Indian Reservation in North Dakota; or

"(II) a former Indian reservation located in Oklahoma of—

"(aa) the Comanche Indian Tribe;

"(bb) the Kiowa Indian Tribe;

"(cc) the Apache Tribe;

"(dd) the Fort Sill Apache Tribe of Oklahoma;

"(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

"(ff) the Delaware Tribe of Western Oklahoma; or

"(gg) the Caddo Indian Tribe; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 944, legislation that would amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

Public Law 105–188 authorizes the Secretary of Interior to approve any mineral lease which affects an individually owned Indian tract of land within the Fort Berthold Indian Reservation in North Dakota if the majority of the Indian owners of the land consent and if the Secretary determines that the lease is in the best interest of the Indian owners. The lease would be binding on all owners of the leased track, and all owners would share proportionally in the proceeds from the lease.

S. 944 would expand this law to include Indian lands within the former reservations of the Comanche, Kiowa, Apache, Fort Sill Apache, Wichita, Keechi, Waco, and Tawakonie Indian Tribes in Oklahoma.

S. 944 supersedes a 1909 law which requires unanimous consent before these individually owned Indian lands can be leased for oil or gas development. This is an almost impossible standard to meet because ownership of these lands has become very fractionalized over time. In one proposed project in Oklahoma, over 619 Indian owners have been identified, with more yet to come.

The resultant economic loss to individual Indian owners as well as to Indian tribes has been significant. S. 944 would facilitate oil and gas exploration on these individual Indian-owned lands, which will provide much needed funds for the Indian owners of these tracts.

Unanimous consent is not required for leases of other natural resources on Indian lands such as timber and hard rock minerals. The administration supports S. 944 as do all the Indian tribes specified in the bill.

I urge my colleagues to support passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 944 would permit the execution of mineral extraction leases on individual Indian trust lands when more than 50 percent of owners agree to the lease. This bill will only affect about 8 tribes in the State of Oklahoma.

Under current law, more than 50 percent of owners need to approve a lease for agriculture or forestry purposes; however, 100 percent of owners need to approve a lease for mineral exploration. Due to the century-old Federal allotment policy, Indian-owned parcels of land can have dozens or, as we have heard, even more than that of owners. In many cases, not all owners can be found, while others may be tied up in a lengthy probate process.

This bill was passed by the Senate in August of this year and is supported by the Department of Interior. The gentleman from California (Mr. GEORGE MILLER), the senior Democratic member of the Committee on Resources, collected letters of support from each of the tribes whose members are included in this bill.

Similar legislation was passed last Congress with respect to mineral leases on the Fort Berthold Indian Reservation in North Dakota, and I ask my colleagues to support passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, as the House sponsor of this legislation, I rise in strong support of its passage. Simply put, this legislation will allow native American landowners to fully realize the benefits of their land.

Under current law, Indian lands possessed by more than one person will require the consent of 100 percent of the owners before mineral development can go forward. In many cases, this fractionated property is owned by more than 100 people. This makes it difficult, if not impossible, to locate all of the owners. Once found, potential developers must obtain their unanimous consent. As my colleagues can imagine, this has the effect of driving off development.

Last year, Congress lowered this requirement for the Three Affiliated Tribes of Fort Berthold Indian reservation for 50 percent. This brings the requirement in line with the regulations for non-Indian lands. Because of this, these tribes have seen development of many properties that were lying unused. This has been a great economic benefit to the reservation.

This bill will extend last year's legislation to seven Oklahoma tribes: the Comanche, Kiowa, Apache, Fort Sill Apache, Delaware, and the Wichita and Affiliated Tribes.

In Oklahoma, oil and gas development provides a significant part of the income that many Indian landowners receive. This legislation will have an immediate impact to the tribal members that are affected by making their allotted lands more competitive for oil and gas leasing. This will give a huge boost to the economies of this area of southwest Oklahoma and provide a tremendous economic benefit to the various tribes.

This legislation will not only provide an economic benefit to those tribes, it will allow them to use the land and resources that are rightfully theirs.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 944.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRANTING THE VIRGIN ISLANDS GREATER FISCAL AUTONOMY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREATER FISCAL AUTONOMY.

(a) ISSUANCE.—Section 8(b)(ii)(A) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(A)) is amended—

(1) in the first sentence, by inserting after "other evidence of indebtedness" the following: ", including but not limited to notes in anticipation of the collection of taxes or revenues, ";

(2) by striking "to construct, improve, extend" and all that follows through "*Provided*,

That no public" and inserting "for any public purpose authorized by the legislature: *Provided*, That no such"; and

(3) by striking "and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest"

(b) TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 8(b)(ii)(B) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(B)) is repealed.

(2) REDESIGNATION.—Section 8(b)(ii)(C) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(C)) is redesignated as section 8(b)(ii)(B).

(3) REDUNDANT PROVISION.—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by striking subsection (d).

SEC. 2. AGREEMENT.

(a) IN GENERAL.—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

(b) TRANSMISSION TO CONGRESS.—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), the amendments made by section 1 shall apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act.

(b) EFFECT OF FAILURE TO REACH AGREEMENT.—If the agreement authorized in section 2(a) is not ratified by both parties on or before December 31, 1999, the amendments made by section 1—

(A) shall not apply to instruments of indebtedness issued by the Government of the Virgin Islands on or after December 31, 1999; and

(B) shall continue to apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act and before December 31, 1999.

SEC. 4. CONSTRUCTION.

These amendments to the Revised Organic Act of the Virgin Islands are not intended to modify the internal revenue laws. Thus, the bonds authorized by this bill must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986 (which requires the new bonds to comply with the appropriate requirements of the Internal Revenue Code).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for the great work that she has done in bringing this bill to the floor today.

Mr. Speaker, I rise in support of H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions. This bill will allow the Government of the Virgin islands to use new, flexible bonding authority to help them out of their current dire financial crisis. The new authority is conditioned on the Virgin Islands entering into an agreement committing to financial accountability and performance standards. This updated bonding authority is one way Congress can help the Virgin Islands to help themselves resolve their financial problems.

H.R. 2841 provides for: The Virgin Islands to enjoy the same fiscal authority of other states and territories for the issuance of general obligation bonds; a financial accountability and performance standards agreement to be concluded by the Government of the Virgin Islands and the Department of Interior; and the additional bonding authority to terminate if the financial accountability and performance standards agreement is not concluded by December 31, 1999.

Members should know that the amendments to the Virgin Islands Organic Act made by this bill are not intended to modify the internal revenue laws. Thus, the bonds authorized by H.R. 2841 must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986. I thank Chairman ARCHER of the Ways and Means Committee and his staff as well as the Joint Committee on Taxation for their extraordinary cooperation in helping to schedule this bill today.

I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. SAXTON) for his kind remarks and for joining me on the floor this afternoon for an explanation of H.R. 2481, to provide the Virgin Islands with greater fiscal autonomy consistent with other United States jurisdictions.

I want to thank the gentleman from Alaska (Mr. YOUNG), chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for their support on this bill and for their willingness to assist the Virgin Islands generally to recover from our fiscal difficulties.

Mr. Speaker, the Governor of the Virgin Islands requested that I introduce H.R. 2481 to make it less expensive for his administration to close on a planned financing to meet currently due obligations as well as to provide sufficient cash reserves to operate the territorial government while his deficit reduction plan and budget initiatives take effect.

Usually matters such as this one relating to the bonding authority to a particular State or territory are defined by local law. However, in the case of my district, the U.S. Virgin Islands, we have not yet adopted a constitution, and the Federal law which acts as our constitution does not give us the same general obligation bonding authority enjoyed by other local jurisdictions; thus the need for this bill which was reported out of Committee on Resources by a unanimous vote.

I also want to take this opportunity to discuss briefly the overall financial picture of the U.S. Virgin Islands, as further background.

We are presently wrestling with a large cumulative deficit which has developed over the last 10 years and an annual operating deficit which has brought the Territory close to the bridge of fiscal collapse. The causes are many, both internal and external.

As my colleagues know, we have been the victim of a series of hundred-year hurricanes which came at such a rate and pace that we have never been able to completely recover.

The toll that these natural disasters took on the private sector placed an extra burden on an already over-bloated government sector and increased the obstacles to our struggle to downsize or right-size.

Even though government revenues are still not where they should be because of the problems yet being faced by our private sector, steps are being put in place to reduce government spending and increase revenues in order to begin to reduce our deficit. Initiatives are also in progress to stimulate our economy.

The bill before us today is an important part of this effort. But there are other important areas in which we look to Congress for support and assistance.

The first is lifting the current cap on the return of Federal excise taxes on Virgin Islands-produced rum, as provided for in our Organic Act, or our working constitution. I cannot overstate the importance of the funds that lifting the rum cap would provide to the Virgin Islands. It is essential that we receive these additional funds if we are to have any success at all in recovering from the current fiscal crisis.

We have certainly appreciated the passage of my bill to revive a watch industry that has been the mainstay of employment for many on the island of St. Croix, and I thank my colleagues, but that will not be enough.

We also need for my colleagues to provide full funding to the territories under the Children's Health Insurance Program or CHIP. Full funding under CHIP to the territories, based on our populations, was proposed by the administration when the program first began. However, decisions made by this body as a result of the Balanced Budget Act of 1997, provided us with less than what is necessary to ensure that our children receive medical care, and this causes an undue strain on our already beleaguered local treasury.

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Mr. Speaker, my colleague, the gentleman from Puerto Rico (Mr. ROMERO-

BARCELÓ), and I have a bill to provide full funding for the territories under CHIP, and I hope that all my colleagues will support its passage.

There are incipient discussions on several other initiatives for which, when further researched and developed, we may ask later for your assistance and support as well.

Mr. Speaker, H.R. 2841 would allow the government of the Virgin Islands to avoid a costly two-step financing arrangement. In the absence of such legislation, the outdated limitations in the Government's general obligation authority would cause the government of the Virgin Islands to incur extraordinary costs in excess of $6 million in order to complete this process.

Additionally, the new authority that the bill provides will expire on December 31, 1999, if the government of the Virgin Islands and the Secretary of the Interior do not reach an agreement on various fiscal and accountability standards for reducing the islands' deficit. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume to note that, as the gentlewoman has just pointed out, this is a bill which is intended to provide, we hope, the economic stimulus necessary for the Virgin Islands to do a better job economically in order to benefit the constituents of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

But beyond that, I would like to say that the gentlewoman has worked so hard to bring this bill to the floor, and I hope that her constituents are mindful of the great effort that she has put into this bill. So, Mr. Speaker, at this time I would just like to commend her for it and ask all my colleagues to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to just thank again the gentleman from Alaska (Mr. YOUNG), the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER), and my colleague, the gentleman from New Jersey (Mr. SAXTON), as well as my staff and the staff of the committee for the hard work in assisting me to get this bill to the floor today.

Mr. UNDERWOOD. Mr. Speaker, I rise to speak in favor of H.R. 2841 which provides the U.S. Virgin Islands (USVI) greater fiscal autonomy. I commend my colleague, Representative DONNA CHRISTENSEN for ensuring that the voices of the people of the USVI are heard in Congress. I also thank Chairman DON YOUNG and Ranking Member GEORGE MILLER for making certain that this legislation moved quickly and without resistance through the Committee.

As is the condition with most other U.S. Territories, such as Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands, the USVI is also experiencing financial difficulties. For the past several years, while the U.S. has been able to boast of low unemployment and increased revenues, the U.S. territories have not been as fortunate. For the economies of Guam and the CNMI, which are largely dependent on tourism, our downturn has been a condition of Asia's financial crisis. Other Territories remain diligent and continue to explore new ways to attract businesses to their island. The USVI, however, has been placed at a disadvantage of providing themselves the opportunity for more economic activity.

H.R. 2841 will help with USVI get back on their feet and provide them the opportunity to diversify and expand their economic opportunities. This same authority exists with other U.S. Territories but was not included in USVI's Revised Organic Act. H.R. 2481 corrects this oversight and extends them the ability already enjoyed by the other territories.

I encourage my colleagues to vote in favor of H.R. 2481.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2841, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2841, S. 944, S. 323, S. 293, and H.R. 1934, the five bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 202) to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes, as amended.

The Clerk read as follows:

H.R. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Regulations.
Sec. 3. Effective date.

TITLE I—CONVERSION OF FINANCING AND REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Sec. 101. Conversion of financing
Sec. 102. Prepayment and refinancing.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Sec. 201. Supportive housing for elderly persons.
Sec. 202. Supportive housing for persons with disabilities.
Sec. 203. Service coordinators and congregate services for elderly and disabled housing.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

Sec. 301. Matching grant program.
Sec. 302. Eligibility of for-profit limited partnerships.
Sec. 303. Mixed funding sources.
Sec. 304. Authority to acquire structures.
Sec. 305. Mixed-income occupancy.
Sec. 306. Use of project reserves.
Sec. 307. Commercial activities.
Sec. 308. Mixed finance pilot program.
Sec. 309. Grants for conversion of elderly housing to assisted living facilities.
Sec. 310. Grants for conversion of public housing projects to assisted living facilities.
Sec. 311. Use of section 8 assistance for assisted living facilities.
Sec. 312. Annual HUD inventory of assisted housing designated for elderly persons.
Sec. 313. Treatment of applications.

Subtitle B—Housing for Persons With Disabilities

Sec. 321. Matching grant program.
Sec. 322. Eligibility of for-profit limited partnerships.
Sec. 323. Mixed funding sources.
Sec. 324. Tenant-based assistance.
Sec. 325. Project size.
Sec. 326. Use of project reserves.
Sec. 327. Commercial activities.

Subtitle C—Other Provisions

Sec. 341. Service coordinators.
Sec. 342. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century.

TITLE IV—RENEWAL OF EXPIRING RENTAL ASSISTANCE CONTRACTS AND PROTECTION OF RESIDENTS

Sec. 401. Findings and purpose.
Sec. 402. Renewal of expiring contracts and enhanced vouchers for project residents.
Sec. 403. Section 236 assistance.
Sec. 404. Matching grant program for affordable housing preservation.
Sec. 405. Rehabilitation of assisted housing.
Sec. 406. Technical assistance.
Sec. 407. Termination of section 8 contract and duration of renewal contract.

Sec. 408. Enhanced voucher eligibility for residents of flexible subsidy properties.
Sec. 409. Enhanced disposition authority.
Sec. 410. Assistance for nonprofit purchasers preserving affordable housing.
TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES
Sec. 501. Rehabilitation of existing hospitals, nursing homes, and other facilities.
Sec. 502. New health care facilities.
Sec. 503. Hospitals and hospital-based health care facilities.
Sec. 504. Insurance for mortgages to refinance existing home equity conversion mortgages.

SEC. 2. REGULATIONS.

The Secretary of Housing and Urban Development shall issue any regulations to carry out this Act and the amendments made by this Act that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 3. EFFECTIVE DATE.

(a) In General.—The provisions of this Act and the amendments made by this Act are effective as of the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) Effect of Regulatory Authority.—Any authority in this Act or the amendments made by this Act to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this Act or the amendments made by this Act under such provisions and amendments and subsection (a) of this section.

TITLE I—CONVERSION OF FINANCING AND REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

SEC. 101. CONVERSION OF FINANCING

(a) In General.—Subject to the provisions of this section, at the request of the owner of a project assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)), the Secretary shall convert the financing of any such housing project to financing under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q). In such a conversion, the Secretary shall, if requested by the owner, convert loans made under such section 202 (as in effect before enactment of the Cranston-Gonzalez National Affordable Housing Act), and shall convert section 8 contracts (or such other contracts for rental housing assistance) provided in connection with such loans, into capital advances and project rental assistance under section 202 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act), respectively, in accordance with this section.

(b) Debt Forgiveness.—

(1) In general.—Subject to paragraph (2), in converting the financing of any housing project pursuant to this section, the Secretary shall cancel any indebtedness to the Secretary relating to any remaining principal and interest under any loan for the project made under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act).

(2) Budget act compliance.—The authority of the Secretary to cancel indebtedness under paragraph (1) shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

(c) Cancellation of Rental Assistance Contracts and Use of Project Funds.—

(1) In general.—For each housing project for which debt is canceled under subsection (b) of this section pursuant to a request for conversion under subsection (a), the Secretary shall cancel any contract for rental assistance for the project under section 8 of the United States Housing Act of 1937 (or any other contract for rental housing assistance under a program of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)).

(2) Use of unexpended amounts.—Amounts previously obligated for such contract that remain unexpended shall be used as follows:

(A) Project rental assistance contract.—Remaining amounts shall be used first, to the extent necessary, to provide rental assistance for the project, under a contract for project rental assistance under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)), that—

(i) has a duration that is not less than the remainder of the section 8 or other rental housing assistance contract canceled; and

(ii) provides assistance in an annual amount that is equal to the aggregate amount provided during the last 12-month period under the section 8 or other rental housing assistance contract for the project canceled (pursuant to paragraph (1) of this subsection), less the portion of such assistance that is attributable to debt service for the loan on the project canceled under subsection (b) of this section, subject to an annual adjustment of existing rents under the contract by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

(B) Credit against loan cancellation.—Amounts remaining after compliance with subparagraph (A) shall, on a fiscal year basis, be transferred to the account covering the loan for the project canceled pursuant to subsection (b) and shall be credited as offsetting collection to such account, in an amount for each fiscal year that is equal to the amount of indebtedness canceled for such year pursuant such subsection.

(C) Retrofitting, renovation, and service coordinators.—Any amounts remaining after compliance with subparagraphs (A) and (B) may be used, to the extent the Secretary considers appropriate, to retrofit or renovate the project or provide a service coordinator for residents of the project, to the same extent that such activities are authorized to be provided under section 802 of the Cranston-Gonzalez National Affordable Housing Act to housing assisted under such section.

Any such unexpended amounts in excess of the amount used in accordance with subparagraphs (A) through (C) shall be recaptured by the Secretary.

(3) Use of project funds.—In converting the financing of any housing project pursuant to this section, the Secretary may authorize the owner of the project to use any residual receipts held for the project that exceed $500 per unit (or such other amount as the Secretary may prescribe based on the needs of the project) in accordance with paragraph (2) to improve the market viability, affordability, or service to low-income elderly residents of the project.

(d) Third Party Processing.—The Secretary may enter into contracts with public or private entities as the Secretary considers appropriate to facilitate efficient processing of elderly housing project conversions under this section.

(e) Tenant Protections.—Notwithstanding any provision of section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q)—

(1) any tenant who, at the time of the conversion under this section of the financing for a housing project, is lawfully residing in a dwelling unit in the project, may not be considered to be ineligible for continued residency in the project after such date because such tenant is not a very low-income elderly person; and

(2) very low-income persons with disabilities (as such term is defined in section 811 of the Cranston-Gonzalez National Affordable Housing Act) shall be eligible for occupancy in such project, and units in the project shall be reserved for occupancy by such persons in not less than the same ratio that units in such project are occupied, upon the date of conversion under this section, by handicapped families (as such term is defined in section 202 of the Housing Act of 1959, as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act).

(f) Waiver Authority.—The Secretary may waive the applicability of any provision of law or regulation necessary to carry out this section.

(g) Study of Debt Forgiveness.—

(1) In general.—The Secretary shall conduct an analysis of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, to sponsors of projects assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), forgiveness of any indebtedness to the Secretary relating to any remaining principal and interest under loans made under such section, together with a dollar for dollar reduction in the amount of rental assistance under section 8 of the United States Housing Act of 1937 or other rental assistance provided for such project. Such analysis shall take into consideration the full cost of future appropriations for rental assistance under such section 8 expected to be provided if such debt forgiveness does not take place, notwithstanding current budgetary treatment of such actions pursuant to the Congressional Budget Act of 1974.

(2) Report.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary

shall submit a report to the Congress containing the quantitative results of the analysis and an enumeration of any project or administrative benefits of such actions.

SEC. 102. PREPAYMENT AND REFINANCING.

(a) Approval of Prepayment of Debt.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) Sources of Refinancing.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) Use of Unexpended Amounts.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than one such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) Use of Certain Project Funds.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) Budget Act Compliance.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

SEC. 201. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following new subsection:

"(m) Authorization of Appropriations.—There is authorized to be appropriated for providing assistance under this section $700,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.".

SEC. 202. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

"(m) Authorization of Appropriations.—There is authorized to be appropriated for providing assistance under this section $225,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.".

SEC. 203. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

(a) Authorization of Appropriations for Federally Assisted Housing.—There is authorized to be appropriated to the Secretary of Housing and Urban Development $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002, for the following purposes:

(1) Grants for service coordinators for certain federally assisted multifamily housing.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) Congregate services for federally assisted housing.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

(b) Public Housing.—There is authorized to be appropriated to the Secretary of Housing and Urban Development for fiscal year 2000 for grants for use only for activities described in paragraph (2) of section 34(b) of the United States Housing Act of 1937 (42 U.S.C. 1437z–6(b)(2))—

(1) such sums as may be necessary for renewal of all grants made in prior fiscal years for providing service coordinators and congregate services for the elderly and disabled in public housing; and

(B) $11,000,000 for grants in addition to such renewal grants.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

SEC. 301. MATCHING GRANT PROGRAM.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), in the second sentence, by inserting "or through matching grants under subsection (c)(4)" after "subsection (c)(1)"; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(4) Matching grants.—

"(A) In general.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 25 to 50 percent (as the Secretary may determine) of the amount of assistance provided pursuant to this paragraph for the project.

"(B) Requirement for non-federal funds.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

"(C) Income eligibility.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by elderly persons who are not very low-income persons in a number such that the ratio that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.".

SEC. 302. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by adding after and below subparagraph (C) the following new sentence:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C) and a corporation wholly owned by an organization meeting the requirements under subparagraphs (A), (B), and (C).".

SEC. 303. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended by striking "non-Federal sources" and inserting "sources other than this section".

SEC. 304. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking "from the Resolution Trust Corporation"; and

(2) in subsection (h)(2)—

(A) in the heading for subparagraph (A), by striking "RTC PROPERTIES" and inserting "ACQUISITION"; and

(B) by striking "from the Resolution" and all that follows through "Insurance Act".

SEC. 305. MIXED-INCOME OCCUPANCY.

(a) IN GENERAL.—The first sentence of section 202(i)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(i)(1)) is amended by striking "and (B)" and inserting the following: "(B) notwithstanding clause (A) and in the case only of a supportive housing project for the elderly which has a high vacancy level (as such term is defined by the Secretary, but which shall not include vacancy upon the initial availability of units in a building), consistent with the purpose of improving housing opportunities for very low- and low-income elderly persons; and (C).".

(b) AVAILABILITY OF UNITS.—Section 202(i) of the Housing Act of 1959 (12 U.S.C. 1701q(i)) is amended by adding at the end the following new paragraph:

"(3) AVAILABILITY OF UNITS.—In the case of a supportive housing project described in subsection (i)(1)(B) that has a vacant dwelling unit, an owner may not make a dwelling unit available for occupancy by, nor make any commitment to provide occupancy in the unit to, a low-income family that is not a very low-income family unless each eligible very low-income family that has applied for occupancy in the project has been offered an opportunity to accept occupancy in a unit in the project.".

(b) CONFORMING AMENDMENTS.—Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting after "elderly persons" the following: ", and for low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),";

(B) in the first sentence of paragraph (2), by inserting after "elderly persons" the following: "or by low-income elderly persons (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))"; and

(C) in paragraph (3), by inserting after "very low-income person" the following: "or a low-income person (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))";

(2) in subsection (d)(1), by inserting after "elderly persons" the following: ", and low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),"; and

(3) in subsection (k)—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) LOW-INCOME.—The term 'low-income' has the same meaning given the term 'low-income families' under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).".

SEC. 306. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following new paragraph:

"(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 307. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following new sentence: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located.".

SEC. 308. MIXED FINANCE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall carry out a pilot program under this section to determine the effectiveness and feasibility of providing assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for housing projects that are used both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

(b) SCOPE.—Under the pilot program the Secretary shall provide, to the extent that sufficient approvable applications for such assistance are received, assistance in the manner provided under subsection (d) for not more than 5 housing projects.

(c) MIXED USE.—The Secretary shall require, for a project to be assisted under the pilot program—

(1) that a portion of the dwelling units in the project be reserved for use in accordance with, and subject to, the requirements applicable to units assisted under section 202 of the Housing Act of 1959; and

(2) that the remainder of the dwelling units be used for other purposes.

(d) FINANCING.—The Secretary may use amounts provided for assistance under section 202 of the Housing Act of 1959 for assistance under the pilot program for capital advances in accordance with subsection (d)(1) of such section and project rental assistance in accordance with subsection (d)(2) of such section, only for dwelling units described in subsection (c)(1) of this section. Any assistance provided pursuant to subsection (d)(1) of such section 202 shall be provided in the form of a capital advance, subject to repayment as provided in such subsection, and shall not be structured as a loan. The Secretary shall take such action as may be necessary to ensure that the repayment contingency under such subsection is enforceable for projects assisted under the pilot program and to provide for appropriate protections of the interests of the Secretary in relation to other interests in the projects so assisted.

(e) WAIVER AUTHORITY.—Notwithstanding subsection (c)(1) of this section, the Secretary may waive the applicability of any provision of section 202 of the Housing Act of 1959 for any project assisted under the pilot program under this section as may be appropriate to carry out the program, except to the extent inconsistent with this section.

SEC. 309. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q–1) the following new section:

"SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

"(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for one or both of the following activities:

"(1) REPAIRS.—Substantial capital repairs to a project that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

"(2) CONVERSION.—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

"(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a multifamily housing project that is—

"(1) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

"(2) owned by a private nonprofit organization (as such term is defined in section 202); and

"(3) designated primarily for occupancy by elderly persons.

Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more 3 such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

"(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

"(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

"(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

"(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

"(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

"(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section for conversion activities unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

"(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

"(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

"(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

"(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant's financial records, including assets in the applicant's residual receipts account and reserves for replacement account;

"(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

"(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

"(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and onsite health care; and

"(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

"(2) the definitions in section 202(k) shall apply.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 310. GRANTS FOR CONVERSION OF PUBLIC HOUSING PROJECTS TO ASSISTED LIVING FACILITIES.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 36. GRANTS FOR CONVERSION OF PUBLIC HOUSING TO ASSISTED LIVING FACILITIES.

"(a) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to public housing agencies for use for activities designed to convert dwelling units in an eligible projects described in subsection (b) to assisted living facilities for elderly persons.

"(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a public housing project (or a portion thereof) that has been designated under section 7 for occupancy only by elderly persons.

"(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

"(1) a description of the proposed conversion activities for which a grant under this section is requested;

"(2) the amount of the grant requested;

"(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

"(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

"(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility.

"(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

"(1) the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve;

"(2) the inability of the public housing agency to fund the conversion activities from existing financial resources, as evidenced by the agency's financial records;

"(3) the extent to which the agency has evidenced community support for the conversion, by such indicators as letters of support from the local community for the conversion and financial contributions from public and private sources;

"(4) extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

"(5) the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and onsite health care; and

"(6) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

"(f) DEFINITION.—For the purposes of this section, the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 311. USE OF SECTION 8 ASSISTANCE FOR ASSISTED LIVING FACILITIES.

(a) VOUCHER ASSISTANCE.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(18) RENTAL ASSISTANCE FOR ASSISTED LIVING FACILITIES.—

"(A) IN GENERAL.—A public housing agency may make assistance payments on behalf of a family that uses an assisted living facility as a principal place of residence and that uses such supportive services made available in the facility as the agency may require. Such payments may be made only for covering costs of rental of the dwelling unit in the assisted living facility and not for covering any portion of the cost of residing in such facility that is attributable to service relating to assisted living.

"(B) RENT CALCULATION.—

"(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent of the dwelling unit that is a assisted living facility with respect to which assistance payments are made shall include maintenance and management charges related to the dwelling unit and tenant-paid utilities. Such rent shall not include any charges attributable to services relating to assisted living.

"(ii) PAYMENT STANDARD.—In determining the monthly assistance that may be paid under this paragraph on behalf of any family residing in an assisted living facility, the public housing agency shall utilize the payment standard established under paragraph (1), for the market area in which the assisted living facility is located, for the applicable size dwelling unit.

"(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment for a family assisted under this paragraph shall be determined in accordance with paragraph (2) (using the rent and payment standard for the dwelling unit as determined in accordance with this subsection).

"(C) DEFINITION.—For the purposes of this paragraph, the term 'assisted living facility' has the meaning given that term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)), except that such a facility may be contained within a portion of a larger multifamily housing project.".

(b) PROJECT-BASED ASSISTANCE.—Section 202b of the Housing Act of 1959, as added by section 2 of this Act, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

"(1) ELIGIBILITY.—Notwithstanding any other provision of law, a multifamily project which includes one or more dwelling units that have been converted to assisted living facilities using grants made under this section shall be eligible for project-based assistance under section 8 of the United States Housing Act of 1937, in the same manner in which the project would be eligible for such assistance but for the assisted living facilities in the project.

"(2) CALCULATION OF RENT.—For assistance pursuant to this subsection, the maximum monthly rent of a dwelling unit that is an assisted living facility with respect to which assistance payments are made shall not include charges attributable to services relating to assisted living.".

SEC. 312. ANNUAL HUD INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

Subtitle D of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 et seq.) is amended by adding at the end the following new section:

"SEC. 662. ANNUAL INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

"(a) IN GENERAL.—The Secretary shall establish and maintain, and on an annual basis shall update and publish, an inventory of housing that—

"(1) is assisted under a program of the Department of Housing and Urban Development, including all federally assisted housing; and

"(2) is designated, in whole or in part, for occupancy by elderly families or disabled families, or both.

"(b) CONTENTS.—The inventory required under this section shall identify housing described in subsection (a) and the number of dwelling units in such housing that—

"(1) are in projects designated for occupancy only by elderly families;

"(2) are in projects designated for occupancy only by disabled families;

"(3) contain special features or modifications designed to accommodate persons with disabilities and are in projects designated for occupancy only by disabled families;

"(4) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by elderly families;

"(5) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by disabled families; and

"(6) are in projects designed for occupancy only by both elderly or disabled families.

"(c) Publication.—The Secretary shall annually publish the inventory required under this section in the Federal Register and shall make the inventory available to the public by posting on a World Wide Web site of the Department.".

SEC. 313. TREATMENT OF APPLICATIONS.

(a) In General.—Notwithstanding any other provision of law or any regulation of the Secretary of Housing and Urban Development, in the case of any denial of an application for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for failure to timely provide information required by the Secretary, the Secretary shall notify the applicant of the failure and provide the applicant an opportunity to show that the failure was due to the failure of a third party to provide information under the control of the third party. If the applicant demonstrates, within a reasonable period of time after notification of such failure, that the applicant did not have such information but requested the timely provision of such information by the third party, the Secretary may not deny the application on the grounds of failure to timely provide such information.

(b) Applicability.—This section shall have no force or effect after the expiration of the 12-month period beginning on the date of the enactment of this Act.

Subtitle B—Housing for Persons With Disabilities

SEC. 321. MATCHING GRANT PROGRAM.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (b)(2)(A), by inserting "or through matching grants under subsection (d)(5)" after "subsection (d)(1)"; and

(2) in subsection (d), by adding at the end the following new paragraph:

"(5) Matching grants.—

"(A) In general.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 25 to 50 percent (as the Secretary may determine) of the amount of assistance provided pursuant to this paragraph for the project.

"(B) Requirement for non-federal funds.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

"(C) Income eligibility.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by persons with disabilities who are not very low-income persons in a number such that the ration that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.".

SEC. 322. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by adding after and below subparagraph (D) the following new sentence:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) and a corporation wholly owned by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).".

SEC. 323. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended by striking "non-Federal sources" and inserting "sources other than this section".

SEC. 324. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following new paragraph:

"(4) Tenant-based rental assistance.—

"(A) Administering entities.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

"(B) Program rules.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

"(C) Allocation of assistance.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937."; and

(2) in subsection (l)(1)—

(A) by striking "subsection (b)" and inserting "subsection (b)(2)";

(B) by striking the last comma and all that follows through "subsection (n)"; and

(C) by inserting after the last period the following new sentence: "Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.".

SEC. 325. PROJECT SIZE.

(a) Limitation.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (k)(4), by inserting ", subject to the limitation under subsection (h)(6)" after "prescribe"; and

(2) in subsection (l), by adding at the end the following new paragraph:

"(4) Size limitation.—Of any amounts made available for any fiscal year and used for capital advances or project rental assistance under paragraphs (1) and (2) of subsection (d), not more than 25 percent may be used for supportive housing which contains more than 24 separate dwelling units.".

(b) Study.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study and submit a report to the Congress regarding—

(1) the extent to which the authority of the Secretary under section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)), as in effect immediately before the enactment of this Act, has been used in each year since 1990 to provide for assistance under such section for supportive housing for persons with disabilities having more than 24 separate dwelling units;

(2) the per-unit costs of, and the benefits and problems associated with, providing such housing in projects having 8 or less dwelling units, 8 to 24 units, and more than 24 units; and

(3) the per-unit costs of, and the benefits and problems associated with providing housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in projects having 30 to 50 dwelling units, in projects having more than 50 but not more than 80 dwelling units, in projects having more than 80 but not more than 120 dwelling units, and in projects having more than 120 dwelling units, but the study shall also examine the social considerations afforded by smaller and moderate-size developments and shall not be limited to economic factors.

SEC. 326. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following new paragraph:

"(7) Use of project reserves.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 327. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following new sentence: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located.".

Subtitle C—Other Provisions

SEC. 341. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking **"MULTIFAMILY HOUSING ASSISTED UNDER THE NATIONAL HOUSING ACT"** and inserting **"CERTAIN FEDERALLY ASSISTED HOUSING"**;

(2) in subsection (a)—

(A) in the first sentence, by striking "(E) and (F)" and inserting "(B), (C), (D), (E), (F), and (G)"; and

(B) in the last sentence—

(i) by striking "section 661" and inserting "section 671"; and

(ii) by adding after the period at the end the following new sentence: "A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.";

(3) in subsection (d)—

(A) by striking "(E) or (F)" and inserting "(B), (C), (D), (E), (F), or (G)"; and

(B) by striking "section 661" and inserting "section 671"; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking "to carry out this subtitle pursuant to the amendments made by this subtitle" and inserting the following: "for providing service coordinators under this section";

(2) in subsection (d), by inserting ")" after "section 683(2)"; and

(3) by adding at the end following new subsection:

"(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.".

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking "and (F)" and inserting the following: "(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)".

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after "response," the following: "providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under subsection (f),"; and

(B) by adding at the end the following new subsection:

"(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

"(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

"(A) informs such residents of (i) the prevalence of telemarketing fraud targeted against elderly persons; (ii) how telemarketing fraud works; (iii) how to identify telemarketing fraud; (iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers; (v) how to report suspected attempts at telemarketing fraud; and (vi) their consumer protection rights under Federal law;

"(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

"(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.".

SEC. 342. COMMISSION ON AFFORDABLE HOUSING AND HEALTH CARE FACILITY NEEDS IN THE 21ST CENTURY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century (in this section referred to as the "Commission".

(b) STUDY.—The duty of the Commission shall be to conduct a study that—

(1) compiles and interprets information regarding the expected increase in the population of persons 62 years of age or older, particularly information regarding distribution of income levels, homeownership and home equity rates, and degree or extent of health and independence of living;

(2) provides an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities;

(3) provides a comparison of estimate of such future needs with an estimate of the housing and facilities expected to be provided under existing public programs, and identifies possible actions or initiatives that may assist in providing affordable housing and assisted living and health care facilities to meet such expected needs;

(4) identifies and analyzes methods of encouraging increased private sector participation, investment, and capital formation in affordable housing and assisted living and health care facilities for seniors through partnerships between public and private entities and other creative strategies;

(5) analyzes the costs and benefits of comprehensive aging-in-place strategies, taking into consideration physical and mental wellbeing and the importance of coordination between shelter and supportive services;

(6) identifies and analyzes methods of promoting a more comprehensive approach to dealing with housing and supportive service issues involved in aging and the multiple governmental agencies involved in such issues, including the Department of Housing and Urban Development and the Department of Health and Human Services; and

(7) examines how to establish intergenerational learning and care centers and living arrangements, in particular to facilitate appropriate environments for families consisting only of children and a grandparent or grandparents who are the head of the household.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 members, appointed not later than January 1, 2000, as follows:

(A) 2 co-chairpersons, of whom—

(i) 1 co-chairperson shall be appointed by a committee consisting of the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate, and the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate; and

(ii) 1 co-chairperson shall be appointed by a committee consisting of the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate, and the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(B) 6 members appointed by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives.

(C) 6 members appointed by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assembling, or applying capital resources from a variety of sources to the successful development of affordable housing, assisted living facilities, or health care facilities.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) Quorum.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) Meetings.—The Commission shall meet at the call of the Chairpersons.

(d) Director and Staff.—

(1) Director.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) Staff.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) Experts and consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) Staff of federal agencies.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) Powers.—

(1) Hearings and sessions.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) Powers of members and agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) Obtaining official data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) Gifts, bequests, and devises.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(5) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Administrative support services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) Contract Authority.—The Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) Report.—The Commission shall submit to the Committees on Banking and Financial Services and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate, a final report not later than December 31, 2001. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) Funding.—Of any amounts appropriated for fiscal year 2000 to carry out title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.) $500,000 shall be available to the Commission for carrying out this section.

(h) Termination.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

TITLE IV—RENEWAL OF EXPIRING RENTAL ASSISTANCE CONTRACTS AND PROTECTION OF RESIDENTS

SEC. 401. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) there exists throughout the United States a need for decent, safe and affordable housing;

(2) affordable housing is critical to the well-being of seniors, persons with disabilities, and vulnerable families;

(3) an unprecedented number of contracts for Federal rental assistance are expiring now and will expire in the near future;

(4) a significant number of private owners of affordable housing developments are choosing to not renew their subsidy contracts with the Federal government;

(5) in cases where assistance contracts are not renewed, rent levels in the affected developments may rise dramatically;

(6) a significant number of residents in these developments are seniors or persons with disabilities or are otherwise vulnerable because of scarcity of available affordable housing in the neighborhood, and have little or no means of paying additional rent from personal income, putting at risk what have been their homes for almost a quarter of a century; and

(7) the Federal Government should continue to work to ensure that those least able to provide for themselves enjoy the protection and welfare of the people of the United States.

(b) Purpose.—The purpose of this title is to protect seniors, persons with disabilities, and other vulnerable residents of affordable housing and to help provide those residents with peace of mind and security for living—

(1) by providing greater rental assistance flexibility to ensure that vulnerable populations are not forced to move from their homes when rent levels rise; and

(2) where appropriate, by encouraging private owners of affordable housing developments to continue serving low-income families by providing appropriate levels of Federal resources, by allowing greater flexibility for refinancing, and by ensuring more effective administration by the Federal Government of rental assistance contract renegotiations.

SEC. 402. RENEWAL OF EXPIRING CONTRACTS AND ENHANCED VOUCHERS FOR PROJECT RESIDENTS.

(a) In General.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

“SEC. 524. RENEWAL OF EXPIRING PROJECT-BASED SECTION 8 CONTRACTS.

“(a) In General.—

“(1) Renewal.—Subject to paragraph (2), upon termination or expiration of a contract for project-based assistance under section 8 for a multifamily housing project (and notwithstanding section 8(v) of the United States Housing Act of 1937 for loan management assistance), the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, use amounts available for the renewal of assistance under section 8 of such Act to provide such assistance for the project. The assistance shall be provided under a contract having such terms and conditions as the Secretary considers appropriate, subject to the requirements of this section. This section shall not require contract renewal for a project that is eligible under this subtitle for a mortgage restructuring and rental assistance sufficiency plan, if there is no approved plan for the project and the Secretary determines that such an approved plan is necessary.

“(2) Prohibition on renewal.—Notwithstanding part 24 of title 24 of the Code of Federal Regulations, the Secretary may elect not to renew assistance for a project otherwise required to be renewed under paragraph (1) or provide comparable benefits under paragraph (1) or (2) of subsection (e) for a project described in either such paragraph, if the Secretary determines that a violation under paragraph (1) through (4) of section 516(a) has occurred with respect to the project. For purposes of such a determination, the provisions of section 516 shall apply to a project under this section in the same manner and to the same extent that the provisions of such section apply to eligible multifamily housing projects, except that the Secretary shall make the determination under section 516(a)(4).

“(3) Contract term for mark-up-to-market contracts.—In the case of an expiring or terminating contract that has rent levels less than comparable market rents for the market area, if the rent levels under the renewal contract under this section are equal to comparable market rents for the market area, the contract shall have a term of not less than 5 years, subject to the availability of sufficient amounts in appropriation Acts.

“(4) Renewal rents.—Except as provided in subsection (b), the contract for assistance shall provide assistance at the following rent levels:

“(A) Market rents.—At the request of the owner of the project, at rent levels equal to the lesser of comparable market rents for the market area or 150 percent of the fair market rents, in the case only of a project that—

“(i) has rent levels under the expiring or terminating contract that do not exceed such comparable market rents;

“(ii) does not have a low- and moderate-income use restriction that can not be eliminated by unilateral action by the owner;

“(iii) is decent, safe, and sanitary housing, as determined by the Secretary;

“(iv) is not—

“(I) owned by a nonprofit entity;

“(II) subject to a contract for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991; or

“(III) a project for which the public housing agency provided voucher assistance to one or more of the tenants after the owner has provided notice of termination of the contract covering the tenant's unit; and "(v) has units assisted under the contract for which the comparable market rent exceeds 110 percent of the fair market rent.

The Secretary may adjust the percentages of fair market rent (as specified in the matter preceding clause (i) and in clause (v)), but only upon a determination and written notification to the Congress within 10 days of making such determination, that such adjustment is necessary to ensure that this subparagraph covers projects with a high risk of nonrenewal of expiring contracts for project-based assistance.

"(B) REDUCTION TO MARKET RENTS.—In the case of a project that has rent levels under the expiring or terminating contract that exceed comparable market rents for the market area, at rent levels equal to such comparable market rents.

"(C) RENTS NOT EXCEEDING MARKET RENTS.—In the case of a project that is not subject to subparagraph (A) or (B), at rent levels that—

"(i) are not less than the existing rents under the terminated or expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment), if such adjusted rents do not exceed comparable market rents for the market area; and

"(ii) do not exceed comparable market rents for the market area.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) of subparagraph (D) that the project meets.

"(D) WAIVER OF 150 PERCENT LIMITATION.—Notwithstanding subparagraph (A), at rent levels up to comparable market rents for the market area, in the case of a project that meets the requirements under clauses (i) through (v) of subparagraph (A) and—

"(i) has residents who are a particularly vulnerable population, as demonstrated by a high percentage of units being rented to elderly families, disabled families, or large families;

"(ii) is located in an area in which tenant-based assistance would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high turnback rate for vouchers, or a lack of comparable rental housing;

"(iii) is a high priority for the local community, as demonstrated by a contribution of State or local funds to the property; or

"(iv) is primarily occupied by elderly or disabled families.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) that the project meets.

"(5) COMPARABLE MARKET RENTS AND COMPARISON WITH FAIR MARKET RENTS.—The Secretary shall prescribe the method for determining comparable market rent by comparison with rents charged for comparable properties (as such term is defined in section 512), which may include appropriate adjustments for utility allowances and adjustments to reflect the value of any subsidy (other than section 8 assistance) provided by the Department of Housing and Urban Development.

"(b) EXCEPTION RENTS.—

"(1) RENEWAL.—In the case of a multifamily housing project described in paragraph (2), pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of following rent levels:

"(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

"(B) BUDGET-BASED RENTS.—Subject to a determination by the Secretary that a rent level under this subparagraph is appropriate for a project, a rent level that provides income sufficient to support a budget-based rent (including a budget-based rent adjustment if justified by reasonable and expected operating expenses).

"(2) PROJECTS COVERED.—A multifamily housing project described in this paragraph is an multifamily housing project that—

"(A) is not an eligible multifamily housing project under section 512(2); or

"(B) is exempt from mortgage restructuring under this subtitle pursuant to section 514(h).

"(c) RENT ADJUSTMENTS AFTER RENEWAL OF CONTRACT.—

"(1) REQUIRED.—After .the initial renewal of a contract for assistance under section 8 of the United States Housing Act of 1937 pursuant to subsection (a), (b), or (e)(2), the Secretary shall annually adjust the rents using an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment) or, upon the request of the owner and subject to approval of the Secretary, on a budget basis. In the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, at the expiration of each 5-year period, the Secretary shall compare existing rents with comparable market rents for the market area and may make any adjustments in the rent necessary to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

"(2) DISCRETIONARY.—In addition to review and adjustment required under paragraph (1), in the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, the Secretary may, at the discretion of the Secretary but only once within each 5-year period referred to in paragraph (1), conduct a comparison of rents for a project and adjust the rents accordingly to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

"(d) ENHANCED VOUCHERS UPON CONTRACT EXPIRATION.—

"(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) or (b) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary shall make enhanced voucher assistance under this subsection available on behalf of each low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

"(2) ENHANCED ASSISTANCE.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), except that under such enhanced voucher assistance—

"(A) during any period that the assisted family continues residing in the covered project in which the family was residing on the date of the expiration of such contract and the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to section 8(o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of such section 8(o); and

"(B) subparagraph (A) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with section 8(o) if—

"(i) the assisted family moves, at any time, from such covered project; or

"(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided pursuant to paragraph (1).

"(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

"(i) is in a covered project; and

"(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

"(B) COVERED PROJECT.—The term 'covered project' means any housing that—

"(i) consists of more than 4 dwelling units;

"(ii) is covered in whole or in part by a contract for project-based assistance under—

"(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983),

"(II) the property disposition program under section 8(b) of the United States Housing Act of 1937,

"(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991);

"(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937,

"(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975),

"(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, or

"(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will (under its own terms) expire during the period consisting of fiscal years 2000 through 2004; and

"(iii) is not housing for which residents are eligible for enhanced voucher assistance as provided, pursuant to the 'Preserving Existing Housing Investment' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2884) or any other subsequently enacted provision of law, in lieu of any benefits under section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.

"(e) Contractual Commitments Under Preservation Laws.—Except as provided in subsection (a)(2) and notwithstanding any other provision of this subtitle, the following shall apply:

"(1) Preservation projects.—Upon expiration of a contract for assistance under section 8 for a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), to the extent sufficient amounts are made available in appropriation Acts, the Secretary shall provide to the owner benefits comparable to those provided under such plan of action, including distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

"(2) Demonstration projects.—

"(A) In general.—Upon expiration of a contract for assistance under section 8 for a project entered into pursuant to any authority specified in subparagraph (B) for which the Secretary determines that debt restructuring is inappropriate, the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, provide benefits to the owner comparable to those provided under such contract, including annual distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

"(B) Demonstration programs.—The authority specified in this subparagraph is the authority under—

"(i) section 210 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-285; 42 U.S.C. 1437f note);

"(ii) section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2897; 42 U.S.C. 1437f note); and

"(iii) either of such sections, pursuant to any provision of this title.

"(f) Preemption of Conflicting State Laws Limiting Distributions.—No State or political subdivision of a State may establish, continue in effect, or enforce any law or regulation that limits or restricts, to an amount that is less than the amount provided for under the regulations of the Secretary establishing allowable project distributions to provide a return on investment, the amount of surplus funds accruing after the date of the enactment of this section that may be distributed from any project assisted under a contract for rental assistance renewed under any provision of this section to the owner of the project. This subsection may not be construed to provide for, allow, or result in the release or termination, for any project, of any low- or moderate-income use restrictions that can not be eliminated by unilateral action of the owner of the project.

"(g) Rule of Construction.—Expiring contracts for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991, shall be subject to renewal under the provisions of this section and such renewal contract may not be considered, construed, or administered as providing moderate rehabilitation assistance under such section 8(e)(2), except that the Secretary may provide such assistance in a manner, and subject to such rules and procedures, as the Secretary may designate. If the owner of a project with such an expiring contract requests renewal of the contract, the Secretary shall renew the expiring contract, subject to the provisions of this section, within 6 months of the date of such expiration, notwithstanding whether any tenant-based rental assistance has been provided to tenants of the project. This subsection shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

"(h) Applicability.—Except to the extent otherwise specifically provided in this section, this section shall apply with respect to any multifamily housing project having a contract for project-based assistance under section 8 that terminates or expires during fiscal year 2000 or thereafter.".

(b) Definition of Eligible Multifamily Housing Project.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after and below subparagraph (C) the following:

"Such term does not include any project with an expiring contract described in paragraph (1) or (2) of section 524(e).".

(c) Projects Exempted From Restructuring Agreements.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon at the end the following: "and the financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this subtitle is in conflict with applicable law or agreements governing such financing".

(d) Conforming Amendments.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by designating as subsection (v) the sentence added by section 405(c) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 44); and

(2) by striking subsection (w).

SEC. 403. SECTION 236 ASSISTANCE.

(a) Continued Receipt of Subsidies Upon Refinancing.—Section 236(e) of the National Housing Act (12 U.S.C. 1715z–1(e)) is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following new paragraph:

"(2) A project for which interest reduction payments are made under this section and for which the mortgage on the project has been refinanced shall continue to receive the interest reduction payments under this section under the terms of the contract for such payments, but only if the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the term for which such interest reduction payments are made.".

(b) Retention of Excess Income.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)) is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking the last sentence; and

(3) by adding at the end the following new paragraphs:

"(2) Subject to paragraph (3) and notwithstanding any other requirements of this subsection, a project owner may retain some or all of such excess charges for project use if authorized by the Secretary. Such use shall be for project use and upon terms and conditions established by the Secretary.

"(3) The authority under paragraph (2) to retain and use excess charges shall apply—

"(A) during fiscal year 2000, to all project owners collecting such excess charges; and

"(B) during fiscal year 2001 and thereafter—

"(i) to any owner of project with a mortgage insured under this section, or a project previously assisted under subsection (b) but without a mortgage insured under this section if the project was insured under section 207 of this Act before July 30, 1998, pursuant to section 223(f) of this Act and assisted under subsection (b); and

"(ii) to other project owners not referred to in clause (i) who collect such excess charges, but only to the extent that such retention and use is approved in advance in an appropriation Act.".

(c) Previously Owed Excess Income.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(4) The Secretary shall not withhold approval of the retention by the owner of such excess charges because of the existence of unpaid excess charges if such unpaid amount is being remitted to the Secretary over a period of time in accordance with a workout agreement with the Secretary, unless the Secretary determines that the owner is in violation of the workout agreement.".

(d) Flexibility Regarding Basic Rents and Market Rents.—Section 236(f) of the National Housing Act (12 U.S.C. 1715z–1(f)(1)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

"(f)(1)(A)(i) For each dwelling unit there shall be established, with the approval of the Secretary, a basic rental charge and fair market rental charge.

"(ii) The basic rental charge shall be—

"(I) the amount needed to operate the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum; or

"(II) an amount greater than that determined under clause (ii)(I), but not greater than the market rent for a comparable unassisted unit, reduced by the value of the interest reduction payments subsidy.

"(iii) The fair market rental charge shall be—

"(I) the amount needed to operate the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project; or

"(II) an amount greater than that determined under clause (iii)(I), but not greater than the market rent for a comparable unassisted unit.

"(iv) The Secretary may approve a basic rental charge and fair market rental charge for a unit that exceeds the minimum amounts permitted by this subparagraph for such charges only if—

"(I) the approved basic rental charge and fair market rental charges each exceed the applicable minimum charge by the same amount; and

"(II) the project owner agrees to restrictions on project use or mortgage prepayment that are acceptable to the Secretary.

"(v) The Secretary may approve a basic rental charge and fair market rental charge under this paragraph for a unit with assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that differs from the basic rental charge and fair market rental charge for a unit in the same project that is similar in size and amenities but without such assistance, as needed to ensure equitable treatment of tenants in units without such assistance.

"(B)(i) The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge determined pursuant to subparagraph (A), as represents 30 percent of the tenant's adjusted income, except as otherwise provided in this subparagraph.

"(ii) In the case of a project which contains more than 5000 units, is subject to an interest reduction payments contract, and is financed under a State or local project, the Secretary may reduce the rental charge ceiling, but in no case shall the rental charge be below the basic rental charge set forth in subparagraph (A)(ii)(I).

"(iii) For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the minimum basic rental charge set forth in subparagraph (A)(ii)(I) or such greater amount, not exceeding the lower of (I) the fair market rental charge set forth in subparagraph (A)(iii)(I), or (II) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located, as represents 30 percent of the tenant's adjusted income.

"(C) With respect to those projects which the Secretary determines have separate utility metering paid by the tenants for some or all dwelling units, the Secretary may—

"(i) permit the basic rental charge and the fair market rental charge to be determined on the basis of operating the project without the payment of the cost of utility services used by such dwelling units; and

"(ii) permit the charging of a rental for such dwelling units at such an amount less than 30 percent of a tenant's adjusted income as the Secretary determines represents a proportionate decrease for the utility charges to be paid by such tenant, but in no case shall rental be lower than 25 percent of a tenant's adjusted income.".

(e) EFFECTIVE DATE OF 1998 PROVISIONS.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by section 227 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2490) shall be effective on the date of the enactment of such Public Law 105-276, and any excess rental charges referred to in such section that have been collected since such date of enactment with respect to projects with mortgages insured under section 207 of the National Housing Act (12 U.S.C. 1713) may be retained by the project owner unless the Secretary of Housing and Urban Development specifically provides otherwise. The Secretary may return any excess charges remitted to the Secretary since such date of enactment.

(f) EFFECTIVE DATE.—This section shall take effect, and the amendments made by this section are made and shall apply, on the date of the enactment of this Act.

SEC. 404. MATCHING GRANT PROGRAM FOR AFFORDABLE HOUSING PRESERVATION.

(a) AMENDMENT TO LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—Title II of the Housing and Community Development Act of 1987 (12 U.S.C. 4101 et seq.) is amended—

(1) by striking subtitles C and D (as enacted by Public Law 100–242; 101 Stat. 1886); and

(2) by adding at the end the following new subtitle:

"Subtitle D—Matching Grants for States

"SEC. 261. AUTHORITY.

"The Secretary of Housing and Urban Development shall, to the extent amounts are made available pursuant to section 269, make grants under this subtitle to States and qualified units of general local government for low-income housing preservation.

"SEC. 262. USE OF GRANTS.

"(a) IN GENERAL.—Amounts from grants under this subtitle may be used only for assistance for acquisition, preservation incentives, operating costs, and capital expenditures for a housing project that—

"(1) is at risk of loss for use as affordable housing;

"(2)(A) is primarily occupied by elderly or disabled families;

"(B) contains one or more dwelling units with 3 or more bedrooms that are occupied by large families;

"(C) is located in a rural area with an inadequate supply of comparable housing, as determined by the Secretary; or

"(D) is located in a neighborhood or area—

"(i) that is geographically smaller than a market area; and

"(ii) within which, in the determination of the Secretary, rental assistance vouchers would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high turnback rate for such vouchers, or a lack of comparable rental housing;

"(3) meets the requirements under subsection (b), (c), or (d); and

"(4) is subject to such binding commitments as the Secretary shall require (which shall be applicable to any subsequent owner) to ensure that the low-income affordability restrictions for the project in connection with Federal assistance for the project have been extended for the full period applicable under the terms of assistance for the project, but in no case for a period shorter than 5 years.

"(b) PROJECTS WITH FEDERALLY ASSISTED MORTGAGES.—A project meets the requirements under this subsection only if—

"(1) the project is financed by a loan or mortgage that is—

"(A) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and receiving loan management assistance under section 8 of the United States Housing Act of 1937 due to a conversion from section 101 of the Housing and Urban Development Act of 1965;

"(B) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act;

"(C) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

"(D) held by the Secretary and formerly insured under a program referred to in subparagraph (A), (B), or (C); or

"(E) insured or held by the Secretary of Agriculture under section 514 or 515 of the Housing Act of 1949; and

"(2) the project is subject to an unconditional waiver of, with respect to the remaining term of the mortgage referred to in paragraph (1)—

"(A) all rights to any prepayment of the mortgage, and

"(B) all rights to any voluntary termination of the mortgage insurance contract for the mortgage or the interest reduction payments contract, as applicable;

except that such requirement shall not apply in the case of a project that is subject to a binding agreement that ensures that the project will continue to operate, at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed prepayment or termination.

"(c) PROJECTS WITH SECTION 8 PROJECT-BASED ASSISTANCE.—A project meets the requirements under this subsection only if—

"(1) the project is subject to a contract for project-based assistance; and

"(2) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend such assistance (subject to the availability of amounts for such purpose) for a minimum of 5 years, or longer, as the Secretary may prescribe under this section.

"(d) PROJECTS PURCHASED BY RESIDENTS.—A project meets the requirements under this subsection only if the project—

"(1) is or was eligible low-income housing (as such term is defined in section 229 (42 U.S.C. 4119)); and

"(2) has been purchased by a resident council for the housing or is approved by the Secretary for such purchase, for conversion to homeownership housing under a resident homeownership program meeting the requirements under section 226 (12 U.S.C. 4116).

"(e) COMBINATION OF ASSISTANCE.—Notwithstanding subsection (a), any project that is otherwise eligible for assistance with grant amounts provided under this subtitle because the project meets the requirements under subsection (b) or (c) and that also meets the requirements under paragraph (1) of the other of such subsections, shall be eligible for such assistance only if the project complies with all of the requirements under such other subsection.

"SEC. 263. GRANT AMOUNT LIMITATION.

"The Secretary shall limit the portion of the aggregate amount of grants under this subtitle made available for any fiscal year that may be provided to a single State or qualified unit of general local government based upon the proportion of such State's or unit's need (as determined by the Secretary) for such assistance to the aggregate need among all States and qualified units of general local government approved for such assistance for such fiscal year.

"SEC. 264. MATCHING REQUIREMENT.

"(a) IN GENERAL.—The Secretary may not make a grant under this subtitle to any State or qualified unit of general local government for any fiscal year in a total amount that exceeds the sum of the following amounts:

"(1) 100 percent of the amount that the State or qualified unit of general local government certifies, as the Secretary shall require, that the State or qualified unit will contribute for such fiscal year, or has contributed since January 1, 1999, for the purposes under section 262(a).

"(2) 50 percent of the amount that the State or qualified unit of general local government certifies will be or have been so contributed from Federal sources.

"(b) TREATMENT OF PREVIOUS CONTRIBUTIONS.—Any portion of amounts contributed after January 1, 1999, that are counted for purposes of meeting the applicable requirement under subsection (a) for a fiscal year may not be counted for such purposes for any subsequent fiscal year.

"(c) TREATMENT OF TAX CREDITS.—Tax credits provided under section 42 of the Internal Revenue Code of 1986 and proceeds from the sale of tax-exempt revenue bonds, by any State, county, or local government entity, which are subject to volume limitation under Federal law, shall not be considered non-Federal sources for purposes of this section.

"SEC. 265. TREATMENT OF SUBSIDY LAYERING REQUIREMENTS.

"Neither section 264 nor any other provision of this subtitle may be construed to prevent the use of tax credits provided under section 42 of the Internal Revenue Code of 1986 in connection with housing assisted with grant amounts provided under this subtitle, to the extent that such use is in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) and section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note).

"SEC. 266. APPLICATIONS AND PREFERENCE.

"(a) APPLICATIONS.—The Secretary shall provide for States and units of general local government (through appropriate State and local government agencies, including State and local housing finance agencies) to submit applications for grants under this subtitle. The Secretary shall require the applications to contain any information and certifications necessary for the Secretary to determine whether the State or unit of general local government is eligible to receive such a grant.

"(b) PREFERENCE.—In making grants under this subtitle during fiscal years 2001 and thereafter, the Secretary shall give preference—

"(1) among applications otherwise having equal merit for funding under this subtitle, to funding applications for eligible States, and qualified units of general local government located in States, that have not previously received a grant under this subtitle; and

"(2) to grants for eligible housing projects that are subject to such binding commitments as the Secretary may require to ensure that the project will be sold or transferred to an owner that is a nonprofit organization.

"SEC. 267. DEFINITIONS.

"For purposes of this subtitle, the following definitions shall apply:

"(1) LOW-INCOME AFFORDABILITY RESTRICTIONS.—The term 'low-income affordability restrictions' has the meaning given such term in section 229.

"(2) PROJECT-BASED ASSISTANCE.—The term 'project-based assistance' has the meaning given such term in section 16(c) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)), except that such term includes assistance under any successor programs to the programs referred to in such section.

"(3) QUALIFIED UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'qualified unit of general local government' means, with respect to a fiscal year, a unit of general local government that is located within a State that—

"(A) has not applied, and has indicated (in accordance with such requirements as the Secretary shall establish) that it will not apply, to the Secretary for a grant under this subtitle for the fiscal year; or

"(B) has been determined by the Secretary not to be eligible for a grant under this subtitle for the fiscal year.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(5) STATE.—The term 'State' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

"SEC. 268. REGULATIONS.

"The Secretary may issue any regulations necessary to carry out this subtitle.

"SEC. 269. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for grants under this subtitle such sums as may be necessary for each of fiscal years, 2000, 2001, and 2002.".

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a)(1) of this section (relating to striking subtitles C and D of title II of the Housing and Community Development Act of 1987) may not be construed to repeal or otherwise affect any provision of law that was amended by such subtitles.

SEC. 405. REHABILITATION OF ASSISTED HOUSING.

(a) REHABILITATION LOANS FROM RECAPTURED IRP AMOUNTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1) is amended—

(1) by striking the subsection designation and heading and inserting the following:

"(s) GRANTS AND LOANS FOR REHABILITATION OF MULTIFAMILY PROJECTS.—";

(2) in paragraph (1), by inserting "and loans" after "grants";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "capital grant assistance under this subsection" and inserting "capital assistance under this subsection under a grant or loan only"; and

(B) in subparagraph (D)(i), by striking "capital grant assistance" and inserting "capital assistance under this subsection from a grant or loan (as appropriate)";

(4) in paragraph (3), by striking all of the matter that precedes subparagraph (A) and inserting the following:

"(3) ELIGIBLE USES.—Amounts from a grant or loan under this subsection may be used only for projects eligible under paragraph (2) for the purposes of—";

(5) in paragraph (4)—

(A) by striking the paragraph heading and inserting "GRANT AND LOAN AGREEMENTS"; and

(B) by inserting "or loan" after "grant", each place it appears;

(6) in paragraph (5), by inserting "or loan" after "grant", each place it appears;

(7) in paragraph (6), as amended by the preceding provisions of this Act, by adding at the end the following new subparagraph:

"(D) LOANS.—In making loans under this subsection using the amounts that the Secretary has recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A)—

"(i) the Secretary may use such recaptured amounts for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of such loans;

"(ii) the Secretary may make loans in any fiscal year only to the extent or in such amounts that amounts are used under clause (i) to cover costs of such loans; and

"(iii) the authority of the Secretary to enter into commitments to make such loans shall be effective for any fiscal year only to the extent that (I) there is enacted in advance, in an appropriations Act, a maximum limitation on the aggregate principal amount of such commitments for such fiscal year, and (II) the aggregate principal amount of such commitments entered into by the Secretary does not exceed such maximum amount.";

(8) by redesignating paragraphs (5) and (6) (as amended by the preceding provisions of this subsection) as paragraphs (6) and (7); and

(9) by inserting after paragraph (4) the following new paragraph:

"(5) LOAN TERMS.—A loan under this subsection—

"(A) shall provide amounts for the eligible uses under paragraph (3) in a single loan disbursement of loan principal;

"(B) shall be repaid, as to principal and interest, on behalf of the borrower using amounts recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A);

"(C) shall have a term to maturity of a duration not shorter than the remaining period for which the interest reduction payments for the insured mortgage or mortgages that fund repayment of the loan would have continued after extinguishment or writedown of the mortgage (in accordance with the terms of such mortgage in effect immediately before such extinguishment or writedown);

"(D) shall bear interest at a rate, as determined by the Secretary of the Treasury, that is based upon the current market yields on outstanding marketable obligations of the United States having comparable maturities; and

"(E) shall involve a principal obligation of an amount not exceeding the amount that can be repaid using amounts described in subparagraph (B) over the term determined in accordance with subparagraph (C), with interest at the rate determined under subparagraph (D).".

(b) ELIGIBILITY OF NONINSURED PROJECTS FOR IRP CAPITAL GRANTS.—Section 236(s)(2) of the National Housing Act (12 U.S.C. 1715z-1(s)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) if the project is federally assisted housing described in subparagraph (B), (C), (D), (E), (F) or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2));".

(c) IRP CAPITAL GRANTS REQUIREMENT FOR EXTENSION OF LOW-INCOME AFFORDABILITY REQUIREMENTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z-1(s)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (C) and (D), as amended by the preceding provisions of this section, as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the period referred to in paragraph (5)(C);"; and

(2) in paragraph (4)(B), by inserting "and consistent with paragraph (2)(C)" before the period at the end.

SEC. 406. TECHNICAL ASSISTANCE.

Section 514(f)(3) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after "new owners)" the following: ", for technical assistance for preservation of low-income housing for which project-based rental assistance is provided at below market rent levels and may not be renewed (including transfer of developments to tenant groups, nonprofit organizations, and public entities),".

SEC. 407. TERMINATION OF SECTION 8 CONTRACT AND DURATION OF RENEWAL CONTRACT.

Section 8(c)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking "terminating" and inserting "termination of"; and

(B) by striking the third comma of the first sentence and all that follows through the end of the subparagraph and inserting the following: ". The notice shall also include a statement that, if the Congress makes funds available, the owner and the Secretary may agree to a renewal of the contract, thus avoiding termination, and that in the event of termination the Department of Housing and Urban Development will provide tenant-based rental assistance to all eligible residents, enabling them to choose the place they wish to rent, which is likely to include the dwelling unit in which they currently reside. Any contract covered by this paragraph that is renewed may be renewed for a period of up to one year or any number or years, with payments subject to the availability of appropriations for any year.";

(2) by striking subparagraph (B);

(3) in subparagraph (C)—

(A) by striking the first sentence;

(B) by striking "in the immediately preceding sentence";

(C) by striking "180-day" each place it appears;

(D) by striking "such period" and inserting "one year"; and

(E) by striking "180 days" and inserting "one year"; and

(4) by redesignating subparagraphs (C), (D), and (E), as amended by the preceding provisions of this subsection, as subparagraphs (B), (C), and (D), respectively.

SEC. 408. ENHANCED VOUCHER ELIGIBILITY AND BENEFITS.

(a) ELIGIBILITY OF RESIDENTS OF FLEXIBLE SUBSIDY PROJECTS.—Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended by adding at the end the following new subsection:

"(p) ENHANCED VOUCHER ELIGIBILITY.—Notwithstanding any other provision of law, any project that receives or has received assistance under this section and which is the subject of a transaction under which the project is preserved as affordable housing, as determined by the Secretary, shall be considered eligible low-income housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119) for purposes of eligibility of residents of such project for enhanced voucher assistance provided in accordance with the 'Preserving Existing Housing Investment' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884) and pursuant to such provision or any other subsequently enacted provision of law.".

(b) EFFECT OF RENTAL INCREASES ON OTHER ENHANCED VOUCHERS.—To the extent that amounts are provided in advance in appropriations Acts for enhanced vouchers (including amendments and renewals) pursuant to the authority under the heading "Preserving Existing Housing Investment" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), each family receiving such enhanced voucher assistance after the date of prepayment or voluntary termination which continues to reside in the housing occupied on the date of prepayment or voluntary termination and the rent of which, absent enhanced voucher assistance, would exceed the greater of 30 percent of adjusted income or the rent paid by the family on such date, may continue to receive such enhanced voucher assistance indefinitely, subject to other requirements of that authority, as amended: *Provided*, That rent resulting from rent increases occurring later than 1 year after the date of prepayment or voluntary termination may be used to increase the applicable payment standard: *Provided further*, That the rent for the dwelling unit is reasonable in comparison to the rent charged for comparable dwelling units in the private, unassisted local market.

SEC. 409. ENHANCED DISPOSITION AUTHORITY.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "and 1999" and inserting "1999, and 2000"; and

(2) by striking "or demolition" and inserting ", demolition, or construction on the properties (which shall be eligible whether vacant or occupied)".

SEC. 410. ASSISTANCE FOR NONPROFIT PURCHASERS PRESERVING AFFORDABLE HOUSING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) a substantial number of existing federally assisted or federally insured multifamily properties are at risk of being lost from the affordable housing inventory of the Nation through market rate conversion, deterioration, or demolition;

(2) it is in the interests of the Nation to encourage transfer of control of such properties to competent national, regional, and local nonprofit entities and intermediaries whose missions involve maintaining the affordability of such properties;

(3) such transfers may be inhibited by a shortage of such entities that are appropriately capitalized; and

(4) the Nation would be well served by providing assistance to such entities to aid in accomplishing this purpose.

(b) GRANTS.—The Secretary of Housing and Urban Development may make grants, to the extent amounts are made available for such grants, to eligible entities under subsection (c) for use only for operational, working capital, and organizational expenses of such entities and activities by such entities to acquire eligible affordable housing for the purpose of ensuring that the housing will remain affordable, as the Secretary considers appropriate, for low-income or very low-income families (including elderly persons).

(c) ELIGIBLE ENTITIES.—The Secretary shall establish standards for eligible entities under this subsection, which shall include requirements that to be considered an eligible entity for purposes of this section an entity shall—

(1) be a nonprofit organization (as such term is defined in 104 of the Cranston-Gonzalez National Affordable Housing Act);

(2) have among its purposes maintaining the affordability to low-income or very low-income families of multifamily properties that are at risk of loss from the inventory of housing that is affordable to low-income or very low-income families; and

(3) demonstrate need for assistance under this section for the purposes under subsection (b), experience in carrying out activities referred to in such subsection, and capability to carry out such activities.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE AFFORDABLE HOUSING.—The term "eligible affordable housing" means housing that—

(A) consists of more than 4 dwelling units;

(B) is insured or assisted under a program of the Department of Housing and Urban Development or the Department of Agriculture under which the property is subject to limitations on tenant rents, rent contributions, or incomes; and

(C) is at risk, as determined by the Secretary, of termination of any of the limitations referred to in subparagraph (B).

(2) LOW-INCOME FAMILIES; VERY LOW-INCOME FAMILIES.—The terms "low-income families" and "very low-income families" have the meanings given such terms in section 3(b) of the United States Housing Act of 1937.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

SEC. 501. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1), by inserting "existing health care facility," after "existing board and care home,"; and

(2) in paragraph (4)—

(A) by inserting "existing health care facility," after "board and care home," each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: ", which refinancing, in the case of a loan on a hospital, home, or facility that is within 5 years of maturity, shall include a mortgage made to prepay such loan;";

(C) in subparagraph (B), by inserting after "indebtedness" the following: ", pay the costs of any repairs, maintenance, improvements, or additional equipment which may be approved by the Secretary,"; and

(D) in subparagraph (D)—

(i) by inserting "existing" before "intermediate care facility"; and

(ii) by inserting "existing" before "board and care home".

SEC. 502. NEW HEALTH CARE FACILITIES.

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4) The development of health care facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who are not acutely ill and do not require hospital care, and the support of health care facilities which provide such health care and related services (including those which support hospitals, as defined in section 242(b)).";

(2) in subsection (b)—

(A) in paragraph (4), by inserting after the first period the following new sentence:

"Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.";

(B) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) meets all licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any requirements of the Secretary for such purposes;"; and

(ii) in subparagraph (C), by striking "and" at the end;

(C) in paragraph (7), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(8) the term 'health care facility' means a facility—

"(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof;

"(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary;

"(C) providing clinical services, out patient services, including community health services and medical practice facilities and group practice facilities to persons not in need of the services rendered in other facilities insurable under this title; or

"(D)(i) designed, in whole or in part—

"(I) to provide health care services which are not acute care in nature to persons (including the elderly and infirm); or

"(II) to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, professional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery; and

"(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

"(E) that provides any combination of the services under subparagraphs (a) through (D).";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "board and care home," after "rehabilitated nursing home,";

(ii) by inserting "health care facility," after "assisted living facility," the first 2 places it appears;

(iii) by inserting "board and care home," after "existing nursing home,"; and

(iv) by striking "or a board and care home" and inserting ", board and care home or health care facility";

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting after "including" the following: "or a public body, public agency, or public corporation eligible under this section";

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting ", and health care facilities which include such nursing home and intermediate care facilities," before ", the Secretary";

(II) by inserting "or the portion of a health care facility providing such services" before "covered by the mortgage,"; and

(III) by inserting "or for such nursing or intermediate care services within a health care facility" before ", and (ii)";

(ii) in the second sentence, by inserting "(which may be within a health care facility)" after "home and facility"; and

(iii) in the third sentence—

(I) by striking "mortgage under this section" and all that follows through "feasibility" and inserting the following: "such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the health care facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project";

(II) in clause (i)(II), by striking "and its relationship to, other health care facilities and" and inserting "or such facilities within a health care facility, and its relationship to, other facilities providing health care";

(III) in clause (i)(IV), by striking "in the event the State does not prepare the study,"; and

(IV) in clause (i)(IV), by striking "the State or";

(iv) by striking the penultimate sentence and inserting the following new sentences: "A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence."; and

(v) in the last sentence—

(I) by inserting "the proposed mortgagor or applicant for mortgage insurance may obtain from" after "10 individuals,";

(II) by striking "may" and inserting "and"; and

(III) by inserting a comma before "written support"; and

(D) in paragraph (4)(C)(iii), by striking "the appropriate State" and inserting "any appropriate"; and

(4) in subsection (i)(1) by inserting "health care facilities," after "assisted living facilities,".

SEC. 503. HOSPITALS AND HOSPITAL-BASED HEALTH CARE FACILITIES.

Section 242 of the National Housing Act (12 U.S.C. 1715z-7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) by striking subparagraph (B);

(iii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iv) by redesignating subparagraph (C) as subparagraph (B);

(B) in paragraph (2), by striking "respectfully" and all that follows and inserting "given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.'; and

(C) by adding at the end the following new paragraph:

"(3) the term 'health care facility' has the meaning given such term in section 232(b).";

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "operation," the following: "or which covers a health care facility owned or to be owned by an applicant or proposed mortgagor which also owns a hospital, including equipment to be used in its operation,";

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: "and who, in the case of a mortgage covering a health care facility, is also the owner of a hospital facility"; and

(ii) by adding at the end the following new sentence: "A mortgage covering a health care facility may only cover the property on which the eligible facility will be located.";

(C) in paragraph (2)(A) by inserting "or health care facility" before the comma; and

(D) in paragraph (4)—

(i) in the first sentence, by inserting "for a hospital" after "any mortgage";

(ii) by striking the third sentence and inserting the following: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in clause (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement."; and

(iii) in the last sentence, by striking "feasibility"; and

(3) in subsection (f), by inserting "and public health care facilities" after "public hospitals".

SEC. 504. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMs.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

"(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

"(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

"(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of (A) the total cost of the refinancing, and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

"(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

"(A) the mortgagor has received the disclosure required under paragraph (2);

"(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

"(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

"(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

"(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

"(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

"(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

"(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

"(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary. The Secretary shall prohibit the charging of any broker fees in connection with mortgages insured under this subsection.".

(2) REGULATIONS.—Notwithstanding sections 2 and 3 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act, the Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act; and

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House today is the result of a truly bipartisan effort to address the range of critical housing needs of our seniors, individuals with disabilities, and low-income families. The proposal not only contains many original provisions from H.R. 202, a bill introduced this year by the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), but also brings the facets of H.R. 1336, the Emergency Residents Protection Act, introduced by the gentleman from Iowa (Mr. LEACH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, the gentleman from New York (Mr. WALSH), and the gentleman from New York (Mr. LAZIO) on March 25.

Also contained within the bill are ideas from H.R. 1624, the Elderly Housing Quality Improvement Act, and provisions of H.R. 425, the Housing Preservation Matching Grant Act, introduced by the gentleman from Minnesota (Mr. VENTO), and also the gentleman from Minnesota (Mr. RAMSTAD).

The bills have been the subject of three committee hearings during the 106th Congress. Majority and minority committee staff have worked along with HUD staff for the last several months to develop a bipartisan consensus product supported by the committee's Republican and Democratic leadership. The Committee on Banking and Financial Services reported out the bill last Friday by a unanimous vote. As Members can see, Mr. Speaker, this bill encompasses a broad spectrum of ideas, and they are all the right ideas to help America's seniors and other vulnerable citizens find affordable housing.

Let me take a moment to explain why I feel this is such an important legislative matter. On the horizon, a gray dawn is approaching where more and more Americans will live longer and enjoy more active healthy lives. More than 33 million people in the United States are now 65 years of age or older, and by the year 2020 that number will grow to almost 53 million Americans. That is one in every six Americans. This new-found longevity should be celebrated, but we must also not take our future quality of life for granted.

In this environment of an aging population, we must not overlook the fact that millions of senior citizens will suffer a crisis of safe, affordable housing if we fail to prepare for it. Even today, the U.S. General Accounting Office and the U.S. Department of Housing and Urban Development have determined that at least 1.4 million senior citizens are already experiencing worst-case housing needs. Seniors are more likely than any other adults to be poor, and nearly 40 percent of seniors not in nursing homes are limited by chronic conditions, unable to perform the simplest activities associated with independent living.

These senior citizens who helped create the foundations for the greatness of our country today deserve to know that they will be taken care of. This bill should provide that peace of mind.

The provisions in this bill are designed to protect our seniors, the disabled, and our vulnerable families from displacement of drastic rent increases, and offers greater program flexibility to broaden the scope of these important programs. Specifically, the bill accomplishes that through a number of provisions.

First, it provides HUD with the authority to convert the subsidy financing of section 202 senior housing projects built from section 8 prior to 1990 to the 5-year project rental assistance contracts, PRAC, that have been offered to projects since 1990. This allows nonprofit senior housing providers and HUD to streamline the administration of the program. Operated outside of the section 8 regulatory regime, providers are provided relief from often complex and burdensome rules. More importantly, the extraordinary level of stress and anxiety senior citizens often feel under section 8 programs are removed.

Secondly, it reauthorizes the section 202 program, which is the primary method of Federal finance for low-income senior citizens. We authorize supportive housing for elderly persons and for persons with disabilities and provide grants for service coordinators for elderly and disabled projects.

Third, it expands housing opportunities for seniors and individuals with disabilities, and it contains many common sense provisions to increase program flexibility.

Fourth, this bill protects seniors, the disabled, and vulnerable families from being displaced from their housing because of section 8 opt-outs. The Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services held hearings earlier this year on the problem of expiring section 8 contracts and found that a significant number of owners that were indicating they planned to opt out of section 8 programs. Five hundred units are at risk over the next 5 years of being lost as affordable housing if we do not act.

Finally, it would make amendments to the existing Home Equity Conversion Mortgage program, allowing seniors to maximize the equity in their homes by streamlining the process of refinancing reverse mortgages.

Mr. Speaker, I thank the chairman of the subcommittee and the chairman of the full committee for their leadership on this issue and thank many members of the committee, the leadership on the minority side, as well as HUD for working with us in such a bipartisan manner to solve these problems.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the ranking member of the full committee, whose leadership was essential to this bill coming forward.

Mr. LAFALCE. Mr. Speaker, first I rise in strong support of H.R. 202 and urge its adoption.

According to HUD, there are over 1 million elderly families in this country with worst-case housing needs. As our population ages, the housing and related health care needs of senior citizens is certain to grow, yet not only has the role of the Federal Government in affordable housing new construction been cut back, but the so-called opt-out crisis threatens us with the loss of hundreds of thousands of section 8 housing units.

H.R. 202 is a well-crafted bill to address the dual challenges of preserving affordable housing and improving our existing elderly and disabled housing programs. It has been developed in a thoroughly bipartisan manner, taking the best provisions offered from both sides of the aisle.

I would like to start by commending the chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York (Mr. LAZIO), for his leadership on this bill. He has made affordable housing preservation a priority of our housing subcommittee, culminating in the inclusion of strong housing preservation and tenant protections in this bill. I also appreciate his acceptance of many provisions for my elderly housing legislation, H.R. 1624, the Elderly Housing Quality Improvement Act.

I would also like to acknowledge the extremely hard work on this bill by the gentleman from Massachusetts (Mr. FRANK), the Housing Subcommittee ranking member. The gentleman from Massachusetts has been a leader in preserving our section 8 project base housing stock through the prevention of section 8 opt-outs. He has played an instrumental role in both the HUD mark-to-market initiative and in the legislation before us.

I would also like to note this bill includes H.R. 425, a very important bill authorized by the gentleman from Minnesota (Mr. VENTO) that would create a matching grant housing preservation program. The Vento bill complements HUD's mark-to-market initiative by encouraging States and localities to participate in housing preservation in a partnership with the Federal Government under a matching grant program.

Today, the House is considering H.R. 202, the "Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act." H.R. 202 includes a number of provisions from H.R. 1624, the "Elderly Housing Quality Improvement Act," which I introduced earlier this year, along with Reps. VENTO, KANJORSKI, and a number of other members. Following is a detailed explanation of the provisions from H.R. 1624 which are being included in H.R. 202.

Experts agree that we should provide housing options that help seniors age in place, that preserve their independence and self-sufficiency, and that provide alternatives to nursing home care. H.R. 1624 furthers these goals, by making changes to our elderly affordable housing programs to enhance the quality of life and to improve the continuum of care for lower income senior citizens.

A major focus of H.R. 1624 is the physical repair and maintenance of our federally assisted elderly housing stock. As units built in the 1970's and 1980's have aged, project sponsors, many of them non-profits, too often lack the resources for adequate repair and maintenance. There are four provisions in H.R. 1624 that give elderly affordable housing sponsors more resources in this area.

Section 309 of H.R. 202 [Section 2 of H.R. 1624] creates a new capital grant program for capital repair of federally assisted elderly housing units. Funds are to be awarded on a competitive basis, based on the need for repairs, the financial need of the applicant, and the negative impact on tenants of any failure to make such repairs.

Sections 405(a) and (b) of H.R. 202 [Sections 3(b) and 3(c) of H.R. 1624] amend an existing grant program, created by the 1997 mark-to-market legislation, which authorizes HUD to make multi-year grants to federally insured affordable housing projects from funds recaptured when existing Section 236 projects prepay their loans and surrender their Interest Reduction Payment (IRP) subsidies. Section 405(a) of H.R. 202 accelerates the availability of these multi-year grants to an up-front capital grant, so that sponsors may use the funds for much-needed capital repairs. Newly added Section 405(c) requires that any project which receives an accelerated capital grant under this program must agree to maintain the project's affordability for at least the term of the IRP payments which secure the grant.

Section 405(b) expands eligibility for such grants to include non-insured, federally assisted affordable housing projects—eg., to include non-profit-sponsored and Section 202 projects. The Congressional Budget Office has determined there is no cost to either of these provisions.

Section 403(b) of H.R. 202 [Section 3(d) of H.R. 1624] helps undercapitalized non-federally-insured Section 236 projects, many of which are non-profit—by letting them keep their "excess income," as insured projects are currently allowed to do. Excess income is rent that uninsured projects can collect, but must give back to the federal government.

And, Section 102 of H.R. 202 [Section 3(a) of H.R. 1624] facilitates the refinancing of high interest rate Section 202 elderly housing projects. Specifically, this section guarantees that, in addition to keeping all of the funds generated up-front by a refinancing, a Section 202 sponsor may keep 50% of annual debt service savings, plus all of excess reserve funds, as long as such savings are used for the benefit of the tenants or for the benefit of the project.

A second major focus of the bill is to make assisted living facilities more available and affordable to low income elderly. Assisted living facilities provide meals, health care, and other services to frail senior citizens who need assistance with activities of daily living. Unfortunately, poorer seniors who can't afford assisted living facilities are generally forced to move into nursing homes, with a lower quality of life, at a higher cost to the federal government

To address this affordability problem, Section 309 of H.R. 202 also authorizes funds under the newly created capital grant program to be used for the conversion of existing federally assisted elderly housing to assisted living facilities. Section 310 of H.R. 202 authorizes a similar grant program for the conversion of public housing projects to assisted living facilities.

Section 311 of H.R. 202 [Section 5 of H.R. 1624] authorizes the use of Section 8 vouchers to pay the rental component of any assisted living facility. This would make 200,000 senior citizens currently receiving vouchers eligible to use such vouchers in assisted living facilities. This flexibility, designed to enhance the continuum of care, is accomplished at no cost to the federal government.

A third major focus of H.R. 1624 is the promotion of the use of service coordinators, which help elderly and disabled tenants gain access to local community services, thereby facilitating their independence. Section 203 of H.R. 202 [Sections 4(a) and (b) of H.R. 1624] doubles funding for grants for service coordinators in federally assisted housing—by authorizing $50 million in fiscal year 2000 for new and renewal grants. Section 203 also authorizes $11 million in funds for new public housing service coordinator grants, and mandates renewal of all expiring grants, alleviating concerns raised earlier this year by the public housing service coordinator lottery.

And, Section 341 of H.R. 202 [Section 4(c) of H.R. 1624] changes existing law to let service coordinators serve other low-income seniors in a local community, in addition to those at the site of the grant sponsor. This allows for economies of scale, permitting smaller elderly and disabled housing projects to better compete for funds, and generally improves flexibility of the program.

Finally, I would note that H.R. 202 also increases funding for the Section 202 elderly housing new construction program, and promotes the use of pilot programs to create additional mixed income, mixed financing housing. Both increased funding and increased flexibility were provisions included in Section 7 of H.R. 1624.

Cumulative, the provisions cited above improve the quality and availability of affordable elderly and disabled housing, promote aging in place, and complement the other provisions of H.R. 202. I urge their enactment into law.

Mr. Speaker, this is a very good bill that will do a great deal of good for many elderly, disabled, and families throughout our Nation. I commend all those who have worked together collegially on it and urge its adoption.

Mr. LAZIO. Mr. Speaker, I yield myself 30 seconds to compliment both the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) for their extraordinary collaboration on this bill and their cooperation in moving this through. It is very important, and we are trying to get ahead of the appropriations process. This was almost an ideal model, Mr. Speaker, of putting a bill together and taking the best ideas of both sides.

I also want to tip my hat to the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), for both his leadership and his interest in issues affecting both disabled and seniors' housing.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a great champion of housing, and I also want to thank the gentleman for standing in for me and delivering some remarks.

Mr. BEREUTER. Mr. Speaker, I thank my distinguished subcommittee chairman, the gentleman from New York (Mr. LAZIO), for yielding me this time.

I want to particularly commend the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) for successfully offering a specific amendment that expands an existing study in H.R. 202 regarding the number of section 811 projects for disabled housing to also include the per-unit cost of section 202 projects for senior citizens. This amendment was passed en bloc with the manager's amendment in the Subcommittee on Housing and Community Opportunity and then in the full committee.

Due to the efforts of the gentlewoman from Illinois, this Member and others, by unanimous consent a second-tree amendment to the manager's amendment was accepted by the Committee on Banking and Financial Services.

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The second-degree amendment provides for the insertion of an additional consideration to the above-mentioned study of section 202 and section 811 housing. This provision requires that the section 202 study examine social considerations afforded by smaller and moderate-sized developments and not be limited to the examination of solely economic factors. The intent behind this provision is a recognition of the probability that if only per-unit cost factors were examined in this H.R. 202 study, then the economies of scale would dictate a construction bias toward large, high-rise section 202 or section 811 complexes as compared to small and moderate-sized developments in both urban and nonmetropolitan areas.

However, this Member believes that bigger is not always better in such housing developments. In many cases, it can be shown that housing developments which are not very big in size may better meet the living environment desires and the social concerns of its residents and also provides for a more advantageous integration of the development and the residents into the immediate neighborhood.

Moreover, the second-degree amendment also increases the availability of developable sites for section 202 and section 811 projects. Finally, among other important considerations, smaller and moderate-sized section 202 and section 811 projects which are certainly needed in smaller and medium-sized communities are more likely to be approved if the cost per unit criterion is not the overwhelming consideration.

In closing, I want to thank my colleague from Illinois and all of those on both sides of the aisle that supported her and this Member and encourage my colleagues to support this legislation generally. It is excellent legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds. When I was a kid growing up watching baseball games, I remember Mel Allen, the Yankee announcer, saying it was often the case that someone made a great play out in the field and then that person would be the first one up at bat in the next inning. The gentleman from Nebraska has just pointed out the great work done by the gentlewoman from Illinois, so it is only appropriate that she be first up now in speaking.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H.R. 202. I want to thank the gentleman from Nebraska for his support of this particular provision. I know that his support has helped to improve this bill. I want to thank the chairman and ranking member of the Committee on Banking and Financial Services for bringing this matter to the attention of the committee and to the full House of Representatives and the chairman and ranking member of the Subcommittee on Housing and Community Opportunity as well as my colleague from Minnesota who made such significant contributions to the improvement of this bill. I am happy to add what I could and to cosponsor it.

The bill would authorize more money for housing for seniors and persons with disabilities and make that money available to buy more amenities for that housing. In so doing, this bill recognizes that there is a crisis in housing for seniors and persons with disabilities and seeks to meet their particular housing needs. I am especially enthusiastic about this legislation because it includes provisions that will encourage more funding for smaller and more livable housing developments and thereby allow nonprofits in my district and across the country to better meet the housing needs of seniors.

Traditionally, publicly assisted housing was large scale. And while we may have achieved economies of scale, we also did not consider necessarily what is best for seniors and persons with disabilities. We do not build large developments in the same way that we did anymore. Instead, we are building smaller and more livable developments.

Unfortunately, the grant formula does not account for smaller developments and the lost savings. In my district there is housing development after housing development whose grant award is insufficient to build developments that are already approved. For example, I spent part of Sunday at Ebenezer AME church announcing the award of over $2 million in supplemental HUD grants so that we could finally build a project that HUD had originally approved 3 years ago. In fact, this year I had to request supplemental grants for nearly 10 underfunded projects back home. Clearly, the grant formula needs to be adjusted. I hope that the provision that I was able to add that was included in this bill will get us the necessary information to make the appropriate adjustment.

For this reason, I urge my colleagues to support H.R. 202 and again thank the ranking member of the Subcommittee on Housing and Community Opportunity for granting me the time to speak to this.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from New York for yielding me this time. I too would like to commend my friend and colleague the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her work on this bill.

I rise today in strong support of H.R. 202. This bill takes a very successful program, section 202, and makes it more cost effective, easier to administer and more supportive of a good quality of life for older Americans as they age in our senior facilities.

When I meet with seniors back home in Illinois, many say that the issue that concerns them most is housing and the fear that at any time it can be taken away, that they will be forced to leave their familiar surroundings. This bill attempts to lessen that fear by discouraging for-profit owners from opting out of the section 8 program, by protecting elderly and other residents, and by providing the resources States need to preserve the existing supply of affordable housing.

The desire to remain in familiar surroundings does not diminish with age. H.R. 202 will help ensure that comfort and peace of mind. I urge my colleagues to join me in support of H.R. 202.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. VENTO) who has for a long time been a leader in the most creative use of our housing resources.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time and commend him for his good work and that of his staff as well as the gentleman from New York (Mr. LAZIO) for the work he has done on this bill and his staff and others that have worked so hard on the committee. I know that there are many to be recognized and everyone wants to be associated with a good product. That is an indication of a bill that should pass in this House with little opposition.

Frankly, Mr. Speaker, I think today in housing we have a very severe problem, one in which we have to move forward to meet. Our public housing is in fact in decline in terms of numbers. I think the quality is good. Just this weekend a survey came out in the Minnesota press which indicated that 86 percent of the respondents that lived in public housing were very, very satisfied with the type and quality of housing that they are receiving. Another area of housing, of course, is the private sector, the privately owned section 8 housing that we are addressing in this particular bill as well as some of the housing for the elderly and disabled. Our problems with especially the privately owned section 8 is that 3 to 4,000 units a month are being lost because privately owned buildings are coming up to the point where they can pay off the loan and get out of the contract in terms of serving low-income persons, and we had to address that.

We do it in a couple of ways in this bill. One is to provide for greater fair market rents, a project, an initiative that had been started some years ago and is enhanced in this bill. And we come up with a grant program that I helped put together with my State housing finance agency and the leadership of the Minnesota governors that had supported it. It would create a partnership so that States and local governments can get involved through a grant process that we have in this bill to try and preserve those 3 or 4,000 units of housing per month that are being lost.

Our State is especially hard hit by this because we were very aggressive in taking advantage of the assisted housing or privately owned section 8 housing. We have been able to enlist about 63 sponsors on this. I think the bill is obviously slated for passage today. Trying to get ahead of the appropriations or the spending bills process has been difficult for us this year, but fortunately we have time. I hope that we can add now to the policy that we have in paper here the dollars that are necessary to carry it out.

This is a good bill in the sense that it tries to do some innovative things for the elderly, some assisted housing programs. Increasingly as we are dealing with frail elderly, our populations are aging in the public and assisted housing programs, very often served by nonprofits, sometimes served by local and State governments, but these individuals need increasing numbers of services. I think it is important to remind ourselves that the longer people stay in their own residence, apartments such as this, the cheaper it is for the taxpayer and for all of us, and I think more importantly providing them the dignity and quality of life that is necessary.

Mr. Speaker, we have worked hard in the past to try and respond to that, but we have enormous problems ahead of us as the demographics of our population shift to more elderly, and, of course, I think that we need to continue to respond to the needs of the disabled with the special housing needs, integrating them into our communities, making them part rather than setting them apart from the communities in which they work and in which we live. I think it is a hallmark of our society and that we aspire to fulfill an American promise of shelter, of home ownership very often, or of adequate residence so that persons can be part of our society and can have good housing.

The issue of course, Mr. Speaker, I think that looms over us as a dark shadow is the increasing problems that persist with homelessness and other problems. These types of bills and these actions are positive efforts to avert that particular phenomenon. But we have got a long way to go before we rest, Mr. Speaker. I would hope that this is the first step and the downward decline in terms of Federal housing, that we will be able to change our priorities and put the dollars that are necessary into good housing programs we have, whether they be the public assisted, the 202, the disabled or the other programs that are included in this positive policy measure before us.

Mr. Speaker, I rise in support of H.R. 202, legislation that will give us several tools to preserve affordable housing for Americans across the country and that will work to improve the services and living arrangement for seniors and physically-challenged Americans as well.

One of those tools is the creation of a new housing preservation matching grant taken from a bill I sponsored, H.R. 425, which has 63 House cosponsors including all of the Minnesota delegation. I am especially pleased at its inclusion as our state, led by the Governor and Commissioner of Housing Finance Hadley, has taken a leadership role in working to preserve federally-assisted housing. Enactment of this legislation would help the federal government partner with Minnesota and other states and localities that step up to the plate with resources to save this precious resource.

Just last week, the Department of Housing and Urban Development released a new study showing that the number of houses and apartments that low-income families can afford is shrinking. Based on data from the Census Bureau's latest Housing Survey, the report, entitled The Widening Gap: New Findings on Housing Affordability in America, found that affordable rental units decreased by 372,000 units from 1991 through to 1997. No doubt, the pace has only accelerated these past two years.

This report and the ever growing body of data and surveys, such as the recent "Out of Reach" report released by the National Low Income Housing Coalition that showed that the national average hourly wage needed to be able to afford housing is well over eleven dollars, indicate that we are no longer on the cusp of a crisis, but are actually in a severe affordable housing crisis that we must arrest. That is why the passage of this policy bill today will be a great step towards addressing the tremendous need for affordable housing.

In Minnesota, the situation is critical. In the St. Paul-Minneapolis Metro area, our vacancy rate is hovering at one percent. The market is hot. There are few options besides long waiting lists and closed doors for people who lose their housing. Those fortunate enough to have a new voucher in all likelihood won't be able to use it. The MN Metropolitan Council HRA tells us that eight out of nine households with section 8 certificates, and three out of four with vouchers are unable to find housing and are forced to return the assistance!

In the Twin Cities and across the nation, the combination of low entry level wage rates, rents outpacing incomes and a retreat in federal support for affordable housing has left us in a dire situation in terms of meeting affordable low-cost housing needs. If owners choose to opt-out or prepay their mortgages, the result is that many income limited residents who cannot afford the increase will lose their homes as well as the support network provided by their communities. So-called "sticky", or enhanced vouchers are only a temporary band-aid. Sticky vouchers detach if you leave the building or rents rise too much. This adhesive becomes unglued with too much weight and dry with time.

I want to express my appreciation to Chairman LEACH and Subcommittee Chairman LAZIO and his staff, and to Ranking Members LAFALCE and FRANK and their staff for all the cooperative work involved in this bill. I also am thankful for the support of the many bipartisan cosponsors of this bill and for the tenants and organizations across the country that have worked in support of H.R. 425.

I am hopeful that the revised provisions of H.R. 425, embodied in Section 404 of the bill will be enacted into law as there is support in the other body as evidenced by the introduction of companion legislation, S. 1318. Section 404 in which H.R. 425 is incorporated will provide a 1:1 match for non-federally sourced dollars and a 50 cents match for every federally sourced dollar focussed on preserving federally-assisted housing, including Section 236, Section 515, and Section 8. It is a simple program that will target the dollars to low-vacancy areas and to tenants who would otherwise find it very difficult to locate alternative affordable housing. It is another important tool in the toolbox for HUD, the state and local governments, and the non-profits and for-profit owners who own and manage this low-income housing.

Mr. Speaker, I am also pleased that we were able to include language that will ensure that previously issued enhanced vouchers, just like those we are creating in this legislation, are able to sustain subsequent, reasonable rent increases.This has been a very critical issue for families in Minnesota. HUD has already lost a court case contesting the rent increases. We need to move forward on this and I hope that we can see such sound housing policy implemented and fully funded by our appropriators as soon as possible.

Mr. Speaker, we must commit ourselves to move forward once the House has passed this important measure, to be certain that the provisions are supported in the appropriations conference on the VA, HUD and Independent Agencies appropriations bill. Providing adequate funds for these ideas and programs is essential if the dream is to be a reality. Without funding for preserving affordable housing, the promise of H.R. 202 will not be met. The issue and crisis are immediate; so, too, must be the policy and funding. Each month we lose 3,000–4,000 units through "opt out" decisions alone. To postpone the policy and funding a year will mean the loss of over 40,000 units!

Mr. Speaker, I urge my colleagues to support H.R. 202.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND), another member whose work is reflected in this bill.

Mr. WEYGAND. Mr. Speaker, I would like to first begin by thanking our ranking member on the subcommittee the gentleman from Massachusetts (Mr. FRANK) as well as the gentleman from New York (Mr. LAZIO) for the great work that they did in putting this bill together. Truly if we could get all bills before us in this manner, I think this session would be over rather quickly. I also want to thank the ranking member of the full committee the gentleman from New York (Mr. LAFALCE) for his help on this bill and particularly sections that we got incorporated into the bill.

Mr. Speaker, I would like to talk about two sections: Actually one is on telemarketing fraud. The other is on assisted living. Telemarketing fraud has besieged many people throughout this country. As a matter of fact, latest estimates are about $40 billion a year are lost in this country in telemarketing fraud. The largest amount of fraud that goes on are for those people over the age of 65. There are 33.1 million people in this country over that age and many of them live in much of our section 8 housing and other assisted housing that we have throughout this country. Yet there is not much done about trying to show them, educate them and prevent telemarketing fraud from occurring in those developments and those section 8 housing programs.

There is a section within this bill that will provide and allow for HUD to embark upon a new program that will actually help reduce and eliminate telemarketing fraud in many of our housing developments, particularly those for the senior citizens. It is incredibly important, because many of our seniors are very proud and when they are struck by telemarketing fraudsters, they indeed do not tell other people. Programs that can be initiated to help save billions of dollars will be very, very good for our seniors but most importantly it is good that we have included it in this program.

There is another section in this bill that is extremely good, I am very happy to see that we are moving forward on, and that is assisted living. Many of the section 8 housing units and many of the assisted programs that we have in the 202 bills do not provide presently for assisted living. It is the area that the low-income and the low-middle income really need assistance in. We have now begun to embark upon real change and modification to help in the assisted living area. This is most needed. I congratulate our ranking member and our chairman for including these provisions in there. It is a step in the right direction.

For those of us who have done so much on senior issues, this I think will be an added boost to making sure that not only do we have independent living but we have the assisted living funding for these people that is so desperately necessary.

Mr. FRANK of Massachusetts. Mr. Speaker, to close on our side, I yield myself such time as I may consume.

I want to begin by acknowledging the staff work on this. This is, more than most bills, one where the staff did a great deal of work because what we had was a bipartisan consensus on some very important but technical issues. So on the Republican side to Mr. Ventrone, Mr. Cassidy and Mr. Suarez; on our side to Mr. Olson, Ms. Kuntz and Ms. Johnson-Obey, a great deal of thanks is due because they are the reason we got this worked out.

I want to talk for just a couple of minutes about the nature of both the bipartisanship and the partisanship because it sometimes can seem to people paradoxical that we are on the one hand sometimes very partisan and then we talk about the importance of bipartisanship. The answer is in our democratic society, they both have a place and this bill illustrates it.

When it comes to the question of how much in the way of Federal resources we should put into housing, whether we should be expanding these programs, whether the government needs to step in or whether the private market can be left entirely on its own, there are legitimate partisan differences that ought to be debated, how much needs to be done by the public sector and how much can be left to the private sector.

The bipartisanship comes in here once we have a decision made as to what resources are going to be available. This bill is a bipartisan consensus, because it deals with a fixed amount of resources and, in fact, it even deals to a great extent, not entirely, but to a great extent with programs in being.

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The chairman of the subcommittee, who did excellent work on this, and the other Members, including the senior Members on both sides, the chairman and the ranking member and myself, we were confronted with the consequences, potentially socially disastrous, of decisions made 30 years ago or more. Decisions were then made unwisely, but not much we can do about them, which put people into certain kinds of housing, especially more vulnerable people, all the people and disabled people, but not exclusively, and then had the programs set to expire in 20 or 30 years without apparent thought as to what would happen to those people who had moved in at the age of 68 or 69 or 70 into a program where the building was 15 years into that expiration, and then in their eighties faced the possibility, when this program expired, of being kicked out.

So what we have here, and it is important for people to understand this, to the extent that the Federal Government has constitutional power to preserve existing subsidized tenancies for individuals who are now living in them, this bill does it. We cannot in some cases compel owners who want to move out of the program and were given the rights to do it.

We hope, and the bill is generously enough drafted, and this is something, again, I acknowledge the bipartisan support which was important. The bill is well enough drafted so that owners ought not to drop out. No one can say I am driven economically to drop out. This bill would treat anyone fairly. No one is going to be asked to lose money by staying in the program. We cannot take away their legal right to get out; we can diminish their financial incentive to get out. We do that. We, to the extent that we can, preserve various forms of assisted-housing tenancies, and that is very important.

We also, Mr. Speaker, again in a bipartisan way, say in this bill to the extent that we get some new resources for the future there will be more flexibility in how you use them, and that is also very important.

That is what is bipartisan about this bill, and that is why I think it is something that ought to be passed by a large amount.

On the other hand, I want to note the area where partisanship remains legitimately. That is, we may still have later in this session differences over how much we should be devoting to these kind of programs. I would simply say this, and I do not mean to delay us to get into that debate now because I hope we can resolve that debate because I hope this bill will become part of an appropriation bill that will become law, and let me say I have been told that some people at the Office of Management and Budget do not like some provisions of this because going forward it bothers them.

Let me say that it bothers me that it bothers them, and speaking on behalf of the Democrats on our side, it is our intention completely and utterly to ignore them, and I hope my friends on the other side will join us in paying no attention to what I hear OMB may say. As long as we are within the overall limits, the specifics of this are not matters on which I wish to hear from them; and if they speak out, let them do that, but let them be the tree that fell in the forest where nobody was around, Mr. Speaker.

But I would say this: we responded here, and I thank the gentleman from New York for this, the gentleman from Iowa, and the senior gentleman from New York on our side. We responded to a desperate set of pleas. We heard this in hearings: people now living in these federally assisted programs said to us: please save our homes. These are in many cases federally assisted, subsidized, taxpayer-supported housing units; and they are so successful as programs that the residents literally begged us not to allow them to be kicked out.

Now obviously we have, as I said, legitimate debates about resources, but I would note the fervor with which they asked us to save their housing as an example of how government programs can be valuable and valued. We responded to people that said, It's a good thing that you put these public resources in here. Please don't leave us out.

Now, with that, Mr. Speaker, you can finally get the gavel you reached for three times already because I am through. I just want to say in summary this is bipartisan appropriately in working within the limited resources we have, but I believe it also ought not to be forgotten when we get into the more partisan argument and the more philosophical argument about whether programs like this ought to be expanded into the future. The depths of the desire to preserve these programs to which we have responded is also an argument, I believe, for an expansion in the future.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to return the compliment from the gentleman from Massachusetts (Mr. FRANK) and thank him for his commitment to housing, for his intellectual grasp of the issues, and for his engagement on this. As the gentleman from Massachusetts had mentioned, we are, if not nearly, then precisely, in a crisis situation. Twenty and 25 years ago, the Federal Government extended contracts to apartment owners in the hopes that it would encourage them to build these apartment units to help house seniors that could not find any other place to live. They came to these assisted housing, these section 8 locations, because they could not afford an apartment in some other part of the community, and now 20 years later the contracts which the Federal Government had with these owners have expired or are expiring, and they threaten 500,000 seniors, 500,000 people who are seniors, who are disabled, many who are folks that have lived there for very long, because the owners now have the opportunity to opt out, and what we have done with this bill is to create the right incentive for owners to ensure the continuity of allowing the seniors, the disabled, the folks that have been in there, to continue to live in there.

I cannot think of what else our challenge, our charge, ought to be if we cannot at the outset ensure that we have housing for the elderly, for the disabled, for the folks that no matter what the encouragement of the incentive cannot go out, cannot work harder, cannot go out into the market and afford their own unit. That is the very reason why we have a public sector response for housing for folks who are elderly and disabled and who suffer with other income problems.

But in particular I want to say that we are creating some new tools here with this legislation that would not just affect seniors who are living in section 8 housing, but also seniors who have come to live in what we call section 202 housing, which really is the premier senior housing program that our Nation has.

If colleagues have a section 202 project in their community, they probably do not know that it is a section 202 project. We only know here in Washington, some bureaucrat may know, but my colleagues probably know it as a place where a lot of seniors enjoy themselves very much, where they have a common room, where they love where they live, where they have a sense of neighborhood, and the last thing that we want to do is create anxiety to erode the peace of mind that seniors have that the place that they live will be there for them next month and next year and the year after that.

Unlike other parts of the population, there is not the same drive, for example, for vouchers for seniors. Seniors who come to the committee who see us in our districts say that they like where they live for the most part. They want to know that they will be able to stay there, to age in place. They like their friends and family in the area, they enjoy the services that they have come to rely on through section 202 program, and by making some relatively modest, but very important, adjustments in this program we give those seniors the peace of mind to know that they can live their life out there, if that is what they want.

This bill will provide greater flexibility and resources to our existing seniors in disabled housing programs. It allows project-financed modernization, the creation of mixed income environments and conversion to assisted living facilities for aging in place without undermining the current population that relies on section 202. We also protect seniors, individuals with disabilities and vulnerable families from displacement in the opt-out situations that I was just talking about by providing rental vouchers that have enough value to allow them to remain in their homes.

Mr. Speaker, this bill does exactly what the public calls upon Republicans and Democrats to do, to put their differences aside, to try and work within the confines, as the gentleman from

Massachusetts (Mr. FRANK) had mentioned of a budget and to make sure that we get value for our dollars, to look with a sense of creativity but commitment to the future, to trust that people will use the flexibility that they have in this bill to extend these resources to even more seniors, to even more folks who struggle with disabilities and to ensure that they have the security and peace of mind to know that that housing will be there for them in the years ahead because, Mr. Speaker, I will say it is very important that one has health care.

It is essential; it is very important that one has a meal. It is very important that one has counseling to ensure that they pay your bills. But if one does not have a roof over their head, if they do not have a place to go back at night, if one does not have a pillow to put their head on, they cannot begin to even get their life together, and that is the role that the Federal Government plays.

Mr. Speaker, I am proud of the collaborative effort that we have here, a bipartisan effort. I want to thank again the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New York (Mr. LAFALCE) and again compliment the chairman of the full committee, the gentleman from Iowa (Mr. LEACH), for his great work. There were two people that were left out of the common staff people that the gentleman from Massachusetts (Mr. FRANK) left out which I now want to mention, if I can. One is Clinton Jones who sits right here on my left who helped greatly and also Sarah Chapman within the committee who also assisted with the drafting of this bill.

I urge adoption of the legislation before us.

MARKING UP TO MARKET: RENEWING SECTION 8 CONTRACTS AND THE PROBLEM OF OWNER "OPT OUTS"

Prepared By: Majority Staff.
Date: June 23, 1999.

STATEMENT OF THE PROBLEM

Owners of affordable multifamily housing projects subsidized through the federal "Section 8" program are, in increasing numbers, discontinuing their participation in the program and choosing to "opt out" upon expiration of their current Section 8 contracts. These increasing opt-outs could place thousands of residents, many of whom are elderly or persons with disabilities, at risk of losing their housing.

Section 8 opt-outs further erode the stock of affordable housing. Already Section 8 mortgage prepayments of federally-insured mortgages (the method by which a Section 8 project owner may terminate any affordability or use restrictions imposed on the property), have removed a substantial portion of units from the affordable housing inventory. In 1998, more than 345 properties with approximately 38,000 affordable housing units were removed from the Section 8 program as a result of both voluntary opt-outs by owners and HUD terminations. Through 2004, Section 8 contracts covering more than one million subsidized units will expire. Of these more than 500,000 units of affordable housing may be at-risk of being lost due to opt-outs.[1]

THE SECTION 8 PROGRAM

The Section 8 program (which gets its name from the provision of law in the United States Housing Act of 1937 which sets forth the requirements of the program) is the primary form of direct federal housing assistance to low income Americans, serving more than 3 million families. By contrast, the public housing program serves approximately 1.4 million families.

The program provides subsidies in two forms: tenant-based assistance (Section 8 vouchers) and assistance to owners to develop and maintain Section 8 projects (project-based assistance). Tenant-based vouchers allow recipients the choice of where to use their subsidy, thus giving them the freedom to look for better housing in the private market. Vouchers empower residents with the ability to leave their current apartments and take their voucher with them. Because tenant-based assistance contains this facet of free-market competition, landlords must be more responsive to their tenants. By contrast, project-based Section 8 subsidy is tied to the actual housing development and units: individual tenants may leave, but the subsidy stays with those units for use by the next eligible low-income residents.

In its initial phases, the Section 8 project-based program provided 20-year contracts to owners and developers who would agree to house low-income families under HUD guidelines for the length of the contract. In many cases, private lenders provided the mortgage financing, also insured by the federal government through the Federal Housing Administration (FHA), for terms ranging from 40 to 50 years. As a consequence, the federal rent subsidies received by these Section 8 owners is a component of the total rental income used to pay the federally-insured mortgage.

For both the tenant-based and project-based programs, HUD establishes for each locality a rent level on which the federal government is willing to base its subsidy, known as the Fair Market Rent, or "FMR." Unfortunately, while FMRs are supposed to serve as the guidelines for setting subsidy levels, they are oftentimes a very poor reflection of the actual market rents for comparable units for the area. In some communities, FMRs are extremely low in relation to comparable "real" market rents.[2] For all practical purposes, project owners argue, the term is a misnomer in such cases in that FMRs are neither "fair" nor are they "market" in these areas. Instead, these artificial rent levels essentially serve as a form of federal rent control over the assisted housing inventory—necessary as an upper limit on the federal government's financial exposure, but not necessarily an accurate portrayal of each market. Arguably then, for many areas of the country FMRs can be more accurately described as "fake market rents" rather than as true measures of local market realities.

PROBLEMS WITH SECTION 8

The combination of project-based Section 8 subsidies with long-term government-insured financing has led to a host of problems for the Section 8 program as local real estate markets and economic conditions change. Until recently the focus of concern from Congress and the Administration had been the Section 8 project-based properties with federal mortgage insurance which were receiving unit rents much higher than the FMRs for their localities. In some cases, their rents were higher than comparable rents.[3] For these "above market" Section 8 properties, the federal government was paying more to house persons in the federal program than it would otherwise have cost in the private rental market.

The problem became critical at the time of contract expiration, when HUD had to choose either to renew such contracts or allow them to expire, thereby causing tenant displacement. Simply renewing these Section 8 contracts at their above-market rent levels would have been not only unwise policy, but unsustainable from a long-term budgetary perspective. The costs of pursuing such a policy would have been prohibitively expensive and would have eventually consumed all of HUD's budget authority. Unilaterally reducing the rents on these properties upon renewal and marking them down to market, however, would have triggered massive defaults on the federally-insured mortgages since many owners of these properties would have been unable to pay the debt service on these mortgages. Again, the federal government faced huge financial exposure through potential losses to HUD's FHA Multifamily Mortgage Insurance fund.

The 105th Congress attempted to address this dilemma when it passed the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRA").[4] The legislation established a program to enable HUD to restructure and reduce the debt on many properties, enabling contract rents to be brought down to comparable market levels ("marked to market").

THE OPT-OUT PROBLEM

In contrast to the above-market portfolio, the Section 8 opt-out problem now confronting Congress involves *below-market* Section 8 projects. In many cases, the rents offered by HUD to the owners for renewal of their contracts is much lower than comparable rents for similar multifamily units in the locality. Upon expiration of a current contract, a private owner always has the right not to enter into a new contract with the federal government. By choosing not to renew and opting out of the program, such project owners can achieve higher rents for their units on the private market.

The temptation exists to characterize this as a problem of uncaring, greedy owners chasing higher profits without regard to the welfare of the tenants. In many ways, however, this portrayal is an oversimplification of the practical choices available to many of these owners. For example many "owners" of Section 8 projects are business entities (such as limited partnerships), where legal and fiduciary obligations are imposed upon the party with management responsibility to maximize the return to the investors.[5] Federal tax law also plays a major role in determining the rational business choices available to any owner. Because of the way the tax code treats depreciation and what is considered taxable income from these properties, many owners face what is known as a "phantom income" problem (the IRS counts certain amounts as taxable income to the owner even though the owner does not actually receive such income in that year). As a result of the phantom income problem, some owners face severe cash flow problems and must increase revenues whenever possible. Because of such objective financial considerations, ascribing motivations such as "greed" to these owners is largely beside the point. After all, even an owner who is not motivated by greed is constrained if the choices are limited to opting-out, exposure to investor lawsuits, or bankruptcy.

Footnotes at the end of article.

In order to encourage (or enable) the owners of such projects to remain in the program, and prevent more opt-outs, many owners and housing advocates have called for HUD to renew expiring below-market Section 8 contracts at comparable market rents—a process known as "marking up to market." In fact, HUD has had the legal authority, and arguably the resources, to develop a comprehensive approach designed to mark up contracts upon their renewal. When Congress passed MAHRA it did more than just establish a program for dealing with above-market Section 8 properties. Section 524(a)(1) of MAHRA specifically affords HUD broad authority to renew expiring Section 8 contracts at rents that would not exceed comparable market rents for a locality. Until recently, however, despite having the legislative authority and the current resources to address the issue, HUD had failed to offer or develop anything resembling a comprehensive approach to solving the opt-out problem.

Clearly, while the reasons for individual owner opt-out decisions may vary, the primary factor driving the increase in owners choosing to opt-out has been HUD's refusal to exercise the authority Congress provided in MAHRA to mark rents up to market. In fact, HUD Field staff has been extremely stringent in accepting and interpreting the results of rent comparability studies, provided by owners wishing to renew their contracts, that show market rents at higher levels than their current contract rents. This has been a particular problem in rural areas, where comparable rents may not be readily available. In some of these areas, for example, HUD has insisted on using as comparable rents the rent levels in properties funded through other federal programs (such as rural housing programs administered by the Department of Agriculture). Such rents are obviously not market—they are lower than market precisely because they are subsidized. In addition, many elderly developments were built in rural and depressed areas precisely because there was a severe need, and these projects are often the best housing available in such areas and more costly to maintain than the surrounding stock.

As noted earlier, depending on the underlying economic fundamentals of a particular Section 8 project and any legal or fiduciary obligations toward investors that may exist, an owner of these below-market Section 8 projects may have no choice but to leave the program. By refusing to mark contracts up to comparable market levels, many in the advocacy community and some legislators expressed belief that encouraging nonrenewals was an intentional policy choice.[7]

THE VOUCHER OPTION

When owners opt-out, the result is often undue hardship for many vulnerable tenants. While displaced residents are guaranteed housing assistance in the form of Section 8 vouchers, for a number of reasons this is not appealing for many Section 8 residents. A great number of those likely to be affected by opt-outs are elderly or disabled individuals, and have lived in these projects for long periods, oftentimes for the full 20 years of the original Section 8 contract. For the most part, being forced to move is extremely traumatic for these individuals, and preventing that necessity is their primary concern. Vouchers are perceived by other residents living in high-cost real estate markets to be ineffective in helping them finding adequate housing for their families. These elderly and disabled persons and families either do not want to move, or feel that if forced to move they will be unable to find adequate comparable housing. As a consequence, the appeal of vouchers that otherwise exists because of their free-market qualities and increased power of choice associated with them, eludes these particular individuals and families.

Moreover, HUD regulations governing the Section 8 program impose a requirement that vouchers be used only in properties with rents that are reasonable for the area for units of the same size and similar characteristics (so called "rent reasonableness requirements"). Because of this restriction, residents of a Section 8 project who receive vouchers as a consequence of an owner's decision to opt out of the program may be precluded from using those vouchers in that project. For example, if an owner opts out and increases unit rents to $500, but the HUD rent reasonableness guidelines are set at $495, then those receiving vouchers would not be allowed to remain in that project, even if they were willing to make up the shortfall.

Authority exists in current law for the provision of "enhanced vouchers" in certain circumstances. Enhanced vouchers (also known as "sticky" vouchers) provide a greater level of subsidy than ordinary vouchers, and are designed primarily to allow the resident to remain in the unit, despite the resulting rent levels exceeding allowable rents under the voucher program. These vouchers are only available for use in connection with mortgage prepayments, not in opt-out situations (unless the opt-out is also in connection with a mortgage prepayment).

While the vast majority of these elderly and disabled residents would rather remain in their homes, the overwhelming number cannot afford the likely rent increases. The following table shows the actual rent increases faced by residents in several projects located in rural Iowa where the owners opted-out of the program.[8] All of these projects served elderly residents:

Property location	Number of assisted units	Average tenant monthly income	Rent before opt-out (per month)	Rent after opt-out (per month)	Rent/Percentage rent increase (per month, in percent)
Boone	56	$650	$195	$299	$104 (53)
Knoxville	50	741	223	311	88 (39)
Marshalltown	56	623	187	284	97 (52)
Newton	56	700	210	351	141 (67)
Pella	58	700	210	265	55 (26)

Opt-outs threaten some of the best affordable housing. HUD data shows that 90 percent of the subsidized units in properties whose owners say they are likely to opt out are located in low-poverty neighborhoods, where residents have access to greater employment opportunities, better schools for their children. In a rural area with little rental housing, these seniors may be forced to move long distances to find decent affordable housing.

Budget constraints have required annual contract renewals. While earlier long term-contracts meant that fewer opt-outs occurred each year, conversion to annual contracts mean that an owner has an opportunity to opt out each year. Residents, therefore, are constantly uncertain about the stability and status of their housing.

POLICY RESPONSES

Because of the growing problem, several members of Congress who are key to housing legislation introduced bills designed to address the problem. On March 25, 1999, Banking Committee Chairman Jim Leach, Housing Subcommittee Chairman Rick Lazio, and VA/HUD Appropriations Subcommittee Chairman Jim Walsh introduced H.R. 1336, "The Emergency Residents Protection Act of 1999" to protect residents from displacement resulting from Section 8 opt-outs. Congressman Bruce Vento and Jim Ramstad introduced H.R. 425, "The Housing Preservation Matching Grant of 1999" on January 19, 1999, as a mechanism to foster the preservation of the affordable housing stock.

In light of these Congressional actions, HUD subsequently decided to reevaluate its existing renewal practices and issue new guidelines regarding Section 8 opt-outs. HUD Notice 99–15, the "Emergency Initiative to Preserve Below-Market Project-Based Section 8 Multifamily Housing Stock," was issued on June 15, 1999.

HUD officials have given rough estimates regarding the financial resources needed by the Department under various approaches to the opt-out problem. According to HUD, renewing all below market Section 8 projects could eventually cost $600 million to $800 million dollars annually. HUD has also stated that using enhanced vouchers, it can prevent tenant displacement due to opt-outs this year at a cost of $30 million in existing FY 99 resources, and would require $77 million for FY 2000.

H.R. 1336—The Emergency Residents Protection Act of 1999

The legislation expands existing authority for HUD to offer enhanced vouchers, providing assistance for rent levels up to the market level. Upon the death or change in residence of the tenant, the enhanced voucher either expires or converts to a standard voucher. The proposal expands the use of enhanced vouchers in more situations than allowed under current law, and targets the enhanced vouchers to seniors and persons with disabilities only. The legislation would allow enhanced vouchers for other low-income families at the discretion of HUD only in low vacancy/tight market areas. The bill provides for enhanced vouchers subject to such sums as may be appropriated for FY2000–2004.

H.R. 1336 mandates that HUD renew below-market expiring Section 8 contracts at no more than 90% of comparable market rents. The rationale for this provision was to circumscribe HUD's discretion so it actually renews contracts rather than allowing inaction to lead to more owner optouts. The 90% rent level was an initial figure provided by housing advocates and is likely to be modified as the legislation progresses.

H.R. 425—The Housing Preservation Matching Grant of 1999

The approach in H.R. 425 emphasizes preservation of the housing units as affordable housing. The bill would authorize HUD to match state assistance for preservation of federally assisted affordable housing for low-income families. Many housing advocates argue that in addition to protecting the residents (by awarding enhanced vouchers, for example) any comprehensive approach to the opt-out problem must attempt to preserve the actual project itself in the affordable housing inventory. Otherwise, according to supporters of preservation efforts, offering additional enhanced voucher authority only may encourage owners not to renew their subsidy contracts.

H.R. 425 would match each dollar committed by a State for preservation efforts with two federal dollars. Grants can be used only for assistance for acquisition, preservation incentives, operating cost, and capital expenditures for housing projects that meet certain requirements set forth in the legislation. These requirements include mortgage financing through federally-insured programs, a binding commitment on the part of the owner (or subsequent owner) of the project to extend all low-income affordability restrictions, and a waiver of mortgage prepayment rights. The bill authorizes appropriations at such sums as necessary for these purposes.

HUD Notice 99–15 Emergency Initiative to Preserve Below-Market Project-Based Section 8 Multifamily Housing Stock.

HUD Notice 99–15 (the "Emergency Initiative") provides instructions to HUD field staff, project owners and managers, on marking expiring Section 8 contracts up to market. An essential feature of the HUD approach is targeting of resources to those properties where opt outs are likely to occur, and where such opt-outs would result in undue harm to residents. HUD will target the properties most likely to opt out and will set a cap on the new rents that will be paid to project owners.

Market-level rents are to be determined by third-party market studies. HUD will mark rents up to market while limiting these increases in rents to a maximum of comparable market rents or 150% of the published FMRs. HUD's approach is not intended to prevent all opt outs, and the notice makes clear that only a portion of the stock will be preserved because of cost constraints and other factors. For those areas where opt-outs are not prevented, HUD has stated that additional enhanced voucher authority, like that provided by HR 1336, will be needed.

Properties are ineligible for rent increases under HUD's Emergency Initiative if:

—the mortgagor is a non-profit entity;

—the properties have a low- or moderate-income use restriction that will not be eliminated by the property prepaying or opting out of Section 8 program (a project, for example, that is also a low income housing tax credit property);

—the property has a HUD Real Estate Assessment Center inspection score of less than 60;

—the owner is subject to administrative sanctions;

—the project is a Section 8 Moderate Rehabilitation project with a contract expiring in fiscal year 1999 (other than those assisted under Section 441 of the Stuart McKinney Homeless Assistance Act);

—the owner previously provided notice of an opt-out and the local housing authority has issued vouchers to one or more of the tenants; or,

—the project does not have a contract that is expiring.

In addition, criteria for participation in the program includes a requirement that the owner must have a "comparable gross rent potential" (defined in the Notice) at or above 110% of the fair market rent potential to participate in the program for certain properties. HUD's Assistant Secretary for Housing will have authority to issue waivers of certain eligibility requirements under certain circumstances (i.e. where vouchers would be difficult to use in the local area, the residents are particularly vulnerable or the property is a high priority for the local community).

Contract renewals will be for five years, subject only to annual appropriations. Tenants will receive an initial notice describing the five-year contract. In addition, tenant notification requirements regarding expiration of the contract will be reduced from an annual requirement to a single notification six months before the end of the five-year period.

CONCLUSION

A comprehensive approach is needed to protect residents threatened by displacement due to Section 8 opt-outs, and to preserve affordable housing where possible. H.R. 1336, H.R. 425, and HUD's recently issued Emergency Initiative offer somewhat different approaches to solving the opt-out problem. These various strategies are not necessarily mutually exclusive, however, and the most likely outcome is that aspects of each approach will be incorporated into bipartisan legislation that offers a variety of tools for addressing the issue.

FOOTNOTES

[1] Testimony by the National Housing Trust before the Subcommittee on Housing and Community Opportunity, May 4, 1999, based on HUD Data compiled by the National Housing Trust.

[2] Appropriations acts have limited FMRs to 40% of the median rent for the locality.

[3] Primarily because certain cost adjustment factors built into the Section 8 contracts (Annual Automatic Adjustment Factors) ensured that contract rent levels would continue to increase, even though local real estate markets may have been experiencing a decline in private sector rent levels.

[4] Title V of HR 2158, the VA, HUD and Independent Agencies Appropriations Act of 1998.

[5] In a limited partnership, for example, the general partner would have a fiduciary responsibility to operate the property and make financial decisions for the benefit of the limited partners.

[6] Section 524(a)(1) of MAHRA reads in pertinent part that ". . . the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance . . .), to provide assistance under section 8 of such Act at rent levels that do not exceed comparable market rents for the market area. The assistance shall be provided in accordance with terms and conditions prescribed by the Secretary.

[7] In a letter to HUD Secretary Andrew Cuomo dated June 4, 1999, Senator Mikulski and Senator Bond wrote that the "failure of the Department to respond to the opt-out crisis has raised concerns that HUD is intentionally pushing owners to opt out with resulting loss of low-income housing and the displacement of tenants. This is most evident through the failure of the Department to use accurate appraisals to ensure that section 8 contracts can be renewed at a rent that reflects market conditions."

[8] Information provided by the Iowa Coalition for Housing and the Homeless.

H.R. 202—"PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS INTO THE 21ST CENTURY"—SECTION-BY-SECTION

Section 1. Short title and table of contents

Title cited as "Preserving Affordable Housing for Senior Citizens into the 21st Century Act".

Section 2. Regulations

Provides that the HUD Secretary shall issue regulations necessary to carry out the provisions of the Act only after notice and opportunity for public comment.

Section 3. Effective date

Provisions of the Act are effective as of the date of enactment unless such provisions specifically provide for effectiveness or applicability upon another date. The authority to issue regulations to implement this Act shall not be construed to affect the effectiveness or applicability of the bill as of the effective date.

TITLE I—CONVERSION OF FINANCING OF REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Section 101. Conversion of financing

Requires the HUD Secretary to convert the financing of pre-1990 supportive housing program for the elderly from direct loans and project-based Section 8 rental assistance to the post-1990 method provided to new developments, which is through non-repayable capital advances and project rental assistance contracts (PRACs). In converting the financing of projects pursuant to this section, the Secretary shall cancel any indebtedness to the Secretary on the project, but such authority shall be effective only to the extent provided in advance in appropriation Acts. Requires the Secretary to conduct a study of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, debt forgiveness relating to remaining principal and interest from Section 202 loans with a dollar-for-dollar reduction of rental assistance amounts under the Section 8 rental assistance program.

Section 102. Prepayment and refinancing

Requires the Secretary to approve prepayment of any indebtedness to the Secretary relating to any remaining principal and interest on a project as part of a loan prepayment plan, provided the project sponsor continues to operate the project under terms as advantageous to existing and future tenants as required by the original loan agreement, until the maturity date of the original loan agreement. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structures, and other specified purposes.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 201. Supportive housing for elderly persons

Provides annual authorization of appropriation of $700 million for existing program of supportive housing for the elderly (section 202) for FY 2001, FY 2002, FY 2003 and FY 2004.

Section 202. Supportive housing for persons with disabilities

Provides annual authorization of appropriation of $225 million for existing program of supportive housing for the disabled (section 811) for FY 2001, FY 2002, FY 2003 and FY 2004.

Section 203. Service coordinators and congregate services for elderly and disabled housing

Provides annual authorization of appropriation of $50 million for grants for service coordinators for certain federally assisted multifamily housing projects, for FY 2000, and authorizes such sums as may be necessary for FY 2001 and FY 2002.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

SUBTITLE A—HOUSING FOR THE ELDERLY

Section 301. Matching grant program

Adds provision to Section 202 of the Housing Act of 1959, Supportive Housing for the Elderly, for the provision of capital grants requiring the project sponsor to supplement funds with a matching amount. Applicants for assistance are required to provide supplemental matching funds, which shall be not less than 25%–50% (as the Secretary of HUD may determine) of the amount provided. Not less than 50% of the supplemental funds in the matching amount shall be from non-Federal sources of funds.

Section 302. Eligibility of for-profit limited partnerships

Provides that for-profit limited partnerships are eligible to participate in the program established under this Act.

Section 303. Mixed funding sources

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 304. Authority to acquire structures

Removes limitation allowing private nonprofit housing providers to acquire RTC-held properties only for the purposes of providing affordable housing for seniors.

Section 305. Mixed-income occupancy

Expands income eligibility for occupancy from 50% and below area media income (AMI) to 80% and below of AMI for existing affordable housing developments for seniors, provided that such development is designated as high vacancy.

Section 306. Use of project reserves

Provides that amounts for project reserves for a project assisted under this section may be used to reduce the number of dwelling units in the project for specified purposes.

Section 307. Commercial activities

For Section 202 projects, provides that no provision of law may be construed as prohibiting or preventing the location and operation of commercial facilities in a project for the benefit of residents of that project and the community in which the project is located.

Section 808. Mixed finance pilot program

Requires the Secretary to carry out a pilot program, for not more than five projects, to determine the effectiveness and feasibility for providing assistance under Section 202 for housing projects that are both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

Section 309. Grants for conversion of elderly housing to assisted living facilities

Provides discretionary authority to designate public or private entities to carry out finance conversion for elderly developments. Provides waiver authority to carry out finance conversion for elderly housing developments. Authorizes such sums as may be necessary for each of fiscal years 2000 through 2004.

Section 310. Grants for conversion of public housing projects to assisted living facilities

Provides the Secretary with discretion to make grants to public housing agencies to convert dwelling units in projects already designated for occupancy by elderly persons, to assisted living facilities for elderly persons. Authorizes such sums as may be necessary for each of fiscal years 2000 through 2004.

Section 311. Use of section 8 assistance for assisted living facilities

Provides that a recipient of Section 8 housing assistance may use such assistance in an assisted living facility.

Section 312. Annual HUD inventory have assisted housing designated for elderly persons

Requires that the HUD Secretary establish and maintain, to be updated annually, an inventory of HUD and federally-assisted housing that is designated for occupancy, in whole or in part, for occupancy by elderly or disabled families or both.

Section 313. Treatment of applications

Provides that in case of denial of an application for assistance under Section 202 for failure to timely provide information, the Secretary shall notify the applicant and provide an opportunity to show the failure was due to a third-party failure to provide information.

SUBTITLE B—HOUSING FOR PERSONS WITH DISABILITIES

Section 321. Matching grant program

Adds provision to Section 811 of the Cranston-Gonzalez National Affordable Housing Act, Supportive Housing for Persons with Disabilities, for the provision of capital grants requiring the project sponsor to supplement funds with a matching amount. Applicants for assistance are required to provide supplemental matching funds, which shall be not less than 25%-50% (as the Secretary may determine) of the amount provided. Not less than 50% of the supplemental funds in the matching amount shall be from non-Federal sources of funds.

Section 322. Eligibility of for-profit limited partnerships

Provides that for-profit limited partnerships are eligible to participate in the program established under this Act.

Section 323. Mixed funding sources

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 324. Tenant-based assistance for persons with disabilities

Provides that tenant-based rental assistance may be provided by a public housing agency or through a private nonprofit organization.

Section 325. Project size

Provides that of any amounts made available in any fiscal year for capital advances or project rental assistance under this section, not more than 25% may be used for supportive housing which contains more than 24 separate dwelling units. Requires the Secretary to study and submit a report to Congress regarding the extent to which the authority of the Secretary under Section 811(k)(4) of the Cranston Gonzalez National Affordable Housing Act to provide assistance to supportive housing projects for persons with disabilities having more than 24 units; the per-unit costs and benefits involved with different size Section 811 projects; and the per-unit costs and benefits involved with different size Section 202 projects, taking into account social considerations afforded by smaller and moderate-size developments.

Section 326. Use of project reserves

Provides that amounts for project reserves for a project assisted under this section may be used to reduce the number of dwelling units in the project for specified purposes.

Section 327. Commercial activities

For Section 811 projects, provides that no provision of law may be construed as prohibiting or preventing the location and operation of commercial facilities in a project for the benefit of residents of that project and the community in which the project is located.

SUBTITLE C—OTHER PROVISIONS

Section 341. Service coordinators

Provides that service coordinators funded with grants under this section for a specific project may also provide services to low-income elderly or disabled families in the vicinity of such project. Requires the Secretary of HUD in cooperation with the Secretary of HHS to establish standards regarding education and outreach to combat telemarketing fraud directed against the elderly.

Section 342. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century

Establishes a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century. The Commission shall provide an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities identify methods of encouraging private sector participation and investment in affordable housing, and other matters relating to housing the elderly.

Title IV—Renewal of Expiring Rental Assistance Contracts and Protection of Residents

Section 401. Findings and purposes

Sets forth Congressional findings, including that affordable housing is critical to the well-being of vulnerable families, especially seniors and persons with disabilities; that Federal rental assistance contracts are expiring in great numbers and a significant number of owners are choosing not to renew contracts with the Federal government; that as a result rent levels for vulnerable families may rise dramatically, possibly forcing these families to move from their homes; and that the Federal government should ensure those least able to provide for themselves receive the assistance of the Federal government.

The purpose of the Act is to protect vulnerable residents, particularly seniors and persons with disabilities, by ensuring they are not forced to move from their homes and by encouraging private owners to continue serving low-income families.

Section 402. Renewal of expiring contracts and enhanced vouchers for project residents

Unless otherwise provided, for expiring Section 8 properties that have current rents below comparable market rents for the area, the Secretary of HUD is directed upon renewal of such Section 8 contracts to set rents at comparable market rent levels. For those expiring Section 8 contracts that have rent levels above comparable market rents but are not subject to restructuring, the Secretary upon renewal shall set these rents at comparable market rents.

Directs the Secretary of Housing and Urban Development to provide "enhanced vouchers" to residents residing in a property upon the date of the expiration of a federally-assisted housing contract that is not renewed. Enhanced vouchers allow increased assistance for residents in cases where rent levels increase as a result of the expiration of the contract, therefore ensuring that the resident may continue to reside in the unit. Authorizes such sums as may be necessary for enhanced voucher assistance for fiscal years 2000 through fiscal year 2004.

Provides that no state may limit allowable project distributions to owners that renew a project under provisions of this Act.

Section 403. Section 236 assistance

Adds as an eligible purpose of certain interest reduction payment grants available under Section 236 of the National Housing Act the refinancing of mortgages on these properties, resulting in cost savings to the federal government.

Allows an qwner of a project financed under a State program pursuant to Section 236 of the National Housing Act to retain any excess rental income from the project for use for the benefit of the project.

Section 404. Matching grant program for affordable housing preservation

Provides the Secretary of HUD with authority to make grants to State and qualified units of general local government for low-income housing preservation purposes, to be matched on a one-to-one basis from sources provided by the grant recipients. Amounts may be used for acquisition, preservation incentives, operating costs, and capital expenditures for a housing project that is: at risk of loss; primarily occupied by elderly or disabled families; contains one or more dwelling units occupied by large families; is located in a rural area without an adequate supply of housing; or where rental assistance vouchers would, under certain market conditions, be difficult for residents to use. In making grants under this subtitle during fiscal years 2001 and thereafter, the Secretary shall give priority to eligible States and qualified units of general local government that have not previously received a grant under this subtitle, and to grant for eligible housing projects that ensure transfer of such projects to nonprofit organizations.

Section 405. Rehabilitation of assisted housing

Amends Section 236 of the National Housing Act to allow the use of recaptured interest rate reduction payments from a project for rehabilitation of that project.

Section 406. Technical assistance

Amends the Multifamily Assisted Housing Reform and Affordability Act of 1997 to allow for technical assistance for preservation of low-income housing.

Section 407. Termination of section 8 contract and duration of renewal contract

Provides that section 8 contracts may be renewed for up to one year or for any number of years, subject to appropriations (as opposed to mandatory renewals of one year).

Amends Section 201 of the Housing and Community Development Amendments of 1978 by allowing the use of enhanced vouchers for projects preserved as affordable housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

Section 408. Enhanced voucher eligibility for residents of flexible subsidy properties

Amends Section 201 of the Housing and Community Development Amendments of 1978 by allowing the use of enhanced vouchers for projects preserved as affordable housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

Section 409. Enhanced disposition authority

Amends section 204 of the FY 1997 VA/HUD Appropriations Act to extend current grant and loan authority under Section 204 through FY 2000, expressly provide that upfront grants or loans may support reconstruction as well as rehabilitation and demolition, and provide that vacant as well as occupied projects shall be eligible for such grants or loans.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES

Section 501. Rehabilitation of existing hospitals, nursing homes, and other facilities

Allows for refinancing of hospitals and expands eligibility under the program to health care facilities. Provides that the cost of modest rehabilitation may be included in refinancing.

Section 502. New health care facilities

Adds a more flexible definition of "healthcare facility" to description of eligible projects. Eliminates licensing requirements for assisted living facilities in states without licensing procedures. Modifies eligibility test used as an alternative to the Certificate of Need requirement under the statute so that a sponsor applicant may commission an independent study in defined circumstances.

Section 503. Hospitals and hospital-based health care facilities

Changes definition of eligible "hospital" to eliminate test that denies eligibility where more than 50% of patient days are non-acute in nature. The 50% rule, especially in a "continuum of care" environment, creates a financing void for hospitals providing significant non-acute care services. Modifies eligibility test used as an alternative to the Certificate of Need requirement under the statute so that a sponsor applicant may commission an independent study in defined circumstances.

Sectin 504. Insurance for mortgages to refinance existing home equity conversion mortgages

Allows seniors to maximize the equity in their homes by streamlining the process of refinancing an existing Federal-insured reverse mortgage. Provides protections against "churning" (repeated refinancing by lenders for purposes of collecting fees from mortgagors) and other consumer protections.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 202 because of the tremendous need which exists throughout this country for decent and affordable housing, especially for senior citizens. There is tremendous un-certainty among many seniors who are fearful that their housing subsidies will not exist and that they will have no place to live. The banking and financial services committee is to be commended for having worked out a bi-partisan solution which protects existing resident of federally assisted housing from being forced out of their homes when landlords choose to oft-out of federal housing subsidy contracts. It also modifies federal elderly and disabled housing programs to preserve, modernize and increase such housing and to expand the availability of services to elderly and disabled residents. This bill does in fact help preserve and enhance a program which does a tremendous amount of good; therefore, I am pleased to support and urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of H.R. 202, Preserving Affordable Housing for Senior Citizens Into the 21st Century Act. This forward thinking measure is designed to preserve the existing housing program for senior citizens by converting the financing of pre-1990 senior housing developments to a modern program of capital grants (i.e., converting outstanding loan balances into capital advances).

Prior to 1990, senior housing developments were financed through direct loans and project-based rental assistance contracts. In the year 2001, the rental assistance contracts on 215,000 housing units will begin to expire. According to the Census Bureau, more than 34 million Americans are 65 years and older. By the year 2020, that number will grow to almost 53 million, or one in every six Americans. What is particularly striking is the Department of Housing and Urban Development (HUD) estimate that only one-third of low-income senior citizens who need affordable housing actually receives assistance.

GAO and HUD have determined that at least 1.4 million senior citizens are already experiencing "worst case" housing needs. What is even more alarming is that seniors are more likely than any other adults to be poor, and nearly 40 percent seniors not in nursing homes are limited by chronic conditions and unable to perform the simplest activities associated with independent living. Women are particularly vulnerable because they have lower income retirement than men and are more likely to live in poverty. According to the AARP, the poverty rate for elderly women was higher than that of men. In 1997, the poverty rate of elderly women was 13.1 percent, compared to 7.0 percent among men. We are on the horns of a dilemma: How do we meet the need for affordable housing for senior citizens at a time when the senior population continues to grow?

H.R. 202 is designed to restructure Section 202 contracts in order to make them more affordable. The measure attempts to accomplish this by relieving non-profit entities from excessive debt service, thus providing the opportunity for greater program self-sufficiency. H.R. 202 is a win-win bill that provides assistance to our most vulnerable—the elderly poor. It also saves taxpayers money over the long term by reducing the need for project-based rental assistance. For these reasons and for America's seniors, I urge you to support H.R. 202.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 202, the Preserving Affordable Housing for Seniors and Families into the 21st Century Act.

By making the bipartisan, common-sense reforms necessary to provide affordable housing for seniors and the disabled, this legislation is helping many individuals retain their independence while living in safe housing.

There is a great need for affordable housing for seniors and the disabled. This important bill aims to provide affordable senior and disabled housing at a time when the need is high, and ever increasing.

The General Accounting Office (GAO) and Department of Housing and Urban Development (HUD) have determined at least 1.4 million seniors are experiencing "worst case" housing needs. This need is combined with a growing senior population—projected at 53 million people by 2020, or one in six Americans.

Additionally, the Consortium for Citizens with Disabilities Housing Task Force determined more than 4 million individuals with disabilities suffer from an acute need of affordable, accessible housing.

This bill requires HUD to convert all direct loan contracts for pre-1990 projects into interest-free capital advances and five-year renewable project rental assistance programs. These changes are designed to help preserve senior and disability housing by preventing residents from being forced from their homes of more than 20 years or paying additional rent.

These provisions are especially important steps to make housing affordable, given the more than 500,000 units of Section 8 housing at risk of being lost to "opt outs" as contracts expire in increasing numbers.

By allowing multi-year Section 8 contract renewals, this legislation gives seniors and the disabled the peace of mind to know that their contracts will not be at risk of being canceled each year. This provision is especially important to seniors in Connecticut who have advocated for multiple-year renewals in order to ensure greater housing stability.

I also support provisions to promote the use of service coordinators used to help elderly and disabled residents gain access to local community services and promote independence. This greater flexibility of funds—including "enhanced vouchers" and assisted living programs—will help seniors and the disabled live independently in safe, affordable housing and increase quality of life, while saving taxpayer dollars.

In conclusion, I urge support for the Preserving Affordable Housing for Seniors and Families into the 21st Century. This is a bill which goes a long way in making smart, flexible reforms to provide safe, affordable housing for seniors and the disabled.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support for the bill before us today.

Lack of affordable housing has an adverse effect on the most vulnerable in our society, namely senior citizens, children and people with disabilities.

A recent HUD report noted that the number of affordable housing units dropped 19 percent between 1996 and 1998. Now, the central cities have company as far as waiting lists for subsidized housing. Ninety percent of Minneapolis' inner-ring suburbs have added poor children at a faster rate in the '90s than Minneapolis. Virtually all of the suburban cities I represent have waiting lists—and they are long!

Mr. Speaker, that's why I have sought to work in a bipartisan, common sense way to address this critical problem and provide the necessary dollars to help these groups.

And that's why I am a cosponsor and strong supporter of H.R. 425, the Housing Preservation Matching Grant Act. Provisions based on this important legislation were included in the bill before us today. This bipartisan legislation will provide the necessary federal matching funds to assist states and localities seeking to preserve federal housing.

The "Vento-Ramstad" proposal rewards Minnesota's innovation and encourages other states to follow our lead.

I urge my colleagues to support H.R. 202 and expand access to housing for senior citizens.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 202. "Preserving Housing for Senior Citizens and Families into the 21st Century." While my views on respecting our Constitution limitations regarding Federal issues are well known and need not be repeated here now, I have other concerns regarding this bill specifically.

That the House of Representatives would consider any bill authorizing about a billion dollars of taxpayer funds annually on the suspension calendar (an expedited procedure reserved for "non controversial" bills) show how far we have moved from our posturing that we claim to respect the concerns of taxpayers.

The consideration of this bill succumbs to the misperception that the best course of action to any perceived problem is further (Federal) governmental response. Clearly, that is not the case. Recently, John Stossel hosted an ABC television special, "Is America Number One!" In that show, he examined the premise of governmental solutions to problems always being best and concluded:

> Intuition would suggest that countries with the most government planning, places where you're taken care of, would be the best places to live. But in fact the opposite is true, countries with the most planning are the most poor. Several organizations rank countries by economic freedom. At one end are places with lots of government planning. Invariably, these are the worst places to live. At the other end on the list—Hong Kong, New Zealand, Switzerland, and the United States. The best places to live are places with the fewest rules. Freedom isn't everything. Climate matters. Religion, geography, even luck can make a difference. But nothing matters as much as . . . Liberty.

In the show, Peter Jennings said that "Nearly 37 million Americans now live below the official poverty line." Federal Reverse economist Machael Cox explained, "The government says now 13.3 percent of households are in poverty. Let's go see what households in poverty have. Ninety-seven percent of households in poverty have color televisions. Two thirds have microwave ovens and live in air-conditioned buildings. Seventy-five percent have one or more cars."

Unfortunately, H.R. 202 makes the situation worse by diluting our current policy of helping the truly needy in favor of creating a middle class entitlement by expanding eligibility for occupancy to as high as 80% of the area median income for existing housing developments for seniors. I commend Mr. Stossel for illustrating clearly that choosing liberty is the best path for making a difference. I wish more of my colleagues heeded his advise.

Mr. CAPUANO. Mr. Speaker, I rise in strong support of H.R. 202, the Preserving Affordable Housing for Senior Citizens and Families Act. This bipartisan legislation will help save thousands of units of affordable housing throughout America for seniors and working families.

H.R. 202 provides several tools to help the Department of Housing and Urban Development deal with the loss of affordable housing, including authorizing the Department of "mark-up-to-market" the rents of those Section 8 properties that would otherwise opt-out of the program. Preserving these units is essential in maintaining a stock of high-quality affordable housing for future generations.

Many times these Section 8 properties are the only housing option for low-income individuals. While this bill also provides enhanced vouchers for those tenants affected by Section 8 opt-outs, in many cities, including Boston, the cost of housing is so high and the vacancy rates are so low, vouchers are not a viable solution. Giving HUD the ability to keep these properties in the Section 8 program by offering these owners reasonable rent increases is essential to maintaining affordable housing in high-cost areas.

In addition to preserving Section 8 properties, this legislation authorizes a commission that will study seven specific areas of concern related to elderly housing. One such concern is the issue of grandparents raising their grandchildren. It is estimated that more than 1.5 million children are being raised by their grandparents or other relatives. Many of these families live in public or subsidized housing in both urban and rural communities, although their unique needs may not be best served in these situations.

A group in my District, Boston Aging Concerns/Young and Old United, has developed the first affordable housing in the country designated specifically for grandparents raising their grandchildren. This innovative development, called the Grandfamilies House, has a playground, computer learning center, and after-school programs to serve the children, as well as service coordinators, and exercise classes for the elderly residents.

The staff of the Grandfamilies House has had inquiries from groups across the country interested in developing similar projects. It is my hope that the Commission will focus attention on this critical issue and develop recommendations to help us better serve these unique families.

Mr. McCOLLUM. I rise today to voice my support for H.R. 202, the Preserving Housing for Seniors and Families into the 21st Century Act. The Banking Committee sent a strong message regarding this bill by passing it unanimously on a voice vote, and I stand before you today to reiterate its merits.

As a Floridian, I cannot help but be acutely aware of the housing needs of senior citizens. Our warm weather attracts retirees to our state, and we appreciate them for both the contributions that they make to our economy and as well as to the substantial roles they play in our community. While medical innovations permit seniors to enjoy a higher quality of life, a wave of new retirees coupled with longer life-spans have led to a crisis in affordable housing for the elderly. By the year 2020, the GAO estimates that one in six Americans will be 65 years of age or older. In Florida, that ratio has been surpassed—18.5% of the population is already over 65 years old and that number is growing. More significantly, 11.2% of Florida's senior population live below poverty income levels, making affordable housing even more important to Floridians.

H.R. 202 addresses the needs of senior citizens by implementing several important measures. It allows for modernization of project financing and a steamlined refinancing program to encourage continued participation in housing projects—an extremely important goal in light of the number of expiring assistance contracts.

The bill also provides for greater flexibility in programs, such as creating mixed-income senior and disabled housing environments, and the conversion of senior housing projects to assisted living facilities that conform with an "aging in place" model. This model takes the approach that seniors in community housing may not wish to be able to move as they become older. Projects can be developed that follow the aging of its residents, instead of forcing them out as their needs change.

Mr. Speaker, again, I would like to draw my colleagues' attention to the bipartisan effort that went into H.R. 202, as well as the valuable contribution that H.R. 202 would make to the ability of our senior citizens across the nation to afford housing. I therefore strongly encourage a positive vote on the Preserving Housing for Seniors and Families into the 21st Century Act.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 202 and urge its adoption.

Mr. Speaker, over the past year, I have been inundated with calls and letters from seniors living in Section 8 housing units where owners were prepaying their mortgages or opting out of their contract renewals thereby terminating their relationship with the Department of Housing and Urban Development (HUD), and leaving their senior tenants without any housing security.

Following a meeting in my district office with the Mayor of Waltham, Massachusetts, representatives of the Boston HUD office, and other local officials, I wrote the following letter to Secretary Cuomo, and a similar letter to the Director of the Office of Management and Budget Jack Lew, to explain the serious problems facing seniors in Waltham and elsewhere in my district and throughout the nation:

JANUARY 21, 1999.

Hon. ANDREW M. CUOMO,
Secretary, U.S. Department of Housing and Urban Development, Washington, DC.

DEAR SECRETARY CUOMO: I am writing to ask that you give full attention and high priority to the issue of Section 8 Contract Renewals as you review and consult with the Office of Management and Budget (OMB) regarding the Administration's Fiscal Year 2000 Budget Proposal. While I would like to bring to your attention the specific situation confronting 258 seniors in my Congressional district currently housed at the Francis Cabot Lowell Mill (the "Mill") apartment complex in Waltham, Massachusetts, where a 20-year lease negotiated with the Department of Housing and Urban Development (HUD) is due to expire at the end of this year, I believe that the problems facing residents at the Mill will confront thousands of seniors across America as more of these long-term contracts expire. My office has already received dozens of letters and phone calls from Mill seniors who are frightened at the prospect of losing their housing.

I recently met in my district office with Mr. William F. Stanley, Mayor of Waltham, Massachusetts, Ms. Mary Lou Crane, HUD's Secretary's Representative for the Boston Region, Mr. Bob Kargman, representing the Mill owners, their various associates, and telephonically with Mr. Bill Apgar, Assistant Secretary for Policy Development and Research. The focus of the meeting was Public Law 105–65, Section 524(a)(1) which states in part ". . . the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 . . . to provide assistance under section 8 of such Act at rent levels that do not exceed comparable market rents for the market area. The assistance shall be provided in accordance with terms and conditions prescribed by the Secretary."

Mr. Kargman informed the group that negotiations for a new lease contract had hit a snag over the issue of meeting fair market rent levels, and that residents were being informed that the Mill lease may not be renewed. Mayor Stanley expressed his concern that given the current housing stock in Waltham, it would be virtually impossible to keep all of the seniors currently living at the Mill in Waltham, thus doing tremendous damage to the spirit and continuity of the senior population in the city. Mr. Apgar indicated that HUD was empowered by law to more closely approximate comparable market rent levels in Waltham, but the money was not available and that discussions were under way between representatives from HUD and OMB.

As I understand it, the federal government has reaped the financial benefit of housing reform in renegotiating HUD leases in areas where market rents are below the national average—roughly in eighty percent of markets. But for the remaining twenty percent of markets, primarily markets on the coasts, market rents are higher than the national average. I believe that we have an obligation as policymakers to the seniors living in these higher rent areas, such as those in Waltham, as well as to the owners of the developments, who have kept faith with their tenants and the government, to renew their contract under the terms and conditions of Public Law 105–65.

I am hopeful that you will carefully examine this matter, and consult with the OMB Director Lew, in an effort to develop a plan to fully fund those contract renewals where comparable market rents exceed the national average.

I look forward to your response,

Sincerely,

EDWARD J. MARKEY.

Mr. Speaker, I want to commend my colleagues in both parties for bringing the House's attention to these important issues, and for compiling a bill that encompasses many important reforms to give seniors housing security. I am pleased that the bill will specifically address the problems created by the booming rental economy in the greater Boston area—seniors in subsidized housing are getting squeezed.

Mr. Speaker, I am hopeful that the House will pass H.R. 202 today to bring much-needed reassurance to the seniors in my district and every Congressional District in the United States. Our seniors deserve no less.

Mr. LAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 202, as amended.

The question was taken.

Mr. LAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENDING REENACTMENT OF CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2942) to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "January 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1986 the Congress passed a bankruptcy reform measure for that era which included the inclusion therein of a chapter 12 set of provisions specifically attuned to the needs of farms and farm communities where, when a financial crisis might occur to a farm family, the normal avenues of bankruptcy would be probably inadequate and unsuited to the needs of a family facing such financial distress on the farm.

Chapter 12 was created to meet those unique needs to allow the farming concept to continue while the financial problems in bankruptcy would be worked out. That chapter 12 was enacted for only 5 years, then it was extended in 1993, and we took it up to 1998. Then in the current cycle of our attempts at bankruptcy reform, this House with an overwhelming vote passed bankruptcy reform, I think it was 315 votes in favor of that reform, which reform included making permanent the benefits of chapter 12.

But because the other body has not yet acted on that legislation, we are faced with the end of that temporary extension that took us up to this juncture for chapter 12. We are here then today to ask that the House and the

Congress approve a 3-month extension with the idea that perhaps the Senate will be working and passing the bankruptcy reform which will make this permanent, but in the meantime, we will have cured the problem for the moment.

In this effort, the gentleman from Michigan (Mr. SMITH) has played the important role of leading the effort to make sure that the Congress will not forget the promise that we made under the old chapter 12 so that we can keep this concept moving towards the final resolution of the overall problem.

□ 1730

He is to be commended for his persistence in this matter.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in somewhat reluctant support of H.R. 2942. This bill would extend Chapter 12 of the Bankruptcy Code for only 3 months. Under current law, this section of the Bankruptcy Code will expire on October 1. This bill will extend the section until January 1 of the year 2000.

Although I am hopeful that Congress will permanently extend this very needed section of the Bankruptcy Code, I realize that this extension is needed now. The reason for my reluctance is that this bill was modified at the very last minute from 6 months to 3 months.

Six months would have allowed Congress the time to work out our differences on the larger bankruptcy overhaul bill in which Chapter 12 is permanently extended. Now, however, this bill has been amended to be only a 3-month extension. I think that is a little shortsighted. But, without this bill, Chapter 12 will expire by the end of this week, so I reluctantly support this bill.

Chapter 12 is similar to Chapter 11 and Chapter 13 of the Bankruptcy Code. Chapter 12 is the part of the Bankruptcy Code that is tailored to meet the unique economic realities of family farming, especially during times of severe economic crisis. With Chapter 12, Congress sought to create a chapter of the Bankruptcy Code that provided the framework to prevent family farms from going out of business completely.

At the time of its first enactment in 1986 during a severe farm crisis, Congress was unable to foresee whether Chapter 12 would be needed indefinitely by America's farmers. Congress has extended Chapter 12 now three times. Chapter 12 is the safety net of last resort for our farmers, and we must extend it and ultimately make it permanent.

The family farm is the backbone of the rural economy in Wisconsin and all over this Nation. Without Chapter 12, if economic crisis hits a family farm, that family has no choice but to liquidate the land, the equipment, the crops and the herd to pay off creditors. This means losing the farm, a supplier of food and a way of life.

When a family decides it can no longer afford to farm, many times that farm is lost forever to development and sprawl. With Chapter 12 in place, when an economic crisis hits America's farmers, a family's farmland and other farm-related resources cannot be seized by creditors. A bankruptcy judge for the Western District of Wisconsin notes that Chapter 12 has been used in his jurisdiction more than 50 times over the past year.

Obviously in this time of severe economic farm crisis, Chapter 12 is needed. Our farmers must have the assurance that if they must reorganize their farm to keep their farm, that they can do so. Chapter 12 must be there for them and for us to protect America's supply of food. It is in our country's best interest to protect family farms from foreclosure.

Mr. Speaker, family farmers in Wisconsin have been facing a tough time. If the dairy bill that this House passed last week becomes law, Wisconsin dairy farmers will continue to be at the same price disadvantage that they have been subject to for over 60 years. If dairy compacts are extended and expanded, my farmers will continue to have to compete against artificially inflated prices in other regions of the country. In the past 6 years alone, Wisconsin has lost over 7,000 family farms.

I was successful in committee earlier this year in extending Chapter 12 until this period of time. I believe that it needs to be permanently extended. It is frustrating to me that we must come to the floor every few months to extend this important protection for farmers.

Individuals in this country and businesses in this country who must consider filing for bankruptcy under Chapters 7, 11 or 13 do not have to worry about whether that part of the Bankruptcy Code will still be there, because it is permanent. I believe we should do no less for our family farmers, and make Chapter 12 permanent. I believe farmers, like all of us, should be able to plan for their futures.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, it is appropriate at this time, given the spark that he has given to this legislation, to yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the reason that the chairman, the gentleman from Pennsylvania (Mr. GEKAS), the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Mississippi (Mr. PICKERING) and the gentleman from California (Mr. CHAMBLISS) are cosponsoring this bill is because together we feel it is very important, especially at this time, with agriculture facing up to some very difficult challenges.

Mr. Speaker, American agriculture is in a serious situation right now. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have been left out. Commodity prices are at record lows, export markets are weak and no relief is expected any time soon. While the Farm Credit system is currently sound, there are many producers who just will not be able to make ends meet and are going to be forced into bankruptcy.

Bankruptcy filing by farmers has become too regular an occurrence. I visited last week with a hog producer from my district. He is the fourth generation on that farm, as smart as most any entrepreneur that I have known. Yet, because of prices, even with his business-like efforts to lay off workers, to increase his hours that he spends per week on that farm, he is still challenged as to whether he can survive on that farm. Again, fourth generation. That means his great-grandfather, his grandfather, his dad, all were able to preserve that farm, and now he is challenged, simply because we have a system of international competition that has resulted in the very low commodity prices.

Chapter 12 of title 11 of the Bankruptcy Code is only available, I would like to point out, to family farmers. Chapter 12 is now set to expire, as the gentlewoman suggested, in three days, on September 30. H.R. 2942, as amended, will temporarily extend Chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Mr. Speaker, Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy. The logic is that a farmer should not be forced to sell his tractor and his plow and his planter and his tools of production when he is reorganizing, trying to make sure that he is paying off those debts, because if we force him to sell those tools of production, then we have almost taken away any possible opportunity for him to reorganize and pay his debts.

I am very pleased that the gentleman from Pennsylvania (Chairman GEKAS) and this body is taking action on this legislation today. With three days to go before expiration, time is very short. Senator GRASSLEY and other Senators are aggressively pursuing this effort over in the Senate and moving ahead on this legislation.

I realize that many of us would prefer to see Chapter 12 extended permanently. I trust that as the general bankruptcy reform is debated, a permanent fix for Chapter 12 is going to be accomplished, because that is what is in the bill that the gentleman from

Pennsylvania (Chairman GEKAS) and the committee and this body sent over to the Senate. This legislation is needed to assure producers that this risk management tool is available.

Again, I thank both sides of the aisle, both sides of the Capitol Building, and especially the chairman for moving ahead on this legislation.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 2942. I would also note my cosponsorship of this legislation and legislation introduced by several Members, including the distinguished gentleman from Michigan (Mr. SMITH), which would either extend or make permanent these Chapter 12 bankruptcy provisions. I thank the distinguished gentleman from Pennsylvania for expediting it, as well as the chairman and the ranking member of the full committee. I appreciate the supportive comments of the gentlewoman from Wisconsin.

Chapter 12 bankruptcy has been a necessary and responsible and viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of the creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will have a drastic effect on the agricultural sector, already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will plunge downward. Such a decrease in land values will affect both the ability of the family farmer to earn a living and the manner in which banks making agricultural loans conduct their lending activities.

This gentleman represents a premier agriculture district, and, as a member of the Committee on Banking and Financial Services, I am concerned about those agricultural loans out there and their customers.

This is a very important piece of legislation. Like my colleagues, like the words expressed by the gentleman from Michigan, I would very much like to see this permanently extended. But the House passed this earlier, as the gentleman from Pennsylvania indicated, by actually 313 to 108, with my support. Unfortunately, the other body failed to act on the Bankruptcy Reform Act. Therefore, a 3 month extension is absolutely necessary for our family farmers and other small agri-business families.

Mr. Speaker, in closing I encourage my colleagues to support H.R. 2942, which provides a 3 month extension.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2942, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is enacted."

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER OF LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection and pursuant to section 1 of the act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), amended by Section 1 of Public Law 102-246, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5 year term:

Mr. Edwin L. Cox, Dallas, Texas.

There was no objection.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–132)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1999.*

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. PACKARD. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report to accompany the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

□ 1745

Mr. SHUSTER. Mr. Speaker, this bill being called up without our having a chance to see it, I have no option but to oppose it and therefore demand the time in opposition.

The SPEAKER pro tempore (Mr. UPTON). Under a unanimous consent agreement from earlier today, the gentleman from California (Mr. PACKARD) had the right to call up the bill.

Mr. PACKARD. Mr. Speaker, I have no problem dividing the time three ways, if my colleague and minority ranking member would be willing to do that. I do not plan to take certainly more than 20 minutes.

The SPEAKER pro tempore. Is there objection to dividing the debate three ways?

Mr. SHUSTER. Does that mean that I, in opposition, will have 20 minutes?

The SPEAKER pro tempore. Since the Chair understands that both the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) support the Conference report; the Chair is able to divide the debate up three ways under the rules.

Mr. SHUSTER. Does that mean that I will be able to control one-third?

The SPEAKER pro tempore. That is correct. The gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 20 minutes.

Mr. SHUSTER. I have no objection then.

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) is recognized for 20 minutes.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report. This is a report accompanying H.R. 2605, a bill making appropriations for energy and water development for the fiscal year 2000. There were dramatic differences of priorities between the House and the Senate bill. It was not an easy conference to consummate; but in the final analysis, with the help of tremendous work by our staff and by the members of the subcommittees, both in the House and in the Senate, we were able to work out those differences of priorities and; I think we have produced a very good product.

I am proud of this conference report. We have recommended a generous and cost-effective civil works program. We know that there were limits to what we could do. We were unable to fund any new projects that were authorized in the Water Resource Development Act of 1999. We agreed also to only fund projects that were within the scope of the House and the Senate recommendations. In short, we agreed to finish what we have started and look forward to expanding the benefits of civil works programs next year and in the future.

I want to thank my Senate counterpart, Senator PETE DOMENICI, the chairman of the Senate committee, and his ranking minority member, Senator HARRY REID, for their cooperation and hard work in the conference. I would like to express my sincere and deep appreciation for my colleagues on the House subcommittee on Energy and Water Development. They devoted untold time and effort to make this conference report possible.

I am especially grateful to my good friend and the ranking minority member, the gentleman from Indiana (Mr. VISCLOSKY), for his tremendous effort on behalf of this conference report and that of his staff. I believe this was a bipartisan effort, and I think in the final analysis we have a very good product.

I cannot say enough about the hardworking staff that helped us accomplish this task, both our committee staff and our personal staffs, for the work that they did. They worked day and night for the last 2 weeks in preparing this conference report for its adoption. I believe the conference agreement is balanced and fair and would urge all Members of the House to support its adoption. We think we have worked out any problems that the President expressed in terms of a veto threat. We think that the President will be glad to sign this bill. It is good for the Members. It is good for the country, and I urge Members to adopt it.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 2605, a bill making appropriations for energy and water development for fiscal year 2000.

At the outset, I would like to briefly state how pleased I am that the conference committee was able to work out the dramatic differences between the House and Senate bills so amicably and to such positive effect. Given the great divide over House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences, we did so in such a way that the critical priorities of the House and Senate were carefully protected.

I am proud of the agreement struck between the House and Senate on energy and water programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure and increase our scientific knowledge.

I am especially pleased with the civil works program that the conference report recommends for the U.S. Army Corps of Engineers. At $4.14 billion, the recommended funding is slightly highly than last year's level and $247 million higher than the Administration's inadequate request. Moreover, we have been able to preserve funding for water development projects across the country that are of the utmost importance to our colleagues.

We have recommended a generous, efficient and cost-effective civil works program. But, of course, there are limits to what we could do. The conferees did agree to fund no new projects recently authorized by the Water Resources Development Act of 1999, and we agreed to fund only those projects within the scope of the House and Senate recommendations. In short, we agreed to finish what we've started, and we look forward to expanding the benefits of the civil works program next year and in the future.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his Ranking Minority Member, Senator HARRY REID, for their cooperation and hard work. Moreover, I would like to express my appreciation to my colleagues on the House Subcommittee on Energy and Water Development, whose devoted efforts made this conference report possible. I am especially grateful to my good friend and the Ranking Minority Member of the House subcommittee, the Honorable PETE VISCLOSKY, for his tremendous efforts on behalf of this conference report. The spirit of bipartisanship that enveloped the conference negotiations provides a model that other committees would be well advised to emulate.

I believe the conference agreement is balanced and fair, and I would urge the unanimous support of the House for its adoption. I would hope we could quickly conclude action on this conference report so that we can get this bill to the White House before the fiscal year expires.

ENERGY AND WATER DEVELOPMENT APPRORPIATIONS BILL, 2000 (H.R. 2605)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	161,747	135,000	158,993	125,459	161,994	+247
Construction, general	1,429,885	1,239,900	1,412,591	1,086,586	1,400,722	-29,163
Supplemental appropriations (P.L. 105-277)	35,000					-35,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	321,149	280,000	313,324	315,630	309,416	-11,733
Emergency appropriations (P.L. 105-277)	2,500					-2,500
Operation and maintenance, general	1,653,252	1,835,900	1,888,481	1,790,043	1,853,618	+200,366
Emergency appropriations (P.L. 105-277)	99,700					-99,700
Regulatory program	106,000	117,000	117,000	115,000	117,000	+11,000
FUSRAP	140,000	140,000	150,000	150,000	150,000	+10,000
General expenses	148,000	148,000	148,000	151,000	149,500	+1,500
Total, title I, Department of Defense - Civil	4,097,233	3,895,800	4,188,389	3,733,718	4,142,250	+45,017
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	25,741	21,002	20,431	21,002	22,573	-3,168
Fish, wildlife, and recreation mitigation and conservation	10,476	12,047	10,476	12,047	10,476	
Utah reclamation mitigation and conservation account	5,000	5,000	5,000	5,000	5,000	
Subtotal	41,217	38,049	35,907	38,049	38,049	-3,168
Program oversight and administration	1,283	1,321	1,283	1,321	1,321	+38
Total, Central Utah project completion account	42,500	39,370	37,190	39,370	39,370	-3,130
Bureau of Reclamation						
Water and related resources	617,045	652,838	604,910	612,451	607,927	-9,118
(By transfer)	(25,800)					(-25,800)
Supplemental appropriations (P.L. 106-31)	1,500					-1,500
Loan program	8,421	12,425	12,425	12,425	12,425	+4,004
(Limitation on direct loans)	(38,000)	(43,000)	(43,000)	(43,000)	(43,000)	(+5,000)
Central Valley project restoration fund	33,130	47,346	47,346	37,346	42,000	+8,870
California Bay-Delta ecosystem restoration	75,000	95,000	75,000	50,000	60,000	-15,000
Policy and administration	47,000	49,000	45,000	49,000	47,000	
Total, Bureau of Reclamation	782,096	856,609	784,681	761,222	769,352	-12,744
Total, title II, Department of the Interior	824,596	895,979	821,871	800,592	808,722	-15,874
(By transfer)	(25,800)					(-25,800)
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	727,091	834,791	607,579	715,412	639,117	-87,974
(By transfer)		(5,821)	(5,821)	(5,821)	(5,821)	(+5,821)
Supplemental appropriations (P.L. 105-277)	60,000					-60,000
Non-defense environmental management	431,200	330,934	327,223	327,922	333,618	-97,582
Uranium enrichment decontamination and decommissioning fund	220,200	240,198	240,198	200,000	250,198	+29,998
Science	2,682,860	2,831,444	2,718,647	2,725,069	2,799,851	+116,991
Supplemental appropriations (P.L. 105-277)	15,000					-15,000
Nuclear Waste Disposal	169,000	258,000	169,000	242,500	240,500	+71,500
(By transfer)		(39,000)				
Departmental administration	200,475	240,377	193,769	219,415	206,365	+5,890
Miscellaneous revenues	-136,530	-116,887	-106,887	-116,887	-106,887	+29,643
Net appropriation	63,945	123,490	86,882	102,528	99,478	+35,533
Y2K conversion (emergency appropriations)	10,000					-10,000
Office of the Inspector General	29,000	30,000	30,000	29,000	29,500	+500
Environmental restoration and waste management:						
Defense function	(5,576,824)	(5,785,768)	(5,440,250)	(5,849,168)	(5,737,841)	(+161,017)
Non-defense function	(651,400)	(571,132)	(567,421)	(527,922)	(583,816)	(-67,584)
Total	(6,228,224)	(6,356,900)	(6,007,671)	(6,377,090)	(6,321,657)	(+93,433)
Atomic Energy Defense Activities						
Weapons activities	4,400,000	4,507,935	3,962,500	4,609,832	4,443,939	+43,939
Defense environmental restoration and waste management	4,310,227	4,497,951	4,157,758	4,551,676	4,484,349	+174,122
Y2K conversion (emergency appropriations)	10,340					-10,340
Defense facilities closure projects	1,038,240	1,054,492	1,054,492	1,069,492	1,064,492	+26,252
Y2K conversion (emergency appropriations)	3,500					-3,500
Defense environmental management privatization	228,357	228,000	228,000	228,000	189,000	-39,357
Subtotal, Defense environmental management	5,590,664	5,780,443	5,440,250	5,849,168	5,737,841	+147,177

ENERGY AND WATER DEVELOPMENT APPRORPIATIONS BILL, 2000 (H.R. 2605) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Other defense activities	1,696,676	1,863,015	1,651,809	1,872,000	1,722,444	+25,768
Emergency appropriations (P.L. 105-277)	525,000					-525,000
Y2K conversion (emergency appropriations)	13,650					-13,650
Defense nuclear waste disposal	189,000	112,000	112,000	112,500	112,000	-77,000
Total, Atomic Energy Defense Activities	12,414,990	12,263,393	11,166,559	12,443,500	12,016,224	-398,766
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	7,500			39,594	39,594	+32,094
Operation and maintenance, Southwestern Power Administration	26,000	27,167	27,167	28,000	28,000	+2,000
(By transfer)		(773)	(773)		(773)	(+773)
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	203,000	171,471	171,471	223,555	193,357	-9,643
Falcon and Amistad operating and maintenance fund	1,010	1,309	1,309	1,309	1,309	+299
Total, Power Marketing Administrations	237,510	199,947	199,947	292,458	262,260	+24,750
Federal Energy Regulatory Commission						
Salaries and expenses	167,500	179,900	174,950	170,000	174,950	+7,450
Revenues applied	-167,500	-179,900	-174,950	-170,000	-174,950	-7,450
Total, title III, Department of Energy	17,060,796	17,112,197	15,546,035	17,078,389	16,670,746	-390,050
Appropriations	(16,423,306)	(17,112,197)	(15,546,035)	(17,078,389)	(16,670,746)	(+247,440)
Supplemental appropriations	(75,000)					(-75,000)
Emergency appropriations	(525,000)					(-525,000)
Y2K conversion (emergency appropriations)	(37,490)					(-37,490)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,400	66,400	60,000	71,400	66,400	
Defense Nuclear Facilities Safety Board	16,500	17,500	16,500	17,500	17,000	+500
Denali Commission	20,000			25,000	20,000	
Rescission			-18,000			
Nuclear Regulatory Commission:						
Salaries and expenses	465,000	465,400	455,400	465,400	465,000	
Revenues	-444,800	-442,400	-432,400	-442,400	-442,000	+2,800
Subtotal	20,200	23,000	23,000	23,000	23,000	+2,800
Office of Inspector General	4,800	6,000	6,000	5,000	5,000	+200
Revenues	-4,800	-6,000	-6,000	-5,000	-5,000	-200
Subtotal						
Total	20,200	23,000	23,000	23,000	23,000	+2,800
Nuclear Waste Technical Review Board	2,600	3,150	2,600	3,150	2,600	
Tennessee Valley Authority: Tennessee Valley Authority Fund		7,000		7,000		
Supplemental appropriations (P.L. 105-277)	50,000					-50,000
Total, title IV, Independent agencies	175,700	117,050	84,100	147,050	129,000	-46,700
TITLE V - RESCISSIONS						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations (rescission)				-1,512	-930	-930
Construction, general (rescission)				-35,412	-12,819	-12,819
Total, Corps of Engineers - Civil				-36,924	-13,749	-13,749
DEPARTMENT OF ENERGY						
Nuclear Waste Disposal (rescission)					-4,000	-4,000
Power Marketing Administrations						
Southeastern Power Administration:						
Purchase power and wheeling (rescission)				-5,500	-3,000	-3,000
Total, title V, Rescissions				-42,424	-20,749	-20,749
Grand total:						
New budget (obligational) authority	22,158,325	22,021,026	20,640,395	21,717,325	21,729,969	-428,356
Appropriations	(21,493,635)	(22,021,026)	(20,658,395)	(21,759,749)	(21,750,718)	(+257,083)
Rescissions			(-18,000)	(-42,424)	(-20,749)	(-20,749)
Emergency appropriations	(664,690)					(-664,690)
(By transfer)	(25,800)	(45,594)	(6,594)	(5,821)	(6,594)	(-19,206)

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a quarter of a century in this House I have known of no situation in which the chairman or ranking member of an authorizing committee informed the leadership that they would have an objection to a unanimous consent request and subsequently had that ignored and indeed had a unanimous consent request made in their absence, in effect snuck past them, without giving them an opportunity to exercise their rights. I believe this is disgraceful. I am stunned. I cannot believe, when I walked on this floor, to learn that after we had clearly communicated to the leadership that we would have a unanimous consent objection that we were not informed and given the right to be here to protect our rights. But if that is the way the Republican leadership wants to run this House, then that is their decision. It is certainly not my decision and I cannot find the words to adequately express my dismay at the way this House is being managed.

Now having said that, I want to emphasize that I have absolutely no quarrel whatsoever with the gentleman from California (Mr. PACKARD), the distinguished chairman of the subcommittee. Indeed, he did his work as his legislation passed through this House. Indeed, I voted for his appropriation bill when it passed through this House, and in spite of some of the things that we do not like about it, I assumed that I would be prepared to vote for it, for the conference report, when it came back; but there is one little problem. That is, we have not seen the conference report. We have not been able to read the conference report. It might be an excellent conference report, and it might be one which we can support. We simply do not know that because we have not had the opportunity to see it and to study it and to read it.

This problem takes on particular significance because of the experience we have had in the past in dealing with matters such as this. Let me remind the House that when the omnibus bill came through here last year, not only did we not have a chance to see it but we accepted it on faith and indeed we only discovered later that a point of order, which was part of the law in T-21, the transportation bill, had been changed without our knowledge in the last moments before that omnibus bill came to the floor, and we never knew it was in there.

That is not the end of the story. Indeed, as previous legislation came to the floor with regard to the aviation bill, the House in the aviation bill last year provided that a 30 percent funding of the total funding would come from the general fund.

The Senate, in the bill as it worked its way through the Senate, provided that 30 percent of the total funding would come from the general fund. We were assured that that is what obviously would come back to the House in a conference report since that is what both the House bill said and what the Senate bill said, but in the dead of night, despite those assurances we received, the general fund percentage was cut to 15 percent. Nobody knew it. We did not know it. Not only did we not know it, we were lied to. We were lied to, and I choose that word carefully because we were assured that it would be 30 percent funded.

So with that kind of a background, with that kind of experience in the past, how can we in good conscience take the assurance that this bill, which I indeed voted for when it came through the House, that this bill is as it is purported to be?

There is an old saying, fool me once, shame on you. Fool me twice, shame on me. Well, I suppose fool me thrice, and it really would make a fool of us all.

So I regret, I regret, that our right was not protected to object to the unanimous consent request. I regret that we have not had an opportunity to see this conference report, which once we study it may well be acceptable.

I regret that we were misled last year in the omnibus bill. I regret that we were misled, yes lied to, with regard to the aviation general funding in last year's bill. So for all of those reasons, I must oppose this conference report, express my deep regret and urge all my colleagues who care about following the proper procedure of this House and knowing what is in legislation urge them all to oppose this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from California (Mr. PACKARD), all of the Members on both sides of the aisle of the subcommittee, for their diligent work. I would also want to thank all of the members of the staff.

I would suggest to the membership this is a good bill and I would encourage them to vote for it.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I just want to rise to compliment the chairman of the committee, the gentleman from California (Mr. PACKARD), and the ranking Democratic member, the gentleman from Indiana (Mr. VISCLOSKY), for their hard and bipartisan efforts on this bill.

A lot of times this bill is below the radar screen for many Members of this House and members of the general public, but the fact is that there are some key infrastructure programs in this legislation that is essential to the future economic development of America: flood control projects to save our cities and families from massive floods that we have witnessed throughout the country; navigation projects that are so terribly important for commerce in America; vital university research programs; perhaps those things that do not have an overnight payoff but investment in the brightest minds in America that help make life better for all American families; and finally, something that we do not talk enough about on the floor of this House and that is the threat of nuclear proliferation in the world.

This subcommittee, under the leadership of the gentleman from California (Mr. PACKARD), plays a very key role in trying to limit the proliferation of nuclear arms, a threat that could virtually touch every family in America, if not every family in the world.

I wish we had had more funds to work with on this subcommittee, but given the allocation that the chairman and ranking member had, I think they did an excellent job truly working on a bipartisan, fair basis to fund these terribly important programs.

□ 1800

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, relative to the legislation, I would like to point out that important changes have happened since our House approved this legislation on July 27. Additional funding was added to the original House bill, a total of $1.2 billion. As a result, important water-related infrastructure projects not funded in the Senate's version of the bill were retained in the final conference agreement. I am pleased that we were able to assist so many Members with important water-related projects in their individual congressional district.

On the matter of national policy, I would point out that two legislative provisions in Title I of the bill were modified by the conference committee late last week during intense negotiations. Specifically, legislative language had been included in the conference report creating in statutory language a new administrative appeal system in the Corps of Engineers related to jurisdictional determinations for wetlands.

Again, as I indicated in my earlier remarks, there are a number of other very worthwhile provisions in this legislation, and I would encourage my colleagues to support the legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time.

Mr. Speaker, I just want to take a minute to commend both the chairman and the ranking member of the subcommittee for the work they have done, particularly as it relates to the Simms Bayou project in my district that I share with the 18th District, which is an ongoing project about halfway through, the Brazoria Bayou project which is in my district and that I share with the 22nd district of Texas. These are important flood control projects that affect tens of thousands of homeowners in the greater Houston area, and also for the Houston Galveston Navigational Channel project and the funding that runs through part of my district and the language addressing that and the barge traffic.

I appreciate the work of the gentleman from Texas (Mr. EDWARDS), a member of the subcommittee, for the hard work he did on all of these projects even though they are far from his district in central Texas, but he understands the importance that they are to the greater Houston area.

Again, I thank the chairman and ranking member.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding. I rise in support of the chairman's profound concern and I would say controlled outrage at the treatment that the senior Member of the House has been accorded in this matter. It is a matter of simple courtesy when concern has been expressed by the committee chairman, a senior Member of the House and a committee chairman, that comity directs that these concerns be addressed. The chairman was not fairly treated. Our committee has not been fairly treated. I join with the chairman in expressing that concern.

I make no observation about the substance, as the gentleman from Pennsylvania (Chairman SHUSTER) expressed, of this bill. We have not seen it. We do not know what has been in it, what has been included or excluded. But we do have a basic principle of fairness. When a senior Member expresses reservations, they ought to be at least given the opportunity to express those concerns at the appropriate time in the parliamentary proceeding. I will join my chairman in expressing that at the appropriate time when we come to a vote on this bill.

Mr. VISCLOSKY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) and again emphasize that my concern, while very serious about the fairness issue here, which he has outlined, goes beyond that to the very real experience we had last year when we were misled about the contents of the omnibus bill. Indeed, it is for that reason that our concern here is not theoretical about what might be in the bill. Our concern is grounded in our experience of having been misled previously.

It is for that reason that we believe we should have the right and the opportunity to read and study the bill before we vote on it, a bill which I voted for when it worked its way through the House, but a conference report which I must oppose for those two fundamental reasons.

Mr. Speaker, I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly believe that there is absolutely nothing in this bill that will surprise any of the Members. We feel it is a very good bill, and we hope all of the Members will support it.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report.

This is an important bill for our country. It is especially important for Colorado because it provides the funding for continuing work on the critical task of cleaning up Rocky Flats, the former atomic-weapons facility.

Rocky Flats sits near the heart of the Denver-Boulder metropolitan area, which is home to more than two million people. It has extensive amounts of hazardous materials. For all Coloradans it's a matter of highest priority to have Rocky Flats cleaned up efficiently, safely, and promptly.

In 1997, DOE designated Rocky Flats as a pilot site for accelerated cleanup and closure, and is working to finish cleaning it up in time for closure in 2006. I strongly support this effort, as does the entire Colorado delegation here in the House and in the other body as well.

So, I am very glad that the conference report maintains the needed funding for the Rocky Flats closure fund. I want to thank Chairmen Packard and Young, Ranking members Visclosky and Obey, and the other conferees for their leadership and for recognizing the importance of this undertaking for Colorado and the nation. I am particularly pleased that the conference report says in the future DOE should request adequate funds to keep Rocky Flats and the other closure projects on a schedule for closure by 2006 or earlier.

I also appreciate the inclusion in this conference report of $24.5 million for the work of DOE's Office of Worker and Community Transition. While this is less than was the Senate's bill, it is more than in the original bill passed by the House earlier this year. The activities of this office, which implements the so-called "3161" program, are essential if we are to truly keep faith with the Cold-war warriors who have worked at Rocky Flats and at the other sites in DOE's nuclear-weapons complex.

In addition, funding through this office is very important to assist the local communities as they work to adjust to ongoing changes now underway at Rocky Flats and those that will come after cleanup and closure are achieved.

I do regret that the conference report does not include more funding for solar and renewable energy programs. I think this is a serious shortcoming in this measure—and, if it were not for the other important programs such as those I have mentioned, I would oppose the conference report because of this defect. However, I will continue to work to provide more funds for these important purposes in the future.

Mr. VISCLOSKY. Mr. Speaker, I rise to express my strong support for the conference report accompanying H.R. 2605, the Energy and Water Development Appropriations bill for Fiscal Year 2000. This legislation contains $21,279,000,000 ($21 billion $279 million $969 thousand dollars) in new federal funding for programs of the Department of Energy, the U.S. Army Corps of Engineers, Bureau of Reclamation, Power Marketing Administrations, NRC, FERC, and the Appalachian Regional Commission.

This funding level is $210 million over the Fiscal Year 1999 Energy and Water Development conference report funding level of $21,069,000,000 billion.

The bill includes:	Fiscal year 2000	Fiscal year 1999 (In millions)
Title I (Corps)	$4,142,250,000	$4,097,233,000 [+$45]
Title II (BOR)	$808,722,000	$824,596,000 [−$15]
Title III (DOE)	$16,670,246,000	$16,423,000,000 [+$247]
Title IV (Ind Agncs)	$129,000,000	$175,700,000 [−$47]
Rescissions	$20,749,000	$0.0 [−$20]
(Scorekeeping adjustments $450,000,000)		
Grand total:	$21,279,000,000	$21,069,000,000 [+$210]

Mr. GREEN of Texas. Mr. Speaker, I rise in support of this important appropriations conference report. Let me first thank Chairman RON PACKARD and Ranking Member PETE VISCLOSKY for their support and hard work. I also want to thank my colleague and friend, Congressman CHET EDWARDS for his dedication, hard work, and I especially appreciate his advice. Because of their efforts, the Houston-Galveston Navigation project has been appropriated the full $60 million needed to maintain the construction schedule of the deepening and widening of the Houston Ship Channel.

This subcommittee has had the foresight to maintaining the optimal construction schedule. By providing the necessary funds now, this project's return on investment will save taxpayers an estimated $63.5 million in increased construction costs. Also, the Port of Houston generates $300 million annually in customs fees and $213 annually in state and local taxes, which demonstrates that the Houston-Galveston Navigation Project will more than pay for itself.

The continued expansion of the Port of Houston is important on many levels. More than 7,000 vessels navigate the ship channel each year. The port provides $5.5 billion in annual business revenues and creates directly or indirectly 196,000 jobs. It is anticipated that the number and size of vessels will only increase. Completing the widening and deepening of the ship channel in a timely manner will increase safety and the economic viability of the port and the City of Houston.

The citizens of Houston appreciate your confidence in this project, and I urge my colleagues to support this bill.

Mr. KIND. Mr. Speaker, as the representative from Wisconsin's Third Congressional District and a co-chair of the Upper Mississippi River Task Force, I rise in support of the Energy and Water conference report for fiscal year 2000.

I am pleased that the conference report includes $18.955 million for the Environmental Management Program (EMP), a cooperative effort among the U.S. Fish and Wildlife Service, the National Biological Service and the U.S. Army Corps of Engineers to "ensure the coordinated development and enhancement of the Upper Mississippi River System." The EMP is designed to evaluate, restore and enhance riverine and wetland habitat along a 1,200 mile stretch of the Upper Mississippi and Illinois Rivers.

This appropriation will allow the state operated EMP field stations to remain open and continue to fulfill their mission by collecting essential data on the rivers. This funding along with the recent passage of the Water Resource Development Act of 1999 highlights the EMP's importance to the Upper Mississippi River Basin's economic and environmental well being.

In addition, I am especially grateful that the fiscal year 2000 Energy and Water Appropriations conference report, provides $3 million in funding for the Kickapoo Valley Reserve Project in western Wisconsin. This money will be used for remediation of past contamination, completion of site safety modifications, and the continuation of the work on satisfying the authorized highway relocation requirements.

In 1962, Congress first authorized the Army Corps of Engineers to construct a flood control dam at La Farge, Wisconsin. This dam project, however, was abandoned in 1973 due to environmental and economic concerns. Since the decision to abandon the project, more than 8,600 acres of land have been held in a state of limbo. Recently through the dedicated efforts of many concerned citizens in western Wisconsin, this area is finally being restored for recreation and agriculture uses. Passage of the fiscal year 2000 Energy and Water conference report will help advance this much needed project toward its completion.

While the conference report contains these two excellent projects, I am gravely disappointed that an anti-environment provision that would curtail the Federal Government's efforts to reduce global air pollution is included. Such unnecessary language will hamper global efforts to preserve our environment for future generations.

Though I am opposed to including the Knollenberg provision, because of the importance of these two projects for Wisconsin and other important Energy and Water projects which are included in this conference report, I will vote for final passage.

Ms. PRYCE of Ohio. Mr. Speaker, today, I rise in strong support of the conference report for H.R. 2605, the Fiscal Year 2000 Energy and Water Development Appropriations bill. This annual appropriation bill includes full funding for the West Columbus Floodwall, an important project located in my district. Each year, as the appropriations process unfolds in Congress, I have made budget requests for the Floodwall Project, and have closely monitored the process to ensure that it receives the funding it needs. I remain committed toward achieving this goal. The $16 million included in this conference report will allow this project to proceed on-schedule and on-budget and sends a strong message that Congress intends to fulfill its existing commitments to the people of Columbus. I would like to express my sincere gratitude to Chairman PACKARD (CA), Vice-Chairman VISCLOSKY (IN), and the House and Senate conferees for the inclusion of $16 million for the West Columbus Floodwall Project.

The threat of a major flood disaster continues to loom in Columbus and Central Ohio. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic floods caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars worth of residential and commercial property. Until the Floodwall Project is completed, the potential for a major flood disaster will continue to threaten citizens, homes, and businesses located in the very heart of downtown Columbus that borders the Scioto River. Today, approximately 17,000 residents continue to be placed at risk of life, injury, and hardship. Should a 100-year frequency flood occur prior to completion of the project, the damages are estimated at $365 million and should a 500-year flood occur, the damages are estimated to exceed $455 million.

While risk to human life and safety is of paramount concern, completion of the Floodwall will also permit important new development along the Scioto riverfront. Columbus is now the largest city in Ohio and the fifteenth largest city in the United States. Its economy is strong and the city is experiencing rapid growth. New construction in the downtown riverfront area, however, will not be able to proceed until the Floodwall construction is completed. Without the important protection of the Floodwall, this looming risk will deter future business and housing development, economic growth, infrastructure improvements, and recreational opportunities in the city. Currently, flood plain zoning restrictions continue to remain in place for 5,520 residences and 650 non-residential structures, as well as the future development of 2,800 acres. It is, therefore, imperative to the city's growth and economic health that the Floodwall Project continue on schedule. Therefore, it is not only the safety of Columbus residents and businesses, but also the future growth of the city's downtown which depends on the timely completion of this important project.

On behalf of those that continue to live with the threat of a major disaster in Columbus and Central Ohio, let me again thank all the Members for their assistance on this very important project.

Mr. VITTER. Mr. Speaker, I rise today to commend you for your efforts to include language and funding in this Conference agreement to address so many of the urgent needs of our constituents in Louisiana, in particular two critically important projects. As you know, Mr. Chairman, flood control is a major issue in Louisiana with so many low-lying areas susceptible to high waters and flooding, especially during the hurricane season. The Southeast Louisiana (SELA) flood control project is an aggressive effort by federal, state and local officials to protect thousands of Louisianians from the loss of life and property through the construction of extensive flood control mechanisms in the most vulnerable areas of our state. Your willingness to include $47 million for this project together with language to reinstate the Corps' current authority to expedite construction for this project and to proceed with continuing contracts for construction is deeply appreciated.

Furthermore, with regard to the SELA project, it is my understanding that the conference report language and the current authorization for this project, specifically Section 533(d) of the 1996 Water Resources and Development Act, allows the Corps to proceed with expedited funding of construction contracts above the current authorization level as long as the projects provided for by these contracts are determined by the Corps to be "technically sound, environmentally acceptable, and economic as applicable."

Secondly, I applaud you and the conferees for including $15.9 million in the Army Corps of Engineers (Corps) budget for the Inner Harbor Navigational Canal (IHNC) Lock Replacement Project in New Orleans and inserting language in the Conference Report that would expedite the community mitigation plan associated with that project.

Finally, regarding the IHNC lock replacement project, I believe that the Corps is directed to work in good faith to arrive at an equitable solution to value the properties that it acquires from the Port of New Orleans to complete this project. Accordingly, under such direction, the Port's property and facilities require valuation at the full replacement cost in the same manner that the Corps is employing in its acquisition of certain Coast Guard property to be acquired by the Corps for this project.

Mr. PACKARD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on adoption of the conference report will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and the question on adoption of a conference report on which further proceedings were postponed earlier today in the order in which that motion and question were entertained.

Votes will be taken in the following order:

H. Con. Res. 187, by the yeas and nays;

H. Con. Res. 140, by the yeas and nays;

S. 293, by the yeas and nays;

H.R. 202, by the yeas and nays;

The conference report to accompanying H.R. 2605, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in the series.

SENSE OF CONGRESS REGARDING EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINED AIRCRAFT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 187, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 29, as follows:

[Roll No. 448]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth
Paul

NOT VOTING—29

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Hutchinson
Istook
Jefferson
Johnson (CT)
Kleczka
Larson
Maloney (CT)
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood
Owens
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Towns
Walsh
Wu

☐ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules and question on which the Chair has postponed further proceedings.

SENSE OF THE CONGRESS THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT AND PEACEFUL ELECTIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 140.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 140, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 1, answered "present" 1, not voting 31, as follows:

[Roll No. 449]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)

Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode

Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern

McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman

Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu

Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento

Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Barr

NOT VOTING—31

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Hutchinson
Istook
Jefferson
Johnson (CT)

Johnson, Sam
Kleczka
Larson
Lewis (CA)
Maloney (CT)
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood

Owens
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Towns
Walsh
Wu

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall votes Nos. 448 and 449.

Had I been present I would have voted "yes" on both Nos. 448 and 449.

CONVEYING LAND IN NEW MEXICO TO SAN JUAN COLLEGE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the Senate bill, S. 293.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 293, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 450]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch

Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell

Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders

Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Largent

NOT VOTING—26

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Gilchrest
Jefferson

Johnson (CT)
Kleczka
Larson
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood

Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Tiahrt
Walsh
Wu

□ 1844

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 202, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 202, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 23, as follows:

[Roll No. 451]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint

Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone

Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin

Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)

Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—5

Chenoweth
Hostettler

Paul
Royce

Sanford

NOT VOTING—23

Berman
Bonior
Cannon
Carson
Fattah
Hutchinson
Jefferson
Johnson (CT)

Kleczka
Larson
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood

Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Walsh
Wu

□ 1852

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for the preservation of assisted housing for low-income elderly persons, disabled persons, and other families.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON. Mr. Speaker on rollcall numbers 448, 449, 450, and 451, I was unavoidably detained. Had I been present, I would have voted "yes" on each.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of agreeing to the conference report on the bill, H.R. 2605, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 87, not voting 19, as follows:

[Roll No. 452]

YEAS—327

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
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Istook
Jackson (IL)
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John
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Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
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Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
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Morella
Murtha
Nadler
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Nethercutt
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Ose
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Packard
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Payne
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Pickering
Pickett
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Pomeroy
Porter
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Quinn
Radanovich
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Regula
Reyes
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Rivers
Rodriguez
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Rohrabacher
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Roukema
Roybal-Allard
Royce
Rush
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Salmon
Sanchez
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Sawyer
Saxton
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Serrano
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Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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Stabenow
Stark
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Strickland
Stump
Stupak
Talent
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Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
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Whitfield
Wicker
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Bartlett
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Bereuter
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Boehlert
Brady (TX)
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Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Condit
Davis (VA)
Deal
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DeMint
Doolittle
Duncan
Ehlers
English
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Ford
Gibbons
Goode
Goodlatte
Gordon
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Hilliard
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Kasich
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Myrick
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Petri
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Ryan (WI)
Ryun (KS)
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Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (MI)
Spratt
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Sununu
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Taylor (NC)
Terry
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Kleczka
Mascara
Meeks (NY)
Miller, George
Neal
Norwood
Pryce (OH)
Riley
Scarborough
Sweeney
Walsh
Wu

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Mr. WAMP and Mr. GORDON changed their vote from "yea" to "nay."

Mr. STARK changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on any motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall vote, if postponed, will be taken tomorrow.

EXTENDING CERTAIN EXPIRING FEDERAL AVIATION ADMINISTRATION AUTHORIZATIONS

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S.1637) to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

The Clerk read as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999." and inserting "$2,410,000,000 for the fiscal year ending September 30, 1999.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking "August 6, 1999," and inserting "September 30, 1999,".

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption "GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)" is amended by striking "Code: *Provided further*, That no more than $1,660,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999." and inserting "Code.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is an extremely important bill to our Nation's airports. The FAA's authority to make construction grants to airports under the Airport Improvement Program expired on August 6 of this year. At that time there was still $290 million available for such grants, but this money could not be spent without a further authorization.

Since the expiration of the program, there have been no AIP discretionary grants given out to our Nation's air ports. This bill would release the remaining $290 million of AIP funds to those airports whose grant applications the FAA has approved. All of this money comes out of the Aviation Trust Fund, which is entirely supported by passenger ticket taxes and general aviation fuel taxes.

The money was assumed in last year's omnibus appropriations bill, so spending it now will not add a dime to the Federal deficit. More than 150 airports in every state in the Nation will benefit from these grants. It is essential that we move quickly on this bill.

The fiscal year ends on Thursday, and this bill must be signed into law before then in order for these necessary funds to be released. The Senate passed this bill on Friday, so favorable action by the House now would clear the measure for the President. I would expect the President to sign this bill. The FAA could then begin issuing the grants immediately. Given the late date, it should do this without the usual 3 day prior notification.

Mr. Speaker, I urge my colleagues to fully support this bill so that airport grant money will not be wasted.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of passage of S. 1637. This bill provides for extension of the Airport Improvement Program through the end of fiscal year 1999 and allows the Federal Aviation Administration to release the remaining AIP funds for this fiscal year to fund critical airport development projects. Each state will get additional aviation resources by the action the House will take today.

The best solution for the Nation's airports and air traffic control system is a long-term reauthorization bill that will unlock the trust funds, as we have done in legislation that has already passed the House. We are acting today in a responsible manner to assure that airports do not lose available funding.

This past June 15 the House passed H.R. 1000, the Aviation and Investment Reform Act, AIR 21, by an overwhelming vote of 316 to 110. This critically important legislation is needed to move the aviation system into the 21st Century by providing adequate long-term funding for the FAA and for the Airport Improvement Program.

Unfortunately, the other body has not been able to pass a comprehensive FAA reauthorization bill. The House approach is preferable, but with the AIP program lapsed as of August 6, a short-term extension is better than losing scarce and precious airport development dollars. But this extension should not be misread by anyone. We will continue to insist on a long-term reauthorization bill for fiscal years 2000 to 2004.

The Nation's aviation system increasingly is in gridlock. Passenger frustration is growing and airport capital needs are underfunded by at least $3 billion a year. We have to ensure long-term funding and a management reform plan for the FAA to address these problems, as we have already done in legislation crafted by the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN).

It is appalling that we have reached a situation of gridlock when there are aviation revenues unused in the Aviation Trust Fund, specifically, as the chairman already cited, $290 million for AIP. I understand the concerns that have been expressed that the FAA may be unable to issue grants by the end of the fiscal year. The reason for that is language in the manager's statement in the conference report for an emergency supplemental appropriations bill passed in the spring of 1998.

In that report, the managers directed the Department of Transportation to notify the Committee on Appropriations not less than 3 business days before any AIP grant is announced by the department. If that requirement is imposed on the pending bill, it may not be possible to make all grants authorized by this legislation before the end of the fiscal year, after which, of course, the funds will no longer be available.

As a matter of law, we do not believe that the discussion in the conference report on the fiscal year 1998 supplemental emergency supplemental appropriations bill imposes any requirement with respect to funds authorized for fiscal year 2000 by the pending bill. The Committee on Appropriations does not have jurisdiction to impose permanent conditions applying to funds made available in the future. Had the Committee on Appropriations attempted to impose a permanent requirement of prior notice through legislative language, that language would have been subject to a point of order under rule XXI, clause 2, of the rules of the House.

To resolve any questions about this matter, I state affirmatively that it is the intention of the pending bill that grants be made as promptly as possible and that the announcement of grants not be delayed for the purpose of giving prior notice to any Congressional committee.

I look forward to working with my colleagues and with the other body to get agreement on a long term reauthorization bill.

I also want to express my strong concern over aviation provisions in the DOT appropriations bill passed by the other body. If these provisions are included in the bill reported from conference, I will have difficulty supporting that bill.

My greatest concern is that the bill passed by the other body includes legislative earmarks for airport development projects.

This is a dangerous precedent. We have never done so in House authorization bills in aviation. We have objected to any such language in appropriations bills. Until now our airport development funds have been allocated by safety professionals in the Department of Transportation. These officials are in the best position to make objective decisions as to where limited Federal funds should be invested for the maximum benefit, for the safety and efficiency of our airport and air traffic control system.

Our aviation system is a complex national interrelated system. Its development must be managed by officials who have the big picture in mind and who understand these interrelationships.

Although the bill passed by the other body has only a few legislative earmarks, some might argue, I would state that it is a dangerous precedent which should be ended now. Our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and I have both expressed these concerns in a letter to the appropriations conferees, and I take this opportunity to reaffirm that letter and to stand firm against this very bad and very dangerous precedent.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to, because of the necessity for fast action on this, request that the clerks expedite their processing of the papers in regard to this legislation, and I urge support of all of my colleagues for this very worthwhile and important legislation in regard to our Nation's airports.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the Senate bill, S. 1637.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1637 and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

"SHOELESS" JOE JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, as my colleagues know, I have introduced a resolution in the House honoring "Shoeless" Joe Jackson for his baseball accomplishments. I know most baseball fans are familiar with his story. It has been portrayed in recent movies, including Field of Dreams and Eight Men Out. Most sporting shows and magazines, including Sports Illustrated, ESPN and Fox News, have done stories on it.

The people of my district are very familiar with Shoeless Joe, since he grew up playing baseball in the mill leagues of Greenville, South Carolina, and he spent the last years of his life there as well.

Throughout his life, he never tired of teaching kids to play the game he loved. There is even a baseball park named after him in Greenville, where kids play today.

For those unfamiliar with Shoeless Joe, let me briefly outline his legendary accomplishments. Of his hitting, Babe Ruth once said, "I decided to pick out the greatest hitter to watch and study and Jackson was good enough for me." Joe Jackson batted .408 in his rookie year, a feat which has never been equaled. He has the third highest batting average of all time, behind only Ty Cobb and Roger Hornsby. Over a 10-year period, he never hit below .300. His fielding skills in the outfield were legendary. His glove was named "the place where triples go to die."

My colleagues probably also know that Shoeless Joe Jackson is famous, or infamous, for allegedly taking part in the fix of the 1919 World Series. In that series, a group of New York gamblers bribed a number of players on the Chicago White Sox team to throw the series to Cincinnati. When the news came out in 1920, the new commissioner of baseball, Commissioner Landis, acted swiftly. In a summary judgment, without an investigation, the commissioner banned eight players on the White Sox team from ever playing baseball again. Shoeless Joe was included in the ban.

I am not going to debate whether or not the commissioner's verdict was the right thing to do. Jackson was acquitted of participating in the fix twice, once in 1920 by a friendly Chicago jury and once in 1924 by an impartial jury in Milwaukee. In fact, the jurors in Milwaukee were asked in a special interrogatory whether Shoeless Joe conspired or participated to fix a Series. The jury answered with an emphatic no.

I am also not going to debate if Jackson was given money. According to the story, Shoeless Joe's roommate Lefty Williams left $5,000 for Jackson on his bed. Whatever the debate, there are four things that are very clear. First, Shoeless Joe tried to give the money back before the Series started, but was rebuffed.

Second, Shoeless Joe tried to inform the owners of the White Sox of the fix, but the owner refused to see him.

Third, Shoeless Joe offered to sit out the Series but was again rebuffed.

Fourth, and most notably, Shoeless Joe played to win. He led all players by hitting .375, and he had the only home run of the Series. His fielding was flawless, throwing out five men at home plate. He set a World Series record with 12 hits and combined with Buck Weaver, the other player who was unfairly punished, for 23 hits, a record which has stood for 60 years.

I have no doubt of Shoeless Joe's innocence. While it is to his discredit that he took the money, he did nothing for the money. In the end, he came clean the only way he could, with his bat and glove.

In July, Ted Williams, Tommy LaSorda, and Bob Feller filed a petition with Commissioner Selig. That petition does not ask major league baseball to exonerate Shoeless Joe or to endorse his candidacy. To quote,

> Those issues are moot at this point as he served a very difficult sentence over a long period of time. The commissioner of baseball is merely asked to acknowledge that Shoeless Joe has fully paid his debt to society and the game, that he satisfied the sentence of the first commissioner with dignity and humility and without rancor. Because he has fulfilled his sentence, baseball has no further call or jurisdiction over Shoeless Joe.

I rise in strong support of this petition. It provides major league baseball with a graceful and dignified way to finally let the issue rest and let Shoeless Joe receive the honor he has long deserved.

In closing, Mr. Speaker, on his death bed, Shoeless Joe said, "I am about to meet the biggest umpire of them all and He knows I am innocent."

Fifty years after his death, it is time for baseball to restore the honor of this good man. I invite all of my colleagues to join me in cosponsoring House Resolution 269 honoring Shoeless Joe for his outstanding accomplishments in baseball. Let us do our part.

FILIPINO WORLD WAR II VETERANS DESERVE OUR RESPECT AND OUR THANKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, in April of 1999 I was proud to join the distinguished chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), in introducing H.R. 1594, the Filipino Veterans' Benefit Improvement Act.

I rise today to urge my colleagues to support this legislation. Preliminary steps have already been taken toward restoring fairness to the veterans of World War II who are of Filipino descent. In 1996, Members of this House and our colleagues in the Senate passed concurrent resolutions to recognize these brave veterans for their service and contribution toward the successful outcome of World War II.

In October of 1996, President Clinton issued a presidential proclamation recalling the courage, the sacrifice, and the loyalty of the Filipino veterans of World War II and honoring them for their contribution to our freedom. Hearings have been held in both the House and the Senate on the issue of benefits for Filipino World War II veterans; and the President included a line item in both FY 1999 and FY 2000 presidential budgets for Filipino World War II veterans.

Then just 3 months ago, the Filipino Veterans' SSI Extension Act, H.R. 26, was incorporated into H.R. 1802, which passed this House. This bill will allow Filipino World War II veterans who are currently on SSI and living in the United States to return to the Philippines if they wish to do so, taking a portion of their SSI with them. Many are currently living alone and in poverty, financially unable to bring their families to the United States, nor to return to their homeland.

Most importantly, H.R. 1802 will allow those who wish to return to the Philippines to be with their loved ones in their final days, but it also saves the U.S. Government money, money that could be used to balance the costs of the bill that the gentleman from New York (Mr. GILMAN) and I have introduced, the Filipino Veterans' Benefits Improvement Act.

These actions are important first steps in our quest for justice and equity. Now is the time to build upon these steps and restore the benefits that Filipino World War II veterans were promised when they were drafted into military service by President Franklin D. Roosevelt. With their vital participation so crucial to the successful outcome of this war, one would assume that the United States would be grateful to their Filipino comrades. So it is hard to believe that soon after the war ended, the 79th Congress voted to take away the benefits and recognition of Filipino World War II veterans in what was called the Rescissions Act of 1946.

The gentleman from New York (Mr. GILMAN) and I, along with 209 cosponsors of last year's Veterans Equity Act, are now asking our colleagues to correct this injustice that these veterans have endured for over 50 years.

Because the Filipino World War II veterans are in their seventies and eighties, their most urgent need is for health care. Our bill that we have introduced will provide access to VA medical facilities for these veterans, both in the United States and in the Philippines. We have designed the bill so that it will also provide greater access to VA medical facilities in the Philippines for U.S. veterans who are living abroad. In addition, the bill will also increase the service-connected disability compensation from what is called the peso rate to the full dollar amount for Filipino World War II veterans living in the United States, as called for in the President's budget.

The rationale for a lower payment simply does not exist for the veterans who are now U.S. citizens. All this can be achieved, Mr. Speaker, for $36 million a year. This should be included in our final budget negotiations. I would urge my colleagues to support this cost-effective humanitarian measure.

Taken together, these acts are the steps we must take during this session of Congress on behalf of our brave colleagues who serve side by side with the forces from the United States. The House has passed the SSI Extension Act. Let us now join together in a bipartisan effort to restore health benefits to the Filipino World War II benefits.

Let us pass H.R. 1594, the Filipino Veterans' Benefits Improvement Act.

THE NUTRACEUTICAL RESEARCH AND EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow I am introducing the Nutraceutical Research and Education Act which I am going to call the NREA. Many of my colleagues may recall the debate and vigorous campaign that led to the passage of the Dietary Supplement Health and Education Act of 1994. With the passage of that legislation 5 years ago, the use of alternative medicines, dietary supplements, functional food products, and medical foods has exploded.

Since the Dietary Supplement Health and Education Act was enacted, consumers have flocked to their health food stores and most recently to their drug stores, grocery stores and the Internet to buy products that can keep them healthy. The food and pharmaceutical industries took notice hoping to realize the profits gained by entry into this growing market. The food industry responded by developing novel food products called functional foods. Pharmaceutical and dietary supplement companies have begun calling some of their products nutraceuticals, reflecting their claims for nutrients with targeted health and medical benefits.

Despite this impressive growth, the true health benefits of dietary supplements and functional foods have not been fully explored.

Congress must, Mr. Speaker, in my opinion, as a matter of public policy, encourage the scientific and clinical study of dietary supplements and functional foods. Towards this objective we have created the National Center for Complementary and Alternative Medicine at the NIH and the Office of Dietary Supplements. However, much still needs to be done. Many individuals and companies that would like to clinically research their products have encountered numerous barriers along the way; and the market is such that if I tested and developed a product, often a nonpatentable product or difficult-to-patent product, someone else who has not invested time and money in clinical research can come in and develop an equivalent or similar product to mine.

The time has come for Congress to step forward and encourage a research-based dietary supplement and functional food industry. We must do this to protect the people by ensuring these products are safe and effective. Congress can help bring order to the marketplace with the creation of the proper incentives. The answer is a public-private partnership to get these products researched.

I propose, in introducing this bill, the Nutraceutical Research and Education Act, to reward the individuals and companies doing the clinical research on these products with an exclusive marketing claim. In doing so, we will give the term "nutraceutical" a legal definition and classification.

Under the bill, anyone who chooses to engage in clinical research of a natural product and determines that a health benefit exists and that that product is safe and effective to achieve this health benefit can apply to the FDA for a ruling that their product does what they claim. The FDA would then determine the merits of the application and decide whether the product does, in fact, offer a health benefit at a low risk. If so, the person would be rewarded for doing the hard work with an exclusive right to use the health claim they have proven for a period of 10 years.

In this way, we can redirect advertising dollars into research, encourage private enterprise and provide the public with safe and effective, lower-cost and lower-risk nutraceutical products.

Mr. Speaker, I want to stress to my colleagues that my legislation does not supplant the Dietary Supplement Health and Education Act. That legislation was a watershed for the natural products industry. It protects access to products and permits some claims to be made. My legislation just takes us a step further down the road to encourage clinical research and the truthful dissemination of the results of that research to provide the American people access to these products.

Until there is a structure in place to investigate and develop dietary supplement and functional food products and prove their worth, the majority of health professionals will not recommend them, but patients will continue to take them. The NREA will make available a mechanism whereby these products are tested for quality and safety to give the people access to proven health remedies, to enable self-care.

Ultimately, Mr. Speaker, I believe the result will be cost effective, less sickness, more health, more productivity and a healthier population and industry.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, Hurricane Floyd took lives, in fact 47 lives we know to date. It also took lifetimes of family possessions and family history. Lives cannot be recovered but, with effort, lifetimes can be restored. At least 35,000 lifetimes, family possessions and family history, must be restored.

Infrastructure, built over lifetimes, was destroyed, leaving losses that are currently reaching $80 million and the numbers are growing.

At least 10 bridges are severely damaged and many more, some still underwater, were structurally damaged. At least 600 pipelines were damaged. Electricity costs are $1 million and growing. In addition, some $30 million in revenue has been lost. 1.2 million persons lost power due to the storm and close to 10,000 remain today without electricity. Drinking water and waste water treatment systems sustained untold damage. Bacteria, nitrates, and other pollutants have contaminated many wells. Many septic tanks are nonfunctional and due to high water tables will not be functional for some time. Agricultural losses, compounding previous losses from the drought and economic downturn and other natural calamities, will reach $1 billion and that number is growing.

Small farm life is seriously threatened in North Carolina. Significant beach erosion has occurred.

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Shrimp and blue crab harvests, previously predicted to be at record levels, have been completely wiped out. Fish and shellfish losses are unknown.

If things could not be worse, there are millions of gallons of raw sewage and animal waste, with more than a million dead farm animals contaminating waters that flow into the homes, businesses, and drinking supply. Insects and rodent activity is on the rise.

Mr. Speaker, Hurricane Floyd left in his wake, the worst flooding in the history of the State of North Carolina. The serious health concerns underscore the value and the importance of a program that is being developed at some of our education institutions in the State of North Carolina.

A program termed "Agromedicine" has brought some of our diverse university cultures together with communities to prevent injury and illness and to promote the health and safety of our rural residents.

Agriculture in North Carolina is a significant part of our economy. Agriculture is a $45 billion a year industry, employing 21 percent of the State's work force. Even without hurricane and flooding, farming, forestry, and fishing in North Carolina can be hazardous. The costs can be great. On average, 50 persons per year die in agricultural-related activities, and 2,000 are disabled. The annual costs of health care in North Carolina farm-related injury exceeds $195 million.

I am proud that North Carolina is taking a national leadership in Agromedicine through the newly-established Agromedicine Institute. I congratulate the three universities involved, East Carolina State University with its medical school, its nursing and allied health expertise; North Carolina A&T State University with its agriculture, technology, nursing expertise; and North Carolina State University with its agriculture, forestry, natural resources, life sciences, and veterinary medical expertise.

Mr. Speaker, those who grow and harvest the products that provide our food, our clothing, and shelter deserve our support in addressing the continued hazards of health and safety. The Agromedicine Institute is one means of providing that support.

The devastation of Hurricane Floyd will one day become history, a mere memory in the minds of those who are suffering through it now. Possessions will, once again, be collected. North Carolina will be rebuilt, restored, and recovered. Agromedicine can be a lifetime. We urge consideration of this program.

TRIBUTE TO CHARLES HILLARD BLACKBURN

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I come tonight with a sad heart. A very close and dear friend of mine, Chuck Hillard Blackburn passed away last week at the age of 83. I was saddened, Mr. Speaker, because I was here doing the people's business in the people's House, that I was unable to go to pay my respects to such a fine American.

There was something about Chuck that was very unusual. Chuck was a Republican. He loved being in the Republican Party. But after he met me and he joined forces with me, he changed his affiliation from the Republican Party to the Democratic Party and started working with me in my endeavors as I started early on running for the Carson City Council, on to the State legislature, and then here to Congress.

In all three of those runs, Mr. Speaker, he was there for me. He managed my office. He made sure that the phone banks were covered. One could not have found an any more endearing person than Chuck Blackburn.

Chuck often spoke about growing up in his State of Ohio, City of Springfield and, as a boy, how he enjoyed being with his father fishing and doing some of the great things that boys and fathers have a great relationship with. Then he moved to California. Again, enjoying his grandchildren, he did some of those same things that he had done with his father with his grandchildren.

But I do not want to ignore the fact that Chuck served this country in three wars. A great veteran he was, always giving patriotism to this country, having served it very well.

During his 27 years in the military, he often talked about the many strides and struggles and the many times that he had to go on the battlefield. But he did not regret, not a single bit of it, because he loved this country. Chuck Blackburn was an American who absolutely felt that being an American was the greatest thing in the world.

Then after coming out of the military, having served for 27 years, he became a manager with the Kelly Services and was the manager there for 10 years, after which he began to just do voluntary things there in the city of Carson.

That is when he joined forces with me. From that point on, he was my friend, my devoted constituent, my really true trustworthy friend whom I could always depend on as I ran the campaigns.

He was in the La Bon Temps social club, and it was a club where men would dress each year in their fine after-6 attire and have ballroom dancing and parties. He was known as a guy who was very soft on his feet or very smooth on his feet. He did the ballroom dancing like no one could. I can see him now with his tall slinky body, handsomely dressed in this tux, waltzing across the floor with his wife Eugenia, a great man, handsome man, a very great American.

He attended the church of the Holy Communion with his wife, Eugenia, for many years. They were married some 24 years. In their years of marriage, they sought to have all of their grandchildren baptized here at the Church of the Holy Communion. Upon his death, that church was the place in which a memorial service was done for him.

We will miss Chuck, a great guy, a true friend, a great American, a great patriot. But the one thing that I can say for him, that he loved this country. He loved the people, his neighbors, and he loved this Congresswoman. I certainly cannot say enough for the fine gentleman he was. I will sorely miss him as we gear up for this election come the year 2000. But I know wherever Chuck is now, and I certainly will presume he is in heaven or assume he is, that he is saying, "Now, you just go girl, because you have got to win this reelection. I am going to be there in spirit to make sure that those phone banks are covered, that those who come to volunteer will sign in, and that you will have victory come November of the year 2000." Good-bye Chuck.

LAND MINES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to urge my colleagues to support increased investment in assistance to persons affected by land mines.

As many of my colleagues are aware, Her Majesty Queen Noor of Jordan will be making her first official visit to Capitol Hill tomorrow in her capacity as International Patron of the Land Mine Survivors Network to bring awareness to the devastation caused by land mines around the world.

More than 60 countries are infested with land mines and have the potential of killing or maiming innocent civilians, male and female, adult and child. Every 20 minutes, another life is devastated by a anti-personnel Land Mine.

Designed to maximize suffering and terrorize populations, land mines are truly indiscriminate weapons of mass destruction in slow motion. They cannot tell the difference between the footfall of a soldier or a child at play.

Although the cost of producing a Land Mine is as little as $3, the injuries suffered by innocent civilians cannot be cured with a price tag. More than 80 percent of Land Mine victims are civilians who must deal with the physical, psychological, and social ramifications of being prey to the damage of a Land Mine.

The proliferation of mines is a global and man-made epidemic. It is also an American problem, having affected more than 100,000 Americans. One such American is Jerry White, co-founder of the Land Mine Survivors Network. While traveling as a college student in Israel, Jerry stepped on a Land Mine, lost his leg, and joined the ranks of the more than 300,000 and growing Land Mine survivors.

Unlike Jerry, however, fewer than 10 percent of Land Mine victims have access to proper medical treatment and rehabilitation. Even fewer have the necessary support to effectively return to the social and economic mainstream.

I urge my colleagues to support the efforts of Queen Noor, Jerry White, and the Land Mine Survivors Network to bring awareness to this important issue and to provide a voice to those survivors who do not have the opportunity or ability to speak for themselves.

Let us walk into the next century, Mr. Speaker, with honor and hope for a Land Mine-free world. Let us work together to ensure that all countries offer the support and tools needed for persons injured by antipersonnel mines to reclaim their lives and become productive and contributing members of our society.

SENIOR CITIZENS NEED ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. BERRY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, this evening, I rise to address this House because our senior citizens can no longer afford the prescription drugs that they need to have a decent life. That is the simple truth.

PhRMA, the Pharmaceutical Research Manufacturers of America, has formed a bogus consumer group called Citizens for Better Medicare and hired a Republican ad agency to front a $20 million to $30 million campaign to distort the truth about prescription drugs and senior citizens.

The American Association of Retired Persons spokesperson was right when he told the New York Times "This phony coalition created and financed by the pharmaceutical industry is what we have come to expect from the drug companies over the last decade."

□ 1945

Fundamentally, they are in favor of the status quo, which leaves millions of older Americans without drug coverage. Helping our senior citizens is a moral issue, and the American public is not going to roll over for $30 million.

Last week, the Citizens for Better Medicare released a study claiming the administration's proposal to provide seniors with prescription drug coverage could lead to employers dropping prescription drug benefits for retirees. However, pharmaceutical manufacturers have been leading the way in increasing prices and forcing employers to stop offering retiree prescription drug benefits. From 1981 to 1999, the cost of prescription drugs increased by 306 percent, while the Consumer Price Index rose only 99 percent.

The cost of prescription drugs continues to skyrocket. The Health Care Financing Administration reports that spending for prescription drugs rose 14.1 percent in 1997, compared to a 4.8 percent increase for health care services overall.

The members of PhRMA are by far the most profitable companies anywhere. Their profits exceed the research and development costs for most large pharmaceutical companies. The drug companies' report claims that employers who currently provide prescription drug benefits for retirees could choose to quit offering the benefit and save money by paying the former employees' Medicare premiums for prescription drugs. However, the proposal that they are criticizing would subsidize employers for continuing to offer their employees a private sector benefit.

There is also nothing forcing employers to offer retiree health benefits, including prescription drugs, to retirees now. And if those benefits have more value than a Medicare benefit, they will have the same incentives to continue offering the benefit. What the pharmaceutical companies are not telling senior citizens is that their doomsday scenario is already becoming a reality because of their own actions.

The fictional character the drug companies have invented for their ads, called Flo, says she has a private sector drug benefit as part of her retirement plan. In real life, only 24 percent of the population on Medicare has meaningful private sector coverage for prescription drugs.

Between 1994 and 1998, 25 percent of the firms that offered health benefits to their retirees quit providing coverage. It just cost too much. Among the largest employers, companies that employ more than 5,000 people, over a third have dropped coverage. One of the most significant reasons employers are dropping coverage is that they can no longer afford to pay the increasingly high cost manufacturers charge for prescription drugs.

Short of that, it is critical that they have access to prescription drugs at a reasonable price. The senior citizens in the District that I am fortunate to represent, and in every district, know that they are simply being robbed. Senior citizens across the country expect every Member of Congress to address this situation.

Drug companies say uninsured Americans should pay twice as much as their preferred customers and considerably, two to three times as much, more than people in other countries so the international drug companies located in America will continue to invest in research and development. We know we have to have research and development.

The high prices they charge Americans make them the most profitable industry in the world. The industry's profits as a percent of sales are nearly five times, five times, that of the average Fortune 500 company. I have a chart here this evening that shows what percent of various countries' health care expenditures go to developing new prescription medications. The United States is not at the top of the list, as my colleagues can see. The United Kingdom, Japan, France, Italy, and Germany all invest more than the United States in developing new prescriptions.

Addressing the issues of cost and affordability for prescription drugs, as well as finding a reasonable approach to offering drug coverage to Medicare recipients, are important priorities. Pharmaceutical companies need to stop throwing money away creating fictional characters and invest more in creating legitimate new medicines. The American public and this Congress are simply not for sale. We are going to do everything we can to ensure that our senior citizens are treated fairly.

It is absolutely amazing, Mr. Speaker, that this has continued; that we have placed our senior citizens, so many of them, in a position where they have to make a decision whether or not to buy food or buy their medicine on a daily basis. If it just cost that much, then so be it. But the fact is our senior citizens in this country are charged two to three times as much as anyone else in the world for this medicine. We are simply allowing the pharmaceutical manufacturers to take advantage of our senior citizens and, Mr. Speaker, it is time to stop.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my Colleagues this evening for this special order on Prescription Drug Coverage. I am an original cosponsor of H.R. 664, the Prescription Coverage for Seniors Act and I participated in an event a few weeks ago in Houston to release an international study on the high costs of prescriptions in the Houston area.

This issue is very important to everyone, not just senior citizens. We all know at least one person who has had difficulty obtaining prescriptions due to the cost. Senior citizens happen to be the most vulnerable.

In addition to the legislation that has been introduced here in Congress, there is the

President's proposal to reform Medicare that includes a prescription drug component. These proposals have been under attack recently by the ad campaign that features a woman named "Flo."

These Flo ads are misleading because they give the impression that Flo is a concerned senior citizen. She falsely accuses these proposals of interfering in her medicine cabinet—that big government just won't leave her alone.

Although these adds are convincing, they are untrue. The problem is not big government in people's medicine cabinets. The problem is the insurance industry, the largest and most profitable industry in the country. This industry has put these ads out there to fool people into believing that they are not the problem.

These ads may be convincing to some, but many people understand the importance of some form of prescription drug coverage. We know that there are people who do not have insurance at all and prescription coverage would at least help them to have access to beneficial medication.

As I stated earlier, this is a major problem for the elderly, but this is also a major concern for people who have become disabled. My office received a call today from a woman who worked for many years as a teacher before she was stricken with cancer. She had insurance coverage through her husband's plan, but she was dropped shortly after he passed away.

In addition to the agony of battling cancer, she also has congestive heart failure. She was prescribed medication for these conditions, but unfortunately, she cannot afford them.

She called my office because she hoped to offer her story as a human account of the lack of coverage for prescription drugs. She hopes that her story will spur us to action before it is too late.

Although this woman is not a senior citizen, she is disabled and is unable to work. Her insurance company dropped her from coverage and she has had to struggle to get her prescriptions. This situation should not occur in the United States.

In this country, no one should have to make the choice to live without life-saving prescription drugs. We have the resources to ensure that people eat every day, so there is no reason why we have citizens who live at the mercy of the insurance industry.

We have created some of the best medications and treatments in the world, but if our citizens cannot afford them, then these treatments are useless.

Again, I would like to thank my Colleagues for sponsoring this special order tonight. It is important that we tell the American people the truth about the "Flo" ad campaign.

More importantly, it is important for us to hear the stories of Americans who have had to made agonizing decisions about living with the fear of further illness or even death because of the high cost of prescription drugs.

The proposals that provide for prescription drug coverage, such as H.R. 664 and the President's plan need serious attention if we are committed to an enhanced quality of life for seniors and the disabled. I urge my Colleagues to support these lifesaving measures for our most vulnerable citizens.

GENERAL LEAVE

Mr. BERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SENIOR CITIZENS ARE MOST AFFECTED BY HIGH COST OF PRESCRIPTION MEDICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise tonight to talk about a problem that affects millions of seniors across this country and, in fact, millions of other people as well. I am talking about those people who do not have prescription drug coverage. No insurance for their prescription drugs.

This problem affects seniors more than others, because although seniors make up 12 percent of the population, they buy 33 percent of all prescription drugs. And studies done in my district in Maine and, indeed, around the country, in approximately 65 to 70 districts, have shown, on average, that seniors pay twice as much for their prescription medications as the drug companies' favored customers.

Well, who are the favored customers? The favored customers are HMOs, big hospitals and, in fact, the Federal Government, buying either for those who are on Medicaid or for veterans, who get their drugs through the Veterans Administration. That price discrimination has to stop. That price discrimination is making it impossible for many seniors to take the drugs that their doctors tell them they have to take.

What we have in this country now is a situation where many seniors are having to choose between food on the table, the electric bill, the rent, and taking the prescription drugs that their doctors have given them. So some people are taking one pill out of three. Some people are not taking their prescription medications at all.

I have had a couple of women write to me and say, I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am and we cannot both afford to take our medications. That should not happen in this country, but it happens because under Medicare there is no coverage for prescription drugs.

In fact, 37 percent of all seniors have no coverage at all for their prescription drugs. Twenty-eight percent have some form of private coverage through a retiree plan, but that number is declining and will decline further. About 8 percent have coverage through medigap, but medigap policies are expensive and often are really not worth the coverage. Seventeen percent have coverage under Medicare managed care. But, frankly, the managed care prescription drug benefits are being cut back, people are being dropped from the rolls, and the benefit, where it still exists, is more expensive than it used to be.

Now, what is happening? I have a bill that would lower the cost of prescription drugs for the elderly. It is H.R. 664, called the Prescription Drug Fairness For Seniors Act. It does not cost the Federal Government any significant amount of money and creates no new bureaucracy, but it would reduce the prices by as much as 40 percent.

There are those out there attacking both my discount plan and the President's plan for a prescription drug benefit under Medicare. There are ads. This is a picture of Flo. Flo is appearing in newspaper ads and she is also appearing in television ads. Who is paying for the ads that Flo brings? Well, something called Citizens for Better Medicare. Well, who are Citizens for Better Medicare? What a great name. It is the pharmaceutical industry primarily. The drug manufacturers. What they are telling us all is that we need to keep the government out of the medicine cabinet, but in fact what they are really trying to do is make sure that their profits continue.

This is the most profitable industry in the country, and it spends its money, millions of dollars, $30 million, to try to persuade people that what they really want is a program that will continue the high prices that people pay for prescription drugs.

Now, Flo, of course, is a fake. She is an actress. She is not a real person. There are lots of real people in my district who are having trouble paying for their prescription drugs, but Flo is one of the 28 percent, arguably, who actually have prescription drug coverage.

□ 2000

But she feels no compunction, her pharmaceutical manufacturer sponsors feel no compunction in trying to make sure that the 37 percent with no coverage at all do not get any further breaks. It is outrageous.

There is price discrimination going on in this industry against seniors right now. It needs to stop. Flo says, "We don't want big government in our medicine cabinet." But without the Food and Drug Administration, we could not be sure that the drugs in the medicine cabinet are safe and effective. Without the government, people on Medicaid would have no drugs in the medicine cabinet at all. So the poorer people in this country are getting their prescription drugs paid for but people who are just above the poverty line are not. They are the people who often have several hundred dollars a month in prescription drug costs and they cannot do it.

We need to pass H.R. 664, the Prescription Drug Fairness for Seniors Act. We need to resist what Flo is trying to say. We need to stop big money in politics.

CONFERENCE REPORT ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. CALLAHAN (during the special order of Mr. OWENS) submitted the following conference report and statement on the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–339)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2606) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $759,000,000 to remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2018 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2000, 2001, 2002, and 2003: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof: Provided further, That in section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)) strike "October 1, 1999" and insert "March 1, 2000": Provided further, That none of the funds appropriated under this heading may be obligated for any direct loan, loan guarantee, or insurance agreement in excess of $10,000,000 unless the Committees on Appropriations and Committees on Banking are advised in writing 20 days prior to each such proposed obligation, which shall be treated by the Committees as a reprogramming notification: Provided further, That the previous proviso shall be effective for such obligations until March 1, 2000.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $55,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $35,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2000 and 2001: Provided further, That such sums shall remain available through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000, and through fiscal year 2009 for the disbursement of direct and guaranteed loans obligated in fiscal year 2001: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account: Provided further, That funds made available under this heading or in prior appropriations Acts that are available for the cost of financing under section 234 of the Foreign Assistance Act of 1961, shall be available for purposes of section 234(g) of such Act, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,000,000, to remain available until September 30, 2001: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2001, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2000, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $715,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance for health and child survival programs, except that funds may be made available for such assistance for ongoing health programs.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 *of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,228,000,000, to remain available until September 30, 2001: Provided, That of the amount appropriated under this heading, up to $5,000,000 may be made available for and apportioned directly to the Inter-American Foundation: Provided further, That of the amount appropriated under this heading, up to $14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of infofmation or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.*

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $175,880,000, to remain available until expended: Provided, That the Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to providing assistance through the Office of Transition Initiatives for a country that did not receive such assistance in fiscal year 1999.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $1,500,000, to remain available until expended: Provided, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $5,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to $3,000,000 to be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,837,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $495,000,000: Provided, That, none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2001, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,177,000,000, to remain available until September 30, 2001: Provided, That of the funds appropriated under this heading, not less than $960,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That not less than $735,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust: Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $535,000,000, to remain available until September 30, 2001, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $150,000,000 should be made available for assistance for Kosova: Provided further, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed $130,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That none of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference and similar pledging conferences shall not exceed 15 percent of the total resources pledged by all donors: Provided further, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $735,000,000, to remain available until September 30, 2001: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the Independent States: Provided further, That of the funds made available for the Southern Caucasus region, 15 percent should be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East: Provided further, That of the funds made available under this heading $10,000,000 shall be made available for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.).

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine.

(c) Of the funds appropriated under this heading, not less than 12.92 percent shall be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than 12.2 percent shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region.

(h) Of the funds appropriated under title II of this Act not less than $12,000,000 should be made available for assistance for Mongolia of which not less than $6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases and child survival activities; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(j) None of the funds appropriated under this heading may be made available for the Government of the Russian Federation, until the Secretary of State certifies to the Committees on Appropriations that: (1) Russian armed and peacekeeping forces deployed in Kosova have not established a separate sector of operational control; and (2) any Russian armed forces deployed in Kosova are operating under NATO unified command and control arrangements.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $235,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2001.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $285,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That of this amount not less than $10,000,000 should be made available for Law Enforcement Training and Demand Reduction: Provided further, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2000, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $625,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That not more than $13,800,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $12,500,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $181,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $35,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $1,500,000, to remain available until expended, which shall be available nowithstanding and other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including up to $1,000,000 for necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements with any country in Sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), $33,000,000, to remain available until expended: Provided, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 to the extent that limitation applies to sub-Saharan African countries shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000, of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect *for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: Provided further, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 2000, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997 and 1998.*

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,420,000,000: Provided, That of the funds appropriated under this heading, not less than $1,920,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 should be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2000, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph up to $1,000,000 should be made available for assistance for Ecuador and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $30,495,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $330,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2000 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations regarding the appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $78,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $35,800,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $625,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $20,000,000.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,728,263, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $672,745,205.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asia Development Bank Act, as amended, $77,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $77,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $1,000,000 for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor to the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $16,000,000.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $170,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2000, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2000.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a

similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2001.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Assistance for the Independent States of the Former Soviet Union", for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2000, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance under the heading "Child Survival and Disease Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law that restricts assistance to foreign countries, of the funds appropriated by this Act under the heading "Economic Support Fund", $1,000,000 shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China, and related activities.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a)

shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to *strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.*

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out "During the five-year period beginning on October 23, 1992" and inserting in lieu thereof "During the eleven-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

ASSISTANCE FOR HAITI

SEC. 559. (a) POLICY.—In providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the Haitian National Police, including support for efforts by the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) support for a program designed to develop an indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises;

(5) a sustainable agricultural development program; and

(6) establishment of an economic development fund for Haiti to provide long-term, low interest loans to United States investors and businesses that have a demonstrated commitment to, and expertise in, doing business in Haiti, in particular those businesses present in Haiti prior to the 1994 United Nations embargo.

(b) REPORT.—Beginning 6 months after the date of the enactment of this Act, and 6 months thereafter until September 30, 2001, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of the extent to which officials in such institutions hold their positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of the extent to which the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants from such facilities;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of the extent to which the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of the progress that has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti; and

(B) an assessment of the extent to which the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of actions taken by the Government of Haiti to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed October 1997;

(7) an assessment of the extent to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of the extent to which Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

(c) EQUITABLE ALLOCATION OF FUNDS.—Not more than 17 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 565. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the items will not be used in East Timor.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 566. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee

on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or municipality described in subsection (e) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 567. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 568. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2000, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2001: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 569. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 571. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", not more than a total of $5,321,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2000 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 572. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 573. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

CUSTOMS ASSISTANCE

SEC. 574. Section 660(b) of the Foreign Assistance Act of 1961 is amended by—

(1) striking the period at the end of paragraph (6) and in lieu thereof inserting a semicolon; and

(2) adding the following new paragraph:

"(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.".

FOREIGN MILITARY TRAINING REPORT

SEC. 575. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2000, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 576. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year 2001 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 577. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 578. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 579. (a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the United States Agency for International Development;

(2) the term "Administrator" means the Administrator, United States Agency for International Development; and

(3) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a

continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2) (B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2000;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

IRAQ OPPOSITION

SEC. 580. Notwithstanding any other provision of law, of the funds appropriated under the heading "Economic Support Fund", $10,000,000 shall be made available to support efforts to bring about political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105-338) for political, economic, humanitarian, and other activities of such groups, and not more than $2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes.

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

SEC. 581. Beginning with the fiscal year 2001 budget, the Agency for International Development shall submit to the Committees on Appropriations a detailed budget for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget submission will address: estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; the President's request for new budget authority and estimated carryover obligational authority for the budget year; the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and staff levels identified by program.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 582. (a) Information relevant to the December 2, 1980 murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) Not later than 45 days after the date of the enactment of this Act, the Attorney General shall provide a report to the Committees on Appropriations describing in detail the circumstances under which individuals involved in the murders or the cover-up of the murders obtained residence in the United States.

KYOTO PROTOCOL

SEC. 583. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 584. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the following: "$50,000,000 for each of the fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998, and" and inserting in lieu thereof before the period at the end, the following: "and $60,000,000 for fiscal year 2000".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by striking the following: "Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand."; and at the end inserting the following sentence: "Of the amount specified in subparagraph (A) for fiscal year 2000, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

RUSSIAN LEADERSHIP PROGRAM

SEC. 585. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking "fiscal year 1999" in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting "fiscal years 1999 and 2000"; and

(2) by striking "2000" in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting "2001".

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 586. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term "Foundation" means the Inter-American Foundation.

(3) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2000, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 6290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking "provide for" and all that follows through "(2) utilization" and inserting "provide for the utilization"; and

(ii) by striking "member countries;" and all that follows through "paragraph (2)" and inserting "member countries.";

(B) in subsection (b), by striking "transfer or";

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking "transfer or".

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

WEST BANK AND GAZA PROGRAM

SEC. 587. For fiscal year 2000, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to *review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.*

HUMAN RIGHTS ASSISTANCE

SEC. 588. Of the funds made available under the heading "International Narcotics Control and Law Enforcement", not less than $500,000 should be provided to the Colombia Attorney General's Human Rights Unit, not less than $500,000 should be made available to support the activities of Colombian nongovernmental organizations involved in human rights monitoring, not less than $250,000 should be provided to the United Nations High Commissioner for Human Rights to assist the Government of Colombia in strengthening its human rights policies and programs, not less than $1,000,000 should be made available for personnel and other resources to enhance United States Embassy monitoring of assistance to the Colombian security forces and responding to reports of human rights violations, and not less than $5,000,000 should be made available for administration of justice programs including support for the Colombia Attorney General's Technical Investigations Unit.

SELF-DETERMINATION IN EAST TIMOR

SEC. 589. (a) MULTILATERAL ECONOMIC ASSISTANCE.—Except as provided in subsection (c), the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) to the Government of Indonesia.

(b) BILATERAL ASSISTANCE AND LICENSES.—Except as provided in subsection (c)—

(1) none of the funds appropriated or otherwise made available by this Act or any prior Foreign Operations Appropriations Act may be made available for assistance for the Government of Indonesia.

(2) none of the funds appropriated or otherwise made available by this Act or any prior Foreign Operations Appropriations Act may be made available for licensing exports of defense articles or services for Indonesia under section 38 of the Arms Export Control Act.

(c) EXCEPTIONS.—

(1) Subsection (a) shall not apply to the provision of assistance to meet basic human needs for Indonesia or East Timor.

(2) Subsection (b) shall not apply to the provision of funds appropriated or otherwise made available to carry out chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, or humanitarian assistance, for the Government of Indonesia or East Timor, except that such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) CONDITIONS FOR TERMINATION.—The measures described in subsections (a) and (b) shall apply until the President determines and certifies to the appropriate congressional committees that the Government of Indonesia and the Indonesian armed forces have—

(1) ended the violence by units of the Indonesian armed forces and by anti-independence militias;

(2) enabled displaced persons and refugees to return home;

(3) ensured freedom of movement in East Timor, including by humanitarian organizations;

(4) enabled UNAMET to fulfill its mandate, without threat or intimidation to its personnel;

(5) withdrawn from East Timor in accordance with a United Nations-supervised process of transferring sovereignty to an independent East Timor;

(6) cooperated fully with efforts to investigate and prosecute members of the Indonesian armed forces and anti-independence militias responsible for human rights violations in East Timor; and

(7) cooperated fully with efforts to implement the results of the August 30, 1999, vote on East Timor's political status.

MAN AND THE BIOSPHERE

SEC. 590. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund for programs in the United States.

IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 591. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

UNITED STATES ASSISTANCE POLICY FOR OPPOSITION-CONTROLLED AREAS OF SUDAN

SEC. 592. (a) Notwithstanding any other provision of law, the President, acting through appropriate federal agencies, may provide food assistance to groups engaged in the protection of civilian populations from attacks by regular government of Sudan forces, associated militias, or other paramilitary groups supported by the government of Sudan. Such assistance may only be provided in a way that: (1) does not endanger, compromise or otherwise reduce the United States' support for unilateral, multilateral or private humanitarian operations or the beneficiaries of those operations; or (2) compromise any ongoing or future people-to-people reconciliation efforts. Any such assistance shall be provided separate from and not in proximity to current humanitarian efforts, both within Operation Lifeline Sudan or outside of Operation Lifeline Sudan, or any other current or future humanitarian operations which serve noncombatants. In considering eligibility of potential recipients, the President shall determine that the group respects human rights, democratic principles, and the integrity of ongoing humanitarian operations, and cease such assistance if the determination can no longer be made.

(b) Not later than February 1, 2000, the President shall submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. Such report shall include—

(1) an accounting of United States bilateral assistance to opposition-controlled areas of Sudan, provided in fiscal years 1997, 1998, 1999, and proposed for fiscal year 2000, and the goals and objectives of such assistance;

(2) the policy implications and costs, including logistics and administrative costs, associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the United Nations' Operation Lifeline Sudan structure, and the United States agencies best suited to administer these activities; and

(3) the policy implications of increasing substantially the amount of development assistance for democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan and the obstacles to administering a development assistance program in this region.

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 593. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

AUTHORIZATIONS

SEC. 594. The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; and (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund and the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; and $2,410,000,000 for the International Development Association.

WORKING CAPITAL FUND

SEC. 595. Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

"(l)(1) There is hereby established a working capital fund for the United States Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for: (A) International Cooperative Administrative Support Services, and (B) rebates from the use of United States Government credit cards.

"(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines and any appropriations made available for the purpose of providing capital, less related liabilities.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall be credited to current applicable appropriations.".

SILK ROAD STRATEGY ACT OF 1999

SEC. 596. (a) SHORT TITLE.—This section may be cited as the "Silk Road Strategy Act of 1999".

(b) AMENDMENT OF THE FOREIGN ASSISTANCE OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

"SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

"(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

"(1) the creation of the basis for reconciliation between belligerents;

"(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

"(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

"(b) AUTHORIZATION FOR ASSISTANCE.—

"(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

"(1) providing for the humanitarian needs of victims of the conflicts;

"(2) facilitating the return of refugees and internally displaced persons to their homes; and

"(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

"SEC. 499A. ECONOMIC ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

"SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

"(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

"(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

"(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

"(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

"(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

"(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

"(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

"SEC. 499C. BORDER CONTROL ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

"SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

"(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

"(2) Assistance for the development of nongovernmental organizations.

"(3) Assistance for development of independent media.

"(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

"(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

"(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

"SEC. 499E. ADMINISTRATIVE AUTHORITIES.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

"(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

"SEC. 499F. DEFINITIONS.

"In this chapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.".

(c) CONFORMING AMENDMENTS.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears "this Act)" and inserting "this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)".

(d) ANNUAL REPORT.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) with respect to the countries of the South Caucasus and Central Asia—

"(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

"(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

"(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

"(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.".

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

SEC. 597. Section 116 of the Foreign Assistance Act of 1961 is amended by adding the following new subsection:

"(f)(1) The report required by subsection (d) shall include—

"(A) a list of foreign states where trafficking in persons, especially women and children, originates, passes through, or is a destination; and

"(B) an assessment of the efforts by the governments of the states described in paragraph (A) to combat trafficking. Such an assessment shall address—

"(i) whether government authorities in each such state tolerate or are involved in trafficking activities;

"(ii) which government authorities in each such state are involved in anti-trafficking activities;

"(iii) what steps the government of each such state has taken to prohibit government officials and other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking;

"(iv) what steps the government of each such state has taken to assist trafficking victims;

"(v) whether the government of each such state is cooperating with governments of other countries to extradite traffickers when requested;

"(vi) whether the government of each such state is assisting in international investigations of transnational trafficking networks; and

"(vii) whether the government of each such state refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards victims.

"(2) In compiling data and assessing trafficking for the purposes of paragraph (1), United States Diplomatic Mission personnel shall consult with human rights and other appropriate nongovernmental organizations.

"(3) For purposes of this subsection—

"(A) the term 'trafficking' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purposes of placing or holding such person, whether for pay or not, in involuntary servitude, slavery or slavery-like conditions, or in forced, bonded, or coerced labor;

"(B) the term 'victim of trafficking' means any person subjected to the treatment described in subparagraph (A).".

OPIC MARITIME FUND

SEC. 598. It is the sense of the Congress that the Overseas Private Investment Corporation shall within one year from the date of the enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

SANCTIONS AGAINST SERBIA

SEC. 599. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

CLEAN COAL TECHNOLOGY

SEC. 599A. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION

SEC. 599B. (a) Funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

(b) DEFINITIONS.—In this section:

(1) ARTICLE.—The term "article" means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" includes Serbia, Montenegro and Kosova.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 599C. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Population Fund (hereinafter in this subsection referred to as the "UNFPA").

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2000 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2000, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations

Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 599D. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000".

And the Senate agree to the same.

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROY BLUNT,
BILL YOUNG,
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
C.S. BOND,
TED STEVENS,
DANIEL K. INOUYE,
FRANK LAUTENBERG,
B.A. MIKULSKI,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2606) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000", submit the following joint statement to the House and Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $759,000,000 for the subsidy appropriation of the Export-Import Bank as proposed by the House instead of $785,000,000 as proposed by the Senate.

The conference agreement includes a provision extending until March 1, 2000, the existing authority for the Board of the Export-Import Bank to conduct business with a reduced quorum. During this period none of the funds provided under this heading may be obligated for any loan, loan guarantee, or insurance agreement in excess of $10,000,000 unless the Committees are advised in writing 20 days prior to each such proposed obligation.

OVERSEAS PRIVATE INVESTMENT CORPORATION NON-CREDIT ACCOUNT

The conference agreement provides $35,000,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the House instead of $31,500,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAM ACCOUNT

The conference agreement provides $24,000,000 for program expenses of OPIC as proposed by the Senate instead of $20,500,000 as proposed by the House.

The managers have included language allowing OPIC to use the authorities of Section 234(g) of the Foreign Assistance Act of 1961 as proposed by the House, instead of repealing said subsection as proposed by the Senate. The conference agreement also includes a general provision urging OPIC to establish within one year of enactment a maritime fund for the purpose of leveraging United States commercial maritime expertise to support international maritime projects.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $44,000,000 for the Trade and Development Agency as proposed by the House instead of $43,000,000 as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $715,000,000 for the Child Survival and Disease Programs Fund instead of $685,000,000 as proposed by the House. The Senate bill contained no provision on this matter, but included funds for these activities under "Development Assistance". The managers agree with and endorse House report language regarding the use of funds appropriated under this heading, including $110,000,000 for a grant to UNICEF for programs consistent with the purpose of the Child Survival and Disease Programs Fund. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable. The managers have been assured that the success of the polio eradication program is likely to result in a significantly lower requirement for this effort in future years. The managers have included $35,000,000 for a special initiative to fight HIV/AIDS in Africa. This is in addition to the $145,000,000 provided in this Fund and elsewhere in the bill for ongoing HIV/AIDS programs and at least $10,000,000 designated for children affected by the HIV/AIDS epidemic.

In implementing programs, projects, and activities to combat infectious diseases, including long-standing programs relating to malaria and measles, as well as the more recent emphasis on HIV/AIDS and tuberculosis, surveillance, and anti-microbial resistance, the conferees expect AID to continue to consult closely with the Appropriations Committees, the Centers for Disease Control, the National Institutes of Health, and other relevant agencies involved in international health issues. In addition to the increase for HIV/AIDs, funding for AID's other infectious disease programs should exceed the fiscal year 1999 level. The managers also direct AID to provide the Committees with a detailed report not later than February 15, 2000, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 1999.

The managers are concerned about the growing crisis in Africa associated with the HIV/AIDS epidemic. Every day, 5,500 Africans die as a result of AIDS and an additional 11,000 people are newly infected with HIV. Half of the newly infected are under the age of 25. During the next few years, some estimates conclude that infant mortality will double, child mortality will triple and in many nations, life expectancy will have been reduced by twenty years as a result of HIV. AIDS is more than a health issue. It has grave consequences for the economic development and political stability of countries throughout Africa. The managers are therefore providing an additional $35,000,000 for activities in Africa to prevent new infections, to provide basic care and treatment of people with HIV/AIDS, and to support children orphaned by HIV/AIDS.

The global health threat from tuberculosis is another priority for the funds provided in this Act. Because of difficulties encountered in implementing tuberculosis language accompanying last year's Act, the managers welcome AID's proposal to allocate $3,000,000 in fiscal year 2000 to tuberculosis control programs in Mexico, with an emphasis on cost-sharing with Mexico on programs that focus on Mexico's border states.

The managers are aware that significant new private resources are now available to augment AID's immunization programs, and commend the partners in this effort. Consequently, the managers direct that core child survival activities focus on effective interventions to reduce infant mortality during the first month of life through activities that focus on the health and nutrition needs of pregnant women and new mothers, a vital aspect of child survival that has not yet attracted sufficient private funds. The managers also support expansion of core child survival programs in Africa.

The managers will consider the use of not more than three percent of the amount provided for the Child Survival and Disease Programs Fund in countries funded under SEED and FREEDOM Support Act authorities. In particular, the managers urge AID to provide up to $2,000,000 to support non-governmental organizations that work with older orphans, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The conference agreement also continues existing limitations on the use of the Fund for non-project assistance.

The managers note that Morehouse School of Medicine is establishing an International Center for Health and Development. This center will be dedicated to forming local and international partnerships to address the health problems that are devastating Africa today. The conferees encourage AID to provide assistance for these efforts.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,228,000,000 for "Development Assistance" instead of $1,201,000,000 as proposed by the House and $1,928,500,000 as proposed by the Senate. The Senate included funding for the "Child Survival and Disease Programs Fund" under its "Development Assistance" account.

The conference agreement appropriates up to $5,000,000 for the Inter-American Foundation from funds made available under this heading and up to $14,400,000 directly to the African Development Foundation, as proposed in the House bill. The Senate amendment provided authority to transfer funds from this account to the Inter-American Foundation, but did not specify an amount. Also, the Senate amendment provided $12,500,000 for the African Development Foundation. Section 586 of the conference agreement provides the President with the authority to abolish the Inter-American Foundation during fiscal year 2000. The managers note that the funding level provided for the Inter-American Foundation is sufficient for meeting existing grant, contract, and lease obligations and to wind up any other outstanding affairs of the Foundation.

The conference agreement continues current law regarding certain requirements on quotas and numerical targets for family planning providers participating in voluntary family planning projects that are funded through the Development Assistance account, as included in the House bill. The Senate amendment did not address this matter.

The conference agreement also includes House language providing that $2,500,000 may be transferred from this account to the "International Organizations and Programs" account for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment included similar language. The managers recognize the need for the type of expertise IFAD offers; therefore, the managers affirm the House and Senate support for continued United States contributions to IFAD. The Administration is expected to consult with the Appropriations Committees regarding IFAD's future resource requirements.

The conference agreement continues current law which prohibits funds from being made available for any activity in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) as proposed by the House. The Senate bill did not address this matter.

The conference agreement includes language from the Senate amendment not in the House bill that provides not to exceed $25,000, in addition to funds otherwise made available for such purposes, to monitor and provide oversight for assistance programs for displaced and orphan children and victims of war.

The conference agreement does not include bill language in the Senate amendment mandating a specific sum for the International Law Institute. The managers continue to be concerned by the lack of adherence to the rule of law in the Independent States. Therefore, the managers direct that $250,000 shall be made available to the International Law Institute to continue its training and support of lawyers and judges in the Independent States.

The conference agreement provides that not less than $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement includes language similar to a provision in the Senate amendment that requires that not less than 50 percent of the funds made available for the Microenterprise Initiative should be made available for loans of $300 or less for very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans. The House bill contained a similar provision which continued existing law.

AGRICULTURE

The conference agreement does not contain language from the Senate amendment regarding the minimum level of funding for agriculture programs. However, the managers remain concerned about the decline in AID funding for international agriculture activities and recommend at least $305,000,000 be provided for such programs in fiscal year 2000. Further, the managers note that both the House and Senate Committee reports signal the deep concern for the level of funding provided for international agricultural development. In addition, the managers support the language in the House report regarding funding levels for the Collaborative Research Support Programs (CRSPs). Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committee on Appropriations regarding the proposed allocation of sector resources, including those intended for agriculture and for the CRSPs.

AID GLOBAL PROGRAMS AND BIODIVERSITY

The managers note the positive role AID's central offices and mechanisms can serve in providing policy and technical support in critical areas such as economic growth, energy, agriculture, biodiversity, democracy and women in development. The managers endorse House report language on global issues such as these, and encourage AID to adequately fund these central offices and mechanisms. To ensure that the Committees' priorities are addressed in a timely manner, the managers direct AID to provide, within 30 days of enactment of this Act, a brief written report to the Appropriations Committees on its planned fiscal year 2000 allocation of funds to the central offices in the Global Bureau.

The conference agreement does not include a Senate provision regarding the proportion of funds utilized in support of biodiversity. The managers continue to believe that protecting biodiversity and tropical forests in developing countries is critical to the global environment and U.S. economic prosperity, especially for the agricultural and pharmaceutical industries. The managers note the House and Senate Committee reports which recognize the slight increase in AID biodiversity funding in fiscal year 1999, but remain concerned that the proportion of development assistance allocated for biodiversity activities remains less than the amount provided five years ago. Therefore, the managers direct AID to restore overall biodiversity funding as well as funding to the Office of Environment and Natural Resources to levels that reflect the proportion of funding of development assistance provided in fiscal year 1995.

EDUCATION IN AFRICA

The managers recognizing that providing increased educational opportunities, including at the doctoral level, is a key component of development efforts in Africa. The managers are aware of AID's minority-serving institution initiative and commend the agency for engaging Historically Black Colleges and Universities in its program for Africa. Consistent with these efforts, the managers encourage AID to consider up to $700,000 for the implementation of a distance education doctoral degree initiative in collaboration with an HBCU that can offer advanced training in the areas of educational leadership, pharmacy, environmental sciences and engineering.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 2000. It is the intention of the managers that the increase in funding for the Lebanon country program (addressed below under the heading "Lebanon") should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under "Development Assistance".

PATRICK LEAHY WAR VICTIMS FUND

The conferees direct $12,000,000 for medical, orthopedic, and related rehabilitative and preventive assistance for war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the "Development Assistance" account and the "Economic Support Fund". The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the "Nonproliferation, anti-terrorism, demining and related programs" account.

The managers note the great needs, especially for children, in Sierra Leone for medical, orthopedic, and related rehabilitative services as a result of civil war. The managers direct that not less than $500,000 from this account be used to continue the work of UNICEF and private voluntary organizations with experience in addressing such needs.

As in previous years, the managers expect that any such programs to assist war victims should be designed and implemented in consultation with AID's manager of the Leahy War Victims Fund.

CYPRUS

The conference agreement includes language from the Senate amendment that provides that not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus. Funds are to be derived from "Development Assistance" and "Economic Support Fund". The House bill did not contain a provision on this matter.

LEBANON

The conference agreement includes language similar to that from the Senate amendment that provides that not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" should be made available for Lebanon to be used, among other purposes, for scholarship and direct support of the American educational instutitions in Lebanon. The Senate language is identical to the conference agreement, except it would have required the allocation of these funds. The House bill did not address this matter.

The increase of $3,000,000 for Lebanon is being provided for the direct support of the American educational institutions in that country. It is the intention of the managers that the increase in funding for the Lebanon country program should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under "Development Assistance".

BURMA

The conference agreement includes language similar to that from the Senate amendment that provides that, of the funds made available under "Development Assistance" and "Economic Support Fund", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma. These funds are to be made available notwithstanding any other provision of law and shall be subject to the regular notification procedures of the Committees on Appropriations, as proposed by the Senate. Language proposed by the Senate that would have allocated not less than $800,000 of these funds for certain specified activities is not included, not is language providing that funds made available under this heading shall be subject to consultation and guidelines provided by the leadership of the Burmese government elected in 1990.

The House bill did not address this matter.

CAMBODIA

The conference agreement does not include language proposed by the Senate that would have prohibited funds for the Central Government of Cambodia until the Secretary of State determines and reports to the Committees on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force. The funding restriction proposed by the Senate would not have applied to demining and other humanitarian programs.

The House did not address this matter under title II. The House provision on Cambodia, section 573 of the House bill, is included in modified form in the conference report under title V.

SOUTHEAST ASIA

The conference agreement does not include reservations of specific minimum funding allocations for Indonesia as proposed by the Senate. The House bill did not address these matters.

The managers support the highest possible level of assistance to support the economic recovery of the Philippines, Thailand, and Indonesia from the Asian financial crisis. Effective support for private investment, better governance, and less corruption in these countries should be given a higher priority in development assistance and Economic Support Fund allocation decisions. The Accelerated Economic Recovery in Asia and US-Asia Environmental Partnership programs should be augmented by specific efforts to retain existing major United States private sector investments in the region, especially in the infrastructure sector. The renewed security relationship between the Philippines and the United States provides additional justification for increased support to that country.

The managers recognize that humanitarian and economic assistance from many nations will be needed to enable East Timor to recover from the violence and destruction perpetrated by anti-independence forces following the referendum of August 30, 1999. The recovery of East Timor will also depend on the cooperation of its Indonesian neighbors. The managers encourage the Executive branch to use funds provided in this Act for the United States contribution to the recovery of East Timor.

The managers suggest a modest program of assistance for the people of Vietnam, mostly for humanitarian activities. The managers urge AID to work with the U.S. Embassy to support a safety awareness campaign in Vietnam to reverse the increase in preventable accidents, especially those affecting children.

The managers continue to be concerned about the status of religious groups in Vietnam. The Secretary of State is requested to report to the Committees not later than six months after enactment of this Act on the extent to which the Socialist Republic of Vietnam is facilitating the following: (1) The operation of independent churches; (2) the return of church properties confiscated since 1974; (3) visits to the Supreme Patriarch of the Unified Buddhist Church of Vietnam by a delegation of American religious leaders and medical doctors; and (4) participation of democracy and human rights advocates in United States education and cultural exchange programs.

CONSERVATION FUND

The conference agreement does not include a provision from the Senate amendment mandating $500,000 from "Development Assistance" for the Charles Darwin Research Station and the Charles Darwin Foundation. The House bill did not address this matter.

The managers direct that $500,000 be provided from "Development Assistance" for research, training, and related activities to support conservation efforts in the Galapagos. Because AID has made plans to sustain a commitment to the Galapagos, the managers expect fiscal year 2000 to be the final year for congressional mandates.

CONFLICT RESOLUTION

The conference agreement does not include Senate language earmarking $1,000,000 from "Economic Support Fund", "Development Assistance", and "Assistance for Eastern Europe and the Baltic States" accounts to support conflict resolution programs. However, the managers urge the State Department and AID to support such programs where appropriate. The managers especially commend Seeds of Peace, a widely respected organization which promotes understanding between Arab and Israeli teenagers, and Turkish and Greek Cypriot teenagers, and direct the Agency for International Development to provide up to $861,000 to Seeds of Peace in fiscal year 2000.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language from the House bill providing that funds appropriated for development assistance should be available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. The Senate amendment included similar language.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $175,880,000 for "International Disaster Assistance" instead of $200,880,000 as proposed by the House and $175,000,000 as proposed by the Senate. The managers note that Congress provided $388,000,000 for this account in fiscal year 1999, including $188,000,000 in emergency supplemental funds, and that AID expects to carry-over into fiscal year 2000 the unobligated fiscal year 1999 balances. Further, the managers note that Section 492(b) of the Foreign Assistance Act provides the President with the authority to obligate up to $50,000,000 from other assistance accounts in order to provide disaster assistance, if necessary.

The conference agreement requires greater accountability on disaster assistance funds utilized in support of AID's Office of Transition Initiatives (OTI). OTI activities have been effective in many countries, but the managers are increasingly concerned that scarce emergency disaster aid may be unavailable due to longer-term OTI commitments. Therefore, the conference agreement requires that AID submit a report to the Appropriations Committees not less than five days prior to initiating on OTI program in a country in which OTI did not operate in fiscal year 1999. The managers believe this reporting requirement will help ensure that the Appropriations Committees receive timely information regarding the nature of OTI programs so they can better evaluate these transition activities in the future.

The managers note that OTI may utilize funds from other development and economic accounts in addition to the Disaster Assistance account and expect AID to report on the country allocations of all funds under OTI management in the annual report required under section 653 of the Foreign Assistance Act beginning in fiscal year 2000.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

The conference agreement continues existing law regarding the level of guarantees provided in support of micro and small enterprise activities. The Senate amendment proposed making the guarantee level permanent law.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

The conference agreement provides $1,500,000 in subsidy budget authority for the Urban and Environmental Credit program as proposed by the Senate amendment. The House bill provided no subsidy budget authority. In addition, the conference agreement appropriates $5,000,000 for administrative expenses as proposed by the House, instead of $4,000,000 as proposed by the Senate.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

The conference agreement provides up to $3,000,000 for the cost of loans and loan guarantees for AID's Development Credit Authority (DCA) from funds transferred from existing development and economic accounts administered by AID. Up to $500,000 of this amount may be transferred to and merged with AID's "Operating Expenses" account. The managers urge that programs in the Russian Far East be given priority. The House bill did not provide authority for a development credit program. The Senate amendment provided $7,500,000 for this purpose.

The managers recognize the serious effort made by the Administration during the past two fiscal years to guarantee the financial integrity of the DCA, including the establishment of a credit review board to approve individual DCA loan and loan guarantee projects. However, the managers continue to be concerned about the larger development policy implications of AID conducting new loan and guarantee programs. Given the significant problems developing nations have experienced in repaying existing U.S. loans and the subsequent rescheduling and cancellation of these debts, the managers urge caution in extending new loans and guarantees.

Operating Expenses of the Agency for International Development

The conference agreement appropriates $495,000,000 as proposed by the Senate, instead of $479,950,000 as proposed by the House. The conference agreement does not include language proposed by the Senate to extend the availability of these funds until September 30, 2001. Also, the conference agreement does not provide $1,500,000 from Operating Expenses for the purchase of land in northern India as proposed by the Senate. The House bill contained no similar provision.

The conference agreement prohibits the use of funds in this account to finance the construction or long-term lease of offices for use by AID unless the administrator of AID reports in writing to the Appropriations Committees at least 15 days prior to the obligation of funds for such purposes. This reporting requirement applies only when the total cost of construction (including architect and engineering services), purchase, or lease commitment, exceeds $1,000,000. The House bill and the Senate amendment contained similar provisions.

Other Bilateral Economic Assistance

Economic Support Fund

The conference agreement appropriates $2,177,000,000 instead of $2,227,000,000 as proposed by the House and $2,195,000,000 as proposed by the Senate. In addition, it provides not less than $960,000,000 for Israel and not less than $735,000,000 for Egypt as proposed by the Senate instead of not to exceed $960,000,000 for Israel and not to exceed $735,000,000 for Egypt as proposed by the House. The conference agreement also includes language providing that not less than $200,000,000 of the funds appropriated for Egypt shall be used for Commodity Import Program assistance as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes language providing that not less than $150,000,000 should be provided for Jordan as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes Senate language providing that, notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust. The House did not address this matter.

The conference agreement does not include language from the Senate amendment, not in the House bill, that would have prohibited funds appropriated under this heading from being made available to the Korean Peninsula Energy Development Organization.

The conference agreement also includes language that, notwithstanding any other provision of law, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country. The managers are aware of the important work of the Bridge Fund in this regard, and strongly support funding for this organization.

Senate language under this heading that authorized $10,000,000 for activities for Iraqi opposition groups is addressed under title V of the conference report.

The managers direct that $5,000,000 in funding from this account be used to support the activities authorized under the Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319).

The conference agreement does not include an additional $50,000,000 for Jordan (above a base level of $150,000,000), as requested by the President and provided in the House bill, in connection with funding for implementation of the Wye River accord. It is the intention of the managers that the Appropriations Committees of the House and Senate will address this matter when Congress takes action on all funds requested for implementation of the Wye River accords. The managers strongly support funding for Jordan, both in this account and under "Foreign Military Financing Program", and are committed to seeking to provide the full budget request for Jordan at the appropriate time.

International Fund for Ireland

The conference agreement appropriates $19,600,000 for the International Fund for Ireland, as proposed by the House. The Senate amendment did not address this matter.

The conferees encourage the International Fund for Ireland (IFI) to consider direct funding of locally-based organizations dedicated to attracting investment to their municipalities and regions. In doing so, the conferees believe the IFI will further its goals of increasing domestic and international interest in continued cooperation and stability.

Assistance for Eastern Europe and the Baltic States

The conference agreement appropriates $535,000,000 as proposed by the Senate instead of $393,000,000 as proposed by the House.

The conference agreement also includes language stating that $150,000,000 should be provided for Kosova. The Senate amendment had provided for six country earmarks which are not included in the conference agreement. The House bill did not address this matter.

The conference agreement also includes language that prohibits funds for Kosova until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference and similar pledging conferences shall not exceed 15 percent of the total resources pledged by all donors. In addition, language has been included stating that funds for Kosova shall not be made available for large scale physical infrastructure reconstruction.

In addition, the conference report includes Senate language that provides no more than $130,000,000 for Bosnia and Herzegovina from the funds appropriated under this account and under "International Narcotics and Law Enforcement" and "Economic Support Fund". The House bill did not address this matter.

The conference agreement also includes House language prohibiting funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country. The Senate amendment did not address this matter.

The conference agreement also includes language from the House bill that applies the provisions of section 532 ("Separate Accounts") to all funds provided under this heading, rather than just to funds made available for Bosnia and Herzegovina as proposed by the Senate. In addition, it includes language proposed by the House that authorizes the President to withhold funds for economic reconstruction programs in Bosnia and Herzegovina if he certifies that the Bosnian Federation is not complying with requirements in the Dayton Peace Accord to remove foreign forces, and has not terminated intelligence cooperation with Iranian officials. The Senate amendment did not address this matter.

ROMANIAN CHILDREN AND ORPHANS

The managers direct that up to $4,400,000 be provided for emergency aid for the child victims of the present economic crisis in Romania. The program should be administered through, or in close coordination with, the Romanian Department of Child Protection. It should focus on supplemental food support and maintenance, support for in-home foster care, and supplemental support for special needs residential care.

Assistance for the Independent States of the Former Soviet Union

The conference agreement appropriates $735,000,000 instead of $725,000,000 as proposed by the House and $780,000,000 as proposed by the Senate. The word "New" is deleted from the heading, as proposed by the House. The managers have included a ceiling on management costs for nuclear safety activities as proposed by the Senate and a limitation of 25 percent on the percentage of funds that may be allocated for any single country as proposed by the House.

The managers also encourage the Coordinator and AID to move as rapidly as possible to implement programs that focus on the social transition in the region as it affects ordinary citizens, to reward reform-oriented countries such as Moldova and Kyrgystan, and to accelerate the focus on regional efforts in reform-oriented secondary cities in Russia, Ukraine, and Kazakhstan.

RUSSIA-IRAN

The conference agreement continues the current restrictions on assistance to the Government of the Russian Federation as long as Russian enterprises and institutes continue to collaborate with Iran to increase Iranian capability to develop and deploy nuclear and ballistic missile technology. The managers agree that assistance to combat infectious diseases, child survival and nonproliferation activities, support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this subsection.

RUSSIAN FAR EAST

The conference agreement includes new language providing not less than $20,000,000 for the Russian Far East. This matter was not addressed in the House bill or the Senate amendment. Under the heading "Development Credit Authority" in title II, the managers also directed that additional funds be made available to stimulate ventures in the Russian Far East led by American firms with expertise in primary industries, including natural resource development, telecommunications and basic infrastructure, finance, and consumer goods.

SOUTHERN CAUCASUS REGION

The managers support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia, including United States efforts through the Caucasus Cooperation Forum. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a requirement that 15 percent of the funds available for the Southern Caucasus region be used for confidence-building measures and other activities related to the resolution of regional conflicts instead of 17.5 percent as proposed by the House.

The conference agreement includes a provision that not less than 12.92 percent of the funds under this heading be made available for Georgia and not less than 12.2 percent for Armenia. Similar language was proposed by the Senate but not included in the House bill. The managers are concerned that little progress has been made to improve conditions in the regions of Armenia affected by the 1988 earthquake. The conferees direct the Coordinator and AID to allocate up to $15,000,000 to support recovery and economic reconstruction initiatives in the regions most severely affected. In addition, at least $25,000,000 of the funds made available for Georgia should be obligated for border security and law enforcement training.

The managers continue to support funding of the judicial reform initiatives in Georgia, but are aware of concerns regarding the legal rights of Loren Wille, an American working for Catholic Relief Services who was recently arrested in Georgia. The conferees urge the State Department to use the influence of the United States to ensure fairness and transparency in the treatment of Mr. Wille, and request a report from the Department no later than December 1, 1999, on the extent to which Mr. Wille's rights have been respected during the Georgian judicial process.

UKRAINE

The managers include bill language that $180,000,000 should be made available for Ukraine instead of a mandatory $210,000,000 as proposed by the Senate. In the event that October, 1999, Presidential elections in Ukraine produce a reform government, the managers would expect the Coordinator and AID to allocate additional funds for Ukraine. The managers recommend $25,000,000 for nuclear safety programs in Ukraine and up to $10,000,000 for regional initiatives that include industrial study tours, technology business incubators, and community based telecommunications projects. The conference agreement does not include any provision withholding funds for Ukraine as proposed by the Senate.

The conference agreement does not include Senate language regarding the destruction of stockpiles of landmines in Ukraine. However, the managers strongly support the elimination of some 10 million mines stockpiled in Ukraine and Moldova that could otherwise be exported to areas of conflict and cause egregious harm to innocent civilians. The managers intend and expect that of the funds made available in this Act for Ukraine and Modova, $5,000,000 will be contributed to a multinational effort to destroy these landmines and similar munitions.

RUSSIAN LEADERSHIP PROGRAM

The conference agreement includes new language providing an additional $10,000,000 to carry out the Russian Leadership Program enacted on May 21, 1999. The statutory authority is modified to extend the pilot program administered by the Library of Congress for 1 year and to postpone transfer of the program to the Executive branch by 1 year.

RUSSIAN ORPHANS

The conferees strongly support AID's new strategy for addressing the needs of Russian orphans and concur with the House report language on this matter. The managers are concerned about the immediate needs of orphans in some of the most economically disadvantaged parts of the Russian Federation, such as Magadan. The conferees encourage AID to supplement its orphan strategy by identifying reform-minded and committed orphanage and child welfare officials in those regions and developing a program to improve the basic conditions of orphans there.

MEDICAL ASSISTANCE

The conference agreement does not include a Senate earmark for Carelift International. However, the managers are aware that large amounts of used high-technology medical equipment no longer needed by American hospitals can be put to good use in the former Soviet Union and other regions unable to afford high-technology medical equipment. Carelift International and other organizations provide such equipment and provide training on its proper use and maintenance. The conferees expect AID to support such private initiatives in its social transition strategy for the independent states and Central Europe and direct that $3,000,000 be made available to Carelift International upon receipt of a detailed proposal.

MONGOLIA

The conference agreement retains authority for funds provided under this heading to be used in Mongolia. The amount provided for Mongolia from this heading is $6,000,000. The remainder of the amount requested is to be made available from other accounts in title II of this Act.

Independent Agency

Peace Corps

The Conference agreement appropriates $235,000,000 instead of $240,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

Department of State

International Narcotics Control and Law Enforcement

The Conference agreement appropriates $285,000,000 as proposed by the House for International Narcotics Control and Law Enforcement. The Senate amendment proposed $215,000,000.

The conference agreement does not include the ceiling of $20,000,000 on anti-crime activities within the account. However, the agreement does require that all anti-crime programs are subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement contains House language allowing the Department of State to utilize section 608 of the Foreign Assistance Act to receive excess property from other U.S. federal agencies for use in a foreign country. The Senate amendment did not address this matter.

The conference agreement provides that not less than $10,000,000 should be available for Law Enforcement Training and Demand Reduction, which is similar to the Senate amendment. The House did not address this matter. The managers urge up to $4,000,000 of this amount be for demand reduction programs.

The conference agreement does not include a Senate provision regarding the establishment and operation of the International Law Enforcement Academy of the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico, deleting this language without prejudice. The House included no similar bill language. The managers are aware of recent State Department commitments to Congress regarding this proposal. The managers expect the Department of State to resolve this matter to the satisfaction of the Committees. The managers direct the Department of State to provide the Committees on Appropriations, not later than 45 days after enactment of this Act, a report on the proposed training program at the deBremmond Training Center during fiscal year 2000.

The conference agreement does not contain a Senate amendment providing not less than $10,000,000 for mycoherbicide counter drug research and development. The House did not address this matter. However, the managers recognize that the development of plant pathogens which are capable of destroying illicit drug crops, including opium poppy, coca and marijuana, offer a potential weapon for United States counter-narcotics efforts. The managers understand that all current funding requirements have been met for fiscal years 1999 and 2000. Consistent with the position taken in the fiscal year 1999 Supplemental appropriations conference report, the managers recommend that the responsibility for this funding should be assumed by the Office of the National Drug Control Policy to support any additional future needs for counterdrug research and development for the following: mycoherbicide product research and development; narcotic crop eradication technologies; narcotic plant identification and biotechnology; worldwide narcotic crop identification; and alternative crop research and development.

The managers affirm House and Senate report language regarding counter-narcotics programs and encourage the Assistant Secretary of State for International Narcotics Control and Law Enforcement to develop a comprehensive proposal to upgrade helicopter lift capability for anti-drug operations in Latin America.

The managers are concerned about the deteriorating conditions in Colombia. In 1998, 308,000 Colombians were internally displaced and during the past decade 35,000 Colombians have been killed in the violence between government forces, paramilitaries, and the FARC and ELN. The managers commend President Pastrana for his efforts to end this protracted conflict. The managers encourage the Department of State and other Executive agencies to continue their efforts to assist President Pastrana and the Colombian government toward a peaceful resolution of this conflict.

Given the instability in the region, the managers have been concerned by the consistently low levels of support during the past several years provided to the Government of Ecuador in its efforts to stem the flow of drugs transiting through Ecuador from both Colombia and Peru. Therefore, the managers direct the State Department Bureau on International Narcotics and Law Enforcement to provide a report, 60 days after the date of enactment, on its revised plans to assist Ecuador in improving its counter-narcotics efforts.

Because of budgetary limitations, $21,000,000 of the amount provided under this heading and $21,000,000 provided under the heading "Migration and Refugee Assistance" is withheld from obligation until September 30, 2000. Both programs were augmented by sizable supplemental appropriations during fiscal year 1999.

Migration and Refugee Assistance

The conference agreement appropriates $625,000,000, instead of $640,000,000 as proposed by the House bill and $610,000,000 as proposed in the Senate amendment. The conference agreement makes available $13,800,000, as proposed in the House bill, for administrative expenses. The Senate amendment proposed $13,500,000. The managers note that more than $160,000,000 remains in this account from previous appropriations acts.

The conference agreement also includes Senate language, not included in the House bill, that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $12,500,000 instead of $30,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The managers note that more than $70,000,000 remains available in this account.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $181,600,000 instead of $181,630,000 as proposed by the House and $175,000,000 as proposed by the Senate.

The conference agreement also includes language proposed by the House, that was not in the Senate amendment, that authorizes a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and requires that the Secretary of State must inform the Committees on Appropriations at least 20 days prior to the obligation of funds for such Commission.

The conference agreement includes language proposed by the Senate, that was not in the House bill, that provides that $35,000,000 should be used for demining, clearance of unexploded ordnance and related activities, and that not to exceed $500,000 may be used for related administrative expenses.

The conference agreement does not include language from the Senate amendment that limited funding for the contribution to the International Atomic Energy Agency (IAEA) to $40,000,000.

Funding limitations affecting the Korean Peninsula Economic Development Organization (KEDO) are addressed under title V of this statement and accompanying conference report.

The managers intend that funds appropriated under this heading be allocated as follows:

[In thousands of dollars]

Program	House	Senate	Conference
Nonproliferation and Disarmament Fund	15,000	15,000	15,000
Export control asst	5,000	5,000	10,170
IAEA contribution	43,000	40,000	43,000
CTBT Preparatory Commission	20,000	20,000	20,000
Prepaid in fy 1999	−4,370		−4,370
KEDO	35,000	40,000	35,000
Anti-terrorism asst	33,000	20,000	27,800
Demining	35,000	35,000	35,000
New budget authority	181,630	175,000	181,600

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

Both the House and the Senate provided $1,500,000 for the international affairs technical assistance program of the Department of the Treasury. The managers encourage the Administration to meet the requested level for this program by transferring funds to the Department of the Treasury from other funds appropriated in title II of this Act.

DEBT RESTRUCTURING

The conference agreement appropriates $33,000,000 for debt restructuring as proposed by the House instead of $43,000,000 as proposed by the Senate. The managers include funding for bilateral debt restructuring and implementation of title V of the Foreign Assistance Act only.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the Senate instead of $45,000,000 as proposed by the House. It also provides that up to $1,000,000 may remain available until expended as proposed by the House; the Senate amendment did not address this matter.

The conference agreement also includes language proposed by the House that limits Guatemala and Indonesia to Expanded IMET only, and provides for regular notification procedures for funds allocated for Guatemala as proposed by the House. The Senate amendment would have limited Guatemala to Expanded IMET only, but did not address funding for Indonesia and did not require notification for Guatemala.

The conference agreement also includes language from the House bill providing that funding for the School of the Americas is contingent upon a certification by the Secretary of Defense that the instruction provided by the School is fully consistent with training provided by the Department of Defense to United States military training students at U.S. military institutions. It also includes House language requiring a report by the Secretary of Defense on training activities at the School of the Americas during 1997 and 1998.

The Senate amendment did not address these matters.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $3,420,000,000 instead of $3,470,000,000 as proposed by the House and $3,410,000,000 as proposed by the Senate. In addition, it includes language proposed by the Senate that provides not less than $1,920,000,000 for grants for Israel and not less than $1,300,000,000 for grants for Egypt instead of not to exceed $1,920,000,000 for Israel and not to exceed $1,300,000,000 for Egypt as proposed by the House.

The conference agreement also includes language similar to that proposed by the Senate providing that not less than 26.3 percent of the funds made available for Israel shall be available for procurement in Israel. The House bill included language stating that not to exceed $505,000,000 should be made available for such procurement.

The conference agreement also includes House language providing that no Partnership for Peace funds may be made available to a non-NATO country except through the regular notification procedures of the Committees on Appropriations. The Senate amendment did not address this matter.

The conference agreement does not include language proposed by the Senate that would have allowed direct loans to be converted to grants, and grants to direct loans. The House bill did not address this matter.

The conference agreement provides not less than $3,000,000 in grant assistance for Tunisia and directs the drawdown of not less than $4,000,000 in defense articles, defense services, and military education and training. The Senate amendment would have directed $10,000,000 for Tunisia. The House bill did not address this matter.

The conference agreement also includes language providing up to $1,000,000 for Ecuador, subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement provides a ceiling of 430,495,000 for administrative expenses as proposed by the House instead of $30,000,000 as proposed by the Senate.

The conference agreement also includes language directing that, not later than forty-five days after enactment, the Secretary of Defense shall report to the Committees on Appropriations regarding an appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education. The Senate amendment would have provided not less than $1,000,000 for the Defense Institute of International Studies for various activities under "International Military Education and Training". The House bill did not address this matter.

The conference agreement does not include an earmark of $5,000,000 for the Philippines. However, the managers are strongly supportive of efforts to increase defense cooperation with that nation and are aware the Administration is proposing to provide $1,000,000 in grant funds for the Philippines in fiscal year 1999.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $78,000,000 instead of $76,500,000 as proposed by the House and $80,000,000 as proposed by the Senate.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY (GEF)

The conference agreement appropriates $35,800,000 for the Global Environment Facility instead of $50,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $625,000,000 instead of $776,600,000 as proposed by the Senate and $568,600,000 as proposed by the House.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $4,000,000 for paid-in capital issued by the Multilateral Investment Guarantee Agency instead of $10,000,000 as proposed by the Senate. The House bill did not include any appropriation for this purpose. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $77,000,000 for the Asian Development Fund instead of $50,000,000 as proposed by the Senate and $100,000,000 as proposed by the House. The entire amount is for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $77,000,000 for the African Development Fund instead of $108,000,000 as proposed by the House. The Senate amendment did not include any appropriation for this purpose.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $1,000,000 for paid-in capital issued by the African Development Bank instead of $5,100,000 as proposed by the Senate. The House bill did not include an appropriation for this purpose. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $170,000,000 as proposed by the Senate amendment. The House bill appropriated $167,000,000.

The conference agreement does not contain a provision in the House bill regarding the Climate Stabilization Fund. The Senate amendment did not address this matter.

The conference agreement continues current law indicating that $5,000,000 should be made available for the World Food Program, which is similar to the Senate amendment. The House bill did not address this matter.

The managers note that the President's budget request for fiscal year 2000 proposed a reduction in funding for the United Nations Development Program. However, the managers are encouraged by the initiatives being undertaken by the new administrator of UNDP, and urge the Administration to strongly support these efforts and to encourage other donors to do the same.

TITLE V—GENERAL PROVISIONS

(Note.—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 502. Prohibition of bilateral funding for international institutions

The conference agreement modifies existing law to prohibit funds from title II of this Act to be transferred by AID directly to an international financial institution for the purpose of repaying a foreign country's loan obligations, as proposed by the House. The Senate amendment made no change to existing law.

Sec. 509. Transfers between accounts

The conference agreement deletes the requirement for the President to notify the Appropriations Committees, through their regular notification procedures, when exercising the transfer authority provided under the section.

Sec. 512. Limitation on assistance to countries in default.

The conference agreement ends the exemption for Nicaragua, Brazil, and Liberia from requirements under section 620(q) of the Foreign Assistance Act and under this section regarding default on loans made by the U.S. This language is the same as the Senate amendment. The House bill retained the exemption for these countries.

Sec. 514. Surplus commodities

The conference agreement deletes subsection (b) of the House general provision, as proposed by the Senate. This subsection would have required the Secretary of the Treasury to direct the U.S. executive directors of the international financial institutions to support the purchase of American produced agricultural commodities.

Sec. 515. Notification requirements

The conference agreement deletes "International Affairs Technical Assistance" from the notification requirements under this section as proposed by the House.

Sec. 520. Special notification requirements

The conference agreement adds "Panama" as proposed by the House bill to the list of countries subject to the special notification procedures of this section. The conference agreement does not include "India" as proposed in the Senate amendment.

Sec. 522. Child survival and disease prevention activities

The conference agreement modifies existing law to clarify the intent of this section that allows AID to use $10,000,000 appropriated under the "Child Survival and Disease Programs Fund" for technical experts from other government agencies, universities, and other institutions. Since Congress established a separate Child Survival and Disease Programs account in 1996, the previous language has been obsolete. The conference agreement is similar to the House provision, but includes new language regarding the sue of up to $1,500,000 from the "Development Assistance" account for technical experts.

Sec. 526. Democracy in China

The conference agreement contains language from the House bill that authorizes the use of funds from "Economic Support Fund" for the support of nongovernmental organizations located outside of China for the support of democracy activities, and requires notification on the use of this authority. The Senate amendment did not address this matter.

The conference agreement includes language that provides, notwithstanding any other provision of law that restricts assistance to foreign countries, $1,000,000 from the Economic Support Fund shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China.

Sec. 537. Funding prohibition for Serbia

The conference agreement includes House language that prohibits assistance for Serbia, except for aid to Kosovo or Montenegro or to promote democracy. The Senate amendment did not address this matter.

Sec. 538. Special authorities

The conference agreement includes language proposed by the House that allows for funding from appropriations under title I for certain specified countries and activities, and for Montenegro, notwithstanding any other provision of law. The Senate amendment did not include these exemptions. It also includes language not in the House bill but in the Senate amendment that conditions assistance for Cambodia to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

The conference agreement also includes House language that authorizes the President to waive for six months a provision of Public Law 100–204, if he determines and certifies that doing so is important to the national security interests of the United States. The Senate amendment did not address this matter.

Sec. 539. Policy on terminating the Arab League boycott of Israel

The conference agreement contains House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to "expand the process of normalizing ties between Arab League countries and Israel".

Sec. 540. Anti-narcotics activities

The conference agreement contains House bill language waiving certain provisions of section 534 of the Foreign Assistance Act to allow for administration of justice programs in Latin America and the Caribbean. The Senate amendment contained a similar provision.

Sec. 541. Eligibility for assistance

The conference agreement includes language regarding eligibility of assistance provided under this Act, as proposed by the House bill. The conference agreement does not include a modification, as proposed in the Senate amendment, regarding the prohibition on assistance to countries that violate internationally recognized human rights.

Sec. 544. Prohibition on publicity or propaganda

The conference agreement maintains current law limiting to $750,000 the amount that may be made available to carry out the provision of section 316 of Public Law 96–533 relating to hunger and development education as proposed by the Senate amendment. The House bill provided no funding limitation.

Sec. 545. Purchase of American-made equipment and products

The conference agreement includes language proposed in the Senate amendment directing the Secretary of the Treasury to report annually to Congress on compliance with this provision.

Sec. 546. Prohibition of payments to United Nations members

The conference agreement modifies current law to prohibit the use of certain funds to pay the cost for attendance for another country's delegation at international conferences held under the auspices of multilateral or international organizations. This is similar to the House bill. The Senate amendment included a similar provision.

Sec. 549. Prohibition on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

The conference agreement includes the Senate version of this general provision, which is the same as House language except that under subsection (a) the reference to "any other comparable provision of law" is deleted and under subsection (c) the word "estimated" is deleted.

Sec. 552. War crimes tribunals drawdown

The conference agreement includes Senate language that authorizes a Presidential drawdown of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal for the former Yugoslavia or similar tribunals or commissions. It also specifies that such drawdowns are subject to the notification process and that drawdowns made under this section shall not be construed as an endorsement or .precedent for the establishment of any standing or permanent international criminal tribunal or court. The House bill included similar language, but would not have exempted the tribunals for Yugoslavia and Rwanda from the notification requirements of the provision as in the Senate amendment.

Sec. 553. Landmines

The conference agreement includes language that amends section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) by extending until October 23, 2003, the ban on the export of landmines.

Sec. 556. Competitive pricing for sales of defense articles

The conference agreement includes language from the Senate amendment that provides that direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under the Arms Export Control Act. The House bill did not address this matter.

Sec. 559. Limitation on assistance for Haiti

The conference agreement includes language similar to that proposed by both

Houses. It sunsets the required reports after two years as proposed by the House and includes a provision limiting the percentage of funds that can be allocated to any single Latin American or Caribbean country. The latter limitation is a separate general provision in current law and in the House bill. The limitation was not included in the Senate amendment.

Sec. 563. Limitation on assistance to the Palestinian Authority

The conference agreement includes House language that prohibits funds for the Palestinian Authority unless the President certifies that waiving such prohibition is important to the national security interests of the United States. Such waiver shall apply no more than six months and shall not apply beyond 12 months after enactment. The Senate amendment did not address this matter.

Sec. 565. Limitations on transfer of military equipment to East Timor

The conference agreement includes language from the Senate amendment that requires that in any agreement for military assistance or sales a statement shall be included that the items will not be used in East Timor. The House language included a proviso that stated nothing in this section shall be construed to limit Indonesia's inherent right to self-defense as recognized under the UN charter and in international law, and that military sales, assistance, or lease agreements include the statement that the United States "expects" that the military assistance will not be used in East Timor.

The conferees direct the Secretary of State, in consultation with the Secretary of Defense and other appropriate agencies, to submit a report to the Committees on Appropriations not later than February 1, 2000, identifying all Indonesian commanding officers and units deployed in East Timor during 1999, and providing any available information linking those officers and units to the violence prior to and after the August 30, 1999 referendum in East Timor. Such report may be provided in classified form, if appropriate.

Sec. 566. Restrictions on assistance to countries providing sanctuary to indicted war criminals

The conference agreement includes language similar to that of the House bill. It substitutes the word "municipality" for "canton", includes a special rule that allows for assistance to an entity that would otherwise be sanctioned under the terms of this section, and imposes certain recordkeeping requirements on the Secretary of State. The Senate amendment would have made a number of technical and substantive changes to the House bill, including: establishment of a policy for support of the International Criminal Tribunal for the former Yugoslavia; establishment of a special rule exempting certain specified entities and communities from sanctions under certain provisions of this section; a requirement for public information regarding certain assistance provided to the countries in the former Yugoslavia; and a provision for certain exemptions by types of assistance. The conference agreement defines "Montenegro" and "Kosova" separately for purposes of applying this provision of law.

Sec. 568. Greenhouse gas emissions

The conference agreement includes a modification of current laws as proposed by the House, primarily to obtain more detailed information from AID in an annual report submitted by the President.

Sec. 569. Excess defense articles for certain European countries

The conference agreement includes language from the Senate amendment that extends a provision of permanent law that expired in 1997 through 2000. The law authorizes the provision of excess defense articles to certain European countries. The House bill did not address this matter.

Sec. 570. Aid to the Government of the Democratic Republic of Congo

The conference agreement prohibits any assistance to the central Government of the Democratic Republic of Congo as proposed in the Senate amendment. The House bill included a similar provision.

Sec. 571. Assistance for the Middle East

The conference agreement contains language similar to the House bill that imposes a spending ceiling of $5,321,150,000 on specified assistance for the Middle East. The Senate amendment did not address this matter.

Sec. 572. Enterprise fund restrictions

The conference agreement includes language in the House bill that was not in the Senate amendment that requires that, prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit a plan for the distribution of the assets of the Enterprise Fund to the Committees on Appropriations in accordance with regular notification procedures.

Sec. 573. Cambodia

The conference agreement includes language that prohibits funds for the central Government of Cambodia and states that the Secretary of Treasury should instruct the Executive Directors of international financial institutions to use the voice and vote of the United States to oppose loans to that government. The House bill contained similar language, but would have imposed the funding prohibition on all government assistance. The Senate amendment would have required the Secretary of the Treasury to instruct U.S. executive directors of international financial institutions to use the voice and vote of the U.S. to oppose loans to the Government of Cambodia, except to support basic human needs, unless: (1) Cambodia has held free and fair elections; (2) all political candidates were permitted freedom of speech, assembly, and equal access to the media; (3) the Central Election Commission was comprised on representatives from all parties, and (4) the Government had begun the prosecution of Khmer Rouge leaders to include six named individuals. The Senate also addressed this matter under title II.

It is the intention of the managers that if the Administration proposes to provide assistance to of through provincial or municipal governments in Cambodia it will first consult with the appropriate committees of the Congress prior to the obligation of funds.

Sec. 574. Customs assistance

The conference agreement amends the Foreign Assistance Act of 1961 regarding the prohibition on the use of certain bilateral assistance for police training by allowing assistance to foreign customs authorities and personnel, including training, technical assistance, and equipment fro customs law enforcement. The conference agreement is identical to the Senate amendment. The House bill did not address this matter.

The managers expect this authority to be exercised to support U.S. private sector trade and investment opportunities.

Sec. 575. Foreign military training report

The conference agreement includes language similar to that in the House bill requiring a joint report by the Secretary of State and the Secretary of Defense on all overseas military training (excluding military sales) provided to non-NATO foreign military personnel under programs administered by the Departments of Defense and State during 1999 and 2000, including those proposed for 2000. The language specifies the scope of the report, and allows for a classified annex, if deemed necessary and appropriate. The report shall be due no later than March 1, 2000. The Senate amendment included similar language, but did not provide for an exemption for NATO countries.

Sec. 576. Korean Peninsula Energy Development Organization (KEDO)

The conference agreement includes language similar to that in the House bill that up to $15,000,000 may be made available for KEDO prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that (1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of Korea; (2) the parties have taken and continue to take demonstrable steps to pursue the North-South dialogue; (3) North Korea is complying with all provisions of the Agreed Framework; (4) North Korea has not diverted assistance for purposes for which it was not intended; and (5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel. In addition, up to $20,000,000 may be made available for KEDO on or after June 1, 2000, if, 30 days prior to the obligation of such funds, the President certifies and so reports to Congress that (1) the effort to can and safely store all spent fuel from North Korea's nuclear reactors has been successfully concluded; (2) North Korea is complying with its obligations regarding access to suspect underground construction; (3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons, and (4) the United States has made and continues to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports. The language allows for the President to waive the certification requirements of this section if he determines that it is vital to the national security interests of the United States, 30 days after a written submission to the appropriate congressional committees. It also requires a report from the Secretary of State on the fiscal year 2001 budget request for KEDO, with certain specified information to be included in such report.

The House bill contained identical language, except it did not allow for the use of certain authorities of the Foreign Assistance Act to provide for a reprogramming of funds above the level of $35,000,000 specified for KEDO.

The Senate amendment contained language similar to the House bill. In addition, it required a report from the Director of Central Intelligence on all relevant intelligence bearing on North Korea's compliance with the above provisions; specified the timing of the report; and specified the types of intelligence covered by the report.

Sec. 577. Africa Development Foundation

The conference agreement provides that funds to grantees of the Foundation may be invested pending expenditure and that interest earned must be used for the same purpose for which the grant was made. Further, this section allows the Foundation's board of directors, in exceptional circumstances, to waive the existing $250,000 project limitation, subject to reporting to the Committees on Appropriations. This section is identical to the House bill. The Senate amendment included these same authorities within its "Development Assistance" account.

Sec. 578. Prohibition on assistance to the Palestinian Broadcasting Corporation

The conference agreement includes House language not in the Senate amendment that provides that none of the funds made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

Sec. 579. Voluntary separation incentives for employees of the U.S. Agency for International Development

The conference agreement provides for the payment of voluntary separation incentives to AID employees for the purpose of eliminating positions and functions at AID. The conference agreement is similar to the Senate amendment. The House bill did not address this matter.

The managers have included in this section a requirement that the AID administrator submit to the Committees on Appropriations, in addition to the Office of Management and Budget, a strategic plan outlining the intended use of incentive payments and a proposed organizational chart for AID once such incentives payments have been completed. The managers direct that AID consult regularly with the Committee on Appropriations on the strategic plan prior to implementing the separation program authorized by this section. Consistent with the Administration's request, the managers expect this authority to be used by AID to reduce its employment levels in Washington, D.C.

Sec. 580. Iraq opposition

The conference report includes language similar to that in the House bill and the Senate amendment that, notwithstanding any other provision of law, $10,000,000 shall be made available to support efforts to bring bout political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338), for political, economic, humanitarian, and other activities of such groups. It also provides that not more than $2,000,000 of such funds may be made available for groups and activities seeking the prosecution of Saddan Hussein and other Iraqi government officials for war crimes.

The conference agreement does not contain Senate language providing $250,000 for the Iraq Foundation. However, the conferees believe that the Foundation should receive funding made available by this Act for activities associated with pursuing war crimes.

Sec. 581. Agency for International Development budget submission

The conference agreement instructs the Agency for International Development to submit its 2001 budget in a format more useful to the Committees as proposed by the House. The Senate did not address this matter.

Sec. 582 American churchwomen in El Salvador

The conference agreement includes language regarding the murder of four American churchwomen in El Salvador. The conference agreement requires a report from the Attorney General to the Committees on Appropriations and requires the President to order all Federal agencies and departments that possess relevant information to make every effort to declassify and release that information to the victims' families. The House bill and Senate amendment included similar provisions.

Sec. 583. Kyoto Protocol

The conference agreement includes language regarding the Kyoto Protocol to the Framework Agreement on Global Climate Change as proposed by the House. The Senate amendment did not address this matter.

Sec. 584. Additional requirements relating to stockpiling of defense articles for foreign countries

The conference agreement includes language from the Senate amendment not in the House bill that amends the Foreign Assistance Act of 1961 to provide authority to increase the war reserve stockpiles in Korea and Thailand by $60,000,000 for fiscal year 2000.

Sec. 585. Russian leadership program

The conference agreement includes new language amending the statutory authority for the Russian Leadership Exchange Program.

Sec. 586. Abolition of the Inter—American Foundation

The conference agreement provides authority from the President to abolish the Inter-American Foundation and terminate is functions. The House bill and Senate amendment did not address this matter.

Sec. 587. West Bank and Gaza program

The conference agreement includes language that provides that, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General at the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the programs funded under "Economic Support Fund" for the West Bank and Gaza Program.

The Senate amendment included language that specified requirements for auditing assistance that may be provided to the Palestinian Authority. The House bill did not address this matter.

Sec. 588. Human rights assistance

The conference agreement includes language providing recommendations on the use of funds available from the "International Narcotics Control" account. The language states that not less than $500,000 should be provided to the Colombia Attorney General's Human Rights Unit; not less than $500,000 should be made available to support Colombian nongovernmental organizations involved in human rights monitoring, particularly to assist in protecting the physical safety of their personnel; and not less than $250,000 should be made available to the United Nations High Commissioner for Human Rights for human rights assistance for the Colombian government. Further, not less than $1,000,000 should be provided for assistance to enhance U.S. embassy monitoring of assistance to Colombian security forces and in responding to reports of human rights violations. The conference agreement also includes language that not less than $5,000,000 should be made available for administration of justice programs, including support for the Colombia Attorney General's Technical Investigations Unit. The managers direct the Department of State's Bureau for International Narcotics and Law Enforcement Affairs to report to the Committees on Appropriations not later than January 15, 2000, regarding its plans to meet the requirements of this section.

Sec. 589. East Timor self-determination

The conference agreement includes new language on East Timor self-determination instead of language in the Senate amendment. The House did not address this matter. The conference substitute limits certain security-related assistance to Indonesia until the President certifies that seven conditions relating to East Timor have been met. All other assistance in the Act that the Administration may make available for Indonesia is subject to the regular notification procedures of the Committee.

Sec. 590. Man and the Biosphere Program

The conference agreement prohibits funds for the United Nations Man and the Biosphere Program and the World Heritage Fund for programs in the United States. This is similar to the House bill. The Senate did not address this matter.

Sec. 591. Immunity for the Federal Republic of Yugoslavia

The conference agreement includes language that provides that the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7). The section shall not apply to Montenegro or Kosova, and shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states. However, the language provides that the certification shall not affect the continuation of ongoing litigation.

The Senate amendment would have applied all sanctions applicable to a terrorist state to the Federal Republic of Yugoslavia. The House bill did not address this matter.

Sec. 592. United States assistance policy for opposition-controlled areas of Sudan

The conference agreement provides the President the authority to provide food assistance to groups engaged in the protection of civilian populations in opposition-controlled areas of Sudan. In support of this effort, the managers urge AID to provide up to $500,000 for the People-to-People peace and reconciliation process designed to unite ethnic groups and communities in southern Sudan. Further, the conference agreement requires the President to submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. The managers expect this report to be provided in both classified and unclassified forms, if necessary. The report is to include an accounting of U.S. assistance to opposition-controlled areas of Sudan in certain fiscal years and the goals and objectives of such assistance. Further, the President is to report on the policy implications, costs, and sources of funds associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the U.S. agencies best suited to administer these activities. Also, the President is to report on the policy implications of increasing substantially the amount of development assistance for certain activities in opposition-controlled areas of Sudan, the identification (by organization) of all proposed beneficiaries of such assistance, and the obstacles to administering a development assistance program in this region.

The Senate amendment included three provisions relating to U.S. assistance programs in opposition-controlled areas of Sudan. The House bill did not address this matter.

Sec. 593. Consultations on arms sales to Taiwan

The conference agreement includes Senate language that directs the Secretary of State to consult with the Congress regarding a mechanism to provide for congressional input into the nature or quantity of defense articles and services for Taiwan. The House bill did not address this matter.

Sec. 594. Authorizations

the conference agreement authorizes appropriations for various international financial institutions, as proposed in the Senate amendment. The House did not address this matter.

Sec. 595. Working capital fund

The conference agreement provides AID limited authority to create a working capital fund, without fiscal year limitation, for expenses of the International Cooperative Administrative Support Services (ICASS) and for rebates from the use of U.S. government credit cards. The managers view this fund as a pilot project, the long-term viability of which will be evaluated during fiscal year 2000. Further, the managers expect this activity to be undertaken primarily by those AID missions in which AID has already determined that it is best suited to serve as the ICASS provider. The managers understand that creation of this Fund will allow AID to receive an estimated $250,000 in credit card rebates in fiscal year 2000, which are expected to be credited to its "Operating Expenses" account.

The managers expect AID to consult regularly with the Appropriations Committees about the status of the working capital fund and its effectiveness.

Sec. 596. Silk Road Strategy Act of 1999

The conference agreement is the same as the Senate amendment regarding policy toward Central Asia, with the addition of language relating to trade disputes.

Sec. 597. Country reports on human rights practices

The conference agreement includes language, similar to the Senate amendment, which amends the Foreign Assistance Act of 1961 to require that the annual State Department "Country Reports on Human Rights Practices" include a new section regarding the trafficking in persons, especially women and children. The House did not address this matter.

Sec. 598. OPIC maritime fund

The conference agreement expresses the sense of the Congress that the Overseas Private Investment Corporation shall within one year from the date of enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

Sec. 599. Sanctions against Serbia

The conference report includes language similar to that in the Senate amendment that requires that a number of specified sanctions against Serbia remain in place until a certification is issued by the President. The certification requires that Serbia comply with a number of international agreements, and provides an exemption for Montenegro and Kosova for the sanctions imposed through international financial institutions. It also allows for a waiver of all sanctions if necessary to meet emergency humanitarian needs or to achieve a negotiated settlement that is acceptable to the parties.

The House bill did not address this matter.

Sec. 599A. Clean coal technology

The conference agreement includes a section contained in the Senate amendment making a number of Congressional findings regarding clean coal technology. The House bill did not address this matter.

Sec. 599B. Restriction on United States assistance for certain reconstruction efforts in the Balkans region

The conference agreement includes language that provides that funds made available by this Act for assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for he procurement of articles and services of United States origin. Under the terms of this section, the term "article" means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

The Senate amendment would have prohibited the use of reconstruction funds in this Act for the former Yugoslavia or any contiguous country for the procurement of any article purchased outside the United States, the recipient country, or least developed countries, or any service provided by a foreign person, subject to certain exceptions. The House bill did not address this matter.

Sec. 599C. United Nations Population Fund

The conference agreement provides that, of amounts under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Populations Fund (UNFPA) subject to certain prohibitions and conditions. This section prohibits funds for the UNFPA from being made available for a country program in the People's Republic of China. Also, fiscal year 2000 funds are prohibited for UNFPA unless (1) UNFPA maintains these funds in an account separate from other UNFPA accounts (2) UNFPA does not commingle these funds with other sums and (3) UNFPA does not fund abortions.

This section requires that the Secretary of State report to Congress not later than February 15, 2000, indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China. If this report indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report was submitted.

This section is identical to the House bill. The Senate amendment included similar language.

Sec. 599D. Authorization for population planning

The conference agreement includes language that provides a limitation of $385,000,000 from funds appropriated in title II of this Act for population planning activities or other population assistance. In addition, such funds may be apportioned only on a monthly basis at a rate not to exceed 8.34 percent per month. The Senate amendment contained language under "Development Assistance" that provided for not less than $435,000,000 for such activities.

PROVISIONS NOT ADOPTED BY THE CONFEREES

Distinguished Development Service Award

The conference agreement does not include the section in the Senate amendment regarding the distinguished development service award. The House bill did not address this matter.

Withholding Assistance to Countries Violating United Nations Sanctions Against Libya

The conference agreement deletes a House provision that imposed a reduction in United States assistance of at least 5 percent when a country violates specified United Nations sanctions against Libya. The Senate amendment did not address this matter. The provision is no longer relevant, since the United Nations has suspended the application of sanctions against Libya.

Limitation on Funds for Foreign Organizations that Perform or Promote Abortions

The conference agreement does not include a provision contained in the House bill which would have restored, in part, the "Mexico City" policy regarding restrictions on U.S. assistance to foreign organizations that perform or actively promote abortion, including lobbying or any other effort to alter laws of any foreign country concerning abortion. The Senate did not address this matter.

Restriction on Population Planning Activities or other Population Assistance

The conference agreement does not include a provision contained in the House bill which would have prohibited funds for population planning activities for foreign nongovernmental organizations under certain conditions.

Sense of the Senate Regarding Colombia

The conference agreement does not include a section contained in the Senate amendment regarding Colombia.

Assistance To Promote Democracy and Civil Society in Yugoslavia

The conference agreement deletes language from the Senate amendment that provided general authority to promote democracy and civil society in Yugoslavia, including an authorization of appropriations of $100,000,000; included a prohibition on assistance to the Government of Serbia; and included authority to provide assistance to the Government of Montenegro subject to certain conditions. The House bill did not address this matter.

Limitation on Use of Funds for Purchase of Products Not Made in America

The conference agreement does not include language from the House bill that prohibits funds from titles I, II, or III for any foreign government if the funds are used to purchase equipment or products made in a country other than the foreign country itself or from the United States. The Senate amendment did not address this matter.

This issue is further addressed in section 545 of the conference report, "Purchase of American-Made Equipment and Products".

Limitation on Assistance for School of Americas

The conference agreement does not contain language from the House bill that would have prohibited funding for the School of the

Americas located at Fort Benning, Georgia. The Senate amendment did not address this matter.

TO PROMOTE AN INTERNATIONAL ARMS TRANSFER REGIME

The conference agreement does not include language from the Senate amendment that would have authorized the president to continue and expand efforts through the United Nations and other international fora to limit arms transfers worldwide, and that specified the transfers that should be limited. The Senate language would also have required a semiannual report on progress in such negotiations to accomplish this goal. The House bill did not address this matter.

SENSE OF THE SENATE REGARDING UNITED STATES COMMITMENTS UNDER THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

The conference agreement deletes Senate language that expressed the Sense of the Senate regarding the Agreed Framework and deliveries of heavy fuel oil to KEDO and North Korea. The House bill did not address this matter.

SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS

The conference agreement deletes Senate language expressing the Sense of the Senate regarding the need for an international conference on the Balkans. The House bill did not address this matter.

ACCOUNTABILITY OF SADDAM HUSSEIN

The conference agreement deletes Senate language regarding accountability for Saddam Hussein. The House bill did not address this matter.

The managers agree with the intent of the language of the Senate amendment on the need for accountability on the part of Saddam Hussein.

SENSE OF THE SENATE REGARDING ASSISTANCE PROVIDED TO LITHUANIA, LATVIA, AND ESTONIA

The conference agreement deletes Senate language that expressed the Sense of the Senate that assistance to the Baltic nations should not be interpreted as expressing the will of the Senate to accelerate membership of those nations into NATO.

SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS

The conference agreement deletes Senate language expressing the Sense of the Senate on assistance under the Camp David accords. The House bill did not address this matter.

SENSE OF CONGRESS IN MANAGEMENT OF UNITED STATES INTERESTS IN UKRAINE

The conference agreement deletes Senate language expressing the Sense of the Congress in management of U.S. interests in Ukraine. The House bill did not address this matter.

SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS

The conference agreement deletes Senate language expressing the Sense of the Senate on the Citizens Democracy Corps. The House bill did not address this matter.

CONTROL AND ELIMINATE THE INTERNATIONAL PROBLEM OF TUBERCULOSIS

The conference agreement deletes Senate language expressing the Sense of the Senate on elimination of the international problem of tuberculosis. The House bill did not address this matter.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION

The conference agreement does not include language contained in the House bill limiting assistance to the government of the Russian Federation at $172,000,000. The Senate amendment did not include a similar provision. This matter is addressed in title II under the heading "Assistance to the Independent States of the Former Soviet Union".

EXPANDED THREAT REDUCTION

The conference agreement does not include two sections from the Senate amendment regarding the Expanded Threat Reduction Initiative. The House bill did not contain similar provisions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$33,330,393
Budget estimates of new (obligational) authority, fiscal year 2000	14,615,535
House bill, fiscal year 2000	12,668,115
Senate bill, fiscal year 2000	12,735,655
Conference agreement, fiscal year 2000	12,737,335
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−20,593,058
Budget estimates of new (obligational) authority, fiscal year 2000	−1,878,200
House bill, fiscal year 2000	+69,220
Senate bill, fiscal year 2000	+1,680

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROY BLUNT,
BILL YOUNG,
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
C. S. BOND,
TED STEVENS,
DANIEL K. INOUYE,
FRANK LAUTENBERG,
B. A. MIKULSKI,
ROBERT BYRD,
Managers on the Part of the Senate.

SCHOOL CONSTRUCTION AND EDUCATION IMPROVEMENT

The SPEAKER pro tempore (Mr. WAMP). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, in order to have continuity on this question of prescription drugs, I would like to yield my first 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

HIGH COST OF PRESCRIPTION DRUGS

Mr. GONZALEZ. Mr. Speaker, I thank my distinguished colleague for yielding. It is a great opportunity, and I appreciate it, because it is a very important subject and it is an issue, I think, when we go to our town hall meetings, obviously this is something that is coming up over and over again.

In my district, as in many congressional districts around the country, older Americans are increasingly concerned about the high prices they pay for prescription drugs. I requested that the minority staff of the Committee on Government Reform investigate this particular issue. Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs that they require. The study presents disturbing evidence about the cause of these high prices.

The findings indicate that older Americans and others who pay for their own drugs are charged far more for prescription drugs than the drug companies are charging their most favored customers, such as large insurance companies, health maintenance organizations and the Federal Government.

The findings show that senior citizens in my district, the 20th Congressional District, San Antonio, Texas, pay more for his or her own prescription drugs, on average, more than twice what the home health organizations would pay, private insurance companies and the Federal Government. This is an unusually large price differential. It is seven times greater than the average price differential for any other consumer good.

It appears that drug companies are engaged in a form of discriminatory pricing that victimizes those who are least able to afford it. Large corporate, governmental and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to their favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one out of eight older Americans has been forced to choose between buying food and buying medicine. There is no reason in today's time, in this the greatest country and democracy known to mankind, that we should have this type of situation exist.

Preventing the pharmaceutical industry's discriminatory pricing, which it is, and thereby reducing the price of prescription drugs for seniors and other individuals will improve the health and financial well-being of millions of older Americans.

Mr. Speaker, I include for the RECORD a copy of this report prepared by the Committee on Government Reform for my district.

PRESCRIPTION DRUG PRICING IN THE 20TH CONGRESSIONAL DISTRICT IN TEXAS: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

(Prepared for Rep. Charles A. Gonzalez, Minority Staff Report, Committee on Government Reform, U.S. House of Representatives, August 2, 1999)

EXECUTIVE SUMMARY

This staff report was prepared at the request of Rep. Charles A. Gonzalez of Texas. In Mr. Gonzalez' district, as in many other congressional districts around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Gonzalez requested that the minority staff of the Committee on Government Reform investigate this issue. This report is the first report to quantify the extent of prescription drug price discrimination in Mr. Gonzalez' district and its impacts on seniors.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study presents disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescription drugs than are the drug companies' most favored customers, such as large insurance companies, health maintenance organizations, and the federal government. The findings show that a senior citizen in Mr. Gonzalez' district paying for his or her own prescription drugs must pay, on average, more than twice as much for the drugs as the drug companies' favored customers. The study found that this is an unusually large price differential—seven times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of "discriminatory" pricing that victimizes those who are least able to afford it. Large corporate, governmental, and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of older Americans.

A. Methodology

This study investigates the pricing of the five brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies, HMOs, and certain federal government purchasers, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in Mr. Gonzalez' congressional district in Texas. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

B. Findings

The study finds that:

Older Americans pay inflated prices for commonly used drugs. For the five drugs investigated in this study, the average price differential was 154% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. In dollar terms, senior citizens must pay $68.06 to $122.99 more per prescription for these five drugs than favored customers.

TABLE 1.—AVERAGE RETAIL PRICES IN MR. GONZALEZ' DISTRICT FOR THE FIVE BEST-SELLING DRUGS FOR OLDER AMERICANS ARE MORE THAN TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for seniors	Differential for senior citizens	
					Percent	Dollar
Zocor	Merck	Cholesterol	$27.00	$113.94	322	$86.94
Prilosec	Astra/Merck	Ulcers	59.10	129.49	119	70.39
Norvasc	Pfizer, Inc	High Blood Pressure	59.71	127.77	114	68.06
Procardia XL	Pfizer, Inc	Heart Problems	68.35	142.17	108	73.82
Zoloft	Pfizer, Inc	Depression	115.70	238.69	106	122.99
Average price differential						154%

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Mr. Gonzalez' congressional district was 1,702%. An equivalent quantity of this drug would cost the manufacturer's favored customers only $1.75, but would cost the average senior citizen in Mr. Gonzalez' district over $31.00. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would would cost the favored customers $10.05, while seniors in Mr. Gonzalez' district are charged an average of $54.81. The price differential was 445%.

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies, government buyers with negotiating power, and HMOs. Because these customers typically buy in bulk, some difference between retail prices and "favored customer" prices would be expected.

TABLE 2.—PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,700%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for seniors	Price differential for seniors
Synthroid	Knoll Pharmaceuticals	Hormone Treatment	$1.75	$31.54	1,702%
Micronase	Upjohn	Diabetes	10.05	54.81	445%

The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the five prescription drugs was 154%, while the price differential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prescription drug prices paid by seniors in Mr. Gonzalez' congressional district, the study compared average wholesale prices that pharmacies pay for other drugs to the prices at which the drugs are sold to consumers. This comparison revealed that the pharmacies in Mr. Gonzalez' district appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in Mr. Gonzalez' district are just 6% above the published national Average Wholesale Price, which represents the manufacturers' suggested price to pharmacies. The differential between retail prices and a second indicator of pharmacy costs, the Wholesale Acquisition Cost, which represents the average price pharmacies actually pay for drugs, is only 31%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

I. THE VULNERABILITY OF OLDER AMERICANS TO HIGH DRUG PRICES

This report focuses on a continuing, critical issue facing older Americans—the cost of their prescription drugs. Numerous surveys and studies have concluded that many older Americans pay high costs for prescription drugs and are having a difficult time paying for the drugs they need. The cost of prescription drugs is particularly important for older Americans because they have more medical problems, and take more prescription drugs, than the average American. This situation is exacerbated by the fact that the Medicare program, the main source of health care coverage for the elderly, fails to cover the cost of most prescription drugs.

According to the National Institute on Aging, "as a group, older people tend to have more long-term illnesses—such as arthritis, diabetes, high blood pressure, and heart disease—than do younger people." Other chronic diseases which disproportionately affect older Americans include depression and neurodegenerative diseases such as Alzheimer's disease, Lou Gehrig's disease, and Parkinson's disease. Older Americans spend almost three times as much of their income (21%) on health care than those under the age of 65 (8%).

The latest survey data indicate that 86% of Medicare beneficiaries are taking prescription drugs. Almost 14 million senior citizens, 38% of all Medicare beneficiaries, use more than $1.000 of prescription drugs annually. The average older American uses 18.5 prescriptions annually, significantly more than the average under-65 population. It is estimated that the elderly in the United States, who make up 12% of the population, use one-third of all prescription drugs.

Although the elderly have the greatest need for prescription drugs, they often have the most inadequate insurance coverage for the cost of these drugs. With the exception of drugs administered during inpatient hospital stays, Medicare generally does not cover prescription drugs. According to a recent analysis by the National Economic Council, approximately 75% of Medicare beneficiaries lack dependable, private-sector prescription drug coverage.

Thirty-five percent of Medicare recipients, over 13 million senior citizens, do not have any insurance coverage for prescription drugs. In rural areas, the problem is even worse, with 48% of Medicare recipients lacking any prescription drug coverage. In total, Medicare beneficiaries pay more than half of their drug costs out of their own pockets.

Even when seniors have prescription drug coverage, the coverage is often inadequate. The number of firms offering retirees prescription drug coverage is declining, from 40% in 1994 to 30% in 1998. Medigap policies are often prohibitively expensive, while offering inadequate coverage. Medicare managed care plans are also sharply reducing benefits and coverage.

The high cost of prescription drugs and the lack of insurance coverage cause enormous hardships for older Americans. In 1993, 13% of older Americans surveyed reported that they were forced to choose between buying food and buying medicine. By another estimate, five million older Americans are forced to make this difficult choice.

II. ARE DRUG COMPANIES EXPLOITING THE VULNERABILITY OF OLDER AMERICANS?

Rep. Charles A. Gonzalez of Texas asked the minority staff of the Committee on Government Reform to investigate whether pharmaceutical manufacturers are taking advantage of older Americans through price discrimination, and, if so, whether this is part of the explanation for the high drug prices being paid by older Americans in his congressional district. This report presents the results of this investigation.

Industry analysts have recognized that price discrimination occurs in the prescription drug market. According to a recent Standard & Poor's report on the pharmaceutical industry, "[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care customers. This practice is known as 'cost shifting.'" Under this practice, "drugs sold to wholesale distributors and pharmacy chains for the individual physician/patient are marked at the higher end of the scale."

Although industry analyses acknowledge that price discrimination occurs, they have not estimated its degree or impact. This report, prepared at Mr. Gonzalez' request, is the first attempt to quantify the extent of price discrimination and its impact on senior citizens in the 20th Congressional District in Texas.

The study design and methodology used to test whether drug companies are discriminating against older Americans in their pricing are described in part III. The results of the study are described in part IV. These results show that drug manufacturers appear to be engaged in substantial price discrimination against older Americans and other individuals who must pay for their own prescription drugs. The impact of the manufacturers' pricing policies on corporate profits is discussed in part V.

III. METHODOLOGY

A. Selection of Drugs for this Survey

This survey is based primarily on a selection of the five patented, nongeneric drugs with the highest annual sales to older Americans in 1997. The list was obtained from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE). The PACE program is the largest outpatient prescription drug program for older Americans in the United States for which claims data is available, and is used in this study, as well as by several other analysts, as a proxy database for prescription drug usage by all older Americans. In 1997, over 250,000 persons were enrolled in the program, which provided over $100 million of assistance in filling over 2.8 million prescriptions.

B. Determination of Average Retail Drug Prices for Seniors

In order to determine the prices that senior citizens are paying for prescription drugs in Mr. Gonzalez' congressional district, the minority staff and the staff of Mr. Gonzalez' congressional office conducted a survey of 11 drug stores—including both independent and chain stores. Mr. Gonzalez represents the 20th Congressional District in southern Texas, which includes central San Antonio and rural areas to the west and southwest of the City.

C. Determination of Prices for Drug Companies' Most Favored Customers

Drug pricing is complicated and drug companies closely guard their pricing strategies. For example, drug companies require HMOs to sign confidentiality agreements before offering them pricing discounts. The best publicly available indicator of the prices drug companies charge their most favored customers is the prices the companies charge the federal government.

The federal government pays for prescription drugs through several different programs. One important program is the Federal Supply Schedule (FSS), which is a price catalogue containing goods available for purchase by federal agencies. Drug prices on the FSS are negotiated by the Department of Veterans Affairs (VA) and often approximate the prices that the drug companies charge their most favored non-federal customers. According to the U.S. General Accounting Office, "[u]nder GSA procurement regulations, VA contract officers are required to seek an FSS price that represents the same discount off a drug's list price that the manufacturer offers its most-favored nonfederal customer under comparable terms and conditions." To obtain additional price discounts available to the private sector, the VA has established at least two additional negotiated-price programs: (1) a VA formulary that operates similarly to the formularies established by well-managed HMOs, and (2) a Blanket Price Agreement (BPA) program, under which the VA commits to purchasing minimum quantities of particular prescription drugs. Yet another program through which the federal government obtains prescription drugs is section 340(b) of the Public Health Service Act, which entitles four agencies (the VA, the Indian Health Service, the Department of Defense, and the Public Health Service) to purchase drugs at a maximum price of 24% below the manufacturer's average nonfederal price.

This analysis uses the lowest price paid by the federal government as a proxy for the prices paid by drug companies most favored customers. All prices were updated in June 1999 to reflect current pricing.

D. Determination of Prices Paid by Pharmacies

The survey also looked at two other pricing indicators: (1) the Average Wholesale Price (AWP) and (2) the Wholesale Acquisition Cost (WAC). These two prices provide an indicator of the extent of markups that are attributable to the pharmacy (in contrast to those that are due to the drug manufacturer). The AWP represents the price that manufacturers suggest that wholesalers charge retail pharmacies; the WAC represents the actual average price that wholesalers charge pharmacies. Both AWP and WAC were obtained from the Medispan database and were updated in June 1999 to reflect current pricing.

E. Determination of Drug Dosages

When comparing prices, the study used the same criteria (dosage, form, and package size) used by the GAO in its 1992 report, Prescription Drugs: Companies Typically Charge More in the United States Than In Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book. The dosages, forms, and package sizes used in the study are shown in Appendix B.

F. Comparison of Price Differentials for Other Retail Items

In order to determine whether the differential between the most favored customer prices and retail prices for drugs commonly used by older Americans is usually large, the study compared the prescription drug price differentials to price differentials on other consumer products. To make this comparison, a list of consumer items other than drugs available through the FSS was assembled. FSS prices were then compared with the retail prices at which the items could be bought at a large national chain.

IV. DRUG COMPANIES CHARGE OLDER AMERICANS DISCRIMINATORY PRICES

A. Discrimination in Drug Pricing

In the case of the five drugs with the highest sales to seniors, the average price differential between the price that would be paid by a senior citizen in Mr. Gonzalez's congressional district and the price that would be paid by the drug companies' most favored customers was 154% (Table 1). The study thus showed that the average price that older Americans and other individual consumers in Mr. Gonzalez's district pay for these drugs is more than double the price paid by the drug companies' favored customers, such as large insurance companies and HMOs.

For individual drugs, the price differential was even higher. Among the five best selling drugs, the highest price differential was 322% for Zocor, a cholesterol treatment manufactured by Merck. For other popular drugs, the study found even greater price differentials. The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Mr. Gonzalez' district was more than 1,700%. An equivalent quantity of this drug would cost the most favored customers only $1.75, but would cost the average senior citizen in Mr. Gonzalez' congressional district $31.54. For Micronase, a diabetes treatment manufactured by Upjohn, the price differential as 445%. Every drug looked at in this study had a large price differential. Among the five highest selling drugs, three (Zocor, Prilosec, and Norvasc) had price differentials that exceeded 110%. The lowest price difference was still high—106%, for Zoloft.

In dollar terms, Zoloft, an antidepressant, had the highest price differential. Senior citizens in Mr. Gonzalez' district must pay over $120.00 more for 100 tablets of Zoloft than a favored customer. The difference between seniors' prices and prices for favored customers was more than $80.00 for 60 tablets of Zocor and over $60.00 per prescription for each of the remaining three best selling drugs (Procardia XL, Norvasc, and Prilosec).

B. Comparison with Other Consumer Goods

The study also analyzed whether the large differentials in prescription drug pricing could be attributed to a volume effect. The drug companies' most favored customers, such as large insurance companies and HMOs, typically buy large volumes of drugs. Thus, it could be expected that there would be differences between the prices charged the most favored customers and retail prices. The study found, however, that the differential in prescription drug prices were much greater than the differentials in prices for other consumer goods. The study found that, in the case of other consumer goods, the average difference between retail prices and the prices charged most favored customers, such as large corporations and institutions, was only 22%. The average price differential in the case of prescription drugs was seven times larger than the average price differential for other consumer goods. This indicates that a volume effect is unlikely to explain the large differential in prescription drug pricing.

C. Drug Company Versus Pharmacy Responsibility

The study also sought to determine whether drug companies or retail pharmacies are responsible for the high prices being paid by older Americans. To do this, the study compared the average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The study found that the average retail price for the five best-selling prescription drugs was just 6% more than the published Average Wholesale Price, and only 31% above the pharmacies' Wholesale Acquisition Cost. This finding indicates that it is drug company pricing policies, not retail markup, that account for the inflated prices charged to older Americans and other individual customers. These findings are consistent with other experts who have concluded that because of the competitive nature of the pharmacy business at the retail level, there is a relatively small profit margin for retail pharmacists.

The study found few significant differences in retail prices between pharmacies in different parts of Mr. Gonzalez' district. Moreover, although there were variations in prices between chain and independent pharmacies, these differences were in general not systematic.

V. DRUG MANUFACTURER PROFITABILITY

Drug industry pricing strategies have boosted the industry's profitability to extraordinary levels. The annual profits of the top ten drug companies are over $25 billion. Moreover, the drug companies make unusually high profits compared to other companies. The average manufacturer of branded consumer goods, such as Proctor & Gamble or Colgate-Palmolive, has an operating profit margin of 10.5%. Drug manufacturers, however, have an operating profit margin of 28.7%—nearly three times greater.

These high profits appear to be directly linked to the pricing strategies observed in this study. For instance, Merck, the country's largest pharmaceutical manufacturer, had a 24% increase in sales and a 12% increase in profits in the first quarter 1999. According to industry analysts, Merck's increased profits were due in large part to sales of Zocor, which is sold in Mr. Gozalez' district at a price differential of 322%. Zocur itself accounts for 13% Merck's revenues.

Pharmaceutical companies have been rapidly increasing their prices. These price hikes make it even more difficult for uninsured senior citizens to afford prescription drugs. In 1998, pharmaceutical prices increased by 5.1%, more than three times higher than the overall inflation rate. The price of Synthroid, which is sold in Mr. Gonzalez' district at a price differential of more than 1,700%, increased 20.4% in 1998.

Overall, profits for the major drug manufacturers grew by over 21% in 1998, compared to 5% to 10% for other companies on the Standard & Poors index. The drug manufacturers' profits are expected to grow by up to an additional 25% in 1999. According to one analyst, "the prospects for the Pharmaceutical industry are as bright as they've ever been.

APPENDIX A.—THE FIVE TOP SELLING PATENTED, NON-GENERIC DRUGS FOR SENIORS RANKED BY 1997 TOTAL DOLLAR SALES

Rank and drug	Manufacturer	Indication
1. Prilosec	Astra/Merck	Ulcer.
2. Norvasc	Pfizer, Inc.	High blood pressure.
3. Zocor	Merck	Cholesterol reduction.
4. Zoloft	Pfizer, Inc.	Depression.
5. Procardia XT	Pfizer, Inc.	Heart problems.

Source: Pharmaceutical Assistance Contract for the Elderly ("PACE"), Pennsylvania Department of Aging Annual Report to the Pennsylvania General Assembly. January 1–December 31, 1997 (Apr. 1998).

APPENDIX B.—INFORMATION ON PRESCRIPTION DRUGS ANALYZED IN THIS STUDY

Brand name drug		Dosage and form	Indication	Prices (dollars)			
				Favored customer price	Wholesale acquisition cost	Average wholesale price	Price differential[1]
Zocor	5 mg, 60 tablets	Cholesterol reducer	$27.00	$86.07	$106.84	$113.94	322%
Prilosec	20 mg, 30 cap	Ulcer	59.10	100.34	119.57	129.49	119%
Norvasc	5 mg, 90 tablets	High Blood Pressure	59.71	96.00	119.17	127.77	114%
Procardia XL	30 mg, 100 tab	Heart Problems	68.35	111.46	138.37	142.17	108%
Zoloft	50 mg, 100 tab	Depression	115.70	182.98	227.13	238.69	106%
Average price differential							154%

[1] Average retail price vs. favored customer price.

APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS

Item	FSS price	Retail price	Differential
Binder Clip, small, 1 box	$0.49	$0.49	0%
Rubber Bands, 1 lb	2.57	2.67	4%
Toilet Paper, 96 Rolls	44.74	47.98	7%
Rolodex, 500 Card	13.24	14.29	8%
Tape Dispenser	1.44	1.69	17%
Wastebasket, Plastic, 13 qt	2.95	3.49	18%
Scissors	10.88	12.99	19%
Pencils, #2, 20-pack	1.03	1.26	22%
Paper Towels, 30 Rolls	22.94	29.98	31%
Post-It Notes	2.08	2.89	39%
Envelopes, 500, White, 20 lb. weight	6.45	9.49	47%
Correction Fluid, 18 ml., dozen	6.66	9.99	50%

APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS—Continued

Item	FSS price	Retail price	Differential
Average price differential			22%

Mr. OWENS. Mr. Speaker, I would like to begin by thanking the Chair and the staff for extending me the courtesy of holding open the floor for a while.

I would like to talk today about two important events that have taken place in the last 20 days. Both of those events, I think, have bearing on the subject of school construction and education improvement. The first event took place on September 10. It was a memorial service for James Farmer. James Farmer was a founder of the Congress of Racial Equality. He died on July 9 of this year. Last year he had been awarded the Presidential Medal of Freedom by President Clinton.

James Farmer was a very special person for me, because I began my career in public service as a member of the

Brooklyn Congress of Racial Equality. CORE, as it was known nationally, was a very different organization at that time from the CORE we know today. There is no resemblance whatsoever between the CORE of today and the CORE of the civil rights movement time in the 1960s. James Farmer was an individual that I think deserves to be singled out for his special contribution in terms of the techniques of direct action, sit-ins, demonstrations and picket lines. A number of things that became commonplace during the civil rights struggles of the 1960s were attributed to many individuals, but James Farmer was the person who initially started it. By providing a way for individuals to take immediate, direct action, he also inspired the young people of that time to get very much involved. CORE was very much a young people's movement and it spread to the entire civil rights movement. The entire civil rights movement was bolstered by the techniques which were pioneered by James Farmer.

James Farmer, of course, lived for a long time after the 1960s and his career took many turns. People tend to forget because of the fact that, in my opinion, he was burned out and left the movement. Knowing what the 1960s were like and being a part of it, I am sure his family suffered a great deal. By the time he left, he had a lot of problems that he had to take care of. He left the movement and went into government, but he must be remembered for the time he was there during the movement and for the pioneering that he did as early as 1942.

To sort of sum up what I feel we should remember about James Farmer, I will read the statement that I made at the memorial service that was held on September 10 at the Kennedy center. There were many speakers there who looked at James Farmer's life from many different approaches, but I was most interested in trying to pinpoint what it is that James Farmer did that is relevant now, how is it relevant to the situation faced now in the African-American community, how is it relevant to the situation faced now by African-American parents who are dependent upon the public school system and they are watching a crumbling system, a system that is being abandoned, and they appear to be helpless in the face of what is going on.

I contend that we are slowly, by the kinds of decisions we are making or not making, we are abandoning the public school system, and the primary victims of that are the people in the inner cities who happen to be African American and Hispanics. But certainly a large part of the population is African American. The African-American parents have been targeted by people who want to accelerate this process of destroying the public school system. They want to hold up the specter of vouchers as a solution to the public school problem and they are using the discontent and the vulnerabilities of the African-American parent as a weapon. They are taking polls, encouraging African-American partners to speak out in favor of vouchers, and unwittingly many African-American parents and African-American leaders are contributing to the process of eroding support for the public schools.

I want to link these two and at the same time link it to the Congressional Black Caucus legislative weekend that just took place on September 16, 17, 18 and 19. The thing that struck me most about the Congressional Black Caucus legislative weekend was the absence of a sense of urgency about education. Education is something that African-American leaders always applaud any kind of education reform and if you make a proposal for improvements, they will applaud that. They generally will go along and endorse any efforts to improve schools, but my problem is that the energy and the effort that is necessary to make this happen is not there behind the endorsements.

I saw in the Congressional Black Caucus weekend a situation where only the Congressional Black Caucus education brain trust and two or three other forums, issue forums and brain trusts, focused in on education. In none of the dialogue, in the bigger dialogue at the Congressional Black Caucus prayer breakfast or at the dinner, was there a focus on the emergency nature of the educational situation faced by the African-American community.

So what I am doing now is saying to African-American parents and leaders out there in the inner city communities, there is something wrong, I am not certain I know what it is, about the way your leadership behaves on the issue of education. On the issue of education, we do not seem to be able to get any intensity going. We do not seem to be able to get any focused attention over a long period of time. In order to combat that, I am saying to the parents out there and the ordinary people in the communities and the ministers and everybody else, you better not wait for the leadership, the top leadership in the African-American community to stop the process of abandoning the public schools. You better not wait for the top leadership in the African-American community to really take steps to push for the necessary public funding for school construction. The energy is not there. We need to generate the energy from below.

Where does James Farmer come in? He is the guy who showed us how little people all across the country can do their own thing, can become their own advocates and do not have to wait until the master planners and the folks who are at the top decide to get around to dealing with an issue. During the civil rights movement, during the 1960s, there was a great deal of activity by parents pushing to improve the schools and people have asked, why is that not happening now, why have parents in the inner city communities gone to sleep? Why are they so chaotic? Why are they so devastated that they cannot respond to what is happening? The atrocities continue in the school systems in the big cities every day and parents do not seem to be able to respond.

My first answer to that question is that during the 1960's, the civil rights movement provided leadership for parents, also. The activists in the civil rights movement helped to organize parents. Parents were organized but they were also stimulated to do for themselves and they were handed the tool by people like James Farmer:

> If you don't like what's happening in the schools, you better go out there and get a picket, line up, you better sit in at the school, you better raise hell about what's going on in order to get the attention of the people who make the decisions.

That formula is not obsolete. It is still a formula which is relevant. I hope that as we look at James Farmer's life and pay tribute to him over the next month or so, there things do not last long, people die, we have memorial services, and then they are forgotten. I do not want him to be forgotten.

There is a book that has been reissued. His autobiography has been reissued. I would like to commend to people who want to really know what James Farmer is all about to read the book, "Lay Bare the Heart," the autobiography of the civil rights movement by James Farmer, and listen carefully to the basic message he had to offer, that everybody in America has the right and has the opportunity to fight for themselves.

Direct action, direct action which is nonviolent. I cannot stress too much that James Farmer came out of the nonviolent direct action movement. Gandhi and the Fellowship of Reconciliation and all the people who have insisted that you can be revolutionary without picking up a gun, you can be revolutionary without resorting to violence, you can be revolutionary by letting yourself become the object of the hatred of the enemy by taking a lot of abuse and by absorbing a lot of the energy of those who hate, James Farmer was a major proponent of that. We know Martin Luther King as a proponent of nonviolence more so because, of course, Martin Luther King mobilized great masses of people and made a mark definitely in terms of the media and history. There are elements of all of James Farmer and the direct action in everything Martin Luther King did. They had the same mentors. Gandhi was a mentor, spiritual and philosophical person that Martin Luther King looked up to as much as James Farmer.

As early as 1942, James Farmer pioneered the techniques of nonviolent action against racial discrimination. As the civil rights movement reached its climax in the 1960s, he became its major spark plug and a gyroscope for the struggle. Because of Jim Farmer, the civil rights battle, which was being pursued successfully but slowly in the courts, marched into the streets where the crusade made a greater leap forward.

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He was the role model for the youth and for the masses who found that through nonviolent direct action every individual had the opportunity to bear witness in the fight for freedom.

My last contact with Jim Farmer was at the White House when President Clinton conferred on him the Presidential Medal of Freedom. He greeted me then as he has always over the years. He had the same deep voice and hearty manner of a self-confident and reassuring fatherly counselor. Despite the fact that the ravages of disease had rendered him blind and his limbs were amputated, Jim Farmer's great indomitable spirit was still in no way disabled.

Jim Farmer was probably the most potent role model of the civil rights movement. The young of the 1960s, the youth of the 1960s, were inspired repeatedly by the Farmer steadfast dedication, by his shining integrity and his overwhelming personal courage. Jim Farmer's willingness to constantly place himself in danger on the front lines made his young troops stand up and cheer. From the segregated swimming pools in northern cities to the burning buses in Alabama, Jim Farmer never retreated from the billy clubs and the tortures of racist terror. He was our super hero in the best sense of the concept of heroism.

Jim Farmer inspired ordinary people to take on extraordinary challenges. Unfortunately, the names of thousands who made a difference will never appear in the history books, but the memory of my formative years is electrified by the portraits of Brooklyn CORE members like Oliver and Marge Leeds, Mary Phifer, Elaine and Jerry Bibuld, and Arnold Goldwag. These CORE warriors still stand out in my mind as the bravest and most unselfish people that I have ever known.

I served as chairman of the Brooklyn Congress of Racial Equality for 2 years. My first experience in politics was a run for the city council in Brooklyn, under the Brooklyn CORE sponsorship, the Brooklyn Free and Democratic Party we called it, after the Mississippi Freedom Democratic Party. That was my first foray into politics. We lost badly, Mr. Speaker, but I learned enough to be able to win later on in my second bid for public office.

As a confused and anemic present-day movement for economic and human rights struggles to establish some kind of momentum, and we are confused and anemic these days as we attempt to try to begin to address the many problems that are facing the people on the bottom, it is vitally necessary that we properly interpret at this point and that we assimilate the great and unique legacy of Jim Farmer.

To achieve and sustain peace with justice, the alloy of political leverage and legal maneuvering must also include the steady pressure of individuals bearing witness through nonviolent direct action. It is still relevant; it is not old fashioned. It is for us, the living, to absorb the James Farmer legacy. The challenge is for us, the living, to utilize that legacy to move humanity forward. In the great complex fabric of our American democracy, the strategies, the tactics, and the instruments for gaining and preserving the fullest measure of our freedom must also be complex, intricate, and dynamically diverse. The power of nonviolent direct action must again be accorded its rightful place in the arsenal for the advancement of human rights.

Of the struggle, in the advancement of the struggle, the elements that were there before are still necessary. The courtrooms are very appropriate, the appropriate beachheads in the fight of justice. We still need legal actions in the courts. The halls of city councils and State legislatures and certainly the United States Congress will always be vital battle grounds in our fight for freedom and for human rights, but the picket lines and the sit-ins and the marches, the nonviolent personal confrontations with injustice, wherever it may be, are the initiatives that have been too long neglected.

The movement for universal justice and for the opportunity for all to pursue happiness has become bogged down. It is mired in trivia and ineptness. Those who suffer most have retreated into suicidal apathy. They will not even exercise their right to vote. We fought for so long. So many people died, and so many people were injured and humiliated. James Farmer spent many weeks in jail in the South pushing for voter registration. James Farmer was the organizer of the Mississippi Freedom Summer where Chaney, Goodman and Schwerner, three civil rights workers, two white from the North, and one from the South were murdered. Those people were fighting for the right to vote and now have the right to vote, and more than 50 percent of the people do not bother to come out to vote in the African American community. As my colleagues know, these great masses are looking for somebody else to deliver them. They huddle and wait for someone else to fight for them.

We need to activate them; we need to let them know that they must fight for themselves. If we return to nonviolent direct action around the grievances that they consider important, maybe we will get them to understand the connection, the vital connection between their vote and their overall welfare in this democratic society of ours.

In tribute to the pioneering spirit of James Farmer, it is imperative that we re-examine our present strategy and our tactics and our styles. Especially the leadership of the African American community needs to re-examine our strategy, our tactics and our style. Our tactics have locked out a large number of people who should be allowed to fight for themselves. The fortresses of mega-greed, corporate totalitarianism, and systemic racism must be assaulted with new vigor and with the old diversity of weapons which includes nonviolent, direct action. Jim Farmer's approach guided the sit-ins and the voter registration marches. Few civil rights leaders were beaten, gassed, and arrested as many times or stayed in jail as many days as Jim Farmer.

But this bold leader and fighter for civil rights was not a wild and reckless radical. Jim Farmer was not a wild and reckless radical. The freedom rides, the Mississippi Freedom Summer and all other court actions were planned with great concern for the lives of the participants and with a clear focus on a specific segregation or human rights violation target.

As part of a five-point procedure Farmer mandated that every action must be preceded by a clear statement of the grievance and an opportunity to negotiate must be provided. Jim Farmer also reflected deeply on the fate of the African American community that was to come. After you broke down the walls of segregation, what would it be like? He was constantly preoccupied with that.

Under Farmer's tutelage and inspiration, CORE chapters all over the Nation launched initiatives against slum landlords and inadequate government services. The CORE strategy and tactics extended under Farmer's leadership into community action, into economic develop projects; and finally Farmer also encouraged youthful CORE members to enter the political arena where more than a few of his proteges have carried the action into city councils, State legislatures and the halls of Congress.

I consider myself one of Jim Farmer's proteges. The first time I ran for city council and lost, CORE was in dire economic straits, and the national CORE office was broke. They were struggling to meet day-to-day expenses, and because Jim Farmer had encouraged me to run for office, when I went to the office and asked for contributions and some help, I remember he took one of the badly needed $300 away from the planning process to meet the payroll and other expenses, and he gave me a check for $300 from my city council campaign. We lost and lost badly; but as I said before, what I learned in that campaign allowed me to survive and persevere in later runs for public office in the State Senate and in the Congress.

So he encouraged youthful CORE members way back then, the late 1960s, to enter the political arena, and more than a few of us. There are many city council persons and members of State legislatures as well as several Members of Congress who are proteges of Jim Farmer. His restless spirit led him into the Federal Government to promote a massive literacy and adult education program. Beyond his monumental courage and overwhelming dedication, James Farmer had an extraordinary vision which decades ago allowed him to see the great challenges of economic development and education which still command our attention today.

He was a man of action and a man of thought, a man with a booming voice and a penetrating vision, a man of great humility who was bold and audacious with his courage. He sounded the trumpet that inspired the downtrodden, and it inspired the youth to rise up and march for themselves. He was a rare world-class leader and a great American spirit, James L. Farmer.

Mr. Speaker, I enter this portion of my speech in its entirety in the RECORD:

JAMES FARMER—A GREAT AMERICAN SPIRIT

As early as 1942, James Farmer pioneered the techniques of non-violent action against racial discrimination. As the civil rights movement reached its climax in the sixties, he became its major sparkplug and a gyroscope for the struggle. Because of Jim Farmer, the civil rights battle, which was being pursued successfully but slowly in the courts marched into the streets where the crusade made a great leap forward. He was the role model for the youth and for the masses who found that through direct action every individual had the opportunity to bear witness in the fight for freedom.

My last contact with Jim Farmer was at the White House when President Clinton conferred on him the Presidential Medal of Freedom. He greeted me then as he always has over the years. He had the same deep voice and hearty manner of a self-confident and reassuring fatherly counselor. Despite the fact that the ravages of disease had rendered him blind and limbs were amputated, Jim Farmer's great indomitable spirit was still in no way disabled.

Jim Farmer was probably the most potent role model of the civil rights movement. The youth of the sixties were inspired repeatedly by Farmer's-steadfast dedication, shining integrity and overwhelming personal courage. His willingness to constantly place himself in danger on the front lines made his young troops stand up and cheer. From the segregated swimming pools in northern cities to the burning buses in Alabama, Jim Farmer never retreated from the billy clubs and torches of racist terror. He was our superhero in the best sense of the concept of heroism.

Jim Farmer inspired ordinary people to take on extraordinary challenges. Unfortunately, the names of thousands who made a difference will never appear in the history books. But the memory of my formative years is electrified by the portraits of Brooklyn CORE members like Oliver and Marge Leeds, Mary Phifer, Elaine and Jerry Bibuld, and Arnold Goldwag. These CORE warriors still stand out as the bravest and most unselfish people that I have ever known.

As the confused and anemic present day movement for economic and human rights struggles to re-establish momentium, it is vitally necessary that we properly interpret and assimilate the great and unique legacy of Jim Farmer. To achieve and sustain peace with justice, the alloy of political leverage and legal maneuvering must also include the steady pressure of individuals bearing witness throughout direct action.

It is for us the living to absorb the James Farmer legacy; the challenge is for us the living to utilize that legacy to move humanity forward. In the great complex fabric of our American democracy, the strategies, tactics and instruments for gaining and preserving the fullest measure of our freedom must also be complex, intricate, and dynamically diverse. The power of non-violent direct action must again be accorded its rightful place in the arsenal for the advancement of the struggle. The court rooms are appropriate beachheads in the fight for justice. The halls of city councils, State legislatures, and the United States Congress will always be vital battlegrounds. But the picket lines and the sit-ins and the marches; the non-violent personal confrontations with injustice are the initiatives that have been too long neglected. The movement for universal justice and for the opportunity for all to pursue happiness has become bogged down, mired in trivia and ineptness. Those who suffer most have retreated into suicidal apathy. They won't even exercise their right to vote. Great masses huddle and wait for someone else to deliver them.

In tribute to the pioneering spirit of James Farmer, it is imperative that we reexamine our present strategy, tactics and styles. The fortresses of mega-greed, corporate totalitarianism, and systemic racism must be assaulted with new vigor and with the old diversity of weapons, which includes non-violent direct action.

Farmer's approach guided the sit-ins and the voter registration marches. Few civil rights leaders were beaten, gassed, and arrested as many times, or stayed in jail as many days as Jim Farmer. But this bold fighter was not a wild and reckless radical. The freedom rides, the Mississippi freedom summer, and all other CORE actions were planned with great concern for the lives of the participants, and with a clear focus on a specific segregation or human rights violation target. As part of the five point procedure, Farmer mandated that every action must be preceded by a clear statement of the grievance and an opportunity to negotiate must be provided. Jim Farmer also reflected deeply on the fate of the African American community after the walls of segregation had been torn down. Under Farmer's tutelage and inspiration, CORE chapters all over the Nation launched initiatives against slum landlords and inadequate government services.

The CORE strategy and tactics extended into community action and economic development projects. And finally, Farmer also encouraged youthful CORE members to enter the political arena where more than a few of his proteges have carried the action into city councils, State legislatures, and the Halls of Congress. His restless spirit led him into the Federal Government to promote a massive literacy and adult education program. Beyond his monumental courage and overwhelming dedication, James Farmers had an extraordinary vision which decades ago allowed him to see the great challenges of economic development and education which still command our attention today. He was a man of action and a man of thought; a man with a booming voice and a penetrating vision; a man of great humility who was bold and audacious with his courage. He sounded the trumpet that inspired the downtrodden and the youth to rise up and march for themselves. He was a rare world class leader and a great American spirit—James L. Farmer.

There were other Members of Congress who were at the tribute for Jim Farmer. The gentleman from Georgia (Mr. LEWIS) considers Jim Farmer to be a great mentor of his, and the gentleman from Georgia was with Jim Farmer on the ride, the well-known bus ride through the South to end segregation in interstate transportation. The gentleman from Georgia (Mr. LEWIS) was there when the bus was burned. The gentleman from Georgia (Mr. LEWIS) was beaten badly on several occasions. The gentleman from Georgia (Mr. LEWIS) was in jail in Mississippi with Jim Farmer.

The gentleman from South Carolina (Mr. CLYBURN), the chairman of the Congressional Black Caucus, was another person who considers Jim Farmer as his mentor, and I think that it is very interesting that, and there are other people who are Members of Congress who were touched, whose lives were touched by Jim Farmer. I hope that those disciples and the people who joined with me on September 10 in the tribute to Jim Farmer at the John F. Kennedy Center will understand my plea tonight, and that plea is that we must change our tactics and our strategy and our style in order to deal with the problems confronting us in education.

Mr. Speaker, to bring these pieces together, let me just quickly repeat what I am trying to do tonight is to make a linkage between the memorial service for James Farmer which highlighted his contribution to our great American civilization and the relevance of Jim Farmer's legacy to current problems that we face; and no problem is more important in the African American community than the problem of education.

As my colleagues know, I cannot repeat too often the fact that survival of the African American community is dependent on a number of factors, but if we do not have a great improvement in the systems which educate our children all over the country, we are not going to survive; we are not going to be able to deal with the complexities of a modern cyber-civilization. We cannot keep falling behind at the rate that we are falling behind, and I can document that we are falling behind at a rapid rate.

It may not be as bad in some of the schools and smaller cities across the Nation. In fact, I am a native of Memphis, Tennessee, and I often tell people that when I went to school in Memphis, Tennessee, in the 1950s and the 1940s, we had a school system at that time which was segregated, but the segregated school system that I went to was superior to the New York City school system right now, and that is not an exaggeration.

The New York City school system is steadily declining, steadily getting worse; and you can document this easily. The reading scores, the math scores, they document it in one respect, but you can look at the fabric of the system where every year more and more children enter the system which has 1.2 million children, 1.2 million children in the system.

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We have 1,200 schools. We have more than 60,000 teachers. It is a huge system and in that system the majority of those schools are overcrowded. At least a fourth of those schools have twice as many students as the school was built for.

Large numbers of those schools are forcing children to eat lunch at 10:00 in the morning because they have to have a cycle. They have to cycle the kids through the cafeteria. There are so many youngsters, in order to cycle them through the cafeteria some of them have to eat as early as 10:00 in the morning. Some have to eat lunch as late at 1:30. It is ridiculous and it is child abuse but it is systematic. It is going on in so many schools that they do not think of it as child abuse anymore.

The New York City school system, in order to save money, 10 years ago they started forcing out the most experienced people, the most experienced supervisors and principals, superintendents, not so much superintendents but principals and assistant principals and teachers. They were given buy-out incentives. They were encouraged to leave the system. They could get more money and they would doctor it so they would get an upfront amount. It was so lucrative until thousands of teachers left the system; supervisors, principals left the system.

An operation cannot be run with inexperienced people. I do not care how brilliant they are. It may be that our schools of education, our business management schools, wherever we get principals and assistant principals from, they are doing a great job. I do not see that from my individual experiences with these principals and assistant principals, but maybe. No matter how well educated they are, anybody who has ever been in an administrative position knows that there are some things we learn from experience that we can only learn from experience. If a system is robbed of the experienced people, the damages can be calculated that are going to be done.

So 10 years ago, we started this raiding of the system. Even now it goes on because of some notion that the mayor of the city and the chancellor of the school system, we have a chancellor who is over all this, and then we have superintendents of 32 districts, it is a big bureaucracy, the chancellor and the mayor have decided they want to beat the principals into submission.

They want to take away tenure. I think that is a good idea, that principals should not have lifetime tenure, that as managers and executives they ought to measure up and be able to deal with their performance and if their performance is not up to par, they lose their jobs like anybody else. So tenure ought to be taken away.

The way the system works, the legislature would have to act to force the principals to do this. The legislature refuses to do this. The principals in the bargaining process will not give up their tenure. So we have been in a stalemate for almost 2 years. For 2 years we have had a situation where the principals are frozen into a situation where they cannot get raises. The contract is such that they cannot get raises for the principals. The people under them, the people under them who are teachers, have gotten raises. There are some experienced teachers in schools who now earn more than the principal because of the fact that they have been frozen.

With all of these principals frozen in place, many of them have decided to retire. The process of taking away the experienced people is accelerated.

The New York Times had an editorial last week which said it is time for the chancellor and the mayor to accept a compromise. There ought to be some kind of compromise because if the principals are frozen, and they are more and more disgruntled and see that their position is being eroded not only in terms of their pay relevant to the pay of the teachers under them but also their authority, they are resigning and moving to the suburbs where there is a great demand for experienced educators. They are not losing. We are losing.

There are schools all around New York City. There are schools across the river in New Jersey. There is a demand for experienced educators, good or bad. Maybe they are not so good. Maybe they are holding on to tenure because they believe that a performance review system would jeopardize them in some way, but they are not having problems getting jobs. So we are further eroding the leadership, the management of the system, by holding on to this negotiation position that the city, through the mayor and the chancellor, have.

The New York Times is right. It is time to compromise. We compromise everywhere. In Detroit, the automobile companies would not hold out forever. If they are missing sales of cars and if the competition is getting ahead of them for various reasons, strikes and collective bargaining procedures are always subject to some kinds of compromise. So we need to compromise on that issue.

The parents who sit and watch this chaos are getting more and more disheartened. When a survey is taken, they say we would like vouchers. If a parent is asked do they think the public school system has any future, is it really going to be able to improve, does their child have a chance of really learning enough to qualify to go to college, the parents have decided with all of this chaos going on, 52 percent of them right across the country in the urban centers say we would prefer vouchers to the public school system.

I do not doubt that survey. I do not doubt the fact that that is an honest survey. The people who say that is happening, I know why. They have given up. The parents have given up. They have been sold a bill of goods about what the solution is because if we were to try to transfer large numbers of children into the private school system if vouchers were available, if there were publicly financed vouchers, the private system is not able in any way to take the public school students.

We have 53 million children in America who go to public schools. The private school system has been steadily about 10 percent of that for years. There is no way we can solve the problems of education for the parents in the inner city communities or anywhere in America by just shifting the children from the public school system to the private school system. So they are being sold a bill of goods. They are being told that they can raise part of the money themselves. Scholarships and vouchers, private scholarships, have been made available to a large number, but people who are in gross poverty cannot take $1,500 as a scholarship, and given the fact that they are struggling to put food on the table be able to pay the rest of the tuition on an ongoing basis.

I know. I have met many of the parents who already are saying, I struggle. I raised the first tuition payment, but we are falling further and further behind. We are going to have to take our kid out of the private school and put him back in public school. Large numbers are shifting back to public schools because of the fact that they cannot go the extra mile.

Poverty is not understood by the leadership. I was born poor, and I know what it is all about. The extra money is not available for $1,500 in tuition a year; and anybody who has ever had a child in a private school knows it is far greater than that. My children were in private schools in pre-school. They were in public schools all their elementary and secondary school life, but as pre-schoolers they went to a private school.

We had to pay the tuition and raise money all year long. There are various ways in which the private schools are asking parents to contribute more money and to help raise money and usually the contribution, a large part of the contribution, is not raised in selling tickets and stuff. It comes out of your pocket, and the pressure to put more and more in is there.

So the private schools, with all due respect to the people who want to advocate vouchers, it would take 30 or 40 years to replace the present system with a private school system, even if there was full support from the government and full support from the private sector.

The experiments that are going on now are totally inadequate in terms of the amount of money that the private sector is willing to make available to parents and we are going to see a collapse of most of those efforts because the poverty is too great to help the people who need the help the most.

Why am I dwelling on this? The message has to go to the African-American leaders. The people who were at the Congressional Black Caucus weekend are the leaders. People come from all over the country. I do not know how many thousands we had there. I think we had 5,000 people at one dinner. So these are teachers and these are lawyers and these are doctors. These are the people who provide leadership in our communities, and ministers, and they were not focused on this problem. They have not gotten the message that underneath them our communities are crumbling because of the poor education system. New opportunities are being created at the level of higher education.

I welcome and I congratulate Bill Gates who announced less than 10 days ago that he is going to provide a billion dollars for scholarships not to poor but minorities, African-Americans, Hispanic-Americans, Native Americans, a billion dollars over a 20-year period. They estimate they will be able to supply 1,000 scholarships per year for 20 years. These are extraordinary scholarships that they are offering. They are going to pay for the whole 4 years all expenses of the student for 4 years, minus any scholarships that the student was able to get otherwise.

Basically, there cannot be a better deal than that; all expenses paid for 4 years and a thousand students are going to be able to benefit from that each year.

In my district, the first question that came to my mind, how many of the youngsters here will be able to qualify for those scholarships? There is a simple process for selecting. Part of it is the recommendation of the principal of a high school. Part of it is a grade average and part of it is the score on the test. When it comes to the scores on the test, there is going to be a real problem because the kids in my district are consistently scoring low in reading and low on math. When they get to high schools and the SATs they also score very low.

Why do they score low? Because the system is crumbling. A survey was done 2 years ago which shows that most of the junior high schools in my district and districts like mine, where the bulk of the African-Americans and Hispanic children go to school, that is two-thirds of New York, in two-thirds of New York districts there are no teachers in junior high schools teaching math and science who majored in math and science in college. There are no teachers in junior high school. The high school teachers complain greatly about the lack of preparedness of students when they get to high school, and in high schools most of the high schools have trouble keeping physics teachers.

In many of the high schools, there are some high schools who have not seen a physics teacher in a long time who majored in physics in college. That is the kind of emergency situation we are in. Physics teachers, science teachers are in shortage all over the country but we have a situation in New York where we have high schools that are the best in the world, there are three or four high schools that consistently score high on any national exams, they win the Westinghouse contest and all the national science contests, there are four or five schools that do that, high schools, but the majority of our students do not go to those schools. They do not have access to that kind of education with respect to science.

So no matter what Bill Gates does or a number of other corporate benefactors do, and more and more they are entering the arena and trying to encourage more and better education by minorities, they see this pool of people who have to fill the gap and fill these vacancies in information technology, a number of other places where vacancies are more and more evident, probably no more so than information technology. The world of the computer and the world of cyber civilization we are going into will come to a halt if we do not have more people coming out of our higher education institutions that are competent to fill those jobs.

What we have now is that large numbers of the white middle class youngsters have computers in the home. They are exposed to computer education in school but those are not the youngsters who are going to become the information technology experts. Those are the young people who are going to become doctors and lawyers, professionals. They are going to move on and the large gap is going to still be there for the information technology professionals who make less than doctors and lawyers but they will be able to make a good living.

We have to have a pool, a vast pool, to draw from in order to fill the positions that are constantly being made available and will be more and more available as time goes on.

In order to do that, the public schools are the only place we can turn to, unless we seek temporary solutions that are very dangerous. We have voted in this Congress for one of those temporary solutions. We voted to lift the immigration quota for professionals. I think it is 90,000 people now and they are coming back to ask for more legislation to increase the quota to bring in more information technology specialists from India, from other foreign countries, English-speaking countries in particular but others. There is going to be a vast number coming in from outside who will not stay to contribute to our economy for very long. They will not pay into Social Security and keep Social Security healthy in the future.

It is a dangerous way to operate, to ignore the natural working population and not develop that population, that workforce, and call on foreign reserves and foreign resources. That is very dangerous. So I am very upset and would like to have African American leaders look to the spirit and the example of Jim Farmer. Let us get involved. Let us tell the people out there they have to get involved. The parent-teachers associations, the churches, they have to get involved specifically to deal with the problems of their own school.

□ 2045

If one is an inexperienced principal, there is probably chaos there that somebody needs to watch, somebody needs to highlight, in order for the people in charge, the superintendents, the mayors to step in and end the chaos. There are no books, no supplies, which is the case in many cases; we should deal with that.

Most of all the problem of the physical decay of the schools poses a direct danger. Large numbers of schools that have coal burning furnaces in New York City pose a direct danger. We have a large asthma problem, an asthma epidemic. Part of that epidemic is contributed to by the schools that need to change the furnaces. We need money for that in the construction and modernization fund.

At the Congressional Black Caucus, we did have some efforts to try to make a breakthrough on this. One of those events I held on September 17, and it was designed to send a message to the parents out there in the various neighborhoods, all the parents in the inner city communities. The message is: Do not give up hope. Do not abandon the public school system or contribute to the abandonment of the public school system by seeking solutions that are not real solutions. Vouchers are not a solution. We would like for them to know that they have help.

I had a press conference which I call a ground-breaking press conference. I was attempting to bring together and did bring together people from the labor movement and people from the private sector, corporate sector. We had contractors as well as unions who appeared at this ground-breaking press conference to proclaim their unity with us and let the vulnerable and discouraged black parents out there know that we have powerful allies in an attempt to get school construction on the agenda here.

We have an announcement that the surplus is bigger this year than it was contemplated, which means that the projections for the surplus over the next 10 years are probably going to be pretty close to what has been stated.

I have a bill which talks about a 5-year commitment of $110 billion for school construction. I am going to amend that bill to change it to make it a 10-year commitment of $110 billion because we are talking about 10-year scenarios. We have a tax bill which is a 10-year scenario for $792 billion. I think we ought to put on the table a 10-year scenario for school construction for $110 billion. This will be money that is directly appropriated to every State in accordance with the number of school-aged children in the State, a fair distribution formula to deal with the modernization, wiring. Sometimes schools are in pretty good shape, but they need security measures. Whatever the infrastructure, the physical infrastructure needs, this funding of $110 billion over a 10-year period would provide.

Many people say, well, that is too much. It is outrageous. Well, I think we have got a scenario where a trillion dollars is on the table for the next 10 years, and we are going to take $792 billion of that and propose that for taxes. The President agrees there should be some tax cuts. It will not be $792 billion. It may be $300 billion. There is going to be a tax cut of some magnitude. Let us have, at the same time, on the same table, in the same package a rational, reasonable, adequate package for school construction.

So at this press conference, commitments were made by the labor community, by the contractors. We have the Nat LaCour of the American Federation of Teachers; Joel Parker of the National Educational Association; Vincent Panvini of the Sheet Metal Workers, Director of Governmental Affairs of Sheet Metal Workers; Paul Parker, the Executive Director of the Sheet Metal and Air Conditioning Contractors; Bill Bonaparte. Bill Bonaparte is the National Electrical Contractors Association. The private sector people who want to be involved are enormous: Starla Jewell, the Executive Director of the National Community Education Association; Michelle Kavatelle, the director of the America Online Foundation; David Keane, the Associate Director for Government and Labor Relations of the Mechanical Contractors Association of America; and Mary Filardo, the Executive Director of the 21st Century School Fund.

At this press conference, they all pledged to join me in sending this message to the African-American parents that they have friends, they have allies who are powerful. They are not alone. Do not give up. Do not abandon the public school system.

At this press conference, we have pledges of help that will come from these people in various ways. We agreed to launch, on November 16, the date for the national education funding support date a campaign which will go for a year. Our motto is simple: "Build schools." The motto of "Build Schools" will be the motto for a whole year, starting national education funding day; instead of funding support day, we want to make it a funding support year.

So we are going to launch a campaign in November that will go right through to next November; and the motto is: "Build schools."

The year 2000 is the year we want to make a breakthrough. Why the year 2000? Because it is apparent that in the next few weeks here we are not going to see a what I call an in-game negotiation. The President and the Congress will not negotiate that projected 10-year surplus. That will be negotiated as we approach the election of the year 2000.

It is going to happen next year. We can plan and strategize, and we have the advantage. The message should go out that the parents, not only the parents in the African-American community, but the communities out there in general believe that the Federal Government should do more in aid to education. They believe that the Federal Government should provide help in the area of school construction.

The polls are on our side. We need to remember that. We need to mobilize and crystallize the sentiment and focus it so that they will understand that it is not enough to appropriate pennies for school construction.

Right now we have zero in Federal involvement. We need to move to a significant Federal involvement. There is time to do that starting now.

The commitment was made to have a campaign that will go all the way to the spring of 2000. In the spring of 2000, we have pledged to have a "Build Schools" conference where all of the same partners who came together on September 17 at the ground-breaking press conference, all those same partners will act in solidarity to promote and to sort of increase the momentum for school construction.

We define victory as any breakthrough that gets Federal dollars into the school building pipeline. That means that H.R. 1660, the bill that comes out of the Committee on Ways and Means is certainly a breakthrough. It is a tax credit provision sponsored by the gentleman from New York (Mr. RANGEL). It has received the endorsement of the full Democratic Caucus which launched the motion to discharge. I am a cosponsor on that bill.

But it also means H.R. 1820, the bill that I have sponsored which calls for $110 billion over a 5-year period. We are going to change that now to a 10-year period.

Most of the initiatives that we are going to undertake relate to activities which are designed to mobilize the African-American community. I held this press conference. I called in these leaders of labor and the private sector at the beginning of the Congressional Black Caucus legislative weekend, because I wanted to send the message not only to the people out there in the communities, the parents and the community leaders, but I wanted to send a message to my fellow caucus members. We are not doing enough.

In the spirit of James Farmer, we should seize the initiative and come to grips with the problem of school improvement, education improvement. At the heart of that is a physical facility. If one has a religion, and the temple, the church, the physical facility is allowed to crumble and decay and obviously be neglected, then it sends a message to all that the people who are advocates of that religion, the heritage of that religion are not serious.

Ethnic cleansing in Yugoslavia became a bloody, burning, nasty set of atrocious activities that made the whole world want to vomit. Thousands have been confirmed as murdered and the estimates continue to climb. The Serbs attempted to drive out the Albanians in obvious and crude ways. African-America cleansing in America is moving forward to a far less alarming but more subtle and certain manner. It is moving forward in a far less alarming, but more subtle and certain manner.

Listen. African-American cleansing. One can destroy the education for the children of a group, and one can destroy the group without firing a single shot. In a complex world today, people can be destroyed by the act of refusing to provide a relevant education for their children.

The present movement toward the abandonment of the public school system greatly endangers the survival of the African-American community. We are going to be reauthorizing Title I of the Elementary Secondary Education

Assistance act this week. This Wednesday it is scheduled for the calendar. It is one more series of attempts to abandon the public school system that has to be fought.

Education is critical for survival. The oppressed South African blacks clearly understood this truth when they rebelled against Bantu Education. The famed uprising at Soweto was led by school children who understood that they were being systematically crippled in their classrooms. In America, there is no official conspiracy to intellectually deform African-American children. But benign neglect, bureaucratic bungling and the savage inequalities like the one described by Jonathan Kozol, accidentally accomplish the same devastating results.

The current emphasis on privatization and vouchers, coupled with education budget cuts and the refusal of both Republicans and Democrats to support meaningful school modernization and construction appropriations by the Federal Government will produce a massive Soweto-like impact in the large cities where the majority of African-American youth live.

In too many local education agencies, the schooling process is already merely a ceremony. Routinely assumptions are made that black students cannot emerge from the standard 12-year education regiment with a level of accomplishment which enables them to cope with present-day occupational and personal management challenges.

School systems go through enough motions to justify the economic activity which finances teachers salaries, custodial personnel, supplies, equipment, and administrative bureaucracy. But in too many instances, they are content not to focus on the end product and what they are achieving there.

The current acceleration of this minimal, of fraudulent education process as a result of less resources and highly visible decaying infrastructure has produced an unrecognized crisis for African-Americans. In full view, the commitment to meaningful public education is steadily being withdrawn by elected officials.

New York City had a $2 billion surplus, and not a penny was spent on trying to refurbish, renovate, or build any new schools. New York State had a $2 billion surplus, and they refused, and the Governor vetoed a $500 million proposal for school repair.

So at the local level, we have a steady withdrawal of support for public schools. The clearest reflection of this danger is this brick and mortar disaster. Crumbling school buildings send a loud message stating that pedagogical and administrative infrastructure is also collapsing. If the buildings are collapsing, then do not expect much to be happening inside them. There is no commitment in there either.

A total abandonment of public education in America is a possibility. While private alternatives are shuffled around, a generation of students could be lost. More than African-American children of course would be placed at risk by this public policy blunder. The education of all children of working families who cannot afford private schools is at stake.

But I appeal, especially to the African-American leadership to get moving. In the spirit of James Farmer, come to grips with the problem, focus on it as being the number one survival problem in our municipalities.

In the spirit of James Farmer, the leadership has to shun or understand that there are no headlines out there for people who work in the vineyard trying to improve schools and trying to get funds for school construction. They have to understand that right out from under them, while they think that they are leaders, right out from under them, the people who matter most, our constituents, are discouraged. They feel vulnerable. They feel abandoned.

I want to end with a few quotes from Jim Farmer, and I do this in the spirit of urging that the leadership of the African-American community, starting with my colleagues in Congress, remember Jim Farmer as a man of action and a man who provided the opportunity to act for the people who were suffering.

Jim Farmer, after the attacks on the Freedom Riders said, "When dogs bite in Birmingham, we bleed everywhere." Evil societies always kill their consciences. The NAACP is the justice department, the Urban League is the state department, and Corps members are the nonviolent marines.

□ 2100

"The time is not for jail-going and bleeding heads, but for long-range planning and sophisticated strategizing. There will be fewer demonstrations and more celebration. Our Nation deceives itself with the fiction that the task is complete and racism is dead and all is well. The myth surrounds us that America has suddenly become color blind and that all that remains is our economic problem. No greater lie has ever been told, and the tellers of it, if they have eyes to see and minds to think, must know it."

That comes from the epilogue of the James Farmer book, which I mentioned before, Lay Bare The Heart. "Our Nation deceives itself with the fiction that the task is complete and racism is dead and all is well. The myth surrounds us that America suddenly has become color blind and that all that remains is our economic problem. No greater lie has ever been told, and the tellers of it, if they have eyes to see and minds to think, must know it."

African-American leaders are the people who ought to know it, and we urge them very much to open their eyes.

RECESS

The SPEAKER pro tempore (Mr. WAMP). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 2149

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 49 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 68, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–342) on the resolution (H. Res. 305) providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. REYES (at the request of Mr. GEPHARDT) for today and September 28 on account of a funeral.

Mr. WU (at the request of Mr. GEPHARDT) for today and the balance of the week on account of the birth of Sarah Elizabeth Wu.

Mrs. JOHNSON of Connecticut (at the request of Mr. ARMEY) for today and September 28 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

(The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4475. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Central Arizona Marketing Area; Suspension of Certain Provisions of the Order [DA–99–05] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4476. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries [Docket No. FV99–930–2 FIR] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4477. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Submission of Policies and Provisions of Policies, and Rates of Premium (RIN: 0563–AB15) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4478. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides for 1997 and 1998, pursuant to 7 U.S.C. 136w–4; to the Committee on Agriculture.

4479. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for Fiscal Year 2000, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

4480. A letter from the Office of the Under Secretary, Department of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Deparmtnet of the Navy (DON) for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4481. A letter from the Senior Civilian Official, Department of Defense, transmitting a Plan for Development of an Enhanced Global Positioning System: A Report To Congress July 1999; to the Committee on Armed Services.

4482. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting the TRICARE Prime Remote Report to Congress; to the Committee on Armed Services.

4483. A letter from the The Under Secretary of Defense, Department of Defense, transmitting a Report Regarding Use of Tagging Systems to Indentify Hydrocarbon Fuels Used by the Department of Defense; to the Committee on Armed Services.

4484. A letter from the Secretary, Department of the Treasury, transmitting a Report on the Audited Fiscal Years 1998 and 1997 Financial Statements of the United States Mint [OIG–99–078]; to the Committee on Banking and Financial Services.

4485. A letter from the Assistant General Counsel for Regulations, Office of the Secretary-Office of Lead Hazard Control, Department of Housing and Urban Development, transmitting the Department's final rule—Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance (RIN: 2501–AB57) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4486. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance Programs Statutory Merger of Section 8 Certificate and Voucher Programs; Correction [Docket No. FR–4428–C–03] (RIN: 2577–AB91) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4487. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans; Change in Plan Submission Dates [Docket No. FR–4420–F–04] (RIN: 2577–AB89) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4488. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4489. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 1996 Community Services Block Grant Statistical Report; to the Committee on Education and the Workforce.

4490. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Commerce.

4491. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Internal Dosimetry Program Guide [DOE G. 441.1–3] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4492. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Radiation Safety Training Guide [DOE G 441.1–12] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4493. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program [CT–053–7212a; A–1–FRL–6443–1] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4494. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oceanside and Encinitas, California) [MM Docket No. 99–170 RM–9545] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4495. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Berlin and North Conway, New Hampshire) [MM Docket No. 97–216 RM–9153] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4496. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dove Creek, Colorado) [MM Docket No. 99–203] (Hazelton, Idaho) [MM Docket No. 99–205 RM–9624] (Flagstaff, Arizona) [MM Docket No. 99–210 RM 9629] (Kootenai, Idaho) [MM Docket No. 99–213 RM–9641] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4497. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elgin, Oregon) [MM Docket No. 99–155 RM–9606] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4498. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.2020(b), Table of Allotments, FM Broadcast Stations (Hamilton City, California) [MM Docket No. 99–182 RM–9585] (Lost Hills, California) [MM Docket No. 99–184 RM–9587] (Maricopa, California) [MM Docket No. 99–185 RM–9588] (Golden Meadow, Louisiana) [MM Docket No. 99–189 RM–9592] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4499. A letter from the Chairman, Federal Communications Commission, transmitting the Auction Expenditure Package for Fiscal Year 1998; to the Committee on Commerce.

4500. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems [Docket No. I.D. 071698B] (RIN: 0648–AJ67) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4501. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Annual Report for 1998 of the United States Nuclear Regulatory Commission; to the Committee on Commerce.

4502. A letter from the Lieutenant General, USA Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 99–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4503. A letter from the Lieutenant General, USA Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 99–29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4504. A letter from the Acting Deputy Under Secretary of Defense, Department of Defense, transmitting a copy of Transmittal No. 09–99 requesting Final Authority (RFA) to conclude a Memorandum of Understanding (MOU) with Canada related to the Development, production and Initial Fielding of Military Satellite Communications (MILSATCOM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4505. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification of decisions made by the President regarding the drawdown of articles and services from the inventory and resources of the Departments of Defense, State, Justice, the Treasury, and Transportation, and military education and training from the Department of Defense, to provide counternarcotics assistance to Colombia, Peru, Ecuador, and Panama, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

4506. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4507. A letter from the Director, Administrative Office of the United States Courts, transmitting the annual report disclosing the financial condition of the retirement system for the year ending September 30, 1997, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

4508. A letter from the Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2001, pursuant to 45 U.S.C. 231f; to the Committee on Government Reform.

4509. A letter from the Assistant Secretary Policy, Management and Budget, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in FY 1998, pursuant to 30 U.S.C. 237; to the Committee on Resources.

4510. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam Pursuant to the Grand Canyon Protection Act of 1992: Water Years 1998 and 1999; to the Committee on Resources.

4511. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 081399B] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4512. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9060–01; I.D. 081699B] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4513. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Trademark Law Treaty Implementation Act Changes [Docket No. 990401084–9227–02] (RIN: 0651–AB00) received August 31, 1999; to the Committee on the Judiciary.

4514. A letter from the Director, Office of the General Counsel, Office of Personnel Management, transmitting the Office's final rule—Voting Rights Program (RIN: 3206–AI77) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4515. A letter from the Executive Director, Olympic Committee, transmitting the 1998 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

4516. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Teledyne Continental Motors O–470, IO–470, TSIO–470, IO–520, TSIO–520, LTISO–520, GTSIO–520, IO–550, TSIO–550, and TSIOL–550 Series Reciprocating Engines [Docket No. 99–NE–28–AD; Amendment 39–11290, AD 99–19–01] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Secretary, Department of Transportation, transmitting a the annual report titled "Transition to Quieter Airplanes"; to the Committee on Transportation and Infrastructure.

4518. A letter from the Secretary, Department of Transportation, transmitting a Report On the Activities of the Commercial Space Transportation Program for 1998; to the Committee on Science.

4519. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—October 1999 Applicable Federal Rates [Revenue Ruling 99–41] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4520. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Prohibition of Ex Parte Communications Between Appeals Officers and other Internal Revenue Service Employees [Notice 99–50] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4521. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity and Welfare-to-Work Tax Credits [Notice 99–51] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4522. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Housing Opportunities for Persons with Aids [Rev. Rul. 99–39] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4523. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—IRS Adoption Taxpayer Identification Numbers [TD 8839] (RIN: 1545–AV08) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4524. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Exempt BOND Administrative Appeal [Rev. Proc. 99–35] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4525. A letter from the Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2001, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2910. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes; with an amendment (Rept. 106–335). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee of Conference. Conference report on H.R. 2605. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–336). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2841. A bill to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes (Rept. 106–337). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma (Rept. 106–338). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2606. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–339). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2130. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; with amendments (Rept. 106–340 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 1714. A bill to facilitate the use of electronic records and signatures in interstate or foreign commerce; with an amendment (Rept. 106–341 Pt. 1). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 305. Resolution providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes (Rept. 106–342). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1714. A bill to facilitate the use of electronic records and signatures in interstate or foreign commerce; with an amendment; referred to the Committee on Judiciary for a period ending not later than October 15, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule x.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2130. Referral to the Committee on the Judiciary extended for a period ending not later than October 8, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRAMER:

H.R. 2951. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize grants to Alabama Agricultural and Mechanical University in Huntsville, Alabama; to the Committee on Resources.

By Mr. DeMINT (for himself, Mr. SPENCE, Mr. SPRATT, Mr. CLYBURN, Mr. GRAHAM, and Mr. SANFORD):

H.R. 2952. A bill to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. TANNER, Mrs. JOHNSON of Connecticut, Mr. CANADY of Florida, Mr. CARDIN, Mr. MATSUI, Mr. WICKER, Mr. McDERMOTT, Mr. HOSTETTLER, and Mr. FOLEY):

H.R. 2953. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2954. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mrs. MALONEY of New York):

H.R. 2955. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Education and the Workforce.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. RUSH, Ms. DeLAURO, Ms. PELOSI, Ms. MILLENDER-McDONALD, Mr. DELAHUNT, Mr. BARRETT of Wisconsin, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. STARK, Mr. SANDERS, Mr. GUTIERREZ, Mr. KUCINICH, Ms. DeGETTE, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CONYERS, Mr. TOWNS, Mr. OLVER, Mr. FARR of California, Mr. JACKSON of Illinois, Mrs. CLAYTON, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. VENTO, Mrs. LOWEY, and Mr. GEORGE MILLER of California):

H.R. 2956. A bill to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself and Mr. JEFFERSON):

H.R. 2957. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 2958. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 67. A joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. CUNNINGHAM (for himself, Mr. SAXTON, Mr. UNDERWOOD, Mr. BILBRAY, and Mr. GILCHREST):

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; to the Committee on Resources.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. MICA.

H.R. 219: Mr. GOODE.

H.R. 248: Mr. COBURN.

H.R. 488: Ms. McKINNEY, Mr. CONYERS, and Mr. LUTHER..

H.R. 534: Mr. SHERWOOD, Mr. MALONEY of Connecticut, and Mr. LATHAM.

H.R. 583: Mr. DELAHUNT.

H.R. 750: Mr. CUNNINGHAM.

H.R. 765: Mr. NUSSLE, Mr. RYUN of Kansas, Mr. LEWIS of Georgia, and Mrs. NORTHUP.

H.R. 771: Mr. KIND.

H.R. 802: Mr. MORAN of Kansas, Mr. EDWARDS, Mr. GREEN of Texas, Mr. FORBES, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. KING, Mr. HYDE, Mr. DAVIS of Virginia, Mr. SANDLIN, Ms. McKINNEY, Mrs. NAPOLITANO, and Mr. HUTCHINSON.

H.R. 826: Mr. PICKETT and Mrs. CHRISTENSEN.

H.R. 961: Ms. McCARTHY of Missouri, Mr. BERMAN, and Mr. MICA.

H.R. 976: Mr. BONIOR and Mr. VITTER.

H.R. 1079: Mr. UDALL of New Mexico, Mr. HALL of Ohio, and Mr. GIBBONS.

H.R. 1111: Mr. TRAFICANT.

H.R. 1221: Ms. DeGETTE.

H.R. 1226: Ms. McKINNEY, Mr. GORDON, Mr. FORBES, Ms. BERKLEY, Ms. HOOLEY of Oregon, Ms. CARSON, and Mr. SMITH of Washington.

H.R. 1271: Ms. BERKLEY.

H.R. 1272: Mr. COOKSEY.

H.R. 1305: Mr. CUMMINGS, Mr. METCALF, and Mr. UNDERWOOD.

H.R. 1363: Mr. STEARNS.

H.R. 1505: Mr. WISE, Mr. GEKAS, and Mr. BILIRAKIS.

H.R. 1518: Mr. MARTINEZ.

H.R. 1546: Mr. GOODLING.

H.R. 1581: Mr. KUCINICH, Mr. McDERMOTT, Mr. ENGEL, and Mr. DIXON.

H.R. 1636: Mr. BROWN of Ohio.

H.R. 1671: Mr. COYNE.

H.R. 1795: Mr. KILDEE, Mr. RODRIGUEZ, and Mr. ROTHMAN.

H.R. 1806: Mr. QUINN, Ms. NORTON, Mr. LANTOS, Mr. MARTINEZ, Ms. LOFGREN, Ms. SANCHEZ, and Mr. DICKS.

H.R. 1820: Ms. CARSON.

H.R. 1824: Mr. PICKETT and Mr. REYES.

H.R. 1837: Mr. NORWOOD, Mr. ALLEN, Mr. DUNCAN, and Mr. BENTSEN.

H.R. 1838: Mr. BURR of North Carolina, Mr. COBLE, Mr. SANFORD, and Mr. McCOLLUM.

H.R. 1998: Mr. LEWIS of Georgia.

H.R. 2059: Mr. BARR of Georgia.

H.R. 2128: Mr. TOOMEY.

H.R. 2266: Mr. BOEHLERT Mr. FILNER, Mrs. MALONEY of New York, Ms. STABENOW, and Mr. PRICE of North Carolina.

H.R. 2341: Mr. CUNNINGHAM, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. LIPINSKI, Mr. BAIRD, Mr. OWENS, Mr. BECERRA, Mr. TIERNEY, Mr. BERMAN, Mr. MANZULLO, Mr. GEJDENSON, Mr. GILLMOR, Mr. EVANS, Mr. KENNEDY of Rhode Island, Mr. CRANE, Mr. LEWIS of Georgia, Mr. JOHN, and Mr. COOK.

H.R. 2381: Mr. BARTLETT of Maryland, Mr. LARGENT, and Mr. DEAL of Georgia.

H.R. 2436: Mr. SANFORD.

H.R. 2453: Mr. ROHRABACHER.

H.R. 2511: Mr. FLETCHER and Mr. BARTON of Texas.

H.R. 2546: Mr. HALL of Texas and Mrs. CHRISTENSEN.

H.R. 2554: Mr. ANDREWS, Mr. FRANKS of New Jersey, and Mr. SAXTON.

H.R. 2573: Mr. McGOVERN.

H.R. 2596: Mr. PICKERING, Mr. BURTON of Indiana, Mr. SANFORD, Mr. TIAHRT, Mr. WATTS of Oklahoma, Mr. ROGERS, Mrs. KELLY, and Mr. CUNNINGHAM.

H.R. 2624: Mr. CAPUANO.

H.R. 2655: Mr. SKEEN.

H.R. 2689: Mr. PAUL, Ms. DANNER, and Mr. COBURN.

H.R. 2697: Mr. GALLEGLY, Mr. LARGENT, and Mr. FROST.

H.R. 2722: Mr. FRANK of Massachusetts, Mr. WYNN, Ms. PELOSI, Mr. McDERMOTT, Mr. PAYNE, and Mr. McCOLLUM.

H.R. 2725: Mr. FROST and Mr. PASTOR.

H.R. 2726: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DOOLITTLE.

H.R. 2728: Mr. ENGLISH.

H.R. 2736: Mr. SANDERS, Mr. STUPAK, Mr. McDERMOTT, Mr. BAIRD, Mr. COYNE, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. BECERRA, Ms. BERKELEY, and Ms. KAPTUR.

H.R. 2768: Mr. DIXON and Mr. GORDON.

H.R. 2771: Mr. CAPUANO, Mr. McNULTY, and Mrs. MALONEY of New York.

H.R. 2774: Mr. WEINER.

H.R. 2813: Ms. CARSON, Mr. HASTINGS of Florida, and Mr. CUMMINGS.

H.R. 2814: Mr. GARY MILLER of California and Mr. FARR of California.

H.R. 2817: Mr. SANDERS, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, and Mr. ETHERIDGE.

H.R. 2865: Mr. BROWN of Ohio and Mr. MCDERMOTT.

H.R. 2870: Mr. OWENS, Mr. CROWLEY, Mr. MASCARA, Mr. LARSON, and Mr. GILMAN.

H.R. 2877: Mr. BERMAN.

H.R. 2882: Mr. COSTELLO.

H.R. 2890: Mr. OLVER and Mr. MCDERMOTT.

H.R. 2899: Mr. MCGOVERN.

H.R. 2901: Mr. SOUDER.

H.R. 2916: Mrs. LOWEY and Ms. CARSON.

H.R. 2917: Ms. CARSON.

H.R. 2924: Mrs. ROUKEMA.

H.R. 2926: Mr. DEMINT.

H.R. 2942: Mr. CHAMBLISS and Mr. BEREUTER.

H.J. Res. 16: Mr. TOOMEY.

H.J. Res. 48: Mr. CANNON and Mr. MANZULLO.

H.J. Res. 55: Mr. DOOLITTLE.

H.J. Res. 65: Mr. GEJDENSON, Ms. DANNER, Mr. ROHRABACHER, Mr. TANCREDO, Mr. LANTOS, and Mr. HYDE.

H. Con. Res. 140: Ms. MCKINNEY.

H. Con. Res. 186: Mr. BURR of North Carolina and Mr. GOODE.

H. Res. 41: Mr. PHELPS and Mr. STEARNS.

H. Res. 115: Mr. COYNE.

H. Res. 146: Ms. SANCHEZ.

H. Res. 163: Mr. SHIMKUS, Mr. INSLEE, Mr. MCINTYRE, Mr. MARTINEZ, Mr. FROST, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. BROWN of Ohio, Ms. HOOLEY of Oregon, Mrs. THURMAN, and Ms. SLAUGHTER.

H. Res. 269: Mr. HALL of Texas, Mr. SOUDER, Mr. PASTOR, and Mr. LEWIS of California.

H. Res. 280: Mr. BEREUTER.

H. Res. 292: Mr. WAXMAN.

H. Res. 297: Mr. CAMP, Mr. UNDERWOOD, Mr. WU, and Mr. GILCHREST.

H. Res. 298: Mr. HUNTER, Mr. WU, Mr. BAIRD, Mr. SANDERS, Mr. SNYDER, Mr. WELLER, Mr. PHELPS, and Mr. OLVER.

H. Res. 303: Mr. HOEKSTRA, Mr. HILLEARY, Mr. BASS, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. GOODE, Mr. HAYES, Mr. FLETCHER, Mr. REGULA, Mr. KNOLLENBERG, Mrs. EMERSON, and Mr. TOOMEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 18: At the end of the bill, add the following new section:

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

"Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

"SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

"(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

"(b) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

"(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

"(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

"(2) CAPPED AMOUNT.—

"(A) IN GENERAL.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

"(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

"(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

"(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

"(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2)); and

"(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

"(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

"(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the nonprimary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

"(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

"(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

"(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

"(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

"(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

"(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

"(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

"(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

"(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

"(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

"(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

"(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

"(e) MAKING OF PAYMENTS.—

"(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

"(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

"(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) DIRECT GRADUATE MEDICAL EDUCATION.—

"(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

"(i) for fiscal year 2000, $90,000,000; and

"(ii) for fiscal year 2001, $95,000,000.

"(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

"(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

"(A) for fiscal year 2000, $190,000,000; and

"(B) for fiscal year 2001, $190,000,000.

"(g) DEFINITIONS.—In this section:

"(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

"(2) CHILDREN'S HOSPITAL.—The term 'children's hospital' means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

"(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.".

H.R. 2506

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 19: Page 46, after line 2, insert the following section:

SEC. 4. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Services, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

H.R. 2506

OFFERED BY: MR. PASCRELL

AMENDMENT NO. 20: Page 13, after line 5, insert the following subsection:

"(d) CANCER AND CARDIOVASCULAR DISEASES IN WOMEN.—The Director shall conduct and support research and build private-public partnerships to enhance the quality, appropriateness, and effectiveness of and access to health services regarding cancer and cardiovascular diseases in women, including with respect to the comparative effectiveness, cost-effectiveness, and safety of such services.

H.R. 2506

OFFERED BY: MR. STEARNS

AMENDMENT NO. 21: Page 21, after line 8, insert the following subsection:

"(d) CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.—In carrying out subsection (a) with respect to innovations in health care technologies and clinical practice, the Director shall, in consultation with appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

H.R. 2506

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT NO. 22: Page 46, after line 2, add the following section:

SEC. 4. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Director of the Agency for Health Research and Quality shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Director for responding to such issues.

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 46, after line 2, insert the following section:

SEC. 4. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

EXTENSIONS OF REMARKS

INTRODUCTION OF A BILL ON THE ENHANCEMENT OF HIGHER EDUCATION IN ALASKA THROUGH A FEDERAL LAND GRANT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to provide for the continuance of higher education in the State of Alaska by conveying certain public lands in the State to the University of Alaska system.

This bill is not a new idea: it follows on and honors a commitment Congress first made in 1915 when the then-territory was promised a generous land grant for higher education, but due to circumstances outside Alaska's control, was never completed. As a result, the largest state has the second lowest Federal land grant of all land grant institutions nationwide even though Congress intended each state to acquire a large grant for its higher education needs.

The legislation I introduce today rectifies this gross oversight and puts Alaska's premier university on equal footing with other land grant institutions. This is only fair for a State with over 240 million acres of land owned by the Federal Government and most of that locked away from any development.

The history behind this issue begins in 1915 when Congress reserved about 268,000 acres of public domain for the Alaska Agricultural College and School of Mines (the former name of the University of Alaska). However, barely any land had been surveyed at that time, and only a fraction could be transferred. In 1958, the Alaska Statehood Act eliminated the original 1915 grant, with no clear, historical record explaining why. Alaska's university land grant today stands at only 112,000 acres in total. If the same formula for granting lands were used as in some other states, Alaska could have received five million acres.

A Federal land grant is vital to the future of higher education in Alaska. I believe its most important role is to make a top-tier educational opportunity available to those who otherwise must travel hundreds, even thousands of miles to the lower 48 States for college. I don't want to see this role compromised because the university is not on an equal footing with its competitors in the lower 48 States.

The legislation introduced today will provide to the university system a grant of 250,000 acres of Federal land, and up to 250,000 acres more on an acre-for-acre matching basis with the State. The University may not select lands in national parks, refuges, wilderness areas, wild and scenic rivers, or specific areas of the national forest system. Thus, those lands open to selection are those which Congress, as ANILCA declares, are "necessary and appropriate for more intensive use and disposition . . ."

This bill also benefits the national conservation areas in Alaska. It conditions the Federal grant on the university's relinquishment of 13,900 acres of inholdings surrounded by national parks, refuges and wildernesses. The relinquished lands will be added to the units in which they are located.

At its core, this in an education bill. By providing a land base with which to derive resources for the future, Alaskans will continue to receive the fruits of our university system without having to travel outside the State to colleges which were granted their full land entitlements.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. TOOMEY. Mr. Speaker, I rise today to deliver my Report from Pennsylvania. Today, I would like to share with my colleagues and the American people the remarkable efforts of an individual in our community.

All across the Lehigh Valley, my wife, Kris, and I meet so many wonderful people. We learn of and hear about amazing individuals who strive day and night to make our communities better places to live.

I like to call these individuals Lehigh Valley Heroes. Lehigh Valley Heroes make a difference by helping their friends and neighbors.

Today I would like to honor a man whose volunteerism makes a difference in the lives of a number of veterans in our communities. Leonard E. Shupp, a retired Army Colonel, has been giving his time and services to veterans in the Lehigh valley area for the past thirty years.

A veteran of World War II, Mr. Shupp has been decorated with a number of the nation's highest honors—the Purple Heart and the Bronze Star—along with ten other decorations.

Aside from his heroics during the war, today he is still active with a number of veterans' organizations. To name a few, he has been a volunteer chaplain of the Indiantown Gap National Cemetery Memorial Council for the last thirty years, and has been a volunteer chaplain in the retirement services office of the Tolsyhanna Army Depot for the past ten years. Also, over the past decade, he has served as a volunteer consultant to the Director of Veteran's Affairs in Lehigh County.

On top of his numerous volunteer activities in veterans' affairs, Mr. Shupp has been a licensed minister of the United Church of Christ. And has since March 1998, become a member of the Faith Lutheran Church in Whitehall as a volunteer pastor.

Mr. Speaker, for these reasons I would like to recognize Mr. Leonard Shupp, of Whitehall, Pennsylvania, as a Lehigh Valley Hero. Through his activism, he has truly made a difference in the lives of members of our community, and for this I commend him.

This concludes my Report from Pennsylvania.

A TRIBUTE TO DR. TERRY A. STRAETER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CUNNINGHAM. Mr. Speaker, it is a distinct honor for me to pay tribute to Dr. Terry A. Straeter, an individual who is universally recognized as one of the most talented and innovative men in the field of defense aerospace and intelligence. Dr. Straeter is retiring following an illustrious career spanning over 30 years. He does so with the gratitude and appreciation of a nation that is more secure as a result of his work. And while the Nation has been fortunate to reap the benefit of Dr. Straeter's work, I have been even more fortunate in being able to call Terry a true friend.

Dr. Straeter's personal and professional accomplishments reflect a selfish dedication to improving the national security of this country. He distinguished himself through his work in a wide range of national intelligence systems. Specifically, Dr. Straeter was instrumental in the development of digital avionics and spacecraft at NASA's Langley Research Center. In addition, he was recognized for the work he did in digital mapping, exploitation, targeting, and archiving systems. While working for the Defense Mapping Agency, Dr. Straeter led an exceptional team of engineers which developed digital production systems which have become the baseline for the evolution of our nation's imagery intelligence capabilities.

Dr. Straeter's leadership and technical expertise were key in the development of the current generation of low-observable aircraft auto-routing systems—a capability which contributed significantly to the development of stealth technology in this country. He later developed a technology which significantly improved both the speed and accuracy of image extraction that directly improved our Government's digital map production. He also developed a commercial version of this solution that is currently used by more than 50 countries around the world.

Dr. Straeter's enormous talent, his keen insight and penchant for creative thinking made him a highly desired advisor. He served as a member of the Senate Select Committee for Intelligence's Technical Advisory Group, Chairman of the Board of Directors for the Security Affairs Support Association, an active contributor to the Defense Science Board, as well as a corporate leader of the highest standing. A recipient of the Intelligence Community Seal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Medallion, Dr. Straeter is a national asset who is admired and respected by all who know him.

I know I speak for a grateful nation in wishing Dr. Terry Straeter the very best as he begins a new chapter in his long, distinguished career.

CHINA NEEDS TO JOIN THE WORLD TRADE ORGANIZATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BEREUTER. Mr. Speaker, many of us were hoping that progress could be made on a United States-China agreement for China's accession to the World Trade Organization [WTO] at the recent mini-summit meeting between President Clinton and Chinese President Jiang in Auckland, New Zealand. With the new WTO round beginning in Seattle, Washington, at the end of November, the time left to reach an agreement, and for China to join the WTO at the Seattle ministerial meeting, has almost run out. China needs to be in the WTO. And, China's accession to the WTO is in the short and long term interests of the United States and all the developed countries who are members of the WTO. Accordingly, this Member recommends the following editorial from the Wednesday, September 15, 1999, Journal of Commerce which comments on the Clinton-Jiang meeting and makes a strong case for China and Taiwan's accession to the WTO.

[From the Journal of Commerce, September 15, 1999]

CLINTON AND JIANG MEET

The rhetoric was typically overblown, but the idea that Sino-American relations are moving back to what passes for normal is a cause for some relief.

A minisummit between Presidents Clinton and Jiang "opened up a new chapter for Sino-U.S. relations," enthused one high-ranking U.S. official after their private session during the Asia-Pacific Economic Cooperation forum gathering in New Zealand last weekend. "The summit is significant," proclaimed Secretary of State Madeleine Albright, who had her own session with Chinese Vice Premier (and former foreign minister) Qian Qichen along with Samuel Berger, Clinton's national security adviser.

Relations between the United States and China are important, both for trade and economic reasons and for military and strategic ones. They go through regular if unhelpfully exaggerated turmoil over such things as Taiwan, intellectual property and market access and were badly bruised by the bombing of the Chinese Embassy in Belgrade.

Chinese outrage was fully understandable and its inherent suspicion of "mistakes" fueled an age-old xenophobia. Nobody benefits from that kind of inward-focused China.

Many of the strains in Sino-American relations arise from the sort of everyday differences that a more mature and confident China would brush off (but keep around as a bargaining chip at some future time, as all powers do). For a country that claims the pioneering role in the art of diplomacy thousands of years ago, its mandarins often seem strangely given to flying off the handle.

In one of the more important unresolved issues—China's membership in the World Trade Organization—both sides are at fault. The Clinton administration muffed a great opportunity during the April visit to the United States of Premier Zhu Rongji, who brought a surprisingly lengthy list of concessions and agreements designed to break the logjam. He was justifiably affronted by the rebuff.

Similarly, China did itself no good by sulking for months after the Belgrade bombing and then playing coy, suggesting that while it would be nice to join the club China could muddle through perfectly well on the outside.

China patently needs the WTO, and the United States, European Union and the rest of the trading world need it as a member. The talks have dragged on for 13 years.

Foreign investment, the spur to China's remarkable economic growth in recent years, is declining. This is partly due to the economic typhoon that swept Asia the past two years, but also partly due to China's failure to cut red tape sufficiently and to corral provincial and even municipal bureaucracies fond of making their own rules. Investors have plenty of good places to go and will go where they feel most welcome.

China has cut its tariff levels more deeply and widely than any other big trading country, by as much as 50% in some areas; the terms it offered were more generous than those of many existing WTO members, such as India. Beijing still dawdles for spurious reasons on opening financial services fully—especially insurance—but must be given credit for what it has done.

The best way to get closer adherence to global rules is to invite China into the game. The EU, previously also firm in demanding more concessions before entry, long ago accepted that enough was in place that the nitpicking should stop.

Beyond the immediate issue lies that of Taiwan. By common if misguided agreement, the dynamic little island won't be allowed into the WTO until China gains entry. Never mind that Taiwan has gone well beyond China and many other countries in tidying up its trade behavior. Such is realpolitik, but Taiwan deservedly gets a lot of good press.

When Taiwan President Lee Ten-hui spoke of wanting relations between the island and the mainland on a state-to-state basis, he may have been injudicious and he must have known that Beijing would yelp. But the truth is that Taiwan is the world's 14th-largest trading nation, has its third-largest hard currency reserves and few people outside China swallow Beijing's fiction that Taiwan is a wayward province subject for eternity to the risk of Chinese armed intervention.

The think tanks and professors are free to debate the nuances of such things in their ivory towers for as long as it amuses them. The real world needs China and Taiwan in the WTO now. Clinton knows it, and he should make it happen.

HONORING JOHN BOLAND FOR HIS EFFORTS ON BEHALF OF THE QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to honor John Boland of Pomfret, Connecticut for his tireless and successful efforts to develop and grow the Quinebaug and Shetucket Rivers Valley National Heritage Corridor. As residents across eastern Connecticut mark the fifth anniversary of the establishment of the Corridor, John Boland deserves much of the credit for the success we all celebrate.

John was one of the leaders of a small group of citizens from eastern Connecticut who came together in the late 1980s with an idea to preserve and promote the natural, cultural and historic resources of the region. The group also wanted to follow an approach that would center on the major rivers in the area—the Quinebaug in the east and the Shetucket in the west—because they are intertwined with that history, with a way of life. As an avid canoeist, John also appreciated the recreational potential the rivers offered as well as the many obstacles to public access and greater enjoyment of these resources. After much research and widespread public discussion, the group embraced an innovative and largely experimental concept—the National Heritage Corridor.

In 1988, John and others formed the Quinebaug and Shetucket Rivers National Heritage Corridor Committee to expand public awareness about the concept and to work in support of formally designating the Corridor. I am proud to have worked with John, who served as Chairman of the Committee, and so many others across the region to develop and introduce legislation in the House to achieve this goal. In the fall of 1994, years of hard work and persistence paid off as Congress passed and the President signed the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act.

Following enactment of the bill, John continued to take a leadership role in transforming the Corridor from a concept into reality. He helped to develop the framework of the nonprofit corporation—Quinebaug-Shetucket Heritage Corridor, Inc.—which currently manages the Corridor. He served as first Chairman of its Board of Directors and continues to be actively involved in many Corridor projects.

Mr. Speaker, the success of the Quinebaug and Shetucket National Heritage Corridor is the result of the efforts of countless residents from across eastern Connecticut. However, like so many other successful initiatives, a few people play critical leadership roles. John Boland has been this type of leader. His vision and hard work have been crucial to making the Corridor a reality. I join citizens from across eastern Connecticut in saying—thank you John.

WILLIE MACK (1927-1999)—A LIFE WITH INTENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CLAY. Mr. Speaker, I rise today to acknowledge the death of and to celebrate the remarkable life of a personal friend and political ally, Willie Mack. For almost 40 years, "Whisper" as he was affectionately called, was by my side in the many struggles for political equity and a voice in the affairs of governance for the African-American community in St. Louis. In the early days, when I was leading the effort to build an effective political organization, Willie "Whisper" Mack was prominently present. He was my right hand, my trusted confidant in every hard fought, exciting political campaign.

Mr. Speaker, I met "Whisper" one year after my first election to the St. Louis Board of Aldermen in 1959. In 1960, I was campaign manager for Norman Seay who was seeking to be the Democratic committeeman in that 26th Ward. Seay had successfully run my campaign for Alderman the previous year. Seay's opponent had gone about the business of lining up the so-called corner boys, those who frequented the taverns, pool rooms and barber shops. One of his most effective recruits was Willie Mack. Mack owned a barber shop and had hundreds of hero worshipers who followed his lead. The story goes that the nickname was tagged on him when, as a young gang participant, he was thrown into a pool of cold water in the middle of the winter by an opposite gang faction. As a result, he temporarily lost his voice for several months

But as those election returns bear out, speaking in subdued tones; "Whisper" knew how to work a precinct. Seay's opponent won his precinct by a margin of 2 to 1 (only one of two precincts won by him).

Much credit for "Whisper" political acumen goes to his wife, Jackie. They made the perfect political combination. He influenced the street people. She was loved by the home owners in the neighborhood.

After the election—which Seay won by 600 votes—I sought out "Whisper" and persuaded him to join our organization. From that day forward our friendship developed and expanded.

Mr. Speaker, few people lived life with the enthusiasm, determination and gusto as Willie Mack. He lived every day with the intent to do something for someone else. He lived everyday with the intent to give something back to family, friends and community. He will be remembered as a giver. He gave the fullest to his fellow man. His intent was to establish, through political activism, a more perfect union between society and those citizens denied the benefits of first-class citizenship. The many people whose lives he touched and they in turn enhanced his—is a testament to his endearing respect for humanity.

Carol and I were deeply saddened by Whisper's passing. He was indeed an uncommon man with a phenomenal affect on those who graced his presence. To us, Whisper was something dear, something special, something beautiful, something precious. There were no tears for Carol and me when we heard of his departure because we were not agonizing his death but rather celebrating the privilege of having looked upon this towering, incredible individual, if only for a fleeting moment.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others.

I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today I would like to recognize Mr. Harold Seibert, a retired fireman who's respect and dedication to his job led him to compile a 175-year anniversary book for the Allentown Fire Department, an invaluable document for future firemen of the community.

Harold Seibert is a commendable member of our community—not only for his documentary, but also for his heroism—having been decorated five times for saving lives during his 24 years as a firefighter.

Today, I would like to recognize Mr. Seibert, of Allentown, PA, for his hard work and dedication. He is creating a legacy for the Allentown community and I commend him on his efforts.

INTRODUCTION OF THE SHARK CONSERVATION AND FINNING PROHIBITION RESOLUTION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CUNNINGHAM. Mr. Speaker, it is time for the United States to ban the wasteful, unsportsmanlike and destructive practice of shark finning.

Shark finning is the removal of a shark's fins, which represent just one to five percent of its body weight, and discarding its carcass into the sea. The waste associated with this practice is horrific. The public outcry to halt it was an important factor in the National Marine Fisheries Service's (NMFS) decision to ban shark finning in federal waters of the U.S. Atlantic, Gulf of Mexico and Caribbean. I had thought that NMFS had prohibited this practice in all waters of the United States.

To my surprise and dismay, it was recently brought to my attention that shark finning is occurring in the U.S. Pacific, and increasing at an alarming rate. Between 1991 and 1998, there was a 20-fold increase in shark finning by U.S. longline vessels in the Central and Western Pacific. There are no regulations in place to stem further growth of this terrible practice.

According to NMFS, in the Central and Western Pacific fishery, the number of sharks finned rose from 2,289 in 1991 to 60,857 in 1998. The most troubling fact about this increase in the number of sharks killed is that 98.7%, or 60,085 of the 60,857, of the sharks taken in 1998 were killed just for their fins.

The NMFS has gone on record with the Western Pacific Regional Fishery Management Council (WestPac) expressing its view that finning is wasteful and must be stopped. Unfortunately, WestPac has balked and NMFS has failed to step forward and stop this terrible practice. It is my belief, and those of any responsible outdoorsman, that the waste associated with discarding 95 to 99% of 60,000 animals annually is intolerable.

With the support of my colleague, Fisheries Subcommittee Chairman JIM SAXTON, and the conservation and sportfishing communities, I am introducing two pieces of legislation to remedy this situation.

Today, I am sponsoring a resolution expressing the sense of Congress that we disagree with the Western Pacific Regional Fishery Management Council's and NMFS failure to halt shark finning, while urging that Council to prohibit the practice immediately.

Later this year, I will be introducing legislation to amend the Magnuson-Stevens Act by adding the practice of shark finning to the list of actions prohibited in all waters of the United States.

I hope my colleagues on both sides of the aisle will join me by cosponsoring this important resolution. For the record, I have attached a letter of support from the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, I have attached separate letters of support from the American Sportfishing Association and the Center for Marine Conservation. Our prompt action is critical to ensure that we will halt the rampant waste resulting from shark finning.

AMERICAN SPORTFISHING ASSOCIATION,
Alexandria, VA, September 23, 1999.

Hon. RANDY "DUKE" CUNNINGHAM,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.

Sincerely,

MIKE HAYDEN,
President/CEO.

OCEAN WILDLIFE CAMPAIGN,
Washington, DC, September 22, 1999.
Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks "retained" by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste: Sharks are particularly vulnerable to overfishing because of their "life history characteristics"—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured WESPAC to end the practice of shark finning. Nevertheless, WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things: 1. Immediately prohibit the finning of sharks; 2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or "incidentally caught" animals brought to the boat alive; 3. Immediately reduce the bycatch of sharks; 4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian longline fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessments.

Thank you for your attention to this urgent matter.

DAVID WILMOT, Ph.D.,
Ocean Wildlife Campaign.
CARL SAFINA, Ph.D.,
National Audubon Society.
LISA SPEER,
Natural Resources Defense Council.
TOM GRASSO,
World Wildlife Fund.
SONJA FORDHAM,
Center for Marine Conservation.
KEN HINMAN,
National Coalition for Marine Conservation.
ELLEN PIKITCH, Ph.D.,
Wildlife Conservation Society.

CENTER FOR MARINE CONSERVATION,
Washington, DC, September 22, 1999.
Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the Center for Marine Conservation (CMC), I am writing to express our grave concern for Pacific sharks, specifically those under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). High demand for shark fin soup has driven a dramatic surge in shark finning (the practice of slicing off a shark's valuable fins and discarding the body at sea) by the Hawaiian longline fleet. This appalling waste of America's public marine resources is tied to alarming yet unrestricted increases in mortality of some of the ocean's most biologically vulnerable fish.

Shark conservation has long been a key element of CMC's fisheries program due in large part to the life history characteristics that leave sharks exceptionally susceptible to overfishing. In general, sharks grow slowly, mature late and produce a small number of young. Once depleted, shark populations often require decades to recover. In the U.S. Atlantic, for example, several overfished shark stocks will require four decades to rebuild to healthy levels, even with strict fishing controls. Indeed, nearly every large scale shark fishery this century has ended in collapse.

Off Hawaii, the number of sharks killed and brought to the dock (landed) has increased by more than 2500 percent, skyrocketing from just 2,289 sharks in 1991 to 60,857 sharks in 1998. In 1998, over 98 percent of these sharks were killed solely for their fins. Considering that shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste.

CMC has been calling upon Western Pacific fishery managers to restrict shark fisheries and ban finning for more than five years. More recently, similar demands have been made by many other national conservation organizations as well as local Hawaiian environmental and fishing groups, international scientific societies, concerned citizens, and several Department of Commerce high-ranking officials. A recent poll by Seaweb found that finning was among the ocean issues most disturbing to the American public. Nevertheless, WESPAC and the State of Hawaii have yet to take action to control finning or limit shark mortality.

Shark finning in particular runs counter not only to the will of the American public, to which these resources belong, but also to U.S. domestic and international policy as expressed in: The Sustaintable Fisheries Act (SFA); the Fishery Management Plan (FMP) for Sharks of the Atlantic Ocean; the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fisheries; and the FAO International Plan of Action for Sharks.

In addition, as you are likely aware, California is just one of many coastal states to ban finning within their waters.

In the U.S. Atlantic, the lucrative market for shark fins drove an intense fishery that led to severe depletion of several shark populations within less than ten years. Citing "universal and strong support" for a ban on finning on behalf of the non-fishing American public, the National Marine Fisheries Service (NMFS) banned the practice in U.S. Atlantic in 1993, stating that:

> NMFS believes that finning is wasteful of valuable shark resources and poses a threat to attaining the conservation objectives of fishery management under the Magnuson Act.

This year, NMFS expanded the existing finning ban from the 39 regulated species to all sharks in the Atlantic while Department of Commerce officials have repeatedly, yet unsuccessfully, called upon WESPAC to halt finning.

In recent years, the United States has emerged as a world leader in crafting and promoting landmark, international agreements pertaining to sharks and continues to lead efforts to raise global awareness of their plight and special management needs. Yet, our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important, international initiatives.

CMC asks for your assistance in ensuring an immediate end to the wasteful practice of finning, accompanied by a requirement that all incidentally-caught sharks brought to the boat alive be released alive. In addition, a comprehensive Pacific shark management plan that prevents overfishing and reduces bycatch is absolutely crucial to safeguarding these especially vulnerable animals; precautionary catch limits in the Western Pacific (no higher than 1994 mortality levels) are needed until such a plan is complete.

Thank you for your attention to this urgent matter.

Sincerely,

SONJA V. FORDHAM,
Fisheries Project Manager.

IN HONOR OF RETIRING MAYOR OF EASTPOINTE, HARVEY CURLEY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BONIOR. Mr. Speaker, today I rise to honor one of my district's most beloved mayors, retiring City of Eastpointe Mayor Harvey Curley. Harvey is retiring after 23 years of holding elected office in Eastpointe.

Born in the small town of Minonok, Illinois, Harvey was first introduced to the public as the host of the Air Force Radio show "Music to Dawn". Upon his return from the military, he married Carole and settled in East Detroit, just as my family did, in the 1960's. A salesman by profession, Harvey was elected to the East Detroit School Board which became the foundation for his career at City Hall.

Harvey went on from his school board position to a brief two years on the East Detroit City Council, before being elected mayor in 1987. Harvey oversaw the city's name transition from East Detroit to Eastpointe. Balancing the city's old community roots with the younger generation's vision of the city's future proved no easy tasks. Under Harvey's guidance, the name change transition went smoothly and the city has gained a new sense of identity.

I have always looked forward to seeing Harvey at every event and civic function I have attended in Eastpointe, and plan on seeing him at many more. Though he may be retiring from office, Harvey will not be retiring from public life. While he will be missed at City Hall, he will continue to be an active part of the community he loves. He will surely remain active in his Baptist Church planning pancake breakfasts and working with the choir. Harvey will remain a friend of the city, either through the youth sports program at the new City Recreation Center or at the Eastpointe Senior Center, both of which he helped create.

Harvey Curley's tenure as mayor has seen Eastpointe through the decade of the 90's and he leaves the city well prepared for the coming century. Please join me in wishing Harvey and his lovely wife, Carole, a relaxing and enjoyable retirement.

TRIBUTE TO TEMPLE B'NAI SHOLOM IN HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an institution in my district that has contributed substantially to the cultural, intellectual and religious enrichment of North Alabama, Temple B'nai Sholom. On November 12, the Congregation B'nai Sholom will commemorate the 100th anniversary of the dedication of its historic synagogue with a special Shabbat (Sabbath) service.

Thirty-two families came together in 1876 in Huntsville to form the Congregation and mobilized, dedicating their synagogue in 1899. I am proud to relay that Temple B'nai Sholom is the oldest synagogue in Alabama in continuous use. The Temple is also the only congregation affiliated with the Reform Movement in North Alabama and South Central Tennessee.

B'nai Sholom ("Sons of Peace"), the chosen name of the Temple, communicates the congregation's commitment to harmony and reconciliation. Temple B'nai Sholom has given to their community in countless ways. As members of the Interfaith Mission Service, the Temple contributes to the cause of religious tolerance in North Alabama. The Sisterhood of Temple B'nai Sholom should be commended for their efforts to raise money for breast cancer awareness and health initiatives through their design and sale of the L'Chaim pins. The Sisterhood designed the L'Chaim pin to symbolize Jewish support for breast cancer victims and survivors.

For a century, the Temple B'nai Sholom's commitment to the reform tradition has bolstered the religious community of North Alabama. Their established presence in downtown Huntsville is a testament to their perseverance and good will. I congratulate the Temple B'nai Sholom, and wish the Congregation a special centennial commemoration.

TRIBUTE TO REVEREND ROBERT NELSON, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who during his 19 years, has made many outstanding contributions to his community, Reverend Robert Nelson, Jr. Reverend Nelson, Jr. has served as pastor of Bethel A.M.E. Church West Memphis, Arkansas for 19 years. Through his ministry at Bethel, he has been able to establish the Bethel Christian Outreach Center which aides the people of the community with substance abuse problems. He also administers the Bethel Learning Academy, a childcare facility setup to target high school drop outs, low to moderate income families and children with special needs.

Along with his work for the church and the community, Reverend Nelson, Jr. also served his country. He is a three year army veteran who courageously fought in the Vietnam War. When he returned home from his service in Vietnam, he helped establish the Crosstown Fellowship in Crittenden County which holds services in the community every second Sunday. This ministry has helped several hundred families with housing and utilities expenses.

Reverend Robert Nelson, Jr. is the recipient of several awards such as the Arkansas Certificate of Merit for his outstanding service to the people of Arkansas while serving on the Governor's Arkansas Highway Safety Advisory Council. He has received several awards of appreciation from President Bill Clinton, Mayor Al Boals of West Memphis, the General Assembly, former Governor Guy Tucker, the NAACP and others.

Reverend Nelson is also a family man, who cherishes his family including his wife Mrs. Rita Wilson; four children, Marty Green, Ryan Nelson, Rashunda Nelson and Rachel Nelson; and two granddaughters, Renea Nelson and Raylyn Nelson.

When I think of someone we all should strive to be like, I think of Reverend Nelson. Through all his hard work for his country and his community and all the awards he has received, Reverend Nelson continues to be a wonderful, down to earth man who takes pride in his love of people and his love of God.

TRIBUTE TO HOWARD J. RUBENSTEIN ON THE 45TH ANNIVERSARY OF RUBENSTEIN ASSOCIATES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the extraordinary talents and contributions of Howard J. Rubenstein. This evening, some two thousand government, civic, and corporate leaders will celebrate the 45th anniversary of Mr. Rubenstein's firm, Rubenstein Associates, Inc.

Howard Rubenstein has been dubbed by Newsweek Magazine as the "Dean of Damage Control", one of America's foremost public relations consultants. His clients constitute a cross section of influential individuals and organizations, from Disney/ABC to novelist Danielle Steel, from the New York Yankees to the Duchess of York. Rubenstein's brilliance, insights, and innovative strategies have earned him great respect in the United States and around the world.

Mr. Speaker, my profound admiration for Howard Rubenstein is a consequence not of his public relations skills, but rather of his passionate commitment to using his talents for the benefit of his community and his country. His public service has affected a sweeping range of civic and cultural priorities. Mr. Rubenstein is currently an advisor to the New York City Commission on the Status of Women, and he is a member of the City University of New York Business Advisory Board, the board of directors of the Center for Democracy, and the Inner-City Scholarship Fund of the Archdiocese of New York.

Howard has also served on the Mayor's Committee on Business & Economic Development for New York Mayors Abraham Beame, David Dinkins, and Rudolph Giuliani, and he is currently a trustee of the Alliance for the Arts, the March of Dimes New York Chapter, the Central Park Conservancy, and the Police Athletic League. In an era when business leaders all too often fail to demonstrate a devotion to the needs of our society, Howard Rubenstein's contributions stand as a model for all others.

Mr. Speaker, one particular episode stands out in my reflection upon Howard Rubenstein's service to his community. In 1991, the Brooklyn community of Crown Heights exploded in a chain reaction of violence, riots, and ever-mounting divisions between the area's African-American and Hasidic Jewish populations. These disputes divided the city and received national attention, emphasizing the difficulties of racial reconciliation. Responding to a request for his assistance from Mayor David Dinkins and other city leaders, Rubenstein undertook the difficult task of diffusing the tensions between African-Americans and Jews.

He organized a "Peace Conference" in Crown Heights, and then planned a special "Neighbor to Neighbor" event at the Apollo Theater in Harlem. More than 1,300 people—both Jews and African-Americans—viewed a showing of "The Liberators," a film which depicts the liberation of Nazi concentration camps by African-American soldiers. The screening was broadcast live on New York television, while simultaneously 500 "Neighbor to Neighbor" meetings were held in homes and community centers around New York City to discuss race relations. Rubenstein's efforts were critical to restoring civility and understanding in Crown Heights, and I believe that they speak volumes about the character and commitment of this outstanding man.

Howard Rubenstein has come a long way since 1954, when he founded Rubenstein Associates, Inc., working on the kitchen table at his parents' home. In honor of the 45th anniversary of this event and in recognition of the outstanding contributions that he has made to his community and our country, I urge my colleagues to join me in extending warmest congratulations and our most sincere appreciation to Howard J. Rubenstein.

TRIBUTE TO STAPELEY IN GERMANTOWN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Stapeley in Germantown, a Quaker sponsored retirement community, as it celebrates 95 years of service and commitment to the community. Founded in 1904 by Philadelphia philanthropist Anna T. Jeanes, its mission today reflects the vision of its founder, to create an "abiding place, a refuge, a home".

Stapeley is a full-service, accredited continuing care retirement community that welcomes residents and staff of all faiths, races, and cultural backgrounds.

In an atmosphere of harmony, equality, simplicity, integrity, and concern for community, Stapeley serves over 200 older persons and includes 42 independent living apartments and a 120-bed skilled nursing facility.

Stapeley continues to attract new residents because of its reputation as a tolerant, diverse, and affordable provider of quality care for seniors. In keeping with its mission to provide high quality, moderately priced care to its residents, the Stapeley Healthcare Center maintains a Medical Assistance census that is 76 percent. Among the community of Quaker retirement facilities, it is recognized for its commitment to individuals who have exhausted their personal assets.

In recognition of its years of service to one of the most vulnerable segments of our community, I join the New Stapeley as it celebrates its anniversary and the completion of renovations to one of its original and historic buildings.

TRIBUTE TO BRAD CURREY, JR.

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. OXLEY. Mr. Speaker, the strength of our republic lies in the participation of all people, exercising their individual liberty by making their voices heard. One person can make a difference that can benefit us all.

Congress is, and should be composed of 535 laymen. We each have expertise in something, but on the wide array of issues with which we deal, we need a lot more information, a lot of educating—or we can make some mistakes. The two concepts—one person making a difference, and Congress needing solid information on a wide variety of topics—are combined in the career of a man named Brad Currey, Jr.

Brad Currey retires at the end of this year as Chairman, President, and CEO of the Rock-Tenn Company in Norcross, Georgia. Brad always says that Rock-Tenn's value is based on the unique competence of its people; with those people, he built one of the country's largest manufacturers and converters of 100 percent recycled paperboard. Their products are all around us, but we rarely recognize them: cereal boxes, bookcovers, overnight express mail envelopes, and countless other items.

During his career with Rock-Tenn, Brad demonstrated why a "special interest group" is not necessarily a bad thing. He has helped Congress refine an important part of environmental policy, especially in the area of recycling. In doing so, he and his colleagues in the 100 percent paper recycling industry helped remind us of the broad power Congress has to affect the way business is done.

A few years back, we grappled with what was referred to at the time as the "solid waste crisis." Legislation was introduced and considered in the Commerce Committee to help spur the recycling markets. We certainly did not know all that we needed to know about recycling, and few people in environmental organizations or the lobbying community had an expert background in it, either. Brad Currey recognized that the future of his paper recycling industry was about to be decided in Congress. He called on his industry colleagues, many of whom were owners and operators of small family-run recycled paper companies, and convinced them of the need to make their voice heard in the debate on solid waste and recycled issues. From that point, the story takes on a more "inside Washington" character: they chose a name for themselves, the Paper Recycling Coalition (PRC), and hired a consulting firm to guide them through the legislative and regulatory process.

Thanks to Brad and his colleagues, I have learned more about the recycled paper industry and its presence in Ohio and around the country. I have also learned more about the issues that affect them, and recognized that heir collective voice was valuable in crafting the nation's recycling policies. They created a more visible identity for the recycled paper industry, and they did it without arm-twisting or crass tactics. They did it with information.

From what I have heard from his friends, inserting the paper recycling industry in the policymaking process is just one of many Brad Currey accomplishments. As Brad gets ready to retire, I want to thank him for his guidance and assure him that he has made a difference—he has had a positive impact on the policy process. Like Brad, I hope others will see that they too can make a difference. One willing, dedicated person can have a positive influence on policies that benefit the nation as a whole. Operating forthrightly and with integrity, they can inform us, and help to make our policies sounder. That is an important contribution, and, perhaps, the most vital lesson Brad leaves behind. it is about the people. People like Brad Currey.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. WEYGAND. Mr. Speaker, on Friday, September 24, 1999, I was not present for rollcall votes Nos. 444, 445, 446, and 447. Had I been present I would have voted "aye" on rollcall vote 444, "aye" on rollcall vote 445, "no" on rollcall vote 446, and "aye" on rollcall vote 447.

TRIBUTE TO ALLEN FUNT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who with boundless energy and enthusiasm spread laughter throughout the nation with his long-running TV show "Candid Camera." Allen Funt died at his home in Pebble Beach on September 5, 1999 at the age of 84.

Born on September 16, 1914 in New York, Allen attended Cornell University graduating with a bachelor of arts degree in fine arts. As an undergraduate student, Allen was a scholar of human nature and conducted psychology experiments which began his interest in people's reactions. Mr. Funt also worked as an assistant for an Eleanor Roosevelt radio show from which he began to engender ideas about combining spontaneous reactions of people with radio. During World War II, Allen was enlisted in the Army and served in the Army Signal Corps where he continued to study his idea about combining spontaneous reactions and radio as he experimented with location recording and concealment techniques. After leaving the Army, Allen founded "Candid Microphone" on ABC in 1948. In 1960, CBS picked up the show for a 7-year run and for the year 1960–1961 it was the seventh-best rated show in the nation. CBS now airs "Candid Camera" with Allen's son, Peter Funt, as the host.

For half a century Allen Funt loved to make people smile. He was a visionary who pioneered what has become an entire programming genre, but who also genuinely cared about people and appreciated the healing power of laughter. In the late 1960's, Allen donated his entire Candid Camera film library to the psychology department of his alma mater, Cornell University, in order to share his insights into the human psyche and his work with the students. After settling in the Monterey peninsula in 1978, Allen held fundraisers to support Carmel schools in the 1980's and donated "Candid Camera" tapes to hospitals and the homes of the terminally ill as well as started the "Laughter Therapy Foundation."

Allen Funt was truly a remarkable man who will be fondly remembered for his ingenuity and enthusiasm. His appreciation of laughter's power to heal provided for 52 years of good comedy for the entire nation. Allen will be missed by the countless numbers of people he touched both personally and through his "Candid Camera" show around the world.

DR. TERRY STRAETER: A COMMUNITY SERVANT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FILNER. Mr. Speaker, I am honored to rise today to express my admiration and thanks to a leader in San Diego. Dr. Terry Straeter has been a part of our community and given of himself for many years. I am honored to have been invited to participate in an important event to be held this week at the National Air and Space Museum to pay tribute to this innovative and dedicated man.

Dr. Straeter got his start at the National Aeronautics and Space Administration during the 1970s, a time when our missions to the moon were coming to an end and NASA was once again looking to "push the envelope" in space exploration. Serving at the Langley Research Center in Hampton, Virginia, Terry was performing much of the important research that would lead to more and more innovation.

But then, San Diego got lucky. Terry went into the private sector, holding several posts with General Dynamics, eventually coming to beautiful San Diego to lead a group of tremendously dedicated men and women serving at Marconi Information Systems and Marconi Integrated Systems. And quite frankly, Mr. Speaker, our community has not been the same since Terry and his lovely wife Jinny arrived.

Terry is a strong supporter of our United Way campaign. He takes precious moments of his day to work with kids and help them to understand how important our free market economy is by participating in Junior Achievement. He has reached out to those children whose lives are affected by the daily challenges of diabetes by serving as the Corporate Recruitment Chairman of the 1998 Juvenile Diabetes Foundation's "Walk to Cure Diabetes." And all the while running one of the most successful and innovative high technology companies in our city, the State of California, and indeed, within our nation.

I am proud to offer my congratulations to Dr. Terry Straeter on this important occasion when we will honor him in a glowing tribute at the National Air and Space Museum. Terry, we appreciate you and we thank you for your service.

TRIBUTE TO BARRIE AND MICHAEL GROBSTEIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. SHERMAN. Mr. Speaker, I rise to pay tribute to Barrie and Michael Grobstein, who will be honored this year with the Circle of Life Award, given annually for service on behalf of the Jewish Home for the Aging, the largest continuing residential care facility in Southern California. Barrie and Michael are truly worthy of this distinguished award.

Through their involvement with The Executives, a group of business leaders from the San Fernando Valley formed to support this critically-needed facility, the Grobsteins have been instrumental in ensuring that the Jewish Home for the Aging has the financial support it needs to continue to provide seniors with the highest level of care. With the help of Barrie and Michael, The Executives has become one of the Los Angeles area's most distinguished and successful charitable organizations.

Michael has served as a founding member, executive committee member, and as president for three years of The Executives and its predecessor, The Valley Jewish Business Leaders Association.

The Jewish Home for the Aging is a truly unique facility. The average age of its 750 residents is 90 years. Each of its two campuses has a full-service medical clinic with state-of-the-art equipment and is staffed by on-site physicians, nurses, and medical and rehabilitation therapists. The Home's medical department is affiliated with UCLA's Division of Geriatric Medicine, and has developed a national reputation for its research in aging, long-term care, and Alzheimer's disease.

Barrie and Michael have been instrumental in making all this possible.

In addition to his work on behalf of the Jewish Home for the Aging, with Barrie's support Michael has served on the board of many other charitable organizations, including the Institute for Arteriosclerosis Research, Temple Valley Beth Shalom, International College, Ryokan College, the Pacific Association of Schools and Colleges, two organizations supporting the premier cancer research charity City of Hope, the West Coast Father's Day Council for the Juvenile Diabetes Foundation, Sherman Oaks Hospital, and many others. Barrie also has been active in education on the danger of cults, serving as a Speaker for the Jewish's Federation's Anti-Cult Movement. She is also a long-term member of Valley Beth Shalom's Sisterhood.

The Grobstein's efforts on behalf of these charities and community groups have been paralleled by success in the business world. With Barrie's help, Michael's accounting practice grew from a one room office in 1967 to almost two floors in the same office building today and in one of the largest regional CPA firms in Los Angeles.

Mr. Speaker, Michael and Barrie Grobstein, who this year celebrated their 36th wedding anniversary, are two of the San Fernando Valley's finest community leaders. I urge you and all my colleagues to join me today in honor of their achievements. They have truly served their community with distinction.

IN MEMORY OF KEITH D. OGLESBY

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. DEMINT. Mr. Speaker, today I introduced a bill to honor Keith D. Oglesby, the late Postmaster General of the Greenville, South Carolina Post Office. I am joined by the entire South Carolina delegation in this request to honor Keith Oglesby by renaming the Orchard Park Station of the Greenville Post Office as the Keith D. Oglesby Station.

Mr. Oglesby was a tireless worker, community activist, and beloved boss. His involvement with charitable organizations aided those in the Greenville community, the state of South Carolina, and the nation as a whole. Mr. Oglesby was the chairperson for Greenville County's Combined Federal Campaign, hosted the First-Day of Issue ceremonies for the Organ & Tissue Donation Stamp, filled Christmas stockings for the Salvation Army, coordinated postal blood drives, participated in March of Dimes WalkAmerica and the American Cancer Society's Relay for Life. Additionally, he received the Greenville Family Partnership's Volunteer of the Year Award in 1997.

As a supervisor, Mr. Oglesby always told his workers to "Do the right thing," and this motto permeated his actions and expectations. Local postal customers, employees of the Greenville Post Office, and higher management of the United States Postal Service recognize the contributions of Keith Oglesby to his community and his faithful service to this nation. He was honored posthumously with his second Benjamin Award—the Postal Service's top public relations honor given to recognize community outreach accomplishments.

The unexpected death of Mr. Oglesby shocked and saddened the community of Greenville, South Carolina. As we grieve his loss, we would like to pay tribute to Mr. Oglesby by renaming a facility in his honor. The Keith D. Oglesby Station would be a permanent memorial of his steadfast service to our community and the United States Postal Service.

EXTRADITE PINOCHET TO SPAIN FOR HUMAN RIGHTS CRIMES IN CHILE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. MCGOVERN. Mr. Speaker, today, Monday, September 27, 1999, almost a year after his arrest in Britain for human rights abuses during his 17-year rule in Chile, an extradition hearing for former Chilean dictator General Augusto Pinochet has begun. Over the next five days, Magistrate Ronald Bartle of the Magistrates' Court will consider evidence for and against the extradition request for General Pinochet to face charges in Spain.

On Sunday, September 26, family, friends, and colleagues of two victims of Pinochet's murderous regime were remembered here in Washington, DC. Former Chilean Ambassador and Cabinet Minister Orlando Letelier and United States citizen Ronni Karpen Moffitt were assassinated on September 21, 1976, by Chilean agents on the streets of Washington when Letelier's car exploded from a car bomb. Should Spain's request to extradite Pinochet to face charges of torture and murder be granted, then I hope the Letelier and Moffitt murders might be included in that trial, or that the United States government would also request extradition to try Pinochet in the United States for these two murders and the murders of other Americans in Chile.

I call upon the United States government to release all documents regarding human rights violations and the actions of the Chilean military, police, intelligence, and security agencies during the Pinochet regime, including documents regarding the role of United States agencies prior to and during the 1973 coup and during the 17-year rule of General Pinochet. I submit for the RECORD, my statement at Sunday's memorial event at Sheridan Circle commemorating the 23rd anniversary of the murders of Orlando Letelier and Ronni Moffitt.

IN MEMORY OF ORLANDO LETELIER AND RONNI KARPEN MOFFITT

Twenty-three years ago, international terrorism exploded on the streets of our nation's capital with the brutal assassination of Orlando Letelier and Ronni Moffitt, and it changed our world forever.

As my former boss, mentor and dearest friend Senator George McGovern said from the pulpit at the funeral for Orlando and Ronni: "If Orlando Letelier must die at the age of forty-four and dear Ronni Moffitt must die at the age of twenty-five because of the unbridled power of madmen, then there is no security for any of us."

I won't try to speak as to how the world changed for the Letelier, Moffitt and Karpen families, or for the friends and colleagues of Orlando and Ronni. Their personal grief and journeys during the past two decades are private. But their public lives and advocacy have been an inspiration to all of us, including myself.

They have been tenacious in their search for the whole truth about how this heinous act took place and who was responsible.

They have lent their support and personal resources to the search for truth about other human rights crimes carried out by the Pinochet regime in Chile.

And they have enshrined the memories of Orlando Letelier and Ronni Moffitt by annually recognizing individuals and groups in the United States and throughout the world who continue the struggle for basic human rights, human dignity and social justice.

We are now at a historic moment in the search for truth and justice for the people of Chile. The effort to hold General Augusto Pinochet accountable for the crimes against humanity committee by his government and by his orders is important for the people of Chile and for those everywhere who suffer under repression. I support and salute the individuals, lawyers and jurists in Chile, Spain and the United Kingdom whose efforts have brought about the arrest, and hopefully the extradition, of General Pinochet. Human rights law and advocacy have all been strengthened by their singular dedication.

At this moment in history, when Chileans are attempting to confront and address their own past and seek justice, it is time—indeed it is past time—for the United States to open all its files on Chile. In particular, the CIA must stop blocking the declassification of Chile files and support the President's effort to release all documents.

It has been more than a quarter century since the violent military coup overthrew the democratically elected government of Chile. Open the files, release the documents, let the light finally shine on this dark and shameful period. It will set us all free.

HINDUS ABDUCT, ABUSE NUN IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. DOOLITTLE. Mr. Speaker, I was distressed to read an article from the Indian Express of September 24 which reported that a nun was abducted in the Indian state of Bihar. This is the state where a priest was beheaded last year. Will the religious violence in India never stop?

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this terrible event to my attention.

Sister Ruby of the Congregation of the Sisters of the Immaculate Heart of Mary was abducted September 20 after being forced into a rickshaw in the village of Chapra. The kidnappers threatened to rape her. The two men accused Sister Ruby of trying to convert Hindus and they threatened to "teach all Christians a lesson."

This is unfortunately typical. Christians were subjected to a wave of church burnings, as well as attacks on prayer halls and schools earlier this year. Another priest was murdered last week. Missionary Graham Staines and his two sons, ages 8 and 10, were burned to death while they slept in their Jeep by a Hindu fundamentalist mob. Last year four nuns were raped and four priests were murdered. In 1997, police broke up a Christian festival with gunfire.

These incidents are related to religious conversions by members of the lower castes. To the Hindu militants, all conversions are forced conversions.

But it is not just the Christians who have suffered from this kind of religious persecution. Many of my colleagues and I have detailed the religious repression of Sikhs and Muslims by the Indian government and its agents and allies. Sikhs continue to be murdered for their religion and their Golden Temple remains under surveillance by plainclothes police officers fifteen years after the Indian government's attack on the Sikh Nation's holiest shrine. Muslims have seen their most revered mosque in India destroyed and many of their adherents killed.

We should support the right of the minority peoples of Khalistan, Kashmir, and Nagaland to a free and fair vote on independence from India.

Mr. Speaker, I insert the Indian Express report on the abduction of Sister Ruby into the RECORD.

[From the Indian Express, Sept. 24, 1999]

NUN KIDNAPPED, STRIPPED IN BIHAR; BISHOPS PROTEST

(By Arun Srivastava)

PATNA.—A nun was kidnapped, tied up and stripped in Chapra on September 20.

The nun, belonging to the congregation of the Sisters of the Immaculate Heart (better known as Pondicherry Blue Sisters), was forcefully taken in an autorickshaw by two unidentified men on Monday morning to a secluded spot. Her hands were tied behind her back, she was stripped and was forced to drink their urine.

The nun, who hails from Pondicherry, came to Bihar recently and does not know the dialect. She is an inmate of the St. Joseph's Convent in Khalpura Inchapra which is involved in working with the poorest of the poor.

She had left her convent around 9 in the morning for Gandhi Chowk from where she took an autorickshaw for the local post office. There were two men in the autorickshaw.

When she realised that she was being taken through an unfamiliar route, she asked to be dropped off. They did not stop the vehicle and one of them took out a knife, threatened to kill her and accused her of converting people.

He asked her why she and others were still in Chapra and why they have not left for south India. He told her that Christians would be taught a lesson once the elections were over.

According to the Bishop of Bettiah, who in a statement narrated the whole incident, the nun was dragged out of the vehicle, her hands tied and then she was stripped. The two men urinated in a bottle and threatened to rape her when she refused to drink.

Later she was given back her clothes and warned not to contact anyone on the phone. One of the attackers followed to make sure that she did as told. Director General of Police A R Jacob said: "I have been briefed by the Bishop of Patna about the incident." He added: "Right now, I am unable to say anything about the incident. But I am seriously looking into it. I can assure that no one will be spared."

Jacob has assigned IG A K Gupta and the SP of Chapra to "personally investigate the matter." He has also sent to Chapra a senior woman officer who knows Tamil to investigate the incident.

The DGP said the FIR was filed only today as the local police station refused to register the case yesterday because the petition was in English. He is also looking into the delay in registering the case. The Bishop of Bettiah, Rev Victor Henry Thakur, visited the convent. The Archbishop Benedict J Osta and the Bishop of Bettiah have strongly condemned the outrageous attack and have demanded a thorough probe.

They stated that the Christians will not be frightened by such threats and will continue to serve the poor and the distressed more zealously.

Allen R Johannes, press secretary of the Diocese of Bettiah, said the ugly and inhuman act has shocked the entire Christian community in North Bihar and is creating an atmosphere of fear and panic among the Christian minority as the news spreads over the state.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. WEYGAND. Mr. Speaker, on Wednesday, September 22, 1999, I was unavoidably detained and was not present during rollcall vote 430. Had I been present I would have voted "no."

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Ms. KILPATRICK. Mr. Speaker, in the five months since the shooting of 16 innocent high-school children at Columbine High School in a suburb of Denver, Colorado, over 500 American citizens have died as a result of gun violence. What has the Republican leadership in Congress done to address this problem? Absolutely nothing. What is worse, the motion offered by Congressman JOHN DOOLITTLE does even less. This motion, which says that anything during the conference of the Juvenile Justice bill that could possibly harm the Second Amendment to the Constitution should be rejected, is a terrible motion. It is terrible because Congress should protect our neighborhoods, our police departments, and the American people. This motion does protect one group of individuals—the gun lobby. I make no apologies for standing up for our neighborhoods, our police departments, or the citizens of the 15th Congressional District of Michigan.

This motion does not protect our neighborhoods. Several Members of Congress, Republicans and Democrats alike, have offered reasonable, sane, and safe recommendations regarding gun control. The issue of guns is one that cuts across the whole of America's fabric, but it especially harms minorities and urban areas—similar to the area which I am honored to serve. By limiting the options of Members to posit real and reasonable constitutional limits to control the glut of guns in our nation, this motion makes our neighborhoods unsafe. All we are asking is that gun dealers perform background checks, that child safety locks be sold on handguns, and that former criminals be prevented from buying guns.

This motion does not protect our police departments. The Fraternal Order of Police Officers and the International Association of Police Chiefs have endorsed measures similar to the Brady law. These same organizations have both supported measures that would get rid of "cop killer bullets", assault weapons and high-powered rifles. This motion would, incredibly, not allow these measures to be considered by the conferees.

This motion does not protect the Constitution. We have all sworn to protect and defend the Constitution. It is Congress' job to make laws; it is the job of the women and men of the Supreme Court to interpret the Constitution. We do not need to establish the precedent of "pre-interpreting" the Constitution for the sake of a sound bite or political folly. This motion removes the option of interpreting the Constitution from the Judicial branch, presupposing that Members of Congress know what is best for the Constitution.

I will continue to fight for our Constitution. I will continue to protect our children, our senior citizens, our neighborhoods, our police officers. I say no to the glut of guns on our streets and to the gun lobby. I urge my colleagues to say no to the Doolittle motion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 28, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 29

9 a.m.
Small Business
Business meeting to markup S. 791, to amend the Small Business Act with respect to the women's business center program.
SR–428A

9:30 a.m.
Indian Affairs
To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.
SR–485

Environment and Public Works
Business meeting to markup pending calendar business.
SD–406

Joint Economic Committee
To hold hearings on biotechnology issues.
SH–216

Judiciary
Business meeting to consider pending nominations.
SD–226

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 1501, to improve motor carrier safety.
SR–253

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.
SD–366

SEPTEMBER 30

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.
SR–328A

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 1130, to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.
SR–253

Year 2000 Technology Problem
To hold hearings to examine the global impact of Y2K technology on the transportation system.
SD–192

10 a.m.
Judiciary
Business meeting to mark up S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

10:30 a.m.
Foreign Relations
To hold hearings to examine issues on corruption in Russia.
SD–419

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD–366

OCTOBER 5

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.
SD–366

OCTOBER 6

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

OCTOBER 7

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A

OCTOBER 13

9:30 a.m.
Armed Services
SeaPower Subcommittee
To hold hearings on the force structure impacts on fleet and strategic lift operations.
SR–222

2:30 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocols.
SD–419

CANCELLATIONS

SEPTEMBER 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

POSTPONEMENTS

SEPTEMBER 29

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine national technical information services issues.
SR–253

SENATE—*Tuesday, September 28, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Dr. John Yates II, Falls Church Baptist Church. Incidentally, he is the pastor of Holly Richardson who works with me and of whom I am so proud.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. John Yates II, offered the following prayer:

Let us pray:

Our Father in heaven, You are the King Eternal. You rule over all. Your light divides the day from night.

Thank You for the gift of this new day. Give us a spirit of gratitude and wonder at Your creation. Drive from us all wrong desires; guide us in the way of peace and justice that, having done Your will with cheerfulness during the day, we may, when night comes, rejoice to give You thanks and rest in Your care.

We pray today for statesmen, leaders, and rulers everywhere and especially for the Members of this United States Senate and their fellow workers.

May they be quiet in spirit, clear in judgment, able to understand the issues that face them. May they think often of the people on whose behalf they speak and act. May these Senators remember You. May they remember that keeping Your laws bring us only good and happiness. Grant them patience; grant them courage; grant them foresight and great faith. In their anxieties, be their security; in their opportunities, be their inspiration. By their plans and their actions, may Your kingdom come; may Your will be done.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, the Senate will be in a period of morning business until 12:30 p.m. unless an agreement is reached for the consideration of the energy and water appropriations conference report. It is hoped the Senate will begin that conference report at approximately 11 a.m. for 45 minutes of debate. If that agreement is reached, Senators may anticipate that the first rollcall vote will occur at approximately 11:45 a.m.

Following the party conference meetings, the Senate may begin consideration of the digital millennium legislation or any conference reports or appropriations bills available for action while waiting for the continuing resolution from the House. Therefore, Senators may anticipate votes throughout the day.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

FACING THE DEADLINE

Mr. DURBIN. Mr. President, we are facing a deadline this week—October 1. Every family in America knows about deadlines: April 15, you had better get your taxes in. A deadline is coming for shopping for Christmas, for Hanukkah. We are faced with many deadlines. October 1 is another deadline; that is our fiscal year. If Congress does nothing else during the course of a session, we are supposed to pass spending bills so when the fiscal year starts, the agencies know how much money they have and can go about the business of conducting their affairs and managing the Government.

Now, I will have to be honest with you; in the 17 years I have been on Capitol Hill, in the House and Senate, rarely, if ever, has any party in control of the Senate or the House really met that deadline, had everything in place by October 1. Sometimes it takes a little extra time to put it together. But I would have to tell you that in my experience on the Hill, I can never recall a time when we reached October 1, as we will this week, with such chaos. There appears to be no plan in place, no conversation between the leaders on Capitol Hill and the White House, and we will be asked today to vote on what is called a continuing resolution; that is, an extension of about 3 weeks so we can continue the business of Government while the leaders of the House and Senate get down to the business of leading. I hope that happens because, frankly, to date, we have seen precious little leadership when it comes to the important issues facing our country.

I am going to yield the floor at this point to my colleague from the State of Washington, Mrs. MURRAY, who is a member of the Labor-HHS appropriations subcommittee, a very important subcommittee when it comes to spending money for education. She comes to the Senate floor speaking not only as a Senator from Washington but as a former classroom teacher. So her perspective on education and what we are doing to either meet our obligations or fail to meet them is especially important.

At this point, I reserve the remainder of my time and yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair and my colleague from Illincis for defining for us what our challenge is in this week as we reach the October 1 deadline and our commitment to make sure the budget is enacted and appropriations bills are passed. Clearly, we are going to be unable to do that.

LABOR-HHS APPROPRIATIONS

Mrs. MURRAY. Mr. President, what is most appalling to me is that we have left the Labor, Health, and Human Services bill to the very last. This bill is extremely important to every family in this country. It funds everything from health care to NIH research to education, key programs that we are responsible for at the Federal level, being a partner in making sure every child in this country gets an education so they can be successful.

Last night, we referenced the Subcommittee on Labor, Health, and Human Services. We were unable to offer any amendments, and I was disappointed in that. I was pleased that the Republicans put forward a budget that does appear—and I use the word

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

"appear"—to fund education at much better levels than the House, and we are grateful for that. We have been out here on the floor innumerable times saying education is a top priority and in this budget we want to make sure that happens. Surely our colleagues have listened to this, and the numbers on the paper show they have. However, what is underneath those numbers is very disconcerting to me, and it should be very disconcerting to every parent and every family across this country.

Let me talk for a minute about a very important initiative we passed last year to reduce class size in the first, second, and third grades.

It was a bipartisan effort. We negotiated with our Republican colleagues. Every Member in the Senate and House voted for it and agreed with us that reducing class size would make tremendous gains in education across this country. In the budget that is put forward that the Labor Committee will be hearing this afternoon, I do not see any class-size money. This money has been taken away. The 30,000 new teachers who have been hired this year who are in our classrooms looking our children in the eyes as we speak will be fired if we pass this Labor bill as it now appears before us.

I do see $1.2 billion for something called teacher assistance initiative. We have no idea what that is. Clearly, it is not class-size reduction. We do not have any idea what it is, and it is subject to authorization, meaning essentially those dollars will never come forward. If that is the case, this bill is terribly underfunded when it comes to education and the needs of families across our country. But I am very concerned that the class-size money has been taken out of this budget.

I simply cannot support going out and firing 5,000 teachers across this country. These teachers are in place today. This was a commitment we made in the Senate 1 year ago when we told them we were going to work with them to reduce class size.

Why did we say we wanted to reduce class size? Because we know that students from small classes enroll in more college-bound courses such as foreign languages, advanced math, and science. This has been proven. We know students in small class sizes in first, second, and third grades have higher grade point averages. We know they have fewer discipline problems. And we know they have lower drop-out rates.

We knew that last year so we said as a Federal Government we were going to begin a process of hiring 100,000 new teachers across this country so students in the first, second, and third grade can have the attention they need and the teacher time they need to learn the basic skills of English, math, and science. We know those kids who come from those classes will do better.

Smaller class sizes mean higher grades, more kids will be able to compete when they graduate from high school, more kids will be successful, and more students will less likely have discipline problems and, as we all know, turn to violence as a means of making their voices heard.

We are going to fight for class size on this side of the aisle. We want those teachers who have been hired and those children in those classrooms to know what we said a year ago will not be taken away because it is a new year. We want them to know we are committed to education, we are committed to being the partner we are supposed to be, and it is not just for today, it is for tomorrow.

Numbers and rhetoric on a piece of paper do not educate a child. Making sure our kids are in classes that are small enough and that we have the dollars and commitment is critical, and making sure school construction is part of what we do—and there is no money in this bill for school construction—and making sure each child knows we care about them is critical. The Senator from California has been out on the floor many times to talk about afterschool programs, which are funded in this bill but less than what the President requested.

We are pleased the Republicans have brought us a budget with the numbers on a piece of paper, but we want to know that those commitments are real, that those teachers are not going to lose their jobs because of some rhetoric on the floor this year and smoke and mirrors and no funding, and we do not know how it is all going to happen in the end and, gee, 6 months from now, gosh, the program is gone. We want it real, we want language now, we want numbers now, and we want to tell our kids we care about them in a manner that is true. That is for what the Democrats are going to be fighting. I thank my colleagues on this side of the aisle.

Mrs. BOXER. Will my colleague yield for a few questions?

Mrs. MURRAY. I will be happy to yield.

Mrs. BOXER. First, I thank the Senator from Illinois for setting the stage for this conversation, and I thank him for yielding such time as she needed to the Senator from Washington because, as he has stated, she has been a leader in this whole area of education.

Education, in my view, is the No. 1 issue in this country today. Why? Because we know that if we do not give our children a good education, a series of bad things happen: They will not be productive, they will drop out, they will get into trouble, and all the rest.

We are now in the global marketplace. We all know this. I daresay everyone on both sides of the aisle says that education is important. I want to probe my friend a little bit because she sits on that all-important appropriations subcommittee on education. I want to make sure I understand exactly what she has told the Senate.

My understanding is that the Senate, on paper, is spending more than the House and even exceeds the President's number on paper; is that correct?

Mrs. MURRAY. That is correct. If one looks at the numbers, that is what it looks like.

Mrs. BOXER. But is it not true that out of that increase there is $1.2 billion for a program that does not exist and the funds will not be spent unless the program is authorized? And is it not true that $1.2 billion is supposed to replace the lower classroom size initiative that my friend has been pushing in the Senate?

Mrs. MURRAY. The Senator from California is absolutely correct. They took the number of $1.2 billion, which we passed last year and were supposed to continue this year, to reduce class size, only our commitment was to increase that to $1.4 billion so we would add on to those 30,000 teachers until we reached our verbal commitment of having 100,000 new teachers.

On paper, they took the $1.2 billion and put it into something called teacher assistance initiative. I have never heard of that. I do not know what it is. I have seen no language about it. I can tell my colleague one thing: sitting on the education committee in the Senate, it is not a program anyone knows about, and the language in the bill says it is authorized, meaning we are going to have to go through hearings, pass a bill through the Senate and the House, and have it signed by the President before we leave in a few short weeks, and I just do not see that happening. Really it is smoke and mirrors.

Mrs. BOXER. It seems as if there is a shell game being played with money that is not behind the piece of paper, and they have completely zeroed out this important class-size reduction plan which we began.

Is my friend saying to me that unless we can change that, school districts are going to have to fire teachers? Can my friend elaborate on that? How many teachers is it, and is it all around the country?

Mrs. MURRAY. The Senator is correct. If this bill passes as written and we go home, what will happen is next year, beginning in September, those 30,000—it is actually 29,000—teachers who have been hired will no longer be there.

Mrs. BOXER. So this bill that purports to do something for our children, in essence, is a pink slip for 29,000 teachers across this country who were hired under the Clinton-Murray initiative to lower classroom size; is that correct?

Mrs. MURRAY. The Senator from California is correct. I was out in one of my school buildings last Monday, a school in Tacoma, where they have taken their class-size money for first, second, and third grades and put it all into the first grade, and the first grade teachers have 15 students.

Each one of those kids in those 57 classrooms will read at the end of this year. You can see it in 10 days of classroom instruction. These kids were moving ahead rapidly, and they were going to be reading. Contrast that with a class of 30 kids where maybe part will be able to read at the end of the year and, obviously, some will not. They move on to second grade, and the second grade teacher starts all the way back at the beginning with the kids who are at the bottom.

These 57 classrooms and those 15 kids in each of those classrooms will know how to read, and that second grade teacher next year can move them on from there. It is going to make a tremendous difference.

Those teachers pleaded with me not to lose funds so they can continue to do the job they have been trained to do.

Mrs. BOXER. If we do not make changes and if the President does not prevail with the Republicans and this bill passes as it is, we will not only lose 29,000 teachers out of the classrooms, but next year a lot of those kids who were in classroom sizes of 15 will now find themselves in classroom sizes of 30, and we are back to where we were and we have wiped out this advantage we have given some of our children.

I have two more other questions.

Mrs. MURRAY. That will take away the promise we have given to students across this country, and their families, that we are going to invest in education. Essentially, this $1.2 billion put in there as a teacher assistance initiative will never go out to districts, never be seen, and everyone will lose.

Mrs. BOXER. I think it gets back to what our colleague from Illinois said: There is a lot of chaos. Imagine the chaos. Last year we passed this school reduction effort, and then we turn around—the Republicans do—and walk away from it. Talk about chaos—chaos on Capitol Hill because we do not know what we are doing, chaos in the classrooms—a terrible message.

I have two other areas I want to ask the Senator about. One that she mentioned is very near and dear to my heart, which is afterschool care. We know it works. We know that juvenile crime peaks at 3 o'clock and starts to go down at 6 or 7 in the evening when the kids go home. We know if they do not have a place to go after school, they get in trouble.

All of these things are so obvious. The smaller class sizes—it does not take a degree in sociology or education or psychology to understand if a teacher can give you one-on-one help, you are going to do better. If you have a safe place to go after school, you are not going to get in trouble. Again, we can track academic performance.

In this bill, the Republicans did put more money into afterschool care, but they underfunded it by $200 million less than the President's request. The President requested $600 million; they came in with $400 million. That $200 million affects thousands and thousands and thousands of children.

I know my friend taught in the classroom. I know how she supports afterschool care. Is it not a fact, I say to my friend, that she was unable to offer an amendment on afterschool care or school construction or smaller class sizes, that she was prohibited by the Republicans under the rules of their markup?

Mrs. MURRAY. The Senator from California is correct. We did not even vote. We are moving to full committee this afternoon, and I intend to offer my amendments. I hope my colleagues will support us. If they don't, we are going to be debating this again and again and again.

Mrs. BOXER. Exactly.

Mrs. MURRAY. Because the investments we make in our children, as the Senator from California knows, pay dividends far into the future. Putting down numbers on a piece of paper—that is not reality, that does not provide teachers, that does not provide classroom space, that does not provide afterschool care—does not mean anything to anybody.

We want to make sure the budgets we pass are real, that they are funded in reality, that those programs are there, and that this country makes sure that our kids get the education we ought to be providing in our schools.

Mrs. BOXER. The last question I have for my friend is in regard to school construction. I read in the paper today that the President was in a school in Louisiana. It was a school that was built before the turn of the century. The school is falling down. The tiles are falling down from the ceiling. When it rains, the rain comes into the classrooms.

It reminded me of a school I visited in Sacramento where the same thing was happening. I could not believe it. We were in the gym, I say to my friend from Washington, and I looked at the ceiling. Tiles were gone. I said to a construction worker: What has happened to the tiles on the ceiling? He said: They fell down. I said: Do they ever hit a student? He said: Yes.

I have to ask my friend, what kind of message are we sending to our kids when, on the one hand, we say to them as parents that education is crucial to them in this incredibly important global marketplace where they are in competition with students from Europe and Asia and all over the world, and then we send them to a school where the tiles are falling on their heads? Can my friend tell me again, how much do the Republicans have in their education bill for this important and worthy project of school construction and fixing up our schools? How much do they put in?

Mrs. MURRAY. The Senator from California is correct. There is zero for school construction. What kind of message is that for our young kids, who are sitting in public schools, to show that we care about them, and that we are paying attention to them, and that we believe their education is important.

It is hard to pass that message along when you are sitting in classrooms with a leaky roof, with no new desks, with materials that are inappropriate, that are not good for education. A child goes home and says: The adults in my world don't care about me.

We all know the results of that. There is not a dime in this bill for school construction.

Mrs. BOXER. So in my sum up, from what I get from the Senator from Washington, there is no money for school construction, there is no money for class size reduction, and there is $200 million less for afterschool care.

I say to my friend, please, when you are in that committee this afternoon, do what you did on the floor; lay out the situation. I hope all of America is going to learn that despite the moving of the numbers and the smoke and mirrors and all the rest of it, the things that need to be done are not done in this bill.

I thank my colleague for yielding.

Mrs. MURRAY. I thank the Senator from California and urge all of our colleagues to look at this and past rhetoric and put the numbers in reality for our children in our country.

I yield my time back to the Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 5½ minutes remaining.

Mr. DURBIN. I thank the Chair for that information.

Four years ago, we had a Government shutdown. Congress failed so miserably in its responsibilities to fund the agencies of Government, we actually shut down agencies. We sent Federal employees home. They were paid later on even for the time they missed. We barred the door when they wanted to come back to work, and the Republican leaders in Congress said: We're going to prove a point.

They certainly did. They proved they could not pass the spending bills on time; they could not maintain the orderly flow of Government services to the people of America. That was 4 years ago.

You would think that over time the Republican leadership in the House and Senate would have learned from that experience. Last year, we had a little different experience. In the closing minutes of the session, we were presented with a 4,000-page budget bill, an appropriations bill, which literally no

Member of Congress was able to read, and we were told: Take it or leave it. We either pass this and go home or sit around here for weeks, if not months.

The bill passed. A lot of us, with regret, voted for it saying: What is the alternative?

This year, we are going into a new phase, a new chapter in the Republican congressional leadership when it comes to budgetary responsibility. October 1—this week on Friday—is the new fiscal year. It is, in fact, Republican Responsibility Day. As leaders in Congress, they are responsible for passing spending bills or at least charting out a course so we can see an orderly process to result in spending and budget bills that do serve America.

As I stand here today, we do not have it. We will pass a continuing resolution which says we will continue Government for another 3 weeks, with no end in sight. Neither the leaders on Capitol Hill nor anyone on the Republican side have suggested how we are going to end this.

Instead, to quote a friend of mine with whom I served in the House, Congressman DAVE OBEY of Wisconsin, we hear the Republican leadership posing for holy pictures as they stand and say: We will not breach the caps on spending which led to the balanced budget. And we certainly will never touch the Social Security trust fund.

The facts do not back that up. What we find is they have broken the caps already. They have already reached deep into the Social Security trust fund to fund their favorite projects, and we still have no end in sight.

It is one thing to beat your chest and say you are going to stand up for certain principles, but it is hollow rhetoric when you cannot produce the spending bills.

You heard the Senator from Washington and the Senator from California. Imagine, if you will, in this time of prosperity, when the Republicans have said we are so awash in money in Washington that we can offer a $792 billion tax cut—and thank goodness the President did not sign that and explained it to the American people—at the same time the Republicans are calling for a massive tax cut, primarily for wealthy people, they cannot fund education, sending 29,000 teachers home.

Imagine families across America that get a note from the school saying: Mrs. Smith will not be here next year. She may not be here next month because Congress failed to continue a program to provide teachers in our school, teachers to make sure that class sizes are smaller.

Is that what this is all about, that we have gone on for month after weary month with all of this rhetoric in Washington, and at the end of the day we are going to send 29,000 teachers home and say to the schools: You have no choice but to increase the enrollment in each one of your classrooms.

That is as good as we can do for all the billions of dollars that we have to spend. I don't think so. I certainly hope the Republican leadership will sit down with the Democrats and the President and work out something that is good for the Nation and good for families across our country that are concerned about quality schools and quality health care.

I visited St. Francis Hospital in Peoria, IL, yesterday, a wonderful hospital that has faced Medicare cuts that, frankly, threaten this teaching hospital, this safety-net hospital, another item we have to address and should address before we go home.

I didn't run for the House and for the Senate to come here and punch the clock on my pension. I came here to work on the issues that are important to people in Illinois and across the Nation. To date, this Congress has failed miserably when it comes to addressing those issues, whether it is education or health care, the basic things we expect.

We had the Columbine School massacre a few months ago; it shocked the Nation. We passed a juvenile justice bill because Vice President GORE came and broke the tie. We said we need sensible gun control, background checks, to make sure fugitives, felons, and stalkers don't get their hands on guns. We passed that bill over to the House, and it disappeared, never seen again.

We are now in another school year. We still want safe schools. We still want sensible gun control. This Congress has failed miserably when it comes to bringing that issue through, passing a law, and sending it to the President. It hasn't happened.

Time and again we have made the speeches; we have punched the clock; we have gone home without meeting our responsibilities. If last year's Congress was a do-nothing Congress, this Congress has done less, less to meet the challenges the American people have given to us, challenges which include a responsible budget, education, and health care, challenges which include, of course, a Patients' Bill of Rights so those who have health insurance through managed care companies have a decision made by a doctor and not by an insurance bureaucrat.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the time until 11 a.m. shall be in the control of the Senator from Maine, Ms. SNOWE, or her designee.

Ms. SNOWE. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Arizona, Mr. KYL, at the conclusion of my 25 minutes.

I further ask unanimous consent that following the expiration of my control of the time, Senator ROBERTS be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Will the Chair inform me when I have consumed 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

SENIORS PRESCRIPTION INSURANCE COVERAGE EQUITY ACT

Ms. SNOWE. Mr. President, I rise today, along with my distinguished colleague from Oregon, Senator WYDEN, to discuss legislation we introduced in July concerning prescription drug coverage. The legislation is known as the Seniors Prescription Insurance Coverage Equity Act, or SPICE.

We have come to the floor to address a number of questions that have been raised with respect to our legislation. We want to answer some of those questions so the Members of this body can be informed in terms of what our legislation is all about on this most critical issue.

I am also pleased to announce Representatives ROUKEMA and PALLONE have introduced a companion bill to our legislation in the House of Representatives.

I have always believed, as being part of the elective process, we have an obligation to serve the people by addressing the problems that are the most immediate and most critical. We are not here solely for the purpose of creating issues so our parties can run on those issues in the next election. Yet it seems all too often now Congress is only focusing on the difference between the two parties, the difference between Congress and the President, instead of focusing on how we can achieve a consensus on the most significant issues facing this country, where we can make a meaningful difference in the lives of our constituents. The people of this country rightfully expect us to legislate good public policy on those issues, to address problems facing this country.

Yet, time and again, it seems the more critical issues we face in Congress and in this country are the ones that are the most polarized. Time and time again, we fail to achieve a consensus on the key issues. The most notable, recently, of course, is the tax cut bill. While we might all have differences in terms of what kind of tax cut bill we should have or how much, there was no difference of opinion with the President or with Congress in terms of having a tax cut but, rather, what the size of that tax cut package should be. People say to me: Where is it going from here? I say: That is a good question.

Inevitably, there will be another train wreck, and it doesn't have to be so. We ought to be able to demonstrate to the American people we are very serious about creating solutions, rather than issues, as a platform and a basis for the next election, which, by the way, is more than a year away. It is almost as if compromise has become a lost art.

So here we are in September, approaching October, closer and closer to adjournment, and the only thing that will be falling faster than the leaves will be our legislative agenda and the public's faith. America expects us to build bridges and not to draw lines. So often bipartisanship has become a joke. It may well be within the beltway, but I can tell my colleagues, in the real world, it is no laughing matter.

That is why Senator WYDEN and I are taking the floor, not only to discuss our legislation but to urge the Members of the Senate and of the Congress, and the President, to come together on this most vital of issues to our Nation's citizens. That is why we are here, because we have introduced a bill that puts the interests of the American people over the best interests of politics, a bill that gives us a chance to show America's seniors and the American people that, yes, we can come together on an issue of great significance to our constituency.

I believe that how a society treats its seniors speaks volumes. What does it say that while America is 4 or 5 months shy of its longest expansion ever in the history of this country, while this Nation enjoys an era of unprecedented wealth and prosperity and growth, a third of Medicare recipients still have no insurance coverage whatsoever on one of their most basic health needs, prescription drug coverage? What does it say, when seniors are cutting prescription medications out of their budgets and their lives simply because they cannot make ends meet; they cannot afford to pay for them?

What does it say when the New England Journal of Medicine reports that poor elderly persons without Medicaid coverage spend about 50 percent of their total income on out-of-pocket health care costs such as Medicare premiums and prescription drugs? It says: Wait until next year.

Wait until next year? That may be good and may be acceptable in the world of sports and elections, but it is not acceptable when it comes to America's seniors and a matter of life and death. For them the status quo is a bitter pill to swallow.

Our plan—the only bipartisan one, I might add, in the Senate—represents a straightforward, comprehensive, responsible approach. It will appeal to anyone who wants seniors to have coverage, to have choice, to pay for it in a responsible fashion, to get it done this year, regardless of whether or not we have Medicare reform.

How does it work? Instead of reinventing Medicare, because we know that is complicated and contentious, we created a program that builds on the existing medigap system, using the basis and the model of the Federal Employees Health Benefit Plan, the one that benefits Members of Congress and all Federal employees, and we have choice. So why shouldn't seniors have the same choices that are afforded Members of Congress and Federal employees with respect to their health insurance and to this prescription drug coverage?

All Medicare-eligible individuals will have the option of purchasing this plan. It will be voluntary, a supplemental insurance program. It will be similar to medigap. We create a board that will disseminate the information on the choices available. Not only is this approach better for Medicare beneficiaries, but it keeps the costs down by encouraging competition because we have a potential pool of 39 million Medicare beneficiaries. All seniors will receive some premium support assistance on a sliding scale: 100 percent for those with incomes under 150 percent of the poverty level and under, and then it phases out to 175 percent and above to 25 percent, so at least at a minimum 25 percent premium support, and 100 percent for those under 50 percent of poverty level.

Individuals will pay for the copayments and the deductibles. The policies will be the threshold standard developed by the board, which will include consumers and State representatives, insurance representatives, commissioners, designed with the seniors' needs in mind. There will be a number of choices based on the need and based on encouraging competition among a number of insurance companies across America because of the size of the pool.

The question people ask the most about our plan is, Are you changing seniors' current Medicare program? No. SPICE will not be a part of Medicare. What is more, it is completely optional. Best of all, we pay for it with a reasonable and reliable funding mechanism that would not in any way affect the solvency of Medicare or dip into Social Security surpluses, which is a key issue, both on the Social Security and Medicare question.

Senator WYDEN and I, as members of the Budget Committee, last March offered an amendment to the budget resolution. At that time we had an amendment that allowed for the use of surpluses for the financing of a prescription drug program, predicated on the Senate Finance Committee and the House Ways and Means, to report out a Medicare reform package. This seemed a great way to create an incentive for Medicare reform and also a way of financing a prescription drug program, given that we will have projected surpluses of a trillion dollars over the next 10 years.

But in the event we don't have a reform package—and I hope we do work on it because it is critically important and we should not be deferring this issue, but given the fact that we might not, and given the precarious state of the projected surpluses, Senator WYDEN and I decided to offer another alternative of financing a prescription drug program when the budget came up.

We offered an amendment based on the President's proposal to increase the tobacco tax by 55 cents and also accelerate the scheduled tax increase of 15 cents on tobacco. Even though we were defeated on a budgetary point of order that required 60 votes, we got 54 votes. We had a majority of support for financing a prescription drug program through tobacco tax revenues. It makes good policy sense. Columbia University did a study in 1995, and it showed, in that year alone, smoking-related illnesses cost the Medicare program $25 billion or 14 percent of the total expenditures of the Medicare program. There is no reason whatsoever to think those costs have diminished at all. So we think this is a reasonable, logical way to finance a prescription drug program.

People may have differences and say: We don't want to raise any kind of tax, even if it is a tobacco tax. But I urge my colleagues that there are other alternatives. We have to have funding. It isn't responsible to introduce a prescription drug program and have no financing mechanism. What we don't want to do with the SPICE program is to add layers of bureaucracy. We are minimizing bureaucracy by creating a board that will maximize oversight. But HCFA will not be presenting this program. We will not affect current Medicare benefits, and we won't be affecting the solvency of the program.

I urge the Members of the Senate to give careful consideration to the legislation we are offering. It is critically important. We have the luxury, so to speak, of deferring issues, but our seniors in this country—certainly in the State of Maine—don't have the luxury of deferring their well-being. A third of Medicare enrollees have nothing, not to mention the patchwork quilt involved in the coverage for all the other seniors.

Now, if you think it is acceptable for 15 million enrollees in the Medicare program not to have any coverage whatsoever, then fine. But if you are truly concerned about the fact that 15 million Americans have nothing, then I urge you to consider this legislation.

Some of our opponents have said, well, the lack of prescription drug coverage isn't a crisis; it is a mirage. They label our bill, and other bills for prescription drug coverage, a "solution in search of a problem." They use words such as "misguided," "regressive," "unnecessary," and "fictitious." They say our claims about seniors having to choose between drug coverage and filling their cupboards are simply not true.

Ask the seniors in my State and all across this country who have written to us and said they are cutting their pills in half, or cutting dosages, or skipping dosages, and not simply filling prescriptions when they get them from the doctor because they are unable to pay for them. That is the bottom line. It will be a big surprise to older Americans if you say it is not a problem.

Mr. President, I yield to my colleague, Senator WYDEN from Oregon, 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it has been a pleasure to listen to my colleague from Maine. I think she has said it superbly. It has been a pleasure to be working with her over the last few months. The reality is that nothing important in the Congress gets done unless it is bipartisan. It is just that simple.

What Senator SNOWE and I have said repeatedly is that we want to get beyond some of the squabbling that goes on in Washington, DC, and really come together as a Congress, across the political aisle, and get prescription drug coverage added to the Medicare program.

I think it is especially important now to hear from the Nation's senior citizens. For the last few months, we have been hearing from all of these beltway experts. Some of them, as Senator SNOWE mentioned, have actually said seniors don't need these benefits. They say, well, this isn't a very serious problem, in spite of the fact that we have more than 20 percent of the Nation's elderly spending $1,000 a year out of pocket on their prescription medicine. We have some of these self-styled experts in Washington, DC, going to conferences and programs and saying seniors really don't need this coverage.

So what we want to do is take this debate about prescription drug coverage and the need to assist seniors out of the beltway, get it out beyond Washington, DC, and start hearing from seniors and their families.

Maybe some of these experts have good coverage and that is why they don't think it is important to cover the needs of seniors. Maybe they are not talking to their parents. But I can tell you, the seniors who come out to town meetings in Maine and Oregon are saying they can't afford prescription medicine and, very often, they will leave an order that has been phoned in by their physician at a pharmacy because they can't afford to pick it up. They are told to take three pills as part of their program to recover, but they start off taking two; they can't afford that; and then they take one; and eventually they get much sicker and end up needing much more expensive care.

So we want to make sure in the days ahead, in our effort to pass a bipartisan prescription drug bill, that the Senate and the Congress hear from the Nation's older people. We would like to say today that we hope senior citizens and their families across this country who want to see the Congress pass a bipartisan bill to add prescription drug coverage—we hope those seniors and their families, just as this chart next to me indicates, will send copies of their bills to their Senator and their Member of Congress.

Right next to me is a chart showing how simple it is for seniors and their families to make sure their voices aren't drowned out by some of these experts saying we don't need prescription drug coverage as part of Medicare. Just as this chart shows, a simple note to a Member of Congress, a Member of this body, can help us forge a bipartisan coalition and actually get this done. We hope when we hear from seniors and their families, they will support the SPICE legislation. But what is really important is that the Congress hear from those older people and their families.

We think ours is a good bill. For example, under our legislation, seniors will have the bargaining power and the clout in the marketplace the way the big health maintenance organizations have, so we can keep the costs of prescription drugs down.

A lot of our colleagues, both in the Senate and in the House, are touting studies about how seniors spend a lot more when they walk into a pharmacy for their prescription drugs than would a big buyer such as a health maintenance organization. That is true. Seniors get hit by a double whammy: They can't afford prescription drug coverage. Yet when they walk into a pharmacy, they subsidize those big buyers, the purchasers through a health maintenance organization who get a discount.

Well, Senator SNOWE and I think that if a health plan is good enough for Members of Congress and their families and that health plan uses marketplace forces to hold costs down, let's use a model such as that to serve the needs of older people. We are not reinventing the wheel. We are not having the Federal Government take over health care. We are using a system that Members of Congress and their families know well, a system that ensures that seniors will be in a position to hold down the costs of their medicine as well as be able to obtain coverage.

I am very pleased to have a chance to work with Senator SNOWE and to spend a few minutes discussing issues with her. I think the big challenge is to get this issue out of the beltway and to work in a bipartisan fashion. Senator SNOWE and I have been trying to do that in the Budget Committee. There are some who want to make this a political issue for the 2000 campaign. We are not naive. We recognize that.

Certainly if there were no good ideas to tackle this problem, it would be an issue that would come up in the campaign. However, Senator SNOWE and I think because more than half of the Senate has already voted for the funding plan that we propose, because we are relying on a model we know works for Members of Congress and their families, we shouldn't wait another 2 years for another election to act. We think the time to act is now.

I will address my colleague by way of saying, Senator, what strikes me as missing is the voice of seniors and their families. We have heard from all the experts in Washington, DC. What has been missing is the voices of seniors and their families. I want them to start sending in their bills and telling Members what they think about the crushing costs of prescription medicine.

Perhaps the Senator could comment.

Ms. SNOWE. Will the Senator yield?

Mr. WYDEN. I am happy to yield to the Senator.

Ms. SNOWE. Mr. President, I commend Senator WYDEN for his idea on having seniors in this country send their prescription drug bills to the Members of the Senate and to their Representatives. It is absolutely critical for people to understand the significance of this issue in the daily lives of our seniors.

Doesn't the Senator find it somewhat remarkable there are some in Washington saying there is no crisis among our Nation's seniors when it comes to prescription drug coverage, that this is a fictitious problem? My seniors are telling me: We cannot afford to pay for our prescription drug bills.

I met with a senior recently who said she is reducing the number of pills she takes every day because she cannot afford to fill the entire prescription. So she tries to make it last longer. That is a real story. It is happening all across America.

I find it somewhat amazing people are suggesting it is not a problem. On average, the seniors will spend $642 a year on drugs. That is on average. Prescription drug access in America, for most seniors, is out of reach. I think we have to impress upon Members of this body, Congress, and the President, this is an issue we all need to come together on, to work out now, not 2 years from now.

People say: After the election. The election is a year from November. Then it will be another year, at the minimum, before we can get anything passed. That is 2 years.

The American seniors cannot defer their health, their well-being. In many instances, it is the difference between life and death. Much sicker seniors are being discharged from hospitals today than ever before. That is why prescription medication becomes all the more compelling and urgent in helping our seniors.

Mr. WYDEN. We know new prescriptions are right on the forefront of preventive medicine. What is exciting about the new medicines is they help to lower blood pressure and they can be helpful in dealing with a wide variety of health concerns, including cholesterol and other problems seniors have.

Could the Senator tell Members a little bit about how the model SPICE benefit was devised? It seems to me the Senator is trying to focus on wellness, holding costs down, and making prescriptions affordable.

Ms. SNOWE. The Senator raises an important question about the choices that would be available to seniors by creating this board. We look at the needs of seniors. What are the prescription drugs seniors most use? What is most available? What is out there already for insurance coverage? Where are the gaps? This board will have the ability to devise a number of plans across the board and make it available to seniors. Then they can make decisions as to whether or not that plan is tailored to their needs, similar to what Members of Congress get.

Members of Congress can avail themselves to an array of plans that provide for prescription drug coverage. The seniors in America should have the same choices. We want them to have choices and to avail themselves, as Senator WYDEN indicated, to the state-of-the-art, advanced developments in prescription drugs and medications.

We did not rely on Government programs, a big bureaucracy of price controls in order to achieve prescription drug coverage because there are bills out there in the House and the Senate that will either control the price of drugs or create a huge Government bureaucracy or impinge on the Medicare Program that already has significant financial problems.

Could the Senator tell Members how our bill will help seniors without relying on Government price controls but at the same time giving them the ability to have access to the most advanced prescription drug coverage in America?

Mr. WYDEN. I appreciate my colleague's question. We use marketplace forces. We use a dose of free enterprise, how our Federal employee health plan works.

What troubles me is a lot of those other bills focus on an approach of Government purchasing the medicine, but that will shift the costs onto a lot of other people.

I am very fearful that under some of those approaches, particularly the ones in the House, because Medicare essentially would control prices, they will shift the costs. What will happen is an African American woman who is 27, maybe single with a couple of children, will end up with a higher prescription drug bill because that person will end up seeing the costs shifted when prices are controlled just for the Medicare Program.

I think we ought to use marketplace forces, competitive principles. That is what our legislation does. It will prevent cost shifting and help to hold down costs for all Americans.

I yield the floor.

Ms. SNOWE. Mr. President, I compliment my colleague, Senator WYDEN, for the comments he made. It is critically important to understand the differences in our approach as compared to others for controlling the price of drugs which will have an impact on the developments that have occurred in prescription drugs in America.

Most importantly, Senator WYDEN and I have come together on an approach we think is reasonable both from a fiscal standpoint as well as from a policy standpoint. We are allowing competition; we are allowing choice. We don't create a bureaucracy; we don't affect Medicare. We provide a financing mechanism.

It truly is a reasonable solution to a crisis that is facing America's seniors. I encourage my colleagues to take a very close look at this bipartisan proposal, the only one that has been introduced in the Senate, to talk to Members to see if we can come together so we can address this issue this year in this Congress.

I yield the floor.

* * *

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona is now recognized. The Chair will note the time allocated to the Senator from Arizona was to expire at 11 o'clock. The additional time has been taken by unanimous consent that has almost brought us to that time.

Mr. KYL. Mr. President, I ask unanimous consent to complete a statement, which is about 5 minutes.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator is granted 5 minutes. Is there objection?

Mr. BRYAN. May I ask my colleague to yield for a unanimous consent request?

Mr. KYL. Certainly.

Mr. BRYAN. The Senator from Nevada asks unanimous consent that following Senator KYL and following Senator ROBERTS, the Senator from Nevada have 20 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes. Following the Senator from Arizona, the Senator from Kansas will be recognized for 15 minutes. Following that, the Senator from Nevada will be recognized for 20 minutes.

The Senator from Arizona.

* * *

JUSTICE SANDRA DAY O'CONNOR

Mr. KYL. Mr. President, Sandra Day O'Connor was born on March 26, 1930, the first of three children of Harry A. Day and Ada Mae Wilkey Day. After attending secondary school in El Paso, she pursued her undergraduate education at Stanford University.

Justice O'Connor initially studied economics at Stanford with the ultimate goal of running her family ranch. She was uninterested in the law until she took a business law class her junior year. She fell in love with law. Justice O'Connor enrolled in Stanford law school, and was able to graduate with her undergraduate and law degrees in 6 years. She excelled in law school, becoming a member of the Stanford Law Review's board of editors and graduating third in her class. While in Stanford Law School, she met her future husband, John Jay O'Connor III, as well as future Chief Justice William Rehnquist.

Upon graduating, the only job offer she received was for a position as a legal secretary. Unable as a female attorney to find employment with a private firm, she became a deputy county attorney in California. Soon after, her husband joined the Judge Advocate General's office for the U.S. Army and was stationed in Germany. Justice O'Connor joined her husband oversees as a civilian lawyer for the Quartermaster Corps.

The young couple returned to the United States in 1957, settling in Phoenix, Arizona. Within 6 years, the O'Connor's had three sons: Scott, Brian, and Jay. In 1958, after the birth of her first child, Justice O'Connor and a friend started their own law firm. Two years later, after the birth of her second child, Justice O'Connor became a full-time mother and immersed herself in volunteer work. She was a volunteer juvenile-court referee, chair of a juvenile home visiting board, and she organized a lawyer-referral service. In 1965, she returned to public service as an assistant state attorney general for Arizona.

In 1969, Justice O'Connor was appointed to a vacated seat in the Arizona Senate by the County Board of Supervisors. She won reelection to the Senate for two successive terms. Not surprisingly, she excelled as a state senator, and in 1972 she was elected majority leader. As would become standard for her, she was the first woman to hold such a senior legislative office anywhere in the United States.

In 1974, Justice O'Connor was elected to the Maricopa County Superior Court, where she served for 5 years. She was later encouraged to run for Governor, but declined. In 1979, Governor Bruce Babbitt's first appointee to the Arizona Court of Appeals was Sandra Day O'Connor.

On August 19, 1981, President Reagan nominated Justice O'Connor to become the 102nd Supreme Court Justice, replacing the retiring Justice Potter Stewart. She was the first woman nominee to the Supreme Court. She was confirmed by a vote of 99 to 0, and took the oath of office on September 25, 1981.

Justice O'Connor's tenure on the Court has been marked by her defense of states' rights, equal protection, and religious liberty. Justice O'Connor is known as a restrained jurist, a strong supporter of federalism, and a cautious interpreter of the Constitution.

She has been described not only as committed and intense, but also as warm and down-to-earth, and a loving mother and grandmother.

Last Wednesday, September 22nd was the 18th anniversary of their confirmation as Justice of the United States Supreme Court, and last Saturday was the 18th anniversary of the day she took the oath of office. To honor her service to this nation and to the law, Senator McCAIN and I have introduced a bill to name the new Phoenix courthouse in her honor as the "Sandra Day O'Connor United States Courthouse."

Obviously Justice O'Connor, being extremely modest, has repeatedly declined my overtures to have the courthouse named after her. However, in the face of my continued campaign and my obvious determination to see that she is given the recognition she has earned—and because the timeline of the courthouse's construction and dedication next spring require immediate action on the Senate's schedule—the Justice finally relented and allowed me to go forward with this legislation.

Justice O'Connor's place in history is set: she has been a trailblazer for women in the law—rising to the top in every area in which she has worked. Justice O'Connor is one of the most important jurists in our nation's history, It is fitting that a beautiful, yet very functional new Federal courthouse in Phoenix, Arizona, be dedicated in her honor.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from Kansas for 15 minutes.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2605

Mr. ROBERTS. Mr. President, I ask unanimous consent that following Senator BRYAN's remarks, the Senate then proceed to consideration of the conference report to accompany H.R. 2605, the energy and water appropriations bill. I further ask consent that reading of the report be waived and there then be 1 hour of debate equally divided between the chairman and ranking member.

I finally ask consent that at 2:15 today the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

USDA'S APPROACH TO EMERGENCY FARM LEGISLATION

Mr. ROBERTS. Mr. President, I rise today to read a statement I am sending to Secretary of Agriculture Dan Glickman regarding USDA's approach to emergency farm legislation. The letter goes like this:

"Dear Mr. Secretary"—Dear Dan, we are personal friends—

We all agree that we need to get the emergency agriculture bill out of conference, passed and get the assistance to our farmers as fast as possible. In this regard, I am concerned with recent comments you have made regarding how these payments should be funded and made available to farmers. Instead of using the current Agriculture Marketing Transition Act—[and the acronym for that is AMTA—instead of using that] payment system that farmers and their lenders were promised and banked on several months ago, you and others within the Administration have recommended alternative payment plans.

In your September 15 testimony before the House Agriculture Committee, you said:

"There is an immediate need to provide cash assistance to mitigate low prices, falling incomes, and in some areas, falling land values."

But then you said:

"Congress should enact a new program to target assistance to farmers of 1999 crops suffering from low prices. The Administration believes the income assistance must address the shortcomings of the farm bill by providing counter-cyclical assistance. The income assistance should compensate for today's low prices and therefore they should be paid according to this year's actual production of the major field crops, including oilseeds."

[Mr. Secretary—] Dan, I know the Administration, the Farmer's Union and some Democrats in the Congress want to change the farm bill in the emergency legislation. And I know some of the budget [folks, I call them] "wonks" in the Office of Management and Budget—[I do not mean to perjure their intent, what they do, but they are] sending mixed signals and I know the politics of the issue. [There has been a lot of that.] Nevertheless, I urge you to reconsider for the following reasons:

First: The very farmers who need the assistance [and who would receive the assistance] oppose this plan.

The commodity organizations representing producers of soybeans, wheat, corn, cotton, grain sorghum, sunflowers, canola and rice and the American Farm Bureau—the very farmers you stressed in your statement—strongly disagree with your philosophy and proposal. In a letter to the chairman of the Senate Appropriations Committee, Senator Ted Stevens, they said and I quote:

"We strongly disagree with that [and I am saying] (your) philosophy. The current economic distress is party a result of the unfulfilled promises of expanded export markets, reduced regulations and tax reform that were part of the promises made during deliberation of the 1996 farm bill. The costs of these unfulfilled promises fall upon those people who were participating in farm programs at that time.

[They go on to say, and I am quoting:

"The current AMTA payment process is in place and can deliver payments quickly. The administration costs of developing an alternative method of payments would be very high and eat into funds that should go to farmers. Given the 7½ months it took the Department to issue weather disaster aid last year, we are unwilling to risk that producers might have to wait that long for development and implementation of a new farm program and disaster aid formula. Time is also critical for suppliers of goods and services to producers. They need payments for supplies now to stay in business, not just promises that something will happen in the future.

"Supplemental AMTA payments provide income to producers of corn, wheat, cotton, rice, barley and grain sorghum."

Again, these are the very organizations, the commodity groups that represent the producers, that would receive the assistance. They go on to say:

"Soybean producers will receive separate payments under the Senate language. Crop cash receipts for these producers in 1999 will be down over 20 percent from the 1995–97 yearly average. Producers who have smaller than normal crops due to weather problems will receive normal payment levels. This is better than using the loan deficiency payment program which are directly tied to this year's production."

Finally they say:

"We urge you to retain the $5.5 billion in supplemental AMTA payments as the method of distribution for farm economy aid in the agriculture appropriations conference agreement. Any alternative would certainly take additional time to provide assistance to producers—time which we cannot afford."

My second reason for opposing these alternative plans:

Changing the payment plan will mean farmers will not receive their payments until next year.

The term you used, Mr. Secretary, in your statement regarding the emergency payments was "immediate." The difference between using the AMTA payment system—

That is the current one—

and the several alternative methods you have suggested is: Three weeks or 3 months. Or this year or next.

Last week, Farm Service Agency official Parks Shackelford said: "All the king's horses and all the king's men could not get the payments made as quickly as Congress desires."

Well, Dan, last year the USDA was able to distribute payments through the AMTA system in less than 3 weeks after passage of the legislation by Congress. They began on November 3, the date of the election, by the way, and farmers received their payments before Thanksgiving.

Last year, in delivering disaster assistance, through a formula developed by the Department, it took 7½ months to receive these payments.

I say to the Secretary with no disrespect:

Dan, you are the "king" and you have the horses, just do it.

Third: No specific or formal plan has been presented and in terms of the actual farming practices, the criticism, in my view, just doesn't add up.

Staff on both the authorizing and the appropriations committees tell me no formal plan for an alternative distribution plan has been developed or submitted. What has been developed and submitted, however, is repeated criticism of current policy.

That has been ongoing for sometime, not only at the Department, not only by one major farm organization, but certainly on the floor of the Senate and the House, for that matter.

However, these comments show either naivete from people who do not understand the current legislation or worse, that the Department is breaking the law.

In recent weeks, the USDA and Office of Management and Budget officials have criticized plans to distribute income assistance through the AMTA system.

Their first complaint was, "Payments actually go to people who planted no crops."

I respectfully ask are producers who lost their crops due to hail, disease, drought, or flooding in better financial condition than those producers who had crops to harvest in 1999? Yes, our farmers can receive AMTA payments without planting a crop. That is part of the flexibility of the farm bill. But you and I know, Mr. Secretary, they must plant a cover crop for conservation requirements, and you and I also know that farmers have shifted the crops they plant and the current price crisis affects all crops. I know of no farmers who have quit planting altogether.

Farmers don't do that.

Last Friday, you said these payments are being made on many acres that are no longer planted to crops but rather have been switched over to pasture and to grassland. If that is the case, certainly hard hit livestock producers will also benefit from the AMTA payments. But more to the point, you, some in the Department and many of our friends across the aisle have urged production and/or acreage controls because farmers have allegedly planted "fence row to fence row" under the 1996 farm bill. The dramatic changes in production figures on major crops you cited arguing the administration's new payment distribution proposal clearly shows the large grain surpluses did not come from U.S. farmers. However, the current AMTA payment plan is, in fact, a paid diversion if the farmer wishes to make that decision.

Those who propose acreage or production controls should embrace AMTA payments in that it affords farmers the opportunity to be paid for shifting to other crops or putting the ground into good conservation practices. They won't, of course, because the controls are not mandatory and did not simply come out of Washington.

The second complaint we have heard is, "Payments are being made to those who share no risk in farm production," or the landlords.

Dan, if they are, both the USDA and the recipient are simply breaking the law. The 1996 farm bill clearly states that payments can be made only to those who "assume part or all of the risk of producing a crop." If payments are indeed being made to those who share no risk in production, it is a clear violation of the law and disciplinary action should be taken for any official approving payments in an illegal manner.

The third complaint was, "The income assistance component must address the shortcomings of the farm bill by providing countercyclical assistance."

I am not going to go into a detailed description of a portion of the farm bill that we call the Loan Deficiency Payment Program—

And the acronym for that is LDPs—

but what on Earth is the loan deficiency payment if it is not countercyclical? As a matter of fact, your own Department estimated last week that at least $5.6 billion in loan deficiency payments will be going out to farmers this year because prices are low and the lower prices are, the higher the LDP payments—

i.e., they are countercyclical—

even to the point of exempting them from payment limitations.

That is how much money is going out under the LDP Program.

How can you get more safety net countercyclical than that?

Fourth: The alternative plans that you have proposed—

And there have been several of them—

have problems in regard to how they would work.

While no formal alternative plan has been submitted—

And I emphasize the word "formal" and specific—

you have indicated such a plan would base payments off of a State average yield or off of a 5-year production average that farmers would have to prove.

On one hand, you are telling farmers their payment will be based on "actual production yields" while on the other you state you intend to use the 1999 State averages or 5-year average yields. We both know that widespread discrepancies can occur in yields from one region of a State to another. We do not need western Kansas versus eastern Kansas arguments in regard to equity or similar arguments with any State or region throughout the country.

Fifth: Our farmers, and their lenders, will not know the amount of payment not to mention when they will receive it.

Any change in the AMTA distribution payments also changes what farmers and their lenders are promised and they banked on several months ago when we passed the bill in the Senate. We should use the current AMTA system where the producers and the lenders know exactly what their payments will be.

Finally, Dan, as we have discussed, no farm bill is set in stone and none is perfect by any means.

Certainly the current bill fits that description.

That debate is and should be taking place but not on an emergency bill. It has been 6 months now since you requested an emergency bill. To date, I still don't know the administration's budget position, and I have not seen a specific plan. Some within OMB tell the appropriators they want less lost income payments and more disaster and others just the opposite.

Summing up, with all due respect, Mr. Secretary, your proposal:

1. Is opposed by the very farmers who will receive emergency assistance.
2. Will delay the payments until next year.
3. Is based upon comments from those who apparently do not understand the legislation (and, I might add, not to mention farming) or if their comments are true, mean the USDA is breaking the law.
4. Has yet to be formally presented to staff and involves serious distribution and equity problems.
5. Breaks the commitment made to farmers and lenders when the Senate passed the emergency bill months ago.

With all due respect, Mr. Secretary, I don't think we should be in the business of changing horses after the stage left.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

LOWERING THE RADIATION PROTECTION STANDARD

Mr. BRYAN. Mr. President, in what has become one of the more unpleasant annual rituals here in the Senate, the majority leader has once again put the Senate on notice that we may soon consider legislation related to the disposal of high-level nuclear waste at the Yucca Mountain site in Nevada.

Since the Senate last considered this subject, the sponsors of this legislation have realized that the Senators from Nevada, and the Clinton administration, will never yield to the outrageous and dangerous—in my view very dangerous—demands of the nuclear power industry.

This year, it appears that the industry and its advocates here in the Senate have finally conceded defeat, and dropped their misguided attempts to require "interim" storage of high-level nuclear waste in Nevada.

We have been fighting the "interim" storage proposal since 1995, and its demise is a major victory not only for Nevadans, but for millions of other citizens, and taxpayers across the country.

Some of what remains in the current nuclear waste proposal, S: 1287, is reasonable.

In particular, I have long supported providing financial relief to utilities, and their ratepayers, who are financially damaged by the Federal Government's failure to begin removing waste from reactor sites in 1998.

Under the leadership of Secretary Richardson, the administration has offered to work with the utilities to provide such financial relief, and several of the provisions of this legislation are intended to give the Secretary the legal authority he needs to carry out this proposal.

If financial relief for the utilities was all we were talking about, I believe we could pass a bill today.

Other provisions of the bill, will, I expect, continue to draw a veto threat from the White House.

Should the Senate actually attempt to move to the bill in the coming months, I will have a lot more to say about the unsafe and irresponsible changes this legislation would make to the Federal high-level waste program, but today I want to focus briefly on one particular provision that in my view is threatening and dangerous and that is the attempt to lower the radiation protection standard to be applied to a potential repository site at Yucca Mountain.

The starting point for any fair evaluation of a potential repository is a fair and protective radiation release standard.

Since it is against this standard that the predicted performance of a repository is measured, the health and safety of the public depend on a strict and comprehensive standard.

The legislation reported by the Senate Energy Committee, if enacted, would emasculate current law and the Environmental Protection Agency's effort to establish a fair Yucca Mountain standard by shifting the responsibility for setting the standard to the NRC, the Nuclear Regulatory Commission, and establish, by legislative fiat, a standard far less protective of the public and the environment.

Since its creation by President Nixon nearly 3 decades ago, the Environmental Protection Agency has been the Federal agency charged with developing radiation release standards.

The EPA was created for a sound reason, which still holds true today: to consolidate the Federal Government's effort to protect the environment in one Federal agency.

As the lead Federal Agency for environmental protection, the EPA has, for many years, set standards for a wide variety of pollutants, including radiation, to be applied by a wide variety of Federal agencies and regulatory bodies.

In addition to its general authority to set radiation standards, the EPA was specifically charged, by statute, with setting standards for high-level waste disposal by the original Nuclear Waste Policy Act of 1982.

Under the Nuclear Waste Policy Act, the EPA is charged with setting the standard, the NRC is charged with implementing the standard, and the DOE is charged with characterizing and building a repository.

When the Nuclear Waste Policy Act was amended in 1987, numerous changes were made, but the EPA's role as the standard setting agency was left untouched.

In 1992, the Nuclear Waste Policy Act was amended once again, and over my objections, this time the statute relating to the standard was changed.

In an effort by the nuclear power industry to influence the outcome of the EPA's work, the National Academy of Sciences was instructed to make recommendations to the EPA regarding the standard, and the EPA standard was required to be consistent with the NAS recommendations.

In 1992, Congress nevertheless was still unwilling to set the dangerous precedent of taking the standard setting authority away from the EPA.

To the disappointment of the nuclear industry and its supporters, however, this attempt in 1992 to have legislative changes to modify the law in an attempt to prejudice the EPA's work backfired—the industry was unhappy with the NAS's 1995 study, and renewed its effort to jerryrig a legislative standard that gutted the EPA provisions in the original Nuclear Waste Policy Act.

Recently, after years of work, and numerous delays, the EPA issued a proposed radiation release standard for Yucca Mountain.

The EPA is currently accepting comments on the proposed standard, and will continue to work with all parties interested in developing a final standard in the next few years.

But supporters of the industry's efforts to target nuclear waste for Nevada do not want a fair standard. They want a standard so low that Yucca Mountain, or any other site, simply could not fail.

The industry wants a standard that will provide a path around the many failings of the site, irrespective of the effects on public health and safety.

Although the radiation release standards are technical in nature, and quite complicated, the major issues of contention between the EPA, the NRC, and industry, however, are not.

First, what is the maximum increase in exposure to radiation Nevadans should be expected to bear due to the operation of the repository? And the second question is, should we protect a major aquifer that lies underneath the proposed repository site?

On the first subject—the level of protection—the report prepared by the National Academy of Sciences provides some helpful guidance.

This exhibit, as reflected in the chart, reflects that range. The white brackets here indicate the standard range from 2 to 20. The NRC standard, as one can see, in S. 1287, the current legislation, is far beyond the parameters of what the NAS, the National Academy of Sciences, has recommended. The EPA standard, on the other hand, set at 15 millirems, is well within those standards. So that is consistent with what the 1992 legislative changes mandated.

The exposure levels suggested by the NAS and the EPA were not simply plucked out of thin air. Both agencies relied heavily on similar standards established in the United States and by other countries. As this chart indicates, again, at the top is S. 1287, 30 millirems, which is far beyond the standard of most other countries; EPA at 15, the United Kingdom at 2; Switzerland, Sweden, Norway, Iceland, Denmark, and Finland at 10.

Once again, the EPA standard lies well within the midrange of standard practices around the world, while the standard included in S. 1287, as I indicated, lies at the extreme upper end of the range of existing practice.

More technical, but just as important, is the issue of what population the standard is measured against.

For the EPA proposal, the standard will be applied to the group of people most likely to be harmed—using reasonable assumptions regarding distance from the repository, and average eating and other personal habits, the EPA standard protects the "maximally exposed individual." S. 1287 would apply the standard to an "average" member of what could be a very large group of individuals—leading to the possibility of very large exposures to members of the group who are at greater than "average" risk from the repository.

Proponents of gutting the radiation release standard, and of taking the EPA out of the process, claim that Nevadan's concerns are meaningless, and that natural variations in background radiation between regions render our concerns with an increased millirems a year meaningless.

That argument shows a blatant disregard for the health and safety of the people of Nevada.

We all live with whatever background radiation we may be exposed to; there is nothing we can do about that.

What we can do, as a matter of sound public health policy, is limit the amount of radiation exposure we add to background from manmade sources.

An ordinary chest x-ray—something we all subject ourselves to when necessary, but certainly don't consider a desirable event to occur on a regular basis—results in an exposure of about 5 millirems.

Under the legislation reported by the Energy Committee, Nevadans would be subjected to the equivalent of at least 6 additional, and unnecessary, chest x-rays each and every year.

We don't really know what the full health related effects of this type of exposure can result in, but I doubt that any member of the Senate would volunteer to subject his or her state, or family, to that type of risk.

Even under the EPA's proposed standard, individuals could expect to be subjected to future exposures equivalent to three chest x-rays a year—a proposal which, while more suitable than the alternatives offered by the nuclear power industry over the years, provides little comfort to Nevadans.

The second major issue which has raised such outrage by the nuclear power industry, the NRC, and their supporters here in Congress is the EPA's insistence upon requiring compliance with a separate groundwater standard.

Under the EPA's proposed standard, the repository would need to be in compliance with the goals of the Safe Drinking Water Act, which, in effect, limits radiological contamination of the groundwater to 4 mrems.

The proposed Yucca Mountain site lies over a major, if largely untapped, aquifer.

Water from the aquifer is currently a source of drinking water for several small communities in the vicinity of Yucca Mountain; it could, in the future, provide a drinking water source for several hundred thousand people.

While it is clearly not now a cost-effective source of drinking water on a large scale, it is incomprehensible to someone from the desert Southwest to intentionally contaminate such a large potential source of drinking water.

The EPA has been charged with protecting our nation's drinking water sources, and it takes that responsibility very seriously.

It has established standards to protect drinking water sources in a wide variety of regulatory programs, including those related to hazardous-waste disposal, municipal-waste disposal, underground injection control, generic spent nuclear fuel, high level waste, and transuranic radioactive waste disposal, and uranium mill tailings disposal.

All of these, and other, EPA standards and programs work together to protect groundwater resources throughout the nation, and the Yucca Mountain standard is merely another piece of this important regulatory framework.

The bottom line is simple: the groundwater under Yucca Mountain needs to be protected.

The standard proposed earlier this year by the NRC, and the standard included in S. 1287, encourage the intentional contamination of a potentially important aquifer running under the proposed repository site.

The EPA is duty bound to protect this aquifer, and has done so in its proposed standard.

It would be unconscionable for Congress to step in and reverse course on what has been a nearly 30 year effort by the EPA, and numerous other federal, state, and local governmental agencies, to protect and preserve our valuable natural resources.

While the Yucca Mountain standard is controversial, this is not the first time the federal government has gone through the exercise of setting radiation release standards.

Most recently, the EPA established standards for the Waste Isolation Pilot Project in New Mexico.

Like the proposed Yucca Mountain standard, the EPA's WIPP standard provides a maximum exposure of 15 millirems/year, and includes a separate 4 millirems groundwater standard.

It is not unreasonable for Nevadans to expect the same level of protection offered the citizens of New Mexico—and that is exactly what the EPA has proposed.

Fair treatment of Nevadans, of course, is not something that appears on the nuclear power industry's list of priorities.

Unfortunately for Nevadans, the nuclear power industry does not care much about the justification behind the EPA proposed standard.

For the industry and its supporters, the EPA is nothing more than an impediment to their ultimate plan to ship high-level nuclear waste to Nevada, no matter what the cost.

For the nuclear power industry, the test of whether or not a standard will be acceptable is not how protective it may be of the public health and safety, it is whether or not it allows a repository to be licensed.

Instead of focusing its attention on whether or not the Yucca Mountain site can meet a fair radiation release standard, the nuclear power industry is attempting to rig the standard to comport to what is being found at Yucca Mountain.

This cynical approach to public health and safety has led the industry along a strategy that seeks to undo decades of federal environmental protection policy, and to ask Congress to establish a very dangerous precedent of "forum shopping" for environmental protection standards and regulation.

Mr. President, Nevadans have the most at stake with the development of the Yucca Mountain standard.

The health and safety of future generations of Nevadans depend on a fair, protective standard.

There are, however, broader issues at stake here as well.

The integrity of our system of federal environmental protection is at risk.

The fundamental reason the EPA was created was to consolidate and coordinate federal environmental protection in a single agency.

Reassigning important standard setting authority to a more sympathetic agency on the whim of a particular industry could well mark the unraveling of decades of progress in protecting our environment.

Should the nuclear power industry have its way with Congress, and succeed in its efforts to undermine the EPA's long standing authority to set standards, who is next? Should we start down a path of returning to the days before 1970, when environmental protection was a hit or miss proposition for the federal government, leading to events such as 1969 fire near Cleveland, where sparks from a passing train actually ignited the polluted Cuyahoga river? I hope not.

Some in Congress continue to claim that Nevadans' concerns are foolish, that the shipment and burial of 80,000 metric tons of high-level nuclear waste are nothing to worry about.

Anyone subscribing to that line of reasoning should talk to some of the downwinders suffering genetic and cancer effects from our atmospheric nuclear testing; or the thousands of children suffering thyroid and other problems due to the 1986 Chernyobl accident; or the thousands of DOE workers at the Gaseous Diffusion Plant in Paducah, Kentucky, now agonizing over the effects of 40 years of mismanagement and coverup.

As Secretary Richardson has said about the situation in Paducah "we weren't always straight with them in the past.".

Mr. President, the Senate has plenty of work to do this fall.

Only one Appropriations bill has been signed into law, and the fiscal year ends this week.

Inportant measures that most of us agree need to pass, such as the Bankruptcy bill, or the FAA reauthorization, sit on the calendar awaiting action.

The nuclear waste bill reported by the Energy Committee is an environmental travesty which stands no chance of being enacted, and I hope the Majority leader will come to the conclusion that we should not waste any more of the Senate's time on this irresponsible special interest legislation.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000, which the clerk will report.

The legislative assistant read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided between the chairman and ranking member.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the Senator from Nevada, my ranking member, does he have any time problems that would make his schedule better if he went first?

Mr. REID. I have some things to do, as does the chairman, but I think the chairman should go first.

Mr. DOMENICI. I thank the Senator.

We have before us the Energy and Water Development Act, which is the appropriations bill for the year 2000. Last night, the House passed this conference report by a vote of 327–87, and I hope the Senate will also overwhelmingly support this conference report.

Incidentally, while this is a small bill in terms of total dollars in comparison to some of the very large bills, such as Labor-Health and Human Services, and many others, this is a very important bill. A lot of Senators don't know, and a lot of people don't know, that the title of this subcommittee and this bill—energy and water development—is kind of a misnomer because if you wanted to put in the major things that are in this bill that are of significance to America's well-being and security, you would hardly think that an energy and water development bill would have that in it.

But this bill funds the entire research, development, maintenance, and safety of the nuclear weapons of the United States. It funds the three major National Laboratories which are frequently called America's treasures of science. One is in Los Alamos, NM. The history of why it got started is well known and why it was selected to be up on that mountain. A sister institution is in California, which is called Lawrence Livermore, and there is an engineering facility that is different from those two. The other two labs are used to design and develop the weapons themselves; that is, the bombs.

Incidentally, we are not building any new bombs now. People keep challenging us when we put money in this bill, asking us how many weapons we are building. The argument is that Russia keeps building them and we are not building them. We are not terribly frightened about that. They build them differently, and they have a different philosophy about how to build them than we do.

These National Laboratories are engaged in the mission of maintaining these nuclear weapons indefinitely, without underground testing. For all of the history of the building and development of nuclear weapons, the State of Nevada could be added as the fourth site that was of significance for America to keep its weapons of a nuclear nature safe, sound, reliable, and capable of doing what we expect them to do. That is because we tested these weapons underground, in cavernous underground facilities loaded with all kinds of equipment that did measurements, and that was in the great State of Nevada. Now, those are shrunk because we have adopted a policy, sometimes called the Hatfield amendment, by a vote in the Senate, signed by the President, which says we don't do any underground testing.

The question is, If we are not going to do any testing, how do we make sure the weapons are reliable, safe, efficient, and effective? So there is a new concept and these three laboratories, in conjunction with the Nevada underground test site, which does some lesser experiments—not the nuclear blasts—are engaged in trying to prove that our weapons are safe and sound. If parts need to be replaced over time, we are able to know which ones, how, why, and that is called science-based stockpile stewardship—science-based stockpile stewardship—instead of science-based underground testing.

So we have to develop new kinds of activities at these laboratories, and it is about a 5-year venture. This is the sixth year of funding. Maybe this year, we will have put it into the lexicon of programs that America has on the nuclear weapons side, where maybe it will be permanent and accepted.

As we discuss the international treaty prohibiting underground testing, there will be a lot of discussion about whether this approach is adequate over time to let us sign a treaty that we will never do underground testing again. That will be a separate debate, but it will turn, to some extent, on the credibility and reliability of this science-based stockpile stewardship. So I am very pleased we were able to fund that at a very healthy level, and I am pleased that we have been able to get this bill to this point. The House and Senate passed versions of their respective bills and had very different priorities. I am not critical, but for some time I worried whether we simply would be able to reach an agreement because we were so far apart in terms of the amount of funding for this bill and the amount of money for the nuclear weapons side.

However, a very distinguished California legislator who has been in the House a long time is Chairman PACKARD. He chairs the subcommittee in the House. We met 2 weeks ago and dedicated ourselves to a chairmen's recommendation on all items. I will tell you that I have the greatest respect for Chairman PACKARD. He is new at this job, but he is not new at being a legislator. Together, we have overcome differences that, had they occurred between two other chairmen, might have been irreconcilable.

I must acknowledge openly that this subcommittee has a wonderful minority leader in the name of the minority whip for the Democratic Party, Senator REID. Senator HARRY REID understands these issues. He is growing, and if he is not already, he will be a national spokesman when we get off track, and don't worry about maintaining this nuclear stockpile until we have a different world or until we have a different policy about what we are going to do with our nuclear weapons and how many we are going to have, et cetera.

So in the conference report before you, we have recognized that the Senate is as interested in water projects as is the House, and the conference has provided water projects. We all know what those are. They are in every State. They are flood protection projects, Corps of Engineers projects, dams and the like; they are the dredging of the harbors of America to keep them sound and in an appropriate maintenance of depth and the like. We have moved in their direction by increasing the water projects in our bill $415 million over the level proposed in the Senate.

However, as we have done this, we have been very strict about not including newly authorized projects included in the Water Resources Development Act of 1999 or any that might be brought to our attention. Even those that were authorized in that act are so numerous and so expensive that, if we started to give one Senator one piece of that, either Democrat or Republican, or similarly in the House, there would be no end to how many projects we would have to fund.

So we stuck to our guns in that regard and we did not put any of those projects, and we did not put in any unauthorized projects, which I think many people urged us to do over time, and we are pleased to make that announcement. As I indicated, if we tried to add those, we would be overwhelmed and we probably would not be here today.

As we have increased water projects, we decreased funding for some of the accounts the Senate proposed. The weapons activities of the environmental management, science, and energy research accounts have borne a portion of the reduction. I am here to say that we have done quite well, and I believe those programs can continue at a pretty good level, in particular, those centering on science-based stockpile stewardship.

Finally, we had to deal with a number of very onerous, general provisions in the House bill, and I believe those issues have been resolved to our satisfaction. I don't believe, on many of them, there is any concern at this point about the way we wrapped them up, be it on power marketing or on the nuclear weapons or the laboratories. I need to address Secretary Richardson's views.

First of all, I am very pleased the President of the United States has indicated that he will sign the Defense authorization bill. That is the bill that authorizes the entire funding for the military of the United States, which also bears an amendment that will establish within the Department of Energy a new entity, a semiautonomous agency that will be in charge of all the nuclear weapons activity—the most significant reform in perhaps 28 to 30 years in a department that has grown like Topsy and is filled with programs that don't necessarily relate one to another. We will carve out of it a management scheme that will be far more accountable, reliable, and trustworthy than we had before.

Now, obviously, those specifics in that new scheme are not funded precisely, but they are funded in the general sense, and we hope Secretary Richardson and the President will begin quickly to implement that new management scheme so we can show the American people that there is a better way to do it. None of this casts any aspersions on Secretary Richardson. He inherited this department, which has no accountability to speak of, with reference to secret activities. It is very hard to find who is responsible if something goes wrong. In many other respects, it is very dysfunctional in terms of the way it manages things. We have attempted to pursue with vigor some new management projects in terms of major projects.

Secretary Richardson in his press release of last night said we did not do well enough, we deny that $35 million in cybersecurity upgrades. I want to address the situation in two regards. First, in response to the problems at the Department, whether cybersecurity or other problems, Secretary Richardson has taken an oversight approach. That means more independent, internal watchdogs, security czar, a counterintelligence czar.

As many as my colleagues know, more layering at more levels of management, while well intentioned, can have the opposite effect. Making watchdog groups responsible for safety, health, or security removes that from the day-to-day responsibilities of the Department employees.

I want to address cybersecurity in another manner with reference to the specific item the Secretary raised about not funding $35 million in new money. Let me say what we have funded in that regard: Nuclear safety guards and security, $69.1 million, $10 million over the request to protect against physical and cyberintrusions; security investigations, $35 million, $3 million over the request; independent oversight, $5 million to support the new office reporting directly to the Secretary.

We believe when those are added up, that is about all a Department can assimilate unless one assumes there is a renewed vigor in security by overlapping of these new pieces of the Department that the Secretary has announced. We believe when they begin to reorganize this, they will find this is plenty of money to do the security work under the new streamlined agency. We never intended to do anything but fund adequately the notions expressed in the Secretary's letter.

He mentioned a project in the State of Tennessee, the Spallation Neutron Source, a new project of high excitement in the science community. It has had difficulty meeting its goals of meeting scheduled attainment of construction, and it may very well be a case of overruns where it will spend more than expected. Nonetheless, it is important we proceed. The House only funded it for $50 million. We funded it for $150 million. I regret to say I could only split the difference—$100 million plus $17 million to operate. Obviously, the Secretary would like $130 or $140 million. I couldn't do it. I hope the project can continue in this scaled-down number. I remain committed. I believe the subcommittee remains committed to it. I think everybody ought to know we will eventually take care of it. It will not be delayed very long based upon underfunding this year.

With reference to other matters in this bill, I have worked with the Department on various issues the administration is considering with reference to a possible supplemental request. I suggest it is impossible to fund the Department of Energy request regarding their computers in the weapons complex. They indicate it would cost approximately $450 million next year. That is $150 million per laboratory and $150 million for the production complex. There is no way we could fund that kind of money in these appropriations. We leave it to the administration. If they seek this in a supplemental next year, we will look at it carefully. We stand ready eventually to fund that. It is not possible in a budget of this size to fund this year $450 million for cybersecurity. It is not possible.

DOE has also reviewed its fiscal security. I am hearing reports of substantial costs that may need to be incurred in the coming year to improve fiscal security. However, in our conference with the House, it was made clear we have never before been told cybersecurity or fiscal security problems were the result of lack of funding. The problem may very well be more than that and may be a combination of things. We stand ready and willing to help.

Senators KYL and MURKOWSKI have proposed, along with this Senator, reform in the Department which I outlined early in my remarks. When that reform is made and we begin to implement the so-called National Security Administration, I will be open to reviewing all costs necessary to ensure our nuclear weapons complex is safe. I am not going to try to resolve this problem solely by putting huge amounts of new money in before we have the new agency beginning to streamline itself pursuant to the new bill which will soon be signed by the President when he puts his signature on the defense authorization.

Regarding wetlands provisions contained in the House version, I will summarize the conference agreement which I think is acceptable to the administration. It is a very difficult issue, and it is very dear to many House Members. The legislation contains $5 million for the Corps to fully implement an administrative appeals process for their regulatory reform. This is the so-called 404 permitting of the Corps: The process shall provide for a single level of appeal for jurisdictional determination.

The conferees dropped the language proposed by the House which would have made the determinations the final agency action under the Administrative Procedure Act, thus permitting early appeal to the Federal court system.

The conference agreement also includes language proposed by the House requiring the Corps to prepare a report regarding the impacts of proposed replacement permits for the nationwide permit of 25 on the regulatory branch workload and compliance costs.

The conference dropped language that would require the report be submitted to Congress by December 30, 1999, and dropped language that would hold matters in abeyance until the report was forthcoming. This part of the bill was worked out carefully with representatives of the executive branch, and I believe it is acceptable to them.

I had one other issue I wanted to state here for the RECORD because my colleagues from the State of Arkansas, Senators HUTCHINSON and LINCOLN, wanted to have explained a project called Grande Prairie in the State of Arkansas which is not funded in this bill.

The Grande Prairie project in Arkansas, which has an overall long-term Federal cost of perhaps as much as $245 million, will provide ground water protection for agricultural water supply and environmental restoration in rural areas of Arkansas. Funding at $8 million was provided in 1999 to initiate construction. Since the appropriation, the Corps of Engineers has used only $3.8 million, with $5 million being reprogrammed from the project for use in other activities. This leaves about $1.2 million for use in the year 2000.

The Corps has been having problems with local sponsors finalizing their cost-sharing agreement which is reviewed before construction can begin. Some local interests believe it is cheaper for them to find other options rather than to come up with their cost share. For the project to proceed, the cost share agreements must be entered into. The attitude of some is, this is complicating efforts to execute a local cost-sharing agreement.

We have clearly indicated that the Corps of Engineers has not been able to use the $8 million appropriated and it is unlikely significant funds can be used in 2000. The conference agreement leaves an estimated $1.2 million as carryover funding, and the managers' statement states that the conferees' expectation is that if issues surrounding the project are resolved, conferees expect the Corps to reprogram funding back to the project for construction.

I hope that is satisfactory. I have indicated the same in a letter to Senator HUTCHINSON, who inquired about this.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1999.

Senator TIM HUTCHINSON,
Washington, DC.

DEAR TIM: I want to assure you of my personal commitment to the success of the Grand Prairie project in Arkansas.

This year's Energy and Water Development Act was especially hard to craft. In short, we simply did not have sufficient resources to fund all deserving water projects at the optimum level. In the case of Grand Prairie, it is my understanding that additional funds will not be needed in the coming year because of the availability of funds appropriated last year that have not been spent due to problems negotiating a project cost-sharing agreement.

I've attached the language from the conference report that clearly indicates the conferees' action was taken without prejudice. If additional funds are needed in the coming year, the Corps has authority to reprogram funds into the project.

Sincerely,

PETE V. DOMENICI,
Chairman, Subcommittee on Energy and Water Development.

Mr. DOMENICI. Mr. President, with that, I am ready to answer any questions. I think it is a good bill. We are within the budget. There is no significant increase over last year, for those who were wondering, in the total cost. So I think we have a bill that ought to get very strong support.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I am very fortunate to be the ranking member on this subcommittee because I always have a hole card and that hole card is the chairman of the subcommittee. I say that because not only does he serve on this very important subcommittee as chairman, he is also chairman of the Budget Committee, which helps when we run into money problems—No. 1, for understanding the budget issues in their entirety, since he has been in the process over the many years of setting the budget, the process that we have here, but the chairman of the Budget Committee also is able to work with the Office of Management and Budget, able to work with the Congressional Budget Office, and other people who make this bill one that has been able to move through the process. It is a very difficult process.

So I say to my friend, the chairman of the subcommittee, the chairman of the full Budget Committee, I appreciate very much his including me in matters when I would not have to have been included. The chairman of the subcommittee, the manager of this bill, and this Member, can be about as partisan as anybody can be or needs to be. We do what we need to do to protect our two parties. But when it comes to matters where you have to set aside your partisan differences and move forward for the good of the country, I think we have set a pretty good example. We have been able to work through a very difficult process. This is an important bill—$22 billion. I understand the awesome responsibility I have to satisfy the needs of my State, the needs of the respective Democratic Senators who come to me for assistance, and Republican Senators who come to me for assistance; and I understand the importance of this bill to the country. This is a very important bill. I repeat, I express my appreciation to the chairman of this subcommittee for working with the minority in coming up with this bill.

This is a tough bill because there are so many very good projects, good measures we were unable to take care of; there simply was not enough money. It is hard to go to a Member and say: We couldn't do this.

Why?

We had a formula set up and you didn't fall within the formula.

Why couldn't you do this for me?

If we did it for him, we would have to keep doing it for some other people. We set up some standards, we kept to those standards as best we could, and we came up with what we think is a very good bill.

This bill deals with many important matters. I believe, as does Senator Simon, who served in this body and has since leaving here written a book on water, that future wars are not going to be fought over territory. They are going to be fought over water. In this country of ours, we have a lot of water problems developing. This subcommittee has a tremendous responsibility to handle those water problems.

We do not have much in this bill dealing with the water problems of the southern part of the United States, but we are going to get them. As a result of Hurricane Floyd, North Carolina has been devastated. North Carolina has water problems they never dreamed of having. There is talk that their different aquifers are being polluted as a result of the tremendous discharge of human and animal waste as a result of this hurricane. We are going to get some of those problems in this bill next year.

I could go through this bill, and it is printed in the RECORD, and go to any place you wanted in this bill and pick projects that we have funded that are extremely important: Llagas Creek, CA; San Joaquin, CA; Caliente Creek, CA; Buffalo—Small Boat Harbor—NY; city of Buffalo, and on and on.

I just recounted a couple of these in alphabetical order. But there are many projects we could talk about and we could spend our full time, our allocated hour, talking about one of these projects, how good it is for the region, how good it is for the country. We are not going to do that. But I repeat, we could also take considerable time talking about projects that were not funded that are also good for this country and good for the region that we simply did not have the dollars to fund.

The Corps of Engineers was founded by our Founding Fathers. It is an old institution within the military that is so essential to this country. In the State of Nevada, we have survived, certainly the growth in Las Vegas Valley has been able to go forward, as a result of the work of the Corps of Engineers handling floods.

We only get 4 inches of rain a year in Las Vegas. I hear on the radio and when I watch television I see in Eastern States you get 10, 12 inches a day in some places. One of these storms comes through dumping all kinds of water, but we do not get that in Nevada. But because of the Corps of Engineers handling flood control in Las Vegas—we may not get a lot of rain but we do not have places for it to drain. That is the way the desert is. So the Corps of Engineers has worked with us and we have been able to divert a lot of floodwater. We have detention basins. We have huge diversion tunnels. The Corps of Engineers has worked very hard to make Las Vegas safe.

I can remember, going back to the late 1960's, when we had a flood come through that washed hundreds of cars away at Caesar's Palace—it washed cars away. Anyway, we are doing much better.

The Corps of Engineers does a good job. They could do much better if we would fund them with more money. It is difficult to do all they are required to do.

The Bureau of Reclamation—I talked about water—this little, tiny agency does so much. It does so much for the arid West. The first Bureau of Reclamation project in the history of the country took place in Nevada. It was called the New Lands Project, started in 1902. There is good and bad coming from that New Lands Project. That is the way these projects have been, all the way, all over the western part of the United States. The Bureau of Reclamation was doing a good job, and they still are, but with limited resources. We would like to give them more money but we don't have it. We would like to keep the budget constraints that we have and we should have.

The defense part of this bill is extremely important. The safety and reliability of our nuclear arsenal is all within this bill—the safety and reliability. We have huge nuclear weapons. They are stored around the country. You cannot just leave them there and hope everything is going to be OK. You have to test them for safety and reliability. We cannot do the testing the way we used to do it. We cannot do it in the underground tunnels and shafts all over the Nevada Test Site. Over 1,000 tests have been conducted in the Nevada Test Site. Now we have to do it in a more scientific manner.

This bill does more for science than any bill we have. Computers, we hear all that is going on in the private sector with computers, and I pat them on the back. I am glad we are moving forward the way we are. But this bill is accelerating the development of computers. Very powerful computers now exist, but they are going to pale in significance compared to the computers we will build as a result of the computer research we are funding in this bill. Why are we doing it? Because we want to be able to maintain a safe and reliable nuclear stockpile, and we are going to do that.

We are so scientifically correct now that we do not do testing the way we used to do it. To make sure our weapons are safe and reliable, we will start a nuclear reaction and we stop it before it becomes critical. But through the work we can do with computers, we can tell what would have happened had the test gone critical. That is how sophisticated we have become. We have to become more sophisticated. Our scientists tell us they need more computerization, and we are working on that in this bill.

This bill is important. The chairman of the committee, the manager of this bill, has talked about the wetlands rider. We worked very hard on that. We worked very hard on that to come up with something that is acceptable, and we have the assurance of the administration that they will sign this bill. I say to the chairman of the committee, we spent a lot of time Friday making sure the administration—Jack Lew was there and they indicated they would sign this bill. Is that not correct?

Mr. DOMENICI. That is correct.

Mr. REID. I think that is important. Everyone should know this bill meets the very stringent standards, as far as the wetlands rider and some other funding matters the administration set.

I also say to my friend, the manager of this bill, there was some question about the new structure that has been set up within the Department of Energy and whether they needed more money to comply with the strictures that we have set under the new legislation. I think everyone agreed, this conference, if it takes more money, then they can come back. We will have a supplemental down the road early next Congress. They can come back to us and make a case that, because of the new legislation, they have been required to do new things that they were unable to pay for out of the budget that they have, and we will look to that with favor. I think that is a fair way to go.

The path to this year's bill was rocky. It certainly was through no fault of the chairman. We spent a lot of time trying to understand what the House wanted. We were able to work that out.

I also say to my friend from New Mexico, I came to Congress with the chairman of the House subcommittee in 1982. He is a very fine man. He is a good subcommittee Chair. He is going to be even better. I can see the progress since we did our supplemental to this bill. He is a fine man and is trying to do the right thing. That is Congressman RON PACKARD from the San Diego area.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. DOMENICI. Mr. President, I say to the Senator, I have to leave the floor for a few minutes. He is probably going to be finished soon. There is nobody else seeking time.

Mr. REID. I ask the chairman to join with me in asking that as soon as I finish my remarks, all time be yielded back and the two leaders set a time to vote this afternoon.

Mr. DOMENICI. Has that time been agreed on?

The PRESIDING OFFICER. It has.

Mr. DOMENICI. What is that time?

The PRESIDING OFFICER. 2:15 p.m.

Mr. REID. That is fine. All time will be yielded back when I finish my remarks, and we will vote at 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield back all remaining time I have.

Mr. REID. Mr. President, as I indicated, this was a rocky road. I am surprised we are where we are. Ten days ago I did not think this was possible. The House and Senate were apart by $1 billion. We have worked that out. We have gotten more money in the bill. In fact, we have about $1 billion which has made this possible.

The final conference report is very balanced among the needs of water projects. I indicated how important they are for the corps and the Bureau of Reclamation, as well as the very important science and national security responsibilities of the Department of Energy. These responsibilities, the water projects and the Department of Energy, could stand alone, but they do not stand alone. We have to balance them.

I have spoken a lot about the importance of this bill. I did that earlier. I do believe it is important. Year after year, I am amazed at what this bill does to meet the needs of this very complex country in which we live, with the natural resources that are different from one coast to the next.

Earlier this year, Congress passed the Water Resources Development Act of 1999. We call it WRDA. We have not been able to fund a single project that we authorized in that. That is unfortunate, but that is one of the rules we set. The bill passed after this bill started, and if we are going to have some limitations, this is a good place to start. Next year, we are going to receive a number of requests from this bill, as well we should. We need to look for a way to fund them.

On the energy side, this bill is a solid compromise. It has sizable gaps both technologically and fundingwise, but we are going to make progress. We have battles on the Senate floor every year this bill is before us with solar and renewable energy. We have to do better than we have. We were funded well below last year's request. We have made progress, and I think we can continue to make progress.

The conference compromise was the best we could do, given the available funds. It was not enough, but it was the best we could do.

This is a good bill. It is a bill that will next year, I hope, be even better. It is balanced. There are good things in it. We have hurricane protection for Virginia, funds for the Everglades in Florida, Chicago shoreline funding which will help keep the Great Lakes out of downtown Chicago, healthy funding for our National Labs, and dozens of other examples throughout this conference report that do help this country. My frustration is merely that there is so much more to be done that we cannot do.

Each year this bill is the product of hundreds and hundreds of hours of staff work on both sides of the aisle and in both Chambers. The staff worked very well together and produced the best possible result for the American people. That is what it is all about.

As I indicated, there comes a time—and we should do it much more often—when we must set aside our partisan differences and move forward with positive results. This bill is good for the country. We could have chosen to be partisan and neither of us budge and wind up with nothing, and that is what the American people would have gotten—nothing. We think setting aside our partisan differences has been a positive accomplishment.

The staff set the example. They worked to produce the best possible result for the American people, and I am very grateful to all our staff. I thank some of the key members of the Senate staff who made this bill possible: Gregory Daines, my energy and water clerk; Sue Fry, an Army Corps of Engineers detailee to the Appropriations Committee; Bob Perret, a fellow on my personal staff; Liz Blevins, an Appropriations Committee staff member; and Andrew Willison, who is on my personal staff who has worked very hard on this bill; and Alex Flint, David Gwaltney, and Lashawnda Leftwich of the majority staff who have been very helpful to us on this bill.

As always, as I have indicated, it is a pleasure to work with my counterpart, the chairman of this subcommittee, the chairman of the Budget Committee. I hope we are able to work on this bill for many years to come.

I yield back my time.

DOE ENVIRONMENTAL MANAGEMENT FUNDS

Mr. CRAIG. Mr. President, I would like to engage my colleague, the distinguished chairman of the Energy and Water Appropriations Subcommittee, in a colloquy to discuss the importance of research as it relates to Environmental Management (EM) in the Department of Energy.

Mr. DOMENICI. I would be glad to engage in such a colloquy with my colleague, the Senator from Idaho and a member of the Energy and Water Appropriations Subcommittee.

Mr. CRAIG. It is very important there be research conducted at the Idaho National Engineering and Environmental Laboratory (INEEL) that supports the EM mission of the Lab. I would point out that the INEEL has been designated as the lead Environmental Lab in the DOE Lab complex. If INEEL is to lead, there must be funds available to exert such leadership.

Mr. DOMENICI. I agree with my colleague on the importance that such funding be available.

Mr. CRAIG. With that need in mind, I ask my colleague if he would be supportive of increased funding in the EM-50 account to assure that such research can be conducted?

Mr. DOMENICI. I say to my colleague from Idaho that I would support such funding in the EM-50 account and encourage the DOE to make such funding available.

Mr. CRAIG. I thank the Senator.

Mr. GORTON. Mr. President, I rise to support the energy and water development appropriations conference report. Within this bill is funding for a critical effort that is essential to the long-term future for citizens of the Northwest: the cleanup and restoration of the Hanford site in the State of Washington.

The citizens near the Hanford area played a major role in the Nation's successful effort to win the cold war. Now it is the responsibility of our Federal Government to conduct environmental remediation so that the site will not threaten the health of future generations. This bill appears to fully fund the cleanup effort based on the priorities presented in the administration's February budget request.

One unresolved Hanford-related concern pertains to the Fast Flux Text Facility (FFTF). This is one of the world's premier research reactors, and last month the Secretary of Energy made the right decision to proceed with an Environment Impact Statement (EIS) on future missions for this facility. The FFTF holds the potential to create a sufficient and dependable source of medical isotopes used to cure cancer; it can also meet the needs of a variety of other missions, including the production of needed material for deep space missions.

In the administration's budget request, an inadequate amount of funding was requested for the FFTF. Subsequently the Secretary's decision to proceed with an EIS will require additional funds to complete this necessary analysis. I call on the Secretary to address this situation immediately so that the necessary reprogramming of funds can be approved expeditiously, something he has not yet done.

This conference report also wisely deletes or fixes several provisions that were attacks on the Power Marketing Agencies generally and the Bonneville Power Administration (BPA) specifically. Report language asks BPA to report on fish and wildlife costs that will be incorporated within the upcoming BPA rate case. The timing of this request is awkward as it calls for a report prior to the end of the rate case; I request that BPA only make this report if it has no negative consequences on the rate case process.

Another area of concern pertains to the solar and renewable energy portion of this report. Due to budget restrictions, the amount of funding available for this program is less than ideal. Not only has this area of energy development seen recent dramatic breakthroughs in cost-effectiveness, it holds great promise for developing nations and emerging economies. My State of Washington is home to many of the Nation's leading solar and renewable energy companies and projects. I hope we will be able to give greater emphasis to this program next year.

On this subject, the conference report also references a specific appropriation to develop a materials center pertaining to photovoltaic energy systems. I hope the Department of Energy is aware that Washington State University has been leading an effort—along with 14 other top-tier universities and the National Renewable Energy Laboratory—specific to this area of research. DOE should proceed with these efforts in a competitive process, allowing the WSU-led consortium to remain under serious consideration for leading this area of research.

Mr. JEFFORDS. Mr. President, I am forced to vote against the Energy and Water conference report. Not to do so would be to break a commitment to small businesses across America, to hurt farmers and ranchers and rural communities, and to threaten the energy security of the United States.

The people across the United States demand increased funding for renewable energy. Poll after poll shows that our citizens believe we should spend more on renewable energy.

A majority of the United States Senate—54 Senators—believe we should increase funding for renewable energy.

This bill defies the will of the American people and a majority of U.S. Senators. It does not provide more money for renewable energy. It provides less money. It provides 130 million dollars less than the administration's request. It cuts funding for renewable energy by 30%.

Mr. President, by decreasing funding for renewable energy, we jeopardize the security of our Nation, we hurt small businesses, ranchers, farmers, and rural communities, we hurt our ability to compete internationally, and we hurt the environment.

Mr. President, our Nation needs to increase domestic energy production—not cut funding for developing an unlimited source of energy made in America. Our Nation needs a lower balance of payments—not an increased trade deficit. We need to help farmers, ranchers, and rural communities develop affordable, reliable, locally produced energy—not cut it off. We need to stand up for U.S. companies selling U.S. manufactured energy technologies in overseas markets—not leave them dangling in the wind while the Japanese and Europeans grossly outspend us. We need to spur job markets in every state in the Nation—not send our good jobs overseas.

Apparently there are still some who fail to realize that clean, domestic energy production is important. Perhaps they have not noticed that the U.S. has a trade deficit larger than any other nation, ever. Or maybe they have forgotten that imported foreign oil is the number one contributor to our trade deficit. Or maybe they just do not realize what the rest of the nation has long ago realized—that clean, made in America renewable energy can give us the energy security, jobs, and healthy environment that our people demand.

I am deeply disappointed in the severe cuts to renewable energy in this bill. I vow to fight even harder next year to give renewable energy the funding it deserves.

BURBANK HOSPITAL REGIONAL CANCER CENTER

Mr. KERRY. Mr. President, I appreciate the chairman's willingness to engage in a colloquy regarding the FY00 Energy and Water conference report. The conference report, which passed the House last night and is being considered in the Senate Chamber this morning, includes $1 million in Department of Energy's Biological and Environmental Research (BER) account for cancer research at the Burbank Hospital Regional Cancer Center. It is important that the word "research" be addressed in the RECORD, since the original request by my Massachusetts colleague in the House, Representative JOHN OLVER, asks that funds be made available for the Burbank Hospital Regional Cancer Center in Fitchburg, MA.

Since this is a small hospital serving a rural area, I and my colleague in the House want to stress the importance of the $1 million's being dedicated to the hospital for the underserved population, rather than for research purposes. If the chairman could clarify to the Department that the $1 million should be made available to the Burbank Hospital in Fitchburg, MA, without its being contingent on "research," it would be greatly appreciated. I thank the gentleman very much for his time and effort.

Mr. DOMENICI. I appreciate the Senator's interest and wish to clarify to the Department of Energy that the $1 million should be made available to the Burbank Hospital in Fitchburg, MA, for the under-served population.

BUDGETARY IMPACT OF H.R. 2605, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 2000

Mr. DOMENICI. Mr. President, I submit for the RECORD the official Budget Committee scoring of the pending bill—H.R. 2605, the energy and water development appropriations bill for fiscal year 2000.

The conference agreement provides $21.3 billion in new budget authority (BA) and $13.3 billion in new outlays to support the programs of the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation, and related Federal agencies. The bill provides the bulk of funding for the Department of Energy, including Atomic Energy Defense Activities and civilian energy research and development (R&D) other than fossil energy R&D and energy conservation programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the conference report totals $21.3 billion in BA and $20.8 billion in outlays for FY 2000. The conference report is at the subcommittee's 302(b) allocation for BA, and $29 million below the 302(b) allocation for outlays.

The conference report is $0.1 billion in BA and $0.5 billion in outlays above the 1999 level. The conference report is $0.3 billion in both BA and outlays below the President's budget request for FY 2000.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the FY 2000 Energy and Water Development Appropriations bill conference report be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2605, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Conference Report:				
Budget authority	21,280	....	....	21,280
Outlays	20,839	....	....	20,839
Senate 302(b) allocation:				
Budget authority	21,280	....	....	21,800
Outlays	20,868	....	....	20,868
1999 level:				
Budget authority	21,177	....	....	21,177
Outlays	20,366	....	....	20,366
President's request:				
Budget authority	21,557	....	....	21,557
Outlays	21,172	....	....	21,172
House-passed bill:				
Budget authority	20,190	....	....	20,190
Outlays	19,674	....	....	19,674
Senate-passed bill:				
Budget authority	21,277	....	....	21,277
Outlays	20,868	....	....	20,868
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	....	....	....	....
Outlays	−29	....	....	−29
1999 level:				
Budget authority	103	....	....	103
Outlays	473	....	....	473
President's request:				
Budget authority	−277	....	....	−277
Outlays	−333	....	....	−333
House-passed bill:				
Budget authority	1,090	....	....	1,090
Outlays	1,165	....	....	1,165
Senate-passed bill:				
Budget authority	3	....	....	3
Outlays	−29	....	....	−29

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BREAUX. Mr. President, I want to express my personal appreciation to all the conferees who participated in the fiscal year 2000 energy and water development appropriations conference for including funding and language for Louisiana projects.

Flood control, hurricane protection and navigation are all vital to the safety and well-being of our citizens. These water-related infrastructure projects are of major economic importance to the state. A number of them are of major importance to the nation.

Of the Louisiana projects in the fiscal year 2000 report and the Statement of Managers, there are two Louisiana projects which I would like to discuss further at this time: the Inner Harbor Navigation Canal Lock Project and the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project.

I appreciate all that the conferees have done for these projects. I am taking this opportunity to express my views to the Senate on some key issues affecting them. Resolution of these issues is critical to the two projects being built in a timely manner to provide the protection and service for which they have been authorized.

With regard to the Inner Harbor Navigation Canal Lock, I am most appreciative of the funding which the conferees have included for it and its mitigation. On the related key project issue, it is of the highest importance that the Corps of Engineers use the full replacement cost to value the real estate and facilities which it acquires from the Port of New Orleans as part of the project.

The Port of New Orleans had expected the Corps to use full replacement value when it acquires the Port's properties. I am told that full replacement cost is the value which the Corps is using to acquire other similarly-situated property and facilities for the lock project.

Senator LANDRIEU and I contacted the conferees about this full replacement cost issue.

As I understand and which I appreciate very much, the conferees noted that there are significant differences in the estimates used by the Corps and the Port to value the Port's properties to be acquired. As I also understand, conferees expect the Corps to work in good faith to arrive at an equitable solution to this issue in accordance with current law, which I also appreciate very much.

If, indeed, the Corps is using, in accordance with current law, full replacement cost for other similarly-situated properties which it will acquire for the lock project, then it is only equitable and fair that, in accordance with current law, it use full replacement cost to acquire the Port's properties for the project.

With regard to the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project, I am most appreciative that the conferees have provided FY 2000 funding for the project. I also appreciate their consideration of the request by Senator LANDRIEU and I which was not able to be included as part of the conference agreement, that is, to authorize full federal responsibility for project costs which are in excess of those anticipated in the 1994 Project Cooperation Agreement.

The excess costs have arisen due to extenuating circumstances which included, as I understand, project-related contract negotiations, but about which the Town of Colfax, the non-federal sponsor, says it was not consulted. The Town, which is a very small rural community, says it is unable to pay the share of the excess costs assigned to it by the Corps.

I am most concerned about this situation. I hope that the Corps of Engineers will work very closely with the Town of Colfax to resolve the excess cost issue soon and that this much-needed flood control project will be able to be completed in a timely manner.

This concludes my statement, Mr. President.

Ms. LANDRIEU. Mr. President, I rise today to commend Chairman DOMENICI, Senator REID, and the other Conferees for addressing vitally important issues for Louisiana in this bill. As you know, Mr. President, the annual Energy and Water Appropriations Bill provides funding to the U.S. Army Corps of Engineers to protect our citizens from flooding and to facilitate the flow of maritime commerce through our many waterways. Both of these endeavors are very important to Louisiana and our nation.

The FY 2000 Energy and Water Appropriations Conference Report (H. Rept. 106-336) addresses the Inner Harbor Navigational Canal (IHNC) Lock Replacement Project in New Orleans which is very important to maritime commerce. I thank the Conferees for providing $15.9 million for this project. I also thank the Conferees for including report language that would expedite the community mitigation plan and ensure that the Corps work in good faith to arrive at an equitable solution in determining the value of property to be transferred by the Port of New Orleans to the Corps to complete the project. Notably, I understand that the Corps is also acquiring nearby property from another landowner for this project and that the Corps is employing a replacement cost methodology to determine the value of this nearby property. Therefore, I believe that an equitable solution to determining the value of the Port's property requires a valuation in the same manner as that employed for the nearby property.

Additionally, the Conference Report addresses the Aloha-Rigolette Project. I thank the Conferees for providing $581,000 for this project. Although not included, I also thank the Conferees for considering my request for bill and report language that would authorize full federal responsibility for project costs in excess of what was anticipated in the Project Cooperation Agreement issued in 1994 in connection with the Bayou Darrow Floodgate portion of the project. I sought this language at the request of the local project sponsor, the Town of Colfax. Mayor Connie Youngblood of Colfax informed me that the Corps negotiated a no-cost termination with the project contractor without consulting the Town and is now expecting the Town to cost-share the additional costs that have resulted. Because the Town of Colfax is a very small rural community and unable to pay the unanticipated additional costs which it did not consent to, I remain very concerned about this matter. Accordingly, I ask the Corps to work with the Town of Colfax to resolve this matter so that the project can be completed in a timely manner.

In closing, I again thank the Conferees for their work on the FY 2000 Energy and Water Appropriations Bill and the attached Conference Report.

● Mr. McCAIN. Mr. President, I congratulate my respective colleagues on both sides of the aisle for successfully completing work on this important spending bill. I regret that I was not able to be here to vote on the final Energy and Water conference report for fiscal year 2000.

The conferees deserve credit for their notable efforts in forging this conference agreement and continuing funding for the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation and other critical energy programs important to our nation. I am disappointed to say that, just as this final report ensures that necessary functions and programs of the Federal Government are funded, the practice of pork-barrel spending also continues.

When the Senate passed its version of the energy and water appropriation bill just 2 months ago, I found $531 million in low-priority, unnecessary, and wasteful spending. While a half a billion dollars is an incredible amount of pork, it is remarkable that this final conference report has been fattened up with an additional $200 million in pork barrel projects.

A lot of this pork is concentrated in sections of the bill detailing projects to be funded by the Army Corps of Engineers. While I am certainly supportive of our water infrastructure and civil works programs, I am appalled at the process by which the conferees have directed money in these accounts. A majority of the projects do not appear to be funded based on a competitive or merit-based review, but instead funding is clearly directed toward projects which are not requested in the budget and more closely resemble special interest projects.

We sought to curb Federal spending and reduce our tremendous deficit by passing the 1997 Balanced Budget Act. However, because we now enjoy a robust economy and balanced budget, we have detracted from our important goal of spending tax-payer's hard-earned dollars prudently.

A clear example of this fiscal irresponsibility is exemplified by the "emergency spending" bills we have enacted over the past two years. Why did we have to pass these supplemental appropriations bills? Because those areas of the country which are not the recipients of these special interest earmarks are suffering because there is not a realistic chance to compete for federal funding through established normal procedures and guidelines when budgetary spending is based more on parochial actions.

Over the years, I have reported to the American taxpayers the pork-barrel spending that continues through our annual appropriations process. I believe we owe it to the American public to report how we spend their taxpayer dollars. Sadly, the taxpayers will have to shoulder the burden of financing pork barrel projects to the tune of $759 million included in this energy and water spending measure.

I will not waste the time of the Senate going over each and every earmark. I have compiled a list of the numerous add-ons, earmarks, and special exemptions in this conference report. Due to its length, the list I compiled of objectionable provisions included in this conference report cannot be printed in the RECORD. This list will be available on my Senate webpage.●

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:17 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PARLIAMENTARIAN OF BELARUS

Mr. CAMPBELL. Mr. President, as the cochair of the House-Senate Commission on Security and Cooperation in Europe, known as the Helsinki Commission, I had the privilege in July to go to St. Petersburg, Russia, to participate, with other Senators, in the annual meeting of the OSCE Parliamentary Assembly.

During the proceedings, our 17-member congressional delegation heard a very powerful speech by Mr. Anatoly Lebedko, who is a leader of the opposition party in Belarus. He is a very strong force for democracy in Belarus. He is here with us today. He is often faced with overwhelming opposition. Yet he has led the fight for the kind of principles on which our own Nation was founded.

RECESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to greet Mr. Lebedko, Parliamentarian from Belarus.

There being no objection, at 2:15 p.m., the Senate recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Jeffords
Lieberman
Wellstone

NOT VOTING—1

McCain

The conference report was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WELLSTONE. Reserving the right to object, I want to ask the majority leader a question before we move forward. I have been waiting with amendments that speak to the pain and suffering of farmers in my State. Are there going to be opportunities for me, as a Senator from an agricultural State, to bring forth substantive amendments that will speak to what has happened to the farmer? Will there be vehicles or opportunities to come to the floor and introduce amendments and pass legislation that will help farmers in my State?

Mr. LOTT. Mr. President, I was under the impression we had already done the Agriculture appropriations bill for this fiscal year, and it did include some disaster and drought money.

That conference is meeting right now, or will be meeting during the day and has been meeting, to make sure we are giving proper consideration to the negative impact of low prices on agriculture in America and also to assess as best we can the impact of the drought. The Senate has already considered that. It was subject to amendment. We do also wish to make sure bankruptcy laws are applicable and necessary action is taken. I know Senator GRASSLEY is working, along with colleagues on both sides of the aisle, to make sure the bankruptcy laws and their benefits are available to our farmers.

We certainly are working very aggressively to try to make sure we address these problems appropriately. I don't think we need to revisit a whole number of amendments in this area on the bankruptcy bill itself. I think when we get to bankruptcy we should be on bankruptcy and not use that as an "in basket" for every problem that may be on some Member's mind.

However, I think I have answered the question. We are working on agriculture needs. Hopefully, within the week we will have an agreement, and we will be voting on that bill either later on this week or early next week.

Mr. WELLSTONE. Reserving the right to object, let me simply follow up with a question. My understanding is the conference committee has not met for the past week; second, I know Senator BYRD and Senator DORGAN will speak about what is or is not in the bill. In this appropriations bill, we were not able to come out with any legislation that dealt with the price crisis, the whole question of concentration of power that dealt with what is happening to the family farmers.

Is the bankruptcy bill the pending business after the morning business? Will we bring the bankruptcy bill to the floor with opportunities for Senators to introduce amendments that will make a difference for family farmers? Will we have that opportunity?

Mr. LOTT. I cannot answer that question at this time.

Mr. WELLSTONE. Reserving the right to object, I will do everything I can between now and however long it takes, if I am the last person standing, to insist I have a right as a Senator from Minnesota to come to the floor and introduce legislation that will speak to the pain and suffering of family farmers in my State. I will not stop colleagues from speaking in morning business, but forthwith I will have to stay on the floor until I have a chance to make a difference for farmers.

Mr. LOTT. I wonder if the Senator might want to take this up in the Agriculture Committee and with Members of the Senate who are involved and work with the appropriators on both sides of the aisle. They are working now to try to deal with these issues.

Mr. WELLSTONE. Reserving the right to object, Democrats have not been involved in that Appropriations Committee to my knowledge in terms of any meeting over the last week. Second, with all due respect to the majority leader, we are an amending body. Quite often we come to the floor with amendments. We especially come to the floor with amendments when we are dealing with a crisis situation.

We are dealing with a crisis situation in rural America. It is not business as usual. I am going to insist that I have the right to come to this floor with amendments that will speak to farmers in Minnesota and around the country to make a difference.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I will not object, but I want to correct a misimpression on the floor. The conference committee in the agricultural appropriations area has not been meeting. I am a conferee. I would know if they are meeting. There is no meeting. It adjourned in the middle of last week. There has been no meeting since. I read the speculation in the newspapers and in the press that there have been agreements made. In fact, one suggestion indicated the majority leader had signed off on certain things. I have no idea who is reaching these agreements. I have no idea whether that is accurate.

It is not accurate to say the conference committee is meeting. The conference committee is not meeting. No Democratic member of the conference committee is able to meet because the conference is not in session.

I will not object either, but I will say there are some who think it is appropriate to have a conference between the House and the Senate on something this important—and it is one of the most important issues to my State dealing with this farm crisis—and it be done behind closed doors with one party in secret, and an agreement is brought to the floor of the Senate which says take it as it is or leave it. That is not the way it will work. I do not have the capability to make things happen that I want to have happen, but I can slow things down.

I wanted to correct the impression left when the majority leader said the conference has been meeting. The conference has not been meeting. It adjourned nearly a week ago. We passed our bill in the Senate August 4. It is now October. With the urgent crises in farm country, we have slow motion going on and no conference at all. I hope the majority leader can agree with me that the way we are supposed to legislate is to have a conference; that when we call meetings with conferees, we have Republicans and Democrats there, we debate the issues, and we take votes. I wanted to correct the misimpression there has been a conference committee meeting. I am a conferee. That committee has not been meeting, and it should.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 68

Mr. LOTT. Mr. President, I ask unanimous consent that following morning business the Senate proceed to consideration of the joint resolution at the desk making continuing appropriations for the Federal Government; further, that there be 2 hours of debate between the chairman and ranking member of the Appropriations Committee, with no amendments or motions in order; and, following the conclusion or yielding back of that time, the Senate proceed to third reading and adoption of the joint resolution, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, has this request been cleared with the minority leader?

Mr. LOTT. Yes, it has been cleared with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleague, Senator BYRD. I thank you for your patience.

The PRESIDING OFFICER. The Senator from West Virginia.

DROUGHT EMERGENCY IN WEST VIRGINIA

Mr. BYRD. Mr. President, I will be very brief. I should be in a markup of the Appropriations Committee on the Labor-HHS appropriations bill right at this moment.

Mr. President, as we quickly approach the end of Fiscal Year 1999, there is a portion of the American population that is not faring very well. The small family farmers of the North-Eastern and Mid-Atlantic States have been struggling to survive a fifteen-month-long drought. With all fifty-five of our counties receiving an emergency drought declaration on August 2 from the Secretary of Agriculture, farmers in West Virginia are no exception. These farmers have been waiting for a significant and timely response to their emergency, a feeling I imagine would be similar to dialing nine-one-one and getting a busy signal.

Yet, over the years, this Congress has responded quickly to provide the necessary resources to help the victims of national disasters, not only in this country, but around the world. From the $1 billion for the victims of Mount Saint Helens in 1980; to the $2.7 billion for the victims of Hurricane Hugo in 1989; to the nearly $3 billion for the Loma Prieta earthquake victims, also in 1989; to the more than $10 billion for Hurricanes Andrew and Iniki in 1992; to the $6.8 billion in disaster funds for victims of the Mississippi floods in the Summer of 1993; to the North Ridge earthquake victims in 1994, for which almost $12 billion was appropriated. Throughout the 1990's, emergency disaster assistance has also been provided to the victims of tornadoes, tropical storms, droughts, floods, wildfires, blizzards, and so on.

In 1999, emergency aid has gone to Central American and the Caribbean nations needing assistance with reconstruction after hurricane damage, to Kosovo military and humanitarian operations, and to American farmers suffering from low commodity prices. I voted for all of these. I have been willing to support emergency aid in these instances—all of them. However, I cannot understand why the drought emergency goes ignored. I cannot understand why we are not answering the emergency calls of long-suffering Northeast and Mid-Atlantic farmers.

The drought has devastated—devastated—the lives of thousands of family farmers in this region. I know that the word devastated is used so often that one expects it to be pure hyperbole, but West Virginia farmers work hard on land most often held in the same family for generations. They farm an average of 194 acres in the rough mountain terrain, and they earn an average of just $25,000 annually. That is $25,000 annually for 365 days of never-ending labor. Farming is an every-day, every-week, every-month, 365-day operation every year with no time off. West Virginia farmers average $68.50 a day for days that begin at dawn and run past sunset. These small family farmers are the last to ask for assistance. They are hard-working, they are self-reliant individuals. They have a sense of pride that prevents them from requesting federal aid unless they are in a desperate situation. These farmers are now in a desperate situation, and they are asking us to respond to them in their time of need. Now is the time that we must assist them and assist them by not by burdening them with more debt—they are over their heads in debt all right, many of them, so they are not asking for more loan programs. They need help. By providing grants, we can give them help that will help them to recover from the drought.

For many farmers it is already too late. They are disposing of their herds. They have sold off their livestock from land that has been farmed by their family for generations. Their pastures are grazed to stubble and will need fertilizer, lime, and reseeding if they are to support cattle again in the Spring. In the meantime, cattle must still be fed, and what little hay could be cut locally has already been eaten. The West Virginia Commissioner of Agriculture informs me that of the 21,000 surviving small family farms in West Virginia—and there were 90,000 back when I was in the State legislature in 1947. There were 90,000 farmers in West Virginia. Now there are 21,000 surviving, and over half of these are at risk as a result of drought. America cannot afford to let the small family farm die. A small family farming operation is the foundation on which America is based. We cannot afford not to help drought-stricken farmers.

Granted, in this area the drought seems to be a thing of the past. The water restrictions to conserve water in the Washington, D.C. metropolitan area have recently been lifted. Lawns have greened up again, and the drone of lawn mowers again dominates the weekend. Schools canceled classes in this area two weeks ago because hurricane Floyd threatened to deluge the city with too much rain too quickly. However, I assure you that the drought in West Virginia continues. Hurricane Floyd's rains did not scale West Virginia's mountains. The drought is so far-reaching that schoolchildren in Fayetteville, WV, had their classes canceled last week and the Fayette County Courthouse has postponed arraignments until October 1 because the city's reservoir has gone dry. The grass in West Virginia is not getting greener, as it is here in the Washington area. It is simply not growing.

Seventeen North-Eastern and Mid-Atlantic States have received a Secretarial drought emergency declaration this year and five more are awaiting a decision. Yet, the emergency aid package that the Agriculture Conference Committee is still negotiating includes a mere $500 million in general aid for all disasters declared by the Secretary of Agriculture throughout 1999. The Secretary of Agriculture estimates that losses due to the drought of 1999 may total $2 billion. Losses in West Virginia alone are estimated at $200 million—and we are not a big farming State, not a big farming State. Most of ours are small farms, but these are people who have been on the land for generations. These farms have been handed down through the line of several generations.

Mr. President, what happened to the small family farmers in ancient Rome is happening in this country. They are leaving the land, and with them will go our family values.

The Secretary of Agriculture estimates, as I say, that the losses due to the drought of 1999 may total $2 billion, and in West Virginia alone they are estimated at $200 million. So the emergency aid package now attached to the Agriculture appropriations bill falls short by some $1.5 billion.

I want colleagues to understand that although a drought is a slow-paced disaster, it nevertheless deserves much-needed attention as an emergency and merits a response much greater and faster than the one we have so far given. A drought can, and this one has, caused farmers to go out of business.

My farmers know that farming is inherently a risky business. It does depend on the weather. I urge this body to help with this natural disaster. American farmers merit federal assistance to ensure their future productivity, and, more importantly, to preserve a heritage that I believe essential to this nation's history, to its moral fiber and to its character. We regularly hear talk of the small family farmer. Now is the time to help small family farmers. Congress must act on this opportunity to direct emergency funds toward a real emergency with wide-reaching effects, that impacts our most treasured Americans, our farmers. The devastation of the drought will only be compounded if we do not offer assistance now. If fields are not treated now, they will not be productive come spring. Farmers normally finance this activity with profits from fall sales, or secure loans based on such sales. But this time they have nothing to sell.

We need to increase appropriations that will be directed to farmers suffering from the drought of 1999. I urge my fellow conferees on the Agriculture Appropriations Conference Committee and I urge the leadership in both Houses, to answer the call of the small family farmer and support increasing emergency assistance directed toward farmers suffering as a result of the drought of 1999. Do not let their 911 call for help be answered by a busy signal. Instead, let us answer the call of farmers by sending the signal that we are busy working for farmers.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Iowa is to go first. Is there an agreement as to the order?

Mr. GRASSLEY. There is not. I ask that Senator TORRICELLI go ahead of me on the issue of bankruptcy so he and I can speak together.

Mr. BAUCUS. Mr. President, will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. BAUCUS. I wonder if the Senators will yield to me. I will be brief. I have 5 or 6 minutes. I know the Senators from Iowa and New Jersey are together on the same subject, and this Senator has been standing here for some time.

Mr. GRASSLEY. If Senator TORRICELLI has time, I have time.

Mr. TORRICELLI. Mr. President, if the Senator will yield, I think it is best we go next to each other.

Mr. TORRICELLI. Mr. President, I want to say, before Senator BYRD leaves the floor, however, how much I identify with his remarks. Like the Senator from West Virginia, year after year, with natural disasters around this country, in the House of Representatives and now in the Senate, I have come to the floor as an American, as part of a national union to respond to their emergencies.

Like the Senator from West Virginia in advocacy of his small farmers, I will not allow, as long as I serve in the Senate, the State of New Jersey to be a caboose on the train of the national union. We have a farming crisis. The Appropriations Committee not only reducing but eliminating any assistance for farmers who are being bankrupt and forced from the land is inexcusable. Like the Senator from West Virginia, at the appropriate time, I will come to the floor and if it requires standing here day after day, night after night, I will not see them abandoned.

I apologize for taking the time. I wanted to comment on the Senator's comments.

Mr. BYRD. I thank the distinguished Senator.

Mr. BAUCUS. I think the Senator from Iowa still has the floor.

The PRESIDING OFFICER. It is my understanding the Senators from Iowa and New Jersey have no objection to the Senator from Montana being recognized at this time. The Senator from Montana is recognized for up to 10 minutes.

Mr. BAUCUS. I very much appreciate the Senator from Iowa and the Senator from New Jersey for letting me go ahead of them.

I agree with the statement of the Senator from New Jersey complimenting the Senator from West Virginia, and, in the same vein, the earlier remarks of the Senator from Minnesota, Mr. WELLSTONE. The fact is, our farmers are in desperate straits, and this Congress is doing very little about it. It is that simple. No one can dispute that, and many of us are, quite frankly, concerned because the Senate is not doing enough. Because it looks as if the Senate might not do enough, we will be constrained to take extraordinary measures in the Senate to stand up for our constituents, the people who sent us here; namely, the farmers, in this instance, to pass as best we can appropriate and remedial legislation to help our farmers. It is that simple.

I compliment the Senator from West Virginia, the Senator from New Jersey, and others.

In fact, that is very relevant to the statement I am going to make concerning the introduction of a bill.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1648 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I very much thank my colleagues and good friends, the Senator from Iowa and the Senator from New Jersey, for their courtesy.

The PRESIDING OFFICER. The Senator from New Jersey.

THE BANKRUPTCY REFORM BILL

Mr. TORRICELLI. Mr. President, I rise with some considerable regret to discuss the bankruptcy reform bill that was pulled from the floor of the Senate last week. Senator GRASSLEY and I have worked for over 8 months to craft what I believe is a broadly bipartisan bankruptcy bill. Indeed, Senator GRASSLEY has worked tirelessly for years to craft this legislation. He deserves the considerable gratitude of every Member of this institution.

I regret that after all these months of work, last week we were forced to vote on a cloture motion. I do not believe that the cloture vote was in any way indicative of support for the bill. It is important that that be understood.

Bipartisan support for this bankruptcy legislation is broad and it is deep. The legislation has seven cosponsors; five of them are Democrats. The legislation was voted successfully out of the Judiciary Committee with support from both parties. The inability to move forward on a bankruptcy reform bill is entirely due to unrelated events. The legislation on its merits still stands.

I believe it is important that Senator GRASSLEY and I make clear to people, both within the institution and outside the institution, that we are absolutely committed in this Congress, in this year, to continuing to have bankruptcy legislation considered and passed. Indeed, I believe if the majority leader brings bankruptcy reform to the floor of the Senate, in a matter of only a few days we can resolve the outstanding issues.

I also think it is important that our colleagues understand why we are so motivated to have this bankruptcy reform legislation passed. There are considerable reasons.

We are, to be sure, living in the most prosperous economic period in our Nation's history. The facts are renowned: Unemployment is low, inflation is low, the Nation has created 18 million new jobs, and now the Federal Government is having a burgeoning budget surplus.

But amidst all this prosperity, there are some troubling signs, things that deserve our attention. One is a rapidly declining personal savings rate. Indeed, that is what motivated me to vote for tax cut legislation: To stimulate private savings in America so Americans will prepare for their own futures.

But second is an issue that relates to this legislation: A rapid, inexplicable rise in consumer bankruptcies. In 1998 alone, 1.4 million Americans sought bankruptcy protection—this is a 20-percent increase since 1996 and a staggering 350-percent increase in bankruptcy filings since 1980.

It is estimated that 70 percent of the petitions filed were in chapter 7, which provides relief from most unsecured debt. Only 30 percent of the petitions were filed under chapter 13, which requires a repayment plan.

No matter what the cause of so many bankruptcies, what every American needs to understand is that somebody is paying the price. If people are availing themselves of chapter 7, rather than chapter 13, which ultimately requires the repayment of many of these debts, the balance is going to be paid by somebody, and that somebody is the American consumer.

Indeed, I believe this is the equivalent of an invisible tax on the American family, estimated to cost each and every American family $400 a year, as retailers and financial institutions adjust the prices of their products and their costs to reflect this growing tide of bankruptcy.

The reality is that the majority of people who file for bankruptcy—low- to middle-income, hard-working people—do so to manage overwhelming financial problems. That is as it should be. That is why the United States has always had a bankruptcy code—to protect people and allow them to reorganize their lives, to give people a second chance in American society.

But just the same, with these staggering numbers of increase—20 percent in only 3 years—there must be something else going on in our society. That something is revealed in a recent study by the Department of Justice indicating that as many as 13 percent of debtors filing under chapter 7—182,000 people each year—can, indeed, afford to repay a significant amount of their outstanding debt. That amounts to $4 billion that would have been paid to creditors but is being avoided, inappropriately, by what amounts, in my judgment, to a misuse of the bankruptcy code.

I believe the Congress must act. This invisible tax impacts the health of our financial institutions, forces small business people to absorb these costs, forces some family businesses out of business, and it is a cost we can avoid.

The bankruptcy legislation that Senator GRASSLEY and I have crafted strikes an important balance, making it more difficult for the unscrupulous to abuse the system but ensuring that families who really need bankruptcy protection to reorganize their lives still have access to it.

At its core, the Grassley-Torricelli bill is designed to assure that those with the ability to repay a portion of their debts will be required to do so but that judicial discretion will ensure that no one who is genuinely in need of debt cancellation is prevented from having a fresh start in American life.

When this legislation passed the Judiciary Committee, there were those who had legitimate concerns about some of its other provisions. I was among them and stated so at the time. These ranged from the liability of a debtor's lawyer to ensuring that low-income debtors with no hope of repaying their debts were not swept into the means test.

Colleagues should understand that Senator GRASSLEY and I are prepared, with a managers' amendment, both to ensure that the debtor's lawyers are protected from liability and that low-income people are not inappropriately subjected to this means test. That managers' amendment, I believe, will pass and will make this far better legislation than the Senate considered previously or the legislation that passed the Judiciary Committee.

I am very pleased that we have come so far with this bill. It is critical for our financial institutions and, indeed, it is critical for American families.

There remains one other central issue, however, that must be in this legislation, and that is dealing with the other half of this balance. It is the question of the abuse, I believe, of credit in the Nation itself.

The credit card industry last year sent out 3.5 billion solicitations—41 mailings for every American household; 14 for every man, woman, and child. No one wants to interfere with poor or working people getting access to credit. They should have the availability to do so, but there is something wrong when 14 solicitations per person are being received; when college students, juveniles, poor people are solicited again and again and again, often for high-interest credit. Indeed, these solicitations for high school and college students are at record levels.

The result of this solicitation is not surprising: Americans with incomes below the poverty line have doubled their credit usage; 27 percent of families earning less than $10,000 have consumer debt that is more than 40 percent of their income. Indeed, it is not our intention to restrict access to credit for low-income people or even young people. Senator GRASSLEY and I have crafted legislation that will at least ensure that consumers are protected by giving them knowledge, by having full disclosure so people can make informed judgments, when receiving these solicitations, about how much debt they want and what it will take to repay it and on what kind of a schedule.

Taken as a whole—all of the provisions in the managers' amendment, the legislation from the Judiciary Committee—Senator GRASSLEY's work in consumer protection is a well-crafted and a very balanced bill.

My hope is it can receive early consideration but that, under any circumstances, this Senate does not adjourn for the year without providing for American families this credit protection by full disclosure, by providing for American business protection against bankruptcy abuse, and by redesigning this code so that it is fair to our businesses and our consumers alike.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I know the Senator from New Jersey has to leave. But before he does, in front of all of my colleagues, I want to thank him very much for an outstanding statement that focuses on the complexity of the bankruptcy problem. Most importantly, he focused attention on the bipartisanship of this legislation and on our commitment to getting it passed not only this Congress, but this year. It can be done.

I encourage the Democratic and Republican leaders to have the necessary meetings and conversations it takes to bring this bill to the floor under a reasonable agreement so we can start work on it. In just a few hours, we can work our way through the disagreements that other Members might have and do it in a bipartisan way and get this bill on its way to the President of the United States.

So in public, I am happy to thank the Senator from New Jersey for his cooperation. He has worked with me in a truly bipartisan way. For constituents who might be listening anyplace in the United States who are concerned about this body or Congress as a whole or Washington, DC, being too partisan, this bankruptcy bill is an example of where bi-partisanship has worked. If I had tried to do this in a partisan manner, this bill would not even be as far as it is.

Mr. GRASSLEY. Before getting to the big bankruptcy bill, I want to touch on a related matter—the problem of the sunsetting of the agricultural provisions of the bankruptcy code, chapter 12. I believe it is the only section of the bankruptcy code that is sunset from time to time. It is not a permanent part of the bankruptcy code. It was passed about 13 years ago to meet the needs of agriculture in depression in the 1980s, and it has been renewed by Congress continually since then.

It has been a very successful part of the bankruptcy code because, of the farmers who have sought the protection of chapter 12, an Iowa State University study indicates that 84 percent are still in business farming, family farmers still farming.

We are at a situation where 1 year ago, about this period of time, chapter 12 actually sunset. It was extended for 6 months in the omnibus spending bill because the feeling was that we wanted to take it up at the very same time a revision of the entire bankruptcy code was taken up. The comprehensive bill is the bill that Senator TORRICELLI has spoken about and which I will discuss shortly. Within that bill, there is a permanency brought to chapter 12 in the bankruptcy code so it will no longer sunset.

The March 31 deadline came, and this bill was not up. It was extended yet again for 6 months. I urged the majority leader to extend it for a year because I anticipated some of the problems we have recently faced regarding the bankruptcy code. It was thought by a lot of interests in this city that it was necessary to have chapter 12 not made permanent, separate from the entire bankruptcy law, because it was needed to help get the general bankruptcy revisions through. So it was extended for another 6 months.

This week it is going to expire again. It is ludicrous that the House of Representatives, just yesterday, passed only a 3-month extension of chapter 12 so that somehow if we don't get this permanent bankruptcy bill passed, we are going to have chapter 12 expiring again on New Year's Eve. That is a Y2K problem for agriculture we better be alerted to because Congress is not going to be in session on New Year's Eve to renew chapter 12. I hope that when the Senate considers the House version, we ignore it, and we move with a permanent extension of chapter 12 bankruptcy which I introduced last week and which is currently on the calendar.

As the Senators from West Virginia, New Jersey, and also the Senator from Montana were just speaking about the agricultural crisis, it is that way in agriculture any place in the United States. This is no time to play footsie with chapter 12 being extended for just a 3-month period of time. Those are games that don't need to be played. They don't do justice to agriculture in America, and they do not put the family farmer in the forefront of our policymaking or thinking in Washington.

I want to go to this issue about which Senator TORRICELLI spoke—the Senate not invoking cloture on the bankruptcy bill last week.

While this is unfortunate, I think it is important to say a few words in support of the bill outside of the adversarial context and the very political context of the cloture vote. I think it would really be a tragedy if both parties can't come together and deal with this bill, which has such broad support from Senators on both sides of the aisle. It was voted out of committee by a 14 to 4 vote, very bipartisan.

Bankruptcy reform is really all about a return to personal responsibility in a bankruptcy system which actively discourages personal responsibility by wiping away debts on a no-questions-asked basis.

Basic common sense tells you every time a debt is wiped away through bankruptcy, someone loses money. Of course, when somebody who extends credit has that obligation wiped away in bankruptcy, that creditor is forced to make a decision: Should this loss simply be swallowed as a cost of doing business? Or, do you raise prices for other customers to offset those losses?

When bankruptcy losses are rare and infrequent, lenders may be able to swallow a loss. But when bankruptcies are very frequent and common, as they are today, lenders have to raise their prices to offset losses. For this reason, when Treasury Secretary Larry Summers testified at his confirmation hearing before the Senate Finance Committee, he said that bankruptcies tend to drive up interest rates.

If you believe Secretary Summers, bankruptcies are everyone's problem. Regular, hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That is a real problem for the American people, and one which the Senate has an obligation to tackle.

Under our current bankruptcy laws, someone can get full debt cancellation in chapter 7 with no questions asked. If we pass our reform bill, if someone seeking bankruptcy can repay his or her debts, they will be channeled into chapter 13 of the bankruptcy code, which requires people to pay some portion of their debts as a precondition for limited debt cancellation.

The bankruptcy bill, which the Senate will hopefully consider soon, will discourage bankruptcies and, therefore, lessen upward pressure on interest rates and prices. Right now, under present bankruptcy laws, one of the richest captains of industry could walk into bankruptcy court and walk away with his debts erased. Of course, the rest of America will pay higher prices for goods and services as a result. If we pass this bill, higher-income people will be unable to use bankruptcy as a financial planning tool. All Americans will be better off. The message of Senate bill 625 is simple: If you have the ability to pay debt, you will not get off scot-free.

These are good times in our Nation, thanks to the fiscal discipline initiated by Congress, and the hard work of the American people—and more due to the hard work of the American people than what we have done in Congress. We have the first balanced budget in a generation, unemployment is low, we have a burgeoning stock market. Most Americans, except for the American farmers who are in a depression, are optimistic about the future. But in the midst of such prosperity, about one and a half million Americans declared bankruptcy in 1998. Based on filings for the first two quarters of 1999, it looks like there will be just under 1.4 million bankruptcy filings for this year. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

Now, I don't think anyone knows all of the reasons—I don't pretend to know either—underlying the bankruptcy crisis. But I think I can talk about what is not at the root of the bankruptcy crisis. I have a chart here that has four smaller charts on it that I think demonstrates it is not the economy that is driving the crisis. Here we have the high rise in bankruptcies over the last 6 years, a very rapid near 100-percent increase in bankruptcy filings. We have, during that same period of time, a very dramatic drop in unemployment in the country. We have a very sharp rise in the Dow Jones Industrial Average. We have a rise in the average wage of American workers. This shows that it is not the economy that is causing so many bankruptcies.

The economic numbers tell us that the bankruptcy crisis isn't a result of people who can't get jobs; and the jobs that people do have are paying more than ever. So the bankruptcy crisis isn't about desperate people confronting layoffs and underemployment. With the economy doing well and with so many Americans with high-quality, good-paying jobs, we have to look deep into the eroding moral values of some people to find out what is driving the bankruptcy crisis. Some people flat out don't want to honor their obligations and are looking for an easy way out. In the opinion of this Senator, a significant part of the bankruptcy crisis is basically a moral crisis. Some people just don't have a sense of personal responsibility.

It seems clear to me that our lax bankruptcy system must bear some of the blame for the bankruptcy crisis. Just as the old welfare system encouraged people not to get jobs and encouraged people not to even think about pulling their own weight, our lax bankruptcy system doesn't even ask people to consider paying what they owe, particularly when they have the ability to pay. Such a system, obviously, contributes to the fray of the moral fiber of our Nation. Why pay your bills when you can walk away with no questions asked? Why honor your obligations when you can take the easy way out through bankruptcy? If we don't tighten the bankruptcy system, the moral erosion will certainly continue.

The polls are very clear that the American people want the bankruptcy system tightened up. In my home State of Iowa, 78 percent of Iowans surveyed favor bankruptcy reform, and the picture is the same nationally. According to the Public Broadcasting System program Techno-Politics, almost 70 percent of Americans support bankruptcy reform.

The American people seem to sense that the bankruptcy crisis is fundamentally a moral crisis. I have a chart that also deals with that. This chart is done by the Democratic polling firm of Penn & Schoen. It talks about the perceptions people have about bankruptcy. You can see here that 84 percent of the people think that bankruptcy is more socially acceptable than it was a few years ago. This is the same polling firm President Clinton uses; so I think this number is very telling, given that it was produced by a liberal polling firm. In my State of Iowa, the editorial page of the Des Moines Register has summed up the problem that we have with the bankruptcy system by stating that bankruptcy "was never intended as the one-stop, no-questions-asked solution to irresponsibility." I totally agree.

I hope we can soon get to the bankruptcy bill, which has so much support in the Senate. As my colleague who worked so closely with me on this legislation, the Senator from New Jersey, has said, we are committed to bringing this bill to a vote this year and getting it done in a fashion that will show the bipartisanship that has operated throughout this year to bring us a 14–4 vote out of the Senate Judiciary Committee, to duplicate that wide margin on the floor of the Senate, to send a clear signal to people who use bankruptcy as financial planning that if you have the ability to pay, you are never going to get out of paying what you have the capability of paying. That is good for our country, it is good for the economy and, most important, it is good for the pocketbooks of honest Americans. Bankruptcies cost the average American family to the tune of $400 a year. That's not fair to the American men and women working to pay taxes and make a better life to have to pay $400 more per year because somebody else isn't paying their debts.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative assistant read as follows:

> A joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes.

Mrs. BOXER. Mr. President, will the Presiding Officer explain what is before the Senate.

The PRESIDING OFFICER. House Joint Resolution 68 is before the Senate.

Mrs. BOXER. Mr. President, as I understand it, that resolution is the continuing resolution that will keep the Government running for the next 3 weeks based on the 1999 spending figures; am I correct?

The PRESIDING OFFICER. The Chair will not interpret the content of the legislation. However, that is the topic of the resolution.

Does the Senator seek recognition?

Mrs. BOXER. I do. I yield myself such time as I may consume from the Democratic leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think we have reached a moment on the floor of the Senate that ought to be marked. Very sadly, it is a moment of failure for this Republican Congress, a moment of failure after promising a moment of success.

Why do I say that? There were three promises made by the Republican leader to the people of the United States of America. The first promise was that the spending bills, all 13 of them, would pass on time and within the context of the balanced budget; the second promise was that the Republicans would not touch the Social Security trust fund to pay for their programs; the third promise was that they would stay under the spending caps that were approved before.

In my opinion and in the opinion of many others, all three of those promises are being broken. In the lead story in the New York Times today, we read about the shenanigans going on in trying to get this budget accomplished.

I have proudly served on the Budget Committee in the Senate for 7 years; in the House, I served on the Budget Committee for a total of 6 years. I know there have been times when neither side has performed as it should. However, I never, ever remember it being this bad. I never, ever remember it being this chaotic. It is very sad because the rest of the country is doing great fiscally. This is the best economic recovery we have had. In my lifetime, these are the best statistics I can remember for low unemployment, low inflation, high home ownership. Things are going really well. Yet in that context, when things are going really well, we cannot get our act together around here. I have to say it is a failure of Republican leadership.

What is before us today is a bill that will continue the functions of Government for the next 3 weeks because, out of the 13 spending bills, only 1—only 1—has received a signature from this President. Therefore, we have to have a continuing resolution or the Government will shut down. I understand that. But let me simply say this. I think the reason my Republican friends are in so much trouble—and I hope some of them will come to the floor because this is their continuing resolution; I assume they are on their way so we can have a little bit of a debate here—I think the reason the Republicans are in so much trouble is, they have locked out the President, they have locked out the Democrats, and they are coming up with plans that are out of touch with reality and with what the American people want.

Let me give an example. Everyone around here says children are a priority and education is a priority. Yet the last bill my Senate friends have looked at in the Appropriations Committee, the one they saved until last, is education. HHS—Health and Human Services—includes education.

Why do I say the Republicans are out of step with the American people? I say it based on three simple facts.

There is nothing in that bill, not one penny, to continue to put teachers in the schools and to lower class sizes—nothing, not a penny, not even to continue what we started last year when Senator MURRAY and the President of the United States of America put before us a very important program to place 100,000 teachers in the schools.

Last year, as a result of our getting together, we compromised at 30,000 teachers. To be exact, 29,000 teachers have been hired under this program. There is not one penny in this education bill to continue that program. We were hoping we would have funding to continue the 29,000 and go forward with the rest of the 100,000. We know that when there are smaller class sizes, kids do much better. We know that. It is a fact. It is indisputable. Yet in their Republican budget, not only do they not expand this program but they do not put one penny in to pay for the 29,000 teachers all over the country who are already in the classroom. This Republican budget is a pink slip for 29,000 teachers. How does that comport with what the American people want? How does that comport with the reality the American people expect from us? It does not.

Another thing the American people say they want from us is to rebuild our crumbling schools. You do not have to have a degree in education or sociology to understand our schools are falling down. What kind of message is it to our children when we say how important education is in this global marketplace and their parents are telling them how important it is, and they walk into school, and what happens? The ceiling tiles are falling down on their heads. I saw it in Sacramento, CA. I saw it in Los Angeles County. Yesterday, the President was in a Louisiana school. He saw the same thing. We need to make sure we rebuild our crumbling schools. That is another issue the American people want resolved.

Third, after school; I have brought the issue of after school to the Senate for many years. I am very pleased to say we are moving forward. But we have thousands and hundreds of thousands of children on waiting lists for afterschool programs.

Why are they important? Because we know in many cases parents work and kids get in trouble after school. We know when they have good afterschool programs, they learn, they get mentoring, the business community comes in, the police community comes in, they learn about the dangers of drugs, they can get help with their homework, and they do important things. I have been to some fantastic afterschool programs, and I have seen the look on the kids' faces. I tell you, they are doing well. Studies show they improve their academic performance—by 80 percent in one particular program in Sacramento—if they have afterschool.

What does the Republican education budget do for after school? It comes in

$200 million below the President's request. What that means is that 387,000 children will be denied after school.

What I am saying is, we have a budget situation that is out of touch with what the American people want. I am just giving three examples—teachers in the schools, school construction, afterschool programs. Those are just examples. Guess how they pay for it. As I understand it—and it keeps changing every day—essentially they tap into the Social Security trust fund. They do it in a dance, and a bob and a weave that is impressive, but I understand it.

What I understand they are going to do is take $11 billion in authorizing funds out of the defense budget—OK?—and put it into education. Follow me on this. And then, as soon as they have done that, they declare that $11 billion of defense spending is an emergency. That is the way they get around the caps.

There is only one problem: It comes out of the Social Security trust fund. All emergency spending comes out of the Social Security trust fund. So, yesterday what was not an emergency in the military budget today will become an emergency, and the Social Security fund will be raided. I have to say, this is gamesmanship.

I think what we ought to do is pay as you go around here. If we want to spend more, we ought to pay for it. That is why the President's budget had well over $30 billion of offsets to handle the new requirements. It doesn't dip into the Social Security trust fund, and it doesn't play shell games between defense and domestic priorities.

So here we are going to have a continuing resolution to get us through these next 3 weeks. I truly have not decided whether I am going to vote for it or not because, on the one hand, I understand we are coming down to the end of the fiscal year and we have to continue the Government; on the other hand, I believe, as the Senator from the largest State in the Union, the way they are doing this budget around here is something I do not want my fingerprints on. I really do not. I do not approve of it. I think it is wrong. I do not think it is honest. I do not think it is direct with the people. I do not think it is fiscally responsible. I think it takes us down the road we do not want to go down. I don't want more smoke and mirrors. We have had enough of that on both sides of the aisle. We are finally getting on our fiscal feet. We ought to stay on our fiscal feet.

I just want to say to my friends, I have a solution to their problem—because they are having problems on this. If they will open the door to this President and work with him on some compromises here, we can finish our work and be proud and go home. Will everyone get what he or she wants? No. That is what compromise is. But we will each get maybe halfway there, and we can feel good about ourselves, that we have reached across the party lines. This President has his strong priorities. The Republican Congress has its strong priorities. I think if they add to that the Democratic leadership here, Senators DASCHLE and REID, and then on the House side Congressman GEPHARDT, Congressman BONIOR, and the other leaders, of both sides, I think we will find we can do business together.

One of the reasons I hesitate to vote for this continuing resolution is, as I said, I am not sure I want my fingerprints on what has happened so far. On the other hand, it is not too late. In the next 3 weeks, we could open up the doors. We could have a summit. We could bring everyone to it. We could all lay out what we want to have happen, show the American people we are willing to put them in front of politics, and come out with something we can be proud of, a true education plan that is going to meet their needs, a budget that is in balance, both in its actual numbers and in its priorities. I think we can go home and be very proud of ourselves.

I was on my feet for many hours last week over an issue called oil royalties. It is very interesting, in this continuing resolution, that moratorium on fixing the oil royalty problem is nonexistent. It is possible that the Interior Department could issue rules and stop the thievery that is going on. I hope they will do it. I really hope they will do it.

Talk about needing money. We estimate that $66 million a year is being lost out of the coffers because the oil companies are not paying their fair share in oil royalties. We had a vote on this, a very close vote. Senator HUTCHISON was able to defeat me by 1 vote on the cloture vote, and I think the final vote was 51–47. I was unable to defeat her on the substance of her amendment. But JOHN MCCAIN wrote in and said he would have voted with me, which would have made it 51–48.

I hope Bruce Babbitt is watching this and he will take advantage of this 3-week hiatus we have in front of us where he is now able to fix this problem. I hope he will do it. I really appreciate the editorials across the country saying we have exposed a real scam and it ought to be fixed. I hope, again, if Secretary Babbitt is listening, perhaps he will do something good in these 3 weeks and move forward to resolve that issue.

Be that as it may, that is a relatively small issue compared to keeping this Government going. I know we will keep this Government going with or without my vote. We will move it forward. I once more appeal to my colleagues: You made three promises, you have not kept them. Why not open the door and see if we can help you out because you cannot obviously come to this decision on your own. You have not done the bills on time, you are dipping into Social Security, and, in essence, you are bypassing the caps by calling things emergency spending today that did not warrant emergency spending yesterday. Why don't we stop the smoke and mirrors and shell games? Why don't we pass a budget that reflects all of us to a certain degree.

In the House of Representatives, there are only 11 votes that separate Republicans and Democrats. I have been over there. I was over there when we were in the majority. We probably had a 50-, 60-seat majority. The Republicans have an 11-seat majority in the House and a 10-seat majority in the Senate. They run the place. That is the way it is. Even if they had a 1-vote majority, they would run the place. I accept that. That is how the voters wanted it. But it is kind of tough when it is that close to do the right thing unless we all sit down together.

We have good people on both sides of the aisle. I have so many friends on the other side of the aisle whom I respect very much, including the Presiding Officer with whom I have worked on many issues. There is no reason why we cannot sit down in these next 3 weeks and find the answers and make the compromises. But we are never going to do it if we put politics ahead of bipartisanship. That is my plea before we have a vote.

I thank the Chair very much for his patience. I know it is sometimes hard to sit there and listen, and he has done that in a very fine way.

I yield the floor and, of course, retain the remainder of the leader's time on this side. I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I yield myself as much time as I may consume from the Democratic leader's time.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair.

Mr. President, I very much appreciate the opportunity to speak on what I consider is perhaps the most important issue facing us, and that is the future of our educational system.

Everywhere I go in my State people are worried about the future of our education system. They are worried in the inner city; they are worried in the wealthy suburbs; they are worried in the rural areas; they are worried in the upstate cities. Everywhere we go, people are worried and concerned.

Their gut feeling, as usual with the American people, is right. They know we are entering a profound new time where ideas generate wealth. Alan Greenspan I thought put it best. He said: High value is added no longer by moving things but by thinking things.

America, God bless us, does very well in this type of ideas economy. In fact, if one looks at probably a core sentence at the very key of our existence as Americans, it is competition of ideas. That is what the Founding Fathers fought for, that there could be a free and open competition of ideas, free speech, or in the spiritual sense, which is freedom of religion, or in a business sense which is capitalism, free enterprise, or in a political sense, which is democracy, all of which are at the core of this country.

In general, we are doing extremely well as an economy because we believe in the competition of ideas. It does not matter who you are, from where you come; if you have a good idea, you can either go out and make money or become an author or professor or whatever. It works. But when our world is becoming so focused on the competition of ideas and ideas in general, we cannot afford to have a second-rate educational system. When I read that we are 15th, say, in math of the 25 or 22 developed countries, or we are 18th in biology or 12th in geography, I worry, and I think every American worries, whether they voice it in these terms or in other terms.

We face a real problem, and that is the future of our educational system. It is not the best.

I can imagine a country, let's say an imaginary country, of, say, 20 million citizens, many fewer than we have. It can be a complete desert: No fertile fields, no wealth in the mines, but if they had the best educational system and churned out top-level people, they could become the leading economy in the world.

We have an imperative to create not the second best, not the third best, not the fourth best, but the best educational system in the world.

We have pockets of excellence. I have seen them in my State. But we also have pockets—broader than pockets, we also have broad plains of schools that are not the best. I say this as somebody who is a father of two daughters who are both in public schools in New York City. One is 15 and one is 10. They are getting a good education. My wife and I do everything we can to see that the education is the best. But every parent and every grandparent and every young person worries about the future of our educational system.

With the Education, Labor and HHS conference report, one of the first things I look at, perhaps the first, is how is it for education?

At first glance, it does not look too bad. Funding levels are marginally better than last year on some of the major school programs. When you consider how contentious this bill can be, at first glance it seems this is a pretty fair, good-faith effort. But then there is the fine print. When you get to the fine print, it is frustrating and maddening. It is not a good bill for education. If we care about our country's future, our children and our grandchildren, we will not support a proposal that is as weak as it is on education.

The most egregious item in the bill is the so-called teacher assistance initiative. This is our program to hire 100,000 new teachers. There is funding in the bill of $1.2 billion. That is all great, except when you read the fine print. It says this money is subject to authorization. To the average citizen, it means this money is not there at this point in time.

We all know we are not going to authorize this program this year. So money for new teachers will disappear at a time when we need better quality teachers. I have introduced a "Marshall Plan" for education focusing on the quality of teachers. At a time when we need to reduce class size, what we are doing is taking away money that would now exist, and then we are afraid to say so.

So we put in this chimerical program which says the money is here, and then it isn't. The language for this program is designed, in short, not to hire teachers but to fool parents; it is a bait and switch, because what is really going to happen to the $1.2 billion for new teachers is that it is going to be spent on something else. Who knows what it will be. It could be on anything. But it will not be on teachers.

What disturbs me is that the shortage of good, qualified teachers is reaching crisis proportions. Half of our teachers are at retirement age; too few new teachers are taking their place; and in today's world, where the success of an individual depends more on the content of their mind than on the strength of their back, we cannot continue this holding pattern on education.

But this proposal is not just a holding pattern. It is worse. It is a step backward because last year we made the initial downpayment on the hiring of 100,000 new teachers, and this year we are leaving cities and towns across the country in the lurch.

It is a shame. It is a shame this bill makes a false promise that we are going to continue to fund this emergency teacher program, when we all know that unless the language in the bill is deleted, not a single dollar will be spent on new teachers.

I would ask our Senate leadership—plain and simple—to allow us to vote on this language.

There are two other problems with the education portion of this bill. The first is school construction—another national crisis. We have inner city schools that are overcrowded. We have kids in the suburbs going to school in trailers.

I learned this firsthand from my own daughter when she was in kindergarten and went to an overcrowded school in my hometown of Brooklyn, NY. There were two classes in one kindergarten room on the day my wife and I went to Open School Day. We understood the difficulty because you had one class in one part of the room and one class in the other part of the room, and when our daughter's teacher was speaking, you could not understand her because you heard, in the background, the other teacher speaking in the other part of the classroom.

We have students in New York who are in temporary classrooms because either their suburban school districts or their city school districts are growing or because the decrepit buildings that were built 40, 60, and 80 years ago are in desperate need of repair.

Some might say, let the localities do all this. Have you ever seen the property taxes in localities throughout our States and large parts of our country? The local governments do not have the wherewithal for these kinds of major expenditures. So we can come up with some kind of rule that the Federal Government is not going to help, whereby this problem continues, or we can step into the lurch. I would like to step into the lurch.

Our school districts need Federal help. This bill offers nothing for school construction and is a grievous blow to our schools and our kids.

Last, there is no money for afterschool programs. These are programs that help students with tutoring and help gifted students with advanced learning. It is also an important part of our strategy of keeping kids out of trouble by keeping them in schools so they are not marching around the streets or the shopping malls. There is nothing in this bill for them.

When I was a young man growing up in Brooklyn, I attended the Madison High School Afterschool Center and Night Center. I spent a lot of time playing basketball. I had fun. We were not very good. Our team's motto was: We may be small, but we're slow. But it kept me in constructive activity. It did not cost much. There is nothing in the bill for something like that.

Again, could the local school district do this? Yes; and some are able to. But with property taxes through the roof in so many districts—in the suburbs, in the cities, in rural areas —most school districts say they cannot afford it and they simply let the localities fend for themselves.

So there is nothing in this bill for students who need and want a place to go after the final bell rings.

In sum, this bill, which on first blush does not look too bad, is a real disappointment. Much of the promised money is "phantom" money, and it saddens me because our education crisis is anything but "phantom."

The economic strength of this Nation, as I mentioned at the beginning of my little chat, is directly tied to the ability of our schools to produce young men and young women who are the best, who are innovative and creative and analytical, skilled in math and science and technology and communications.

Just today I introduced legislation with the Senator from Virginia, Mr. ROBB, and the Senator from Massachusetts, Mr. KERRY, and the Senator from Vermont, Mr. LEAHY, which talks about how we are using foreign workers for the most highly skilled professions because we do not have enough Americans to fill those positions. Let's make sure we have enough Americans 5 and 10 and 15 years from now to fill those positions. This bill does not do it.

In my view, we should be doing much more for our kids and for schools than what we would do in this bill, even if all the funding was real. This is the one place we should be spending more money. We should be spending it intelligently. We should be spending it with standards. I believe we should not have social promotion. I believe teachers should have standards and be tested and meet certain levels. But we should be spending it. This bill, even if the gimmicks were eliminated, basically treads water. With the gimmicks in it, it means we are drowning. I am disappointed we can't produce a bill that does more for our kids and, particularly, that there is funding here that we know is a phantom. The least we should do is make sure the 100,000 teachers provision is real and whole because our problems are not about to fade away.

We need to embark on a massive effort to improve education. If the Federal Government can help do that, I think we should.

Mr. DORGAN. Will the Senator yield for a question?

Mr. SCHUMER. I am happy to yield.

Mr. DORGAN. The Senator from New York talked about the 100,000 teachers program, the program to try to reduce class size all around this country and improve schools, improve learning as a result.

I came from a markup of the appropriations bill that will provide the resources for various education functions. We had a discussion in that markup on this subject. It is the case, as the Senator from New York indicates, that unless something affirmatively is done, we will come to the next school year and 25 or 30,000 teachers across this country, teachers in every State, will get a pink slip saying: You are not any longer hired under this program.

Last year, during the negotiation over the budget and appropriations between President Clinton and the Republicans and Democrats in Congress, a program was both authorized and funded that said it shall be the objective in this country to reduce class size and provide teachers to help accomplish that. Why? Because we know kids learn better in smaller classes. Does a kid have more attention from the teacher and more individualized instruction in a class with 15 or 16 students than with 30 students? The answer is, yes, of course. From study after study, in State after State, we understand it makes a difference in a child's education to reduce class size.

Unless this Congress continues to fund that effort, up to 30,000 teachers will be fired. Isn't it the case that this program was authorized last year and appropriated last year, almost 1 year ago now? And the bill that will come to the floor tomorrow, by the way, will propose that we not fund that, that we decide not to fund that program; isn't that the case? And isn't it the case that we will have to wage a fight on the floor of the Senate for an amendment that affirmatively says: We as a country want to retain and continue this objective of reducing class size to improve education and improve the opportunities of young children to learn in schools?

Mr. SCHUMER. Mr. President, I say to the Senator from North Dakota, he is right on the money, literally and figuratively—literally because, as I understand it, this proposal says they are going to use $1.2 billion, the amount we need to continue the program of hiring 100,000 new teachers, but then it says only if it is authorized. The Senator may correct me if I am wrong, but I believe the program is not authorized and there is virtually no chance we will authorize it this year. Am I right about that?

Mr. DORGAN. The Senator from New York is correct. There is a circumstance in the markup document that we saw today, and that we took action on this afternoon, that says there will be money available, if authorized. But, of course, the authorization committee is not going to be on the floor reauthorizing elementary and secondary education. It sets up a circumstance where they know and we know they will not continue this program to reduce class size.

How do you reduce class size? You hire additional teachers. We don't have a large role in education at the Federal level. Most of elementary and secondary education is handled locally. Local school boards, State governments, and others decide the kind of education system they want. What we have done is establish national objectives. One of our objectives is to say we can improve education, we know how to improve education, if we can devote more resources to teachers in order to have more teachers and reduce class size.

Walk into a classroom bursting with 30 children. Then ask yourself, does that teacher have the same capability to affect each of those children's lives that a teacher who is teaching 15 children would have in the same classroom? The answer is, no, of course not. That is why this is so important.

There is nothing much more important in this country than education. Almost everything we are and everything we have been and almost all we will become as a country is as a result of this country deciding education is a priority, that every young child in this country shall have the opportunity to become the best they can be.

I walked into a school one day in North Dakota. I have told about it on the floor of the Senate. A little third grader—this was a school with almost all young Indian children—whose name was Rosie said to me: Mr. Senator, are you going to build us a new school? Regrettably, I couldn't say yes; I don't have the money. I don't have the authorization. I don't have the capability. But she needs a new school. One hundred and fifty kids, one water fountain, and two bathrooms crammed in a building that in large part is condemned. These kids need new schools. They need smaller classrooms, better teachers.

How do we do that? We devote resources to it. If we have $792 billion to give in a tax cut over the next 10 years, maybe there ought to be some money to care about Rosie and to care about other kids crammed into classrooms across this country, classrooms that are too crowded, classrooms where learning isn't accomplished, where we know it can be accomplished if we have more teachers and reduce the size of the classroom. Isn't that the substance of this debate? Isn't that why it is important?

Mr. SCHUMER. Mr. President, I have to go to another meeting with folks from Binghamton, but the Senator is on the money again. We need to help improve our educational system. Instead of moving forward, this bill is a step backward on teachers and smaller class size, on school construction, afterschool programs.

I urge all of my colleagues, Republican and Democrat, in the Senate to reject this bill until it does good for education. I thank my colleague from North Dakota for bringing forward these points so eloquently and so forcefully.

With that, I yield back my time.

Mr. DORGAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. GORTON). Eighteen minutes 24 seconds.

Mr. DORGAN. Mr. President, we are debating a continuing resolution for 3 weeks. The continuing resolution, which probably doesn't mean much to a lot of people, commonly called a CR here in Congress—means we continue the appropriations level of those appropriated accounts that now exist for a time until the appropriations bills are debated and voted on by the Congress.

Normally, we should do that by September 30, and then, by October 1, the new fiscal year starts. When the new fiscal year starts, the new appropriations bills which we have passed come into effect and provide the funding. Because we have not passed, finally, between the House and the Senate, appropriations bills from the conference reports, we don't have funding that is assured for the coming fiscal year. Therefore, there will be a continuing resolution.

Why haven't we passed the appropriations bills coming out of a conference with the House of Representatives? The answer is, simply, we have not been able to do that because the money doesn't exist to fit all of the priorities in the budget that was passed by the Republicans this spring.

We can have a long debate about priorities: What is important and what isn't; what works, what doesn't; what we should do and what we should not do for the future of this country. Earlier this year, we had a debate in part about that with respect to the budget. I said then that 100 years from now, when we are all dead and gone, those who want to evaluate what we were about, what we thought was important, what our priorities were, can take a look at the Federal budget and evaluate what we decided to invest in, what we wanted to spend money on. Did we decide education was a priority, health care, health care research, food safety, or family farmers? Go down the list; there are literally hundreds of priorities. One could evaluate what people thought was important by evaluating what they decided to put in their budget and then what they decided to fund.

The two largest appropriations bills have been held until the end of this Congress because the money didn't exist to fund them. We have budget caps that everyone in this Chamber knows do not now fit. We finish appropriating money for defense and a number of other agencies and then come to the remaining appropriations bills and are told: You have to do a 17-percent, 27-percent, or 30-percent across-the-board cut in all of these other issues: education, health care, and more.

That is not something anyone would bring to the floor of the Senate. So we start doing creative financing. The majority party said: We can solve this problem by creating a 13th month.

That was one of the ideas last week or the week before. We can just describe a 13th month. If you could just have a 13th month, then you could move money around and pretend you had solved the problem.

Well, the Washington Post wrote about that and said "GOP Seeks to Ease Crunch with 13-month Fiscal Year." That didn't work real well because nobody knew what to call it. Of course, folks immediately described it as smoke and mirrors and not a very thoughtful approach.

The Wall Street Journal wrote this article: "GOP Uses Two Sets of Books." It describes "double counting." Of course, that doesn't work real well either. Double entry bookkeeping doesn't mean you can use the same dollars twice. Some described a new accounting system using two sets of books. That hasn't turned out to work real well either.

Now we have what is called "virtual money." I heard somebody described funding for a "virtual university" that Governors want to create. I thought that was appropriate. We now have a "virtual funding" scheme for the largest appropriations bill. We will see how that works.

This process, at the end of this session of Congress, is about as disorganized and messy as any I have seen in the years I have served in Congress. This isn't the way to do the Senate's work or the country's work. The thoughtful way to do it is to pass appropriations bills, one by one, during this year when they should be passed, go to conference, reach accommodations and compromise between the House and Senate, between Republicans and Democrats, between the Congress and the President, and then fund the programs that are important for this country's future.

None of that is happening. Earlier today, the majority leader indicated on one of the very important appropriations bills that I care about—the Agriculture appropriations bill—that the conference was "ongoing." He said, in response to the Senator from Minnesota, the conference is underway. I pointed out that the conference isn't underway. I am a conferee. That conference hasn't met for a week.

I went back to my office after pointing that out to the majority leader and I read this memo that was sent to all conferees. This is from a staff person with the Republican majority on the conference dealing with agriculture. Mind you, there is not much that is more important as an issue to my State, North Dakota, than agriculture and the health of family farming. We face a very serious crisis with the collapse of grain prices, and dried up trade markets, and a whole range of issues, such as sprout damage with our grain, and just a range of issues. We are in a real crisis.

We passed a bill on August 4 in the Senate to try to respond to the needs of family farmers. Then, for 6 or 7 weeks, there was this foot dragging with nothing happening. We finally went to conference last week, and it was adjourned abruptly and there has been no meeting since.

The majority leader said the conference is meeting. It isn't meeting. After I had that dialog with the majority leader, I received this today from a staffer, a Republican staffer, on the conference, apparently:

> As of this morning, the Senate Majority Leader signed off on a package which was offered from the Speaker—

Speaker of the House—

> to resolve our stalled agriculture appropriations conference.

It is interesting that the majority leader signed off on a package offered by the Speaker. If that is so, I have not seen the package; I never heard of it. There have been no meetings. Is there a group in this Capitol that is deciding what is going to happen outside the purview of the conference? Does the majority leader plan to tell us what is in this package he signed off on? Is it his decision or the Speaker's decision that conferences do not matter anymore? Can they make decisions about family farmers, agriculture, disasters, and farm emergencies without including input from those of us who represent farm States? Is that what is happening?

It says:

> The conference will not reconvene and all items are closed.

I am one of the conferees. We haven't met for a week. We are in the middle of a full-scale crisis and disaster on America's family farms. A week ago, we had 100,000 hogs floating dead in the Carolinas, a million chickens, untold cattle, crops devastated up and down the east coast from Hurricane Floyd. You think they don't have a disaster? You think they don't have a crisis? That needs to be addressed in this conference. How is it going to be addressed? Who is going to do it?

The conference was adjourned. Do you know why it was adjourned? Because some on the conference—on the Republican side in the House—didn't like what we did in the Senate with respect to embargoes on food and medicine. What we did, in a bipartisan way, with Senators ASHCROFT and DODD, was say that we ought not ever use food as a weapon again. We are sick and tired of it. Iran, Iraq, North Korea, Cuba, you name it—when you slap an embargo on countries that are not behaving well and you include in that the cut off of food and medicine to those countries, you shoot yourself in the foot. We all know it. We have known it for 40 years. This Senate, by 70 votes, said it is time to stop that—no more food embargoes or using food as a weapon.

Well, we got to conference and the Republicans on the House side didn't like that, and so they adjourned and haven't met since. Now I am told, by notification of a staffer, that the conference is over, the conference will not reconvene, all items are closed and, as of this morning, Senate Majority Leader LOTT has signed off on a package that was offered from Speaker HASTERT to resolve our stalled appropriations conference.

That is some bipartisan way to run a Senate or a Congress. It shortchanges America's family farmers, and it shortchanges those of us who serve here who are supposed to have an opportunity to serve on these conference committees. In my judgment, it really turns a blind eye to the needs of rural America.

We will discuss this at some greater length, but we have to do a continuing resolution now—that is what this debate is about—because this bill wasn't done. This bill wasn't done because we have been stalling for months and months because they didn't feel they had the money to do it. Then we have full-scale emergencies arise with the collapse of grain prices, Hurricane Floyd, a drought in some parts of the country, and, finally, it is decided we have to do some kind of a bill and then it gets into conference, and we have all these folks who can't decide to agree, so they just quit. The majority leader and the Speaker made a decision on how this is going to go, and they will bring it to the floor.

That is not satisfactory to me and my colleagues, a number of whom serve on this conference committee and have waited for that conference committee to be called back into session. That is not the way to do business. A CR is not the way to do business, and we all know it. I am not going to object to a 3-week continuing resolution. I will vote for it. I told Senator DASCHLE I will vote for it. But we all know it represents a failure of this Senate to get its business done on time, a failure of the Senate to describe the right priorities and support them.

I hope this is the last of those kinds of failures. I hope that at the end of 3 weeks, we will have had the opportunity to debate, offer amendments, and consider a range of opinions in this Chamber on a range of issues, going from education to farm policy, and more.

Mr. President, I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will use my leader time to address the pending issue for a couple of minutes.

It is with some reluctance that we find ourselves in a situation of having to support a continuing resolution for the next 3 weeks. Although most Democrats will support this resolution, I don't know that our caucus will be united in its support. And on behalf of those of us who are supportive, I think it has to be said—and I haven't had the good fortune to hear any of the debate—we do so with great reluctance and great disappointment. We hope this will be the only CR that will be voted on and addressed this year.

Our Republican colleagues made three promises last spring. The first promise was, they would not use Social Security trust funds to pay for other government programs; the second promise was, there would be no lifting of the discretionary spending caps, that we could live within the caps we all agreed to in 1997; the third promise or commitment was, we would meet the deadlines.

We all understand the new fiscal year begins October 1, and we strive to complete our work by the first day of the new fiscal year. Here we are, a couple of days away from the new fiscal year, and what has happened? Our Republican colleagues told Members during the budget debate: No, we really don't want any Democratic amendments. We will do this on our own. We will pass a Republican budget—not a bipartisan budget but a Republican budget. That Republican budget passed without Democratic support and without Democratic involvement.

We then had a Finance Committee markup, and our Republican colleagues again said: No, we really don't want any Democratic input. We will pass a tax cut of a magnitude that goes way beyond anything the Democrats could support—recognizing it cuts into the very investments we have expressed so much concern about today, recognizing it cuts into Social Security as they promised they would not do.

Then we had the appropriations process. With the exceptions of the VA/HUD and defense bills, Democratic Members were largely shut out of the appropriations subcommittee markups, the full committee markups, and the conferences with the House

We hate to say we told you so, but that is exactly where we are today: We told you so. We knew they could not do what they said they were going to do earlier this spring and this summer. We knew ultimately they would have to cut Social Security to get to this point, and they have. We knew they would probably be forced to increase the caps, and now they have admitted that is most likely what they will do. We knew they wouldn't make the deadline, and, unfortunately, that too has come to pass.

Our Republican colleagues are coming to the floor now asking we join with them in passing a continuing resolution to give them 3 more weeks in spite of the fact we were told they really didn't need our help this spring, they didn't need it this summer. In fact, one of the leadership in the House, Congressman DELAY, was quoted as saying: We are going to trap the Democrats. We are going to trap them into recognizing they have to use Social Security. They have to break the caps.

I have to say, this is no way to legislate. The word I use to describe our current appropriations and budget circumstances is "chaos." In all the years I have been here, I don't recall a time when there has been greater appropriations disarray than there is right now. I frankly don't know whether we can put it back together in 3 weeks. But we ought to try. We know we cannot go home until this is done. We are hopeful.

I was a little concerned when the Speaker was asked, Will you shut the Government down? He said, I hope that won't be necessary, or something to that effect. I would have hoped there could have been a more definitive statement—that under no circumstances would the Government be shut down.

Our Republican colleagues are in a box. They violated their promises on Social Security and raising the caps and not meeting the deadlines. They can't mask it over now with some charade of bipartisanship when, up until this point, there has not been any.

Democrats have voted in good faith on many occasions, opting to move this process along with an expectation and hope that somehow in conference or at some point prior to the end of the fiscal year we could come together. That hasn't happened yet. As a result of our inability to come together, the President is now threatening to veto up to six of the thirteen appropriations bills. And after he vetoes them, then where are we?

This is a disappointing day. Republican responsibility day is October 1. Republican responsibility day is the day when we should all ask the question, Have the promises been kept? On Social Security, the answer is no. On keeping the caps, the answer is no. On meeting the deadline, the answer is no.

Now we are faced with an appropriations dilemma on education. They have cut education budgets by 17 percent. They are using a new, extraordinarily innovative approach to offsetting the shortfall in education by moving money we have already appropriated out of defense into education. They will then make defense whole again by declaring billions of defense spending an emergency. If that isn't the most extraordinary demonstration of flimflam budgeting, I don't know what is.

This is quite a moment. We have not yet talked about education. We will save that for tomorrow. I am disappointed we have to be here today with the recognition that those promises have not been kept, that we do need a 3-week CR, that we are facing up to six vetoes, and that we haven't been able to come together as Democrats and Republicans in a bipartisan way to resolve these problems before it is too late.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to talk about the budget gridlock we are now facing. We are considering a continuing resolution today because Congress has failed to do its job. Congress is supposed to pass the 13 appropriations bills by the new fiscal year. The fiscal year starts October 1. To date, only 1 of the 13 appropriations bills has been signed into law—1.

This is failure on a grand scale. If you look back over the last several years, in 1995, 5 appropriations bills had not been acted on and had to be wrapped into a year-end omnibus measure. In 1996, it went to 6 appropriations bills that had to be wrapped in one package, put on the desk of Members with no chance for review and voted up or down. In 1998, it was 8 appropriations bills that had not been acted on in a timely fashion, that had to be wrapped together. This year maybe we are headed for 12. I do not know. Maybe we can get some others done. But so far, only 1 of the 13 appropriations bills has been signed into law.

Does anyone see a pattern here? Does anyone see we have gone from 6 appropriations bills in 1996 not enacted to 8 in 1998 and now we have only 1 done on the eve of the new fiscal year? Our Republican colleagues who are in charge here, in the House and the Senate, bear responsibility for this failure to get the job done.

I must say, the other side promised very clearly three things. They said they would get the budget done on time this year. They failed. They said they would hold to the spending caps that were put in place by the 1997 bipartisan budget agreement. They failed. They said they would not raid Social Security. They failed. On each and every one of these counts, our Republican colleagues have gone back on what they promised. In each and every case, they have said one thing to the American public and done another thing in Congress.

I understand today they are getting really creative. Today, the Senate Appropriations Committee came up with $15 billion for the Labor-HHS bill. Where did they get it? They borrowed it from the defense bill. That is a new tactic. We have already passed the Defense bill. That is not signed either, by the way. Now they decide to go and borrow from that bill, they will put it over in the Labor bill, they will spend it there, and then they will come careening back and say they need emergency spending for the Defense bill. All of a sudden everything is an emergency with our colleagues on the other side of the aisle.

There are things that really are emergencies. The agriculture situation facing this country, that is an emergency. Hurricane Floyd, that is an emergency. But our Republican colleagues are calling everything an emergency. They are calling the census an emergency—the census. We do that every 10 years. We have done that since we started as a country and now they are calling that an emergency; something that was not foreseen, an emergency, something we did not know was coming.

I must say, the former House Appropriations Committee chairman, the former Speaker-to-be, Bob Livingston, said:

> . . . the census has been with us since the conception of the Constitution of the United States. This is not an emergency.

He is right. This is not an emergency. Nor is it an emergency as they have now designated the LIHEAP program, that is low-income heating assistance. We have had that program for 20 years. Now they say that is an emergency.

Mr. President, we have heard a lot in the last few days. We heard we were going to a 13th month; that was going to solve the problem.

The PRESIDING OFFICER. The 1 hour of debate for the minority has now expired and 54 minutes 53 seconds remain to the majority.

Mr. CONRAD. I ask for 30 additional seconds, if I might, and ask for it to be added on both sides.

Mr. THOMAS. The request is for 30 seconds?

Mr. CONRAD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the other point that should be made is now our friends on the other side have started the raid on the Social Security trust fund. That is wrong. I had a reporter ask me: Senator, didn't you put them in this box a number of years ago during the balanced budget debate by insisting we not raid Social Security?

I said:

> Absolutely, I am proud of it. We should not raid Social Security. If they want additional spending, they ought to pay for it. And they ought to do it without raiding Social Security. That ought to be a litmus test for any budget.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to make a few comments about where we are, what we are faced with this afternoon, and what we are faced with over the next few weeks. We have heard, of course, a great deal from my friends on the other side of the aisle, some of which is a little hard to understand, I believe, but nevertheless I guess legitimate conversation.

We, of course, are prepared now to take a vote within the next hour, or less, on the idea of a continuing resolution. It is not a new idea. It is one that has been used a number of times. Would we all like to be through now? Of course we would. This matter of appropriations is a very difficult task.

I must tell you at the outset, one of the bills I have had in since I have been in the Congress—I brought it with me from the legislature in Wyoming—says we ought to have a biennial budget. Instead of going through this every year, we ought to do it every 2 years: Budget 1 year, appropriations the other year, which would give us more opportunity to have the kind of oversight Congress is responsible to do, but we do not do that. We go through this each year. Unfortunately, the appropriations becomes kind of the direction for the Congress, which is wrong. It seems to me we ought to set our priorities, do that in the authorizing committees, and then we fund it.

The process, of course, is to have a budget. The budget was passed this year on time. The budget is designed to break down the total revenue, the total amount we are willing to spend, break it down by various subcommittees within the appropriations, and those are the amount of dollars with which each has to work. So we have done that, of course.

This is a pretty positive year in many ways. I certainly wish we were further along. I think everyone does for various reasons. I have a few ideas as to why we are not, I might say to my friends on the other side. But there are some positive things about which we ought to talk. How long has it been, I say to my friend, how long has it been since we have had a balanced budget? How long has it been since we have had income more than our expenditures? Has it been 25 years? Has it been 30 years? I think so. I think so. So this is kind of a positive thing about which we are talking.

This year's caps were less than last year's. Why? Because last year we took some out of this year to pay for it. This year's caps were less than last year's. I would like to stay with the caps; I voted for the caps. But when we bring up the kind of emergencies that my friend from North Dakota insisted on in agriculture—good idea? Sure. Nevertheless, that is over the caps, isn't it? That is an expenditure, and we have had a good deal of that.

We have some positive things. We will not get into Social Security. We have not gotten into Social Security. That is one of the things we are dedicated not to do. We had about $14 billion, I believe, in this budget, that is not Social Security, and we are not going to spend Social Security. That is a commitment that we have.

What are the pressures? The pressures have constantly been, from the White House, from the other side of the aisle, for more spending. That is the principle of this administration: Spend more. Spend more taxes.

We are not willing to do that. On the contrary, we have been dedicated to keeping spending down, keeping Government size down. So it is not an easy project.

I am not an appropriator. I am not familiar with the processes that have gone on internally within the committee. Talk about not being involved—I don't know that. But I do know this has been a very difficult task. I am told within these 13 bills, about 12 of them that have pretty much been completed on this floor are within the spending caps—except for the emergencies. Emergencies in military? Of course. Not a bad idea—Kosovo, all those kinds of things that were here to do something to strengthen the military, to which everyone on this floor agrees.

These are the kinds of things, certainly, that got us where we are. One of the reasons it has been difficult, of course, it has been hard to move things on the floor. We, just this last week, have gone through a couple of filibusters, as a matter of fact, in which the very folks who have been up this afternoon talking participated. That kept us for 2 or 3 days talking about MMS, Minerals Management Service. That is one of the reasons we are where we are. It has been difficult to move along that way. But that is the way a legislative body works.

We tried very hard to do some things to ensure Social Security would be kept as it was—the Social Security lockbox. How many times did we bring that up? There was unwillingness to accept it on the other side of the aisle. They did not want to do it, so we put that aside.

They have not been willing to talk about what we want to do with Social Security and individual accounts so that the money will be there.

When there is surplus money in this place, it will be spent. Could we get tax relief? No. No, our friends on the other side of the aisle did not want to do that; we ought to keep this money here so we can spend it. That is how we get into some of these things.

I am persuaded there has to be a system if you have excess money: You either have to get it out to people on Social Security, put it in those accounts, or you have to give it back to the people who paid it, if there is an excess amount of money.

No, they do not want to do that. What they want to do is spend more of it. That is where we got into this.

Gridlock? Yes, indeed, we have had some gridlock. I have been here for less than one term, but I do not believe I have seen as much gridlock as there has been this year in terms of bringing up amendments to bills we have had to take 2 or 3 days to deal with, constantly bringing up an agenda that was different from the agenda that was on the floor.

These are the things that, to me, certainly, have created difficulties in getting our task done. I agree, however, that is our task, that is what we are here to do, and I am disappointed we have not gotten it done by the end of the fiscal year. But we have not.

We are not going to allow ourselves to get into the position—I do not think anyone wants to have that happen—where there is a closure and a shutdown of the Government. Certainly we are not interested in allowing that to happen, or encouraging it to happen, or promoting an opportunity for it to happen. Indeed, we want to move forward with the appropriations as they should be dealt with, and we are persuaded that is the thing we are going to talk about doing.

Again, however, I do think there are some very positive things that have happened. For the first time in 25 years, we are not spending Social Security money, we are not spending deficit money in this budget. It has been a very long time since that has happened.

Mr. President, I suspect what we ought to do is move forward. I yield back the time allotted to the Members on this side of the aisle and ask—I was going to ask for the yeas and nays, but I don't think I can do that. I ask unanimous consent that the vote on adoption of House Joint Resolution 68 occur at 5:15 this evening and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from the State of Washington, reserves the right to object and suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. REID. Mr. President, as the fiscal year 2000 rapidly approaches, Republicans find themselves scrambling to pass appropriations bills before the October 1, 1999 deadline. Once again the majority has proven incapable of managing the appropriations process. Only four of the thirteen appropriations conference agreements have been completed, and the Labor-HHS-Education appropriations bill has yet to be voted on in either House. I recognize there is going to have to be some time so we can try to work out the differences.

What has gone on this past year is something about which we need to talk. We know they have put the most important of the 13 appropriations bills, Labor-HHS, at the bottom of the totem pole. Instead of doing this bill first, a bill that is vital to our country in dealing with health research and education, it has been put at the bottom. I do not think that is appropriate.

They have done all kinds of things: The majority has added a 13th month to the fiscal year. They are talking about delaying tax credits for low-income Americans. They are trying to spread 1 year's funding over 3 years. They are talking about making certain things an emergency, such as the census. This is just nonsensical.

I suggest that putting off for 3 weeks decisions we are going to have to make is unnecessary. The majority has consistently failed to finish their work on appropriations bills. The Senator from North Dakota, Mr. CONRAD, has done an excellent job of illustrating this point. We had two Government shutdowns in 1995, and this year, rather than developing legitimate spending offsets to increase funding available for the next fiscal year, we have come up with all these gimmicks.

It is like a Ponzi scheme, a pyramid scheme, which, if you did outside the Halls of Congress, is illegal. We have developed a massive Ponzi scheme while ignoring all of the budget rules. What they are driven toward and are already looking for is to spend Social Security money even though the talk is different. They are trying to spread this funding over 3 fiscal years, adding a 13th month, declaring things emergency that really are not emergencies, and waiting to do the most important bill the last, Labor-HHS. This is a Ponzi scheme, a pyramid. It is a house of cards that is just about to fall.

We keep delaying this. We have to sit down and work out our differences. We have to do the business of this country, and that means passing the appropriations bills in this body, finishing the conferences quickly, and getting the President to sign these bills.

If we have to do a continuing resolution that takes us through the year on some or all of these appropriations bills, we have to get to that right now. We have spent a lot of time treading water and going nowhere. Extending this funding for 3 weeks is doing just that, it is treading water.

We have to start doing something that is meaningful, and that means making tough decisions. Tough decisions, is not extending the year for another month. It is not declaring things like the census an emergency. It is not using welfare moneys that the Governors have kept to offset the problems we are having here. The Governors should be able to use that money any way they want. And there are many other things they have attempted to do in an effort to avoid the tough decisions. The tough decisions have to be made. They should be made now rather than prolonging this for 3 weeks.

Mr. President, has there been a time set for a vote?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Not yet.

Mr. GORTON. Mr. President, I yield such of the Republican time to myself as I may use. And for the information of the Senator from Nevada, I believe I may be the last speaker on this side, and I have been instructed, unless someone else on this side comes to speak later, when I have finished, to yield back the remainder of our time, and we will vote then, which probably means a vote before 5:30.

Mr. REID. The minority's time is all used.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, yesterday in this Chamber, I was engaged in what I believe was a debate on a fantasy. The minority party spent a great deal of time debating two resolutions on education, one proposed by their side and one proposed by our side, with the resolution proposed by their side based on the proposition that Republican appropriations bills were going to reduce the amount of money spent on education from last year by some 17 percent.

That resolution was long and detailed, and "17-percent cut," "17-percent reductions" appeared all the way through it.

I say this was a fantasy debate because by the time the debate began, every member of the Appropriations Committee knew that not only was education not being reduced in the Republican proposal but it was being rather significantly increased, in fact, being increased by some $500 million more than the amount for education recommended by President Clinton in his budget at the beginning of this year. So there was the exercise of a process of beating a dead horse for at least an hour on the other side of the aisle before we voted on our respective proposals.

There was a significant second difference in that debate over education that was not a fantasy and was not beating a dead horse because the Democratic proposal was that we do more of the same thing that we have been doing the last 30 years with respect to our Federal involvement in education, without any particular or notable success, while we on our side were proposing not only that we focus more of our attention in dollars on education but that we begin to trust the parents and professional educators and principals and superintendents and elected school board members across the United States of America to make the decisions about the education of their children, which they have devoted their lives to doing, rather than making all of these decisions and saying that the same rules should apply to a rural district in North Carolina as apply to an urban district in Massachusetts.

That is a real debate. It is a debate which I suspect we will be engaged in tomorrow when we take up the appropriations bill for Labor-Health and Human Services, and it is a debate in which we will be engaged in, in an even more spirited fashion, when we come up to the renewal of the Elementary and Secondary Education Act.

But in the course of the last hour, it seems to me, we have been engaged in another fantasy debate. The minority leader, and several of his members, have been on the floor making a number of statements that have very little relationship to the reality that is before us at the present time. They said, among other things, that they were cut out of the debate on a budget resolution. They were not. They voted against a budget resolution, not on the grounds of its spending policies but because they were vehemently opposed to any tax relief for the American people, tax relief which we desired to give to the American people.

At one level, we won that debate. We passed significant tax relief for a wide section of the tax-paying people. It has been vetoed by the President. So at that level, at least, they ultimately won. That money will come to the Treasury of the United States and will stay in the Treasury of the United States.

But they also said, now that they got their way, now that there was no 17-percent reduction in spending on education—always a fantasy—now that we are spending so much, we are raiding the Social Security trust fund.

I am here to say these appropriations bills do not eat into the Social Security surplus. They do, in fact, eat into some of the non-Social Security surplus, not only for the year 2000 but probably for the year 2001 as well. But they are within the estimates of those non-Social Security surpluses in the years in which all of the moneys in these appropriations bills will, in fact, be spent.

That criticism, that we are raiding the Social Security trust fund, while it has no statistical validity, would at least have a certain degree of moral caution attached to it had we, during the course of the last several weeks, in debating appropriations bills, heard from a single Member of the other side that we were spending too much. But we did not hear that at all.

In fact, an hour or so ago, when the Appropriations Committee was approving this large bill for Labor and Education and Health, the only significant Democratic amendments were to spend more money, without any offsets whatsoever. So the cries that somehow or another we are breaking caps that that side did not want to break or that we are raiding the Social Security trust fund by spending too much money are in direct contradiction—as rhetoric—to the actions that, in fact, have taken place by the minority party, which consistently has said, if anything, not that we are spending too much money this year but that we are spending too little.

I have no doubt that within a few days the President of the United States, backed by many Members on that side, will say; yes, we need to spend even more money. If the President vetoes some of these bills, his veto will likely be based on the fact that we are not spending enough. And, in fact, he will ask us to increase taxes, having vetoed the opportunity to provide some tax relief for the American people.

Finally, we have heard complaints about the fact that we have not yet completed all of our work on appropriations bills. That is true; we have not. In fact, in the last 20 or 25 years, we have only done that on one occasion. If, however, within 2 days, we complete action on the 13th and last of these appropriations bills, at least the Senate will have passed its versions of all of these bills before the end of the fiscal year.

I had to manage one of those bills, one of the smaller of the bills, the one dealing with the Department of the Interior and other similar agencies. While it was spasmodic and interrupted by debate on other matters, we began the debate on that bill in the first week of August and ended it last week. Why did it take so long? Because one single amendment literally was filibustered by a Member on the other side of the aisle—unsuccessfully, as it turned out—delaying the passage of that bill by a good 2 weeks, and making it certain that—just physically—we cannot settle our differences with the House, modest though they are, in time to send such bill to the President of the United States by the day after tomorrow.

Nor has this Senator noticed that Members of the other party were not consulted or did not participate in the drafting of all of these appropriations bills. The overwhelming bulk of them in this body—perhaps not in the House of Representatives—were drafted in a collegial and bipartisan fashion by the Appropriations Committee and were supported by most of the members of both parties in almost every single instance.

Three or 4 hours ago, we passed a final conference report on the energy and water appropriations bill by a vote of 96 to 3.

Mr. President, does that sound like a partisan exercise in the deliberations in which one of the parties was excluded?

The Senate version of the Interior bill passed last week, if memory serves me correctly, by a vote of something like 87 to 10. I pride myself, as the chairman of that appropriations subcommittee, in consulting with members of both parties, listening to their priorities, and meeting their priorities to the maximum possible extent. It was in no way a partisan exercise. Last Friday, a much larger and more controversial bill on the Veterans' Administration and the Department of Housing and Urban Development was passed by a voice vote. No one even bothered to ask for a rollcall because agreement on that bill was so widespread.

Yes, it is too bad we have to pass a 3-week continuing resolution at the present time. It is too bad there are differences between the House and the Senate. It is too bad there are such disagreements between the President and the Congress. That is the way we arrive, in a society such as this, at appropriate answers to all of these questions. It is a long way from being unprecedented. With any luck, this year, we won't have one agglomeration, one huge bill that no Member understands at the end of this process, but we will deal with 13 individual appropriations bills for determining the priorities of the United States.

Tomorrow, we will once again be engaged in a debate on education, among other subjects. I hope that debate will be more realistic than the debate that took place yesterday, that had no relationship to reality whatsoever, in connection with the basis for the Democratic resolution on the subject.

I hope it will be on a serious subject matter, not just of the amount of money we in the United States are going to devote to education—though that is vitally important, and this bill is quite generous in connection with it—but on the way in which that money ought to be spent. It ought to be spent in a way that increases the student performance of the children in the United States in our schools through grade 12 all the way across the board.

We ought to have the imagination to revise a system that has not been a notable success by any stretch of the imagination and go forward to a new system that looks not at forms to be filled out by school districts all across the country, not at the presumed wisdom of 100 Members of this body, many of whom seem to think they know more about education than the professionals who deal with it every day, but one that trusts in the genius of the American people and the dedication of the American educational establishment to make their own decisions in communities all across the United States of America about what may very well be the most important of all of our social functions—the education of the generation to come.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator, who is very knowledgeable and, of course, is involved. I want to talk about an interesting thing that has to do with the last year Democrats were in charge of the majority—fiscal year 1993. I don't think it is an excuse, but I think it is interesting, given all the conversation we have had.

These are the dates that the appropriations bills were passed in 1993: The foreign assistance bill was passed in the Senate on September 30 and approved on September 30; the legislative branch bill, of course, which has to do with operating the Congress, was passed early, August 6, and approved on August 11; Treasury-Postal was approved in the Senate October 26 and signed on October 28—this, of course, was the same fiscal year we are dealing with now—Energy and Water was passed on October 26, signed on October 27.

This was the year the Democrats were in the majority. This is the kind of thing they are talking about today.

Military construction was passed in the Senate on October 19, signed on October 21; VA-HUD, October 28, when it was approved; District of Columbia, October 29; Agriculture, October 21; Labor, Health and Human Services, Education, October 21; Commerce, Justice, and State, October 27; Interior, passed November 11 and signed; emergency supplementals, of course, were before that; Transportation, October 27; Defense, November 11; the continuing resolution, the first one, on September 30, and a further continuing resolution on October 29.

This was 1993. The Democrats were in the majority. The idea of a continuing resolution is not a brand new idea.

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I ask that the vote occur immediately following the comments of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. I thank the Senator.

Mr. President, I am here to express my disappointment in this process and the vote we are about to cast this afternoon. I will probably vote for the continuing resolution because I don't want to shut down the Government. I will also probably vote with the expectation that we will get our work done in the 3 following weeks. I am not happy about it, and I don't believe we have fulfilled our obligation and commitment to the American people.

For over 200 years, it has been the responsibility of Congress to pass the 13 appropriations bills that make the Federal Government tick. It is our only constitutionally mandated responsibility, the only thing we absolutely have to do.

We have had 9 months. In the same amount of time, I produced twins. It wasn't easy, but we did it. My chief of staff, unfortunately, had an accident at Christmas, has been through two major surgeries, and has made a resounding comeback, unbelievably. My legislative director has gotten married. She has finished law school and bought a home in those 9 months. Amazing things can be done if one actually works at them.

I came to Washington, sat through an impeachment trial, bought a house, and moved two 3-year-old boys, one husband, and a dog to Virginia so I could work in the Senate. It is time to get down to work.

I fully expect us to end this monkey business. To pass fair, thought-out appropriations bills within the next 3 weeks is certainly not something we should take for granted.

I will not support an omnibus appropriations package similar to the one passed last year. One of the most frightening stories I heard, when I first arrived in the Senate, was the process that happened in the last few days of the session last year when only a couple people came around a table and decided the budget for this entire Nation without the assent of all of those who should have been at that table. What an irresponsible way for us, as Government, to work on behalf of the American people.

This way of governing is absolutely irresponsible, ineffective, and it is not what I came here to do. I imagine many of my colleagues did not come here to act in such an irresponsible way. To do so is to sell the American people down the river. I hope my colleagues will put politics aside and get our business done, the only constitutional responsibility that we have in this body; that is, to take care of the American people's business.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have listened to the comments on the other side of the aisle about the management of things around here and how we could not get this bill finished on time and what a mess everything is. I remind Senators, obviously, we are going to have to make some major change beyond the process we have because it might startle some to know that since 1950—that is almost 50 years—we have completed our appropriations bills on time twice—twice.

What is all the talk about? Since 1950, that side of the aisle has controlled the Senate three-quarters of the time. So three-quarters of the time since 1950, all the appropriations bills—including Labor, Health, and Human Services—have been completed twice on time and sent to the President.

I submit, if my colleagues want to get things done on time, let's change the process and let's not do it every year; let's do it every 2 years. At least if we go over, we will be all right for 2 years rather than have it right back in our laps in 6 months, doing it all over again.

In addition, I heard from the other side of the aisle some comments about how difficult it was to meet the caps, how difficult it was not to take any money from Social Security, as if it were a Republican problem. One Senator—I will not use names, but the Senator who mentioned that was a Senator who came to the floor and asked for $8 billion on an emergency basis for the farm problem in America.

If my colleagues are wondering how come we have a difficult time, it is because somebody comes down and adds $8 billion that we did not expect to spend and we have to accommodate in some way so we do not use Social Security money, and that does not make it any easier.

I am not objecting to that. It will probably come out of the Senate and House before long at $7 billion, $7.5 billion, and an overwhelming number of House Members and Senators will think it is right. I am suggesting it is not always those who are trying to manage things on the majority side who cause the problems that make it difficult to get things done.

I do not choose to go beyond that. The President submitted a budget to us that was totally in error of the budget caps. It used Social Security money. And then we are criticized because we are having a difficult time dealing with it. The President had new taxes he added and then spent them in his bill. We have chosen to have a policy of no new taxes to meet our appropriations bills.

There are a number of things the President did that we cannot do. Here is one: The President is talking about Medicare, saying we ought to reform it before we have a tax cut for the American people. The President had $27 billion of cuts in Medicare in his budget. He did not tell us about that. We told you about that. It is long forgotten. In fact, the number may be higher. It may be 35. Anyway, it is 27 or more.

We had to pay for that in our budget; it was not the right thing to do. The President might have thought so, but nobody in the Congress did. It has not been easy.

Nonetheless, we are going to have a pretty good year. We are going to have a pretty good year because when we are finished, we will have dramatically increased defense, and part of it will be an emergency because that is what it is. We will get all the appeals done and some of the advance funding that is legitimate and right.

The President had $21 billion in advance funding, and now there are people on the other side wondering what that is, as if we invented it. It has been around for a long time. In fact, there is $11 billion of it in the budget we are living with right now, which means nothing more than, you account for the money in the year in which you spend it rather than the year in which you appropriate it. We will have some of that, too—maybe as much as the President had; I don't know. But how are we going to meet these targets if we are not permitted to do that, when the President is challenging us that we are not doing what he wanted us to do—that is his big challenge. How can we do that?

I yield the floor.

DEPARTMENT OF INTERIOR FUNDING

Mr. NICKLES. I would to address a question to my friend from New Mexico, the chairman of the Senate Budget Committee. This continuing resolution essentially funds government programs and operations at fiscal year 1999 levels under the authority and conditions provided in the applicable appropriations Act for fiscal year 1999. Since Congress has not yet completed its work on the fiscal year 2000 Interior and Related Agencies appropriations bill, I would conclude that Department of Interior agencies, programs and activities will be funded under this resolution at fiscal year 1999 levels under the policies and restrictions in effect during fiscal year 1999.

Mr. DOMENICI. I thank the Senator from Oklahoma for his question. I too believe that this resolution will allow Interior Department funding to be continued at fiscal year 1999 levels in accordance with fiscal year 1999 policies through October 21, 1999.

Mr. NICKLES. I thank the Chairman.

Mr. THOMAS. Mr. President, I ask for the yeas and nays on H.J. Res. 68.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—98

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Ashcroft

NOT VOTING—1

McCain

The joint resolution (H.J. Res. 68) was passed.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 761

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 243, S. 761, under the following limitations: There be 1 hour for debate equally divided in the usual form and the only amendment in order to the bill be a managers' substitute amendment to be offered by Senators ABRAHAM and LEAHY. I further ask consent that following the use or yielding back of time and the disposition of the substitute amendment, the committee substitute be agreed to, as amended, the bill be read a third time, and the Senate proceed to a vote on passage of S. 761, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, I ask my colleague from Michigan whether or not this unanimous consent request can be modified to include other amendments; for example, some amendments that deal with how we improve farm policy or amendments on minimum wage?

Mr. ABRAHAM. Mr. President, at this time I cannot agree to such a modification.

Mr. WELLSTONE. Mr. President, if that is the case, as I explained to the majority leader earlier, I am determined that I am going to have an opportunity as a Senator from Minnesota to come out here on the floor of the Senate and to fight for farmers who are losing their farms in my State, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ABRAHAM. Mr. President, if I may comment, I certainly appreciate Senators will differ on issues, and I have talked with the Senator from Minnesota. I understand his feelings on the issue he would like to include, either in the context of legislation I am talking about tonight or in some other context. But I point out for the benefit of all of our colleagues that the legislation that was the subject of this unanimous consent proposal, S. 761, is a very important piece of legislation but not one I believe should become tied up in a variety of nongermane amendments and debate.

The bill that would have been proposed, S. 761, is essentially a bill which would seek to make it feasible for us to engage in electronic commercial activities and to provide validity to what we call digital signatures or the authentication of digital signatures to allow for the expansion and continuing development of commercial activities over the Internet.

This legislation is needed, and it is my understanding, in efforts to secure unanimous consent to go to this, we have found as many as 99 Members in support of this bill. That is not surprising. The States are in desperate hope we will pass this legislation and pass it soon.

It left the Senate Commerce Committee, as the Presiding Officer knows, being a member of the committee, with unanimous support on a bipartisan basis. I have been pleased to offer this legislation, along with my colleague, Senator WYDEN of Oregon, and a number of cosponsors.

It was basically to this point uncontroversial. We have worked closely with Senator LEAHY to come forward with a substitute which we are prepared ultimately to offer that I think addresses some concerns that had been expressed.

The administration has expressed its support for the legislation as well. So I hope that we can, if not in the context of today, then at a point very soon, find some manner or means to pass the legislation and move it forward.

Every day, the expansion of those who have access to the Internet is increasing. Every day, the activities of a commercial sort that go on through the Internet are increasing. What the people who are engaging in those commercial activities need is a certainty that their contracts over the Internet will be, in fact, authenticated and given full faith and credit. The absence of this legislation makes that issue somewhat in doubt.

So while 42 States, I believe, have now passed their own digital signature laws, no 2 of these are alike. States are working hard at this time to come up with a uniform system and, in fact, a uniform code for digital signatures, and authentication has been developed but it has not yet been passed.

In the interim, until that happens, in my judgment, we need to have a system in place. This legislation would provide it. It is strongly backed by the high-tech industries of our country. I know they will be contacting Members in the hope that we can move this forward because there are so many, as I have said already, increases in the use of the Internet for commercial activity going on every single day.

So I deeply regret we could not move to this legislation tonight. I hope that as Senators with other agenda items consider ways to bring their items to the floor, they will find germane, as opposed to nongermane, vehicles to which to offer their amendments, or at least, at a minimum, they will not seek to stall this legislation any further.

I think it is an important bill. I do not think it is controversial. But I think every day we go without its passage, we will create the potential for greater problems in regard to the expansion of commercial activity that takes place in this country through the Internet and through electronic means.

So, Mr. President, I yield the floor. Hopefully, at a date very soon, I will be back so we can successfully move forward on this legislation.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I ask unanimous consent that I be recognized to speak for up to 30 minutes regarding the agricultural embargo issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNILATERAL EMBARGO ON AGRICULTURAL AND MEDICINAL PRODUCTS

Mr. ASHCROFT. Mr. President, as I think everyone in this Chamber understands, I am advocating that there be sanctions reform with regard to the unilateral embargo imposed by this country on agricultural and medicinal products as it relates to sales in other settings.

I say "unilateral embargo." This means that the United States alone decides to deprive people in the United States of the right to sell to some other country. So it is not when we are involved in multilateral embargoes but unilateral embargoes.

Secondly, the kind of embargo we are talking about is an embargo of medicine or agriculture. We are talking about the kind of thing that will keep people from starving or keep people who are in need of medicine from dying.

Senators HAGEL, BAUCUS, DODD, KERREY, BROWNBACK, and a host of others have joined with me in working on a bill that would lift embargoes of this kind against U.S. farm products.

In a sense, the bottom line is this: We offered our embargo proposal as an amendment to the agricultural appropriations bill. That is a bill that is supposed to serve the interests of farmers. The result? I have to say that the result in the Senate was a heartwarming and commendable result.

Senators, understanding that we ought to improve the capacity of our farmers to market their products around the world, and to keep farmers from being used as pawns in diplomatic disputes through the imposition of unilateral agricultural and medicinal embargoes, considered the proposal, debated the proposal, and overwhelmingly concluded, in a vote of 70–28, that we should stop using our farmers as pawns in the world of international diplomacy. Also, the Senate conferees agreed, with a vote of 8–3. Furthermore, we had the agreement of House conferees.

So what went wrong in the conference committee, after the Senate made a part of its agricultural appropriations bill a reform in this way, where farmers have been deprived of their right to market food and medicine—and pharmaceuticals are also marketed—what happened? What happened to us?

The reason I am down here today is to talk about that. If there is such overwhelming support in the Congress for such reform, what happened to the Democratic process here?

A few Members of the House and Senate leadership decided that they did not agree, and they basically vetoed something that was passed by the Senate—expressed by those who represent the people as the will of the people.

Most of the time, in order to veto the Senate, you have to be elected President. But apparently sometimes you are going to be able to overrule a 70–28 vote in the Senate by just saying that your own position is more noteworthy than that of a virtually overwhelming majority of the Senate. They vetoed the Senate-passed provision and inserted their own policy into the agricultural appropriations bill.

I am on the floor now to let farmers and ranchers across America know exactly what happened.

First of all, I would like to explain to America's farmers—and particularly to those in Missouri and the Midwest—how I fought for their interests but was prevented from doing what they wanted because of a small minority—from the leadership—who worked against sanctions reform.

Second, I would like to explain what my colleagues were proposing in the amendment with me, what was the nature of this reform.

And then third, I would like to show how it is good public policy to have a reform in sanctions not only to help farmers and ranchers but also how it is good foreign policy.

Here are the events of the House-Senate conference committee.

Let me be perfectly clear. The Senate voted on agricultural embargoes. This was not something that was interjected in the committee. We agreed, with a 70–28 vote, to end the embargo on farmers. After I and the other sponsors of the amendment made additional concessions to those opposing sanctions reform, the amendment was passed by unanimous consent in the Senate. So not only do you have a unanimous consent in the Senate, but it was after a serious negotiation, a good-faith negotiation, that followed a 70–28 vote. So we moved to elevate this from something that was just overwhelmingly supported to something that was passed with unanimous consent.

Then the House-Senate conferees began consideration of the agricultural appropriations bill. Did they first consider what was passed by the Senate? Not really. A select few in the leadership unilaterally changed the Senate-passed amendment and imposed their personal agenda into the conference committee.

The House leadership offered some sanctions reform but carved out Cuba. At this point, the Senator from North Dakota stood up for our farmers and for the will of the Senate and asked that the Senate amendment, as passed, be considered.

Very frankly, I would not think it would be necessary to take a unanimous consent passage, that had followed a 70–28 vote prior to the final details being worked out to harmonize things—that it would be necessary to have an extraordinary event in the conference committee to ask that that just be considered in the committee. But, as I indicated, the Senator from North Dakota stood up for the farmers in my State and across the Midwest and America and stood up for the will of the Senate, as expressed in the unanimous consent and the 70–28 vote.

So, again, the Senate conferees overwhelmingly voted to reinstate the amendment we had passed on the floor. The Senate conferees said: Wait a second. This is an effort by some leaders to substitute their own judgment for the expressed will of the Senate that was overwhelmingly passed by a vote of 70–28, and then negotiated further to gain unanimous consent, and it at least ought to be in the bill.

I am grateful to the Senator from North Dakota, and I appreciate his effort. At this point, the House conferees were to vote. It was at this point that the democratic process broke down. The conference was shut down for a week because the Senate and the House conferees decided they would stand strong. They made a decision to vote the will of their constituents instead of the dictates of a few leaders in the Congress.

Mr. DORGAN. Mr. President, will the Senator from Missouri yield for a brief question?

Mr. ASHCROFT. I am happy to yield.

Mr. DORGAN. I was in the Chamber and I heard the presentation by the Senator from Missouri and wanted to make a brief comment and end with a question.

The proposal that was offered in the Senate by Senator ASHCROFT and Senator DODD said it is inappropriate to continue to use food as a weapon and that food and medicine ought not be part of embargoes that we apply against other countries for bad behavior. That proposal was passed by the Senate overwhelmingly, as the Senator from Missouri just described. The Ashcroft-Dodd provision once and for all would break the back of those who continue to want to use food and medicine as a weapon. What a wonderful thing it would be to have that happen. I was so delighted when it passed the Senate. Unfortunately, the Senator from Missouri correctly describes what happened in conference.

We, in the conference on the Senate side, insisted on the Senate provisions—that is, the Ashcroft-Dodd provision that says no more food and medicine being used as a weapon or used as part of embargoes or sanctions. We said we insist on that position.

It was clear that had there been a vote of the House conferees, they would have voted in favor of the Senate position. That was clear. So what happened? They decided to adjourn rather than allow the House conferees to vote. That was a week ago. A week later, the conference has not met. I have received an e-mail, I say to my colleague from Missouri. I will read a sentence or so from it.

This is e-mail is from a staff person dealing with the appropriations conference. It was sent to me as a conferee: As of this morning, the Senate Majority Leader signed off on a plan which was offered by the Speaker of the House to resolve the stalled agriculture appropriations conference.

It describes what was resolved, one of which was to drop the Ashcroft-Dodd provision which, in effect, says, let's discontinue these sanctions on food and medicine.

Then it says: The conference will not reconvene and all items are now closed.

My point is, this is not a way to run this place. We didn't have input. We didn't have opportunities, after the first vote in which the Senate insisted on the provision by the Senator from Missouri, the Ashcroft-Dodd provision. After we insisted on that provision, which passed overwhelmingly here, the conference adjourned. And then some other people who are unnamed and who are unknown to me met someplace—I know not where—and made a decision that we have a different approach. They essentially said here is what you are going to have, and all items are closed, and you have no opportunity to debate it.

That way of doing things is not good for family farmers, not good for this country. It is not a good way to make public policy.

I ask the Senator from Missouri, as I close—and I thank him very much for allowing me to interrupt his statement—is it not the case that when the Senate passed this with 70 votes and then by unanimous vote following that, that we felt in the Senate we had finally broken the back of this effort to always use food and medicine as weapons? We finally said to the country, it is inappropriate; we are going to stop it once and for all. Isn't it the case that if we had had a vote in the conference, from all that he knows, that that vote would have overwhelmingly said we support this position to stop using food and medicine as a weapon, and we can make this public law, but, in fact, it was short-circuited somewhere, and that short circuit really shortchanges our country? That it shortchanges the public policy the Senator from Missouri was proposing?

Mr. ASHCROFT. I am very pleased to respond to those questions. There is a very strange anomaly here. What appears to be fundamentally and unmistakably clear is that the conference committee was not shut down because it couldn't work. The conference committee was shut down because it was about to work. The conference committee was discontinued and suspended in its operation, not because they couldn't come to an agreement but because it was on the verge of an agreement. They were on the verge of agreeing how, House and Senate conferees together, this important kind of reform related to the embargoes of food and medicine, that important kind of reform should be included in what we are doing.

It was not the breakdown of the democratic process. It was the suspension of the democratic process. The real threat was not that democracy doesn't work. The threat was that democracy would work. It was going to work against the interests of a very few people.

After all, the vote in the Senate was 70 to 28, before we made the harmonizing concessions that brought us to a place of unanimous consent. So there were very few people here who sought to displace the will of what had appeared to be the conference committee and which was clearly the expressed overwhelming will of the Senate. This veto power is strange indeed, especially when the democratic process was in the process of working itself.

Mr. DORGAN. Mr. President, is it the case, I inquire of the Senator from Missouri, that perhaps some were worried the conference was about to do the right thing?

Mr. ASHCROFT. No question in my mind. It was not the threat that the conference committee could not function. It was the threat that the conference committee was functioning. It was functioning toward an end with which some people were unhappy.

That brings us to today's events. A few in the House and Senate among those who oppose this legislation, in the leadership of both the House and Senate, got together and made a unilateral decision, as has already been described by the Senator from North Dakota, to strip out provisions in the bill that had the broad support of Congress and broad support among the conferees and in the farm community.

These were the kinds of things that they wouldn't allow to be voted on, at which point I began to wonder, with great seriousness, is this a bill that is right for the agriculture community, or is this a bill for special interests, is this a bill for some individuals who want to determine things on their own rather than to have the expressed will of the American people, as reflected in the Senate and House, become a policy of America, good farm policy, good foreign policy.

As we all know, the House and Senate leadership are proposing a new conference report, a report that hasn't been voted on by any of the conferees and a report that is opposed by the farm community. Farmers have repeatedly asked simply that the democratic process be allowed to work. If we vote and lose, then that is what is fair. The American Farm Bureau has already said it will oppose a conference report that was forced on the American farmers without their short- and/or long-term interests in mind and that it did not address the issue of sanctions reform.

I have a letter signed by Dean Kleckner, President of the American Farm Bureau Federation, urging conferees not to sign the proposed agricultural appropriations conference report unless, and then listing conditions that aren't in the sort of fabricated conference report to be imposed by leadership.

Mr. President, I ask unanimous consent that this letter from the American Farm Bureau Federation be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Park Ridge, IL, September 28, 1999.

U.S. Senate, Washington, DC.

DEAR CONFEREE: The American Farm Bureau Federation urges you not to sign the proposed FY 00 agriculture appropriations conference report unless:

—the amount of emergency weather assistance is increased above $1.2 billion;

—it contains language that eliminates agricultural sanctions that includes Cuba;

—the bill mandates dairy option 1A, an extension of the Northeast Dairy Compact and the creation of a Southeast dairy compact;

—it includes language providing for mandatory price reporting for livestock.

The proposed $1.2 billion is not enough to provide the amount of emergency weather assistance needed to help farmers and ranchers. Even before Hurricane Floyd, estimates of crop and livestock losses caused by flood and drought exceeded $1.2 billion.

No one can effectively argue that Congress does not view Option 1A as a better and more equitable dairy marketing proposal. Just last week the House voted 285 to 140 in support of Option 1A.

Export markets hold the key to future prosperity for farmers and ranchers. Granting farmers and ranchers access to Cuba, a potential market of 11 million people located only 90 miles from our shore, is common sense. The Senate is on record, 70 to 28, in support of lifting all unilateral agricultural sanctions.

Consolidation is a serious threat to our market based agricultural economy. Mandatory livestock price reporting will give farmers and ranchers the information they need to market their cattle at the best price.

Farm Bureau is convinced that a majority of Representatives and Senators support additional emergency aid for weather disasters, an inclusive agricultural sanctions policy, the implementation of option 1A and dairy compacts, and mandatory livestock price reporting.

We ask that you not sign the proposed conference report and that you report a bill that includes these provisions so that Congressional action will reflect the majority view.

Thank you.

Sincerely,

DEAN KLECKNER,
President.

Mr. ASHCROFT. The fact remains that leadership does not want the democratic process to work because this proposal which they are against has very broad support. This isn't just good farm policy; it is good foreign policy as well.

Before I explain what the bill does, though, I simply ask that my fellow Republicans and Democrats in the Senate and House do what is right for farmers. Don't vote for a bill that farmers oppose and then claim you are helping the farmers. Our farmers need money, but the only thing that is holding that up, and has been holding it up for a week, is a few in the leadership who oppose the will of the farmers and the Congress. Our farmers also need open markets, and that is what our amendment would have done. That was the expressed will of the Senate, which first voted 70 to 28 and later voted unanimously, by unanimous consent, to be a part of the bill. That opening of the markets would have been fair. We don't just get by by having the freedom to plant. We need to have the freedom to market for our farmers, if we are going to be successful.

Let me take this opportunity to summarize briefly what the bill was designed to do. It was originally entitled "The Food and Medicine for the World Act." I would like, then, to show how our approach to ending unilateral embargoes on food and medicine is good policy, both foreign policy and farm policy.

The general framework of the bill is what I call a handshake approach to sanctions. The bill would not tie the hands of the President, who now has the ability just to snap embargoes into place, but it would require the President, before he said it was illegal for farmers in this country to sell their goods to certain customers around the world, to get the consent of Congress.

So instead of tying the hands of the President, it would really require that the President sort of shake hands with the Congress, make sure this is a very serious thing, and if there is a need to embargo, in that case an embargo could be achieved. But it could not be achieved just on the whim of the executive. It would require the President to cooperate with Congress.

This bill would not restrict or alter the President's current ability to impose broad sanctions in conjunction with others; nor would it preclude sanctions on food and medicines. Rather, it says that the President may include food and medicines in a sanctions regime, but he must first obtain congressional consent.

So we really just ask that the President of the United States, before shutting off the markets of our farmers, consult with the Congress and that he obtain the consent of Congress. Under the bill, Congress would review the President's request to sanction agriculture and medicine through an expedited procedure—no stalls in the Congress.

Mr. President, the Senate of the United States, offered with the opportunity to stop a program of curtailing markets for our farmers—that program called sanctions and embargo—voted 70–28 to change the rules about that so our farmers have the right to sell food and medicine—not things generally but food and medicine—around the world.

If the President wants to stop the sale of food or medicine, these things that are essential to the existence of people, the things that make America a friend to other people, the things that bind people around the world to America, knowing that we have the right motives in our mind—if we are going to stop the sale of those things, the President has to confer with the Congress rather than to do it unilaterally. In other words, don't let the farmers of America just be used as political pawns in diplomatic disputes, having markets shut down arbitrarily or unilaterally, markets for medicine.

The Senate came to the conclusion, by a vote of 70–28, on what was called the Food and Medicine for the World Act. It was an amendment that I offered to the Agriculture appropriations bill. And then, because some people in the 28 were not happy about all details, we negotiated with those individuals, so that the next day the Food and Medicine for the World Act became a part of the Agriculture appropriations bill by unanimous consent in the Senate, and it went to conference.

Little did we know that some of the leaders would decide to displace this overwhelmingly endorsed item by members of both parties—a majority of Republicans and Democrats, voted with a 70-majority vote, and of course everybody agreed to the unanimous consent order. But certain leaders decided they would displace that. So when the bill got to conference, this wasn't in the bill. And the Senator from North Dakota decided to stand up for the farmers of America and stand up for the Senate and what it had decided and say, "I want that in the bill." He said, let's vote on whether we would put in the bill what the Senate voted on.

You really wonder about things when the conference committee has to ask permission and vote to have the content of what the Senate enacted appear in the conference bill. But it was voted on and put in the bill, and properly done so.

The House was ready to do the same thing when it became apparent to those who wanted to stop this, curtail it, didn't want this reform to take place, didn't want to offer to American farmers this set of markets, didn't want to say to them you are free to farm and now you are free to market, that they wanted to have these strings still attached. So just when the conference committee was about to operate to express its will, when it was clear how that will would be expressed, the conference committee was shut down for a week and has not been reassembled.

Today, we learned that the leadership has said to the conference committee: You are not going to reassemble. All the issues are closed, and we have decided this is the way the report will be written. You are being asked to sign the report.

So we find ourselves where the will of the Senate is stripped arbitrarily from the bill before it goes to conference. It is added back in conference, and it is again stripped arbitrarily. The conference committee is shut down when the House conferees express a signal of their intent to include that in what they had to say. We collapsed the democratic process and started the autocratic process, and we put a conference report before people, asking them to sign it in spite of the fact that it wasn't something that had been voted on or discussed; it was something to be imposed by leadership.

That kind of suspension of the democratic process has been injurious. It loses the confidence of very important groups.

I have submitted for the RECORD the letter of the American Farm Bureau saying that is not the way to run a conference. It is not the way to run polic

There are some very strong policy considerations that recommend a modification in our approach. Having the President use farmers as a pawn in diplomatic disputes to open and close markets at will undermines the reliability of the American farmer as the supplier of food and fiber. It is very difficult for people to expect to buy things from you if they never know whether you are going to have them available for sale. Customers like a constant supply.

We tried to solve this. We tried to say there wouldn't be this kind of arbitrary use of American farmers as pawns. We tried to say that in order for the sanctions to be effective and an embargo to be imposed it would have to have the consent of Congress.

We have the special provision in legislation with regard to countries already sanctioned so that if there is any need to continue those sanctions in effect, the President could come and get those instated and up to speed and qualified so we would not have any interruption.

The bill wasn't to take effect for 180 days after it was passed. So if the President wanted to make sure there were sanctions in place and imposed, there wouldn't be any exposure to gaps. Both branches of government would be given enough time to review current policy and to act jointly.

Of course, there are times when the President should have the authority to sanction food and medicine without congressional approval. A declaration of war is one of those. The legislation maintains the President's authority in wartime to cut off food and medicine sales without congressional consideration.

The bill has a few additional provisions that were not addressed in previous agricultural sanctions reform proposals. The first specifically excludes all dual-use items. That means products that could be used to develop chemical or biological weapons. There are not very many agricultural products or medicinal products that have military value. But the bill provides safeguards to ensure our national security is not harmed.

Let me make clear that this is genuinely a bill that supports a policy of putting products which will eliminate suffering and hunger into the hands of those who need these products most. It is not about providing dual-use items for tyrants to use for military or acts of terrorism.

Second, we make sure that no taxpayer money would be used to go to the wrong people. We specifically exclude any kind of agricultural credits or guarantees to governments that have sponsored terrorism. However, we allow present guarantees to be extended to people all over the world—to private sector institutions, groups, and nongovernmental organizations. This is targeted to show support for the very people who need to be strengthened in these countries—the people, rather than the dictators. And by specifically excluding terrorist governments, we send a message that the United States in no way will assist or endorse the activities of nations that threaten our interests.

Now that Senators HAGEL, DODD, and I have explained what we have done in this bill, let me explain why it is good foreign policy and why it is both good foreign and farm policy.

First of all, ending unilateral embargoes against sales of U.S. food and medicine is a good foreign policy. As the leader of the free world, America must maintain adequate tools to advance security and promote civil liberty abroad. The last thing I want to do is send a message to state sponsors of terrorism that the United States is legitimizing its regime. As I mentioned at the beginning of my remarks, sanctions are necessary foreign policy tools against governments which threaten our interests.

Richard Holbrooke, who not long ago was before the Committee on Foreign Relations seeking confirmation as the U.S. Representative to the United Nations—and we have since confirmed him—explained in his book "To End a War" how sanctions on Yugoslavia were essential to push Slobodan Milosevic toward peace negotiations in Bosnia.

Regardless of whether we agree with U.S. deployment in the Balkans, effective sanctions saved American lives. They helped advance American policy without resorting only to the use of military force. So we have to have sanctions. But these sanctions must be deployed, very frankly, in a realistic and appropriate way.

This measure is good policy because we don't want to say to terrorists: You can blame starving your own people on the United States by saying they won't sell us food and medicine. So we will starve you and we will not provide you with food and medicine. We will take the money we have in our country and buy arms, or explosives, or we will destabilize communities in which we live—world communities in one part of the world or another.

I think we should deprive the dictator of the right to say, "You are starving because America won't sell us food," because if we ask that dictator to spend his hard currency buying food, and we make it possible for him to do so, he absolutely cannot spend the same currency again buying weapons.

Frankly, our farmers ought to be able to sell their food so that the people in those countries all around the world know that America is not in the business of starving people around the world. We are in the business of feeding people around the world. That is good foreign policy. If we can encourage people to invest their money in food rather than in armaments, if they will buy medicinal supplies rather than destabilizing various regions of the world, that is good foreign policy. But it is also good farm policy.

The sanctions that have been imposed haven't been effective to hurt our enemies. They have been very injurious to farmers. I would simply refer you to the so-called Soviet grain embargo of the late 1970s. That is perhaps the classic, the biggest, of them all, where the United States of America canceled 17 million tons of contracts that the Soviets had to buy from American farmers. It hurt American farmers immensely by not getting the payments for those farm products. We thought we were punishing the Soviet Union. They went into the world marketplace and they replaced those purchases and saved $250 million for our adversary at a time when we inflicted the loss of markets on our own farmers. It didn't make much sense then, and it doesn't make much sense now.

Policy reform in sanctions protocol would make our efforts in this respect far more reasonable, and it would require the President to get an agreement from Congress. It would not put us in the position where we embargo the sale of goods and where our customers start to look elsewhere to get their goods supplied. When we stopped the sale of 17 million tons of grain to the Soviet Union in the 1970s, it brought on new suppliers. Rain forests could then be plowed and planted. Other countries seeing that the United States was retreating from the major segment of the world markets could say. We can supply that. Those who were in the world marketplace said: We will start looking to reliable suppliers that won't be turning over the supply depending on diplomatic considerations that would, as a result, interrupt our supply.

So it is both good farm policy to give our farmers the right to market, and it is good foreign policy to give our country the right and the opportunity to provide people with food and medicine to signal that the United States of America wants their government to spend money for food and medicine and not for military hardware.

So it is in the context of this very substantial reform that would help the U.S. farmers. It would also help our foreign policy.

It is in that context that I express my real disappointment in terms of what has happened. The conference committee was shut down, the democratic process suspended, and an autocratic process imposed. As a result, we are unlikely to have in the agricultural appropriations conference report on which we will be asked to vote—the kind of thing upon which there was so much agreement—a reform in the sanctions policy. The American Farm Bureau is opposed to this agricultural appropriations bill conference report unless sanctions reform is included.

I think Members of this body ought to be aware of the fact we need sanctions reform. The U.S. Department of Agriculture estimated there has been a $1.2 billion annual decline in the U.S. economy during the midnineties as a result of these kinds of sanctions. This is a serious loss in jobs as well.

The Wheat Commission projects if sanctions were lifted this year, our wheat farmers could export an additional 4.1 million metric tons of wheat, a value of almost half a billion to America's farmers.

I want to emphasize, we have missed for the time being a great opportunity to reform sanctions protocols regarding our farm products. We have also interrupted what is a beneficial and therapeutic democratic process in the conference committee. I think Members of this body should seriously consider whether they want to vote for the conference committee report when it is the product not of the kind of collaboration that is to be expected in the development of consensus in our policy but it is as a result of an effort to impose the will of a few instead of to respect the will of the majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I was able to listen to the comments that the Senator from Missouri made regarding the efforts, that have been now stalled, to lift sanctions against agricultural producers and agricultural exports from America. It is very disconcerting that this is happening at this point in time in our Nation's history.

My family farms. My dad is a full-time farmer, my brother is a full-time farmer, and prices for agricultural products are at rock bottom levels. Compound that with bad weather conditions for some places in America, and farmers believe they are getting a one-two punch. To stack on top of the two punches they are already taking an outdated sanctions policy, which was voted down in the Senate, is beyond unfair. We should not use food and medicine as a political weapon—now we find that these sanctions are not going to be lifted. On top of low prices, on top of bad weather, a farmer is going to say: Is everybody against me? Isn't my own Government going to help me out?

We have been telling people for a long period of time, that for Freedom to Farm to work, you have to have freedom to market. We were moving in that direction. It was aggressively going forward in that direction, and all of a sudden out comes a conference report that pulls something that was passed, as the Senator from Missouri noted, by a large percentage of people in this body. A farmer has to wonder what is going on here.

I ask people who are part of this process, what is going on? Let's look at getting this back in. It passed with large and overwhelming support in this body. It is clearly something that the people across the country want. It is clearly something that the agricultural community needs. It is the right thing to do. Let's do it. Let's not let it be taken out in some deal that involves a handful of Members.

Plus, as people have previously noted for some period of time, unilateral agricultural trade sanctions are generally ineffective. They are effective in punishing our farmers, but they are not effective in accomplishing sound foreign policy.

At a time when we are already suffering low agricultural prices, sanctions add to this burden. This is truly adding insult to injury.

Unilateral sanctions by major agricultural producing countries such as the U.S. tend to encourage production in other competitor countries. So, on top of hurting our prices here, hurting our markets here, it probably, and usually does, have the effect of stimulating production in other countries. Often the tyrants, which the U.S. intends to punish actually benefit financially from these sorts of embargoes.

My only point in making these comments in addition to those of my colleague from Missouri is simply to say there is ample ground and reason for us to lift these agricultural sanctions. There is not a moral foundation or basis for us to use food and medicine as a political weapon. It is wrong for our farmers. It is wrong, period, to do that. Yet we are seeing that continuing to take place. Now, after we passed something out of this body, with overwhelming support, we find it pulled out. That is very disconcerting to this Member, and it should be and is, I am sure, very disconcerting to the agricultural community across this Nation.

Please, please, let's reopen this issue and get that agenda item back in so we can offer hope and fulfill our promise to farmers. I am not standing here saying it is going to solve our farm crisis or going to solve the problems we have marketing all our products around the world, but clearly here is a positive step we can take and should take. It is a big agenda item in rural America. People in rural America know these sanctions exist, they know they are harmful, and they want them lifted.

Now is the time to do this. I am very disappointed this provision, according to my colleague from Missouri, has been taken out. I call on all Members of this body, let's look at this and let's get this issue back in so we can lift these sanctions from the backs of our farmers.

I hope a number of my colleagues will become aware of what is taking place here. This is a very important issue to many of our States. It is certainly an important issue to Kansas. I think we need to revisit this, if it has been taken out, so we can get it back in. We must lift these agricultural sanctions and we must do it now.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I take the floor of the Senate tonight to address the same issue that my colleague from Missouri, Senator ASHCROFT, has talked about for the last 30 minutes, and the distinguished senior Senator from Kansas has addressed; that is, the Agriculture appropriations bill. It seems to be rather conflicted. I suspect most people in this country believe in the democratic process. I suspect most people in this country believe the will of the majority and the protection of the minority is rather relevant to our democracy. But we have come upon a fascinating example of that not being the case in this Agriculture appropriations bill.

Senator ASHCROFT laid it out rather clearly, as did Senator BROWNBACK. This is not a particularly complicated situation. What we have is the will of the majority in the Senate, expressed by a vote of 70 to 28. That is a rather significant majority. As a matter of fact, that is a majority large enough to override a Presidential veto. The will of 70 Senators to support an amendment that obviously 70 Senators thought was important enough to come out and debate and register their vote and their will on, representing the constituencies of 70 Senators, said it rather plainly: We want the Ashcroft-Hagel-Dodd amendment in the Agriculture appropriations bill.

So we went to conference with the House. Guess what. The House conferees not only agreed that the Ashcroft-Hagel-Dodd amendment lifting sanctions for medicine and food against countries where we have unilateral, arbitrary economic sanctions was a good idea, they actually strengthened the language. The House conferees actually made the Ashcroft-Hagel-Dodd language stronger.

We progress along up until the leadership enters the picture. I might add so there is no mistake about this—and I will try to speak clearly—it was the Republican leadership in the Senate and House that said: No, a few of us do not care for that. So we are going to do something that rarely ever happens, and that is we are going to stop that, you see, because technically we have a process, we are the leaders, and we can strip that out of the appropriations bill. No matter, of course, that 70 U.S. Senators said, "No, we want that in," and the House conferees said, "No, we want that in; we think it is in the best interests of the U.S. foreign policy and American agriculture." Disregard that. That does not count.

So what we have is an interesting spectacle of the leadership of intimidation and the intimidation of leadership—not a pretty sight, not a democratic process. We occasionally question why America is beyond concern with the process, with the leadership, with politics. We wonder why. This is a very vivid, clear example of why.

We are going through this little mating dance again around here on the budget. I call it a charade. It is a charade. I have even called it dishonest. Some of my colleagues said: Senator HAGEL, we do not use that terminology in the Senate. I said: I am sorry, but where I am from, some of the stuff that goes on around here that we think is policy, or we define or defend as a technical adjustment, it is just plain dishonest if you are going to live within the caps. If you are going to spend more than what the caps tell you that we agreed to do, then let's be honest about it.

The same thing with this conference committee. There are those among us in the media, across this land, who say we should reform our political process, we should reform Congress. They have a point. But it all starts here. It all starts here. If we cannot be held accountable and responsible enough to work the will of the majority to do the right thing, to be honest, and be open, and be responsible with our governance, with our leadership, with our legislative process, then to what can the American people look? What can they trust? What confidence can they have in their system?

This Republic is not going to crumble tomorrow, and it will not crumble next year because of the shenanigans we pull around here. But we will pay a high price one of these days in one of these generations when we continue to define down our expectations and our standards and let a few people, a cabal of a few people take advantage of the system.

I am very proud. It is my understanding at this moment that there were two Republican Senators who refused to sign the conference report today on the Agriculture appropriations bill. To them I say thank you. Not only have you done the right thing, but you have shown America and some of us in this body that we, in fact, can do the right thing, and that we are not going to be intimidated by the leadership, by a small cabal of people in charge who hold responsibility.

There are consequences to this. There are consequences in our foreign policy and in our agricultural policy because they are all connected. But the consequences will come more directly in the breakdown of confidence and trust in this institution. As that erodes, as that continues to erode, and a few select people in this body play it their way and refuse to open the process, then there will be reform. And if the American people have to keep turning over Congresses to get to leadership—and we all have to take responsibility in this Chamber because we elect the leadership—and if we have to continue to turn over leadership, we will do that to ensure, if nothing else, that we can openly, honestly debate the important, relevant issues for this country that affect the world and affect everybody in this Nation.

When those decisions are made and when the will of 70 Senators is abrogated, is hijacked, it is time for some major reform in this body, and I will be one of the leaders to help do that.

In conclusion, this should serve as a very clear example of a lot of the nonsense that permeates this process. This is not just about the American farmer or the American rancher. This is far bigger than American agricultural policy and foreign policy and national security and all the interconnects. This is about whether we can trust the process. More basically, why do we even have authorizing committees in this body if the appropriations process is going to make policy because they have the money? Then the leadership, even a smaller group, decides what they want to take out of those decisions, so they pick and choose, and the rest of us, essentially, are superfluous to the process. Why don't we just have 10 Senators? Why not take a couple committee chairmen, the leadership, and the rest of us go home; they can make the decisions.

We are walking our way through an early Halloween. We are walking our way through a charade, and we should call it that. And, yes, it is dishonest. I think there are enough of us in this body who are going to say it straight and call it the way we see it.

I hope we will come to our senses before we cross a line from which we cannot come back and allow this hijacking of democratic governance, this hijacking of democratic justice to set an even lower standard than what we have been doing this year with the budgets and the constant back and forth of let's not do anything; let's just go home; let's just get out; let's just do enough to get to the next day; let's not take on the real, relevant issues of America; let's not deal with health care; let's not deal with a lot of things.

The right way to do this is to come out and debate it, whether it is campaign finance reform or whatever the issue is, debate it, open it up. If you lose, you lose; if you win, you win. That is what America wants. That is what they will demand, and that is what ultimately they will receive.

I am sorry I had to take the floor, as did my colleagues tonight, to talk about this. This is not a proud moment for me. It is not a proud moment for this institution. But if there is anything we have in this Nation that must be cherished and nourished and formed and shaped and protected and defended at all costs, it is the institution. It is the process and the institution that allows this self-governance and the freedom to stand on the floor of the Senate, stand anywhere in this Nation and express ourselves, the minority knowing they will be protected and the majority knowing they can count on a fair shake in that process.

That ultimately, as we define the process down, is the most important dynamic of who we are as a people and why this Republic has survived for over 200 years. When we discount that, when we discount that currency, when we abridge that responsibility, then we turn our backs on everyone who has sacrificed for the freedom that allows us to do this. We are a better country than that. We are a better people than that. We will rise to the occasion to turn this around and hold on to the one currency that counts in all of our lives, and that is trust. When we debase that trust, we debase the very currency of who we are.

I will always throw my confidence, the completeness of who I am and what I represent, behind the good common sense of the American people, and the faith I have in the American people will always dictate the outcome of these kinds of exercises, as it was written, as it was stated, and as it was the vision of the great men who formed this country and wrote this Constitution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection; it is so ordered.

OSCEOLA McCARTY, A MISSISSIPPI PHILANTHROPIST

Mr. LOTT. Mr. President, today I rise to pay special tribute to the passing of a 91-year-old Mississippian whose generosity, hard work, and commitment to education touched the hearts and consciences of many all across this Nation. It is the story of a smalltown laundress, Osceola McCarty of Hattiesburg, MS, who lived a quiet life in the Pine Belt region of my State until her $150,000 donation to the University of Southern Mississippi brought her national attention. McCarty's gift established a scholarship to be directed to African American students enrolling at the University of Southern Mississippi who clearly demonstrate financial need.

For a woman who rarely left her home, except for trips to the local market and, of course, church, the notoriety certainly brought a change to the lifestyle of Ms. McCarty. She was featured on a CBS television show as one of the "10 Most Fascinating people of 1995." She received a Presidential Citizens Medal, an honorary doctoral degree from Harvard University, as well as numerous other outstanding citizen awards. She was invited to cities throughout the country to share her story of thriftiness and generosity.

Ms. McCarty received a sixth grade education and worked her entire life in Hattiesburg, MS, washing and ironing clothes. She has made it possible for others to have the education that she never had. In her book, "Simple Wisdom for Rich Living," McCarty reflects on long, hard days of laboring over steaming kettles of clothes and standing over an ironing board. She stated that she loved her work and she only spent what she needed to. After all the years of hard work and dedication, Ms. McCarty managed to donate her significant gift to the University of Southern Mississippi. "A smart person plans for the future," is what she said when she received numerous bits of recognition. Then she said, "You never know what kind of emergency will come up, and you can't rely on the government to meet all of your needs. You have to take responsibility for yourself."

Osceola McCarty will be deeply missed. She was a humble, modest lady. I had the pleasure of bringing her into the majority leader's office. She never got over the fact that people were so surprised and impressed that she saved $150,000 and she gave it to the University of Southern Mississippi. She thought she was just doing the right thing. Her life was an exemplary one that touched us all. We are very proud of her. God rest her soul.

I yield the floor.

THE GREATNESS OF THE AMERICAN PEOPLE

Mr. ASHCROFT. Mr. President, I thank the majority leader for reminding us of the greatness of the American people. We think we debate great policies here, and we do; we have very serious discussions. But there is nothing more important than to remind ourselves that the greatness of America isn't really in Washington, DC, it is in the little towns, villages, and cities in States all across this country and individuals who can do more in dedicated lives to their fellow citizens than we could ever do in complicated statutes.

I thank the majority leader.

THE MILLENNIUM DIGITAL COMMERCE ACT

•Mr. LOTT. Mr. President, today the Senate was poised to take action on Senator ABRAHAM's Millennium Digital Commerce Act. This important measure is aimed at promoting the growth of the "E-conomy". Senator ABRAHAM has worked tirelessly over the last several months to get this bill through the Senate.

Unfortunately after gaining agreement to bring this bill to the floor today, our Democratic colleagues decided to muck up this legislation. They insisted on attaching non-germane amendments to this crucial "e-commerce" legislation. Measures that have absolutely nothing to do with Senator ABRAHAM's high-technology initiative. Once again, the "do nothing Democrats" are at work stopping at every point significant legislative momentum.

The Senate could easily pass Senator ABRAHAM's bill. It is simple and straight-forward. It promotes jobs, stimulates the economy, and creates savings and opportunities for America's consumers. Instead, in an effort to create yet another log-jam, the Minority Leader is looking for a vehicle to attach every Democratic proposal under the sun.

The other side of the aisle, which claims to promote electronic commerce, is doing everything it can to quash Senator ABRAHAM's electronic signatures bill—as well as other important legislation. It is a continuing pattern and practice of the Democrats to deny the American people any legislative progress. The Democrats claim that they want this bill and that they are pro-technology, yet they are doing everything they can to kill this bill.

Mr. President, S. 761 establishes the legal certainty of electronic signatures for interstate commercial transactions. It is an interim solution needed until states adopt the Uniform Electronic Transactions Act (UETA). UETA was recently adopted by the National Conference of Commissioners on Uniform State Laws. Over the next several years, it will undergo state-by-state consideration—similar to the process followed in implementing the Uniform Commercial Code. The states, high technology and other commercial sectors support Senator ABRAHAM's common sense legislation because it validates the use of electronic authentication technology. A tool that will help the electronic marketplace flourish in the 21st Century.

The Administration, not once but twice, formally noted its support for the electronic signatures measure reported out of the Senate Commerce Committee. Both the Commerce Department's letter of support and the Executive Office of the President's Statement of Administration Position were previously entered into the RECORD. Given the overwhelming support for S. 761, I am surprised and bewildered that the Administration has been working behind the scenes to weaken this measure instead of pushing harder to get the Commerce Committee-reported bill, which the White House supported—passed.

Every day, more and more businesses and consumers are conducting their important commercial transactions over the Internet. The World Wide Web, more than any other communications medium, allows users to promptly and efficiently locate vendors, evaluate goods and services, compare pricing, and complete purchases. S. 761 is good for business, good for consumers, and good for the overall economy.

I am dismayed and once again disappointed that our Democratic colleagues have thrown yet another monkey wrench into the legislative process. Let's stop playing games and get the people's business done. Let's pass Senator ABRAHAM's electronic signatures bill on its merits—without tacking on non-germane amendments that they know will kill the bill.

If my colleagues from the other side of the aisle are really for the New Economy, they will stop these shenanigans and let us pass a clean Millennium Digital Commerce Act.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through September 24, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The budget levels have also been revised to include adjustments made on May 19, 1999, to reflect the amounts provided and designated as emergency requirements. The estimates show that current level spending is above the budget resolution by $0.5 billion in budget authority and above the budget resolution by $0.2 billion in outlays. Current level is $0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $56.0 billion, which is equal to the maximum deficit amount for 1999 of $56.0 billion.

Since my last report, dated July 19, 1999, the Congress has passed and the President has signed the Veterans Entrepreneurship and Small Business Development Act (P.L. 106–50), the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51), the Water Resources Development Act (P.L. 106–53), and the Global Exploration and Development Corporation Act (P.L. 106–54). These actions have changed the current level of budget authority and outlays.

I ask unanimous consent that the report and transmittal letter dated September 28, 1999, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the 1999 budget and is current through September 24, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 15, 1999, the Congress has passed and the President has signed the Veterans Entrepreneurship and Small Business Development Act (P.L. 106–50), the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51), the Water Resources Development Act (P.L. 106–53), and the Global Exploration and Development Corporation Act (P.L. 106–54). These actions have changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT AS OF CLOSE OF BUSINESS, SEPTEMBER 24, 1999

[In billions of dollars]

	Budget resolution (S. Res. 312)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,465.3	1,465.7	0.5
Outlays	1,414.9	1,415.1	0.2
Revenues:			
1999	1,358.9	1,359.1	0.2
1999–2003	7,187.0	7,187.7	0.7
Deficit	56.0	56.0	0.0
Debt Subject to Limit	(1)	5,537.4	(2)
OFF-BUDGET			
Social Security Outlays:			
1999	321.3	321.3	0.0
999–2003	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999	441.7	441.7	(3)
1999–2003	2,395.6	2,395.4	−0.1

[1] Not included in S. Res. 312.

[2] =not applicable.

[3] Less than $50 million.

Source: Congressional Budget Office.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, SEPTEMBER 24, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues			1,359,099
Permanents and other spending legislation	919,197	880,664	
Appropriation legislation	820,578	813,987	
Offsetting receipts	−296,825	−296,825	
Total, previously enacted	1,442,950	1,397,826	1,359,099
Enacted this session:			
1999 Emergency Supplemental Appropriations Act (P.L. 106–31)	11,348	3,677	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106–36)			5
Veterans Entrepreneurship and Small Business Development Act (P.L. 106–50)	1	1	
Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51)		−108	
Water Resources Development Act (P.L. 106–53)	3		
Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (P.L. 106–54)	52	52	
Total, enacted this session	11,404	3,622	5
Entitlements and mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,393	13,661	
Totals:			
Total Current Level	1,465,747	1,415,109	1,359,104
Total Budget Resolution	1,465,294	1,414,916	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	453	193	185

Source: Congressional Budget Office.

Note.—Estimates include the following in emergency funding: $34,226 million in budget authority and $18,802 in outlays.

TIME FOR BANKRUPTCY REFORM

Mr. KYL. Mr. President, the House of Representatives overwhelmingly approved a bipartisan bankruptcy-reform bill on May 5 by a vote of 313 to 108. The Senate Judiciary Committee reported a similar initiative in April by a vote of 14 to 4, and my hope is that the full Senate will follow suit before the year is out.

Mr. President, most Americans carefully manage their finances, pay their bills, and never face the prospect of bankruptcy, yet we rarely hear about them when bankruptcy reform is debated. These are the people who ultimately bear the cost when others seek bankruptcy protection. They pay in terms of higher interest rates and higher prices on goods and services. This bankruptcy tax costs the average household more than $400 a year.

There will always be a limited number of people who unexpectedly experience some catastrophe in their lives—maybe a death or divorce, or a serious illness—that throws their finances into chaos. That is why we accept as a given that society will bear some of the cost of bankruptcy, and why we maintain access to bankruptcy relief for those who truly need it. No one suggests closing off bankruptcy as an option for those who are in truly dire straits.

A line does need to be drawn, however, when people, particularly those with above-average incomes who have the means and ability to repay their debts, nevertheless seek to have those debts erased in bankruptcy. This is happening more and more often, and unless we get the problem in check, it is going to wreak havoc.

Mr. President, there is nothing fair about forcing a single mother, who is already struggling to pay her own family's bills, to pay more merely because someone who can repay his or her debts prefers to escape them in bankruptcy. There is nothing fair about forcing young families or seniors on fixed incomes to pay more so that someone can walk away from his or her debts as a matter of convenience or financial planning.

Few bills so clearly protect the interests of consumers, yet the bankruptcy-reform bill does have its critics. Much of the criticism, I think, misses the mark. Two professors of law, Todd Zywicki and James White, wrote to the Judiciary Committee recently about some of the claims that have been made, and what they had to say is worthy of the consideration of every member of this body.

I ask Senators to join me in supporting the bipartisan bankruptcy-reform bill, and I ask unanimous consent that the professors' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGE MASON UNIVERSITY
SCHOOL OF LAW,
Arlington, VA, September 15, 1999.
Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC
Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC

Re: The Bankruptcy Reform Act of 1999 (S. 625)

DEAR SENATORS HATCH AND LEAHY: We are writing to express our support for the consumer bankruptcy provisions of bill S. 625, the Bankruptcy Reform Act of 1999 (the "Bill"). S. 625 provides for balanced bipartisan bankruptcy reform that preserves the integrity of the bankruptcy system for those who need it, but reduces abuse by those who do not. In expressing our support for bankruptcy reform, we share the view of 217 Republican Representatives and 96 Democratic Representatives who passed a similar bill earlier this year by an overwhelming 313-108 veto-proof majority.

In an era of unprecedented economic prosperity, growth, and low unemployment, 1.4 million Americans filed bankruptcy last year, costing creditors approximately $40 billion. Smaller creditors suffer the most from a runaway bankruptcy system, as they tend to have the narrowest margins and the least ability to spread those losses among their customers. Support for the Bill comes from creditors across the full spectrum of creditors, but small creditors, such as small retailers and credit unions, are among the strongest supporters of bankruptcy reform.

Like all other business expenses, when creditors are unable to collect debts because of bankruptcy, some of those losses are passed on to responsible Americans who live up to their financial obligations. Every phone bill, electric bill, mortgage, furniture purchase, medical bill, and car loan contains an implicit bankruptcy "tax" that the rest of us pay to subsidize those who do not pay their bills. We all pay for bankruptcy abuse in higher down payments, higher interest rates, and higher costs for goods and services. It is estimated that by making high-income debtors repay what they can, the Bill will save $3 billion a year, some of which will be passed on to financially-responsible Americans.

The Bill will also reinforce the lesson that bankruptcy is a moral as well as an economic decision. Filing bankruptcy reflects a decision to break a promise made to reciprocate a benefit bestowed upon you. The moral element of bankruptcy is reflected in the observation that the English word "credit" comes from the Latin word for "trust." Parents seek to teach their children values of personal and financial responsibility, and promise-keeping and reciprocity provide the foundation of a free economy and healthy civil society. Regrettably, the personal shame and social stigma that once restrained opportunistic bankruptcy filings has declined substantially in recent years. We have "defined bankruptcy deviancy downward" such that it has become a convenient financial planning tool, rather than a decision freighted with moral and social significance. Requiring those who can to repay some of their debts as a condition for bankruptcy relief sends an important signal that bankruptcy is a serious act that has moral as well as economic consequences. Moreover, reducing the number of strategic bankruptcies will reduce the bankruptcy tax paid by every American family on goods and services, giving them more money for groceries, vacations, and educational expenses.

It has been claimed by some that the Bill would negatively impact the ability of divorced spouses to collect spousal and child support. This claim is based on vague, speculative, and inaccurate accusations about how the nondischargeability of certain debts will impact post-petition efforts to collect these obligations. In contrast to these speculative accusations, the Bill offers concrete assistance to non-intact families in several ways. Among its numerous provisions protecting the rights of former spouses and children are the following protections: (1) Extends the scope of nondischargeability of spousal support obligations to make nondischargeable certain property settlement, (2) excepts state child support collection authorities from the reach of the automatic stay, (3) elevates the priority level of child support to first priority, (4) makes exempt property available for the enforcement of domestic and child support obligations. These speculative claims about the negative effects of the bill appear to be simply a concerted effort by the Bill's opponents to distract attention from the real reforms and protections included in the bill.

Moreover, the Bill's provisions on credit card nondischargeability merely rationalizes some exceptions to discharge and closes loopholes in the current law relating to the misuse of credit cards. Given this modest aim of simply closing loopholes in the already-existing exception to discharge for credit card fraud, it is difficult to see how this reform could have more than a trivial effect on collection of spousal support payments. Nor have the Bill's opponents supplied any details about the size of this purported effect. Assuming the effect is nontrivial, it is also not unique to make certain debts nondischargeable on the basis of public policy. Current law already makes a multiple of exceptions to discharge, including such things as tax obligations, fraudulently incurred debts, student loans, and victims of drunk drivers. As a result, the bill would no more "pit" postpetition child support obligations against credit card issuers than current law "pits" child support obligations against the victims of drunk drivers, the victims of fraud, student loan obligations, or taxes obligations. Indeed, the burden on a debtor from nondischargeable credit card debts will be substantially smaller than the financial burden on debtor from the inability to discharge fraud liabilities, tax liabilities, student loan debts, and drunk-driving judgments. That opponents of the Bill have instead singled-out credit card issuers for criticism says more about their desire to demonize the credit card industry and less about their commitment to protecting women and children or to real bankruptcy reform.

The Bill establishes a much-needed system of means-testing to force high-income debtors who can repay a substantial portion of their debts without significant hardship to do so. Under current law, there are few checks on high-income debtors seeking to walk away from their debts and few safeguards to prevent bankruptcy fraud. Current law requires a case-by-case investigation that turns on little more than the personal predilections of the judge. This chaotic system mocks the rule of law, and has resulted in unfairness and inequality for debtors and creditors alike. The arbitrary nature of the process has also undermined public confidence in the fairness and efficiency of the consumer bankruptcy system.

The Bill narrows the judge's discretion by establishing a presumption of abuse where a high-income debtor has the ability to repay a substantial portion of his debts, as measured by an objective standard. At the same time, the judge will retain discretion to override this presumption in cases of hardship. Means-testing is not a panacea for all of the ills of the bankruptcy system. But by focusing judicial discretion on the existence of real hardship and reducing procedural hurdles to challenging abuse, the Bill's reforms will vindicate the rule of law and reduce abuse.

The Bill also targets a whole range of other abuses of the bankruptcy system, including such things as the use of "fractional interests" to prevent legitimate foreclosures and abuse of the cramdown provisions of the Code by filing bankruptcy simply to strip down the value of a secured creditor's claim. The Bill also eliminated abuse of unlimited homestead exemptions, a reform advocated by even the Bill's critics. Contrary to the selective outrage of its critics, however, the Bill does not limit itself to reducing abuse of the homestead exemption but takes a comprehensive approach to rooting out all forms of bankruptcy abuse.

In contrast to the broad-based support for the Bill, opposition primarily has come from one isolated corner—lawyers. Certainly the opposition of some lawyers is based on sincere, albeit mistaken, beliefs about the content and impact of the legislation. But it is ironic that bankruptcy lawyers have been quick to question the motives of creditors in seeking reform, while remaining slow to acknowledge their own stake in opposing reform. James Shepard, a member of the National Bankruptcy Review Commission, estimates that bankruptcy is now a $5 billion a year industry for lawyers and others. By reducing filings among high-income filers and reducing the cost of bankruptcy cases by making them more predictable and less expensive, means-testing will reduce both the volume and expense of bankruptcy cases. The Bill also will reduce bankruptcy filings by requiring bankruptcy lawyers to inform their clients of availability of non-bankruptcy alternatives, such as credit counseling, and by cracking down on bankruptcy "mills" that mass-produce bankruptcy petitions with little regard to the welfare of their clients. Put simply, more bankruptcies means more money for bankruptcy lawyers, and fewer bankruptcies means less money for bankruptcy lawyers. Also to the dismay of bankruptcy lawyers, the Bill elevates child support obligations to the first administrative priority—a position currently occupied by attorneys' fees obligations. Efforts in the bankruptcy bar to downplay the importance of this protection for divorced mothers appear to be little more than a cynical effort to hid the self-interest of bankruptcy lawyers behind the skirts of divorced mothers.

Balanced bankruptcy reform preserves the protection of the bankruptcy system for those who need it, while limiting abuse by those who are preying on that generosity simply to evade their financial responsibilities. This Bill brings balance to a consumer bankruptcy system that has become a tool for rich and savvy debtors to evade their financial responsibilities. America has one of the most charitable and forgiving bankruptcy systems in the world and many of those who file bankruptcy truly need it as a consequence of personal trouble. But too many people today are preying on our charity and using the bankruptcy system not because they need it, but simply to evade their responsibilities or to maintain an unrealistic and extravagant lifestyle at the expense of those who live responsibly. Ignoring rampant abuse undermines public support for the bankruptcy system generally, which will eventually hurt those who legitimately need bankruptcy relief. Now is the time to fix the bankruptcy system before more drastic reforms are needed later.

Respectfully yours,

TODD J. ZYWICKI,
Assistant Professor of Law, George Mason University School of Law.
JAMES J. WHITE,
Robert A. Sullivan, Professor of Law, University of Michigan Law School.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 27, 1999, the Federal debt stood at $5,641,247,753,162.35 (Five trillion, six hundred forty-one billion, two hundred forty-seven million, seven hundred fifty-three thousand, one hundred sixty-two dollars and thirty-five cents).

Five years ago, September 27, 1994, the Federal debt stood at $4,670,106,000,000 (Four trillion, six hundred seventy billion, one hundred six million).

Ten years ago, September 27, 1989, the Federal debt stood at $2,843,044,000,000 (Two trillion, eight hundred forty-three billion, forty-four million).

Fifteen years ago, September 27, 1984, the Federal debt stood at $1,570,251,000,000 (One trillion, five hundred seventy billion, two hundred fifty-one million).

Twenty-five years ago, September 27, 1974, the Federal debt stood at $481,717,000,000 (Four hundred eighty-one billion, seven hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,159,530,753,162.35 (Five trillion, one hundred fifty-nine billion, five hundred thirty million, seven hundred fifty-three thousand, one hundred sixty-two dollars and thirty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, received during the adjournment of the Senate, announcing that the House has agreed to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) making appropriations for energy and water development of fiscal year ending September 30, 2000, and for other purposes.

At 10:45 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 293. An act to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 944. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 note; 112 Stat. 3486 et seq.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

At 2:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 202. An act to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes.

H.R. 717. An act to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes.

H.R. 1934. An act to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation research Program, and for other purposes.

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

H.R. 2942. An act to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes.

H. Con. Res. 187. Concurrent resolution expressing the sense of the Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The message also announced that pursuant to section 1 of the Act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), as amended by section 1 of Public Law 102-246, the Speaker reappoints the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term: Mr. Edwin L. Cox of Dallas, Texas.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico to San Juan College.

S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 202. An act to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 717. An act to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1934. An act to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program; to the Committee on Commerce, Science, and Transportation.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2942. An act to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico to San Juan College.

S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5398. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Structured Approach for Profit or Fee Objective", received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5399. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation; Final Rule" (2127–AH88), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5400. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Santa Barbara Channel, CA (COTP Los Angeles-Long Beach, CA 99–005)" (RIN2115–AA97) (1999-0061), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5401. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Presidential Visit and United Nations General Assembly, East River, NY (CGD01–99–167)" (RIN2115–AA97) (1999–0062), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5402. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Sugar Land, TX; Docket No. 99–ASW–01 (9–22/9–23)" (RIN2120–AA66) (1999–0315), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5403. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace B Ae Model ATP Airplanes; Docket No. 99–NM–344 (9–22/9–23)" (RIN2120–AA64) (1999–0355), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5404. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes; Docket No. 99–NM–118 (9–22/9–23)" (RIN2120–AA64) (1999–0361), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5405. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 2=38–100 Series Airplanes; Docket No. 99–NM–118 (9–22/9–23)" (RIN2120–AA64) (1999–0356), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5406. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes; Docket No. 99–NM–92 (9–22/9–23)" (RIN2120–AA64) (1999–0354), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5407. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–100 and –300 Series Airplanes; Docket No. 98–NM–384 (9–22/9–23)" (RIN2120–AA64) (1999–0357), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5408. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–10 and –300 Series Airplanes; Docket No. 97–NM–58 (9–22/9–23)" (RIN2120–AA64) (1999–0358), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5409. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes; Docket No. 99–NM–91 (9–22/9–23)" (RIN2120–AA64) (1999–0360), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5410. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes; Docket No. 99–NM–110 (9–22/9–23)" (RIN2120–AA64) (1999–0362), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes;

Docket No. 99–NM–328 (9– 22/9–23)'' (RIN2120–AA64) (1999–0363), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99–NM–329 (9–22/9–23)'' (RIN2120–AA64) (1999–0364), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Request for Comments; Docket No. 99–SW–46 (9–22/9–23)'' (RIN2120–AA64) (1999–035964), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Making Effective the Collection-of-Information Requirements in the Final Rule Implementing Procedures for the Testing and Certification of Bycatch Reduction Devices for the Use of Shrimp Trawls in the GOM'' (RIN0648–AK32), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket 96–18, Implementation of Section 309(j) of the Communications Act-Competitive Bidding, PR Docket No. 93–253'' (WTB Doc. 96–18, FCC 99–98), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Addition of Mexico to the List of Countries Eligible to Export Poultry Products into the United States'' (RIN0583–AC33), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5417. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Public Housing Agency Plans; Change in Plan Submission Dates-Final Rule Amendment'' (RIN2577–AB89) (FR–4420–F–04), received September 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5418. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the financial statements of the Colorado River Basin Project for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–5419. A communication from the Acting Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Public Participation in Coal Leasing'' (RIN1004–AD27), received September 24, 1999; to the Committee on Energy and Natural Resources.

EC–5420. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractor Use of Nonimmigrant Aliens-Guam'' (DFARS Case 97–D318), received September 24, 1999; to the Committee on Armed Services.

EC–5421. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Reform of Affirmative Action in Federal Procurement, Part II'' (DFARS Case 98–D021), received September 24, 1999; to the Committee on Armed Services.

EC–5422. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the receipt and use of federal funds by candidates who accepted public financing for the 1996 Presidential primary elections; to the Committee on Rules and Administration.

EC–5423. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Safeguarding Classified National Security Information'' (RIN3095–AA95), received September 24, 1999; to the Committee on Governmental Affairs.

EC–5424. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Sector Equal Employment Opportunity'' (RIN3046–AA66), received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5425. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2-Aluminum Lake on Alumina'', received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5426. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (cf99129), received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5427. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5428. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5429. A communication from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Administrative Review Process; Prehearing Procedures and Decisions by Attorney Advisors; Extension of Expiration Dates'' (RIN0960–AF07), received September 24, 1999; to the Committee on Finance.

EC–5430. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District'' (FRL #6445–6), received September 24, 1999; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000'' (Rept. No. 106–165).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 1650: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB (for himself, Mr. Schumer, Mr. Kerry, Mr. Leahy, Mr. Johnson, and Mr. Lieberman):

S. 1645. A bill to amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing an advanced degree in mathematics, science, engineering, or computer science are permitted to change nonimmigrant classification in order to remain in the United States for a 5-year period for the purpose of working in one of those fields, and to foster partnerships between public schools and private industry to improve mathematics, science, and technology education in public schools; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Ms. Landrieu, Mr. Smith of Oregon, Mr. Bayh, and Mrs. Feinstein):

S. 1646. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. Cleland):

S. 1647. A bill to amend the National Highway System Designation Act of 1995 to remove a restriction on the eligibility of certain activities for funding from the Highway Trust Fund; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. Gorton, and Mr. Bingaman):

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. Mack, and Mr. McCain):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1650. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. Gorton, Mr. Bingaman, Mr. Craig, and Mrs. Murray):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. Baucus, Mr. Moynihan, Mr. Smith of New Hampshire, Mr. Warner, Mr. Thomas, and Mr. Lieberman):

S. 1652. A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. Baucus, Mr. Lott, Mr. Daschle, Mr. Warner, Mr. Breaux, Mr. Crapo, Mr. Lieberman, Mr. Domenici, Mr. Moynihan, Ms. Collins, Mr. Reid, and Mr. Lautenberg):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife foundation Establishment Act; to the Committee on Environment and Public Works.

By Mr. MACK (for himself and Mr. Graham):

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1655. A bill to amend title XVIII of the Social Security Act to revise the criteria for designation as a critical access hospital; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. Landrieu, Mr. Smith of Oregon, Mr. Bayh, and Mrs. Feinstein):

S. 1646. A bill to amend title XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Finance.

IMPROVED MATERNAL AND CHILDREN'S HEALTH COVERAGE ACT

• Mrs. LINCOLN. Mr. President, today I rise to introduce the Improved Maternal and Children's Health Coverage Act. I am joined by my colleagues Senator Landrieu, Senator Gordon Smith, Senator Evan Bayh and Senator Dianne Feinstein.

A similar bill was introduced in the House of Representatives by Congresswoman DeGette and Congresswoman Morella.

This legislation is intended to help increase the coverage of uninsured children under the Children's Health Insurance Program, better known as CHIP.

Right now there are 10.7 million uninsured children in the United States. The goal of CHIP is to insure 5 million children nationally.

However, we have only enrolled 1.3 million of the targeted 5 million children so far. We can do better. We must do better.

Let's get rid of barriers to coverage! There are several simple, administrative changes that we can make in this legislation that will help break down the barriers to enrollment.

First, we can reduce the need for excessive documentation. States would be required to develop and use a uniform, simplified application form to determine eligibility for both Medicaid and CHIP. This means families only have to fill out one form.

Second, families would only have to deal with one state agency to establish eligibility for either program. It is unfair to make parents go from agency to agency to enroll for state health insurance coverage.

Third, we can do a better job making a greater variety of application sites available to families. Rather than only being able to apply at a state agency, states could opt to expand application site options. Let's take the application process to the places that parents and their children go on a regular basis—examples include schools and child care centers.

This bill also expands health insurance coverage options to pregnant women who do not qualify for Medicaid because their incomes are slightly above Medicaid guidelines. Thousands of pregnant women earn just a bit too much to qualify for Medicaid, but they do not have health insurance because either their employer or their husband's employer doesn't offer it.

We all know the importance of prenatal care to the health of unborn children. If a mother receives proper prenatal care, her child has a much greater chance of being born healthy. That is why the National Academy of Pediatrics, the National Association of Children's Hospitals and the March of Dimes—just to name a few organizations—support this legislation.

In an era of making every federal dollar stretch as far as possible, this provision makes sense. For every $1 we spend on prenatal care, we save $3 later on that would be spent on complicated deliveries and serious birth defects. Sometimes you have to spend money to save money.

Several years ago, the Arkansas governor and the state legislature implemented the AR Kids First health insurance program for children who did not qualify for Medicaid. AR Kids First precedes CHIP.

The statistics for enrollment in the CHIP program in Arkansas are a bit ahead of the national curve. So far, AR Kids First has enrolled half of all eligible children. Over 45,000 now have coverage as a result of the state's proactive efforts and commitment to children's health.

It has been so successful in enrolling eligible children for health insurance that the Department of Health and Human Services recently granted approval to allow AR Kids First to operate as the state's CHIP program.

I applaud their efforts and hope that other states can learn from the outreach success of AR Kids First.

Finally, this bill eliminates the sunset clause for a pot of money that Congress allocated for states to help them link families leaving welfare with the Medicaid and CHIP programs. As part of the 1996 welfare reform law, Congress gave $500 million to states to see that families with children in the welfare system continue to receive health care coverage.

Prior to 1996, poor families with children automatically received health benefits through Medicaid when they signed up for AFDC. Since Congress passed welfare reform legislation, Medicaid and TANF are no longer legally connected. States must revamp their eligibility systems to see that families with children do not fall through the cracks.

There has been confusion between governors and the Department of Health and Human Services about the time period that this money could be spent.

States run the risk of losing this money just 2 days from now. On September 30th, 16 states are in jeopardy of losing this funding and 18 more states will lose funding by December 31, 1999.

So, as you see, this piece of the Maternal and Children's Health Coverage Act is critical—and timely.

I hope that the Congress and the President will act swiftly to eliminate the sunset clause and give states more time to spend this valuable pot of money.

Mr. President, Congress is currently engaged in a debate over the Patients'

Bill of Rights. I hope that we don't lose sight of an equally important goal of seeing that all children in America have health care insurance.

I believe this bill takes a positive step forward in helping states move closer to the goal of providing health insurance to 5 million uninsured children. We can do this. We must do this.●

● Ms. LANDRIEU. Mr. President, today I join my colleagues, Senator LINCOLN from Arkansas, Senator BAYH from Indiana, Senator SMITH from Oregon, and Senator FEINSTEIN from California to introduce the "Improved Maternal and Children's Health Coverage Act of 1999," that would improve the health coverage of needy children under the State Children's Health Insurance Program (CHIP) and Medicaid. CHIP was implemented during the Balanced Budget Act of 1997 to ensure children living in working families that do not qualify for Medicaid, but still cannot afford health insurance, receive the care they need.

As part of the 1996 welfare reform law, Congress allocated $500 million to states to provide children and families access to Medicaid. This fund will expire for 16 states on September 30, 1999, and for 18 more States, including Louisiana, on December 31, 1999. Our proposal would extend the life of this fund to allow states to continue to use these dollars as they carry out outreach efforts for both Medicare and CHIP providing our children with health care.

Eleven million of the nation's children remain uninsured despite the passage of the State Children's Health Insurance Program. Mr. President, we need to strengthen this essential program. In Louisiana alone, there are 268,000 children who still do not have health insurance. About half of these children are eligible for Medicaid or CHIP, but are not enrolled because of the lack of outreach. I know that in my colleague's state of Arkansas, they have insured just over half of the children who are eligible. The "Improved Maternal and Children's Health Coverage Act" will provide better outreach services to those families who may not know of their eligibility. It provides for a simplified and coordinated enrollment process that would determine eligibility for both Medicaid and CHIP.

Additionally, the measure gives the states the option to cover pregnant women. Studies have shown that prenatal care improves the health of new born children and reduces the risk of birth defects. It is so very important that our children have health coverage from the first day of life.

Parents are just beginning to be aware that this special program exists and that their children are eligible. It is our responsibility as leaders to make sure that our children are given the best possible opportunities for success. This means we must provide quality access to children's health services. We must not let these children fall through the cracks.●

By Mr. BAUCUS (for himself, Mr. GORTON, and Mr. BINGAMAN):

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE FAIR TRADE ACT OF 1999

Mr. BAUCUS. Mr. President, I rise to introduce the Agriculture Fair Trade Act of 1999. I am joined by Senator GORTON of Washington and Senator BINGAMAN of New Mexico.

I begin by saying I believe the next round of the WTO is vital to American farmers. As a Senator who represents Montana, a State whose primary industry is agriculture, this next round will decide the fate of our next generation of producers. It is that simple.

It is becoming increasingly clear that while the rest of the Nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the Nation are suffering, and they have yet to reap the fruits of free trade's bounty.

During the last several months, we have worked to identify goals for agriculture in the next round of the WTO. The consensus is that we must step up our efforts dramatically in order to make genuine progress in leveling the playing field for our agriculture industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003.

It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe this act provides a powerful two-tier trigger approach to the reduction of export subsidies.

First, the European Union must reduce its agriculture export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Agriculture Secretary shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of U.S. agriculture.

In particular, the Secretary shall be authorized to target EU's most sensitive export market for grains and spend over $1 billion in Export Enhancement Program funding in that market.

Step 2 requires the EU to enter into an agreement with the United States by January 1, 2003. The EU must agree to completely eliminate its export subsidies, and if not, the U.S. Secretary of Agriculture shall be authorized to, again, target EU's most sensitive export market for grain, double the Export Enhancement Program to $2 billion, and increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It is high time the Senate takes action to ensure that the next round of negotiations result in benefits to our agricultural producers.

Why target EU export subsidies? I believe the United States has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture, especially export subsidies, we will get a fair trading system.

That is not the case across the Atlantic, where the EU export subsidies are 60 times greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's agricultural export subsidies.

I can remember in the 1980s when the U.S. and EU engaged in an "export subsidy war." At the same time, they both battled to undercut each other's prices in the world's wheat export markets. But over the decade, U.S. market share declined while EU market share increased dramatically.

Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter of agricultural products. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

How did the United States fight back? We didn't. To date, the United States maintains an anemic Export Enhancement Program. Authorized at $500 million a year, EEP operates well below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, it is high time we start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—it has leverage—but one that must be taken as a very large stride in the path toward free trade.

Again, I thank Senators GORTON and BINGAMAN for cosponsoring this legislation. I urge my colleagues vested in the future of American agriculture to join us in this endeavor.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MCCAIN):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

THE MERIT ACT

• Mr. ABRAHAM. Mr. President, today I rise with my good friend and colleague, Senator Mack, to introduce the Measures to Encourage Results in Teaching Act, or as it is frequently and aptly called, the MERIT Act.

Mr. President, there has been a great deal of discussion regarding our nation's schools and the state of elementary and secondary public school education. This country spends $740 billion per year on education. This is more than the Gross Domestic Products of Spain, Canada or Brazil. Yet the results of the Third International Mathematics and Science Study for Eighth Grade Students ranked American students 28th in science and 17th in math when compared to students in other countries. This situation worsens by the twelfth grade, when our advanced students performed at the bottom of international comparisons.

Mr. President, 43 percent of our fourth graders cannot pass a basic reading test. Our children deserve the highest quality education possible and unfortunately, as just even these few statistics demonstrate, we are failing. Neither our children nor our nation can succeed unless we improve our educational system.

Without a good education and the strong skills it provides, our young people will not be able to get good jobs at good wages. Without skilled, educated workers, our businesses will lose their competitive edge in the world marketplace. The prosperity of our entire nation demands that we do more to improve our children's education.

The question then, Mr. President, is "how can we improve our kids' education?" There are a lot of fancy theories floating about on this topic. But one thing we know for certain: the most important educational tool in any classroom remains a qualified, highly trained teacher. Teachers play a special and indispensable role in our children's education. Nothing can replace the positive and long lasting impact a dedicated, knowledgeable teacher has on a child's learning process. And nothing can compensate for the weak teaching that, despite the best of intentions, can result from a teacher's lack of knowledge, preparation, skill and interest.

The bulk of our teachers are working hard, under difficult circumstances, to educate our children. Unfortunately, Mr. President, too many of them have not gained the training they need to succeed in educating young people. Currently, the Department of Education reports that one-third of high school math teachers, nearly 25 percent of high school English teachers and 20 percent of science teachers are teaching without a college major or even a college minor in their subjects.

The MERIT Act constitutes an important step toward providing better education. It will ensure that teachers have the training they need to succeed, and that teachers are rewarded for their successes. Common sense dictates that teachers should have subject-matter knowledge in the areas they teach. Common sense also dictates that teachers who motivate and inspire their students, and who put forth the extra effort to improve and expand upon their own skills and knowledge, should be rewarded.

The MERIT Act puts common sense into action. It will provide incentives for states to establish teacher testing and merit pay policies. Specifically, this legislation would provide that 50 percent of the funds provided over the Fiscal Year 2000 appropriation level for the Eisenhower Professional Development Program will be made available to any state that has established periodic assessments of elementary and secondary school teachers, and implements a pay system to reward teachers based on merit and proven performance.

Mr. President, I'd like to be particularly clear on one point: This bill will not result in any reductions in funding for the Eisenhower Professional Development Program. This is an incentive program, not another Washington-knows-best mandate. No state will be penalized for its decision not to participate in the MERIT Act program. In fact, should the appropriation level for the Eisenhower Program increase, so will the amount provided to each state.

What this legislation will provide, Mr. President, is an important incentive for states to make certain that our kids are taught by committed teachers who have received the training they need to succeed. Day in and day out, teachers make a real difference for our kids. They inspire children to dream, and to work to make those dreams come true. They help our young people realize their full potential and work to achieve it. Their contributions are invaluable and their efforts demand commendation. The MERIT Act would reward these teachers for their commitment and ensure that our children will be taught by the most qualified and knowledgeable individuals available.

I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill and a section by section analysis, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) Short Title.—This Act may be cited as the "Measures to Encourage Results in Teaching Act of 1999".

(b) Findings.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) Purposes.—The purposes of this Act are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) Amendments.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

"PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) State Awards.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) Availale Funding.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2000, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) Award Amount.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) Use of Funds.—Funds provided under this section may be used by the States to carry out the activities described in section 2207.

"(e) Definition of State.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) In General.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) Definitions.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES

This section states that the short title of this bill is the "Measures to Encourage Results in Teaching Act of 1999."

The findings section stresses the importance of having quality teachers in the classroom and the direct correlation between a teacher's ability and the educational success of his or her students.The findings also state the importance of evaluating teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill.

The purpose of the legislation is to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

SECTION 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

Section 2(a) amends the Elementary and Secondary Education Act by adding Sec. 2401 "State Incentives for Teacher Testing and Merit Pay."

Subsection (a) states that the Secretary of Education shall make awards to each State that tests each elementary and secondary school teacher in the subject he or she teaches every 3 to 5 years and that establishes a teacher compensation system based on merit.

Subsection (b) states that the available funding for the above section shall be 50 percent of the increase in funds appropriated for the Dwight D. Eisenhower Professional Development Program about the FY 2000 appropriated levels. This ensures that States will not have their Eisenhower funding cut below current fundings levels.

Subsection (c) divides the amount awarded under this section equally among States operating a teacher testing and merit pay program.

Subsection (d) stipulates that funds under this section can only be used to carry out teacher testing and merit pay activity.

Subsection (e) defines "State" to mean each of the 50 States and the District of Columbia.

SECTION 3. TEACHER TESTING AND MERIT PAY

Subsection (a) stipulates that States may use Federal education funds to carry out teacher testing programs and to establish merit pay programs for teachers.

Subsection (d) defines "elementary school" and "secondary school" as having the same meaning as under the Elementary and Secondary Education Act.●

● Mr. MACK. Mr. President, I rise today with my friend and colleague Senator Abraham, to introduce the Merit Act, which is legislation to ensure that every classroom in America is staffed with a competent, qualified and caring teacher. Last Congress, the Senate debated a number of initiatives to further this goal and passed this legislation as an amendment to a comprehensive education reform bill, which was vetoed by the President. Earlier this year, I joined Senator Gregg in cosponsor the Teacher Empowerment Act. Both the TEA, and the MERIT ACT are important reform bills to enable local schools to staff their classrooms with the best and brightest teachers.

The 21st Century begins in just under 100 days. If our children are to be prepared for the challenges ahead, educational excellence must become our first order of business. As Congress continues to focus on a number of important reforms to federal K–12 education policy, I strongly believe that any real education reform must confront the most basic, the most important, and the most neglected aspect of public education: the quality of instruction in the classroom.

Parents all over the state of Florida, and I imagine the same is true around the country, are concerned that the success —or failure—of their child's entire academic year will be determined by the quality and expertise of their child's teacher. Studies show that the most important factor in determining student success on standardized tests is the teacher's ability to present the material. Studies also show that when a student is assigned an ineffective teacher, the damage is not limited to one year. In fact, student test scores do not recover for three years, even if their subsequent teachers are excellent.

America's classrooms are staffed with many dedicated, knowledgeable, and hardworking teachers. Nevertheless, the case for sweeping reform is not difficult to make. While the United States already spends more money per pupil than virtually any industrialized democracy in the world, our children frequently score near the bottom in international exams in science and math. Without exceptional teaching, no amount of resources will be able to turn bad schools into good schools. Throwing more money at the problem is no longer the answer.

Our schools and classrooms should be staffed with teachers who have the appropriate training and background. Students deserve teachers with a thorough knowledge of the subjects they are teaching and the ability to convey complex material in ways that students can understand. One way to determine the competency of teachers would be to test them on their knowledge of the subject areas they teach.

At a time when states are raising the bar for student achievement, few are raising standards for teachers. Today, seven states have no licensing exams for new teachers, and of the 43 states that do have licensing exams, only 29 require high school teachers to pass an exam in the subject they plan to teach. However, in many cases, these requirements are waived when there is a shortage of qualified candidates.

We have a clear interest in ensuring that beginning teachers are able to meet high standards and are knowledgeable about the subject matter they are presenting, and a number of states have taken the initiative to test their prospective teachers. However, when you consider that many teachers—especially teachers in low income districts—do not even have a minor degree in the subject they teach, it is important to periodically evaluate the performance of all teachers. Schools are often strapped for good teachers and will simply staff a science class with a math teacher. These are cases where testing could provide valuable insight as to the mastery of the teacher in additional subjects, and would identify those teachers who need additional encouragement.

Common sense also dictates that we should not concentrate all our attention on under-performing teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Today, our public schools compensate teachers based almost solely on seniority, not on their performance inside the classroom. Merit-pay would differentiate between teachers who are hard-working and inspiring, and those who fall short.

The legislation we are introducing today, known as the MERIT ACT—which stands for Measures to Enhance Results in Teaching —is the same legislation that passed the Senate last Congress with bipartisan support by a vote of 63–35. It rewards states that test its teachers on their subject matter knowledge, and pays its teachers based on merit.

Here is how it works: we will make half of any additional funding over the FY 2000 level for the Eisenhower Professional Development Program available to states that periodically test elementary and secondary school teachers, and reward teachers based on merit and proven performance. There will be no reduction in current funding to states under this program based on this legislation. As funding increases for this program, so will the amount each state receives. Incentives will and should be provided to those states that take the initiative to establish teacher testing and merit pay programs.

Again, I want to emphasize that all current money being spent on this program is unaffected by this legislation. Only additional money will be used as an incentive for states to enact teacher testing and merit pay programs.

Finally, this legislation enables states to also use federal education money to establish and administer teacher testing and merit pay programs. This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it can be done without placing new mandates on states or increasing the federal bureaucracy.

It is interesting to note that as Governor of the State of Arkansas, Bill Clinton enthusiastically supported teacher testing, and as Governor of South Carolina, Secretary of Education Richard Riley advocated a merit-pay plan. In fact, then-Governor Clinton in 1984 said that he was more convinced than ever that competency tests were needed to take inventory of teachers' basic skills. He said, "Teachers who don't pass the test shouldn't be in the classroom". While President Clinton vetoed this legislation last year, I am hoping he will stand by his State of the Union address where he stated that new teachers should be required to pass performance exams and all teachers should know the subject matter they are teaching.

I would also like to mention the important steps being taken by schools around the country to address the need for merit-based pay. Most recently, in Denver, Colorado, schools have reached an agreement with the unions to commence a two year demonstration program which will pay teachers based on performance. It is important to note the two largest unions, the National Education Association and the American Federation of Teachers, have approached the Denver plan with an open mind. In this program, teachers can earn an additional $1500 by the end of an academic year if a majority of the teacher's students "improve." I am encouraged by the initiative taken by Denver's schools to implement innovative approaches to teacher compensation, and I look forward to the continued cooperation of America's teacher unions. Without their cooperation, reforms to education in America are often frustrated. In the end, I believe teachers, administrators, parents and students will be able to devise a system that is fair and one that works to improve teacher and student performance alike.

I look forward to working with my colleagues as we continue the fight to give dedicated professionals who teach our children a personal stake in the quality of the instruction they provide. I hope there will again be broad, bipartisan support for this bill.●

● Mr. McCAIN. Mr. President, I am proud to join my colleagues, Senators ABRAHAM and MACK to introduce legislation today which will help ensure that our children are being taught by the best, brightest and most component teachers.

"A teacher affects eternity; they can never tell where their influence stops." I share this sentiment of Henry Adams—knowledgeable, enthusiastic teachers play a critical role in the development of our children.

Personally, I can attest to the lasting mark teachers can have on a child, for my life has greatly benefitted from the guidance, encouragement and support of many teachers. As many of my colleagues know, my years in school were not notable for individual academic achievement, but I was fortunate to have been taught by some of the finest leaders and role models our nation could offer a young person. Their efforts helped prepare me for the experiences and obstacles I faced later in life.

It is important for us to continue to work to ensure that all children have access to wonderful, intelligent and inspirational teachers. It is my strong belief that testing our teachers and providing merit pay for those that excel is critical for retaining smart, enthusiastic and talented teachers in our nation's classrooms. This is why I cosponsored this measure last year and have joined my colleagues again this year to reintroduce this legislation.

Too many teachers are receiving salaries which are not commensurate with the invaluable service they provide. It is unconscionable that a bad politician is paid more than a good teacher. I will continue fighting for better pay for our nation's teachers, but I will also continue fighting for programs which encourage our states to provide merit-based pay, and periodically test teachers for competence. By all means, we should reward good teachers. They have answered one of the highest callings in our society, and they should be honored for the sacrifices they make on our children's behalf. But we should also weed out problem teachers who have lost the desire to teach or who have failed to improve their teaching skills in this high tech age.

The fact is that teachers who refuse to demonstrate their competency, are probably not competent to teach. Every child in every classroom deserves a teacher who is qualified and enthusiastic about teaching. Some people just aren't meant to be teachers, and we should help them find another line of work.

There are thousands of dedicated teachers around our nation working with parents, school officials and local communities to guide our children and provide them with the highest quality education necessary for ensuring the youth of our country have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality. These are precisely the teachers whom we should be fighting to keep in our schools and merit pay is crucial towards achieving that.

America's teachers are helping our youth develop the personal, professional and emotional skills necessary for successfully defining and achieving their goals. The impact of quality teachers on our children and our nation's future is immeasurable and irreplaceable, and we must continue developing and strengthening programs which encourage these teachers to continue teaching our children and building a better future for all of us. I urge my colleagues to support this measure we are introducing today and work with us to ensure the best teachers with the best skills are teaching our children.●

By Mr. BAUCUS (for himself, Mr. GORTON, Mr. BINGAMAN, Mr. CRAIG, and Mrs. MURRAY):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL TRADE FAIRNESS ACT OF 1999

● Mr. BAUCUS. Mr. President, I rise today to introduce the "Agriculture Fair Trade Act of 1999." I am pleased to be joined in this bipartisan effort by the bill's leading cosponsors, Senator GORTON, Senator BINGAMAN, Senator CRAIG and Senator MURRAY. The measure is also supported by the Montana Grain Growers and the Montana Farm Bureau.

Let me begin by saying that this next round of WTO is vital. As a senator who represents Montana—a state whose primary industry is agriculture—this next round will decide the fate of our next generation of producers. It is becoming increasingly clear that while the rest of the nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the nation suffer. They have yet to reap the fruits of free trade's bounty.

During the past several months, we in the Senate, the Administration and farmers and ranchers back home have worked to identify the goals for agriculture in the next round in the WTO. And the consensus is that we must step up our efforts in order to make any genuine progress in leveling the playing field for the agricultural industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003. It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe that the Agriculture Fair Trade Act provides a powerful, two-tiered "trigger" approach to the reduction of export subsidies.

First, the European Union must reduce its agricultural export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Secretary of Agriculture shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of United States agriculture.

In particular, the Secretary shall be authorized to—

Target the EU's most sensitive export market for grains, and

Spend $1 billion in Export Enhancement Program funding in that market.

Step two requires the European Union to enter into an agreement with the United States. By January 1, 2003, the EU must agree to completely eliminate its export subsidies. If not, the U.S. Secretary of Agriculture shall be authorized to—

Again, target the EU's most sensitive export market for grains,

Double the Export Enhancement Program to $2 billion, and

Increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It's high time, we in the U.S. Senate take action to ensure that the next round of negotiations results in benefits to our producers.

WHY TARGET EU EXPORT SUBSIDIES?

I believe that the U.S. has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture we will get a fair trading system. That is not the case across the Atlantic, where the EU export subsidies are 60 times greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's export subsidies.

I can remember the 1980s when the U.S. and EU engaged in an "export subsidy war." At that time, both countries battled to undercut each other's prices in the world's wheat export markets. Over the decade, U.S. market share declined while EU market share increased dramatically. Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

And how did the United States fight back? We didn't. To date, the United States maintains the anemic Export Enhancement Program. Authorized at $500 million a year, EEP operates well below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, its high time to start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—but one that must be taken as a very large stride in the path toward fair trade.

I again thank Senators GORTON, BINGAMAN, CRAIG and MURRAY for cosponsoring this important legislation. And I urge my colleagues vested in the future of America agriculture to join us in this endeavor.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, and Mr. LAUTENBERG):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce legislation to reauthorize the National Fish and Wildlife Foundation Establishment Act of 1984. This legislation makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for conservation of our Nation's fish, wildlife, and plant resources.

The National Fish and Wildlife Foundation was established in 1984, to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over $435 million. This is an impressive record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

Mr. President, the Foundation has funded these programs by raising private funds to match Federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint this is an impressive record of leveraging Federal dollars. Moreover, all of the Foundation's operating costs are raised privately, which means that Federal and private dollars given for conservation is spent only on conservation projects.

I am proud to count myself as one of the "Founding Fathers" of the National Fish and Wildlife Foundation. In 1984, I, along with my colleagues Senators Howard Baker, George Mitchell, and JOHN BREAUX, saw the need to create a private, nonprofit group that could build public-private partnerships and consensus, where previously there had only been acrimony and, many times, contentious litigation.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to bring solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the United States due to overharvest in Greenland, the Foundation and its partners bought Greenland salmon quotas. I and many others in Congress want the Foundation to continue its important conservation efforts. So, today I am introducing amendments to the Foundation's charter that will allow it to do just that.

Mr. President, this legislation is quite simple. It makes three key changes to current law. First, the bill would expand the Foundation's governing board of directors from 15 members to 25 members. This will allow a greater number of those with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities.

The bill's second key feature authorizes the Foundation to work with other agencies within the Department of the Interior and the Department of Commerce, in addition to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. Mr. President, it is my view that the Foundation should continue to provide valuable assistance to government agencies within the Departments of the Interior and Commerce that may be faced with conservation issues. Finally, it would reauthorize appropriations to the Departments of the Interior and the Department of Commerce through 2004.

Mr. President, last year this bill passed the Senate by unanimous consent, but unfortunately the House was unable to duplicate our efforts. I believe that this legislation will produce real conservation benefits and I strongly urge my colleagues to once again give the bill their support.

• Mr. BAUCUS. Mr. President, in 1984, Congress created the National Fish and Wildlife Foundation, a charitable, nonprofit corporation with the mission of conserving our nation's fish, wildlife, plant, and other natural resources. The Foundation's creation was championed by congressional members from both sides of the aisle, including my esteemed colleague on the Environment and Public Works Committee, Chairman JOHN CHAFEE. The bipartisan support the Foundation received in Congress reflected broad agreement that additional efforts were needed to protect and manage our natural resources.

Over the past 15 years, National Fish and Wildlife Foundation has established a solid track record. The Foundation has achieved on-the-ground results. It has also stretched federal dollars and built public-private partnerships essential to conservation efforts. The Foundation has provided more than 3,500 grants to over 940 private local organizations, state and county governments, tribes, federal and interstate agencies, and colleges and universities in all 50 states. By requiring grantees to match Foundation grants with non-federal funds, the $135 million in federal funds invested by the Foundation have been leveraged to deliver more than $440 million to natural resource conservation efforts. Significantly, these funds are used to help build public-private partnerships among individual landowners, government and tribal agencies, conservation organizations, and business. The result is the development of consensus, locally-driven solutions to the challenges involved in protecting and managing fish, wildlife, plants, and other natural resources.

In my home state of Montana, where fishing, hunting, and the enjoyment of our natural resources are deeply ingrained into our way of life, the National Fish and Wildlife Foundation has made important contributions to conservation efforts. These contributions include supporting environmental education, habitat restoration and protection, resource management, and the development of conservation policy. For example, public-private partnerships have been established to restore and protect native fish species, such as Arctic grayling, bull trout, and cutthroat trout, prized by anglers. Working with landowners, thousands of acres of lands have been purchased and easements acquired to benefit elk, bighorn sheep, mule deer, other game animals. Support has been provided to county and tribal efforts to control the spread of noxious weed species that threaten farms, rangelands, wildlife habitat, and recreation areas. In total, the Foundation has funded 187 projects and delivered a total of almost $13 million to conservation projects in Montana.

Mr. President, even with the accomplishments of the National Fish and Wildlife Foundation, the need to conserve the nation's natural resources remains. Today, in too many areas of the country, the health and sustainability of fish, wildlife, and plants, and the habitats on which they depend, are threatened. Bitter disputes continue to arise among interests when solutions to difficult natural resource problems are sought. Tight budgets often severely limit the ability of governments and private entities to adequately address conservation challenges. Because of this, the need for an organization such as the National Fish and Wildlife Foundation, which promotes conservation, builds partnerships and consensus, and stretches dollars, is as clear today as it was in 1984

The bill we are introducing today, the National Fish and Wildlife Foundation Establishment Act Amendments of 1999, will increase the Foundation's ability to continue to carry out is important mission. First and foremost, the legislation authorizes federal appropriations through 2004 to support the Foundation's work. The legislation also strengthens the Foundation by increasing the size of its board of directors and allowing board members to be removed for nonperformance. Finally, the bill broadens the Foundation's authority by allowing it to work with all agencies within the Departments of Interior and Commerce. This legislation is nearly identical to the legislation passed by the Senate last year.

Mr. President, the National Fish and Wildlife Foundation has provided valuable assistance to this nation's natural resource conservation efforts over the past 15 years. If the legislation we are introducing today is passed, I have no doubt that the Foundation will continue it solid record of accomplishment. I urge my colleagues to join the bipartisan group of cosponsors and support this important legislation.•

Mr. LOTT. Mr. President, today Chairman CHAFEE has introduced legislation providing for the reauthorization of the National Fish and Wildlife Foundation. I appreciate the leadership that the chairman has taken in sponsoring this bipartisan bill, and anticipate that it will move quickly through the legislative process.

I have been a strong supporter of the Foundation and the programs and activities it undertakes to further conservation and management of our nation's fish and wildlife resources from the beginning. Created by Congress in 1984, the Foundation has used its relationship with government, private, and corporate stakeholders to foster interagency cooperation and coordination. It has also brought private sector involvement, initiative, imagination, and technology to bear in solving conservation problems.

Mr. President, the National Fish and Wildlife Foundation Establishment Act requires that all federal money appropriated to the Foundation be matched by contributions from non-federal sources, such as: corporations, State and local government agencies, foundations and individuals. The Foundation's operating policy is to raise a match of at least 2 to 1, to maximize leverage for our federal funds. The Foundation takes the appropriated money and places it directly into conservation projects. What does this mean? This means that for every federally appropriated dollar we give the Foundation, an average of $3.17 in on-the-ground conservation takes place. This is something we all should take credit for.

Mr. President, one of the things that distinguishes the Foundation from other conservation groups, is that its efforts yield results in the field, and that its projects include its trademark characteristics of partnership building, public-private coordination, community involvement, and sustainable economics. The Foundation has worked with over 700 agencies, universities, businesses and conservation groups, both large and small, over the last decade. These factors have helped the Foundation become one of the most effective conservation organizations in the nation. The Foundation's projects are all peer reviewed by agency staff, state resource officials, and other professionals in the natural resource field, and there is a process to solicit comments from members of Congress concerning grants in a member's district or state.

In Mississippi the Foundation has supported many local habitat restoration projects aimed specifically at helping private landowners restore wetlands and riparian areas to improve habitat for waterfowl and shorebirds. Further, the Foundation is an important partner in the work that local groups are going to market the conservation programs of the farm bill in Mississippi. With funds from the Foundation, local conservation groups are partnering with the USDA Natural Resources Conservation Service to reach farmers who had not participated in conservation programs. Finally, the Foundation is playing a key role in restoring bottomland hardwood habitats critical to migrating neotropical songbirds and other water-dependent wildlife species by working with utility companies to support tree planting throughout the region. These efforts all help in regaining some the state's original wetlands habitats.

Mr. President, we are all aware of our deficit reduction challenges and the needs and concerns of our many constituencies. The Foundation provides us with a unique opportunity to meet these challenges and needs.

Mr. President, this bill should be acted upon quickly, and the chairman can count on my strong support for the bill's adoption.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT OF 2000

Mr. MACK. Mr. President, Senator GRAHAM and I rise again to introduce the Florida Coast Protection Act of 2000. This legislation will amend current law to give states the ability to have all pertinent environmental information on hand before they are forced to rule on oil and gas drilling development plans, and it would also implement a permanent ban on leasing in the Eastern Gulf of Mexico.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our coast. We are well aware of the risk this activity poses to our environment and our economy because, in Florida, a healthy environment means a healthy economy. Millions of people come to Florida each year to enjoy the climate, our beaches, and our fine quality of life. The tourism industry in Florida provides millions of jobs and generates revenues in the billion of dollars. It would take only one disaster to end Florida's good standing as America's vacationland. We cannot afford to let that happen.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal of the entire Florida Congressional delegation—is to permanently remove this threat from Florida's coast. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf. While the opposition of Floridians to oil drilling is well-documented, the reality remains that leases have been issued, potential drilling sites have been explored, and it is likely that actual extraction of resources could take place within the next few years.

In order to prevent a repeat of the past mistake of leasing in the OCS off Florida, our legislation makes permanent the ban on any new leasing activity within 100 miles of our coast. In addition, it gives states the flexibility to make a determination regarding the consistency of oil and gas development and production plans as required by the Coastal Zone Management Act after an environmental impact statement detailing the direct and cumulative impacts of the project is completed by the Minerals Management Service.

It is this second provision which is so important. Many in this body may not be aware that my state is currently engaged in a battle to keep drilling rigs off its coasts. In the process, the government of the state of Florida was forced, by current law, to make a consistency determination on a pending development plan without the benefit of the environmental impact statement. In fact, the state was forced to conclude that the plan is inconsistent with its own coastal zone management program months before the environmental impact statement was concluded. As I stand here, the EIS for this development plan is still not finalized and its draft is currently the subject of public hearings. Without the benefit of this detailed study, the state is unable to accurately assess the primary, secondary and cumulative impacts drilling will have on our coast, estuaries, marine life and our economy. No state should be put in a similar position and our bill seeks to correct this.

Mr. President, removing the threat of oil and gas exploration permanently from Florida's coast will require responsible leadership from the Congress. This reasonable legislation, in my view, will provide states with critical information needed to assess risks to my state's economic and environmental well-being. I urge my colleagues to support this worthwhile effort. We look forward to working with Senator MURKOWSKI, Chairman of the Senate Committee on Energy and Natural Resources, to meet this goal. I thank the Chair and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Florida Coast Protection Act of 1999".

SEC. 2. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS.

Section 307(c)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)) is amended by adding at the end the following:

"(C) NECESSARY DATA AND INFORMATION.—For purposes of subparagraph (B), a State shall not be considered to receive all necessary data and information with respect to a plan for exploration, development, or production before the date on which the State receives a copy of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that applies to that exploration, development, or production.".

SEC. 3. UNIFORM DOCUMENTATION REQUIREMENTS.

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(a) is amended—

(1) in paragraph (a)(1), by striking "other than the Gulf of Mexico," each place it appears; and

(2) by striking subsection (l).

SEC. 4. OIL AND GAS DEVELOPMENT AND PRODUCTION.

Section 25(e) of the Outer Continental Shelf Lands Act of 1972 (43 U.S.C. 1351(e)) is amended—

(1) by striking "(e)(1) At least" and inserting the following:

"(e) MAJOR FEDERAL ACTION.—

"(1) OUTSIDE THE GULF OF MEXICO.—

"(A) IN GENERAL.—At least";

(2) by striking "(2) The Secretary" and inserting the following:

"(B) PRELIMINARY AND FINAL PLANS.—The Secretary"; and

(3) by adding at the end the following:

"(2) IN THE GULF OF MEXICO.—

"(A) IN GENERAL.—The approval of a development and production plan in a covered area (as defined in section 8(p)(1)) shall be considered to be a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) TIME FOR REVIEW FOLLOWING RECEIPT OF ENVIRONMENTAL IMPACT STATEMENT.—In the case of a development and production plan in a covered area, the Secretary shall ensure that each affected State for which a development and production plan affects any land use or water use in the coastal zone of the State with a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), receives the final environmental impact statement not less than 180 days before determining concurrence or objection to the coastal zone consistency certification that is required to accompany the environmental impact statement under section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)(B)).".

SEC. 5. LEASING ACTIVITY OFF THE COAST OF FLORIDA.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Except as provided in subsection (p), the Secretary"; and

(2) by adding at the end the following:

"(p) LEASING ACTIVITY OFF THE COAST OF FLORIDA.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED AREA.—The term 'covered area' means—

"(i) the Eastern Gulf of Mexico Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333(a)(2)(A);

"(ii) the Straits of Florida Planning Area (as established by the Secretary); and

"(iii) the South Atlantic Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333 (a)(2)(A);

within 100 miles off the coast of Florida.

"(B) PRELEASING ACTIVITY.—

"(i) IN GENERAL.—The term 'preleasing activity' means an activity relating to a lease that is conducted before a lease sale is held.

"(ii) INCLUSIONS.—The term 'preleasing activity' includes—

"(I) the scheduling of a lease sale;

"(II) the issuance of a request for industry interest;

"(III) the issuance of a call for information or a nomination;

"(IV) the identification of an area for prospective leasing;

"(V) the publication of a draft or final environmental impact statement or a notice of sale; and

"(VI) the performance of any form of rotary drilling in a prospective lease area.

"(iii) EXCLUSIONS.—The term 'preleasing activity' does not include an environmental, geologic, geophysical, economic, engineering, or other scientific analysis, study, or evaluation.

"(2) PROHIBITION OF PRELEASING ACTIVITIES AND LEASE SALES.—The Secretary shall not conduct any preleasing activity or hold a lease sale under this Act in a covered area.".

Mr. GRAHAM. Mr. President, I rise today with my colleague, Senator MACK, to introduce legislation that will protect the coast of Florida in the future from the damages of offshore drilling.

I introduced similar legislation in last year's Congress that sought to codify the annual moratorium on leasing in the Gulf of Mexico and ensure that states receive all environmental documentation prior to making a decision on whether to allow drilling off of its shores. That legislation did not pass in the 105th Congress.

Today, I am introducing legislation that takes these steps, plus several others. The Florida Coast Protection Act of 2000 will protect Florida's fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, we transform the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering Planning Areas in the Eastern Gulf of Mexico, the Straits of Florida, and the South Atlantic Planning Area.

Second, the Florida Coast Protection Act corrects an egregious conflict in regulatory provisions where an effected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement (EIS) from the Mineral Management Service.

Our bill requires that the EIS is provided to affected states 6 months before they make a consistency determination, and it requires that every oil and gas development plan have an EIS completed prior to development.

Third, our bill corrects the Outer Continental Shelf Lands Act and ensures that oil and gas leases in the Gulf of Mexico are subject to the same rules and regulations that apply to oil and gas leases in other areas.

What would this bill mean for Florida? The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

More than 100 years ago, my grandfather settled in Northwest Florida. My mother grew up near the Gulf of Mexico in Walton County. For years, I have taken my children and grandchildren to places like Grayton Beach so that they can appreciate the natural treasures and local cultures that are port of both their own heritage and that of the Florida Panhandle.

We have a solemn obligation to preserve these important aspects of our state's history for all of our children and grandchildren. Much of our identity as Floridians is tied to the thousands of miles of pristine coastline that link Jacksonville to Miami and Key West to Pensacola.

The Florida coastline will not be safe if offshore oil and gas resources are developed. For example, a 1997 Environmental Protection Agency (EPA) study indicated that even in the absence of oil leakage, a typical oil rig can discharge between 6,500 and 13,000 barrels of waste per year. The same study also warned of further harmful impact on marine mammal populations, fish populations, and air quality.

Nor are leakages or waste discharge the only drilling-related environmental consequences. Physical disturbances caused by anchoring, pipeline placement, rig construction, and the re-suspension of bottom sediments can also be destructive. Given these conclusions, it isn't hard to imagine the environmental havoc that oil or natural gas drilling could wreak along the sensitive Panhandle coastline.

Because the Gulf of Mexico's natural beauty and diverse habitats attract visitors from all over the world and support a variety of commercial activities, an oil or natural gas accident in the Gulf of Mexico could also have a crippling effect on the Northwest Florida economy. In 1996, the cities of Panama City, Pensacola, and Fort Walton Beach reported $1.5 billion in sales to tourists. That same year, the Panhandle's five westernmost counties generated more than $8 million in public revenues from visitors paying the state's tourist development tax. And Florida's fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

Florida's fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

For the last several years, I have been working with Senator CONNIE MACK, U.S. Congressman JOE SCARBOROUGH, and others to head off the threat of oil and natural gas drilling. In June of 1997, we introduced legislation to cancel six natural gas leases seventeen miles off the Pensacola coast and compensate Mobil Oil Corporation for its investment. Five days after the introduction of that legislation and two months before it was scheduled to begin exploratory drilling off Florida's Panhandle, Mobile ended its operation and returned its leases to the federal government.

While that action meant that Panhandle residents faced one less economic and environmental catastrophe-in-the-making, it did not completely eliminate the threats posed by oil and natural gas drilling off Florida's Gulf Coast. Florida's Congressional representatives fight hard each year to extend the federal moratorium on new oil and natural gas leases in the Gulf of Mexico. But that solution is temporary. So in June of 1998, we introduced the Florida Gulf Coast Protection Act to prevent the federal government from issuing leases in the future.

This legislation did not pass during the 105th Congress. Today we are introducing the Florida Gulf Coast Protection Act for the year 2000. I look forward to working with my colleagues on the Energy and Natural Resources Committee to move this legislation forward and protect the coast of Florida for our children and grandchildren.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

KEEPING CHILDREN HEALTHY WITH IMMUNIZATIONS

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to clarify that children receiving health insurance under the Children's Health Insurance Program (CHIP) in states like California are eligible for free vaccines under the 1993 Federal Vaccines for Children (VFC) program.

I want to especially commend the leadership of Congresswoman NANCY PELOSI who is introducing a companion bill in the House today.

I am introducing this bill because the U.S. Department of Health and Human Services has interpreted the law so narrowly that as many as 528,000 children in California have lost or will lose their eligibility to receive free vaccines, under California's Healthy Families program. Approximately 169,000 kids have lost eligibility to date.

California ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. From 1993 to 1997, Orange County, California, had 85 hospitalizations and four deaths related to chicken pox. Across the State in 1996 there were 15 deaths and 1,172 hospitalizations related to chicken pox. More recently, the Immunization Branch in California reports that in 1998 over 1,000 whooping cough cases, including 5 deaths, were reported—the largest number of cases and deaths since the 1960's. Whooping cough and chicken pox are diseases for which there are vaccinations. We must do more to increase access to vaccinations for our nation's children.

The Federal Vaccines for Children program, created by Congress in 1993 (P.L. 105–33), provides vaccines at no cost to poor children. In 1998, as many

743,000 poor children in my state, who were uninsured or on Medicaid, received these vaccines. This number is down by approximately 32,000 children in comparison to the 1997 immunization figures for California's poor children. California received $80.3 million in 1999 from the Federal Government to provide vaccines.

Mr. President, what can be so basic to public health than immunization against disease? Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? Every parent knows that vaccines are fundamental to children's good health.

Congress recognized the importance of immunizations in creating the program, with many Congressional leaders at the time arguing that childhood immunization is one of the most cost-effective steps we can take to keep our children healthy. It makes no sense to me to withhold them from children who (1) have been getting them when they were uninsured and (2) have no other way to get them once they become insured.

According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized. Add to that the fact that we have one of the highest uninsured rates in the country. Our uninsured rate for non-elderly adults is 24 percent, the third highest in the U.S., while the national uninsured rate is 17 percent. As for children, 1.85 million or 19 percent of our children are without health insurance, compared to 15 percent nationally, according to UCLA's Center for Health Policy Research. Clearly, there is a need.

In creating the new children's health insurance program in California, the state chose to set up a program under which the state contracts with private insurers, rather than providing eligible children care through Medicaid (Medi-Cal in California). Unfortunately, HHS has interpreted this form of "health insurance" as making them "insured," as defined in the vaccines law, and thus ineligible for the federal vaccines. I disagree.

It is my view that in creating the federal vaccines program, Congress made eligible for these vaccines children who are receiving Medicaid, children who are uninsured, and native American children. I believe that in defining the term "insured" at that time Congress clearly meant private health insurance plans. Children enrolled in California's new Healthy Families program are participating in a federal-state, subsidized insurance plan. Healthy Families is a state-operated program. Families apply to the state for participation. They are not insured by a private, commercial plan, as traditionally defined or as defined in the Vaccine for Children's law (42 U.S.C. sec. 1396s(b)(2)(B). On February 23, the California Medical Association wrote to HHS Secretary Donna Shalala, "As they are participants in a federal and state-subsidized health program, these individuals are not "insured" for the purposes of 42 U.S.C. sec. 1396s(b)(B)."

The California Managed Risk Medical Insurance Board, which is administering the new program with the Department of Health Services, wrote to HHS on February 5, "It is imperative that states like California, who have implemented the Children's Health Insurance Program (CHIP) using private health insurance, be given the same support and eligibility for the Vaccines for Children (VFC) program at no cost as states which have chosen to expand their Medicaid program." The San Francisco Chronicle editorialized on March 10, 1998, "More than half a million California children should not be deprived of vaccinations or health insurance because of a technicality . . .," calling the denial of vaccines "a game of semantics."

Children's health should not be a "game of semantics." Proper childhood immunizations are fundamental to a lifetime of good health. I urge my colleagues to join me in enacting this bill into law, to help me keep our children healthy.●

ADDITIONAL COSPONSORS

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 777

At the request of Mr. FITZGERALD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 791

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 824

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 915

At the request of Mr. GRAMM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents

S. 935

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. HELMS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1589

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1589, a bill to amend the American Indian Trust Fund Management Reform Act of 1994.

S. 1644

At the request of Mr. ABRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1644, a bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Joint Resolution 26, A joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Resolution 108, a resolution designating the month of March each year as "National Colorectal Cancer Awareness Month."

SENATE RESOLUTION 133

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 133, a resolution supporting religious tolerance toward Muslims.

AMENDMENT NO. 1572

At the request of Mr. TORRICELLI, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Amendment No. 1572 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 167, a bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; S. 497, a bill to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; H.R. 592, an Act to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field"; S. 919, a bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, an Act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S. 1296, a bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1366, a bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by New York State, and for other purposes; and S. 1569, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton

River in the commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The hearing will take place on Tuesday, October 12 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1365, a bill to amend the National Historic Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes; S. 1434, a bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; H.R. 834, an Act to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The hearing will take place on Tuesday, October 19, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 28, 1999, to conduct a hearing on "Public Ownership of the U.S. Stock Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 28, 1999, at 10 a.m. on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 28, 1999, at 10:30 a.m. and 3 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a House-Senate Conference on Tuesday, September 28, 1999, beginning at 10 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the American Legion. The hearing will be held on Tuesday, September 28, 1999, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON YEAR 2000 TECHNOLOGY PROBLEM

Mr. DOMENICI. Mr. President I ask unanimous consent that the Special Committee on Year 2000 Technology Problem be permitted to meet on September 28, 1999 at 10:00 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to meet Tuesday, September 28, 10:00 a.m., Hearing Room (SD–406) to receive testimony regarding the FY2000 public buildings requests of the General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DOMENICI. Mr. President, the Subcommittee on Youth Violence of the Committee on the Judiciary requests unanimous consent to conduct a hearing on Tuesday, September 28, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF UNIVERSITY OF MICHIGAN MEDICAL SCHOOL'S SESQUICENTENNIAL CONVOCATION

• Mr. LEVIN. Mr. President, I rise today to recognize the University of Michigan Medical School as it celebrates its 150th Anniversary. On October 1, 1999, its faculty, staff, alumni, students and friends will gather to celebrate the Medical School's distinguished history and reputation.

Since its founding in 1850, the men and women of the University of Michigan Medical School have been pioneers in the practice of medicine. With over 18,260 M.D. degrees awarded since the first graduating class in 1851, the Medical School's alumni and faculty have left an indelible mark on the course of medical history. With leading roles in the field trials of the Salk polio vaccine, pioneering cancer treatments, innovative uses of new technology in medicine and much more, it has greatly impacted the health of our entire nation.

In addition, the University has a remarkably long list of innovative firsts. It opened the nation's first university-owned hospital in 1869, the first department of pharmacology in 1891, the first university-operated psychiatric hospital in 1906, the first children's psychiatric hospital and the nation's first Human Genetics Department. It has been an impressive century and a half indeed.

According to statistics recorded by the Center for Disease Control, in the last century alone, the average life expectancy has increased nearly 30 years, from approximately 47 years in 1900 to more than 76 years today. Medical advances have not only added years to the lives of Americans, but have also added quality to those years. Among those leading the way to longer and healthier lives have been the faculty and alumni of the University of Michigan Medical School. The value of their contributions to the practice of medicine in America over the past 150 years is incalculable, and I am confident that they will continue to be on the cutting edge of medicine advances in the 21st century.

Mr. President, the faculty, staff, alumni and students of the University of Michigan Medical School can take pride in their many important achievements of the School's first 150 years. I hope my colleagues will join me in saluting the accomplishments of the Medical School's first century and a half and in wishing it continued success for the future.•

TRIBUTE TO DOMINICK GIOVINAZZO

• Mr. GREGG. Mr. President, I would like to take a few minutes to say a few words about a good friend of mine upon his retirement.

I have known Dominick Giovinazzo, the retiring Executive Director of the Greater Nashua, NH, Boys and Girls Club, for many, many years. During that time, I have regarded him as one of the finest people I know. For the past 28 years, he has worked at the Greater Nashua Club and has dedicated himself to serving the kids who are members there. He is a passionate advocate of child safety and has worked to ensure that no child in the city of Nashua has to spend his or her afternoons and weekends on the streets or doing drugs. He has become an advisor and mentor to the staff of all of the New Hampshire Clubs; his wisdom and experience have guided each Boys and Girls Club in the State to become strong pillars of their communities. Most importantly, he has been a good friend to his own community and to his fellow public servants. Over the years, I have appreciated his friendship, support, and guidance. I can only hope that others will follow his example of charity and dedication.

Rarely does one come across another human being who so fully dedicates himself to a life of helping others. It was Dominick who brought the importance and success of the Boys and Girls Clubs to my attention many years ago. And it was because of his tireless advocacy for the Clubs that I have worked so hard to ensure that the federal government helps fund the Boys and Girls Clubs of America. Dominick showed me the importance of giving our youth a safe place to go and dependable, responsible friends to lean on.

No other person so richly deserves an easy retirement than Dominick Giovinazzo. I wish him luck in his future endeavors, and I am sure that he will never stop caring about and lending his talents and civic-minded wisdom to his community. He is a valuable resource who I know the City of Nashua, the Greater Nashua Boys and Girls Club, and his other friends and admirers will rely on for years to come.•

THE DEDICATION OF THE SECOND TEMPLE PERIOD TRIPLE GATE MONUMENTAL STAIRS AND OBSERVATION PLAZA

• Mr. LEVIN. Mr. President, I rise to honor the dedication of the Second Temple period Triple Gate Monumental Stairs and Observation Plaza which will take place this weekend in Jerusalem. This is a new site in the Jerusalem Archaeological Park which has been developed by the Israel Antiquities Authority, focusing on the southern wall of the Temple Mount Enclosure. This restoration project has been dedicated and supported by Dorothy Davidson Gerson and Byron Gerson in loving memory of Sarah and Ralph Davidson. The dedication ceremony for Gerson Observation Plaza will take place on Sunday, October 3 and will be attended by Israeli Prime Minister Ehud Barak and the Mayor of Jerusalem Ehud Olmert among many others.

The Triple Gate and the Double Gate, also known as the Huldah Gates, were a key entrance to the Temple Mount for pilgrims during biblical times. This area of the southern wall was badly damaged following the destruction of the Second Temple. The western Huldah Gate, or Double Gate, now lies below the Al-Aqsa Mosque. The eastern Huldah Gate, or Triple Gate, consisted of three arched entryways at the time of the Second Temple. Now parts of the threshold and the doorjamb are all that remain of the Triple Gate. In front of the Triple Gate was once a monumental staircase. Much of this staircase has now been reconstructed affording visitors the opportunity to envision the southern entrances to the Temple Mount during the Second Temple period.

This important archaeological restoration effort would not have been possible without the generous support of Dorothy Davidson Gerson and Byron Gerson. They have made possible an extraordinary view of an ancient treasure which has transcendent meaning. I know my Senate colleagues join me in honoring this historic event and thanking Dorothy Davidson Gerson and Byron Gerson for their extraordinary efforts.•

CELEBRATION OF WOOD COUNTY'S BICENTENNIAL

• Mr. ROCKEFELLER. Mr. President, I am proud to draw the attention of Congress and the American people to a very special milestone in the State of West Virginia. Wood County, WV, is celebrating its bicentennial and a two-hundred year history of importance and progress thanks to the continual spirit of its leaders and citizens.

Over the past year, through the Wood County Bicentennial Commission, events and activities have taken place to commemorate the county's rich history and install a spirit of excitement about the years to come. People of all ages, throughout the county, have been involved in historic exhibits, contests, and special ways to share the past and prepare for the future.

With this statement in the CONGRESSIONAL RECORD, I will make this my submission to the next major event in the bicentennial celebration—the placing of a "Time Capsule" at the Wood County Courthouse. With my fellow West Virginians in Wood County, I envision the day one hundred years from the day this capsule will be stored when a future Senator of West Virginia will be presented this piece of history. I am confident that in October of 2099, Wood County will continue to be a center of economic progress, community spirit and commitment, and other features that have defined this corner of the nation for two hundred years already.

Wood County has a long history, in particular, in playing a major role in the development of the oil and gas industry in the State and the county. through its resources and industrial progress, Wood County has been the source of fuel for prosperity and growth way beyond its borders.

The county is also proud to house a significant chemical industry, manufacturing the critical components of products world-wide and involved in path-breaking research and development. For example, the largest DuPont facility in the corporate structure resides outside of Parkersburg on the land that George Washington once owned.

Wood County has tremendous treasures in the form of both its people and its material assets. I join its leadership and citizens in celebrating this bicentennial year, and playing my part in the time Capsule that will reappear another century from now. And I know that All Americans wish Wood County continued prosperity and progress.•

KEEPING KIDS ALIVE

• Mr. LEVIN. Mr. President, last week in Michigan, a coalition of members in the House of Representatives introduced a comprehensive package of gun safety legislation. The principal sponsors of this package are State Representatives Laura Baird, Gilda Jacobs and Samuel Thomas II, three leaders in the state of Michigan on making our state safer for children.

The legislation introduced in the Michigan State House is designed to keep kids alive in Michigan and safe from gun violence. It would create gun-free zones in areas such as schools, day care centers, churches, libraries, hospitals and sports arenas; make Michigan the eighteenth state to enact a child access prevention law, requiring that trigger locks be sold with handguns; close the gun show loophole by requiring that unlicensed dealers be subject to the same standards as licensed dealers; and limit individuals to one handgun purchase a month.

This legislation, if enacted, would make Michigan one of the most responsible gun safety states in the country. By taking firearms out of the hands of minors and closing loopholes that permit criminals easy access to weapons, Lansing will send a clear message to Michigan mothers and fathers that the state is acting to protect children from gun violence.

This legislation is a far cry from the legislation the Michigan Legislature moved forward with last spring. That NRA-backed legislation, designed to loosen the state's law on carrying concealed handguns sailed through the state Legislature only to be rejected by the citizens of Michigan. Michigan's citizens demanded that their lawmakers, enforce stricter, not looser laws, when it comes to gun safety and the protection of their children. The people in Michigan united to reject that bill last spring and I hope they will again unite to seek action from their lawmakers, and urge them to pass this important legislation.●

SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 273, S. 1156.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1156) to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 and to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in italic.)

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Advocacy Review Panel Technical Amendments Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) Purposes.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

"(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the 'Chief Counsel') in writing;

"(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

"(C) not later than 30 days after complying with subparagraphs (A) and (B)—

"(i) **[**with the concurrence of**]** *in consultation with* the Chief Counsel, identify affected small entity representatives; and

"(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the information in full, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

"(2)(A) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1)(C)(ii), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

"(B) The review panel shall—

"(i) review any material the covered agency has prepared in connection with this chapter, including any draft proposed rule;

"(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

"(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

"(C) Not later than 60 days after the date a covered agency convenes a review panel pursuant to this paragraph, the review panel shall report to the head of the covered agency on—

"(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

"(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

"(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of the review panel under paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

"(i) 180 days after the date the head of the covered agency receives the report; or

"(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

"(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

"(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.".

SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

"(d) For the purposes of this section—

"(1) the term 'covered agency' means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

"(2) the term 'small entity representative' means a small entity, or an individual or organization that *primarily* represents the interests of 1 or more small entities.".

SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) Definition.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting "and" after the semicolon;

(2) in paragraph (6) by striking "; and" and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) Initial Regulatory Flexibility Analysis.—The **[**fourth**]** *fifth* sentence of section 603 of title 5, United States Code, is amended to read as follows: "In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.".

SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Mr. BOND. Mr. President, I rise today to speak in support of the Small Business Advocacy Review Panel Technical Amendments Act of 1999, S. 1156. This bill was approved by the Committee on Small Business which I chair, with unanimous bipartisan support. Senator Kerry, the Ranking Member of the Committee, was the lead cosponsor of this important small business legislation.

Our bill is simple and straightforward. It clarifies and amends certain provisions of the law enacted as part of my "Red Tape Reduction Act," the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With a unanimous vote, we took a major step to ensure that small businesses get an opportunity to participate in the rulemaking process when their input can have the greatest impact, and that they are treated fairly by federal agencies.

The overall purpose of the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act, is to identify and minimize the burdens of the regulations on the small businesses affected by the agency's actions, and to help the agency make the rule as effective as possible when it is implemented.

Under the Small Business Regulatory Enforcement Fairness Act of 1996, which amended the Regulatory Flexibility Act, each "covered agency" is required to convene a Small Business Advocacy Review Panel (Panel) to receive advice and comments from small entities that will be affected by the regulation being developed. Specifically, under section 609(b), each covered agency is to convene a Panel with representatives from the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advocacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an Initial Regulatory Flexibility Analysis for a proposed rule with a significant economic impact on a substantial number of small entities. The Panel produces a report containing comments from the small entities and the Panel's own recommendations. The report is provided to the head of the agency, who reviews it and, where appropriate, modifies the proposed rule, Initial Regulatory Flexibility Analysis or the decision on whether the rule significantly impacts small entities. The Panel report then becomes a part of the rulemaking record.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the only agencies covered by the Panel process. So far, the results are encouraging with these agencies clearly benefitting from the input of the small entities that have participated in the review panels. In addition, the bill will bring the Internal Revenue Service, the agency that has perhaps the most pervasive impact on small businesses, into the Panel process by mandating the agency to convene panels for certain proposed rulemakings that will impact small businesses.

Our bill also clarifies how the Regulatory Flexibility Act generally applies to the IRS. In 1996, Congress expressly included the IRS within the coverage of the Red Tape Reduction Act which amended the Regulatory Flexibility Act. However, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which interpretative rules involving the Internal Revenue Code are to be subject to compliance with the Regulatory Flexibility Act. As I noted previously, for those rules that will impose a significant economic impact on a substantial number of small entities, the IRS will also be required under our bill to convene a Small Business Advocacy Review Panel as required by SBREFA.

If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process for their 1997 temporary regulations on the uniform capitalization rules, the IRS could have taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially nursery growers. Similarly, if the IRS had conducted an Initial Regulatory Flexibility Analysis, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the "stealth tax regulations," would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that limits inclusion of IRS interpretative rules under the Regulatory Flexibility Act, "only to the extent that such interpretative rules impose on small entities a collection of information requirement." The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury Department contends that the Regulatory Flexibility Act does not apply. Second, in the limited circumstances in which the IRS has acknowledged imposing a new reporting requirement, the Treasury Department has limited its analysis of the impact on small businesses to the burden imposed by the form, ignoring the more substantive and complicated burdens. As a result, the Treasury Department and the IRS have turned Regulatory Flexibility Act compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in section 603 to read as follows:

> In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small-entity representatives invited to submit advice and recommendations to the Panel.

Coverage of the IRS under the Panel process and the technical changes I have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Small Business Administration's Chief Counsel for Advocacy.

Our mutual goal is to ensure that the views of small entities are brought forth through the Panel process and taken to heart by the "covered agency"—in short, to continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and I look forward to seeing the Small Business Advocacy Review Panel Technical Amendments Act of 1999 signed into law at the earliest possible date.

Mr. HAGEL. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1156), as amended, was read the third time and passed.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 249 to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth, and for other purposes.

There being no objection, the Presiding Officer (Mr. ALLARD) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 249) entitled "An Act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing, Exploited, and Runaway Children Protection Act".

SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(9) for 14 years, the National Center for Missing and Exploited Children has—

“(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

“(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

“(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

“(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming ‘the 911 for the Internet’;

“(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction (‘CA’) flag to provide the Center immediate notification in the most serious cases, resulting in 642 ‘CA’ notifications to the Center and helping the Center to have its highest recovery rate in history;

“(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

“(14) from its inception in 1984 through March 31, 1998, the Center has—

“(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

“(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

“(C) disseminated 15,491,344 free publications to citizens and professionals; and

“(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

“(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 ‘hits’ every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

“(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

“(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

“(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

“(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

“(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

“(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.”.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the term ‘Center’ means the National Center for Missing and Exploited Children.”.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

“(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

“(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

“(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

“(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

“(B) operate the official national resource center and information clearinghouse for missing and exploited children;

“(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

“(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

“(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

“(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

“(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

“(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

“(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

“(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

“(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

“(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.”.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting “the Center and with” before “public agencies”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking “1997 through 2001” and inserting “2000 through 2003”.

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking “accurate reporting of the problem nationally and to develop” and inserting “an accurate national reporting system to report the problem, and to assist in the development of”; and

(2) by striking paragraph (8) and inserting the following:

“(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;”.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS FOR CENTERS AND SERVICES.—

“(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

“(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

“(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

“(B) shall include—

“(i) safe and appropriate shelter; and

“(ii) individual, family, and group counseling, as appropriate; and

“(C) may include—

“(i) street-based services;

“(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

"SEC. 345. STUDY

"The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

"(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

"(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section."

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary

shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 384; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(2) ALLOCATION.—

"(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (l) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this Act, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 4. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior;

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings;

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others; and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, families, communities, school experiences, and utilization of mental health services;

(B) the relationship between perpetrators and their victims;

(C) how the perpetrators gained access to firearms;

(D) the impact of cultural influences and exposure to the media, video games, and the Internet; and

(E) such other issues as the panel deems important or relevant to the purpose of the study. The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105–277 for the Department of Education, $2.1 million shall be made available to carry out this section.

Mr. LEAHY. Mr. President, at-long last the Congress is approving and passing S. 249, the Missing, Exploited and Runaway Children Protection Act, which will reauthorize programs under the Runaway and Homeless Youth Act and will authorize funding for the National Center for Missing and Exploited Children. I have been working since 1996 to get this legislation reauthorized. For each of the past several months I have come to the floor to express my disappointment over how long it has taken to pass this noncontroversial legislation.

I had some minor concerns with the House amended version of S. 249, but as I said in my statement June 30 of this year, after receiving some clarification and assurances from Secretary Shalala on these concerns, I decided that the House amendments should not keep this important piece of legislation from passing. I am pleased that we could finally clear this bill on the other side of the aisle.

The Missing, Exploited and Runaway Children Protection Act of 1999 reauthorizes programs under the Runaway and Homeless Youth Act and authorizes funding for the National Center for Missing and Exploited Children. Both programs are critical to our nation's youth and to our nation's well-being.

In addition to providing shelter for children in need, the Runaway and Homeless Youth Act ensures that these children and their families have access to important services, such as individual, family or group counseling, alcohol and drug counseling and a myriad of other resources available to help these young people and their families get back on track. As the National Network for Youth has stressed, the Act's programs "provide critical assistance to youth in high-risk situations all over the country."

The National Center for Missing and Exploited Children provides extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. The National Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which provide free services to parents in search of their children and have also developed extensive training programs.

I do want to thank the many advocates, who have worked with me over the years, for their tireless efforts to improve the bill. In particular, I must mention the members of the Vermont Coalition of runaway and Homeless Youth Programs and the National Network for Youth for their dedication throughout this process.

This bill, S. 249, should have been enacted last year. It should have been enacted when the Houses finally sent it back to us in May of this year. There was absolutely no reason to stall on this noncontroversial legislation. I am pleased that we were finally able to pass it so these important programs can continue to succeed.

I reincorporate my remarks from June 30. July 15 and August 5 and I ask unanimous consent that a copy of my letter to Secretary Shalala and the response that I received be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 26, 1999.

Hon. DONNA SHALALA,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: I am pleased that we are close to enactment of S. 249, the Missing, Exploited, and Runaway Children Protection Act of 1999, which will reauthorize programs under the Runaway and Homeless Youth Act (RHYA) and authorize funding for the National Center for Missing and Exploited Children. The Senate passed the Leahy-Hatch substitute to S. 249 on April 19, by unanimous consent. Yesterday, the House passed its version of this legislation.

I am concerned about language inserted into the bill during House consideration upon which the Senate was not consulted. That language provides for a "consolidated review of applications" of RHYA grants. Before agreeing to the new language, I need to be assured that this could in no way be construed as consolidating any of the RHYA programs under a single formula allocation.

As you know now, under the RHYA, each year each State is awarded at a minimum $100,000 for housing and crisis services under the Basic Center grant program. Effective community-based programs around the country can also apply directly for the funding available for the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grants.

I hope that you can clarify that the new language inserted by House will do nothing to collapse the distinct programs authorized under the RHYA. These programs are very important and I would like to see the legislation passed without further delay.

I have been working since 1996 to enact this reauthorizing legislation. I worked to have the Senate pass this legislation during the last Congress and again earlier this year. With your assurance that Vermont and other small states will not be disadvantaged by the language inserted by the House in competing for national grant funding, I will seek to expedite enactment.

Sincerely,

PATRICK LEAHY,
Ranking Member.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 7, 1999.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: You have asked us to consider the impact of certain language recently inserted into the House version of S. 249, the "Missing, Exploited, and Runaway Children Act of 1999". Specifically, you have asked us to consider whether proposed section 385, Consolidated Review of Applications, will adversely affect the eligibility of small States to receive Runaway and Homeless Youth Act (RHYA) funding above the minimum grant allotment of the RHYA Basic Center Grant program.

I am advised by General Counsel that currently the Secretary has wide statutory discretion to prescribe the procedures which will be used in awarding various grants under the RHYA. The Secretary presently exercises this discretion by choosing to include in a consolidated grant announcement several discrete funding opportunities with distinct application requirements. After studying the pertinent language in S. 249, General Counsel has concluded that the proposed legislation provides for a similar level of discretion with respect to procedures to be used for various grant awards under the RHYA. Therefore, since the proposed legislation does not require the Secretary to change in any way her current procedures for awarding RHYA grants, it will not require the Secretary to commingle the current separate and discrete RHYA funding opportunities so as to adversely affect the eligibility of small States to receive RHYA funding above the minimum grant allotment of the RHYA Basic Center grant program.

I hope this information is helpful to you as you proceed with final consideration of S. 249. The Department deeply appreciates all your efforts to reauthorize the Runaway and Homeless Youth Act.

Sincerely,

RICHARD J. TARPLIN,
Assistant Secretary for Legislation.

Mr. HAGEL. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS OF FOREIGN WARS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 190, H.J. Res. 34.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 34) congratulating and commending the Veterans of Foreign Wars.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAGEL. I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 34) was read the third time and passed.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 10 a.m. on Wednesday, September 29. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the Labor-HHS appropriations bill. And I ask consent that the motion to proceed to that bill be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. For the information of all Senators, the Senate will convene on Wednesday at 10 a.m. and will begin consideration of the Labor-HHS appropriations bill. Amendments will be offered; therefore, votes will occur throughout the day and into the evening in an effort to make progress on the last remaining appropriations' bill. Also, the Senate may be asked to consider any appropriations conference reports as they become available for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HAGEL. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, September 29, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 28, 1999:

DEPARTMENT OF STATE

CHARLES TAYLOR MANATT, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

GARY L. ACKERMAN, OF NEW YORK, TO A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PETER T. KING, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

RICHARD LINN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE GILES S. RICH, DECEASED.

THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE WALTER K. STAPLETON, RETIRED.

DEPARTMENT OF JUSTICE

QUENTON I. WHITE, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JOHN MARSHALL ROBERTS, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

FRANK HENRY CRUZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 1999.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

THE BUDGET PROCESS AND LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, for those who are concerned about making our communities more livable, New Year's Eve is approaching; not the one that ushers in the new millenium, but one which for a number of us may be even more problematic. I am talking about the Federal fiscal new year that ends in just 2 days. As the end draws near and as we begin the final stages of this year's budget process, there are still many decisions to be made and much work to be done.

Currently our friends on the Committee on Appropriations are trying desperately to avert the disaster of last year's omnibus spending bill. We all recall the millions upon millions of dollars given away in the dead of night to special interests and pet projects as we in Congress were given a 2,714-page bill at 4 o'clock in the afternoon to vote on at 7 that evening. This pathetic process made Congress look foolish while sadly skewing our funding priorities. It was a lose-lose proposition.

The truth is that apparently we did not learn from last year's mistakes, and as this year's budget end game approaches, we are finding that we are in a similar situation. The budget gimmicks, the phony emergency spending, the effort to redefine the Federal fiscal year, adding an extra month, delaying this funding, advanced funding, the list is long as the Committee on Appropriations struggles to keep faith with the unrealistic spending caps that we all know were broken last year and which are being broken as we speak.

It is not the fault of the Committee on Appropriations, who, if left to their own devices, could craft a much better product. But as we travel down this familiar and unfortunate route, we are finding that what is broken is also the public trust in how the Federal Government uses their money.

But it does not have to be the case. We can change by shifting our priorities from partisan jockeying to funding initiatives that will truly make a difference in the daily lives of our constituents. We need to call upon our friends in the leadership, the Committee on Appropriations, and the administration to secure funding for things that will make our communities more livable.

A good place to start is in the administration's own budget, in a list of livable communities initiatives. They are not big ticket items, but they would offer dramatic impacts.

Some of those livability initiatives include the lands legacy package, to expand Federal efforts to save America's natural treasures, and provide significant new resources to States and communities to protect local green spaces.

The Better America Bonds is a proposed new funding tool that would generate $9.5 billion in bond authority for investments by State, local, and tribal governments in green spaces, urban parks, water quality, and brownfield cleanup. Tax credits, totaling more than $700 million over 5 years, are proposed to finance the bonds.

There is the Community Transportation Choices, the TCSP program, already authorized by Congress under the T–21 legislation, which earlier this year generated over 500 creative proposals to help communities deal with the transportation challenges that they face. Thirty-two grants totaling $13 million were given, but now the entire program has been earmarked. Instead of giving communities direct aid, rewarding those that submit the most creative and effective proposals, only five of the proposed earmarks even bothered to submit a proposal altogether.

As we travel America, there are very few people who are concerned about the partisan squabbling over our budget. Most of America is concerned by the tragedy that was represented by the massive flooding and storm loss, the loss of life and property by Hurricane Floyd. They are focused on problems of everyday life: pollution, congestion, unplanned growth, and safety of their children. Congress needs to implement these livability proposals in the budget process now to address what Americans have spoken for.

The local newspapers from coast-to-coast are filled with references to people trying to make their communities more livable. Funding these initiatives is necessary to minimize problems in the future, while improving the quality of life for generations to come.

We owe it to our constituents to fund these initiatives, and I encourage the Committee on Appropriations to include them in our budget to help make our families safe, healthy, and economically secure in more livable communities.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 10 a.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We know how simple it is to talk about matters of faith, and how easy it is to speak of the relevance of religion for ourselves and for our Nation. Yet, O God, we know that there is often a chasm between what we say and what we do.

On this day we pray that our good words of faith will find meaning in the good works of justice in our daily lives, and all that we profess with our

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

mouths and all that we believe in our hearts will be translated into deeds of concern and acts of love.

Help us, gracious God, to make our lives vital and with special purpose by making faith active in love. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WHISTLE-BLOWER PROTECTIONS FOR NURSES

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, the House will soon act on managed-care reform. In this debate we must protect the whistle-blowing rights for nurses and health professionals.

Patients depend on nurses to ensure they receive proper care. Nurses who see the health of their patients endangered should feel 100 percent confident that they can voice their concerns without retaliation from their employers.

I have been a registered nurse for over 30 years. I understand firsthand how difficult it is to come forward and report abuses, situations which compromise the quality of care. No one should feel that their job is in jeopardy because they speak on behalf of the safety of their patients.

Let us show our support for nurses and healthcare professionals. Support the whistle-blower language in the bipartisan Norwood-Dingell managed-care bill.

PRESIDENT SHOULD VETO NUCLEAR WASTE POLICY AMENDMENTS OF 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Senate bill 1287, the Nuclear Waste Policy Amendments of 1999, has been introduced in the United States Senate. Although this bill would not establish a temporary nuclear storage facility in Nevada, you should be aware of its misguided attempts to deal with the permanent disposal of nuclear waste.

The passage of this legislation would place unneeded and dangerous environmental, safety, and health risks upon millions of Americans. Therefore, I would urge the President to uphold his commitment to Nevada and the American people by reaffirming his veto promise.

Senate bill 187 would accelerate the time line for permanent disposal at Yucca Mountain, ignoring the ongoing scientific studies and our Nation's environmental laws that were designed to protect its citizens. It would also allow the Nuclear Regulatory Commission, not the EPA, to establish dangerous radiation standards. Such a change in law would facilitate contamination of groundwater supplies and endanger all Americans along the transportation routes with higher dosage of deadly radiation, ultimately destroying the lives of American families.

Mr. President, where is your promise? The American people deserve to hear your voice on this critically important issue.

JUSTICE DEPARTMENT HELPING CHINESE COMMUNISTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, first it was Ruby Ridge and Waco, now it is Chinese money laundering. The Justice Department continues to cover up the truth.

FBI Agent Parker testified that 27 pages of her notebook detailing crimes on Charlie Trie were stolen. Agent Parker also said that the Justice Department blocked a search warrant allowing Charlie Trie to destroy bank records and money transfers from the Bank of China that ended up at the Democrat National Committee.

Think about it. The Justice Department is now covering up the truth, helping Chinese communists.

Beam me up, Mr. Speaker.

It is time for a full independent investigation, not another investigation appointed by Janet Reno.

I yield back the crimes at the Justice Department.

ENDING THE 30-YEAR RAID ON THE SOCIAL SECURITY TRUST FUND

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, for over 30 years Washington big spenders have been raiding the Social Security trust funds to feed the greed for a bigger, more bloated government.

Mr. Speaker, now is the time to "Stop the Raid." This Republican Congress has committed itself to protecting every dime of Social Security.

Unfortunately, Mr. Speaker, the President wants to spend the Social Security surplus. According to his most recent budget, he wants $1 trillion in new government spending in the next 10 years. He can only do that, Mr. Speaker, by spending from the Social Security surplus.

In fact, according to the Congressional Budget Office, his budget would spend $57 billion of the Social Security surplus next year alone.

Mr. Speaker, we will seize this historic opportunity and we will, for the first time in over 30 years, restore the integrity of the Social Security trust fund and honor our children as they pay those taxes for grandma and grandpa's retirement and stop the raid on Social Security.

REGARDING EDUCATION AND THE REPUBLICAN CONGRESS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, we are facing a tragedy in this country's education system. Now, I am not talking about the fact that children are being forced to learn in school buildings that are literally falling apart, in classes whose size are literally bursting at the seams. I am not talking about the fact that tens of thousands of children are being kept out of Head Start or the fact that hundreds of thousands of children are losing after-school programs. I am not talking about the fact that some areas, like Sunset Park in my district, do not even have high schools, making access to education difficult, if not impossible.

No, these facts make us mad; they make us angry. They make parents around the country shake their heads and wonder just what exactly we are doing in this body. But these are not the tragedies I am talking about.

The tragedy is that we know what we need to do, but, thanks to the Republican leadership, we are not doing it. In fact, judging by the Labor-HHS bill they are trying to pass, we are moving backwards, while another generation of our youth is in danger of being lost, and that is the tragedy.

ENFORCE EXISTING CAMPAIGN FINANCE REFORM LAWS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we have been hearing a lot lately about campaign finance reform. However, some of those pushing for new laws fail to mention the fact that our existing laws have been broken.

It is against the law to use foreign money in election campaigns in America. It is against the law to launder money in election campaigns. It is against the law to sell access to your office or influence or even seats on a foreign trade mission to highest bidders. It is against the law to use public offices, telephones, equipment, staff, computers in election campaigns.

We have heard about "no controlling legal authority." The Attorney General not only fails to enforce our existing laws on campaign finance reform, but the Attorney General blocks efforts to investigate existing laws.

We should have full disclosure, but we should also have our existing laws enforced. It is a scam on the American people to pass new laws on finance reform, while not enforcing existing laws.

BRINGING AWARENESS TO THE IMPORTANT ISSUE OF LAND MINES

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, as cochair of the Women's Caucus, along with the gentlewoman from New York (Mrs. KELLY), together we are hosting a bipartisan meeting with Queen Noor of Jordan, who is making her first official visit to Capitol Hill today, to bring awareness to the devastation caused by land mines around the globe.

More than 60 countries are infested with land mines, 60 countries that have the potential of killing or maiming innocent civilians, claiming 26,000 new victims every year. Land mines cannot tell the difference between the footfall of a soldier or a child at play. Every 20 minutes someone steps on a land mine, killing or leaving them maimed. Fewer than 10 percent of the survivors have access to proper medical treatment.

I urge my colleagues to support the efforts of Queen Noor and the Land Mine Survivors Network to bring awareness to this important issue and to provide a voice to those survivors who do not have the opportunity or ability to speak for themselves.

STOP THE RAID ON SOCIAL SECURITY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, people I talk to are often surprised to learn that the Republicans forced the President and the Democrats in Congress to accept our Social Security lockbox legislation. They are even more surprised to learn why a Social Security lockbox law needed to be passed in the first place.

For 32 years Congress had raided the Social Security trust fund to pay for Washington programs that had nothing to do with Social Security. Of course, in the private sector a CEO who ran his personal business like that, using the retirement money as a personal slush fund, would be put in jail. But Washington plays by some strange rules.

I think it is time to put an end to this practice that Lyndon Johnson began in 1967 at the height of the Great Society Program. The Social Security trust fund is supposed to be a trust fund, not a slush fund.

I urge my colleagues on both sides of the aisle to draw a line in the sand. Take the pledge not to pass any of the President's efforts to raid the Social Security trust fund. Stop the raid on Social Security.

AN INNER CITY TRAGEDY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, no one should forget where the tragedy at Columbine began; not in the suburbs of Colorado, but in the streets of the inner cities, where guns were first made available like free lunch. Now, astonishingly and tragically, that is the case throughout America.

On Friday evening a youngster, 17 years old, in the District, going to see his girlfriend, minding his own business, was shot on a bus by somebody who hoisted himself and shot him through the window. For 10 minutes the bus rode and did not even know the kid had been shot.

□ 1015

This youngster is described by his teachers and all who knew him as an excellent student, talented and energetic. He was in the marching band at Ballou High School. He was on his way to Howard University next year. He participated in the Arthur Ashe tennis program. He is the kind of kid we are so pleased to see come out whole from the inner city.

Mr. Speaker, guns are everywhere. They are in our districts. Please pass gun safety legislation before we go home this year.

POLICE LAWLESSNESS IN HAITI, AMERICA'S TAX DOLLARS AT WORK

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I want to call to the attention of my colleagues a very disturbing article in this morning's Washington Post. American taxpayers have invested approximately $75 million to build and train a new national police force in Haiti, a department that would replace the feared security forces from previous military dictatorships.

Sadly, the new national police force appears to be just a new version of the old one. The Post reports that in a 3-month period earlier this year, 50 killings attributed to the police occurred, and police involvement in drug trafficking has also been charged.

Mr. Speaker, it just goes to show that when our government gets involved in virtually every predicament that occurs around the world, we tend to lose control of where our tax dollars are going. $75 million, and the result from all that money? Meet the new boss, same as the old boss. Just the latest in this administration's failed Haiti policy.

MANAGED CARE REFORM WILL NOT COST WHAT THE INSURANCE INDUSTRY CLAIMS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, for months now we have been hearing from the insurance industry that we cannot pass a Patients' Bill of Rights because it would increase costs and open employers to lawsuits, both of which would supposedly force employers to drop coverage.

Essentially, the insurance companies are trying to kill meaningful HMO reform with half truths and scare tactics.

The insurance industry, managed care organizations, HMOs and even big businesses have repeatedly tried to scare the American people saying the bill would dramatically raise premiums and force employers to drop health insurance for their employees.

The American people need to know the truth and that is that the nonpartisan Congressional Budget Office, after thoroughly analyzing each section of the Patients' Bill of Rights, has determined that the bill would cost beneficiaries less than $2 a month.

In the State of Texas, where I come from, we have 2 years of experience with no increase attributable to the protections that we are trying to pass on the Federal level. That is right, for less than the cost of a Happy Meal, patients in HMOs would have what they really need, which is fairness, protection, and accountability.

Another of the scare tactics is businesses will drop health insurance coverage. There has been no exodus by employers to drop health coverage in Texas after 2 years of the law. What we see is more States following the Texas experience. California just has, and what we need is to make sure we pass a law that affects all Americans and not just those under State insurance policies.

IT IS TIME TO RETHINK THE MINIMUM WAGE AND GIVE STATES FLEXIBILITY

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, as we begin to talk about the minimum wage in the coming weeks, our first priority should be to improve the lives of American workers. Although we may disagree on how to do this, we should all recognize the important role that States play in this debate. Our States are all different. Nearly every economic measure that we track varies by State: The cost of living, unemployment rates, tax burdens, welfare caseloads, and average wages. Yet the Federal Government still has a one-size-fits-all wage policy that supposedly works as well in Arkansas as it does in New York.

Mr. Speaker, a State flexibility approach to the minimum wage would address these differences by allowing each governor and State legislature to play a role in determining the appropriate increase for their State. State flexibility is not about whether or not we raise the minimum wage but it is about who raises it. I urge my colleagues to help secure the future for American workers by sending these decisions back home.

WE HAVE THE REPUBLICAN CONGRESS TO THANK FOR FAVORABLE BUDGET NEWS

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, yesterday the President showed how easy it is to pick up a magic marker and write some favorable budget information on a poster. It is quite another thing, as we know, to actually make the tough decisions that have gotten us to a balanced budget. And forgive the partisanship, Mr. and Mrs. America, but we have the Republican Congress to thank for yesterday's favorable budget news.

It is easy to forget back in 1993 and 1994, when President Clinton and the Democrats had this town all to themselves and made no progress on balancing the budget. As a matter of fact, the President would not even try. In 1995, he came before this Congress and proposed budget deficits of $300 billion a year as far as the eye could see.

Now that we actually have a budget surplus, Republicans want to pay down the debt and give a portion of that surplus back to the taxpayers in the form of tax relief.

President Clinton talks about making additional "investments". From the person who raised taxes but called them "contributions" and "sacrifices", additional national investments sounds like a lot of new Federal spending to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). The Chair will remind Members to address their remarks to the Chair and not to the viewing public.

OUR SENIORS NEED TO KNOW THAT SOCIAL SECURITY FUNDS ARE PROTECTED FROM THIS DAY FORWARD

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is time to stop the Clinton raid on Social Security funds. Just think about this. If someone was working in a business and that business had a 401(k) or a pension plan, say it was the Georgia Widget Company and your name was Peggy and you had been working there for all of these years saving up and putting money into the 401(k) and then your retirement came and the owner of the widget company said, Peggy, I am sorry, we have spent your money on widgets and on tools that we need for the production of widgets and then the new driveway out there and some new trucks last year. Well, of course, that person would have the right to sue, which is what that worker would do.

The American seniors have had the same thing happen to them. After 30 years of Democrat-raiding of Social Security, they have put Social Security funds into a trust that has been taken out for roads and bridges and congressional salaries and government programs. It is time to stop that. It is time to put Social Security money in a lockbox for only Social Security use; no other use.

If the President could get the liberals over there in his party in the other body to pass the lockbox legislation, which already passed the House, we could go home and tell our seniors their Social Security funds are protected from this day forward.

BY REDUCING THE NATIONAL DEBT, AMERICANS WILL BE ABLE TO AFFORD MORE

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I am really pleased to be here today to commend the President for his economic leadership and bringing about a balanced budget back in 1993, and to be able to get our country on a fiscally sound footing and to be able to try to begin the process of retiring some of our debt.

A lot of the small businesspeople in Maine that have spoken to me have said that what we need to do is reduce the interest rates. We need to retire the debt and lessen the interest payments that we are making each year on the debt. This year our interest payments are going to total $233 billion. By being able to reduce the interest on the debt and the interest that we pay, we are going to be able to afford people an opportunity to afford a house, afford a car, afford a student loan.

For example, by reducing by 1 percent a $100,000 loan for a home or for a major purchase, that individual will save over $60 a month; and over a 30-year mortgage will save close to $24,000. That is going to do more to keep our economy healthy and keep our economy growing. That is the kind of leadership that we have been getting from the White House and we appreciate staying on that track.

THE PRESIDENT SHOULD RELEASE DOCUMENTS ON HIS DECISION TO RELEASE FALN TERRORISTS

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, President Clinton will not release documents detailing the decision to grant 16 members of the FALN terrorist group clemency. The Clinton administration has an obligation to explain why it has let these terrorists out of prison. They claim the decision was not political and that it had been in the process for years. If so, show us the papers.

By claiming executive privilege, he is telling the American people that it is none of their business.

This is not right. It is the business of the American people. It is certainly the business of Detective Anthony Semft, a victim of FALN terrorism. The terrorism bomb left the police officer without sight in one eye, a 60 percent hearing loss and a fractured hip.

The House opposed and the Senate deplored the President's actions. Virtually every law enforcement agency in the country opposed clemency for the FALN terrorists. The Government Reform and Oversight Committee asked President Clinton to explain himself to the American people, to release the papers that showed why this was done, and not hide behind executive privilege. Mr. President, release those papers.

WE SHOULD LOOK AT THE FACTS AND NOT AT FICTION

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I did not intend to speak this morning, but one of my colleagues on the other side aroused my interest and curiosity sufficiently to make me rise and speak to this issue.

Mr. Reagan's new biography is already controversial because it is predicated on the insights of a fictional character. Well, we have just had a fictional representation of what happened to the American economy in recent years. It was in 1993—when without a single Republican vote in the House or in the Senate—we changed the course of this economy which is now resulting in huge budget surpluses.

It is remarkable that a book that has not even been released already has such a major impact that my colleagues on the other side engage in a fictional representation of what happened to the American economy during the last 7 years.

Our economic indices are at an all-time favorable position; low unemployment, low inflation, high productivity, and the Clinton-Gore administration was in charge.

WE SHOULD STOP PRETENDING AND FACE THE REAL ISSUE, WHICH IS THE NATIONAL DEBT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, following up on the previous speaker, I would just like to suggest that since this administration took office, the public debt has increased $1.5 trillion, but that is not just the President; that is Congress and the President who control borrowing and spending.

We have decided to keep on borrowing and spending. So every year we have increased the public debt of our federal government.

To suggest that tax increases result in a stronger economy would be contrary to what almost every economist says. The previous speaker is correct—the 1993 largest tax increase in history was passed by Congress and the President without a single Republican vote.

I am going to send a copy of our debt history out as a "dear colleague" so that everybody is fully aware of what is happening to our public debt. We now owe roughly $5.6 trillion. Ten years ago, it was half that amount.

It seems important to me that we understand that we have three parts of our public debt. One is what I call Wall Street debt, about $3.6 trillion. One is Social Security debt, approaching $1 trillion, and then the other 122 trust funds and intergovernment transfers, which is another $1.2 trillion. We cannot pretend to pay down one part of the debt without considering what we are doing to the total debt of this country. It is all debt. It all has to be paid back, if not by us, by our kids and grandchildren.

WE MUST PUT A STOP TO THE RAID ON SOCIAL SECURITY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the President and House Democrats want to continue their 30-year raid on the Social Security trust fund but Republicans have drawn a line in the sand. First, we forced the President to agree to our lockbox provision, which walls off the Social Security trust fund from Washington politicians who want to use it for new Federal spending. Now we want to protect the Social Security money from the big government liberals who want to increase spending and increase the size and power of the Federal Government.

The President's budget would spend $57 billion of the Social Security surplus in the fiscal year 2000 budget alone. We must put a stop to the raid on Social Security. Stop the raid. Let us put an end to 30 years of fiscal irresponsibility.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

EXPRESSING SENSE OF HOUSE REGARDING EAST TIMOR

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 292) expressing the sense of the House of Representatives regarding the referendum in East Timor, calling on the Government of Indonesia to assist in the termination of the current civil unrest and violence in East Timor, and supporting a United Nations Security Council-endorsed multinational force for East Timor, as amended.

The Clerk read as follows:

H. RES. 292

Whereas on May 5, 1999, the Governments of Portugal and Indonesia and the United Nations concluded an historic agreement intended to resolve the status of East Timor through a popular consultation based upon a universal, direct, and secret ballot;

Whereas the agreement gave the people of East Timor an opportunity to accept a proposed special autonomy for East Timor within the unitary Republic of Indonesia or reject the special autonomy and opt for independence;

Whereas on August 30, 1999, 98.5 percent of registered voters participated in a vote on the future of East Timor, and by a vote of 344,580 to 94,388 chose the course of independence;

Whereas after the voting was concluded, violence intensified significantly in East Timor;

Whereas the declaration by the Government of Indonesia of martial law in East Timor failed to quell the violence;

Whereas it has been reported that hundreds of people have been killed and injured since the violence began in East Timor;

Whereas it has been reported that as many as 200,000 of East Timor's 780,000 residents have been forced to flee East Timor;

Whereas it has been reported that East Timor militias are controlling the refugee camps in West Timor, intimidating the refugees and limiting access to the United Nations High Commissioner for Refugees, relief agencies, and other humanitarian non-governmental organizations;

Whereas it has been reported that a systematic campaign of political assassinations that has targeted religious, student, and political leaders, aid workers, and others has taken place;

Whereas the compound of the United Nations Mission in East Timor (UNAMET) was besieged and fired upon, access to food, water, and electricity was intentionally cut off, and UNAMET personnel have been killed, forcing the temporary closure of UNAMET in East Timor;

Whereas Catholic leaders and lay people have been targeted to be killed and churches burned in East Timor;

Whereas the international community has called upon the Government of Indonesia to either take immediate and concrete steps to end the violence in East Timor or allow a United Nations Security Council-endorsed multinational force to enter East Timor and restore order;

Whereas on September 9, 1999, the United States suspended all military relations with Indonesia as a result of the failure to quell the violence in East Timor;

Whereas on September 12, 1999, Indonesian President B.J. Habibie announced that Indonesia would allow a United Nations Security Council-endorsed multinational force into East Timor;

Whereas on September 15, 1999, the United Nations Security Council approved Resolution 1264, authorizing the establishment of a multinational force to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations, and authorizing countries participating in the multinational force to take all necessary measures to fulfill this mandate; and

Whereas on September 20, 1999, the multinational force led by Australia arrived in East Timor and began to deploy for an initial period of four months until replaced by a United Nations peacekeeping operation, or as otherwise determined by the United Nations Security Council: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of East Timor on their exemplary participation in the August 30, 1999, popular consultation;

(2) commends the professionalism, determination, and courage of the United Nations

Mission in East Timor (UNAMET) personnel in support of the August 30, 1999, vote on the future of East Timor;

(3) recognizes the overwhelming expression of the people of East Timor in favor of independence from Indonesia;

(4) condemns the violent efforts of East Timor militias and elements of the Indonesian military to overturn the results of the August 30, 1999, vote;

(5) notes with grave alarm the failure of the Government of Indonesia, despite repeated assurances to the contrary, to have guaranteed the security of the people of East Timor and further notes that it was the responsibility of the Government of Indonesia to restrain elements of the Indonesian military and paramilitary forces and restore order in East Timor;

(6) calls upon the Government of Indonesia to recognize its responsibilities as a member of the United Nations and a signatory to the Universal Declaration of Human Rights to cooperate with appropriate United Nations authorities in the restoration of order in, and the safe return of refugees and other displaced persons to, East Timor;

(7) urges the Government of Indonesia to allow unrestricted access to refugees and displaced persons in West Timor and elsewhere and to guarantee their safety;

(8) urges the international community to investigate the human rights abuses and atrocities which occurred with respect to the situation in East Timor subsequent to August 30, 1999, and calls upon the Government of Indonesia to hold accountable those responsible for these acts;

(9) notes with approval the decision of the United States to suspend military relations with, and the sale of any military weapons or equipment to, the Government of Indonesia until the Indonesian military has effectively cooperated with the international community in facilitating the transition of East Timor to independence;

(10) expresses approval of Indonesia's belated decision to allow the United Nations Security Council-endorsed multinational force into East Timor;

(11) expresses support for a rapid and effective deployment throughout East Timor of the United Nations Security Council-endorsed multinational force;

(12) urges that the United States consider additional measures, including the suspension of bilateral and international financial assistance (except for humanitarian assistance and assistance designed to promote the development of democratic institutions) to the Government of Indonesia should it curtail or suspend cooperation with the multinational force in East Timor, interfere with the full deployment of this multinational force, hinder the operation of UNAMET, hinder the safe return of refugees and displaced persons to East Timor, or otherwise interfere with the restoration of order and respect for human rights in East Timor;

(13)(A) expresses approval of United States logistical and other technical support for the multinational force for East Timor; and

(B) declares that neither subparagraph (A) nor any other provision of this resolution—

(i) shall constitute a waiver of any right or power of the Congress under the War Powers Resolution (50 U.S.C. 1541 et seq.); or

(ii) shall be construed as authority described in section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a));

(14) strongly commends Australia for its willingness to lead the multinational force for East Timor and for rapidly deploying its initial contingent of forces and welcomes and commends New Zealand, Canada, Thailand, the United Kingdom, Singapore, the Philippines, Italy, Brazil, France, and other nations that will participate in this force;

(15) urges the Indonesian People's Consultative Assembly to expeditiously ratify the vote of August 30, 1999, in East Timor and to otherwise speed the transition to full independence for East Timor; and

(16) recognizes that an effective United States foreign policy for this region requires both an effective near-term response to the ongoing humanitarian crisis in, and progress toward independence for, East Timor and a long-term strategy for supporting stability, security, and democracy in Indonesia and East Timor.

□ 1030

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 292.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Resolution 292, expressing the sense of the House of Representatives regarding the referendum in East Timor and the tragic events which followed.

I want to thank the gentleman from Nebraska (Mr. BEREUTER), our distinguished chairman of the Subcommittee on Asia and the Pacific, for his leadership in helping to bring this very timely measure before us today. This measure has broad bipartisan support, and we are proud to bring it at this time to the House floor. I am proud to be a cosponsor.

Mr. Speaker, we are all very troubled by the situation in East Timor. Although the first elements of the multinational force, led by our friends, the Australians, and supported by some of our American troops, have landed on the island, there are still many critical challenges ahead. The extent of these challenges is now only becoming known.

First, the government of Indonesia must abide by the commitment to respect the results of the August 30 referendum and the rights of the East Timorese to a peaceful transition to independence.

I have been informed that some 325,000 citizens of East Timor were forced to leave East Timor under gun point, and only very few of them have returned at this point.

President Habibie's comments, though tragically late, that Indonesia "must honor and accept that choice," I think is an important step forward. However, I hope his words are going to be fulfilled by deeds. Accordingly, the Indonesian parliament must ratify the popular decision of the people of East Timor at an early date and set East Timor on its course to independence.

Secondly, the Indonesian military, which participated in the violence and aided and abetted the militias, should fully withdraw from East Timor. This will allow refugees and displaced persons to return home from West Timor and elsewhere, confident of their safety, something they will not do unless they are assured of their safety. It will also reduce the likelihood of a clash with the multinational force.

Third, I urge the international community to investigate the human rights abuses and the atrocities which occurred in the aftermath of the elections, and I call upon the government of Indonesia to hold fully accountable those responsible for those reprehensible acts of violence.

Finally, in light of these devastating events, the administration should reevaluate its military relationship with the Indonesian armed forces. The Pentagon should conduct a full scale review of its military-to-military relationship with Jakarta, including the effectiveness of the IMET program, joint training and exercises, and arms sales.

The Pentagon should not reinstitute any aspect of our military relationship without a full consultation with the Congress.

Mr. Speaker, I am pleased to bring this important measure to the floor for consideration today. I strongly urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first I want to commend the distinguished gentleman from Nebraska (Mr. BEREUTER) for introducing this resolution. I want to commend the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, for their strong support of this resolution. I, of course, rise in strong support of H. Res. 292.

First, Mr. Chairman, we are all pleased that the multilateral peacekeeping force has arrived in East Timor. It has begun the long process of restoring peace and stability. I think we all need to be appreciative of the Australians for being willing to take the lead on this most difficult mission.

Despite the arrival of the peacekeeping mission, Mr. Speaker, there are tens of thousands of East Timorese living in the hills, surviving as best they can. Many are afraid to come down until they know that the anti-independence militias are no longer roaming the streets, pillaging and killing. I am convinced that everyone's hope is that the peacekeeping force will restore order to East Timor as soon as possible so that families may return and start the enormously difficult job of rebuilding and reconstruction.

The resolution before us endorses the policy of our administration to provide logistical and technical support for the multilateral force. We are always at our best, Mr. Speaker, when we speak with a bipartisan voice, and we do so on this issue. Given the humanitarian crisis in East Timor and the need to pave the way for a stable and independent East Timor, we must use whatever resources we have in the region to ensure the success of the peacekeeping mission.

I also strongly support the language in the resolution, Mr. Speaker, calling on the administration to suspend support for bilateral and multilateral assistance to Indonesia until the multilateral peacekeeping force is fully deployed, the refugees are able to return to their homes, order is restored, and human rights are respected.

The Indonesian military, Mr. Speaker, has blood on its hands for its behavior over the past few months. We must keep the pressure on the Indonesian Government to finally do the right thing.

Parenthetically, Mr. Speaker, let me indicate that I am working on companion legislation that will make the Indonesian Government fully responsible for all of the financial costs involved in this human tragedy. It is with the acquiescence and connivance of the Indonesian Government that East Timor has been destroyed, physically destroyed; and the cost of rebuilding this tiny entity should be borne entirely by the government of Indonesia.

My legislation will oppose any bilateral or multilateral aid through any instrumentality—the World Bank, the IMF, or other organizations, until the government of Indonesia fully accepts its financial responsibility for this sickening outrage that has unfolded on the island of East Timor.

I also wish to express my deep concern, Mr. Speaker, about the plight facing over a quarter million East Timorese refugees who are now in refugee camps in West Timor. There are reports that the militias are targeting East Timorese leaders in these camps. It is critical that international observers get full and complete access to these camps immediately.

I would also like to add my regret and concern for the failure of the Japanese Government to participate in the peacekeeping effort. Time is long overdue for Japan to get over the Second World War psychological issues. We have German troops in Kosovo, as we should. Germany is a democratic country accepting its responsibility in the international arena. It is long past due for the Japanese Government to do the same. It simply makes no sense that, from the United Kingdom to the Philippines, countries are accepting their peacekeeping responsibilities in East Timor; but the most powerful democratic nation in Asia, Japan, meticulously stays out and stays away from all of these endeavors.

I am developing a letter to the Prime Minister of Japan, and I am asking all of my colleagues to join me in signing this letter, calling on him as a friend to recognize Japan's responsibility to participate in missions of this kind, not just financially, but with manpower.

The international community, Mr. Speaker, is now focused on the future, how to make the multilateral peacekeeping operation work effectively, but we must not forget the past. There must be an international inquiry into the atrocities which have been committed in East Timor, including those committed by both members of the militia and the Indonesian military.

Those who committed atrocities will have to face up to the consequences, and they will have to face an international tribunal as have the perpetrators of atrocities in the former Yugoslavia.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in opposition to this resolution, not because I lack concern for the serious problems that the East Timorese are undergoing, and not for lack of humanitarian concerns for this group of people or anybody in the world. It is just that there is another side to the argument for us intervening. And, besides, we helped create the problem in Indonesia.

In the 1970's, we were very supportive of the Indonesian Government in their takeover of East Timor after it became independent from Portugal. So once again, here we are intervening.

I would like to advise my colleagues that we are not just endorsing a humanitarian effort to help people who are suffering. We are literally giving the President carte blanche to go and commit war in this area. We are committing ourselves to troops, and it is an open-ended policy.

We complained a whole lot about what was happening in Kosovo. And that operation has not ended. It is continuing. This is just another example of being involved, although with good intentions, but with unintended consequences just hanging around the corner. I would like to point out that some of those unintended consequences can be rather serious.

I would like to call my colleagues' attention to number 11 under the resolve clause, making these points. Number 11 says it "expresses support for a rapid and effective deployment throughout East Timor of the United Nations Security Council-endorsed multilateral force." This means troops.

Our Security Council has already decided to send troops to East Timor. What we are doing today is rubber stamping this effort to send troops into another part of the world in a place where we have no national security interests. We do not know what victory means. We do not know what lies ahead.

In addition, under number 13, it "expresses approval of United States logistical and other technical support for deployment of a multinational force for East Timor." Troops, that is what it means, endangerment and risk that this could escalate.

Under number 13, there is another part that concerns me a great deal. In the 1970s, we passed the War Powers Resolution. Both conservatives and liberals, Republicans and Democrats endorsed the notion that Presidents should be restrained in their effort to wage war without declaration.

Once again, we are endorsing the concept that, if we just subtly and quietly endorse a President's ability and authority to go into a foreign country under the auspices of the United Nations, we do not have to deal with the real issue of war. But under 13(B), it explicitly restates the fact that a President in this situation can at least wage war for 60 days before we have much to say about it.

I think this is dangerous. We should be going in the other direction. This is certainly what was expressed many, many times on the floor during the Kosovo debates. But we lost that debate, although we had a large number of colleagues that argued for non-involvement. We are now entrenched in Kosovo, and we are about to become entrenched in East Timor, not under the auspices of the United States, but under the United Nations.

□ 1045

I do not see that the sanctity and the interests of the United States will be benefitted by what we are getting ready to do.

Number 16 under the resolved clause, "recognizes that an effective United States foreign policy for this region requires both an effective near-term response to the ongoing humanitarian violence in, and progress toward independence for, East Timor."

If we decide that we have to fight for and engage troops for everybody who wants to be independent, we have a lot of work ahead of us. And, in addition, in the same clause, "and a long-term strategy for supporting stability, security and democracy."

This is a major commitment. This is not just a resolution that is saying that we support humanitarian aid. This is big stuff. The American people ought to know it, the Members of Congress ought to know it.

This resolution became available to me just within the last 20 minutes. It has been difficult to know exactly what is in it, and yet it is very significant, very important; and we in the Congress should not vote casually and carelessly on this issue. This is a major commitment. I think it is going in the wrong direction, and we should consider the fact that there are so often unintended consequences from our efforts to do what is right.

I understand the motivation behind this, but tragically this type of action tends to always backfire because we do not follow the rule of law. And the rule of law says if we commit troops, we ought to get the direct and explicit authority from the Congress with a war resolution. This, in essence, is a baby war resolution, but it is a war resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I want to commend my colleague from Texas for stating the case for isolationism and appeasement as eloquently as he has. It is appropriate when we are discussing a major international issue that the various positions be laid out clearly so we can make an intelligent decision.

In this century we have had numerous instances when in this body the voices of isolationism presented their case. And whenever they prevailed—and they prevailed from time to time—the cost in blood and treasure later on was infinitely greater than it would have been had the perpetrators of violence and human rights abuse—whether they were called Hitler or Saddam Hussein or the Indonesian militia or the thugs of Milosevic—had they been stopped early on, the cost would have been infinitely less in both blood and treasure.

Here now we have the case of East Timor. My friend from Texas, instead of placing the burden of blame on the thugs who have persecuted a small Catholic minority in a large Muslim nation, the largest Muslim nation on the face of this planet, blames the United States for contributing 200 individuals and providing logistical and technical assistance to an international peacekeeping armada. I could not disagree with him more strongly.

One of the great victories that I am sure we all cherished was the collapse of the Soviet empire. The Soviet empire and the threat it represented to civilized democratic peace-loving nations across the globe was clearly one of the greatest threats of the 20th Century. And it was the determination of the United States and our allies, in facing up to the mighty Soviet Union, that resulted in the collapse of the Soviet empire and the fact that large numbers of countries, from Poland to the Czech Republic, are now democratic and free, and three of them are now members of NATO.

Now, if we did not yield to the threats of the gigantic Soviet Union, a powerful nuclear nation with vast conventional forces, it would be intriguing to know why we should now yield to the militia thugs in East Timor who are denying the Catholic population of that little island their right to live under rules and authorities and leadership of their own choosing. I have difficulty following the logic.

If the Soviet Union could be resisted by Democratic and peace-loving nations, it is hard to see why Milosevic should not be resisted in Kosovo and why the thugs of the militia in East Timor should not be resisted by democratic forces.

Let me also point out to my friend, as he well knows, it is our ally, Australia, which is carrying the bulk of the load in East Timor. That is as it should be. Australia is the most powerful military force in the whole region, and our friends in Australia willingly and proudly accepted their international responsibility. For the United States to bail out on this effort would undermine our long-term policy, conducted by Democratic and Republican presidents, supported by Democratically controlled and Republican controlled Congresses, of speaking out for and taking a stand on the matter of collective security.

I think it is important to realize that there is a common thread running through our opposition to the Japanese warlords in the Second World War, to Mussolini and Hitler, to the long regime of Joseph Stalin, and to other dictators ranging from Saddam Hussein through Milosevic to the militia, the thugs, in East Timor. To argue at the end of the 20th century that we should revert to isolationism is really a sorry spectacle. What it reveals is that nothing, nothing has been learned from the bloody experiences of this entire century, which so clearly demonstrate that neither appeasement nor isolationism are proper policies for the United States.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding. The gentleman makes a good case for the humanitarian needs of the people. My point is that sometimes our efforts do not do what we want.

For instance, the gentleman talks about the thugs that are in Indonesia, those who are violating the rights of the East Timorese. We have to realize that they have been our allies and we helped set up the situation. So our interventions do not always do what we want.

Also, the gentleman talks about the Soviets. We supported the Soviets.

Mr. LANTOS. Reclaiming my time, if I may, Mr. Speaker. If I may remind my colleague of history, it was President Ford and under President Ford's tenure that we acquiesced in the occupation of East Timor by the Indonesian military.

Mr. PAUL. Mr. Speaker, if the gentleman will continue to yield, I think the gentleman is absolutely correct. But I happen to see these things in a very nonpartisan manner. So to turn this into a Republican versus Democrat issue, I think, is in error.

I would like to suggest that the careless use of the word isolationism does not apply to me because I am not a protectionist. I believe in openness. I want people and capital and goods and services to go back and forth. When we trade with people, we are less likely to fight with them.

So the proposal and the program I am suggesting is a constitutional program. I believe it is best for the people. It has nothing to do with isolating ourselves from the rest of the world. It is to isolate ourselves from doing dumb things that get us involved in things like Korea and Vietnam, where we do not even know why we are there and we end up losing. That is what I am opposed to.

Mr. LANTOS. Mr. Speaker, reclaiming my time, I must say to my colleague from Texas that we have heard voices in the last few days on the part of one presidential candidate calling our participation in the Second World War against Hitler a mistake. Now, this is a free country, and people can choose to accept any position that they are inclined to do so.

But let me state for myself that I think our participation in the Second World War was one of the most glorious aspects of the whole of American history. Our standing up to the regime of Stalin and other Communist dictators in the second half of this century is among the most glorious aspects of our history. The work of President Bush in pulling together a coalition in facing up to Saddam Hussein was an important and glorious chapter in our history.

And what we are seeing unfolding in East Timor now represents just another chapter in the determination of the American people and the American government to stand up to the horrendous dictatorships that still are present in many parts of this globe.

And I hope that as we enter the 21st century, this bipartisan policy of rejecting isolationism will continue.

Mr. LANTOS. Mr. Speaker, may I ask how much time both sides have?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from California (Mr. LANTOS) has 4 minutes remaining, and the gentleman from New York (Mr. GILMAN) has 11 minutes remaining.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I would like to respond. To try to tie in World War II is not quite fair. I think the gentleman has to admit that we are not talking about that. Besides, I am talking as much about procedure as I am talking about the policy itself.

In World War II there was a serious problem around the world. It was brought to this Congress. We voted on a war resolution. We went to war. The country was unified, and we won. That is what I endorse, that procedure. What I do not endorse is us getting involved the back-door way; getting involved carelessly and casually. Not realizing what we are doing.

I come to the floor only to try to warn my colleagues of what they are voting on today; that this is not just a simple humanitarian resolution. It is the process I'm concerned about. If we bring a war resolution to the floor and say, look, we need to go to war to defend the East Timorese, we can vote it up and down and decide to go over and settle it in 2 or 3 months. But we should not do what we are doing now, to endorse internationalism, or interventionism that inevitably fails.

I think there is a better way to proceed, and it is written in the Constitution.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska, (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time. It is interesting to hear the comments that have taken place here on the floor in this resolution. Let me assure my colleagues who are listening, who are watching, that the anxieties of the gentleman from Texas are not well taken. This resolution has been carefully drafted. This is a gentleman who is concerned about the promiscuous use of our military forces on peace enforcement, peacekeeping activities around the country. As I will try to show point by point, the concerns of the gentleman have been taken into account. And, in fact, what we are doing here has been very carefully crafted and is appropriate as a military and foreign policy response to the crisis in East Timor.

I want to thank first of all the distinguished chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), and the distinguished Democratic ranking minority member, the gentleman from Connecticut (Mr. GEJDENSON), for their support of this legislation. But in particular I wish to thank my colleague, the gentleman from California (Mr. LANTOS).

□ 1100

By the way, I might say in general that he and I and indeed his predecessor, the gentleman from California (Mr. BERMAN), his ranking member, have worked on the Subcommittee on Asia and the Pacific in a very careful bipartisan fashion and the interaction between our staff I think has been appropriate on foreign policy matters.

I do think, of course, we will find times when we disagree even on foreign policy issues, but we have worked carefully together to preserve whenever possible a bipartisan consensus. We have it in this legislation, and I thank him for his effort.

I also want to thank the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. GOSS), the gentleman from California (Mr. POMBO), and the gentleman from Massachusetts (Mr. CAPUANO) in particular for their direct assistance in drafting this resolution.

I might say regarding the distinguished chairman of the House Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), his concern was that we not just focus on the immediate but we take a look at the long-term requirements and concerns that we ought to have in a foreign policy sense towards Indonesia and East Timor; and we have attempted to reflect that fact as well.

Now, there were some things where I certainly disagree on a matter of historical perspective with the gentleman from Texas (Mr. PAUL). The story of East Timor is comprised of chapter after chapter of suffering and tragedy. After 450 years of neglect, Portugal abandoned this impoverished, disease-ridden colony in 1975 without providing any preparations for future self-governance.

If we look back in that period of time, of course, Portugal had extreme political, domestic problems and they abandoned all of their colonies in Africa and in the Pacific overnight. Of all of the colonies, East Timor was the most impoverished. In fact, it is said there was not a single college-educated person in that Portuguese colony to take on the responsibilities of self-governance.

In contrast to what the gentleman from Texas (Mr. PAUL) has said, the United States never recognized the sovereignty of Indonesia over East Timor. We never took that step. They can criticize American foreign policy, even Republican and Democratic administrations, for some of our relationships with Indonesia, even as they relate to East Timor. But I want to make it clear that we never recognized that sovereignty when the Portuguese pulled out.

As we visited with Commissioner Chris Patten of the European Union last week, we talked about the European Union's responsibilities; but we also talked about the statements that Portugal has made about their responsibility and willingness to help finance the first few years of operation, I think five was mentioned, of an independent East Timor.

I believe because of the rejection of the autonomy provision before the Timorese people, it is clear that East Timor is moving towards independence. That may be difficult. We hope that it is not. The international community needs to be there and support them in that effort. And part of that requirement is addressed by this resolution.

It is clear that it is going to be very difficult for the Timorese on that end of the island to maintain an independent state. So it is going to need a lot of assistance from the world community in general.

Well, as a result of what happened then, East Timor erupted into a very bloody civil war in which all factions were vying for power and they engaged in human rights abuses against their own kinsmen. Famine soon followed. Indonesia invaded the territory in 1975, annexed East Timor in 1976, proclaiming it as Indonesia's 27th province. This annexation, as I said, was never recognized by the United Nations or the United States.

While Indonesia devoted significant infrastructure and desperately needed development resources to East Timor, Jakarta ruled the territory with an iron fist, as vividly exemplified by the massacre of peaceful East Timorese demonstrators in Dili in 1991.

Indeed, Indonesia's repressive actions in East Timor have been a festering sore in U.S.-Indonesian bilateral relations. It has been the largest complicating factor in our relationship with this, the world's fourth most populous, country.

After years of Indonesian intransigence, President Habibie took the bold step towards resolving the long-standing problem of East Timor. And he did it, I think it is fair to say, over the opposition of the Indonesian military. But last January, he seemingly brushed aside the reservations of the military, which considered East Timor its special domain, and surprised the world by offering the people of East Timor an opportunity to determine their own future through the ballot box and under U.N. auspices.

There was, perhaps, at that time a general sense of guarded optimism prompted by the reassurances of President Habibie and Armed Forces Chief General Wiranto that Jakarta would live up to its promises to maintain order and create an environment conducive for a safe and fair election. But that proved not to be a realistic assessment, as we all know.

Despite increased violence and intimidation by Indonesian military-supported militia, however, on August 30 of this year, a record 98.6 percent of the registered East Timorese voters went to the polls with 78 percent of them choosing in effect by rejecting the autonomy provision choosing independence. The will of the people of East Timor is clear and overwhelming.

It is evident by the horrific events in East Timor which followed this vote that the Indonesian Government, and particularly the Indonesian military, was deliberately unwilling or perhaps in some cases unable to uphold their responsibilities to provide peace and security.

Indonesia demanded this responsibility and the international community, through the United Nations, entrusted Indonesia with it. Instead, elements of the Indonesian military were directly responsible for the destruction, the mayhem, the murder that enveloped East Timor. Indonesia should be aware that its abject failure to live up to its promises and its complicity in that destruction of East Timor, especially the capital, Dili, will likely have long-term and far-reaching negative consequences.

On September 12, 1999, under pressure especially from this country, from our administration and from the Congress, and also from the Secretary General, President Habibie reluctantly announced that Indonesia would allow a United Nations Security Council-endorsed multilateral force into East Timor. The first contingent of that force, led by Australia and involving 10 or more countries, which are specifically mentioned in this resolution, began to arrive in a limited number on September 20.

The gentleman from California (Mr. LANTOS) has already talked about the major contributions that the Australians have made, their willingness to step forward. This is the kind of regional initiative by our allies that we have been encouraging around the world that we would like to see take place in Africa, that we would have liked to have seen take place in Europe. The Australians stepped forward, as they have so many times, always by our side for 80 years, the most loyal of all the allies. They were the neighboring country. They had the military force. They felt a sense of responsibility, and they stepped forward.

Our resolution does not suggest we are going to have a massive effort to involve our military forces there. We have 200, most of whom are in Darwin, Australia, not in East Timor itself.

We specifically mention in section 13(a) that we express approval of the United States logistical and other technical support for the multinational force in East Timor. We do not talk about combat troops. We are very specific in what we are suggesting there. And in 13(b) we specifically address the issue of the War Powers Act. We preserve the prerogatives of the Congress under the Constitution, a matter that is protested by the executive branch and Congress, but we do nothing to set aside our prerogatives that we think we maintain in this House of Representatives.

So the concerns of the gentleman expressed here earlier about some grant of power are just not here, and I encourage him to look again at section 13.

I also want to say that I think this legislation is one that my colleagues should endorse. It is an appropriate step in foreign policy and defense. I urge support of the resolution.

House Resolution 292 supports the referendum that occurred in East Timor and our acceptance of the results. Among its other provisions, it expresses concern about Indonesia's failure to provide safety and security to the people of East Timor and condemns the militias and the elements of the Indonesian military that have engaged in violence. It urges the international community to investigate the human rights abuses that have occurred and calls on Indonesia to hold accountable those responsible for such acts. The Resolution urges the unrestricted access to and safe return of refugees and displaced persons in West Timor and elsewhere. It supports the consideration of additional economic and other sanctions against Indonesia should Indonesia not cooperate with or hinder the multinational force, the civilian UNAMET, the safe return of refugees or the transition to independence for East Timor. This measure also supports the limited U.S. logistical and other technical support for the multinational force for East Timor. And, it strongly commends Australia and the other multinational force contributors for their willingness to rapidly deploy this rescue force for East Timor.

Mr. Speaker, H. Res. 292 also recognizes that an effective United States foreign policy for the region requires both a near-term response to the ongoing humanitarian crisis in, and progress toward independence for, East Timor and a long-term strategy for supporting stability, security and democracy in Indonesia. This Member stresses to his colleagues that while CNN and many of us in this Chamber have focused on the crisis affecting 800,000 people on East Timor, we must not lose sight of the more important relationship we need to rebuild and maintain with 209 million other Indonesians. Previous congressional actions which were focused on East Timor have largely been counterproductive and have resulted in us losing overall access and leverage in Indonesia, particularly with the Indonesian military as evidenced by our limited ability influence and temper its role in East Timor.

Mr. Speaker, the pending resolution, however, is a responsible, balanced statement. It certainly condemns those Indonesian actions that warrant condemnation. It supports the will of the East Timorese people and the multinational force being deployed in East Timor. It also helps provide direction for a more peaceful and cooperative future for both Indonesia and East Timor. Therefore, this Member strongly urges his colleagues to support House Resolution 292.

Mr. GILMAN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from New York (Mr. GILMAN) has no time remaining. The gentleman from California (Mr. LANTOS) has 4 minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, today we are not just taking a resolution, and I want to support this resolution, but it is not just about East Timor.

As my colleague from California has pointed out in the past and the President has pointed out, the United States cannot be the policeman all over the world for everyone all the time. We cannot be expected to carry that responsibility, and we should not.

This resolution recognizes, in my opinion, the new world order of peacekeeping that we need to look forward to going into the next millennium; and that is an order that says the United States will be involved anywhere and everywhere it can be, but the nations and the communities where the problems occur must take the lead, they must take the responsibility of being the regional leaders.

Australia and her Asian allies have taken this responsibility and set an example for not only other countries in Europe and Africa, but also for us that we should be engaged; but we should also recognize that the responsibility of world peacekeeping, of human rights, is not just uniquely an American responsibility. It is time that we recognize that part of maturing as a society is to make sure that everyone participates.

This resolution supports a strategy that shows that we are now participating with but not doing for the rest of the world what they need to do for themselves.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we had a lively and spirited and useful debate. I have no further requests for time. I call on all of my colleagues to support this carefully crafted, bipartisan legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution

On May 5, the United Nations and the Indonesian government signed an agreement to allow an independence referendum in the territory of East Timor. UN Secretary General Kofi Annan called the signing "an historic moment."

As part of the agreement, the Indonesian government promised to maintain order and security during and after the August 30 vote. Nearly five months later, it is clear that the Indonesian government did not fulfill its end of the bargain. In addition, the government-sponsored military has been a willing participant in the carnage that has torn apart the East Timorese capital and that threatens to destabilize this country of 200 million.

In the days after the referendum, thousands of East Timorese were driven from their homes and untold numbers were killed. I am hopeful that the recent arrival of the Australian-led multinational peacekeeping mission will bring a measure of peace to the region. But the continuing support of the Indonesian government for the peacekeeping mission is crucial.

President Habibie said himself last week that "we must honor and accept" the choice of the people of East Timor to become independent. In voting to support a multinational peacekeeping force in East Timor, we are sending a strong message that we endorse this view and that we won't ignore the democratically expressed wishes of the East Timorese people.

Mr. Speaker, I urge support for this resolution.

Mr. KUCINICH. Mr. Speaker, I would first like to thank Mr. BEREUTER for introducing this necessary and timely resolution and for his ongoing effort effort to ensure peace and justice. I would also like to commend the brave people of East Timor for their courage in participating in the August 30th referendum in the wake of the escalating violence that occured.

This resolution makes it a sense of Congress to congratulate these brave citizens and to call on the Government of Indonesia to end the current civil unrest and violence in East Timor, and it supports the UN multinational force for East Timor. In addition, this resolution says that the United States should take steps to help end the human rights abuses that have for so long taken place in East Timor by suspending military and economic aid to Indonesia. Human rights abuses by paramilitary forces have taken the lives of more than 200,000 East Timorese. In the past 24 years, the United States has spent more than 1.5 billion dollars in economic aid to Indonesia. In the past 24 years, the United States has spent more than 510 million taxpayer-dollars on military assistance and training in Indonesia. We know the Indonesian military openly associates and arms the paramilitary forces in East Timor who continue to provoke violence and spread terror among the citizens of East Timor. Just this week two missionary nuns were among 16 people killed by gunmen in the latest attack on Roman Catholic clergy in East Timor. All military and economic assistance to Indonesia must end. If America seeks to advance democracy, tolerance and equality in the region, we must send a message to the Indonesian government that the United States will suspend all of its support permanently if human rights continue to be violated. Passing this legislation will send the message to Indonesia.

And with my support for Mr. BEREUTER's resolution, I would also like to express my support for another bill recently introduced by Mr. PATRICK KENNEDY. It is a binding resolution which would make it U.S. policy to end both military and financial assistance to Indonesia until the East Timor's vote to be independent is honored and human rights are upheld in East Timor and certain conditions are met.

If you support the restoration of human rights in East Timor, if you support the brave citizens of East Timor, then I urge my colleagues to support this resolution.

Mr. WEYGAND. Mr. Speaker, since 1975 when Indonesia invaded East Timor, the people of East Timor have been struggling for their independence. Last month, they took a courageous step in that direction. I therefore strongly support this resolution and urge my colleagues to do the same.

As we all know, the people of East Timor voted on August 30, 1999, and by an overwhelming majority, 78 percent, chose independence. Unfortunately, the violence that has plagued East Timor for the past quarter century was only intensified in the weeks following the election.

The people of East Timor have been brutally attacked by Indonesian military forces masquerading as "militia," their homes burned, their neighborhoods destroyed, thousands are missing or killed. We heard many reports of people, hiding from the militia, starving to death in the countryside. Last week, after too many lives were lost a United Nations peacekeeping force was deployed to bring order to East Timor.

The Washington Post reported that the Australian led peacekeepers were ". . . [w]elcomed by Indonesian officers . . ." and ". . . greeted with smiles from the few relieved civilians. . . ." However, there are also reports that the militia continues to make threats that they will return and continue the violence. If these reports are true, it is as important now as it ever was to show to those who would perpetuate violence that the United States and the United Nations are committed to a peaceful transition to democracy and independence for East Timor. This resolution sends that message.

Mr. Speaker, on September 8, 1999, I introduced two pieces of legislation. One is a resolution calling for an end to the violence and urging the United Nations to take immediate action to end the violence and urges the President to provide whatever assistance the United Nations may need. The second is a bill that would suspend economic and military assistance to the government of Indonesia until the violence ends.

Again, I strongly urge my colleagues to support the East Timorese as they continue the process toward independence and to vote for this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the Chairman and Ranking Member of the International Relations Committee, Mr. GILMAN and Mr. GEDJENSON, for bringing to the House floor this important measure regarding the recent dire developments in East Timor.

I would further deeply commend the Chairman and Ranking Member of the Asia-Pacific Affairs Subcommittee, Mr. BEREUTER and Mr. LANTOS, for introducing the resolution and their considerable work on it. I am honored to be an orginal co-sponsor of House Resolution 292.

Like many of our colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming vote for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression.

Although the Timorese struggle for self-determination has received much publicity, Mr. Speaker, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled in Irian Jaya to throw off the yoke of Indonesian colonialism. As in East Timor, Indonesia took West Papua New Guinea by force in 1963. In a pathetic episode, the United Nations in 1969 sanctioned a fraudulent referendum, where only 1,025 delegates handpicked and paid-off by Jakarta were permitted to participate in an independence vote. The rest of the West Papuan people, over 800,000 strong, had absolutely no voice in the undemocratic process.

Since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century. Like in East Timor where 200,000 East Timorese are thought to have died, the Indonesian military has been brutal in Irian Jaya. Reports estimate that between 100,000 to 300,000 West Papuans have died or simply vanished at the hands of the Indonesian military. While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea. I would urge our coleagues, our great nation, and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past weeks, the Indonesian Government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistacne to and ties with the Indonesian military. U.N. estimates are that over 300,000 Timorese, in excess of a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds, if not thousands, have been killed in the mass bloodletting and carnage. Yesterday, the U.N. Human Rights Commission voted for an international inquiry into the atrocities committed in East Timor. The call for an international war crimes tribunal to punish those responsible for the atrocities should be heeded, even if it implicates the military leadership in Jakarta.

I strongly supported the intervention of a U.N.-endorsed multinational force in East Timor and am heartened at their arrival in Dili last week. Although little more than half of the 7,500 troop peacekeeping force is presently on the ground, they have already had a significant effect in stabilizing the situation and restoring order. I especially commend the government of Australia for its leadership role with the multinational force and recognize the important and substantial troop-contributions of Thailand to the peacekeeping effort.

While I bleieve America's role in the peacekeeping mission should have been greater, certainly the contribution of U.S. airlift and logistical support has been invaluable. If Australia, Thailand and our allies call upon us and it is necessary that the United States play a more substantial role in the peacekeeping effort—even if it means the contribution of a small contingent of ground troops which could easily be drawn from our reserves of U.S. Marines in Okinawa—we should not shirk our duty.

Mr. Speaker, with Indonesia being the fourth largest nation and the largest Muslim country is the world, which sits astride major sealanes of communication and trade—certainly we have substantial national interests in preserving stability in Indonesia and Southeast Asia, as well as preventing a U.N. initiative from turning into a catastrophic humanitarian disaster.

By its simple presence, Mr. Speaker, the international peacekeeping force in East Timor may well lend a hand in stabilizing not just that island but the fragile democracy that ostensibly governs Indonesia at this precarious point in that nation's development.

Mr. Speaker, the resolution before us addresses these concerns and I would urge our colleagues to adopt it.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H. Res. 292 which expresses the sense of the House of Representatives regarding the referendum in East Timor. I and proud to be an original cosponsor of this important piece of legislation.

I also want to thank the Chairman of the Subcommittee on Asia and the Pacific, Mr. BEREUTER, and the Ranking Member, Mr. LANTOS, for their leadership in bringing this resolution to the floor today.

Mr. Speaker, I was encouraged when the United Nations and the governments of Portugal and Indonesia concluded a historic agreement on May 5, 1999, allowing self-determination for East Timor. In an effort to stop the referendum, militias, with the support of the Indonesian military, began a campaign of terror and intimidation. However, the people of East Timor could not be deterred, and the voted overwhelmingly for independence on August 30, 1999. Nevertheless, after the vote, the militias stepped up their campaign, burning houses to the ground, including Bishop Carlos Belo's home, and killing thousands of innocent people.

Mr. Speaker, Indonesia and the international community must respect the referendum and the vote of the East Timorese people. Therefore, I would urge all Members to support H. Res. 292.

Finally, Mr. Speaker, I submit for the CONGRESSIONAL RECORD a copy of Bishop Belo's article, which appeared in the international editions of Newsweek on October 4, 1999, which outlines the reasons why the international community should care about East Timor.

[From Newsweek (International editions), October 4, 1999]

Why the World Owes my People—Nations That Ignored East Timorese Suffering 24 Years Ago Must Help Now

(By Bishop Carlos Filipe Ximenes Belo)

Much of my beloved homeland of East Timor has been destroyed, my people displaced. Much of their land has been forcibly depopulated by Indonesian forces, with hundreds of thousands suffering from hunger and disease. Many have been killed or wounded; babies and the old have died of malnutrition that could have been avoided had relief convoys been allowed to reach them. The world has a solemn obligation to rescue my people before it is too late.

Why should there be a special debt to East Timor, a former Portuguese colony with a small population (less than a million), a small territory (about the size of the Netherlands) and a remote locale? There are several reasons among them the fact that most, if not all, of the killing and mayhem of recent weeks, and over the past 24 years since Indonesia first invaded our island, might have been averted had the community of nations firmly impressed upon Jakarta that the fate of East Timor was a real concern.

This is the sad reality that history illustrates. In early 1975, months before the initial invasion took place, President Suharto was afraid that important powers might disapprove of Indonesian moves to take East Timor by force. But once the former president became convinced that Indonesia did not have to worry about the world's reaction, he allowed his general to move on East Timor. The result was that more than 200,000 persons, or fully one third of our population, perished as a consequence of this merciless and illegal occupation. Most nations turned a blind eye toward this situation because of their material and political interests in Indonesia: East Timor paid the price.

Most recently, my people trusted the United Nations to carry out the Referendum this August on whether East Timor should remain part of Indonesia. Though nearly 79 percent of registered voters chose to become independent, the United Nations had no means to protect the people who voted their conscience. They became the victims of a calculated scorched-earth policy carried out as revenge for the decision to free East Timor from Indonesian rule. Before the people of East Timor could celebrate the election result, Indonesian forces and their local allies launched a ferocious attack that has killed many East Timorese and uprooted 90 percent of our population, including an estimated 200,000 who were herded across the border into Indonesian territory.

Thousands had taken refuge in the property surrounding my residence in Dili, the capital, on Sept. 6, when they were compelled to leave after an armed attack led by Indonesian Special Forces. Thousands who found haven next door at the International Committee of the Red Cross (ICRC) compound also had to flee. Many remain missing, and are feared dead. Both my home and ICRC offices were set afire and destroyed, as were numerous homes and other structures in Dili and elsewhere, not least of all many church institutions. Many were brutally murdered, including members of the clergy whose only crime was to defend their parishioners against violent retribution by Indonesian forces. Many fled to the mountains, where food and medicine remain scarce even now because of Indonesian military obstruction of international relief operations. Those who have been moved to West Timor face appalling conditions and persecution, as do others who have been forcibly moved to other Indonesian islands.

Now that the spotlight of world attention has reached East Timor, it is vital that everything possible be done to save the lives of those who have thus far survived the Indonesian onslaught, and to make certain that we in East Timor can rebuild our shattered land. The United Nations, having encouraged the people of East Timor to vote their conscience, should assist those who risked all and paid dearly for their decision. The deployment of international peacekeepers is a good beginning, but they must advance into the interior to protect people throughout the territory, not only in Dili.

The United Nations must insist on obtaining speedy permission to work in West Timor to address the plight of the East Timorese who have been taken there by Indonesian forces, who are reportedly prepared to use West Timor as a base for cross-border attacks and moves to retain control of sections of East Timorese territory. Powerful nations must use their influence on Jakarta to ensure that all such attacks cease against my people in East Timor, West Timor and other Indonesian islands, and to ensure that all East Timorese can return to their homes.

The killing this week in Dili of Sander Thoenes, a journalist for The Financial Times, is another sad illustration that no one is safe from brazen violence on the part of the Indonesian military, who must be told to withdraw from East Timor once and for all. The disappearance of an East Timorese interpreter and the brutal beating of a driver whose eye was forced out of its socket—both were assisting Western journalists—are further reminders. It seems clear that some Indonesian leaders still believe that they will not suffer any concrete consequences as a result of their crimes in East Timor. How many more lives must be needlessly sacrificed before the world takes a firm stand?

Mr. PORTER. Mr. Speaker, I rise today to express my deep concern, sympathy and hope for the people of East Timor. We have witnessed an extraordinary month on the island of East Timor. On August 30th, the people of East Timor voted overwhelming to reject autonomy within Indonesia. The people chose to be a free country, a free people, free to make their own laws and practice their own religion, and most importantly free from the terror and oppression which Indonesia has imposed on them since 1975. It is this same freedom that our country stands for, fought for many years ago and must continue to protect around the world.

I want to commend the United Nations and the work the peacekeeping force is conducting to secure peace and stability on the island. Unfortunately, the work has only just begun. Once stability is achieved, the U.N. must work to ensure the safe return of the refugees. Thousands of refugees are hiding in the hills of East Timor and thousands more are living in refugee camps West Timor. These people must be able to return to their homes in Dili, and elsewhere in East Timor, without the fear of losing their lives. There is also a great concern for the safety of East Timorese living in other regions of Indonesia. Reports of threats against these individuals are surfacing. A close eye must be kept on this situation by the international community and if necessary action must be taken to ensure that no additional human lives are lost.

I was outraged that President Clinton did not speak out sooner about the atrocities which took place in the weeks following the election. I communicated with the President numerous times in the past months expressing my concern for the fairness and outcome of these elections and the potential outbreak of violence. The Administration assured me that everything would be done to help and protect the people of East Timor. The United States encouraged a process of self-determination after decades of ghastly human rights abuses by the Indonesians against the people of East Timor and, when with great courage, the East Timorese overwhelmingly made their choice, the U.S. stood by in helpless silence as that choice was reversed by bloodthirsty thugs backed by the Indonesia military.

The United States should be leading the way, cutting all military aid, voting against multilateral funding to Indonesia and calling on the

World Bank and the IMF to freeze all funds to Indonesia until it is clear that the order has been restored in East Timor and all East Timorese are safe. There is no question of Jakarta's involvement in the brutal crackdown following the vote. Over 15,000 army and police were in East Timor and did nothing to stop the terror, or to protect the victims. The Indonesian army exhibited unequivocally not only to the East Timorese, but also to the people of Aceh and Irian Jaya, that independence from Indonesia and freedom is not an option.

If this country does not protect human rights around the world and support the outcome of free elections, what do we stand for? The United States, the founder of democracy and the land of the free, must start doing everything in its power to help those who are trying to achieve the same goal.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 292, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SYMPATHY FOR VICTIMS OF DEVASTATING EARTHQUAKE IN TAIWAN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 297) expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999, as amended.

The Clerk read as follows:

H. RES. 297

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more that 1,700 people, injuring more than 4,000, and leaving more than 100,000 homeless;

Whereas the earthquake of January 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, the People's Republic of China, Turkey, and others: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the citizens of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earthquake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by other nations to alleviate the suffering of the people of Taiwan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 297.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of House Resolution 297, expressing sympathy by the Congress for the victims of the devastating earthquake in Taiwan on September 21.

I thank the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific, for responding expeditiously to the tragic earthquake in Taiwan by drafting this resolution I am proud to be a cosponsor of.

I personally want to express my deepest sadness about the devastating earthquake that unexpectedly struck Taiwan one week ago and that we convey to the citizens of Taiwan who recently warmly hosted our Congressional delegation during our visit to Taipei our profoundest sympathies about their tragic loss of life and property.

By this resolution, we in the Congress are calling upon the Clinton administration and other members of the international community to do everything possible to assist Taiwan to recover from this unfortunate act of nature.

Accordingly, Mr. Speaker, I urge all of our colleagues in the House to join with us in expressing our deepest sympathies to the people of Taiwan in their time of need and to express our willingness to support them.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first commend my good friend, the gentleman from Nebraska (Mr. BEREUTER), for introducing this resolution and commend, also, the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) and all of our other colleagues who have seen fit to join us in cosponsoring this legislation.

I rise in strong support of the resolution. This resolution properly expresses the deepest sympathies of this body to the citizens of Taiwan for the tragic losses suffered as a result of the earthquake of September 21.

□ 1115

The devastation caused by this earthquake on Taiwan is unspeakable. And as one, Mr. Speaker, who represents San Francisco in this body, I want to remind my colleagues that the 1906 earthquake in San Francisco, which is remembered even a century after it occurred, resulted in a number of deaths directly attributable to the earthquake. That is about the same number that the people of Taiwan suffered during the course of the last week.

There are about 8,000 Taiwanese who are injured and well over 2,000 who lost their lives. There are 100,000 Taiwanese citizens, 1 percent of the population of Taiwan, who are homeless, and thousands and thousands of buildings are in ruin. Throughout all this tragedy, Mr. Speaker, the people of Taiwan have shown tremendous strength and courage and determination. We were delighted, all of us, to see over the weekend that two young men were pulled alive from a collapsed building 5 days after the tragedy.

Our resolution expresses support for the disaster assistance which is being provided by our government and specifically for the urban search and rescue teams from Virginia and Florida.

Now, Taiwan is a model of what used to be a developing nation. Not many years ago, Mr. Speaker, Taiwan was economically destitute and a political dictatorship. Taiwan today is one of the most highly developed economies on the face of this planet and is a political democracy. This is truly our dream for all developing nations. And I think this incredible achievement, which was brought about by the hard work of the people of Taiwan, should make us profoundly sympathetic to their current crisis.

They are not asking for financial assistance. Taiwan is a wealthy country. But I want to call on all of my fellow citizens on a voluntary basis to make a contribution to the needs of the tens of thousands of Taiwanese families who have lost everything in this disaster. It was my pleasure yesterday to welcome to my office the distinguished ambassador of Taiwan and to give him my check for $1,000 as my contribution to help alleviate the pain and suffering which permeates that small country.

I found it remarkable, Mr. Speaker, that even in this moment of Taiwan's tragedy, the government in Beijing insisted that all assistance to Taiwan be directed through China and be approved by China in Beijing. That, of course, clearly is not what is happening. We have provided our aid and assistance, private and public, directly to the free people of Taiwan, and we intend to continue to do so in the coming weeks.

This tragedy underscores our determination to see to it that Taiwan assumes its proper role in various international organizations, and the people of Taiwan should rest assured that the American people stand with them as they have built a viable democratic society and as they are now undergoing the impact of a major natural disaster.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. First of all I want to compliment the gentleman for his humanitarian effort on behalf of Taiwan. When the gentleman said that all assistance had to go through Beijing, I read in I think today's wire service that indicated that even the Red Cross had to appeal to Beijing before they could go into Taiwan. If that is the case, of course, that is abominable. We would hope that that would be straightened out. I thank the gentleman for yielding.

Mr. LANTOS. I thank my friend for his contribution and underscore the absurdity of the unrealistic demands of the government of Beijing. The Red Cross, the International Red Cross, should be able to help the people of Taiwan without going through the phony process of applying to Beijing to provide aid to the suffering people of that island.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from San Dimas, California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution. I would like to commend my colleagues the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. GILMAN) and the gentleman from Nebraska (Mr. BEREUTER) and others who have worked on this. Obviously as a Californian, the gentleman from California and I know full well of the devastation of earthquakes. His area suffered the Loma Prieta quake in 1989. I remember that day very well, October 16, 1989. We on January 17 of 1994 suffered the terrible Northridge quake in southern California. The gentleman from California (Mr. LANTOS) is from northern California. I am from southern California. Obviously we in our State have many Chinese Americans, people who are both from the mainland and from Taiwan. So I just would like to say especially as a Californian that my heart goes out to those who have been impacted, of course, the families of those who were killed and also to those who, we are happy to say, have survived.

I just heard as I entered the Chamber the gentleman from California refer to the incredible and heroic mission that was embarked upon by several of those seeking to rescue the people where they found two young men who after several days were still alive. I would just like to say that it is important for us to do everything that we can to encourage private support that will be going through organizations directly to the people. I am frankly happy that we have seen an indication of support coming from the People's Republic of China to provide assistance and that statement I know was made by Jiang Zemin at the very outset immediately following the quake.

I just want to do everything that we possibly can to assist the people of Taiwan as they go through what obviously is a very challenging time. One of the things that again the gentleman from California and I know very well is that it is one thing to go through the quake itself but the rebuilding process itself is a real challenge. It is going to be important for us to continue to provide whatever assistance we possibly can.

I again thank both of my colleagues for authoring this important resolution.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise today in support of this resolution expressing sympathy for the victims of the earthquake in Taiwan. I would like to echo what has been said by my good friends the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. DREIER).

I have a great many friends and acquaintances in Taiwan, having traveled there often on trade missions to seek jobs for my south Texas district. I was there just last month on such a mission. I appreciate those countries who have offered emergency aid to Taiwan in the aftermath of this earthquake. Taiwan is an emerging democracy on the Pacific Rim, and they are a valuable and important player in our international global economy. Taiwan has been enormously forthcoming and helpful when there has been similar natural disasters and emergencies in other countries. It is appropriate and honorable for those countries to return that favor to Taiwan now in Taiwan's hour of need.

The American people and people of all faiths are praying today for the victims and the country as well as the rescuers who are working very, very hard. We are waiting to hear from Taiwan what their specific needs are in the aftermath of this earthquake.

I hope that what my good friend, the gentleman from California (Mr. LANTOS) has requested is that those of us that can contribute, to make contributions to the government of Taiwan so that they can help the local people who are in dire need.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I rise in strong support, of course, of H. Res. 297, a resolution addressing the devastating earthquake that occurred last week in Taiwan and literally decimated major parts of the island. I want to thank the gentleman for yielding me this time. It has become an all too familiar sight: many thousands of casualties, an unknown number missing, hundreds of thousands of homeless, buildings collapsed, roads destroyed, village-destroying mud slides, dams cracked and in danger of failing. The people of Taiwan will no doubt persevere. They are strong and they are courageous. They have faced adversity before. But it is only appropriate that this body comment on this tragic natural catastrophe and pledge our concern and empathy and assistance.

This does extend the sympathy of the House of Representatives and the American people to the people of Taiwan. It notes with approval the assistance being provided under the auspices of the Agency for International Development. Within a few hours of the earthquake, U.S. rescue teams from Fairfax County, Virginia, and Miami, Florida, for example—I am sure there are many others—were en route to provide assistance. I noticed last night the people returning to Dulles Airport met by families and friends, and the Taiwanese-American community was out there to greet them at Dulles, thanking them for their special assistance. These teams have had dogs trained to discover those trapped in buildings that had collapsed and these teams quickly attacked the rubble. Such assistance, I think, sends an important message of moral support for people in the midst of suffering and the executive branch should be commended for their prompt action.

The resolution also notes with approval the willingness of other countries to come to the assistance of Taiwan in its time of need. Japan, Singapore, the People's Republic of China, and I want to emphasize Turkey, which recently also experienced its own very similar catastrophe. Even if such aid is modest, and I hope it will be more than modest, it tells the people of Taiwan that they are not alone.

Mr. Speaker, this is a genuinely bipartisan expression of concern. This Member is joined in cosponsoring, for example, by the chairman of the committee, the distinguished gentleman from New York; the ranking Democrat, the distinguished gentleman from Connecticut; and the distinguished ranking Democrat of the Subcommittee on Asia and the Pacific who helped with the crafting and moving of this legislation, the gentleman from California. The list of cosponsors, of course, goes on, and every one, I think, of our colleagues if they knew about the movement of this legislation would like to be there as a cosponsor. I urge adoption of the resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of House Resolution 297, a resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21 of this year. On that date, Mr. Speaker, an earthquake registering 7.6 on the Richter scale hit the Nantou and Taichung counties of Taiwan. Thousands were killed and even more were left homeless.

Mr. Speaker, I have the honor of representing Flushing-Queens, New York. Many of my constituents have family and friends living in Taiwan. The prayers and thoughts of my constituents and myself are with the Taiwanese people at this time.

The United States Agency for International Development has responded to Taiwan's call for international assistance by sending technical experts from their office of foreign disaster assistance and the Fairfax, Virginia search and rescue team. I would like to thank these brave men and women who participated in this international rescue operation as well as the other nations which lent their assistance.

Although the earthquake crippled Taiwan's infrastructure in the hardest hit areas where phone, power and water lines were knocked out, I have confidence that Taiwan will be able to rebuild quickly and continue to play an important role in the Asian and world economies.

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Mr. Speaker, as a Member of the House Committee on International Relations, I stand ready to assist Taiwan with its rebuilding efforts.

Mr. Speaker, I urge all my colleagues to support this worthy resolution to express the House's sympathy for this terrible, terrible disaster.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. COX), chairman of our Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding this time to me.

I think all of us here in this chamber and, in fact, anyone in the world with a television set watched in awe and horror and ultimately relief as 6 year-old boy whose faint cries were heard beneath the rubble was extracted alive after several days following the earthquake. His first words were: Why am I here, and where is my family? But his parents and his sisters were all killed in that same building in that same earthquake. It tore my heart out.

Mr. Speaker, I have a 6 year-old son, and just to imagine the human loss, the tragedy of that earthquake, is almost beyond our individual capacities.

Sometimes it takes an enormous tragedy such as this earthquake to bring home how futile it is for us to maintain the political differences that we do across the globe. I think everyone watching on television saw that the people of Taiwan are not the dangerous splitists so often derided by the Communist government in Beijing, but men and women and children fighting for a better life, just like all of us.

Mr. Speaker, that is why it is so tragically ironic that at this time, when we should have set aside politics and put humanitarian interests first, the government of Beijing literally got in the way as Russian aid was trying to make its way immediately after the tragedy to the victims. A Russian plane actually had to divert and take a different, longer route in order to get to Taiwan because they did not have clearance from the Beijing government. The American Red Cross, as has been discussed previously in this debate, felt it necessary, even though it is a nongovernmental organization based here, to check first with Beijing, and that slowed down aid getting to people right when they most needed it, when there is still a chance to save their lives. This should never happen again.

The gentleman from Ohio (Mr. BROWN), our Democratic colleague, has offered legislation that I know the Chairman of the Committee on International Relations supports that would permit Taiwan membership in the World Health Organization, something that does not require the status of statehood; so, this does not in any way interfere with our United States China policy. But what it would do, Mr. Speaker, is cut out the bureaucracy so that in the case of future medical emergencies this could not happen again, these kinds of delays could not happen again.

I think we also need legislation to make sure that every nongovernmental organization in America, every charity in America understands that if there ever is another medical emergency or natural disaster in Taiwan, that they can get relief there right away without having to check with Beijing first.

It is fortunate that so much good is now coming of the worldwide attention that has been paid to this tragedy in Taiwan, so much money is coming from our country to help people there. On Saturday night last, I met with several hundred Taiwanese Americans who were gathered in principle part to marshal their efforts behind earthquake relief in Taiwan, and I personally am participating in those efforts, and I hope that everyone here will because we do live in a small world, and we do all have much more in common than we realize.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD), my good friend and distinguished colleague.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me the time, and for the reasons that have been outlined already by many of the previous speakers, I stand in strong support of Resolution 297 expressing our sympathy and our concern for the people of Taiwan. As a representative of an area that is the closest U.S. area to Taiwan, we certainly have many important business, commercial and people-to-people relationships with the people of Taiwan, and the people of Taiwan have always been there for Guam and other parts of the United States whenever we have problems. And so it is important that we express directly and in this very highly symbolic and very important way our sympathy for them. In our own relationships and between Guam and Taiwan, whenever we had a very severe earthquake, about 4 years ago, and we have had a number of typhoons where the people of Taiwan have always come through. And I am pleased to report that back home in Guam we are also engaged in many relief efforts to help the local Chinese community in their efforts to gather support and provide needed assistance to the people of Taiwan.

We have also experienced some of the obstacles that have been alluded to earlier, and it is simply abominable that political considerations are now confounding and have confounded and have found their way into efforts to provide relief. And yet in a kind of interesting way, I think the earthquake in Taiwan has pointed out the real success story that is Taiwan, the fact that they do have very good and solid relationships with people throughout the world who want to provide them their needed assistance. Nothing is as a serious sign of our common humanity than when we are most vulnerable, and certainly times of natural disaster point that out. And it is very important that we continue to express our support for Taiwan.

Mr. Speaker, I urge all Members to personally participate in this.

Mr. WU. Mr. Speaker, as a cosponsor of H. Res. 297, a resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999, I would like to express my strong support for this important legislation. Had I been able to be in Washington today, I would have enthusiastically cast my vote in the affirmative.

As the first member of the U.S. House of Representatives born on Taiwan, I would first like to express my deepest sympathy and condolences to the people of Taiwan. I hope in these challenging times that they find comfort in family and loved ones.

Since the earthquake shook Nantou and Taichung, Taiwan, thousands of homes and families were damaged or destroyed. Thousands of individuals lay dead, missing, and injured. I feel a great sense of sadness for all that were affected by this tragic incident.

I commend the Taiwanese people for their display of strength, courage, and determination. Indeed, the tasks of rebuilding homes and comforting loved ones lay dauntingly ahead. I am confident that my colleagues, the President, and the international community will provide the necessary assistance to help the people of Taiwan rebuild their homes and family.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 297, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DESIRE OF HOUSE REGARDING BUDGET SURPLUS AND RETIRING THE PUBLIC DEBT

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) expressing the desire of the House of Representatives to not spend any of the budget surplus created by social security receipts and to continue to retire the debt held by the public.

The Clerk read as follows:

H. RES. 306

Whereas, earlier this year, the House of Representatives passed a social security lockbox designed to protect the social security surplus by an overwhelming vote of 416 to 12;

Whereas bipartisan efforts over the past few years have eliminated the budget deficit and created a projected combined Social Security and non-Social Security surplus of $2,896,000,000,000 over the next 10 years;

Whereas this surplus is largely due to the collection of the social security taxes and interest on already collected receipts in the trust fund;

Whereas the President and the Congress have not reached an agreement to use any of the non-social security surplus on providing tax relief; and

Whereas any unspent portion of the projected surplus will have the effect of reducing the debt held by the public: Now, therefore, be it

Resolved, That it is the sense of the the House of Representatives that the House—

(1) should not consider legislation that would spend any of the social security surplus; and

(2) should continue to pursue efforts to continue to reduce the $3,618,000,000,000 in debt held by the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Congress has an opportunity to send a clear message to all current and future Social Security recipients. Fiscal year 2000 will be the year Congress will end the raid on Social Security.

For over 30 years, the Social Security Trust Fund has been used to distort surpluses, numbers, and mass deficits. Mr. Speaker, for years the Social Security trust fund has run a surplus, and for years Washington has taken that surplus and spent it on programs unrelated to Social Security.

Just 4 months ago, this House passed by an overwhelming 416-to-12 vote the Social Security Medicare Safe Deposit Box Act of 1999, a measure I introduced which locked up the Social Security Trust Fund, making it much more difficult to spend for non-Social Security purposes. This sense of the House Resolution we are considering today will reiterate the overwhelming passage of the Social Security Lockbox and our commitment to our seniors by reemphasizing this Congress' steadfast commitment to not spend one penny of the Social Security surplus.

This resolution does not have any impact on any spending or tax relief that would not come from the Social Security surplus.

Mr. Speaker, I urge my colleagues to not pass up this opportunity to protect Social Security and to vote for this resolution committing ourselves against any effort to once again raid the Social Security Trust Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, fiscal year 2000 begins in 2 days, and we have no budget, no prospect of one. What we have instead is a red herring, this resolution, one House resolution hastily filed less than an hour ago which makes a promise that the majority has already broken. This resolution asserts that we should not spend any of the Social Security surplus.

Now there is nothing wrong with that in principle, but there is a big problem with it in fact. When we recessed last August for our break, the House had already spent the entire on-budget surplus of $14.4 billion for the next fiscal year, fiscal 2000, and we invaded the Social Security surplus, the House had, Mr. Speaker, on the majority's control and direction by some $16 billion.

Now do not take my word for that. This is the conclusion reached by the Director of the Congressional Budget Office, Dan Crippen, in a letter dated to me August 26. I put a copy of it in the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 26, 1999.

Hon. JOHN M. SPRATT, Jr.,
Ranking Democratic Member, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: CBO's most recent baseline projections, which assume that discretionary outlay's in 2000 will equal the statutory limits on such spending, show an on-budget surplus of $14 billion in 2000. As requested in your letter of August 18, the Congressional Budget Office has computed what the on-budget surplus would be using the following assumptions that you specified:

You requested that we incorporate legislation passed by the Congress since the baseline projections were prepared. The only such legislation with significant budgetary impact is the Taxpayer Refund and Relief Act of 1999, which would reduce the surplus by an estimated $5 billion in 2000.

You also asked that we adjust the baseline figures to reflect spending designated as an emergency. In the appropriation process so far, each chamber has made one emergency designation. The House has passed $4 billion in funding for the census that it has specified as an emergency requirement, while the Senate has passed $7 billion in emergency spending for aid to farmers.

You also requested that we include the effects of various scorekeeping directives and adjustments made by the budget committees, which would have the effect of reducing the outlays attributed to appropriation bills. Directed scorekeeping adjustments for defense, highways, and mass transit total around $11 billion. Outlay reductions in the nondefense category that equal 1.14 percent of new budget authority would increase that total by another $3 billion. In addition, the House Budget Committee has directed CBO to make additional scoring adjustments, totaling $3.1 billion, involving proceeds from spectrum auctions and criminal fines paid to the Crime Victims Fund. The Senate Budget Committee has adjusted CBO's outlay estimate of the spectrum auction provision by $2.6 billion. In total, these adjustments come to about $17 billion for the House and $16 billion for the Senate.

The Balanced Budget Act for adjustments to discretionary spending limits to reflect funding for payment of dues in arrears owed to international organizations and for compliance efforts of the Internal Revenue Service related to the earned income tax credit. Based on appropriation action to date, we estimate that these adjustments would total about $350 million for fiscal year 2000.

Including about $700 million in additional costs for debt service, the adjustments that you have specified total about $27 billion for the House and $30 billion for the Senate. Applying those adjustments to CBO's July baseline projection of the on-budget surplus would turn that measure into a deficit of $13 billion (based on House actions) or $16 billion (based on Senate actions).

Finally, CBO's baseline calculation of the on-budget surplus excludes about $3 billion in spending for administrative expenses of the Social Security Administration because that spending is designated as off-budget. The budget resolution, however, treats such expenses as on-budget. If the deficit figure were adjusted to be consistent with the budget resolution, the projected on-budget deficit under your assumptions would reach $16 billion (based on House actions) or $19 billion (based on Senate actions).

If you wish further information, we will be pleased to provide it. The CBO staff contact is Jeff Holland.

Sincerely,

DAN L. CRIPPEN,
Director.

Since the August break, Congress has taken up more bills. We spent $11 billion more of the Social Security surplus. This is neatly shown on this very basic graph right here. We started the year at $14 billion, looking for $14.4 billion surplus in fiscal 2000 because of actions already taken in the Committee on Appropriations and elsewhere including the tax bill. That surplus was converted to a deficit of $16 billion, and right now, if we carry out the track on which we are headed, it will be at least $27 billion, and I say "at least" because that makes minimal allowance for what will happen with Labor HHS, Mr. Speaker, the biggest of all the appropriation bills.

The graph referred to is as follows:

FY 2000 ON-BUDGET SURPLUS/DEFICIT: WHERE THE REPUBLICAN CONGRESS IS NOW, AS OF SEPTEMBER 27, 1999

[Dollars in billions]

	CBO	OMB
Current-law on-budget surplus, July reports	14.4	2.9
Tax cut	−5.3	−5.3
Census "emergency"	−4.1	−4.1
HBC scorekeeping "plugs" to mirror OMB outlay estimates	−16.1	0.0
Crime Victims Fund scorekeeping "adjustment"	−0.5	−0.5
Cap adjustments for EITC compliance and arrearages	−0.1	−0.1
Debt service on above	−0.7	−0.3
Use congressional treatment of SS administrative costs	−3.3	−3.1
Where Republicans are now: On-budget deficit [CBO 8/26]	−15.7	−10.4
Likely adjustments to CBO's $16 billion estimate:		
Sustain veto of the tax cut	+5.3	+5.3
Use OMB/CBO accounting of SS administrative costs	+3.3	+3.1
Labor-HHS-Education restorations (preliminary est. of Porter's mark)	−7.8	−7.8
LIHEAP emergency designation	−0.9	−0.9
Emergency farm aid (Senate-passed)	−7.3	−7.3
Emergency Veterans' Medical Care (Senate-passed)	−0.5	−0.5
Other emergencies (hurricanes, Turkey, Kosovo, etc.) ???	−2.5	−2.5
Cap adjustments for CDRs and adoption incentives	−0.4	−0.4
Additional debt service	−0.4	−0.4
Where Republicans are headed	−26.9	−21.8

Note: May not add due to rounding.

Now we are declaring everything around here unforeseen. We did not know we were going to take a census; $4.4 billion is an emergency, but this was foreseeable. We argued it right here in the well of the House when the budget resolution came up, and when we did the conference report, we had all of 30 minutes of a conference, and the majority was proud because they had made the trains run on time, they had done a budget resolution before April 15 for the first time in years, but in truth I told them, "There is a train wreck down the road waiting on you," and here we are, 5 months later; I have never seen the budget as badly derailed as it is now.

Mr. Speaker, it was foreseeable, and what do we have in these dire straits? We have this resolution.

Why are we considering this bill today? This is subterfuge. This is a setup. This is an attempt to shift blame for failure. When we finally do pass all the spending bills because we have to, the majority wants to blame the President, Congressional Democrats for spending the surplus that they have already spent. That is a fact.

The new fiscal year begins in 2 days. So far only 1 of 13 appropriation bills, 1 bill out of 13, has become law. Most of the others are mired in conference.

Later today, the House is going to take up a continuing resolution to prevent the government from shutting down. This is not a time for empty gestures, partisan ploys. This is a time to get down to business. But, instead of finishing the budget, the House is spinning its wheels on this resolution that tries to conceal the majority's failure to govern. That in itself should tell my colleagues why we are at this impasse.

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Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just responding to the last speaker, it is precisely for this reason why we need this resolution, to enforce on this Congress the importance that we need to be trimming down in conference the spending that has been going on so that we ensure that we do not spend Social Security.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, Mr. VITTER.

Mr. VITTER. Mr. Speaker, at a time when our country is enjoying unprecedented peacetime prosperity, Americans' cynicism toward government remains high. Now we may fuel that cynicism further because we have all talked for months about making Social Security our top priority, and we now clearly have the ability to stop spending Social Security money for other purposes, but we may go ahead and do just that anyway.

This August I held town hall meetings throughout my district, speaking to thousands of people, and they made one thing very clear: they want us to protect Social Security funding. In short, they told me, hands off Social Security. They want Congress to stop spending the surplus dollars in the Social Security trust fund, like Congress has been doing for the past 30 years.

This year we have already effectively erased the $14 billion non-Social Security surplus. In coming weeks we must resist the urge to dip into the Social Security surplus to pay for Government programs we cannot afford. Instead, by making Social Security revenues off limits, Congress can give workers the confidence that the money they pay into Social Security will be there only for Social Security and for them in the future.

Only by ensuring that any new Federal spending does not come at the expense of Social Security can we truly protect the surpluses that will be needed for Social Security and Medicare reform.

Mr. Speaker, we have an enormous opportunity to do the right thing. We must make sure that we do that and set the proper precedent for future budgets.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would say to my dear friend and colleague from California and member of the Committee on Ways and Means, I think we have the wrong forum for this type of resolution. This should be taken up at the Republican Conference, because the President of the United States and the minority here agree with everything that you are saying, and we have been saying it.

The previous speaker already has indicated that you already spent the non-Social Security surplus, and, while my Democratic colleagues do not fully understand the need to bring this on the floor, I understand your calling, and you are saying, Stop me before I kill again. I understand that.

But, you see, it has to be the chairman and the subcommittee chairman that hear your message, because they know you are right. But they are so creative that they come up with things that violate the budget caps because they cannot admit that they are going to sooner or later sit down with Democrats and sit down with the President and make certain that we have continuity in government.

You just cannot do it by coming to an empty floor saying, Help us to do the right thing. You have to be able to say, Hey, listen. Census is an emergency. We were only joking. We know it comes every 10 years, but we thought the House was sleeping. But Republicans have to say, We don't tolerate it.

Emergency home heating for the poorest of the poor, $1.1 billion. You have to send that message to the Republican leadership and say, We don't want that any more.

The whole idea of creating a 13th month in order to manipulate an intrusion into the Social Security surplus you are saying is something that you as a Member of Congress will not tolerate, and certainly some of the creative thinking and deciding, which you are using, OMB–CBO, it means what we are going to have to do, Democrats and Republicans, is send a message to the leadership that is it is time for us to come together.

You cannot possibly do the things that you want to do and talk about a $92 billion tax cut, unless you talk with Democrats.

I know how badly you feel about having to sit down with the President, but, still, we are your colleagues. We want to work with you. But you just cannot come to the floor, make declarations saying, do the right thing, and then go into the Committee on Appropriations and do the wrong thing.

So what I am suggesting is that if you can get your leadership to come out, not with a resolution, not with a vote, but just to come to the well of the House and say, How are we going to do this without intrusion on the Social Security surplus; the President says let us repair the Social Security system, let us do the right thing for Medicare, a modest tax cut, and then we will go on.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point is, we have to begin doing the right thing. We have not been doing the right thing since 1937 when we first began spending Social Security surpluses. We need to begin doing that now. We all have projects in our districts that we would like to spend money on, and the fact is the reason we are here doing this today is to help reemphasize, during this time we are in the appropriations season, that we are going to cut back, that we are going to trim back these legislations so that we are not spending Social Security.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN) for the purpose of a colloquy.

Mr. DUNCAN. Mr. Speaker, first I rise and state my very strong support for this resolution and commend the gentleman from California (Mr. HERGER) for bringing this to the floor.

After I was first elected in 1988, when I first came to the Congress, we were routinely giving 12 and 15 and 18 percent increases to almost every agency and Department. But after President Clinton came into office, a few months later his director of the Office of Management and Budget, Ms. Rivlin, put out a memo stating if we kept going in the way we were going, we would have deficits, yearly losses, of over $1 trillion a year by the year 2010, and between $4 trillion and $5 trillion a year by the year 2030.

If we had allowed that to happen, our whole economy would have crashed. Nobody would be able to buy a house; nobody would be able to buy a car. But then control of the Congress changed after the 1994 elections, and we started bringing these increases in Federal spending down to a manageable level of about 3 percent a year, about the rate of inflation. So this resolution is another important step in that direction, and I commend the gentleman from California (Mr. HERGER) for bringing this to our attention and to the floor.

Mr. Speaker, I also rise for the purpose of engaging the gentleman from California (Mr. HERGER) in a colloquy. House Resolution 306 expresses the sense of the House that it should not consider legislation that would spend any of the Social Security surplus.

It is my understanding that this resolution is not intended to affect future consideration of the Aviation Investment and Reform Act for the 21st Century, which passed the House by an overwhelming majority in June. This legislation, also known as Air 21, would not spend any portion of the Social Security surplus.

Let me emphasize that. Air 21 would not spend any of the Social Security surplus. Rather it seeks to recapture that portion of the on-budget non-Social Security surplus that is attributable to unspent aviation taxes.

Therefore, I believe that future consideration of Air 21 would not be prejudiced by House Resolution 306; and on behalf of the gentleman from Pennsylvania (Mr. SHUSTER) and the Committee on Transportation and Infrastructure, I have been asked to ask the gentleman from California (Mr. HERGER), is this also your understanding of the intent of the resolution?

Mr. HERGER. Mr. Speaker, that is my understanding of the resolution.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would just hope that the author of this resolution, and I have not checked, and I will not check, but I hope he voted against all of the appropriations bills before the August recess and since we have come back, because, from what we understand, you have already dipped into the Social Security trust fund by passing all these appropriations bills. The Senate has as well. In fact, Mr. Crippen on August 26 pointed that out. So I just want the gentleman to understand that he has already done that.

Secondly, I think everybody knows that this will not save Social Security. This will not add one day to the life of the Social Security system, because this is just a resolution. It has no meaning at all.

It is kind of interesting, this resolution. It is about the 18th resolution on Social Security. It says, basically it expresses the desire of the House of Representatives not to do all of these bad terrible things that the gentleman from California (Mr. HERGER) does not want us to do. It is kind of interesting, it is like talking to yourself. The House should not do this to the House.

The reality is that this is irrelevant. It has no meaning at all. At least the resolution we just took up, the Taiwan resolution, expresses regret to the people of Taiwan for the earthquake. This one here is telling ourselves what to do.

What we really should be doing, instead of wasting our time, as we are on this issue, is actually do it. But, undoubtedly, what this is is just a political gimmick. I think everybody understands that.

So we will pass this thing, play our games and hope that the American public does not understand that in the next 3 weeks we are going to bust those caps. This resolution is ludicrous.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, what we are trying to do is break the addiction that we have had since 1937 of spending Social Security. It is a hard addiction to do away with. But why we are bringing this up again today is that we want to emphasize it, so that this Congress, before we vote on final passage of the conference committee of our appropriation bills, that we do not spend this.

Mr. Speaker, I yield two minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the gentleman for all his leadership on this issue.

Mr. Speaker, I agree with a lot of what the other side of the aisle is saying. What we are trying to achieve in this resolution is essentially this: let us stop raiding Social Security.

All sides can be blamed for raiding Social Security over the last 30 years. Looking at the CBO's estimate of the President's most recent budget, the President proposes raiding Social Security. If you do not take into account his tax increases, the President proposes raiding Social Security next year by $20 billion. If you pass his tax increases, he is raiding it by $7 billion.

Having said that, the pressure in this place is amazing. I know I am a new Member of Congress, I am a young Member of Congress, but I am also growing tired and old with all the excuses you hear around here for raiding and spending Social Security.

What we are trying to achieve with this resolution is basically this: while we are going through the waning days of our appropriations battle, while we are coming to the end of the fiscal year, let us remember what we all said in our campaigns. Let us remember the policies we produced in our budgets, and that is this: every dime of money we pay in FICA taxes for Social Security should go to Social Security, should go to paying down our debt, and should go to paying off the debt we owe to Social Security, not to be spent on other government programs.

We are trying to get Congress to reaffirm that policy with this resolution today. Yes, I would say to the gentleman from California (Mr. MATSUI), it is not binding, but it does get everybody on RECORD saying "stop raiding Social Security."

The ranking member of the Committee on the Budget suggested that the raiding is already taking place, pointing to various legislative proposals in the House and Senate that are out there. If added together, it would cause raiding of Social Security.

Well, these legislative proposals have not passed yet. The tax cut was vetoed. The conference reports on the appropriations bills have not been signed into law. That is why we are trying to pass this resolution.

So as these bills are put together, as these conference reports are assembled, make sure you do not raid Social Security.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this resolution is the equivalent of saying that we are going to quit smoking while we are lighting a cigarette, or saying we are going to quit drinking alcoholic beverages while we pour out a beer, or any other equivalent that you want to talk about.

We do not need a nonbinding resolution to tell us that we do not want to spend Social Security money. We just need to do it. It is like the Nike ad, "just do it." We do not need to say what we are going to do; we need to do the right thing, not say the right thing.

As the ranking member on the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) has pointed out, we already this year, unfortunately, are spending Social Security money.

□ 1200

There is only one way not to spend it, and that is to have a budget that does not invade the Social Security money and uses that money to pay back down debt so we are prepared for the baby boom when they come, which is what the President has been repeatedly asking us to do.

We do not have a budget on this floor today, and we are going to later today take up a continuing resolution because the majority in the House does not confront reality. The reality is, the budget that we are operating under spends Social Security money and does things that many in the majority and many on our side say we do not want to do. We need to stop the music, sit down, and figure this out with the executive branch, with the leaders on both sides of the aisle, and come up with a new blueprint, a new budget, that does what a majority of this House wants to do.

If we continue to grind our wheels and waste time with resolutions like this, which are totally meaningless and time wasting, we are never going to get the work done of this Congress.

I urge the leaders on the other side, let us sit down, let us figure out a budget which is good for the American people, which does pay down the back debt, which does save Social Security, and gets America the budget that we need and want. Let us do it on time. We are going to miss the deadline at the end of this week. We are going to have 3 more weeks. Time is running out. It is time now to get this budget done.

As the leader of the minority, I reach out to the majority and say, let us sit down, let us figure out a budget that the President can agree to and let us get it done for the American people.

Mr. HERGER. Mr. Speaker, could we inquire of the remaining time, please?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. HERGER) has 10½ minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 9½ minutes remaining.

Mr. HERGER. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time.

Mr. Speaker, I would like to say that the budget we are working on does the things that my friend, the gentleman from Missouri (Mr. GEPHARDT) said we ought to be doing.

We must have voted on two separate budgets this year because the budget I voted on clearly balanced the budget without spending a penny of Social Security. We need to stick to that commitment. We do not need a new budget. We need a commitment to the budget we have.

What was that budget based on? That budget was based on the balanced budget agreement between the Congress and the administration in 1997, not 1987, not 1887; 1997. Two years ago, the President said, and the Congress agreed, this is how much money we need to run the government in fiscal year 2000. Suddenly, because of a productive economy and hard-working American families, we have more money than that; and suddenly we decide we have to have more money.

All this discussion about cutting programs is just not what we agreed to. We agreed that this is what we were going to spend this year. Suddenly now, if we spend what we agreed in 1997 to spend, we are cutting programs. How could that possibly be the case?

We have not broken the caps. We may do that. I do not know. We cannot possibly break the overall cap until we pass the last budget. It is not possible to do. There is one overall cap. It cannot possibly be broken until the last appropriations bill is passed. We have not done that yet.

We need to work hard to find offsets. No question, if we stay on the course we are on right now, without working to find the offsets, we will go beyond that cap, but those offsets can be found; they must be found. This House has to dedicate ourselves to do that. We should not spend a penny of Social Security.

This should be the first budget since Eisenhower was President, since fiscal year 1960, when we did not spend a penny of Social Security. As has been said earlier by my friend, the gentleman from California (Mr. MATSUI), that this is not the solution to the long-term future of Social Security.

I will say we will not find the solution if we cannot, first of all, have the resolve not to stop spending the money. This is where the solution to Social Security is found. It is found by not spending the money. Not spending the money is found by finding the resolve to find the offsets in the budget to see that we do not dip into that surplus.

Let us set a new standard for the American people and the future of Social Security.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Speaker, this resolution certainly is a feel-good resolution expressing the desire of the House of Representatives not to spend any of the budget surplus created by Social Security receipts and to continue to retire debt held by the public. It sounds good but the problem we have is that in 2 days, when we start the new fiscal year, we are going to start to spend the Social Security-generated surplus. That is because of the programs that the Republicans have brought forward.

First, they wanted to spend 100 percent of the on-budget surplus with a tax cut. Thank goodness the President vetoed that. Then they bust the spending caps. The projections are based upon adhering to the spending caps; but when regular spending is called emergency, such as our census that is going to come up, and we start to advance fund projects and say, well, we will pay for something in the other fiscal year that really occurs in one fiscal year, the Social Security surplus is being spent.

Do not take my word for it. The Congressional Budget Office has already told us that the Republican fiscal plan will spend the Social Security-generated surplus.

Now, I understand what my friend from California wants to do. He wants to have a responsible budget. So do I. Rather than spending time today, 2 days before we start a fiscal year, on this resolution, why are not we meeting to bring out a budget that protects

Social Security and Medicare, that makes sure we do not spend the Social Security money, that retires debt, rather than doing this resolution which will have no impact?

It is only our Chamber that is doing it, and we are going to start the next fiscal year in 2 days.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to emphasize, we do not have a final budget yet. This is being done specifically to help put pressure on this Congress to do what we have already promised we would do, and that is not spend the Social Security surplus.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), a distinguished member from the Committee on the Budget.

Mr. CHAMBLISS. Mr. Speaker, during the August district work period, I conducted nearly 20 town hall meetings throughout middle and south Georgia. And at every stop, I had young people who came up to me and raised the concern that Social Security would not be there for them during their retirement years.

This concern is legitimate, as American taxpayers have witnessed the raiding of Social Security surpluses time after time after time. In fact, since 1983, the Social Security Trust Fund has run a surplus. And since 1983, Washington has taken that surplus and spent it on programs that are totally unrelated to Social Security.

This practice must end; and I agree with my colleague, the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader, who said that exact same thing earlier. After years of hard work, the independence that comes from financial security ought to be the one thing that our senior citizens can count on.

Now, earlier this year we made a commitment to this idea by overwhelmingly passing the Social Security Safe Deposit Box Act. Now, as we near the end of the appropriations process, it is important that we reiterate our resolve to reign in government spending and not spend one penny of the Social Security surplus.

I commend my colleague on the House Committee on the Budget, my good friend, the gentleman from California (Mr. HERGER), for bringing this legislation to the floor and for his tireless effort in promoting honest budgeting. This resolution reaffirms our commitment to the principles of honesty and accountability in the Federal budget process, and I urge my colleagues to support its passage.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I have no argument with this resolution. I do have a problem with hypocrisy. Where has the majority been for the last 6 months? The Blue Dogs put a budget on this floor 6 months ago which was not just a meaningless, nonbinding, feel-good piece of rhetoric like today's resolution. Our budget laid out concrete strategies for doing what this resolution pretends to do: Protect Social Security with a real lockbox, fix Social Security and Medicare long term and do it now.

Where have we been the last 6 months? If the majority really embraced the tenets of today's resolution, they would have come on board the Blue Dog budget 6 months ago.

The gentleman is correct, we have a budget. The only problem is, that budget has already spent Social Security surpluses. We have already done it. How can we stand on the floor and make speeches like we are not going to do it when we have already done it? I do not understand this rhetoric.

Instead, we keep having devised scorekeeping and bookkeeping gimmicks which allow us to pretend that we kept the budget caps but which in fact have already invaded Social Security funds. When are we going to stop playing games and get serious? When are we going to have an honest effort at fixing Social Security and Medicare first and stop this endless speechifying on this floor about what we should do and the desire to do?

Where have we been? We spent 6 months debating a tax cut that would have gone into Social Security in ways in which no one on this floor could possibly have stood up and defended in the 2014 period when Social Security is going to be in its biggest trouble. No one would stand up and defend that, but here we are today with another meaningless resolution of a desire to protect Social Security when we know it has already been spent.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I really hope the American people are listening to what is being said here today. What did the minority leader say? He said we need a budget that does what we want it to do. What is that? They want to spend more money.

He said let us figure out a budget that the President can agree to. What is that? He wants to spend more money.

When the President proposed his budget this year, he spent $58 billion of Social Security money.

What do we have to do to get Members to focus on the issue? We are saying, let us save Social Security.

What do the others argue on that side? No, we do not want to agree to this resolution that we will not spend Social Security dollars this year.

We need to protect the money our constituents pay for Social Security in a bipartisan fashion. If my colleagues really want to save Social Security, why will they not vote for this?

Actions speak a lot louder than words. My colleagues have come before the American people and their rhetoric says let us save Social Security, but their actions today will not vote for a resolution that says we are going to save Social Security.

None of us, including the President, should be adopting a strategy to increase pressure for spending new money just to force the other party to spend money from Social Security. It is easy to say we are going to play one up on the other side, we are going to present something that Social Security monies have to be spent for.

Let us stop that. Let us stop playing games. Let us do what we say we are going to do. Let us protect Social Security.

The gentleman from California (Mr. HERGER) is coming forward with a reasonable resolution. My colleagues on the other side say it does not do any good. What harm does it do? If it does no good, it does no harm. Let us put our actions where our efforts are. Let us say we are going to save Social Security. I urge my colleagues, Democrat and Republican, and all of us should call on the President, to support this resolution and refrain from spending one dollar of Social Security money.

This is a noble goal. This is an appropriate line to draw in the sand, and it should be drawn here today.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, the question was asked by the last speaker what harm does this do? Well, this harm that is being done here is throwing sand into people's eyes again.

Now, I know the Republicans are getting to the end of the fiscal year. They all know that so they must be getting ready to do something real bad because they come dragging this old horse out here again, and said we are going to pass a lockbox.

I do not know if this is the fourth time or the fifth time we have seen the lockbox on the floor, but the gentleman from California ought to get the equivalent of the Congressional Medal of Honor for being picked to drag this mother out here.

We have already spent all the non-Social Security budget surplus. We received a letter from the CBO, appointed by the Republicans so it has to be right, there cannot be any question about it, and we received estimates that are way understated, again from a letter from the CBO to us.

Now what I watched a couple of weeks ago was something that I have not seen since I have been in the State legislature. I thought I was back in a State legislative body when I saw people coming out here and saying, well, we are going to snatch this money from next year and move it over into this money, that is like taking one of those lights up there and moving it over there and thinking that we have saved the light in this place. Light bulb snatching is going on at this point, and that has to be what is happening here because I can see these bills just being lined up to run at us for the next 3 days and everybody is going to say, but we are protecting Social Security, we have this lockbox right here. There is no bottom in that box.

□ 1215

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response, for the last almost 40 years that the other side of the aisle was in control, we never heard one word about protecting Social Security during that period of time. Now we are talking about it. We are putting it up front.

A final budget has not been passed, and that is the purpose of why we are here this morning.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, what we are trying to do is lock in our intestinal fortitude not to spend the Social Security surplus. As Democrats all vote for this resolution, we would hope they also would lock in their intestinal fortitude not to spend Social Security money.

As the gentleman from California (Mr. HERGER) had suggested, until the Republicans took the majority in 1995, almost every one of those 40 years that Democrats had control before that time, the Social Security surplus was spent on other government programs. That raises a tremendous problem of, not only the indebtedness, but the problem of interest and the problem of paying it back and ultimately the solvency of Social Security.

Democrats have to stop criticizing Republicans for not spending enough money, not spending enough money on water, not spending enough money on Medicare, salaries, pork, or other government programs. That is what is happening.

The President has suggested that we spend $120 billion more next year. That was in his budget. So somehow we are going to have to have the guts, the fortitude to live within our budget without spending the Social Security surplus. I would hope both sides would work together to do that.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when the Republican Majority Leader was campaigning in Texas, he declared Social Security, "a bad retirement program,", "a rotten trick on the American people", and said, "I think we are going to have to bite the bullet on Social Security and phase it out."

Of course all of us remember Speaker Gingrich's prophetic remarks that we should let Medicare "wither on the vine." So it is that, every time people that are predisposed against Social Security are caught meddling with it, they come up with a gimmick like this resolution.

Now, this year in Congress, the most amazing thing has been that we have been in an emergency state all year long. Every time that there has been a need to reach into Social Security, an emergency is declared. That is what happened in April when the price of getting the necessary funding for Kosovo was to attach billions of dollars of unrelated projects. That is what happened when the Republicans discovered the census that we have taken every 10 years since 1790 and declared we needed $4 billion to fund that.

Now, I understand the Republicans have discovered it gets cold in the winter and hot in the summer, so they declared the Fuel Assistance Program an emergency. These folks have almost as many emergencies as EMS—all of them to reach into Social Security. Of course we would have had a true emergency had President Clinton not vetoed their tax bill.

This designation of an emergency is just a way of grabbing money out of Social Security and spending it on unrelated projects.

So this resolution basically says, by the Republicans, "help us," "help us to not steal money from Social Security again."

I think it ought to be approved, and I only wish there were a way to enforce it.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. HERGER) has 2½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 3½ minutes remaining.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, when we get past all of the rhetoric, the legislation, and the debate, our job here in Congress is to try to secure the future for every American. There are no Americans more deserving than our senior citizens who have put into this Social Security system all of their lives.

The reason we have this resolution today and the reason I support it is that we are having difficulty in this budget process bringing one side of this room to the table to work in good faith to solve our budget differences without spending Social Security.

I rise in strong support of this resolution so that we can all go on RECORD that we are committed not to spend any Social Security surplus, and we will work out our budget differences aside from that.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, we are at the 11th hour in the appropriations process to get the funding for the United States Government in place by the beginning of the next fiscal year. This is an hour where the American people have a right to expect straight talk and substantive action. Instead, this majority, in a resolution introduced at 10:30 this morning, gives them this utter nonsense, basically saying we pledge not to do that which we have already done. This resolution gives hypocrisy a bad name. It is patently phony.

The fact of the matter is that actions of this body have already spent Social Security trust fund dollars. Let us not try and do some kind of bait and switch on the American public. Be square with them.

We know that, to shore up Social Security for the long haul, it will not take paper resolutions that fly in the face of the actions of this Congress. It will take bipartisan action working with the President to substantively resolve the differences before us and ensure this program for the long haul.

Vote for the resolution, but it is phony.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time for closing.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I want to follow up to the gentleman from North Dakota who just spoke. This is the type of resolution that gives Congress a bad name.

I know the gentleman from California (Mr. HERGER) has only the best intentions, but the fact is the CBO, our budget office, has already said that we have spent the Social Security surplus.

The problem is, Republican after Republican has come down here and said the President does not want to do this, the minority does not want to do this. They are in the majority. They control the Committee on Appropriations. They control the floor schedule.

Bring the Labor-HHS bill down to the floor. It is not our fault we have not gotten the budget done and the fiscal year is almost over. If my colleagues want to pass that bill and show the American people how much they want to cut out of education, do it. But they cannot do it.

Somebody said both sides cannot come to the table. Apparently that is all in the Republican Caucus because they cannot bring their own bills down here. They cannot keep their own bills within the budget caps set in the 1997 budget agreement. So they cannot do it on their side, and they blame it on us. They are in control.

Perhaps what the American people need to learn about this is it is time to get rid of that control and get some people who are going to be honest about the process and save Social Security.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time to close.

Mr. Speaker, this resolution is long on principle, a principle that most of us agree with. In fact, we initiated it in the Balanced Budget Act of 1997. We laid out the plan for achieving a situation in 2002 where we would have a unified budget surplus.

We are well ahead of the plan we laid out for ourselves. The majority of the Social Security payroll taxes this year were, in fact, used to pay down Government debt. We are not quite there yet.

Now we have this resolution on the floor of the House at the 11th hour when we are facing a shutdown of the Government unless we pass one of these stopgap resolutions called a CR. We are out here spending our time on what is an empty gesture because this is long on principle, but short on practicality. Because this resolution vows that this House will not do what it has already done: and that is pass spending legislation that would require the Government to dip into the Social Security trust fund, borrow money from the Social Security trust fund next year as it has for the last 45 or 50 years.

If the sponsors of this resolution were in earnest, what they would be doing is proposing now an amended budget resolution, a road map to get us from where we are with one budget resolution, with one appropriation bill passed, 12 still mired in conference or committee, and not passed.

We do not need any more resolutions like this. We need to get down to work and pass a budget.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason we are here this morning, and the reason we are bringing up this sense of a concurrent resolution to not, for the first time, be spending Social Security surplus is because of what we have done in the past. We have spent Social Security surpluses in the past.

The fact is we have not voted out a final budget yet. Even the resolutions that we have put out that have gone out of here, the President has indicated he was going to veto them because we have not spent enough in them.

Just yesterday, the President was out proclaiming that we had $115 billion surplus. The fact is we do not have $115 billion surplus if we figure in the fact that is Social Security. We have to begin somewhere. Let us begin today on voting out our budgets that are within the spending caps.

Mr. Speaker, this resolution is about committing this Congress to end the raids on Social Security. Four months ago, this House passed a Social Security lockbox by an overwhelming 416 to 12 vote. Will it be easy for this Congress to not spend Social Security surpluses as Washington has done for the past 60 years? No. I have projects in my district that I would like to have funded. But, Mr. Speaker, we owe it to our constituents and our seniors to stop the raids on Social Security.

Let us set a precedent in fiscal year 2000. Let us lock up the Social Security surplus. I urge an "aye" vote on this measure.

Mr. UDALL of Colorado. Mr. Speaker, I think this resolution is accurate but misleading.

The resolution says it's the desire of the House not to rely on funds from the Social Security trust fund for extraneous purposes, and to continue to retire the publicly held federal debt. I think that's accurate, because that is the desire—at least the professed desire—of all or nearly all Members. Certainly it expresses my preference.

However, it is misleading because it suggests that the House can escape arithmetic—and we can't. According to the Congressional Budget Office, some of all of the funds in question will end up being used for purposes other than those cited in this resolution.

That's not all bad, in my opinion. Congress should respond to true emergencies, such as those experienced by the victims of hurricanes and floods, and to other crisis situations at home and abroad. But we should not try to mislead people about what is involved.

We should be straightforward about our arithmetic, and not resort to phony bookkeeping devices such as pretending that the constitutionally required census is an unforeseen emergency. We also should be candid about the fact that all these estimates of future surpluses or deficits depend on assumptions, including assumptions about the realism and desirability of the funding levels set in the 1997 budget agreement.

So, Mr. Speaker, I will vote for this resolution because I agree that bolstering Social Security and reducing the federal debts should be our top priorities. But I hope none of the resolution's supporters want to mislead people about what actually has been occurring this year in terms of the tax bill and the appropriations bills. We need to be straight with the American people.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the resolution, House Resolution 306.

The question was taken.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY), my very good and hard working and overworked friend; pending which I yield myself such time as I may consume. During consideration of this resolution, all time that I will be yielding will, as usual, be for debate purposes only.

Mr. Speaker, this rule provides for consideration of H.J. Res. 68, making continuing appropriations for fiscal year 2000. The rule waives all points of order against consideration of the resolution and provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides for one motion to recommit.

Mr. Speaker, for 5 years, Republicans in Congress have repeatedly made the tough decisions necessary to get our Nation's fiscal house in order. The hard work of American taxpayers, combined with our commitment to spend their money wisely, has resulted in the first 2-year budget surplus since the 1950s.

I am very proud to say that our victory over irresponsible spending has been so overwhelming that maintaining a balanced budget is now a priority, not only for Republicans, but for the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from South Carolina (Mr. SPRATT) and other Members on the other side of the aisle who join with us in our quest for maintaining balanced budgets.

Now it is time for us to take the next step and live up to the contract that we have made with America's voters. People will say it cannot be done. People will claim that we are threatening our important national needs. I happen to disagree with that assertion.

□ 1230

We cannot lose sight of the fact that the $1.7 trillion budget for fiscal year 2000 is the largest amount of Federal spending that we have ever had.

I do not believe that the unexpected tax revenue coming from hardworking Americans is a windfall given to the President and those of us in Congress to spend on nice-sounding, poll-tested programs.

First and foremost, our budget decisions should be made after we set aside the Social Security surplus, and we just had that debate on this resolution, which is obviously key to providing long-term retirement security to millions of Americans. Just like with balancing the budget, this will require hard work and fiscal discipline.

So far, under the very able leadership of the gentleman from Florida (Mr. YOUNG), who is sitting here to my right, the House and the other body have each passed 12 out of the 13 appropriations bills. One bill, as we know, has already been signed into law, and we hope to have eight more ready for the President's signature before the fiscal year ends on Thursday. I guess we already do have three that are over on the President's desk right now we are hoping that he will sign, although I guess we have heard he is scheduled to veto one of them today.

The bottom line is that we are committed to getting the appropriations work done right here in the Congress. And I think, again, that the gentleman from Florida (Mr. YOUNG) has done a superb job in this effort. This continuing resolution will allow the Federal Government to continue its normal operations while we meet that goal that we are pursuing.

Now, it should go without saying that continuing resolutions like the one we are going to be considering here, as soon as we report out this rule, are a normal part of the annual budget process. As my friend, the gentleman from Massachusetts (Mr. MOAKLEY), knows very well, when they were in the majority, it was routine for many appropriations agreements to get hammered out with the President during the month of October.

While we work in a bipartisan effort to wrap up the appropriations bills just as soon as possible, we on this side of the aisle remain focused on our Nation's top priorities: Saving Social Security and Medicare, which, again, was discussed in the last resolution we just had with us; restoring our Nation's defense posture; improving public education; and providing tax relief for working Americans.

We are making real progress on these fronts, passing the Social Security lockbox, the National Ballistic Missile Defense Act, the Education Flexibility Act, and the Teacher Empowerment Act. Although the President chose to veto the Taxpayer Refund and Relief Act, we remain committed to providing meaningful tax relief to the people who have, in fact, created this anticipated $3.4 trillion surplus.

Completing the appropriations process is more than just an accounting procedure. Throughout this process, we need to keep our broader priorities in mind. I am very confident that H.J. Res. 68 will give us the time to get that job done within the next 3 weeks.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear colleague and dear friend, the gentleman from California (Mr. DREIER), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, here we go again. Every single year as October approaches, my Republican colleagues remember they were supposed to be passing appropriation bills in order to keep the government open for business. And every single year, we pass continuing resolutions to keep these things going until they can finish the one responsibility that they are given, and that is just passing the appropriation bills.

Now, the gentleman from Florida (Mr. YOUNG) has done an outstanding job, but there are just things that are beyond his control: This new fiscal year will start in only 3 days, and just like the past few years, the appropriation bills are not finished. In order to keep the Federal Government open for business, Congress must either pass nine more appropriation bills that the President can sign by October 1, or pass this continuing resolution.

I would hope the bills would be finished on time. The gentleman from Illinois (Mr. HASTERT), the Speaker, said they would be finished at the end of the summer. Then, on CNN-Late Edition on September 19, he said they would be finished on time. Today, September 28, the fiscal year is 3 days away and one appropriations bill has not even been reported out of committee. There still are nine unfinished appropriations bills, and getting them done even by the time this continuing resolution expires is going to be a very tall order.

In addition to breaking the promise to finish the appropriations bills on time, my Republican colleagues have broken a promise not to raid the Social Security Trust Fund. According to the Congressional Budget Office, not according to me or the Democratic party, the Congressional Budget Office, the House has already spent the $14 billion budget surplus plus an additional $16 billion of the Social Security surplus.

And they are only getting started, Mr. Speaker. They have outlined plans to pass supplemental appropriations bills of over $10 billion. And where will that money come from? It will come from the Social Security surplus.

Once upon a time, my Republican colleagues promised to keep congressional spending under budget caps. They promised to make whatever cuts they needed to stay within the spending outlines that they themselves had set. Now, 3 days before the end of the fiscal year, the promises of cuts have fallen by the wayside.

They are pretending to stay within the caps by using gimmicks like emergency spending and forward funding; treating the census, which occurs every 10 years like clockwork, as emergency spending; treating low-income home energy heating as emergency spending. Hello, George Orwell, here we are.

Still, Mr. Speaker, broken promises aside, we need to prevent another government shutdown. And the only way we can make sure this does not happen is we have to pass this resolution. Once we do that, I hope my colleagues will get serious about passing the remaining nine bills. And I hope that they will pass bills that respond to the American people, that the President can sign, rather than respond to special interests that the President is sure to veto.

Mr. Speaker, it is time to act responsibly. It is time to get this work done.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Let me just say, Mr. Speaker, that I am happy to associate myself with many of the comments just made by my friend from South Boston. And, frankly, the one with which I am most proud to associate myself is his strong praise of the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment him and the gentleman from Massachusetts (Mr. MOAKLEY) for the drill that they experienced yesterday in the changing times on their schedule and the interruption during the hearing last night. But they have, as usual, done a very good job.

I will not take any time other than to say there is no reason not to pass this rule. Everyone pretty much agrees on the resolution that we will be presenting here in just a few minutes.

So, Mr. Speaker, again I want to congratulate the gentleman from California (Mr. DREIER) for the outstanding job he does as chairman of the Committee on Rules, and just suggest that we move this rule and get on with the continuing resolution, because some of us have conference committees to attend today, and we need to get busy finalizing the last few bills that are out there.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, the gentleman who chaired the Committee on Appropriations the only time it finished the appropriations bills on time in 40 years.

Mr. OBEY. Mr. Speaker, let me simply say there is nothing new about the Congress not finishing its appropriations bills on time. That has happened many times, and it will undoubtedly happen again in the future. My concern is not so much that all of the bills have not been finished, my concern is the mind-set which has led us to this situation. And that mind-set can be revealed by describing what happened to the appropriations bills over the last 8 months.

First, this House spent 3 months trying to impeach the President of the United States. It then spent the next 8 months trying to pass a huge tax package, which would have prevented us from putting one additional dime into Social Security, into Medicare, and the like. It has, today, just debated a resolution which says we pledge not to spend one dime of the Social Security surplus at the very moment that papers are being circulated for the agriculture conference report which adds $700 million to the appropriations bill in the form of so-called emergency spending which will raise to well over $20 billion the amount of money that has already been spent by this House out of the Social Security surplus.

Then we have one other complicating factor. Seven times the gentleman from Florida (Mr. YOUNG) and the Republican majority on the committee worked in cooperation with the Democratic minority to produce bills which were bipartisan and signable. And each time he was cut off at the pass by the militant elements of his own caucus which said, no way, Jose, we do not want that kind of coalition that can pass these bills with a coalition of the great middle, a majority of the people on both sides or in both parties. Instead, we want 13 bills which reflect only our vision of what this country ought to look like. And so they turned seven bipartisan bills into seven partisan war zones. And, as a consequence, we now sit here with only less than 5 percent of the total Federal budget completed by both Houses.

I do not for one moment blame the Republican majority on the Committee on Appropriations for this situation. I do blame a mind-set which has allowed the appropriations process to be hijacked by a militant element within the majority party caucus which says our way or no way time and time and time again, and leaves us in a situation today where we are still, in my judgment, months away from having a real compromise between the White House and between both parties in this Congress.

In the end, the right people will learn one essential fact; that appropriations bills cannot be passed solely on one side of the aisle. In the end, they will recognize what virtually every Member of Congress has learned before them; that in order to pass appropriations bills, we must have coalitions made up of Members of both parties. Because those bills are too complicated and deal with too many conflicting concerns and values to do otherwise.

So that is the reality we face here today. We have a 3-week CR which will keep the government open for another 3 weeks. The question is whether in that time people will really get serious about passing bipartisan appropriations or whether they will continue the policy of confrontation and the other fictions attendant to the debate that took place in this House just a few minutes ago.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I am not a member of the Committee on Appropriations or the Committee on the Budget, and seldom do I come to the floor to speak on appropriations or budget matters. And I would not be here this afternoon but for the fact that I was sitting in my office watching the debate on the previous resolution that was passed. And that resolution was one where we are pledging to not spend any of the Social Security surplus in this year's appropriations process when I know full well that the appropriations bills that are on the table now have already done that.

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And so one of the Members asked the question, Well, what harm does this resolution do? And I just could not sit there any longer and be quiet in the face of absolute dishonesty with the American people. If there is one thing we have an obligation to do, it seems to me, is to at least say to the American people the truth about what we are doing. Otherwise, this House and every Member of this House loses integrity.

It seems to me that, while this may not be germane to the rule that we are debating now or to the appropriations bills that will be coming forward, certainly we should be honest with the American people and tell them the truth about what we are doing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, every October, without fail, the end of the fiscal year arrives. Yet, ever since taking control of the House, the Republican leadership has failed to meet this October 1 inevitable dateline, this deadline. Every 12 months there is an October 1.

Mr. DREIER. Mr. Speaker, would the gentlewoman yield?

Ms. WOOLSEY. Mr. Speaker, I do not have enough time.

Mr. DREIER. Mr. Speaker, I am happy to yield time to the gentlewoman. I will just say that that just is not an accurate statement because we have in fact been able to meet the deadline.

Ms. WOOLSEY. Mr. Speaker, this is my time.

Mr. DREIER. Mr. Speaker, I am happy to yield the gentlewoman an additional minute.

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from California (Ms. WOOLSEY) is recognized for an additional minute.

Ms. WOOLSEY. Mr. Speaker, so every year October 1 comes along, every 12 months.

So while my Republican colleagues are running around trying to take care of the fiscal logjam they have again created, I want to know and we have to ask ourselves, all of us, when we do this, who is taking care of our children? Where is today's rule for our children?

Our children do not need political posturing. They do not need budget schemes on Capitol Hill. They need more funding for education. They need quality, accessible health care. And they need the surplus invested in Social Security and Medicare. And most of all, they need our national debt to be paid down so that we will protect their future, and they need it now.

So again I ask my Republican colleagues, while they are playing games with their future, where is the rule that says our children come first?

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I first heard of concurrent resolutions when I worked in the Pentagon years ago. I remember the assistant general counsel for fiscal matters at the Pentagon, Murray Lamin explaining it this way: this is a confession of failure on the part of Congress. Congress is saying, in effect, we did not get our job done, so keep spending money the way they spent it last year until we catch up with them and tell them otherwise.

Well, Mr. Speaker, I rise today as the ranking Democrat on the Committee on the Budget to say, this is no way to make a budget. I regret that we have been brought by the majority to this juncture, but I have to say it has been clear since last April that this is where we were headed.

The resolution that we passed, the House budget resolution, was always unrealistic. We tried to make that point in earnest in the well of the House when we took it up last March. We did not succeed. We reiterated the same arguments when the tax bill came before us. And we said, to accomplish this tax bill, $792 billion, we will have to make cuts in discretionary spending that exceeds anything Congress has ever done before. It is not realistic. These cuts in the 10th year could reach as much as 30 percent across the board in nondefense discretionary spending, as much as 50 percent in discretionary spending nondefense in the items that could actually be cut. We have never done anything like that before.

So what we have before us right now is a reality test, and it is well that it has come, because the reality is that this resolution simply will not work. We cannot get it passed. It cannot be implemented. It is well that we have this reality test before we locked it in place, particularly the tax bill we had before us last August. Because what is happening now just foreshadows the budget difficulties that we would have every year for the next 10 years, at least, had we passed that tax bill premised on deep, unrealistic cuts in discretionary spending.

The majority keeps telling us, they have since last April, that they will not touch Social Security. We all have endeavored to try to minimize the amount of money we have taken out of Social Security, and each year we have done better and better. But the truth of the matter is, the majority all the time, they were repeating this as if it were their mantra, every one of their leadership has said it different ways, we are not going to take a dime out of Social Security, as they were repeating it, they were doing just that.

As I said earlier on the floor, do not take my word for it. Dan Crippen, Director of CBO, confirmed it to me in a letter August 26. As of that point, they were already $16 billion in the Social Security surplus. Since then because of other spending they are at least $11 billion more into the Social Security surplus.

Now, to do what we just did, comply with the resolution we just took up and close this budget on those terms, they have got to take at least 10 of the 13 appropriations bills back up and remark those bills. We cannot even close the budget as it is. Now we are going to send them back, is that what we are proposing to do, did and tell them to take $30 billion out of the mark already? It is not realistic.

We will all vote for this concurrent resolution. Most of us will vote for this resolution. But I hope it is not an excuse for more delay and more denial. What we need is bipartisan cooperation to close this budget on grounds that are fiscally realistic.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on the Treasury, Postal Service, and General Government.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Mr. Speaker, today we face, as too often we have, an emergency. That emergency is that we have not done our work; and, therefore, we must pass a continuing resolution to make sure that the Government stays in operation.

This is not the first time that has happened. It has happened under the leadership of both Democrats and Republicans. However, we are in a unique situation. And the emergency of which I speak is not a concocted emergency, as some would call the national census. Nor do we face an "emergency," as some like in dealing with LIHEAP, the Low Income Home Energy Assistance Program.

One does not have to be a Member of Congress or a meteorologist to understand that, come winter, it is going to get cold outside and in some places it is hot and we need to fund LIHEAP.

These are not, however, the real emergencies facing America today. They are the contrived kind of gimmicks designed to do nothing more than to try to help the majority make its budget add up. The real emergency we are facing here today is this body's inability to get its work done on time.

Under our Constitution, there is only one major legislative task required of Congress, and that is to pass the spending bills that fund the basic operations of Government. We will fail to accomplish that constitutional duty when the current fiscal year ends at midnight on Thursday and the new year begins at 12:01 on Friday.

I, of course, am for this continuing resolution. I would hasten to add that, in my opinion, had the chairman of our committee, the gentleman from Florida (Mr. YOUNG), been leading this effort or, very frankly, the chairman of our subcommittees been leading this effort, particularly the distinguished gentleman from Alabama, we would not be in this position today.

It is, however, the thoughts of a minority of this House that have put us in this position, who, as the ranking member of the Committee on the Budget have observed, have demanded that we do unrealistic things that the majority of this House will not do, which is why the Labor, Health markup was put off at least four times, and now has produced a bill which is unrealistic in terms of what the ranking member so eloquently pointed out. There is no excuse for that.

Frankly, I think the 3-week continuing resolution we are considering today is too long, but it ought to be passed and the President ought to sign it.

When the gentleman from Illinois (Speaker HASTERT) took the gavel on January 6, he said, "We must get our job done. We have an obligation to pass all appropriations bills by this summer." We have not done that. Not because of the Committee on Appropriations was not able to do that, but because this House and the Senate were not able to pass the unrealistic demand of a minority of this House.

Since then, the leaders of the majority party repeatedly have told us that their primary goal was to make the trains run on time. Well, we all know that that budget process is running about as efficiently as the Washington, D.C., area does sometimes during a snowstorm.

Look at the numbers. To date, the President has signed into law only one, only one, of the 13 bills that we are supposed to pass. Two await his signature. And a third, the D.C. appropriations bill, clearly is going to be vetoed.

Frankly, let me say on the D.C. bill, everybody knows that that bill is going to be vetoed. We went through an exercise to make a social point, not a budget point, to make a point on one or more issues and to try to embarrass one or more sides. Frankly, we are almost in as bad shape as we were in 1995, when the Federal Government shut down, not once on November 19, 1995, but twice over the holiday period of Christmas and New Year's.

If my colleagues will remember, back on September 30, 1995, Congress had not passed a single spending bill. Over the next 7 months, it took 15 different legislative measures, 15, to fund the Federal Government for fiscal year 1996. The last one, an omnibus appropriations bill, was not enacted until April 26, some 8 months, 7-plus months into the fiscal year. The fiscal year was almost half over.

Now that, Mr. Speaker, in my opinion, was a real emergency. What the American people and more than, frankly, one million Federal employees who were furloughed during the two Government shutdowns during 1995 want to know is this: Is that where we are headed again today?

Now, I say that in the context of the fact that some people on the majority party, not anybody on the Committee on Appropriations are saying, we are not going to talk to the President.

Let me remind my colleagues of an extraordinary speech that Speaker Gingrich gave to what he called the perfectionist caucus of his party. That is the caucus who said, do it my way or no way, and that led to shutdown and no way.

Speaker Gingrich pointed out, I would remind my friends, that the American public have selected Republicans, Democrats, Senators, and a President and they expected us to work together, and we cannot work together, I say to my friend on the majority side, if you will not talk to the coequal branch of Government, headed up by the President of the United States.

Government is the art of compromise. I say "art" because it is necessary to accomplish the objectives the American public sent us here to do. It is necessary to do that to talk to one another.

I see my friend, the gentleman from Florida (Chairman YOUNG). I want to tell the American public, if the gentleman from Florida (Chairman YOUNG) were in charge, this would not happen. We would be finished with most of our work, maybe not all of it, but certainly most of it. And the chairman would have sat down with Chairman STEVENS and President Clinton, maybe not directly, maybe through staff, maybe on the telephone, but they would have sat down and they would have said, how do we make this work, realizing that nobody is going to get 100 percent.

The tragedy, my friends, is that we ought not to be here today passing a CR but for the intransigence of some. A minority of this House, not the majority, a minority of this House, has tied up these bills with unrealistic expectations both from a policy standpoint and from a fiscal standpoint. What great news we have for the American public in the context of 2 years in a row a budget surplus, the first time in 50 years that that has happened, $115 billion surplus that we have, and yet we are mired in inability to do our work on time.

I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time. I, obviously, will support this continuing resolution. But I will say to my friends in this House that I believe we ought not to pass a second resolution 3 weeks from now unless and only if meaningful progress and discussions have been made to reach agreement between those that the people of the United States have elected, the President, the House, and the Senate. We can do our business and we can do it in the next 21 days if that willful minority will let us proceed.

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Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the distinguished gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I listened with interest to the comments of my good friend from Maryland, a very important member of the Committee on Appropriations. I agree with him that the branches of government should communicate with each other. In fact, just a few days ago on the conference meeting on the Energy and Water bill, the administration had a problem with part of the language, and we invited them in to talk about it, and we resolved it in a manner that was satisfactory to both branches of government.

I want to say to my friend who has just left the floor that during the meetings that some of us had with the President during the bombing war over Kosovo, we met at the White House, and we all had a chance to discuss certain things with the President. This was back early in the year. On one occasion when the President recognized this Member to make whatever comment I wanted to make, I said directly to the President, "Mr. President, there are budgetary problems for fiscal year 2000 because of the 1997 budget agreement that put caps on our spending at $17 billion less than it was the year before." And I said, "Mr. President, I think it is important for you personally to be engaged in this dialogue." So I considered that an invitation for the President to be involved in the conversations about the budget and about these appropriations bills.

We have made the opening. We made the offer. We made the request of the President to get engaged. It was his decision not to do so.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

During the first 7 months of this year in this Republican House, we met for a total of 87 days. In those 87 days, the House managed to pass a little less than five bills per month that actually have been enacted into law. This is significantly less than even the record-setting do-nothing Republican Congress of the last two years. It is a truly awe-inspiring record of the Republican leadership working so very, very hard to accomplish so very, very little.

There are so many issues out there that demand the attention of this Congress: public education quality; health care; the repeated requests from all over this country for this Congress to address the matter of the rights of those who are in managed health care organizations; the requests of our seniors from all over this country to provide a mechanism for getting prescription drugs at a reasonable price; the desire of so many Americans to see that their private health care records that contain confidential information that should be just between them and their health care provider, but they see this information spread out across the Internet and shared with others, those privacy rights, very, very great concern. Certainly the question with health care, even a more modest bill but vitally important to many American citizens who are currently disabled, to try to help them keep their health insurance so they can get back in the workforce. These are all measures that this Congress should be considering, should be acting on, but over the last year this Congress has failed to address any of these issues. Questions of environmental quality, of the amount of public lands that are available, whether we are protecting against the devastation of our natural resources and the spoiling of our air and our water. The question of tax equity and tax fairness. I have a bill myself concerning the way that some corporations are cheating and gaming the system and causing the rest of us to have to pay more than our fair share of taxes because they use tax loopholes and exploit their position and think that because they are big enough, they can get away with these corporate tax loopholes that are so abusive, a bill that we have been unable to even get a hearing on in this Congress.

So on one issue after another, and I have named only a few of the issues that this Congress should be attending to, it has not been because this Republican Congress has been attending to other business, to the Nation's business, to the priorities of the American people that it has failed to address the appropriations process, because it has not done anything about any of these problems, either.

And so we find ourselves coming now to the final month and the 11th hour of this Federal fiscal year. And what work has been done? Well, nine of the 13 appropriations bills necessary to prevent the government from having to shut down, nine of those appropriations bills have not even been sent to President Clinton to consider. We know that on some of them because of all the unrelated riders and attempt to change the social policy and overturn the environmental policy that this administration has pursued, that some of those bills will be vetoed and sent back for congressional consideration, but nine of the 13 have not even been sent over for the President to react to, and here we are literally hours before the end of this fiscal year.

One of those 13 bills has not even had a first draft written. The Republican leadership has scheduled one of the largest appropriations bills for the last day, the 365th day of the Federal fiscal year, they finally decided to meet together as a committee and to try to come up with a first draft, not presenting it now to the President, not even presenting it now for a vote in this House but just to get together amongst themselves and work out that first draft of this important legislation.

It just so happens that that final spending bill contains all the Federal funding for education. It contains the Federal funding for our research and investigation of health care at the National Institutes for Health. It contains much of the funding that is so important to our seniors, such as Meals on Wheels, a program that has been jeopardized by the whole Republican approach to budgeting.

On all of these matters the Republicans have basically said, "That's our last priority," because it is the bill they waited until the last day of the year to even consider.

Mr. Speaker, I am sure the gentleman from Wisconsin would agree with the observation that this is a "Congress that has a rendezvous with obscurity."

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, my concern is also that this is a Congress which has a rendezvous with prevarication.

We just heard a lot of debate on the previous bill where Members promised that they would not be dipping into the deficit and promised they would not be dipping into Social Security. We have had a lot of posing for pictures about resisting breaking the budget caps. I want Members to understand when they vote for this continuing resolution, Members who vote for the continuing resolution will be voting to break the caps, because if this continuing resolution were to be carried out on an annualized basis, which is the only prudent way you can score it, it would mean that we would be spending more than $30 billion above the amount allowed by the caps.

So before people cast these silly, meaningless and in some case prevaricating votes, I would urge them to recognize what in fact they are doing when they support this continuing resolution. It is about time we face reality.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in strong support of this resolution. I would like to begin by praising my friend from Wisconsin, the former chairman of the Committee on Appropriations, now ranking minority member of the Committee on Appropriations. He is correct when he pointed to the fact that he was able to complete the 13 appropriations bills for fiscal year 1995 when he served as chairman of the Committee on Appropriations. There is a big difference, though.

Obviously we know that the work was done in 1989, completing those 13 appropriations bills, and it was done under this majority in 1997. So basically three times in the last two decades it has been done. I again congratulate the gentleman from Wisconsin for having accomplished that. But between 1994 when he completed his work and today, something has happened, and, that is, we are living within amazing constraints that did not exist when he was chairman of the committee. For starters, the United States Senate was in the hands of Democrats, the United States House of Representatives was in the hands of Democrats, and we had a Democrat in the White House, which was an important issue. And as the gentleman last night said, appropriately, he worked with the ranking minority member of the Committee on Appropriations to deal with the 302(b) allocations in a bipartisan way.

But the real difference that has taken place is, as the gentleman from Massachusetts (Mr. MOAKLEY) very appropriately corrected his earlier statement, we did not have a balanced budget when we dealt with this in 1994. He did complete the 13 appropriations bills on time, but we did not have a balanced budget.

So what we have done twixt 1994 and today is that we are living with the 1997 balanced budget agreement which was put into place and as we all know has in fact brought about this surplus that we are all arguing over.

Now, a lot of finger-pointing has taken place from my friends on the other side of the aisle towards the Republicans. We are here today with a continuing resolution which the gentleman from Florida is going to be very ably handling in a bipartisan way in just a few minutes when we complete the debate on this rule, because we have been working with the President. We are in fact meeting our constitutional obligations. And while it does not appear terribly likely, even some on our side of the aisle would say it, we are still desperately trying to reach that midnight deadline, day after tomorrow, and have the 13 appropriations bills done.

Now, the gentleman from Maryland was correct when he said that Speaker HASTERT on his opening day said that we would complete our appropriations work, getting these bills out of the House, by the summer. Just before we adjourned in early August for that 5-week period, we had completed the work on 12 of the 13 bills. Unfortunately the day that we adjourned, we received the tragic news of the death of the father of our colleague the gentleman from West Virginia (Mr. MOLLOHAN), the ranking minority member of the Subcommittee on VA, HUD and Independent Agencies. For that reason we were not able to complete that work just before we went into the recess. So we would have had 12 of the 13 bills accomplished.

And so I think that with again the narrowest majority that we have had in nearly five decades, that Speaker HASTERT was very, very close to being on target in what obviously is a very difficult situation. So we are trying to do our constitutional duty. I think we are doing pretty darn well in accomplishing that. We are here on this 3-week continuing resolution.

I hope, as the gentleman from Wisconsin said and as the gentleman from Maryland said, that we will not have to have another continuing resolution. I hope that we are going to have an agreement which will allow us to move ahead and get this work done and let us adjourn by the October 29 deadline that the Speaker has said he wants us to meet.

I encourage strong support of this rule and the continuing resolution. At this moment, I am going to go back upstairs to the Committee on Rules where we are reporting out the rule on yet another conference report, the Foreign Operations conference report, and we will have that tomorrow here on the floor. So we are on target and doing everything we can. I urge support of this rule and the bill itself.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 305, I call up the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 68 is as follows:

H.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 2000, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1999 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 2000, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 2000;

(5) the Energy and Water Development Appropriations Act, 2000;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 2000;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, the House or Senate reported version of which, if such reported version exists, shall be deemed to have passed the House or Senate respectively as of October 1, 1999, for the purposes of this joint resolution, unless a reported version is

passed as of October 1, 1999, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 2000;

(10) the Department of Transportation and Related Agencies Appropriations Act, 2000;

(11) the Treasury and General Government Appropriations Act, 2000; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1999, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1999, for a continuing project or activity which was conducted in fiscal year 1999 and for which there is fiscal year 2000 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1999, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1999, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 2000 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1999, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999: *Provided*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1999, for a continuing project or activity which was conducted in fiscal year 1999 and for which there is fiscal year 2000 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(d) If the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, has not been reported in either the House or the Senate as of October 1, 1999, continuing projects or activities that were conducted in fiscal year 1999 shall be continued at the current rate under the appropriation, fund or authority and terms and conditions provided in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1999 or prior years, for the increase in production rates above those sustained with fiscal year 1999 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1999: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1999.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1999 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 21, 1999, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 2000 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1999 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2000 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 366.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 366: Corrections Trustee Operations, Public Defender Services, Parole Revocation, Adult Probation, Offender Supervision, Sex Offender Registration, Pretrial Services, District of Columbia Courts, and Defender Services in District of Columbia Courts.

SEC. 115. Activities authorized by sections 1309(a)(2), as amended by Public Law 104–208, and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106(c) of this joint resolution.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for reimbursement of past losses for the Commodity Credit Corporation Fund shall be $11,500,000,000.

SEC. 117. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of section 234(a) (b) and (c), of the same Act, shall remain in effect during the period of this joint resolution.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer compliance and for implementation of business continuity and contingency plans.

SEC. 119. Notwithstanding sections 101 and 104 of this joint resolution, not to exceed $189,524,382 shall be available for projects and activities for decennial census programs for the period covered by this joint resolution.

SEC. 120. Notwithstanding section 101 of this joint resolution, the rate for operations for projects and activities funded by accounts in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 as passed by the House and Senate affected by the foreign affairs reorganization shall be at the current rate for the accounts funding such projects and activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, distributed into the accounts established in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 as passed by the House and Senate.

SEC. 121. Notwithstanding section 309(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) and section 101 of this joint resolution, the rate for operation for Radio Free Asia shall be at the current rate for operations and under the terms provided for in the fiscal year 1999 grant from the Broadcasting Board of Governors to RFA, Inc.

SEC. 122. Public Law 106–46 is amended by deleting "October 1, 1999" and inserting "November 1, 1999".

□ 1315

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House resolution 305, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 68, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are several reasons why we bring this resolution today. One reason that has been aptly pointed out is that all the appropriation bills have not completed the process. Secondly, we anticipate that there will be several vetoes by the President which would require additional time to deal with the appropriation matters. We have asked for this resolution to be effective until the 21st of October. The President preferred the date of the 15th; the Speaker of the House preferred the date of the 29th; so we thought the 21st was a good compromise, and that date is in the resolution that we present today.

Mr. Speaker, it is a clean resolution. It does not include any Christmas tree ornaments or add-ons or any projects or anything of that nature. To the contrary, it says that there will be no new projects until such time as the regular appropriations bills have been completed.

Now I want to thank my colleague, the gentleman from Wisconsin (Mr. OBEY) who is the ranking member on the Committee on Appropriations, for the cooperation that he has given as we proceed with this continuing resolution. We provided him with copies early in the process, as well as the White House, as well as our colleagues in the Senate, and I think, except for whatever dialogue there might be of a political nature, we are pretty much in agreement on this resolution. So I want to thank the gentleman from Wisconsin (Mr. OBEY) for the cooperation that he has given through the process and last night in the Committee on Rules as we proceeded to seek the rule that has just been adopted by the house.

Mr. Speaker, there is not a whole lot more to be said about the resolution itself.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, as I said earlier, I do not in any way blame the gentleman from Florida (Mr. YOUNG) or his colleagues in the majority party on the Committee on Appropriations for the fact that we are here with only about 5 percent of the budget passed for this year because I think they genuinely tried to perform in the tradition of the Committee on Appropriations, which is to try to reach bipartisan agreement on all appropriation bills.

The gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, indicated that when I was chairman of the committee that the committee had finished its work on time and no continuing resolution was required. That is true. He cited some reasons for that. I would suggest that there is a very different reason for that.

The reason that we got our work done on time that year is because the first thing I did when I became chairman was to walk across the partisan aisle, sit down with my Republican counterpart, then Congressman McDade, and suggest that we in a bipartisan way determine how much could be spent by each of the subcommittees, and we did that. That was the only time in the history of the Budget Act that that was done in a bipartisan way, and because we worked out our differences ahead of time and agreed to compromise ahead of time, we were left only to argue about the details, and we were able to finish all of the budget on time.

I am sure that if the gentleman from Florida (Mr. YOUNG) had been left to his own devices, he would probably have done that again this year, but we are in a very different atmosphere.

We do have in this House a good many Members elected in very recent years, many of whom have term limited themselves and who believe that, if things do not happen on their watch, they do not happen at all, and as a consequence, the majority party caucus has been split into three factions, and one of those factions has come to govern political strategy when it comes to budgets. That faction has decided that they will resist all attachment to reality and they will continue to pursue the idea that somehow, even though they control only one branch of government, that they can somehow force their will on all of the branches of government including the President.

Mr. Speaker, it is that kind of mentality which led to the famous government shutdown of a number of years ago, and while I think some members of the majority caucus have been sobered by their sad experience with that chapter, I think a good many others still feel that they simply do not want to go through the hassle of resisting the militants within the Republican caucus, and so they continue to pretend that the Congress is living within the limits set by the budget agreement 3 years ago, and they continue to pretend that Congress has not already spent substantial amounts out of the Social Security surplus for the coming year.

The fact is that while they may pretend that, I have yet to run into a single member of the press, I have yet to run into a single member of the general public, certainly not in my district, who believes that propaganda. I think objective observers recognize that what is going on here is that an adherence to mythology is requiring all kinds of gimmicks that further discredit the Congress in the eyes of the American people, and I would like to quote from a few editorials to demonstrate my point.

Washington Post, in an editorial entitled "Fake Debate," September 23, 1999, said as follows about the Republican leadership in the House:

> What they are doing now is pretending otherwise, not by cutting spending, but by shifting it around so that under budget conventions it won't count against next year's fiscal total. They have designated billions of dollars for the census, agriculture and Defense's emergency spending, they propose to move billions more into either the current fiscal year by hurrying it up, at least on paper, or into the fiscal year after next by delaying it even for a few days, but that matter is only in the world of accounting. In the real world the money still will be spent, and the more that is spent, the less will be available for debt reduction. When they move the money into the adjacent years, they merely eat into those years' likely Social Security surpluses in order to keep up the appearance that next year's will be left intact, but it is merely show.

Then they go on to say.

> The Congressional Budget Office recently estimated that Congress has already used about $11 billion in Social Security funds. That's without the pending $8 billion plus in emergency farm aid and without the $8 billion to $9 billion that Congressional leaders themselves now acknowledge will be required to complete the appropriation process.

When we add up that 11 billion, that 8 billion, and that 9 billion, we come to the conclusion that they have already committed to spend $28 billion out of that Social Security surplus.

Then the editorial goes on to say,

> Missing also was the money, about 3 billion, that the administration is expected to seek to cover peacekeeping costs in Kosovo. Nor were allowances made by the Congress for Hurricane Floyd, the earthquake in Turkey the stub of a tax bill that is still likely to pass,

et cetera, et cetera.

Then the editorial concludes:

> In that real world, they are already past 30 billion and counting.

Then it says:

> What does the harm is not the money they are about to spend. It's the fake debate they continue to conduct,

and I would fully subscribe to that.

Mr. Speaker, I will insert in my remarks the text of editorials from the Washington Post, an article from the New York Times and an editorial from USA Today, all of which make the similar points that I have just described.

Mr. Speaker, I think we are all living in a fiction. I did not vote for the budget that passed 3 years ago, the great budget deal that was described as the so-called Balanced Budget Act of that year, because I knew it was a public lie, and I called it a public lie at the time. I still call it a public lie; and if it is not a public lie, it is the largest fib that I have seen in a good long time because it was premised on the idea that this Congress would in the future make spending cuts in education, in health care, in Medicare care, in all kinds of programs that we know neither side of the aisle really in the end would have the votes to carry out, and that is problem number one.

Problem number two is that that has been compounded by the compulsion of the majority party to pursue a tax cut of immense proportions which, if it were passed, would prevent us from adding one dime to Social Security, one new dime to Medicare. It would prevent us from meeting our obligations in the area of health care and education, and it would in the end produce huge reductions in what is known as the people's bill, the Labor, Education and Health appropriation. If we had continued that fiction, that pursuit of that tax bill was, in fact, a rational policy goal. Education and health and worker protection programs would have had to have been cut by 32 percent in real terms, and I do not believe in the end that any responsible Congress would propose those kinds of reductions in those programs.

So what I guess I would simply say is:

We have seen the charades, the gimmicks, the advanced funding, the delayed funding; we have seen them call a 24-year-old program to help people, old folks, pay their heating bills in the wintertime, we suddenly see them declare that an emergency; we have seen them declare the census, which has to, by law, take place every 10 years in accordance with constitutional mandate, we have seen them claim that is $4 million in emergency spending; and whether it is emergency spending or not, Treasury still has to write the checks, and so that money will be spent no matter what they label it.

So it seems to me that the sooner this House and the leadership of the other body sits down with the White House and works out its differences, the better off we will be and the better off the country will be.

Now, I know that speaking to the gentleman from Florida (Mr. YOUNG) I am probably speaking to the choir because I am sure that he has made some of the same arguments, certainly not all of them because I am sure he disagrees with some, but I am certain he has made at least some of these same arguments within his own caucus. If members of his caucus had listened 8 months ago, we would not be in the fix we are in today; and I must say I am baffled by the fact that when I was at the White House picnic last week I had three different members of the Republican majority in this House come up to me and say:

"Now look. We understand we made a wrong detour when we followed the cats down this road, but you know we can still climb back on board and put things together."

Mr. Speaker, my only comment is I wish they would quit saying that to me privately if they do not do it publicly because until we get private and public rhetoric to match, we are not going to get out of this box, and we will be spending a lot of time on false motion.

So, Mr. Speaker, I would simply urge that Members recognize that we really have no choice but to extend this or to pass this continuing resolution extending authority for the government to remain open.

□ 1330

But I really hope that folks will come back to reality, because otherwise the additional 3 weeks will do no good, and we will be back here 3 weeks from now chewing the same cud, as they say in farm country; and I do not think that will do anybody any good.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not disagree with everything that the gentleman from Wisconsin (Mr. OBEY) said, but I do disagree with some, and he knows that. We have had these discussions many times before. A lot of these comments should have been, and, in fact, were made at the time we discussed the budget resolution, because the issues that the gentleman from Wisconsin (Mr. OBEY) is talking about really relate to the overall issue of the budget.

Once the budget is approved by the Congress, then we, as appropriators, we deal with only our part of the budget that has to do with discretionary spending. So most of that debate that the gentleman from Wisconsin (Mr. OBEY) just presented really belongs at the budget level.

But we are talking today about a continuing resolution. What we are trying to do is to avoid what happened last year when we ended up in negotiation with the White House in an omnibus appropriations bill that we are still sorry we ever did. We are trying to avoid that by handling each bill separately. We are doing a pretty good job at that.

This year we did two emergency supplementals requested by the President. They were signed into law. We did the Military Construction appropriations bill. It went through conference, was signed into law. The Legislative Branch conference report is awaiting the President's signature and has been there for a while. The Treasury-Postal conference report, again, as passed by the Congress, is on the President's desk waiting for his signature.

The District of Columbia conference report is on the President's desk. We understand that will be vetoed, and that is one of the reasons we do need a CR, because the veto will take time to negotiate out with the President.

The conference report on the Energy and Water appropriations bill was passed yesterday in the House and will be on its way to the President's desk very shortly. The Agriculture bill is in conference, and the conference signature sheets are being circulated to be signed and it will be ready to be filed shortly. The Foreign Operations conference report is completed and is in the Committee on Rules today.

We have three other bills in conference. The Defense conference expects to wrap up their business tomorrow, Commerce-State-Justice is having some problems because of a lot of major differences between the House and the Senate, and the Transportation conference will meet tonight. So we are actually moving.

On the other two, Interior and VA-HUD, we cannot go to conference until both bodies have passed the legislation. The Senate has just recently passed those last two, and we expect to be able to appoint the conferees sometime today. Of course, the real problem is the Labor-HHS bill, which we will mark up in the full committee on Thursday.

So we do the continuing resolution to make sure that the Government does not falter in the meantime.

Continuing resolutions are not new to the Congress. We all complemented the gentleman from Wisconsin (Mr. OBEY) for the year that he chaired the committee, and he did have his bills done on time without any continuing resolution. But that year he had a lot more money than they had the year before. It is easier when you have a lot of money. This year we have $17 billion less than we had the year before. That makes it tough.

But a little history. Let me take a few years while the party of the gentleman from Wisconsin (Mr. OBEY) was still the majority party. In fiscal year 1994, we had three continuing resolutions for a total of 41 days. In fiscal year 1993 we only had one, for a total of 5 days. In fiscal year 1992 we had three CRs for a total of 57 days. In fiscal year 1991 we had 5 CRs for a total of 36 days. In fiscal year 1990 we had three CRs for a total of 51 days.

Then when the Budget Impoundment and Control Act was enacted by the Congress, under the Democratic majority, for some reason, I guess because they could not get the job done on time, they changed the fiscal year. Many Members were not here when that happened, but the fiscal year used to begin on the first of July, but the majority party then was not able to meet the deadline, so they just changed the fiscal year. Talk about fiction, they just changed the fiscal year.

So, anyway, we do have a CR today to avoid an omnibus appropriations bill and to get these bills individually to the President's desk. Sometimes I wish that this were fiction, but it is not. It is the real world. Appropriations bills, of all the bills we consider, appropriations bills must be completed.

Again, I want to thank the gentleman from Wisconsin (Mr. OBEY) for the cooperation he has given us throughout the year. I know there have been major differences, and we have explored those differences, but still he has cooperated and helped us move the process, and I say to him thank you very much for that.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I have a great deal of affection and respect for the gentleman from Florida, but I do think that he should not be rewriting history, as he just did.

He just indicated that in 1974, when the Congress was under Democratic control, it added 3 months to the fiscal year, implying that it did it simply for some fiscal gimmick reason. That is nonsense. He and I were both here at that time, and we ought to both remember what happened.

We had a new budget act passed that year. What that Budget Act did was change the fiscal year. The fiscal year used to start on July 1; and because Congress could not get its work done since it only came in in January and had just a very few months to do its work, what they did was to change the fiscal year so that in the future, instead of running from July 1 to July 1, it would run from October 1 to October 1, recognizing the reality of the Congressional schedule.

We did not do, as the majority party at least in the Senate suggested doing, we did not add a 13th month to the fiscal year in order to hide the spending of $20 billion, as is now being done on the Labor-Health-Education bill.

Mr. Speaker, I also will insert in the RECORD an article in USA Today dated September 28th which is entitled "Congress Looks to Gimmicks to Bend Budget Rules."

Mr. Speaker, I would like to return to some of the thoughts that I was trying to complete a few minutes earlier. We have heard a great deal of debate today about whether or not Congress is going to be invading the Social Security surplus in the coming year or not.

I want to lay out what the facts are. The Congressional Budget Office on July 1 indicated that we would have for the coming year a surplus of about $14 billion. That was based on the assumption that Congress would stick to outlay caps for appropriations bills which were in existing law. But the Congressional Budget Office, which is, after all, the fiscal referee and the chairman of which is appointed by the Republican majority, that Congressional Budget Office says that the House Committee on Appropriations has already allocated $17 billion above the caps for non-emergency spending.

Then, on top of that, they are well down the road to allocating $14 billion more to the various appropriations subcommittees, pretending that the $14 billion surplus which existed in July still exists. It does not, as CBO makes quite clear.

Then if you add to that the $4 billion which they have set aside for the so-called emergency census, and if you add to that the funding which the majority party leadership has already indicated it supports for supplementals totaling about $10 billion in outlays, and if you add to that the tax extenders which they intend to pass and the Medicare give-back package which they intend to pass, you can see why virtually every major national newspaper already recognizes that this Congress is spending $35 billion or so out of that Social Security surplus.

I am not criticizing the individual decisions made by the majority. I am simply suggesting that if those decisions are to be made, they ought not be masked behind a smoke screen of false rhetoric; and, in my view, that is what is happening on this issue.

I would simply point out as a practical person that when we get rid of these artificial constructs, if we handle things right, we will still be in a position where next year we will pay down the deficit by about $10 billion. No matter what phony Social Security construct or what phony budget cap construct is put on it, in the end, when this Congress comes to its senses, recognizes it cannot gut the President's priorities and that it cannot fool the public into thinking that these gimmicks that they are engaging in do not spend money, what I am saying is, in the end, if we negotiate this outright, we will still bring down that public debt this year by about $120 billion; and we will have done the same thing this year in a fairly similar amount.

We all ought to be able to recognize that that is a reasonable achievement, and if we would just recognize that, rather than wasting immeasurable time building these phony constructs, I think, in the end, we would produce a better budget and we would have more time to focus on what works, rather than focusing on which accounting gimmick is the most sly, and, in the process, just by accident, we might even improve the public's ability to believe what we say.

So I would say in closing, I think rather than listening to the false rhetoric that we heard on the floor earlier today on the Social Security proposition, I think the public, in judging what this Republican-controlled Congress is doing on the budget, ought to take the advice of that well-known defender of liberty, John Mitchell, the former Attorney General under Richard Nixon, who said once that to understand what the Republicans were doing, it was necessary to "watch what we do, not what we say."

I think the press has been doing that; I think the public has been doing that. And that is why their false arguments are falling on fallow ground.

Mr. Speaker, I include for the RECORD the articles referred to.

[From USA Today]

GOP LEADERS FALL SHORT ON FISCAL PROMISE

Republican congressional leaders have spent the past year promising the public that they've reinforced their commitment to fiscal discipline. They vowed they'd pass the required budget bills on time, live within agreed-upon spending caps and resist raiding the Social Security trust fund.

But with three days left before 1999 funding for every government agency runs out, the script has hit some snags. The GOP majority hopelessly has blown the first two promises and shows little of the self-discipline needed to keep even its oft-repeated Social Security pledge.

And instead of revealing the flaws behind their fiction, Republicans still are scrambling to manipulate a happy ending.

Only four of the 13 annual spending bills for the new year starting Friday have been sent to the president. House Speaker Dennis Hastert finally acknowledged over the weekend that a stopgap measure will be required to avoid another government shutdown like the one that backfired on the GOP four years ago.

Further, the spending approved so far and in the congressional pipeline will exceed the 2000 spending cap agreed to in 1997 by roughly $30 billion, swallowing the much heralded

$14 billion surplus while leaving the government's non-Social Security accounts $15 billion overdrawn.

What happened? Despite talk about economy in government, lawmakers have been unable to resist throwing more money at weapons purchases, military salaries, hometown projects and other favored causes.

Paying for all that without cheating would require dipping into surplus Social Security income, as Congress has done for decades. So much for the promise of putting Social Security surpluses into a "lock box" untouchable for other purposes.

To avoid acknowledging reality, Congress has tried one bookkeeping gimmick after another:

Declaring fully predictable costs like the 2000 census and a long-established program of winter-heating aid for the poor "emergencies," and thus outside spending limits.

Trying to charge politically potent spending, like more than $5 billion in new aid to farmers, against this year's books even though it won't reach anyone until next year.

Snatching back, at least for a year, $3 billion in federal aid promised to the states as part of the 1996 welfare reform.

Disguising still-unknown billions in 2000 spending by charging it against a hoped-for surplus in 2001, exploiting an established loophole to create in effect a 13-month year.

Republicans are not unique in their gamesmanship. Democrats have been fully complicit in fudging budget caps in recent years, and President Clinton's spending proposal for 2000 had its own similarly surreal qualities.

For example, Clinton's claim to a balanced budget was based on increased tobacco taxes and other changes that were clear non-starters.

But the majority party in Congress controls the legislative agenda and carries prime responsibility for enacting a budget.

So far, GOP leaders can't muster the discipline to keep their promises, or the courage to explain why not. So they shouldn't be surprised if voters who were promised a surplus and a safe Social Security hold them responsible when they discover neither exist.

[From the New York Times, Sept. 24, 1999]

House G.O.P. on Creative Accounting Spree

(By Tim Weiner)

Washington, Sept. 23.—Creative accounting by Congress reached new heights today as House Republican leaders, desperately seeking money for their spending bills, used budgetary devices to manufacture nearly $17 billion out of thin air.

First they ordered appropriators to tap $12.7 billion from the budget for the year after next, the 2001 fiscal year. Then they declared $1.1 billion for a long-established program to help the poor pay their heating bills as an unforeseen "emergency," taking the money off the official ledger.

And then, apparently breaking a pledge made by the former Speaker Newt Gingrich, they moved to rescind $3 billion in welfare funds for state governments.

The moves were part of a plan to help finance a bill for labor, education, health and human services programs that nonetheless cuts or eliminates so many health and education programs that President Clinton vowed tonight to veto it.

The leadership's effort to take back welfare money provoked protests from the nation's governors, Republicans and Democrats alike. They issued a statement calling it "a drastic departure" from a deal between Congress and the states.

That deal, sealed by Mr. Gingrich in a letter on June 5, 1998, pledged that the Republican-led Congress would not touch the welfare money, known as Temporary Assistance for Needy Families.

"I gave you my word that T.A.N.F. funding will be guaranteed for five years," he said. "Rest assured that I will stand by that commitment."

There had been talk in Congress last year of a similar plan to tap into the states' welfare coffers, and Mr. Gingrich's letter sought to quell the governors' suspicions.

The chairman of the National Governors' Association, Gov. Michael O. Leavitt of Utah, a Republican, said the current Republican leadership in Congress had privately assured the governors that Mr. Gingrich's word was still good. "We took them at their word and still hope they'll maintain the integrity of their decision," Mr. Levitt said.

The loss would be temporary, Republican leaders say. They promised to replace the funds in the 2001 fiscal year. "It's just a temporary relocation," said John P. Feehery, a spokesman for Speaker J. Dennis Hastert. "They'll get the money back."

Congress has completed work on only four of its 13 spending bills. It appears certain to fail to complete them, with one week left until the new fiscal year begins on Oct. 1.

But Congress is on track to drain a projected $14 billion surplus for the 2000 fiscal year and to break the spending caps it imposed on itself. It looks increasingly likely to tap into surplus Social Security payments to finance its spending bills, something the Republican leadership has said repeatedly that it will not do.

The Republicans' deepening dilemma was apparent in the moves to borrow heavily from the 2001 Budget, to declare a 24-year-old home-heating program an unforeseeable emergency, and to try to take back the welfare money.

Congress has used borrowing from future years, a process called forward funding, in the past. But it has never used more than $12 billion in a single year for all Government programs combined, let alone a single spending bill, the Senate Budget Committee said.

And it has not declared programs like hone-heating assistance to be fiscal emergencies, a category usually reserved for wars and natural disasters, not the coming of winter.

Nor has it asked and states to give back welfare money. At least 38 states would be affected if the welfare recession becomes law. New York would lose $508 million in welfare funds in the fiscal 2000 year, and California would lose $47 million.

The $89 billion bill labor, education and health and human services was approved today by a House appropriations subcommittee on a party-line vote, with eight Republicans in favor and six Democrats Opposed.

The subcommittee's chairman, Representative John Edward Porter, Republican of Illinois, made it plain that the creative accounting measures to finance the bill had been dictated by the Republican leadership. "I work with what they give me." he said. "Decisions have been made that I'm not a part of."

In other legislative action, negotiators from the House and the Senate worked toward a compromise that would require more flight tests for the F–22 fighter plane, a $70 billion program, before allowing the plane to begin production. The House voted to withhold $1.8 billion to build the first six F–22's; the Senate wanted the planes built next year.

[From the Wall Street Journal, Sept. 20, 1999]

Congressional Time Crunch Will Play In Decisions Regarding Spending Bills

(By David Rogers)

Washington.—As Republicans prepare for a year-end confrontation with President Clinton regarding budget priorities and tobacco taxes, they are trying to clear the decks this week of spending bills affecting everything from Lockheed Martin Corp.'s F-22 to emergency farm aid.

Under a revised spending plan adopted Friday, Senate Republicans agreed to billions more for defense in anticipation of the House restoring funds for the purchase of F–22 fighters as test planes for the Air Force. Senate Appropriations Committee Chairman Ted Stevens (R., Alaska) wants the full complement of six aircraft under contract with Lockheed. F–22 critics want fewer, but some purchases seem certain and GOP opponents in the House are being undercut by their own leaders, who are anxious to move bills.

Toward that end, the GOP hopes to complete negotiations tomorrow night on an emergency farm-aid bill that has grown to nearly $8 billion. The House is retreating from deep Energy Department cuts opposed by Senate Budget Committee Chairman Pete Domenici (R., N.M.). And hundreds of millions of dollars more will be restored for space-science programs cut by the House less than two weeks ago.

The targets would lift spending above what either chamber has approved. The GOP no longer appears to be clinging to the pretense of staying within prescribed budget caps and instead would allow spending to go about $14.5 billion higher.

That number matches the on-budget surplus projected by the Congressional Budget Office, although there is serious doubt it still exists. CBO's estimates show the surplus has been exhausted, given spending commitments by Congress. But by keeping what amounts to two sets of books, Republicans have clung to the claim that excess spending under $14.5 billion won't require borrowing from the Social Security trust fund.

The collapse of the budget caps and shift of focus to Social Security changes the technical nature of the spending debate. The multiyear caps—first adopted as part of the balanced-budget plan in 1997—govern the level of appropriations, which may be spent out during several years. By comparison, the claims and counterclaims about Social Security focus more narrowly on the direct outlays that result from these bills only in the 12-month period that begins Oct. 1.

To the extent Republicans ignore CBO as Congress's scorekeeper, the GOP becomes that much more dependent on the Office of Management and Budget, which is allied with the president. Yet the two sides also have common interests at times in playing down the costs of their actions.

A case in point is the farm package, which would lift total aid to agriculture to more than $20 billion this calendar year. Republicans are desperate to see the money distributed before Oct. 1 so it won't appear that seems unrealistic, it might be to the president's advantage to score the costs as committed in fiscal 1999, so as to minimize any threat to Social Security in fiscal 2000.

The reason why is that Mr. Clinton wants to keep the numbers manageable himself. He will want more spending, for everything from foreign aid to education. But the administration wants to keep the total in add-ons to less than $8 billion so it can pay for the costs and protect Social Security with tobacco taxes.

The chief accomplishment of the GOP plan is to minimize House and Senate differences. The goal is to produce passable bills: between $9 billion to $11 billion is allocated to try to expedite committee action this week on a long-delayed bill funding the departments of Labor, Education, and Health and Human Services. But by pumping so much into defense—about $6 billion over Mr. Clinton's request—the plan doesn't leave enough for other priorities to receive the President's signature.

[From the Washington Post, Sept. 23, 1999]

FAKE DEBATE

On the budget, the Republicans continue unaccountably to set themselves up to fail in this Congress. They set goals that derive from a mythic view of government rather than the reality. Then reality intrudes, and they turn out to lack the votes to attain the goals even within their own caucus.

They began the year by saying they could cut domestic spending for all programs but Social Security deeply enough to produce a $1 trillion surplus over the next 10 years, most of which they proposed to use to pay for a major tax cut. They passed the tax cut, though narrowly, but can't produce majorities for even the first phase of the corresponding spending cuts—and the president is about to veto the tax cut, having made the case that the spending cuts would do serious governmental and social harm.

Their new goal, if they can't have the tax cut, is to hold down domestic spending anyway by invoking Social Security. They propose to outdo the Democrats as protectors of the giant program by using none of the Social Security surplus next fiscal year to cover other governmental costs, as has regularly been done in the recent past. It would all be virtuously used instead to pay down debt. But that requires that spending for everything but Social Security be financed out of non-Social Security taxes, a tight constraint, and they don't have the votes for that either.

What they're doing now is pretending otherwise, not by cutting spending but by shifting it around so that, under the budget conventions, it won't count against next fiscal year's total. They've designated billions of dollars for the census, agriculture and defense as emergency spending. They propose to move billions more into either the current fiscal year, by hurrying it up, at least on paper, or into the fiscal year after next, by delaying it, even if only a few days.

But that matters only in the world of accounting. In the real world, the money still will be spent, and the more that is spent, the less will be available for debt reduction. When they move the money into the adjacent years, they merely eat into those years' likely Social Security surpluses in order to keep up the appearance that next year's will be left intact. But it's merely show.

The projected Social Security surplus for the year that will begin next week, Oct. 1, is about $150 billion. A realistic accounting suggests that at least a fifth of that will be used to cover other governmental costs. Strictly speaking, Social Security will be no worse off; the same IOUs will be placed in the Social Security trust fund whether the money is used to cover other costs or pay down debt. The Congressional Budget Office recently estimated that Congress already has used about $11 billion in Social Security funds. That's without the pending $8 billion-plus in emergency farm aid, and without the $8 billion to $9 billion that congressional leaders themselves now acknowledge will be required to complete the appropriations process.

Missing also was the money—about $3 billion—that the administration is expected to seek to cover peacekeeping costs in Kosovo. Nor were allowances made for Hurricane Floyd, the earthquake in Turkey, the stub of a tax bill that still is likely to pass, some money for the hospitals to make up for Medicare cuts of a couple of years ago that sliced deeper than anticipated, etc. In that real world, they're already past $30 billion and counting.

The Republicans will try to make it seem the president's fault, and he, theirs. But it's no one's fault that they're breaching a limit that has nothing to do with the true cost of government and was never more than a political artifact. What does the harm is not the money they're about to spend. It's the fake debate they continue to conduct.

[From USA Today, Sept. 28, 1999]

CLINTON ANNOUNCES $115 BILLION SURPLUS

(By Laurence McQuillan)

WASHINGTON.—President Clinton said Monday that the projected federal budget surplus for fiscal 1999, which ends Thursday, will be at least $115 billion, the largest in U.S. history.

Clinton, who last week vetoed a GOP plan to cut taxes by $792 billion over 10 years, said the revised budget estimate amounted to "a landmark achievement for our economy." He urged Republicans to work with him on cutting taxes and shoring up the Medicare and Social Security systems.

Although the administration had previously predicted a $99 billion surplus, the Congressional Budget Office had projected a $114 billion figure for the current fiscal year.

"More surplus money for Washington means less money for families and workers across our country," said House Ways and Means Chairman Bill Archer, R-Texas.

Fiscal 1999 will be the second consecutive year there has been a surplus, the first time that has happened since 1957. There was a $69 billion surplus last year.

Virtually all of the surplus is the result of the government collecting more in Social Security taxes than it is paying in benefits.

[From USA Today, Sept. 28, 1999]

CONGRESS LOOKS TO GIMMICKS TO BEND BUDGET RULES

(By William M. Welch)

WASHINGTON.—Declare the Census an emergency. Add a 13th month to the year. Delay mailing government checks to the poor. Take money from the states.

Whether Orwellian or Scrooge-like, these ideas and more have been offered with straight faces in Congress in recent weeks, and some stand a good chance of being passed.

Why? It's budget crunch time in Washington.

As usual, the approach of the federal government's new fiscal year, which begins Friday, is bringing a mad rush to pass the 13 spending bills that are required to finance the normal operations of government.

This time, the strain is higher than ever because Congress and its Republican leaders must make the package fit within the tight budget confines they've set for themselves.

Paradoxically, the political tension comes after both parties have spent most of the year fighting about what to do with $3 trillion in budget surpluses forecast to materialize during the next decade.

But lawmakers in both parties, particularly majority Republicans, have painted themselves into a budget corner with a pair of political vows:

To live within the tight budget limits, called "caps," that both sides agreed to in a balanced-budget deal in 1997.

Not to spend any of Social Security's money on other programs.

The federal government is projected to enjoy a record surplus in fiscal 2000 of $161 billion. Yet if Congress strictly follows the spending limits set in 1997, it would have to cut spending in many programs.

So Congress has been looking for ways to get around both of those commitments.

After failing to find any other good solution, Republican congressional leaders acknowledged recently that they cannot live within the spending limits set two years ago and will approve more spending.

"You have to be honest and acknowledge we're not going to meet the caps," Senate Majority Leader Trent Lott says.

That decision ensures that billions more will be available for education and health programs, but it doesn't resolve the problem created by their second commitment not to spend any of the budget surplus that is tied to Social Security, which accounts for all but $14 billion of next year's expected surplus.

So lawmakers have reached new levels of creativity in their search for ways to spend money without having it count in budget bookkeeping—in other words to tap the Social Security surplus while denying they are doing so.

"The only question is, which gimmicks are we going to use and which new ones are we going to invent?" says Stan Collender, a former budget aide on Capitol Hill and head of the Federal Budget Consulting Group, a fiscal watchdog organization at public relations firm Fleishman-Hillard.

Congress has completed only four of the 13 spending bills, and the most controversial one—for education, labor and health programs—began to take shape only late last week. An $89 billion version of that bill proposed by House GOP leaders is on the cutting edge of budget gimmickry.

Among the examples of creative accounting:

Declare an "emergency" so the money isn't counted against spending limits. Congress has done that liberally with floods, hurricanes, drought and military operations. Now it's considering declaring the $4 billion cost of the 2000 Census an emergency, as well as a $1.1 billion program that helps the poor pay heating bills.

Spend in a 13th month. Congress often uses a device called "advance funding," in which spending in one year is moved to another to keep the books in balance. Clinton proposed doing it in his own budget plan. But this Congress is taking that device to new lengths by shifting nearly $13 billion in the health and education bill into the next year. Senate critics derided the plan as declaring a 13th month of spending.

Whack the states. After assuring governors they wouldn't do it, House GOP leaders now propose to reclaim $3 billion in federal welfare payments to the states that the states haven't spent.

Tap the poor. Another proposal GOP leaders have floated is to delay income tax credits to qualifying low-income families, sending out refunds in a series of checks over the course of the year rather than in one lump sum, as is done now. That would allow the government to hold the money longer.

Congressional Democrats and the White House reacted to each idea with ridicule.

"They can't make their budget work without resorting to cheap gimmicks," Senate Democratic leader Tom Daschle says. "Now reality is meeting rhetoric."

And in the end, some of the proposed gimmicks might be dropped.

"You test them out and see if they've got legs," House Majority Leader Dick Armey, R-Texas, says.

Congressional Republicans acknowledge they won't resolve the budget squeeze before the new fiscal year begins Friday. They're making plans for a stopgap spending measure to keep programs going for another month. That would give both parties time to work out differences and avoid a repeat of the government shutdown in late 1995 and early 1996.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just hope that all Members will come to the floor and vote for this continuing resolution so that we can continue the appropriations process.

Mr. FROST. Mr. Speaker, after discussions with the White House, it is my and Congressman GENE GREEN's understanding that H.J. Res. 68 continues the moratorium placed on the Department of Interior from implementing final rulemaking regarding the valuation of crude oil for royalty purposes.

Section 101(a) of H.J. Res. 68 states: "Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 1999 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1999 and for which appropriations, funds, or other authority would be available in the following appropriations acts: (7) the Department of Interior and Related Agencies Appropriations Act, 2000;"

I appreciate this clarification from the White House.

Mr. OBEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for general debate has expired.

Pursuant to House Resolution 305, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 2, answered "present" 1, not voting 9, as follows:

[Roll No. 453]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

DeFazio
Paul

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—9

Bishop
Cox
Hoyer
Miller, George
Moran (VA)
Riley
Rush
Scarborough
Wu

□ 1405

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MORAN of Virginia. Mr. Speaker, earlier today I was unavoidably detained by official business and, as a result, missed roll call vote number 453. Had I been present, I would have voted "yea" on this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.Res. 292, by the yeas and nays;

H.Res. 297, by the yeas and nays; and

H.Res. 306, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPRESSING SENSE OF HOUSE REGARDING EAST TIMOR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 292, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H.Res. 292, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 38, answered "present" 1, not voting 4, as follows:

[Roll No. 454]

YEAS—390

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—38

Archer
Bartlett
Bonilla
Brady (TX)
Burton
Chenoweth
Coble
Collins
Combest
Cubin
Dickey
Doolittle
Duncan
Everett
Goode
Gutknecht
Hall (TX)
Hansen
Hayes
Hefley
Hoekstra
Johnson, Sam
Jones (NC)
Manzullo
Metcalf
Moran (KS)
Ney
Paul
Petri
Schaffer
Sensenbrenner
Sessions
Shuster
Souder
Stump
Tancredo
Taylor (NC)
Thune

ANSWERED "PRESENT"—1

Barr

NOT VOTING—4

Hoyer
Riley
Scarborough
Wu

□ 1425

Messrs. GUTKNECHT, SOUDER, HOEKSTRA, METCALF, SHUSTER, MORAN of Kansas, and ARCHER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "A resolution expressing the sense of the House of Representatives regarding the referendum in East Timor, calling on the Government of Indonesia to assist in the termination of the current civil unrest and violence in East Timor, and supporting the United Nations Security Council-endorsed multinational force for East Timor.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further consideration.

EXPRESSING SYMPATHY FOR VICTIMS OF DEVASTATING EARTHQUAKE IN TAIWAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 297, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 297, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 455]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin

Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Barton
Hoyer
Jefferson
Obey
Riley
Scarborough
Thomas
Walsh
Wu

□ 1433

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TANCREDO. Mr. Speaker, earlier today, I was present on the House floor and voted "aye" on House Resolution 306, dealing with the use of Social Security funds, roll call vote number 456. For some reason, the voting machine did not record my vote.

EXPRESSING DESIRE OF HOUSE REGARDING BUDGET SURPLUS AND RETIRING THE PUBLIC DEBT

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 306.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the resolution, H. Res. 306, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, answered "present" 6, not voting 8, as follows:

[Roll No. 456]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)

Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Nadler
Sabo

ANSWERED "PRESENT"—6

Blumenauer
Capuano
Frank (MA)
Houghton
Schakowsky
Watt (NC)

NOT VOTING—8

Gutierrez
Hoyer
Obey
Riley
Scarborough
Tancredo
Thomas
Wu

□ 1442

Mr. BLUMENAUR and Mr. HOUGHTON changed their vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, on rollcall Nos. 455 and 456, I was emavoidably detained. Had I been present, I would have voted "Yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 299

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1445

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from Rochester, NY (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair and appropriate rule for this particular legislation. In fact, had it not been for the amount of money H.R. 2506 authorizes, doubling the current authorization level to $900 million, the bill would have been considered under the suspension process. The bill was voted out of the Committee on Commerce by a voice vote and the Committee on Rules reported a modified open rule to ensure that no extraneous amendments to the Public Health Service Act would be considered. The rule allows any Member who has preprinted an amendment in the CONGRESSIONAL RECORD to offer that amendment. This will ensure a full and open, yet targeted debate on the merits of this particular agency covered by this legislation.

When the Agency for Health Care Policy and Research, AHCPR as it is known in its acronym, was created in 1989, the health care universe looked far different than it does today. Traditional fee for service plans still dominated the market and managed care was still very much in its infancy period. Utilization review, peer review, these were largely unknown concepts, at least fully tried or tested. H.R. 2506 modernizes the agency to reflect these and other changes and provides resources to enable more effective collection of data.

Many Americans sitting at home watching may be wondering why we need yet another Federal agency involved in health care quality. Well, health care quality is a critical issue these days. As someone who has always believed that Congress too often stands in the way of true health care quality, I share concern with the people at home who are worried about this. To the extent that this "reformed" agency can promote better research and encourage successful partnerships between the public and private sectors with limited Federal red tape, it can be a worthy investment. And, of course, that is the goal. But we must retain vigorous oversight and maintain high expectations to ensure that these precious taxpayer dollars are indeed put to good use. Again, we think that is the reason for this legislation and we congratulate its authors for this effort.

As I stated before, this is an eminently fair rule that should engender no controversy as far as I know.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my distinguished colleague from Florida for yielding me the 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is an "almost open" rule, for the majority has again relied on a preprinting requirement for amendments which may affect some Members of the House. But I rise in support of the rule and in support of H.R. 2506, the Health Research and Quality Act of 1999. The bill is being brought to the floor by the gentleman from Florida (Mr. BILIRAKIS) for the majority and the gentleman from Ohio (Mr. BROWN) for the minority.

This bipartisan legislation reauthorizes the Agency for Health Care Policy and Research and renames the agency as the Agency for Health Research and Quality, AHRQ, pronounced "arc." This agency promotes health care quality through research, synthesizing and consolidating medical information, and disseminating scientific evidence. Building on its current initiatives, the agency will play a key role in partnering with the private sector to improve the quality of health care in the United States.

As a longtime supporter of health care research, I believe this piece of legislation will benefit patients, caregivers and insurance providers with vital information and statistics on how to improve the Nation's health care system. The agency's research and information consolidation will play a key role in extending quality care and improving health service delivery throughout the country. This agency provides vital information and resources that foster improvement in health care systems from America's smallest rural townships to its most populous inner cities.

The agency's mission includes fostering the extension of quality health care systems to those Americans left behind as our Nation continues its economic growth. The agency's work is especially important as health care delivery in our country evolves. When the AHCPR was established a little over 10 years ago, the health care system was vastly different from what we know today. More people now receive their care through managed plans and HMOs. The growing complexity of health plans bewilderers many patients and contributes to the growing tensions between patients and insurers.

This legislation directs AHRQ to address the public's growing concern for the quality of patient care and the number of medical errors that continue to grow each day. Their research helps hospitals and clinics around the country to reduce the injuries arising from mismanagement of cases.

A recent study examined the records of more than 30,000 hospital patients in my home State of New York. The study found that nearly 4 percent of patients suffered serious injuries that were related to the management of their illnesses rather than the illnesses themselves. This is a vital area of research for the agency and another reason why the reauthorization of funding for this agency and the redirection of its mission is important.

The legislation does more than merely change the name of the agency. It directs the agency to develop new public-private partnerships in the health care arena. This will bring new perspectives to improving the dissemination of health information and the development of health care systems that better serve our neighborhoods, towns and cities. These partnerships will also leverage greater private investment and commitment to creating improved health care service systems throughout the Nation. In the process, AHRQ will also support increased efficiency and quality of Federal program management.

According to testimony provided to the committee during a recent hearing, nine out of 10 people surveyed supported health research as well as the amount of Federal money spent on our Nation's health care. Mr. Speaker, this agency costs just one one-hundredth of one percent of the total funds spent by the government on health care and is a sound investment in our Nation's future health.

I support this initiative even though it is only a modest step toward guaranteeing that all our citizens have access to the finest medical care in the world. Citizens across the United States are crying out for more. We need comprehensive health care reform that includes a provision to ban genetic discrimination in insurance. We need a true Patients' Bill of Rights.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I prove the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 299 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2506.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring H.R. 2506, the Health Research and Quality Act of 1999, to the floor today. This widely supported bipartisan bill was approved by voice vote in the Committee on Commerce and the Subcommittee on Health and Environment. In April, experts from both the public and private sector testified about the critical function of this agency at a hearing before the subcommittee.

I introduced this measure jointly with the gentleman from Ohio (Mr. BROWN), the ranking member of the House Commerce Subcommittee on Health and Environment, to reauthorize the Agency for Health Care Policy and Research and redefine its mission. Our bill renames it as the Agency for Health Research and Quality, or, one of those famous Washington acronyms, AHRQ.

The purpose of this new name, and the reauthorization, is to foster comprehensive improvements in our health care system. Our bill refocuses the efforts of this critical agency to support private sector initiatives. Building on its current activities, the new agency will become a key partner to the private sector in improving the quality of health care in America.

The bill specifically prohibits the agency from mandating national standards of clinical practice or quality health care standards. Instead, it emphasizes the agency's nonregulatory role in building the science of health care quality.

The bill also includes provisions to overcome barriers to access to preventive health care through a public-private partnership. It authorizes grants for the establishment of regional centers to improve and increase access to preventive health care services.

By approving the legislation before us, we can ensure the continued availability of the objective, science-based information this agency provides.

I urge Members to join us in supporting passage of H.R. 2506, the Health Research and Quality Act of 1999.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

I am pleased that the gentleman from Florida (Mr. BILIRAKIS) and I could work together to introduce the Health Research and Quality Act and pass it out of the Committee on Commerce. We hold similar views on why this issue is important. It is important because research is important.

The U.S. health care system is far from transparent. In fact, in many ways it is not even a system. It is a complex set of relationships influenced by science, demographics, politics, money and cultural trends. Whether the focus is on health care financing or health care delivery, common sense alone rarely explains what is going on. In fact, it often throws policymakers off track. If we want to improve on the status quo in health care, we have to get a realistic picture of what the status quo is. By conducting and supporting health services research, AHCPR helps paint that picture for us.

If we want to improve on the status quo in health care, we have got to find out what improvement actually means. By conducting and supporting outcomes, effectiveness and cost effectiveness research, AHCPR helps us determine the best way to spend the limited health care dollars that we do have.

And if we want to improve on the status quo in health care, we need to get the word out to the people in the institutions, in the agencies and the industries that somehow keep the whole thing running. By disseminating research and data broadly, AHCPR helps ensure that our investment in data collection, health services research and biomedical research pays off.

This reauthorization makes research and broad dissemination of information AHCPR's main focus. We could definitely use more of both.

I urge support of this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise today in support of H.R. 2506, the Health Research and Quality Act. First I want to thank the bill's author the gentleman from Florida (Mr. BILIRAKIS) and the cosponsors for all their hard work on this issue.

H.R. 2506 is an important piece of legislation which will improve the quality of health care by directing the Agency for Health Care Policy and Research to emphasize medical research, synthesizing and disseminating scientific evidence, and advancing public and private efforts to improve health care quality.

With the explosion of medical research and information being produced, medical practitioners face the increasingly difficult task of keeping current with medical literature and putting the latest scientific findings into perspective. As one study indicated, even if a doctor read two peer-reviewed journals each night for a year, he or she would still be 800 years behind in their reading.

Access to up-to-date, quality research will improve the care that patients obtain from all levels of the health care system. H.R. 2506 will provide a means whereby medical group practices can obtain and contribute to such a body of information. This legislation frees the Agency for Health Care Policy and Research from the difficult task of providing guidelines and standards of care and allows it to focus on providing unbiased, science-based research to the health care community. H.R. 2506 will help health care professionals and policymakers better understand the future demands on the Nation's health care system.

Again, I lend my strong support to this measure and urge my colleagues to join me in voting in favor of the Health Research and Quality Act of 1999.

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Mr. BILIRAKIS. Mr. Chairman, I yield such time as he may consume to another gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise to strongly support H.R. 2506, and let me just say as someone who has the privilege of representing the 49th District of California, one of the capitals of both public and private research, I want to commend the chairman and the ranking member for a cooperative effort here at really serving the American people.

The concept of reform and change sometimes scares people in these chambers and they worry about what could go wrong, and I think we have to remind ourselves again and again that reform and change is also an essential step to improvement. And this bill will allow us to take that step towards an improvement of not only the cost effectiveness, the cost efficiency, but also the effectiveness of our total health care system through the information age.

Mr. Chairman, 2506 will be that kind of step. And I hope that in the future we will be able to look back at H.R. 2506 and look back at the cooperative effort between the chairman of the subcommittee and the ranking member of this subcommittee and say this was the beginning of a very productive relationship between both sides of the aisle and a productive relationship with the American people and their health care system.

Mr. Chairman, I would ask all of us to support this bill and support the attitude that is behind this bill and to support the entire concept that Democrats and Republicans can work together for the good of the safety and the health of the American people.

Mr. BLILEY. Mr. Chairman, I commend the gentlemen from Florida and Ohio for bringing H.R. 2506, the Health Research and Quality Act of 1999, to the floor. This legislation, introduced by Representatives BILIRAKIS and BROWN, represents an important commitment to provide the science-based evidence that we need to improve health care quality.

We need sound and reliable information to help patients make informed decisions, to help health care providers make sense of new discoveries, to help purchasers get value for their health care dollar, and to help avoid medical errors. Today's legislation builds on the progress the Agency for Health Care Policy and Research has already made. It will enable us to benefit from our investment in biomedical research, to improve the health care delivery programs under our jurisdiction, and to build the science of quality measurement and improvement.

This emphasis on quality measurement and improvement is important. The focus on health outcomes is critical. If we are unable to determine the long-term effect of the care patients receive today, we will be unable to improve upon that care tomorrow. To address the full continuum of care and outcomes research, and to link research directly with clinical practice in geographically diverse locations throughout the United States, this bill stresses the importance of health care improvement research centers and provider-based research networks.

Since the science of outcomes research is complex, this bill requires the agency to support research and evaluation to advance the use of information systems for the study of health care quality and outcomes. The importance of outcomes research and information dissemination in the continuous improvement of patient care cannot be overstated. For example, in the area of cancer care, the ability to chart patient outcomes from a variety of interventions and communicate these outcomes effectively among practitioners will allow significant improvement in the treatment of all types of cancer.

In summary, Mr. Chairman, the Health Research and Quality Act of 1999 is a sound investment in the future; it is legislation that both sides of the aisle can support. The Commerce Committee gave unanimous approval to this legislation and I hope it will enjoy similar support on the floor today.

Mr. BALDACCI. Mr. Chairman, I commend the Chairman, Mr. BILIRAKIS, and the Ranking Member, Mr. BROWN, for introducing this valuable legislation. I particularly want to thank the Members for the special attention given to rural health care in the bill.

Access and quality of health care in rural America is of particular importance to me. I represent the largest geographic district east of the Mississippi. Recently, compounding changes in Medicare reimbursement and regulations have had a devastating impact on my district, and have endangered a very vulnerable population of my state. People in rural areas do not have the same choices available to those in urban areas. I am concerned that the rate of the uninsured in Maine continues to grow. Maine citizens rely heavily on community care, and we ought to promote research into enhancing quality of and access to health care in these areas. Careful studies of the delivery of health services in rural America will allow us to make better public policy, and I thank the Chairman and Ranking Member for their attention to this issue.

I am also pleased to see the legislation address the critical issue of health insurance. Section 913 requires that there must be surveys on, among other factors, the types and costs of private health insurance. As we know, there is a growing trend to consolidation among health insurance companies, and I am particularly concerned about the ability of these large companies to direct costs and types of care offered when they buy out smaller local insurers. It is my hope that with this component of the bill, we will gain a better understanding of what effect the consolidation in the health insurance market is having on quality, access, and cost of insurance to rural Americans. Again, I thank the Chairman and Ranking Member for addressing this issue.

Mr. BILIRAKIS. Mr. Chairman, we have no further requests for time.

Mr. BROWN of Ohio. Mr. Chairman, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Research and Quality Act of 1999".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

"TITLE IX—AGENCY FOR HEALTH RESEARCH AND QUALITY

"PART A—ESTABLISHMENT AND GENERAL DUTIES

"SEC. 901. MISSION AND DUTIES.

"(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Health Research and Quality, which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this title acting through the Director.

"(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by—

"(1) conducting and supporting research that develops and presents scientific evidence regarding all aspects of health, including—

"(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

"(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

"(C) existing and innovative technologies;

"(D) the costs and utilization of, and access to health care;

"(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

"(F) methods for measuring quality and strategies for improving quality; and

"(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

"(2) synthesizing and disseminating available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

"(3) advancing private and public efforts to improve health care quality.

"(c) REQUIREMENTS WITH RESPECT TO RURAL AREAS AND PRIORITY POPULATIONS.—In carrying out subsection (b), the Director shall undertake and support research, demonstration projects, and evaluations with respect to—

"(1) the delivery of health services in rural areas (including frontier areas);

"(2) health services for low-income groups, and minority groups;

"(3) the health of children;

"(4) the elderly; and

"(5) people with special health care needs, including disabilities, chronic care and end-of-life health care.

"SEC. 902. GENERAL AUTHORITIES.

"(a) IN GENERAL.—In carrying out section 901(b), the Director shall support demonstration projects, conduct and support research, evaluations, training, research networks, multi-disciplinary centers, technical assistance, and the dissemination of information, on health care, and on systems for the delivery of such care, including activities with respect to—

"(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;

"(2) quality measurement and improvement;

"(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;

"(4) clinical practice, including primary care and practice-oriented research;

"(5) health care technologies, facilities, and equipment;

"(6) health care costs, productivity, organization, and market forces;

"(7) health promotion and disease prevention, including clinical preventive services;

"(8) health statistics, surveys, database development, and epidemiology; and

"(9) medical liability.

"(b) HEALTH SERVICES TRAINING GRANTS.—

"(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487.

"(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers addressing the priority populations.

"(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

"(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

"(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

"PART B—HEALTH CARE IMPROVEMENT RESEARCH

"SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.

"(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems that it uses to assess health care research results, particularly methods or systems that it uses to rate the strength of the scientific evidence behind health care practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

"(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—

"(1) IN GENERAL.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

"(A) Health Care Improvement Research Centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

"(B) Provider-based Research Networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and promote quality improvement; and

"(C) other innovative mechanisms or strategies to link research with clinical practice.

"(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

"SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.

"(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—

"(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accrediting organizations.

"(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include—

"(A) the identification and assessment of methods for the evaluation of the health of—

"(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

"(ii) other populations, including those receiving long-term care services;

"(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

"(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

"(D) assistance in the development of improved health care information systems;

"(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their health care; and

"(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

"(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

"(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

"(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

"(A) The conduct of state-of-the-art research for the following purposes:

"(i) To increase awareness of—

"(I) new uses of drugs, biological products, and devices;

"(II) ways to improve the effective use of drugs, biological products, and devices; and

"(III) risks of new uses and risks of combinations of drugs and biological products.

"(ii) To provide objective clinical information to the following individuals and entities:

"(I) Health care practitioners and other providers of health care goods or services.

"(II) Pharmacists, pharmacy benefit managers and purchasers.

"(III) Health maintenance organizations and other managed health care organizations.

"(IV) Health care insurers and governmental agencies.

"(V) Patients and consumers.

"(iii) To improve the quality of health care while reducing the cost of health care through—

"(I) an increase in the appropriate use of drugs, biological products, or devices; and

"(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

"(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

"(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs.

"(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to—

"(1) identify the causes of preventable health care errors and patient injury in health care delivery;

"(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

"(3) promote the implementation of effective strategies throughout the health care industry.

"SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.

"(a) IN GENERAL.—In carrying out 902(a), the Director shall—

"(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population and also for populations identified in section 901(c); and

"(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

"(b) QUALITY AND OUTCOMES INFORMATION.—

"(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

"(A) identify determinants of health outcomes and functional status, the needs of special populations in such variables as well as an understanding of changes over time, relationships to health care access and use, and monitor the overall national impact of Federal and State policy changes on health care;

"(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population; and

"(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey.

In expanding the Medical Expenditure Panel Survey, as in existence on the date of enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

"(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

"SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.

"(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall support research, evaluations and initiatives to advance—

"(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

"(2) training for health care practitioners and researchers in the use of information systems;

"(3) the creation of effective linkages between various sources of health information, including the development of information networks;

"(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

"(5) the structure, content, definition, and coding of health information data and medical vocabularies in consultation with appropriate Federal entities and shall seek input from appropriate private entities;

"(6) the use of computer-based health records in outpatient and inpatient settings as a personal health record for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

"(7) the protection of individually identifiable information in health services research and health care quality improvement.

"(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their caregivers.

"SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.

"(a) PREVENTIVE SERVICES TASK FORCE.—

"(1) PURPOSE.—The Agency shall provide ongoing administrative, research, and technical support for the operation of the Preventive Services Task Force. The Agency shall coordinate and support the dissemination of the Preventive Services Task Force recommendations.

"(2) OPERATION.—The Preventive Services Task Force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous recommendations, regarding their usefulness in daily clinical practice. In carrying out its responsibilities under paragraph (1), the Task Force shall not be subject to the provisions of Appendix 2 of title 5, United States Code.

"(b) PRIMARY CARE RESEARCH.—

"(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the 'Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

"(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

"(A) the nature and characteristics of primary care practice;

"(B) the management of commonly occurring clinical problems;

"(C) the management of undifferentiated clinical problems; and

"(D) the continuity and coordination of health services.

"SEC. 916. CLINICAL PRACTICE AND TECHNOLOGY INNOVATION.

"(a) IN GENERAL.—The Director shall promote innovation in evidence-based clinical practice and health care technologies by—

"(1) conducting and supporting research on the development, diffusion, and use of health care technology;

"(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and health care technologies;

"(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

"(4) promoting education, training, and providing technical assistance in the use of health care practice and health care technology assessment methodologies and results; and

"(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

"(b) SPECIFICATION OF PROCESS.—

"(1) IN GENERAL.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for practice and technology assessment.

"(2) CONSULTATIONS.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall *seek input, where appropriate, from professional societies and other private and public entities.*

"(3) METHODOLOGY.—The Director shall, in developing the methods used under paragraph (1), consider—

"(A) safety, efficacy, and effectiveness;

"(B) legal, social, and ethical implications;

"(C) costs, benefits, and cost-effectiveness;

"(D) comparisons to alternate technologies and practices; and

"(E) requirements of Food and Drug Administration approval to avoid duplication.

"(c) SPECIFIC ASSESSMENTS.—

"(1) IN GENERAL.—The Director shall conduct or support specific assessments of health care technologies and practices.

"(2) REQUESTS FOR ASSESSMENTS.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

"(3) GRANTS AND CONTRACTS.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

"(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, and consortia of appropriate research entities established for the purpose of conducting technology assessments.

"SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

"(a) REQUIREMENT.—

"(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

"(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

"(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

"(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

"(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and

"(D) strengthen the management of Federal health care quality improvement programs.

"(b) STUDY BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

"(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

"(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

"(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

"(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

"(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

"(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various federal agencies.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

"(i) not later than 12 months after the date of enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) not later than 24 months after the date of enactment of this title, of a final report containing recommendations.

"(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

"PART C—GENERAL PROVISIONS

"SEC. 921. ADVISORY COUNCIL FOR HEALTH CARE RESEARCH AND QUALITY.

"(a) ESTABLISHMENT.—There is established an advisory council to be known as the Advisory Council for Health Care Research and Quality.

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the purpose of the Agency under section 901(b).

"(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

"(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

"(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

"(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

"(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 18 appropriately qualified individuals. At least 14 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States. The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

"(A) 3 shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;

"(B) 3 shall be individuals distinguished in the practice of medicine of which at least 1 shall be a primary care practitioner;

"(C) 3 shall be individuals distinguished in the other health professions;

"(D) 3 shall be individuals either representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

"(E) 3 shall be individuals distinguished in the fields of health care quality improvement, economics, information systems, law, ethics, business, or public policy; and

"(F) 3 shall be individuals representing the interests of patients and consumers of health care.

"(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

"(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

"(B) such other Federal officials as the Secretary may consider appropriate.

"(d) TERMS.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years. A member of the Council appointed under such subsection may continue to serve after the expiration of the term of the members until a successor is appointed.

"(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

"(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

"(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

"(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

"(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

"(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

“SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

“(a) REQUIREMENT OF REVIEW.—

“(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

“(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

“(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

“(c) ESTABLISHMENT OF PEER REVIEW GROUPS.—

“(1) IN GENERAL.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

“(2) MEMBERSHIP.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

“(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

“(4) QUALIFICATIONS.—Members of any peer-review group shall, at a minimum, meet the following requirements:

“(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

“(B) Such members shall agree in writing to recuse themselves from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

“(d) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

“(e) REGULATIONS.—The Director shall issue regulations for the conduct of peer review under this section.

“SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

“(a) STANDARDS WITH RESPECT TO UTILITY OF DATA.—

“(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

“(A) other Federal health data collection standards; and

“(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

“(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

“(b) STATISTICS AND ANALYSES.—The Director shall—

“(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

“(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

“(c) AUTHORITY REGARDING CERTAIN REQUESTS.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

“SEC. 924. DISSEMINATION OF INFORMATION.

“(a) IN GENERAL.—The Director shall—

“(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

“(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

“(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

“(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public and private entities and individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

“(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

“(b) PROHIBITION AGAINST RESTRICTIONS.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

“(c) LIMITATION ON USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

“(d) PENALTY.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

“SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

“(a) FINANCIAL CONFLICTS OF INTEREST.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

“(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

“(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

“(b) REQUIREMENT OF APPLICATION.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

“(c) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.—

“(1) IN GENERAL.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

“(2) CORRESPONDING REDUCTION IN FUNDS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“(d) APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

“SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.

“(a) DEPUTY DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.—

“(1) DEPUTY DIRECTOR.—The Director may appoint a deputy director for the Agency.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

"(b) FACILITIES.—The Secretary, in carrying out this title—

"(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Director of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed 10 years; and

"(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

"(c) PROVISION OF FINANCIAL ASSISTANCE.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

"(d) UTILIZATION OF CERTAIN PERSONNEL AND RESOURCES.—

"(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

"(2) OTHER AGENCIES.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

"(e) CONSULTANTS.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

"(f) EXPERTS.—

"(1) IN GENERAL.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

"(2) TRAVEL EXPENSES.—

"(A) IN GENERAL.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(C) of title 5, United States Code.

"(B) LIMITATION.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(g) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

"SEC. 927. FUNDING.

"(a) INTENT.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.

"(c) EVALUATIONS.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

"SEC. 928. DEFINITIONS.

"In this title:

"(1) ADVISORY COUNCIL.—The term 'Advisory Council' means the Advisory Council on Health Care Research and Quality established under section 921.

"(2) AGENCY.—The term 'Agency' means the Agency for Health Research and Quality.

"(3) DIRECTOR.—The term 'Director' means the Director of the Agency for Health Research and Quality.".

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Section 901(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of enactment of this Act, and not as the termination of such agency and the establishment of a different agency. The amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the agency on the day before such date.

(2) REFERENCES.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Health Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research Quality.

AMENDMENT NO. 3 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BILIRAKIS:

Page 3, line 2, strike "by" and all that follows through "research" on line 3 and insert the following: "by conducting and supporting—

"'(1) research".

Page 4, line 3, strike "synthesizing and disseminating" and insert "the synthesis and dissemination of".

Page 4, line 7, strike "advancing" and insert "initiatives to advance".

Page 4, beginning on line 11, strike "shall undertake" and all that follows through "evaluations" on line 12 and insert the following: "shall conduct and support research and evaluations, and support demonstration projects,".

Page 4, line 25, strike "shall support" and all that follows through "activities" on page 5, line 4, and insert the following: "shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities".

Page 6, line 5, strike "made available under section 487" and insert "made available under section 487(d)(3) for the Agency".

Page 7, beginning on line 21, strike "that it uses".

Page 7, line 23, strike "that it uses".

Page 7, line 24, strike "behind health care practice" and insert "underlying health care practice".

Page 8, beginning on line 15, strike "Health Care Improvement Research Centers" and insert "health care improvement research centers".

Page 8, line 20, strike "Provider-based Research Networks" and insert "provider-based research networks".

Page 8, line 23, insert "evaluate and" before "promote quality improvement".

Page 13, beginning on line 7, strike "In carrying out 902(a), the Director" and insert "The Director".

Page 14, beginning on line 5, strike ", the needs" and all that follows through "and monitor" on line 8 and insert the following: ", including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor".

Page 15, beginning on line 10, strike "shall support research, evaluations and initiatives to advance" and insert "shall conduct and support research, evaluations, and initiatives to advance".

Page 18, beginning on line 15, strike "clinical practice and health care technologies" and insert "health care practices and technologies".

Page 18, beginning on line 21, strike "health care practices and health care technologies" and insert "health care practices and technologies".

Page 19, line 1, strike "promoting education, training, and providing" and insert "promoting education and training and providing".

Page 19, beginning on line 2, strike "health care practice and health care technology assessment" and insert "health care practice and technology assessment".

Page 20, line 4, insert "health care" before "technologies".

Page 25, line 5, insert "National" before "Advisory Council".

Page 29, beginning on line 4, strike "the maximum rate of basic pay payable for GS-18 of the General Schedule" and insert the following: "the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council".

Page 43, line 2, insert "National" before "Advisory Council".

Mr. BILIRAKIS. Mr. Chairman, this is an en bloc technical amendment to section 2 of the bill as reported by the Committee on Commerce. Section 2 of the bill is divided into three parts.

Part A provides for the reauthorization of the agency for health care policy and research and renames it the Agency for Health Research and Quality and outlines the agency's mission and general authorities. Part A also establishes specific requirements that the agency must meet as well as limitations on the agency's authority and provides the agency with authority to support training programs.

Part B outlines the specific programmatic authority of the agency in six broad areas and includes a seventh section to promote coordination and reduce unnecessary duplication of existing health services, research, quality research, and improvement activities. The six programmatic areas include outcomes research, organization and delivery research, quality and cost of care research, and data development information systems for health care improvement, primary care and access research, and practice and technology assessment.

Part C governs the daily administration of the agency, establishes its national advisory counsel and sets the authorization levels for the agency. This section outlines the agency's authority to support grants and contracts and establishes requirements for scientific peer review of research funded by the agency and the dissemination of research findings.

The committee was unable, Mr. Chairman, to make these technical corrections to the text of the bill before reporting it, however we have met with the minority and with the administration, and we are all in agreement that these amendments are technical in nature, improve the underlying text and do not make substantive changes in the bill as it was reported. For these reasons, I ask my colleagues for support of this en bloc amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I agree. I concur with what the gentleman said. This is a by and large technical amendment that we worked on together as we worked on the bill together, and I ask my colleagues to support the Bilirakis amendment.

Mr. BILIRAKIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ANDREWS:

Page 16, after line 15, insert the following subsection:

(c) CERTAIN LINKAGES REGARDING HEALTH INFORMATION.—Initiatives under subsection (a) shall include the establishment, through a site maintained by the Director on the telecommunications medium known as the World Wide Web, of linkages that enable users of the site to obtain information from consumer satisfaction agencies or other entities that perform evaluations regarding the quality of health care, including more than one link to entities that evaluate health maintenance organizations, and including a link of the National Committee for Quality Assurance.

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent that slight technical modifications to the underlying amendment be considered in order.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Mr. ANDREWS:

Page 16, after line 15, insert the following subsection:

(c) CERTAIN LINKAGES REGARDING HEALTH INFORMATION.—Initiatives under subsection (a) shall include the establishment, through a site maintained by the Director on the telecommunications medium known as the World Wide Web, of linkages that enable users of the site to obtain information from consumer satisfaction agencies or other entities that perform evaluations regarding the quality of health care, including more than one link to entities that evaluate health maintenance organizations, and including a link of the National Committee for Quality Assurance.

Mr. ANDREWS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I first wanted to thank and congratulate the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for their leadership in bringing this legislation to the floor. It is worthy of unanimous support of the House, and I enthusiastically support the bill.

My amendment speaks to a very traditional value and a new technology. The traditional value is enlightened consumer choice. When we buy a toaster or an automobile or a house, we have all kinds of information available to us about the quality of the product that we are buying. There are government and private for-profit and private nonprofit sources of such information readily available. So should such information be available with respect to health care plans; and that is where this traditional value is combined with a new technology, the World Wide Web.

The purpose of my amendment is to call on the AHCPR to make available on a web site on the World Wide Web a collection of information offered by nonprofit and public groups that evaluate and give information about the quality of health care plans to consumers. If this amendment is included, consumers will be able to visit the web site and click on information from groups such as the National Committee for Quality Assurance and other institutions that provide independent, verifiable, valuable information to consumers about the quality of health insurance choices available to them. I believe that by bringing together the traditional concept of consumer empowerment and the relatively new technology of the World Wide Web that we help more American decision makers make better decisions about the health care choices before them.

Mr. Chairman, I urge the adoption of the amendment.

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey.

The majority has had an opportunity to review the amendment which would require that, as the gentleman said, that the director maintain Internet linkages to appropriate sites and provide information on consumer satisfaction with health care and specifically health maintenance organizations, and we are prepared to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

I rise in support of the Andrews amendment and compliment him on his forward thinking on this issue. Transparency in the health care system is particularly important. I think this will contribute to that, and I ask Members on this side of the aisle and both sides of the aisle to support the Andrews amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment, as modified, was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. DAVIS of Illinois:

Page 6, strike lines 6 through 10 and insert the following:

"(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are members of one of the priority populations and the number of trained researchers who are addressing the priority populations.

Mr. DAVIS of Illinois. Mr. Chairman, let me first of all commend the gentleman from Florida (Mr. BILIRAKIS) and the ranking member, the gentleman from Ohio (Mr. BROWN), for the work that they have done on this particular bill.

Mr. Chairman, the mission of this bill is to enhance the quality appropriateness and effectiveness of health services and access to those services. The amendment that I offer today is consistent with the underlying mission of the bill. This amendment seeks to address the issue of under-representation of individuals from the priority populations who receive training funds. This amendment merely suggests that the director take into consideration to the extent possible shortages in the number of trained researchers who are members of one of the priority populations and the number of trained researchers who are addressing the priority populations.

Mr. Chairman, it is my position that trained individuals with the greatest levels of contact, experiences and interactions with priority populations have a better chance to have acquired keener insight into understanding the characteristics and behaviors of these population groups. That keener insight may help them better understand factors which impede individuals in priority populations from movement towards acquisition of equity in health care and health status. Their greater familiarity with low-income and minority groups may afford them the level of sensitivity that is needed to get them the results which are desired.

Mr. Chairman, it is not easy to arrive at the desired results because when we look at the numbers of pre- and postdoctoral fellows, health researchers and medical doctors, the numbers from priority populations are very low and, in some instances, are in danger of even getting lower. According to Dr. Robert G. Petersdor, President of the Association of Medical Colleges, in 1992, he stated that not only have we not made any progress since the mid-1970s toward our goal of providing equitable access to medical school for students from all of society, we have been losing ground. For example, in 1996 there were reported to be 737,734 physicians in this country: 373,539 or 50.6 percent were of the majority population, 13,759 or 1.8 percent were black, 21,841 or 3.0 percent were Hispanic, 48,913 or 6.6 percent were Asian Oriental, 225 or .0003 or three tenths of one thousandth percent were American Native Alaskan, 11,943 or 1.6 percent with others, and 267,544 or 36.0 percent were unknown. Of course, the American Medical Association only had racial and ethnic data on about 64 percent of all the physicians in the United States.

In 1996, there were 100 fewer under-represented minorities accepted into medical schools and only 10 percent of all medical school graduates were members of these under-represented minority groups who make up a total of approximately 28 percent of the total U.S. population.

□ 1515

We ought to make every effort to find individuals from these populations; and, in addition, we must make sure that these priority populations are adequately covered in terms of the number of trained researchers. It is my understanding that the Department of Health and Human Services supports this amendment and agrees that this effort must be made.

Therefore, I would urge its immediate adoption.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the majority has had an opportunity to review the amendment which would require, as the gentleman said, that the director in allocating health services training grants under section 902 take into consideration shortages in the number of trained researchers who are one of a number of priority populations, as well as shortages in the number of trained researchers who are addressing the priority of populations. We are prepared to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Davis amendment and commend the gentleman on his work in promoting equal access for medical researchers and medical training. I think it is certainly an issue whose time has come. I thank the gentleman from Illinois for his work and ask the support of the House for the Davis amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

AMENDMENTS NO. 2 AND NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 4, line 14, insert "In inner-city areas and" after "health services".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member and the chairman and their staff for the cooperation with my staff on an issue that I think we all can agree on. Let me also note my agreement with the amendments of the gentleman from Illinois (Mr. DAVIS), in talking about adding historically black colleges and Hispanic-serving colleges to the idea or the concept of research.

This amendment adds the language "inner-city" to the provision of the bill which speaks to rural health care, and it does speak to minority groups; but this now makes it in particular an emphasis on some of our urban and inner-city areas.

I come from one of the largest cities in the Nation, in fact the fourth largest city in the Nation, and am an avid supporter for the access of health care to be spread throughout our Nation, rural areas, urban areas, and our particular unique groups. But I think it is important to emphasize some of the special health care needs that we find in the inner city in populations that tend to be minority.

For example, let me bring to the attention of my colleagues that, although we are talking about another matter, appropriations, I do not know if they are aware of the fact that last year we had 783 rural health clinics, and we are now down to 483 rural health clinics, particularly in my State, in the State of Texas.

In addition, we have determined that a one-third decrease has occurred in inner-city health clinics. So we know for sure that we are declining in the access of health care. So this particular legislation, which focuses on the research and determination of access and better health care, is extremely important.

If I might cite for you the issue of AIDS, it disproportionately affects the minority populations. Racial and ethnic minorities constitute approximately 25 percent of the total U.S. population, yet they account for nearly 54 percent of all AIDS cases. During 1995 and 1996, AIDS death rates declined 23 percent for the total U.S. population, while declining only 13 percent for blacks and 20 percent for Hispanics. Contributing factors for these mortality disparities include late identification of disease and lack of health insurance to pay for drug therapies. So this bill's actual impact will be far reaching as we define minorities to include the inner cities.

For men and women combined, blacks have a cancer death rate about 35 percent higher than that for whites. The incidence rate for lung cancer in black men is about 50 percent higher than in white men. Native Hawaiian men, Alaskan native men and women, Vietnamese women and Hispanic women particularly suffer from elevated rates of cancer; and although these different groups are located throughout the United States, many times, because of job searches, they look for the inner city and find themselves in the inner city. In fact, Mr. Chairman, many new immigrant groups will find themselves in the inner city additionally.

I would also like to note that, again, major disparities exist upon population groups, particularly for minority and low-income populations. The age-adjusted death rate for coronary heart disease for the total population declined by 20 percent from 1987 to 1995. For blacks, the overall decrease was only 13 percent. So we can see the screening for cholesterol is extremely important.

Diabetes is extremely important, which results in the complications such as end-stage renal disease, and amputations are much higher among black and American Indians when compared to the total population.

I am very pleased that we have this legislation on the floor of the House, and I simply would like to add this language of the inner city in order to ensure that all of the resources that are brought to bear on this problem will get all of our populations, and particularly those who suffer the greatest lack of access to health care.

I close by simply saying, Mr. Chairman, I have a very large public health system. It is overwhelmed. In fact, it suffers from lack of resources. I do know that the more knowledge we have about access of health care for minorities and inner-city residents, along with rural communities, will help our country in doing a better job of serving our constituencies. I would like my colleagues and solicit my colleagues' support for this amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 2506 that would include inner city areas as special populations that deserve priority. I commend my colleagues for introducing this legislation to improve the quality and effectiveness of health services. This amendment simply extends the reach of this measure to areas of society that desperately need our assistance.

As written, this bill would provide innumerable benefits to Americans, but we must not be blind to the fact that many Americans cannot drink from this well. It is a sad fact that nowhere are divisions of race and ethnicity more sharply drawn than in the health of our people.

For instance, AIDS disproportionately affects minority populations. Racial and ethnic minorities constitute approximately 25 percent of the total U.S. population, yet, they account for nearly 54 percent of all AIDS cases. During 1995 and 1996, AIDS death rates declined 23 percent for the total U.S. population while declining only 13 percent for blacks and 20 percent for Hispanics. Contributing factors for these mortality disparities include late identification of disease and lack of health insurance to pay for drug therapies.

Cancer is also a leading cause of death in America. Many minority groups suffer disproportionately from cancer. Disparities exist in both mortality and incidence rates. For men and women combined, blacks have a cancer death rate about 35 percent higher than that for whites. The incidence rate for lung cancer in black men is about 50 percent higher than in white men. Native Hawaiian men, Alaskan native men and women, Vietnamese women, and Hispanic women particularly suffer from elevated rates of cancer. We must provide far greater screening opportunities for these members of society, and we can do so with this amendment.

Cardiovascular disease is a leading killer and a leading cause of disability in the United States. Again, major disparities exist among population groups, particularly for minority and low-income populations. The age-adjusted death rate for coronary heart disease for the total population declined by 20 percent from 1987 to 1995; for blacks the overall decrease was only 13 percent. Rates of screening for cholesterol show disparities for racial and ethnic minorities, and without such screening, our citizens will continue to suffer from the debilitating effects of cardiovascular disease.

Diabetes also affects more minorities than whites. The prevalence of diabetes is approximately 70 percent higher than whites and the prevalence in Hispanics is nearly double that of whites. Preventative interventions should target high-risk groups. Diabetes complications such as End-Stage Renal Disease and amputations are much higher among black and American Indians when compared to the total population. Early detection, improved care, and education can prevent this disease from incapacitating America's men and women. But we must provide these important health care services.

Finally, infant mortality remains a threat to our children. Although the rate has declined to a record low of 7.2 per 1,000 live births in 1996, infant mortality still greatly threatens certain racial and ethnic groups. Infant death rates among blacks, American Indians and Alaska natives, and Hispanics were all above the national average. Infant morality can be combated with timely prenatal care, but 84 percent of white pregnant women received such care while only 71 percent of black and Hispanic pregnant women received early pre-natal care. Eliminating these disparities requires the removal of financial, educational, social, and logistical barriers to health care services.

This bill, as written, appropriately recognizes that rural areas are in particular need of health care. But as statistics clearly indicate, the inner city areas also need quality health care, and we can provide just that with this amendment. I strongly urge my colleagues to support this common-sense amendment.

Mr. BILIRAKIS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for yielding, and I say to her that the majority has had an opportunity to review the amendment, which would add inner-city areas to rural and frontier areas among the geographic priority populations included in the submission.

I commend the gentlewoman for formulating this amendment, and we are prepared to accept it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentlewoman from Houston and rise in support of the amendment. It makes good sense with the HCPR's work in the past in rural areas that Inner cities should be included, and ask for support of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much. Again, let me thank the chairman and the ranking member for their excellent leadership on this legislation.

Mr. Chairman, I have another amendment. There are colleagues on the floor. I would be able to discuss that amendment very quickly within this time frame and have us all out of the way. I understand that we have mutual agreement on moving forward.

Is that appropriate at this time, so that my other colleagues can go forward?

The CHAIRMAN pro tempore. The gentlewoman controls the time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN pro tempore. Is the gentlewoman asking to offer her amendment at this time?

Ms. JACKSON-LEE of Texas. I am.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. JACKSON-LEE of Texas:

Page 4, line 9, strike "(c)" and all that follows through "the Director shall" on line 11 and insert the following:

"(c) REQUIREMENTS WITH RESPECT TO SPECIAL POPULATIONS.—There is established within the Agency an office to be known as the Office on Special Populations, which shall be headed by an official appointed by the Director. The Director, acting through such Office, shall".

The CHAIRMAN pro tempore. Is there objection to considering these amendments en bloc?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment is dealing with creating an Office of Special Populations within the Agency for Health Research and Quality which will give us the opportunity to focus on the authority to conduct health care research, demonstration projects and evaluations with respect to low-income groups and minority groups.

I would simply say that this complements the earlier amendment that I have and would be delighted to have these accepted en bloc.

I rise to offer an amendment to H.R. 2506, the Health Research and Quality Act of 1999 that would create an office known as the Office on Special Populations, which shall be headed by an official appointed by the director.

I commend my colleagues for introducing this legislation to provide higher quality and more effective health services to our citizens. This bill will improve health care services and will provide greater prevention of diseases and other health conditions through improvements in clinical and health system practices.

Currently, the bill designates a Director of the Agency for Health Care Policy and Research to oversee this measure. While I agree that we must provide oversight to this plan, I feel that one position cannot possibly serve the needs of our citizens. My amendment would diminish the burden on the Director by providing an Office of Special Populations.

This office also would help the Director pinpoint the dilemmas facing our special populations—those living in rural or inner city areas. It is clear that these areas suffer from disease and health-related problems to a far greater extent than other areas.

A great disparity exists between whites and certain races and ethnic cultures. At this time, we do not know all of the reasons for this disturbing gap. Inadequate education, disproportionate poverty, discrimination in the delivery of health services, cultural differences likely contribute to the problem. This office could study these factors and pinpoint those that most affect the rural and inner city areas. Such research greatly would contribute to our ability to then find solutions to our current problems and would allow our health services to reach the people who need them the most.

This office would work concurrently with the Director to study and determine appropriate measures that will improve our Nation's health care. This office clearly would provide a support system for the Director, and it is my hope that this office would increase the overall efficiency of the Agency for Health Care Policy and Research.

The disparities that are detrimentally affecting our inner city and rural areas are unacceptable. We must provide a comprehensive initiative that will effectively eliminate this gap. This amendment would achieve such a goal by providing an office whose mission is to eliminate disparities in health care. I urge my colleagues to support this vital amendment.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, again, to reiterate, we have had an opportunity to review the amendment, which would establish this Office of Special Populations within the agency to which the director would carry out the requirements specified in said section 901(c). We are prepared to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the second part of the amendment too and support the en bloc amendment and commend the gentlewoman from Texas (Ms. JACKSON-LEE) for her good work on this.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendments were agreed to.

AMENDMENT NO. 17 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DAVIS of Illinois:

Page 7, after line 14, insert the following subsection:

"(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socio-economic factors in priority populations."

Mr. DAVIS of Illinois. Mr. Chairman, I once again would commend the chairman and ranking member of this committee for the manner in which they have been able to bring this bill before us.

Mr. Chairman, this amendment seeks to make sure that Congress has the necessary information regarding prevailing health disparities by requiring an annual report to be submitted beginning with the fiscal year 2003 regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors.

Mr. Chairman, racial and ethnic minority populations are among the fastest growing of all communities in America. Unfortunately, as African Americans, Hispanic, American Indians, Asian Americans and other Pacific Islanders in many respects have continued to grow, so too have their disparities in health care. These groups have poorer health and remain chronically underserved by the health care system.

Significant gaps in health data still exist, as we have not kept pace with growth of these population groups with health care infrastructure and personnel. Historically, participation in research and data gathering activities on the part of some minority groups has been modest, and especially among African Americans, who are wary of research and researchers, stemming in part from knowledge of the Tuskegee experiment, when the Federal Government withheld a syphilis cure from hundreds of male participants in a study that lasted 4 decades. President Clinton apologized for that experiment last spring, although it occurred long before his watch.

Fortunately, new approaches, techniques, guarantees and protective protocols are being put into place and used to make data gathering and research more appealing. These population groups are responding more positively, and we need to make sure that these focuses and activities continue.

I am aware that the Secretary of Health and Human Services has announced a plan to end racial disparities in health care and require the collection of data relative to racial factors. However, in this robust economy we have witnessed a widening of the gap in health care disparities. One would hope that we would have been more effective in narrowing the gap between the have's and the have-not's and between minority and majority population groups. In many instances, that has not happened.

Age-adjusted breast cancer mortality increased 3.9 percent for black women and declined 15.4 percent for white women between 1985 and 1996. While the number of tuberculosis cases among non-Hispanic whites actually decreased 42.9 percent between 1986 and 1997, the number of reported tuberculosis cases increased 51.1 percent for Asian Americans and Pacific Islanders and 30.3 percent for Hispanics, according to the Center for Disease Control.

I could go on and on and cite statistics relative to the prevalence of prostate cancer in African American men and the increasing rates of HIV-AIDS infection for African American women.

In short, we need an annual report to measure whether we are making progress in ending racial disparities in health care and improving the quality of life for all Americans.

This report will also underscore where we need to direct our resources and research. In my congressional district, for example, we have 22 hospitals, some of the finest in the country. At the same time, we have 175,000 people living at or below the poverty level. We also have some of the most dire health status indicators in Western civilization.

This amendment is designed to try and make sure that we have adequate and accurate information on which to base policy and budgetary decisions.

□ 1530

Therefore, I urge support of this amendment and urge its immediate adoption.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to say that the majority has had an opportunity to review this amendment, which would require that the director of the agency submit an annual report to the Congress beginning with fiscal year 2003 regarding prevailing disparities in health care deliveries as related to racial and socioeconomic factors in priority populations.

We are prepared to accept the amendment and also commend the gentleman from Illinois (Mr. DAVIS) for his insight and preparation of this and the other amendments.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Davis amendment.

Mr. Chairman, I congratulate him and compliment him on his work on a very important issue. I think that the disparity in health care delivery, especially as it relates to different racial groups, different socioeconomic groups, is one of the most serious problems our health care system faces.

It is not something we have done especially well as a Nation or as a society in the past, and I think the Davis amendment is a major step forward in alleviating some of those discrepancies and variations.

I thank the gentleman for his good work and ask for support of his amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. DAVIS of Illinois:

Page 21, line 6, insert after "agencies," the following: "minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions),".

Mr. DAVIS of Illinois. Mr. Chairman, this amendment seeks to recognize the unique diversity of our Nation and take full advantage of minority institutions in clinical practice and technology innovation. This amendment simply urges the director to consider utilizing minority institutions such as historically black colleges and universities and Hispanic institutions when awarding such grants regarding healthcare technology.

Our historically black colleges and universities have produced some of the greatest pioneers in the medical profession, for example, Charles Richard Drew, who was the pioneer of blood plasma preservation, to Ernest Just, who formulated new concepts of cell life and metabolism and pioneered investigations of egg fertilization.

Inclusion of minority institutions in medical research has been inadequate. The National Institutes of Health Office of Financial Management reported that in 1997 they spent $12.7 billion on medical research. Of that, $8.46 billion went to higher education institutions. Historically black colleges and universities received just $79.8 million of these dollars, less than 1 percent of the National Institutes of Health higher-education pie.

It is our diversity that strengthens us as a Nation. Someone remarked that we are a Nation of communities, of tens and thousands of ethnic, religious, social, business, labor union, neighborhood, regional and other organizations, all of them varied, voluntary and unique: a brilliant diversity spread like stars, like a thousand points of light in a broad and peaceful sky.

This amendment merely seeks to capitalize on this Nation's great diversity by making minority institutions eligible and by urging them to seek these grants. I believe that this is an important amendment because it places valuable resources in the hands of institutions that are capable and able to help produce the needed researchers and professionals that this country relies so much upon. I urge adoption of this amendment.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the majority has had an opportunity to review the amendment, finds that it is consistent with the functions of the agency which would expand the eligible entities to receive grants and contracts for clinical practices and technology innovation, as determined by the director to include minority institutions of higher education. We are prepared to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment underscores how all society benefits from the richness of diversity. I ask for support of the Davis amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. THOMPSON of California:

Page 21, after line 8, insert the following subsection:

"(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director shall promote evidence-based clinical practices for—

"(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

"(B) the training of health professionals on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

"(2) CERTAIN CONSIDERATIONS.—Evidence-based clinical practices promoted under paragraph (1) shall take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in such paragraph, and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations)."

Mr. THOMPSON of California. Mr. Chairman, I would like to commend the Committee on Commerce and the bill's sponsors, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), for bringing this important bill to the floor today for our consideration.

Mr. Chairman, thousands of individuals are sexually assaulted or abused in our country every year. Over 300,000 individuals were the victim of rape or sexual assault in 1998 alone. Many are children and many are elderly. In fact, recent studies reveal that an increasingly high percentage of the victims of rape or sexual assault are likely to be children. Fifteen percent of rape victims are under the age of 12, and 44 percent are under the age of 18.

These are the most awful of crimes, and Congress has responded with enactment of new Federal penalties in 1994, as well as the establishment of a number of grant programs under the landmark Violence Against Women Act. There remain gaps in our Nation's response to this type of violence, particularly in our ability to prosecute the perpetrators. The amendment I offer is intended to fill some of these gaps.

The amendment adds an important provision related to the quality of the training of health professionals in several very sensitive areas of their work: the identifications, treatment, and examination of victims of sexual assault and the collection of forensic evidence for the use of possible criminal prosecutions.

While services encountered in some metropolitan centers can be excellent, access to trained medical practitioners is restricted and unevenly distributed. Many rural, mid-sized counties, and geographically large urban areas lack health professionals trained in identifying and treating victims of sexual assault and in conducting evidentiary examinations, collecting and preserving evidence and in interpreting findings. Many are inexperienced in collaborating with law enforcement agencies and investigating social workers.

As a result, many victims of child molestation, domestic violence, and elder abuse are underserved or ill-served in the medical treatment and counseling that they receive. At the same time, in instances where proper evidence collection procedures are not followed, district attorneys are forced to drop charges against dangerous perpetrators for lack of evidence. Rather than rely on bad testimony or testimony given by children who are emotionally wrought because of the crime that had been committed against them, the prosecutor is forced to allow the perpetrator to walk away; and this person is often free to do his crime or her crime again.

Lack of proper training and lack of retraining appears to be a particular problem in acute cases and in areas where multidisciplinary teams are not readily available. Lack of experience can have several deleterious consequences. First, professionals who lack experience with the delicate nature of such evaluations may psychologically traumatize children.

Mr. Chairman, the amendment before this body requires the director of the Agency for Health, Research and Quality to set forth and promote evidence-based clinical practices for identifying, examining, and treating victims of sexual assault and training medical professionals on how to perform medical evidentiary exams in child physical and sexual abuse, domestic violence and elder abuse cases.

The amendment is supported by a number of groups, including the International Association of Forensic Nurses, the National Association of Social Workers, the Pennsylvania Coalition Against Rape, and the administration. This amendment is a small but important step in addressing a serious national problem, and I urge its adoption.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the staff has, as they have in all of these amendments, reviewed this amendment, spent an awful lot of time in many cases with the proposers' staffs. We have had an opportunity to review this particular amendment along with the others, which would require the director to include among the evidence-based clinical practices and health-care technologies promoted by the agency, the examination and treatment of victims of sexual assault, the training of health professionals in performing medical evidentiary examinations of persons who are victims of sexual assault, and we are prepared to accept this very good amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Thompson amendment.

Mr. Chairman, I congratulate my friend from California (Mr. THOMPSON) for his leadership on issues of child abuse and abuse of the elderly. This amendment will lead to better training of health professionals to deal with those problems of sexual abuse and child abuse and abuse of the elderly, and I ask the House for support of the Thompson amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. PASCRELL

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. PASCRELL:

Page 13, after line 5, insert the following subsection:

"(d) CANCER AND CARDIOVASCULAR DISEASES IN WOMEN.—The Director shall conduct and support research and build private-public partnerships to enhance the quality, appropriateness, and effectiveness of and access to health services regarding cancer and cardiovascular diseases in women, including with respect to the comparative effectiveness, cost-effectiveness, and safety of such services."

Mr. PASCRELL. Mr. Chairman, I would like to congratulate the gentleman from Florida (Mr. BILIRAKIS) for this terrific piece of common sense legislation. The amendment that I bring to the floor does not seek to undo any of the positive aspects of the bill. Instead, it improves upon an already outstanding bill by addressing one of our Nation's silent killers.

While there is a growing awareness of the devastating impact that breast cancer has on American women, there is still a misguided belief that cancer and cardiovascular disease are men's diseases. My amendment simply seeks to shine the light on this misinterpretation.

These misconceptions have kept us from realizing that these debilitating and deadly diseases have been historically understudied when it comes to their effect on women. In fact, it was not until the last decade that we have pushed the scientific and medical communities to study how diseases specifically impact upon women.

As we all know, cardiovascular disease is the leading killer in this country. Approximately 960,000 Americans die of cardiovascular disease each year. What is not well known is that more women die of this disease each year than men. Women have different heart attack symptoms than men. Therefore, they are frequently misdiagnosed. Where a man may have chest pain, left arm numbness, a woman may have a shortness of breath and stomach pain, symptoms that are seen in many other conditions, not just heart attacks.

Although women live longer than men, they typically suffer from other chronic disease which mask heart attack symptoms. Women also die of heart attacks at greater rates than men do. The lack of research in women's health issues has also been seen in cancer research. Cancer is the second leading killer in women, with lung cancer as the leading cause of cancer death.

Significantly, over the past 10 years, the death rate from lung cancer has declined in men, but has continued to rise in women. Women also suffer from breast, colorectal, cervical, and ovarian cancers at alarming rates. Although ovarian cancer has the lowest incidence of death, this is the deadliest of all cancers.

Let me explain for a second what I mean.

□ 1545

One woman in 55, will develop ovarian cancer over her lifetime, one in 55; yet the 5-year survival rate for ovarian cancer is 35 to 47 percent. In contrast, prostate cancer has a 5-year 87 percent survival rate.

We all agree that we have reached a day where we must study these diseases further. We must also come to an understanding that diseases affect men very differently than they affect women.

Gender-specific research is critical in the move toward better treatment. Just as we must focus on rural and urban and underserved populations, we must also focus on the studying and treating women in the most beneficial, cost-effective, and safe way.

The Health Research and Quality Act gives such an opportunity when it comes to studying heart disease and cancers in woman. That will help us meet our shared goal of providing the best of all care.

I urge my colleagues to support my amendment.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. PASCRELL. Yes, I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I asked the gentleman to yield just to share with the House that the majority has had an opportunity to review his amendment which would require that the director bill private-public partnerships, enhance the quality of and access to health services regarding cancer and cardiovascular services for women.

I would also report to the gentleman that we have a markup at my committee in a couple of days, a breast cancer markup, a very important piece of legislation.

We are prepared, Mr. Chairman, to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from New Jersey (Mr. PASCRELL), my friend, on his leadership on this issue and ask the House for support on the Pascrell amendment.

Two weeks ago, I sponsored a women's health fair in Brunswick, Ohio, in my district. Among other speakers was Dr. John Schaeffer, a prominent cardiologist from Elyria, Ohio, who talked about many of the things and emphasized many of the statements that the gentleman from New Jersey (Mr. PASCRELL) mentioned, among them that the incidence of heart attacks in men is higher, but the mortality rates are higher for women.

In other words, men are much more likely to recognize the symptoms of heart disease because we, too often, in this society have said that heart disease is a male disease more and not a female disease. But the fact is it is the largest killer among women. More women die of heart attacks than men. Women need to be aware of the symptoms that are present in heart attacks.

As we have instructed men in this society to be aware of the symptoms, we need to do the same with women.

I think including the Pascrell amendment in this legislation will be a major step towards that. I ask the House support of the Pascrell amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TIERNEY:

Page 12, after line 14, insert the following subparagraph:

"(C) The conduct of research on methods to reduce the costs to consumers of obtaining prescription drugs.

Page 12, line 15, strike "(C)" and insert "(D)".

Mr. TIERNEY. Mr. Chairman, my amendment is rather brief. What it does is it seeks to have this following subparagraph, "the conduct of research on methods to reduce the costs to consumers of obtaining prescription drugs," be included in this bill.

Mr. Chairman, prescription drugs can improve health care, and it can save lives. But these benefits cannot be realized unless patients can afford their medications.

H.R. 2506 already requires research on ways that new and appropriate uses of drugs can improve health quality and costs. Our amendment would simply add support for research on ways of promoting prescription drug affordability as well.

Pharmaceutical manufacturers may argue that reducing prescription drug costs to consumers will reduce the profit incentive that drives researchers to develop new drugs. But, Mr. Chairman, that is a myth.

Currently, the drug companies enjoy such large profits that they have ample room to cut costs without sacrificing research. The largest pharmaceutical manufacturers spend less on research and development than they make in pure profit; and the size of that profit is, indeed, substantial. The drug industry is three times more profitable than the average profitability of all other Fortune 500 industries.

Moreover, if individual U.S. purchasers paid less, the drug manufacturers would likely continue to maintain their high-profit levels. They would simply make up for the decreased revenue by spreading costs, for instance, to other countries that now consistently pay far lower prices for their prescription drugs than do citizens in this country. Currently, many Americans find prescription drugs unaffordable, particularly our seniors.

A recent Standard and Poor's report on the pharmaceutical industry tells us that drugmakers have historically raised prices to private consumers to compensate for the discounts they grant to managed-care customers.

Seniors in my district, Mr. Chairman, and in my colleagues' are victims of this price discrimination. When we studied this issue in my district, we found that seniors were being forced to pay, on average, more than twice as much as the large insurance companies' clients.

Other countries are also benefiting from discounts. Other countries are benefiting from discounts far more than our country. A drug that would cost $100 in the United States costs only $76 in Canada, $67 in Britain, $47 in Sweden, and $32 in Australia. There certainly is room for equalizing prices.

Let me add the human dimension to what we are talking about, Mr. Chairman. One of my constituents, Louise Duda of Newburyport, Massachusetts, recently had a letter published in the local newspaper, the Daily News of Newburyport. It was a tragically familiar tale, one that I am sure many of my colleagues can already account in their districts.

Mrs. Duda begins her letter by saying: "I am sitting at my desk, with an involuntary flow of tears streaming down my cheeks. My husband sits close by, silently. I am angry, distraught, and feeling extremely defenseless. Why is our Government heartless toward the most vulnerable segment of our society?"

The letter goes on in which Mrs. Duda says: "My husband just returned from the drugstore. When I read the receipt, I felt a sense of panic and my eyes welled up. $250? This has to be a mistake. No, it is $250. But how can that be? We just paid $400 2 weeks ago. We can't keep doing this. Our income tax return bailed us out the last time. Now what? I took a quick mental inventory of our financial status. Our one credit card is maxed. Our bankruptcy prevents us from obtaining a loan. We are living paycheck to paycheck. We have overdraft, but when that's exhausted, what do we do?" She has no aces. She has no hope, just a prayer.

Mr. Chairman, I urge our colleagues to vote on this amendment to find an answer to Louise Duda's question about what we do about lowering the cost of prescription drugs in this country. I ask that Members help support the prescription drug affordability by supporting this common sense amendment.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the gentleman from Massachusetts (Mr. TIERNEY) for his amendment. We have spent the better part of today on a prescription drug hearing in my subcommittee and have another one scheduled for next week and one for shortly thereafter.

As the gentleman from Ohio (Mr. BROWN) knows, prescription drug problems is the forefront of what we are doing up here these days, and well it should be. Even though the agency, I think it is quite clear that their functions would include something like this, it is good that we sort of focus and highlight the need for many of these amendments, to basically instill in the agency the thought that, yes, they have got to spend some time on them.

So anyhow, we have studied this amendment and are prepared to accept it. I thank the gentleman from Massachusetts for offering it.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tierney amendment and thank him for his efforts in a major step in dealing with the high price of prescription drugs that the gentleman from Maine (Mr. ALLEN) has worked on and the gentleman from California (Mr. WAXMAN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Vermont (Mr. SANDERS) and the gentleman from Texas (Mr. TURNER) and many in this institution, the gentleman from Arkansas (Mr. BERRY), and others.

Some brief facts that I think that this agency will look at and need to look at about the price of prescription drugs: forty-three percent of the cost of research for new prescription drug products in this country are paid for by the National Institutes of Health; forty-three percent of the research dollars spent are spent by taxpayers through the National Institutes of Health.

Drug companies themselves pay only about 50 percent of all their research costs in this country in developing new prescription drugs.

In addition, this Congress has bestowed tax cuts on those drug companies for the dollars that they do spend on research and development. In turn, U.S. consumers are given the privilege of paying the highest drug prices in the world, two times, three times, four times the price that prescription drugs cost in countries like Britain and France and Germany and Japan and Israel and other countries that have a different pricing mechanism for their prescription drugs.

Some allow something called parallel importing which brings sort of an international competition in the price of prescription drugs. Others allow something called product licensing which allows generics in the marketplace to compete so that prices are not monopoly priced and are not set so high unilaterally by the drug companies.

The third point I would add, Mr. Chairman, is that one-half the drugs that are developed, the new prescription drugs developed in this country, are developed for the world market or developed outside the United States. That says when the drug companies threaten this institution, as they have repeatedly, by saying if we do anything to lower drug prices, the bill by the gentleman from Maine (Mr. ALLEN) or the bill by the gentleman from Arkansas (Mr. BERRY) or my legislation or any other, if we do anything like that, they are going to cut back on research and development dollars.

The fact is half the drugs developed around the world are developed in countries where governments have actually acted to lower prescription drug prices.

I thank the gentleman from Florida (Mr. BILIRAKIS) for his hearing today. We are going to have another hearing next Monday, which will bring forward Members of this body who are supporting and sponsors of other prescription drug legislation.

We all know the problem of high price of prescription drugs. I think the Tierney amendment will go a long way towards exploring solutions so we can in our committee move forward in dealing with the high cost of prescription drugs.

I ask for support of the Tierney amendment.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by recognizing the work of the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) on this most important issue and to thank the gentleman from Massachusetts (Mr. TIERNEY) for bringing this amendment forward.

The fact is that I believe this amendment is needed. The bill, as it stands, does allow research into the costs of health-care services and access to such services, and I agree with the chairman that conduct into the research of prescription drugs could be seen to be within that issue, but it is better to make it clear.

Therefore, the Tierney amendment, which specifically mentions the conduct of research on methods to reduce the cost to consumers to obtain prescription drugs is the right sort of amendment.

Whenever I talk to seniors in my district in Maine, the subject of prescription drugs comes up and particularly the high cost of prescription drugs. Seniors are not the only ones affected, however. The fact is that the most profitable industry in the country, which is the pharmaceutical industry, is charging the highest prices in the world to those people who can least afford it in this country; and those people are seniors and others without prescription drug coverage.

Seniors make up 12 percent of the population, but they buy 33 percent of all prescription drugs. Spending on prescription drugs in this country is going up at the rate of 15 percent every single year.

We are dealing with an issue that is of immediate importance to men and women all across this country who thought, when they retired, they would be able to figure out how to get by. But now they find that their next trip to the doctor may leave them unable to pay the electric light bill or the rent or to buy food.

This is a burning issue for America's seniors, 37 percent of whom have no prescription drug coverage at all, and a significant additional portion do not have adequate, reliable coverage.

In the midst of all of this, the pharmaceutical industry is running a national TV campaign to try to stop any reform, to try to prevent a benefit under Medicare and to stop the kind of discount that I and others here have been urging.

This is an important issue. We need to do research. We need to figure out why prices in this country for people least able to afford it are the highest in the world. That is an appropriate area of research. Therefore, I rise to support the Tierney amendment.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tierney amendment; but, first, I want to thank both the chairmen of our Subcommittee on Health and Environment and Committee on Commerce for the hearing today and also the commitment over the next few weeks to deal with this issue, at least through the committee process, and also the gentleman from Ohio (Mr. BROWN), the ranking member.

□ 1600

This is one of the most important issues I think that Congress is facing, is how to provide prescription drugs at an affordable price to the people who need them most, our senior citizens.

Several bills have been introduced to achieve this goal, but each has been met by critics who claim they are either inadequate, too costly, or unfair price controls. In fact, I am a cosponsor of the Allan-Turner, et al. bill that we had that my colleague from Maine talked about.

In fact, to follow up on his, I have seen the Flo advertisements on TV, and I have a little concern. I want to make sure people in our country realize who is paying for that multimillion dollar campaign on TV. It is the pharmaceutical and drug companies. Because, obviously, they do not pay for that ad on TV in Canada or Mexico, where constituents in my district may have to go, oftentimes, driving 6 hours to Mexico to get their drug prescriptions at a cost they can afford. The Tierney amendment may help provide some answers to the concerns on affordability and which method would truly meet the needs of seniors.

The fact is our Nation's health care system has dramatically evolved over the past 10 to 20 years to the point that prescription drugs are not only a major component of the health care system, but they can be critical to an individual's survival. Everyone agrees we need to find a way to make prescription drugs more affordable to seniors, who are least able to afford them but who need them the most.

Seniors are being forced to choose between buying food or their prescription medications or even postponing taking their prescription medications. Instead of taking them one a day, as prescribed, they may take them every other day just because they cannot afford them.

Because Medicare does not cover prescription drugs, so many seniors, 37 percent according to the GAO, but I think in my district it is much higher, do not have any prescription drug coverage and may incur these expenditures out-of-pocket. Worse yet, many of these beneficiaries have very limited coverage that do not even come close to meeting their medical needs.

While I am sensitive to the need for drug manufacturers to make profits on their drugs, it is unacceptable that the bulk of these profits are made on sales to people who can least afford to pay those prices. Discounts are available to HMOs, to the U.S. Government, to hospitals, and even foreign countries, but seniors are forced to pay the full price. That is just not right, and something needs to be done to correct it.

This amendment will give an important agency the opportunity to look at these issues and answer some of the questions surrounding them. Everyone knows this is a complex and difficult problem to solve. However, sitting back and doing nothing is not an acceptable option. Today, not only with this amendment, with this study, but also with what the Subcommittee on Health and Environment of the Committee on Commerce is doing, we are moving forward on it.

As new drugs are developed and approved, the access gap to these potential life-saving treatments are only widened. This amendment is reasonable and sensible, and I am glad to be a cosponsor of not only this bill but also the Turner-Allan bill that will provide a solution to this problem. Support for this amendment is important to research and study methods and practices.

Mr. LUTHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me thank the gentleman from Massachusetts (Mr. TIERNEY) for bringing this amendment forward. I think he does us a great service in this body.

We have entered a remarkable period in our Nation's history. Never before have we had so many life-enhancing prescription drugs. Yet, let us face the facts. These remarkable achievements are today overshadowed by the exorbitantly high prices consumers in America are being required to pay for these prescription drugs.

This is why I rise in support of the Tierney amendment. This amendment would expressly direct this agency, an important agency, to address this issue, an issue that is perhaps the most important issue we face in health care today. It would require that agency to recommend ways to make drugs more affordable for American consumers.

Mr. Chairman, earlier this year, I requested a study on comparative drug prices in my home district in Minnesota. The report was issued in March of this year, and the results were astonishing. The report showed that the average retail prices for the five best selling drugs for older Americans in Minnesota are more than twice as high as the prices that drug companies charge their most favored customers. For one drug, Minnesotans actually paid a price 15 times higher than the price enjoyed by preferred customers. This does not just impact senior citizens, it affects all American consumers who do not have prescription drug coverage today.

This type of unfairness needs to be addressed, and that is exactly what this amendment does. It does not dictate policy or set up a new layer of bureaucracy, it simply directs that we look at ways to create fairness and to help American consumers afford the cost of these wonder drugs that are available today. I urge Members to support this amendment.

Mr. MCGOVERN. Mr. Chairman, I rise today in support of the amendment offered by my good friend JOHN TIERNEY instructing the Agency on Health Research and Quality to study methods of reducing the costs of prescription drugs to consumers. This is an important study in light of the focus on a Medicare prescription drug benefit, as well as the increase in pharmaceutical productions.

Prescription drugs are an important means of providing healthcare in an outpatient setting. However, the costs of these drugs are too high. Earlier this summer, I commissioned a study to specifically examine the cost of prescription drugs in the Worcester/Attleboro/Fall River, Massachusetts area. This was the first and only study of its kind examining drug prices in Central Massachusetts. The results were alarming.

On average, seniors get more than eighteen prescriptions filled each year. I was shocked to learn that uninsured seniors in my district—those without any prescription drug benefit—pay 136% more for their prescription drugs than the drug companies most favored customers. This means that if a most favored customer pays ten dollars for a prescription, the uninsured senior in my district will pay twenty-three dollars and sixty cents for that same prescription. It is unconscionable that people who can least afford to pay these high costs are being gouged by the drug companies in the name of profits and I am sickened that seniors in my district, and across the country, are forced to choose between buying groceries and medicine.

Our top priority must be a prescription drug benefit. However, this amendment is a first step in this Congress acknowledging that drug prices are too high for uninsured seniors. I support President Clinton's efforts to implement a prescription drug benefit. I also support Congressman TOM ALLEN's bill to end price discrimination by the drug companies. Together, these efforts will lower prescription drug prices and allow seniors to buy both food and medicine. We must continue to raise awareness of the need for affordable prescription drugs, at least until this Congress is able to pass a comprehensive prescription drug benefit. I urge the adoption of this important study.

Mr. BERRY. Mr. Chairman, I rise today in support of the Tierney amendment and to talk, once again, about the affordability of prescription drugs.

We have all gone back to our districts and have heard from our constituents, especially seniors, that they cannot afford the prescription drugs they need, often to stay alive.

When I hold meetings in the 1st Congressional District of Arkansas, I hear about two issues and that's the agriculture crisis and the high cost of prescription drugs, especially for seniors.

I also get letters from Arkansas seniors who tell me everyday they can't afford to pay for all their needs, specifically, all their medicine and their food.

Seniors all over this country are not following their doctors' orders. Some of them have been given prescriptions which they cannot afford to fill. Others have filled prescriptions which they cannot afford to take as directed.

Because they cannot pay the rent, pay the electrical bills, buy food and take very expensive prescription drugs, they either stop taking them, or they take less than what is prescribed by their doctor.

They are doing things that in the long run are harmful to their health.

I find it amazing that we tell our seniors they can live longer if they take this pill and that pill, but then if they can't afford their medication that keeps them alive, we don't do anything about it.

Thousands of consumers, especially seniors have found themselves affected by the price of prescription drugs in this country.

Seniors and other Americans go to Canada and Mexico because prescription drugs in these countries cost much less than in the United States.

In my District in Arkansas, seniors paid 81% and 72% more, respectively, for the 10 prescription drugs they most commonly use than their elderly counterparts in Canada.

I have introduced legislation, with Representatives EMERSON and SANDERS, the International Prescription Drug Parity Act, that amends the Food, Drug, and Cosmetic Act to allow American distributors and pharmacists to reimport prescription drugs into the U.S. as long as the drugs meet strict safety standards.

This will allow American pharmacies and distributors to benefit by purchasing their drugs at lower prices, which they can pass along to American consumers.

Mr. Chairman, the bottom line is, consumers should not have to choose between food and medicine.

I urge all members of this body to vote for the Tierney amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment, amendment No. 11.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. TIERNEY:

Page 13, after line 5, insert the following subsection:

"(d) STUDIES OF METHODS TO IMPROVE ACCESS TO HEALTH SERVICE.—The Director shall conduct, and shall provide scientific and technical support for private and public efforts to conduct, studies of the organization, delivery, and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services. Such studies shall include a study to determine the impact of a single payer insurance coverage program on health expenditures in the United States during the fiscal years 2000 through 2007 compared to the projected impact of the current system on health expenditures in the United States during such period."

Mr. TIERNEY. Mr. Chairman, this particular amendment is going to request that the director conduct and provide scientific and technical support for the private and public efforts to conduct studies of the organization, delivery and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services.

Mr. Chairman, those studies should include a study to determine the impact of a single-payer insurance coverage program on health expenditures in this country during the fiscal years 2000 to 2007 compared to the projected impact of the current system on health expenditures in the United States during that period.

Mr. Chairman, simply put, I bring this amendment forward for the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Vermont (Mr. SANDERS), the gentlewoman from Wisconsin (Ms. BALDWIN), as well as myself. What we seek to do is to make more explicit one of the duties that the agency is already charged with, and that is the duty to study ways of increasing access to health services.

We have a situation in this country where there are estimates of 43 million Americans without health insurance coverage. Of those numbers, 11 million are said to be children. The balance of those people are adults, the majority of whom are working adults. This is simply a situation that is intolerable, Mr. Chairman, and it is about time that we started to look at the reasons why that is so and what we can do about changing that dynamic and making sure that all Americans have access to affordable health care.

As a former small business president of the Chamber of Commerce and someone who deals often with small businesses, I can tell my colleagues that there has been a change of mind amongst many people in the small business industry. They, at one time, were listening to the larger national organizations and international organizations about how terrible it would be if we had universal health care. Now they are seeing the alternative of what happens under the current system. They see the number of people that are uncovered, and they realize that the premiums they are paying to cover their employees and their own families are increased by virtue of the fact that those premiums are also covering the 43 million Americans who have no coverage.

That has to be paid for somewhere. Those people do get health care. They unfortunately get it when it is later on in their situation, when the situation is more critical, when treatment is more expensive, and now we need to know why that is so. Now we need to know why we cannot cover everybody.

I think it has come around to providers, whether they be doctors or nurses or others. It has come around to hospitals, to CEOs who I have talked to, as well as business people and consumer groups. We need to look at a more effective health care system in this country.

It is more than enough to say that we have a problem. It is time to do something. And when we talk about some of the immediate solutions, and my colleagues have heard as well as I have that we need to put more money back into community hospitals, particularly teaching hospitals because of the cuts in the 1997 Balanced Budget Act, and that is so.

The estimates were that we were going to cut $112 billion and that we were then going to be able to take care of fraud and abuse and get preventive services, and that was going to help it be more affordable. The fact of the matter is, that estimate was overshot. Some $200 billion is estimated to have been squeezed, and those hospitals and home care providers and others do need some money to be put back in. But to just put money back in would be a temporary fix. The system is broken. It is not working. We are not covering everybody. And if we do not cover everybody, we cannot control the cost and cannot make sure that we provide good quality services to everyone.

What this bill will do, Mr. Chairman, is to get this agency to do a study and to compare it to what we have now. What will improve the cost situation. More importantly, what will improve the accessibility and the affordability issues.

Now, among those things we asked to be studied is the single-payer system. That is one option. In no way does my amendment say that that is all we should study or that we should predetermine that is exactly where we have to go. It is a proposal that I think has considerable merit. The Massachusetts Medical Association had two independent studies done, and not to the surprise of many, it came back saying the single-payer system would have been a better system if applied in Massachusetts over the next 8 years. It would save money, it would cover more people in that State, it would provide them better services.

We should find out if that is so for all the States in this country. We should find out if we should have a single-payer system or some other form of universal health care. We should balance and measure those systems against each other and how they will do. And then we should measure it against the current system to find out what would be best.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, some people are concerned about the language because they thought my amendment was simply saying that we would study only single-payer, but, in fact, we have looked at some language and I am more than happy to ask for unanimous consent that my amendment be modified in accordance with the modification that has been sent to the desk which says that the study shall include an examination of the financial impacts of a range of health care reform proposals to include, but not be limited to, a single-payer insurance program compared to the current system across an 8-year period beginning in fiscal year 2000.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment No. 11 offered by Mr. TIERNEY:
>
> The second sentence of the amendment is modified to read as follows: "Such studies shall include an examination of the financial impacts of a range of health reform proposals to include, but not be limited to, a single payor insurance program compared to the current system across an eight-year period beginning in fiscal year 2000."

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Massachusetts?

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the amendment, as modified.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman very much for that courtesy. I simply wanted to reiterate the point that we must study all the available reforms on that, and this, of course, is one important one.

Mr. BILIRAKIS. Mr. Chairman, reclaiming my time, we are not in disagreement, as far as that area is concerned. We have studied the amendment and have talked with the gentleman and talked with the gentleman's staff, and we accept the amendment, as modified, and do not object to it.

Ms. LEE. Mr. Chairman, I move to strike the last word.

I want to thank my colleague from Massachusetts for offering this amendment, and I rise in strong support of the Tierney amendment to authorize studies or methods to improve access to health services. While serving in the California legislature, I had the opportunity to work on similar legislation. I am proud to say that the bill was passed by the California legislature and is now before the governor for his signature.

This Nation, as well as my home State of California, really needs the study, and also the California study, because of the profound failures of the present system. By now we have had 5 years of experience of depending on the private sector for the delivery of our health care, 5 years of knowing intimately that a market-driven health care system leaves more and more people frustrated, angry, and sick.

I also carried managed care bills while I was in the California legislature. I authored many of them. And I want to say that people are becoming increasingly more disappointed with the outcome of these managed care approaches. They are frustrated because medical decisions about operations, about how long to be hospitalized, about which illnesses are to be treated and by whom, crucial medical decisions are being made each and every day, each and every moment by accountants and executives of managed care companies who earn fortunes by denying medical care to their subscribers.

The statistics on what CEOs are making are staggering and should make us really squirm in shame. These are profits at the expense of our right to live or our right to be as healthy as we can be. Now, simultaneously, we have had 5 years of a market-driven health care system which leaves more and more Americans uninsured. At last count we were at about 45 million, increasing at the rate of 1 million uninsured people a year.

□ 1615

Are these health care companies with their immense profits working to raise our knowledge and our standards of health care? Are they helping us to understand that an ounce of prevention is really worth a pound of cure? Sadly, it appears not.

What has the industry done in these 5 years? Are they controlling health care costs? Sadly, again, it appears not. Health care premiums are once again rising.

For example, the health care industry has spent millions successfully lobbying so far to defeat the Patients' Bill of Rights. Health insurance companies have had the gall recently to propose $60 billion in new Federal programs to subsidize insurance for 28 out of the 45 million uninsured Americans.

The current efforts to expand Medicare to cover prescription drugs, which, of course, I support, is now motivating, however, the health insurance industry to compete with the pharmaceutical companies by insisting that the uninsured should come before those needing prescription drugs.

So to pit one group of Americans against those who need health care versus another group who needs health care to me is just basically wrong.

Mr. Chairman, I am convinced that as long as profits provide the driving force in the health care industry, we will fall way short of providing health care, affordable and accessible health care, for all.

For instance, recent studies show that for-profit hospitals drive up Medicare costs in general as a group. In another study, for-profit health plans perform worse than nonprofits in providing preventive health care. One study concluded that if all American women were enrolled in for-profit HMOs instead of nonprofits, over 5,900 more women would die from breast cancer each year due to lower rates of mammography.

This Nation spends more money per person on health care than any other industrialized country. Yet, in 1997, Newsweek reported that current figures for longevity projections for the year 2050 for African-Americans will be less than the longevity of all other ethnic groups.

Could that be because our health care dollars are not going for health care for all based on an equitable basis but going into the ever deeper and ever hungrier pockets of the top echelons of those health care insurance companies?

Georgetown University Medical Center reported this February that their study together with Rand Corporation and the University of Pennsylvania indicated that African-Americans and women with chest pain would be referred for cardiac catheretization at 60 percent of those of whites and men. This disparity was most dramatic for black women, where odds of being referred were 40 percent of those of white men. This is really a shame.

We need to get out of the competition by profit-making companies for our meager health dollars. We need to know that other ways are possible. For instance, we do need to know how much a single-payer system costs. We do need to know how much provision of universal health care without profits for insurance companies would cost. We need this information provided in the Tierney amendment.

I urge my colleagues to support the amendment.

Ms. BALDWIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Tierney amendment is a worthwhile step toward what must be a larger goal.

As we approach the new millennium, Mr. Chairman, the United States is still the only country in the industrialized world that does not offer comprehensive affordable health care to all of its citizens. This, Mr. Chairman, is unconscionable, it is untenable, and it is wrong.

As we reach the closing days of the 20th century, 43 million Americans have no health care coverage at all. In this wondrous century, we have put astronauts on the moon, we have created a global village united by computer technology, we have perfected travel from one end of the world to the other in mere hours, and yet 43 million of us cannot afford or cannot get health care insurance.

Most of those people have jobs. But increasingly they work in small businesses or in the service sectors that either do not cover employees or require them to pay so much for health insurance that they simply cannot afford it.

There are millions more Americans who are under-insured who have health insurance but would be at risk of having to spend more than 10 percent of their income on health care bills in the event of a catastrophic illness. And there are tens of millions of Americans who have lost faith in the system, lost faith that comprehensive quality health care will be available to them without a struggle when they need it, where they need it, and from whom they want it. And these numbers continue to rise.

The National Coalition on Health Care, a bipartisan group headed by former Presidents Bush, Carter, and Ford, put out its latest report on the erosion of health insurance coverage in the United States, which found that even if the rosy economic conditions prevalent since 1992 prevail for another decade, one in five Americans will be uninsured in 2009. Should a recession occur, that number is likely to jump as far as one in four.

Mr. Chairman, it is time to put health care for all at the top of our national agenda. Many people have called for it. Many more believe it should happen.

Mr. Chairman, universal health care will never happen until we create the national will to make it so. Let us begin.

American medicine is the best in the world. Of that there is no doubt. And yet our nursing teams are understaffed, underpaid, and overworked. Our health care costs continue to rise at twice the rate of inflation. Today's one-trillion-dollar system will double in cost to $2 trillion in the next decade. This will adversely affect our economy, the deficit, the Nation's small businesses, and the middle class's standard of living.

Universal health care will actually lower health costs by providing less expensive preventative health care and treating illnesses before they become more complex and costly.

It was just a year ago that I traveled around my district telling the voters of Wisconsin's second district that I wanted to go to Congress to re-ignite the national debate on health care. One reporter even called me from a prominent paper on the East Coast to talk about the campaign. I asked, Why are you interested in a race so far away? He said, Because you are one of the few candidates anywhere who is willing to talk about health care for all. It is a hot potato that no one wants to touch.

Well, my constituents did not just touch it, Mr. Chairman. They embraced it. The voters in my district are tired of hearing, we cannot. The voters in my district reject the cynicism, the naysayers, the keepers of the status quo. The voters in my district posed the same question to this Congress that I posed during my campaign: If you are not for health care for all, then who would you leave behind? And if you agree that everyone should have access to affordable quality health care, then let us talk about the best way to achieve it.

It is time to begin.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate the sponsors of this amendment for bringing it forward. The lack of an adequate universal health care system is one of the gravest defects in public policy in America.

Now, there are many of us who are in favor of it on equitable grounds. I am going to take that segment for granted in my comments and talk to those on the more conservative side, the people in positions of responsibility, the financial community, and try to explain to them why I believe it is very much in their interest to get behind what we hope will be the first step in leading to the establishment of a universal health care system and would I say a single-payer health care system.

By the way, for those who raise questions about the feasibility of a single-payer health care system, let us talk about one which we have had in this country for over 30 years. It is called Medicare. Medicare is a universal single-payer health care system if they are over 65. And those who think it is a bad idea, go tell the recipients of Medicare that they are going to abolish it and let them go back to other ways and I think they will find a great deal of negative response.

Indeed, one of the great mistakes this Congress made in 1997 was to cut Medicare. Exactly how it happened, I do not know. Because so many people who were for cutting Medicare in 1997 are so vehemently against it now that I think there was something in the air, that people were, like, absent but voting because they did not know what they did.

But here is the argument for going further. In 1993, when the President put forward a health care plan, we were told, well, look, most people get health care and we are solving this problem through our current system. In fact, the opposite has been the case. People have been losing health care. They are losing it, in part, because of the international competitive situation. Holding down the costs to employers, particularly in manufacturing, has become a major factor worldwide.

Alan Greenspan a couple of months ago gave a speech in which he lamented the fact that the former national consensus for free trade had eroded and he complained that so many people today are not for tree trade anymore. And he said, I understand how some people get hurt, that some people who do not have access to the skills in information technology will lose their job in the short-run, but we should not let our inability to help them keep us from going forward with globalization.

Well, the fact is that we do not have an inability to help them, we have an unwillingness, because this very wealthy Nation clearly has the resources.

One of the single best things that people should understand, and here is what I want to address, conservatives, people who believe in globalization, people who want China in the WTO, people who want to go forward with Fast Track authority, who want a new round in Seattle to lead to further trade reductions, we are not going to get that until we have satisfied working people in America that they will not be unfairly disadvantaged.

And one of the biggest problems they have, I think the single biggest problem now is, when they lose their jobs, they lose their health care; and when they get new jobs, having lost their jobs, they may well get a job without health care. Because with the lower paying jobs, the service jobs, it is not simply a reduction in income that people face when they lose a manufacturing job and go into another industry, they may very well not have health care.

The insecurities that people in this country feel because of our patchwork health care system and the absence of a reliable universal health care system, I think it should be single-payer, but the reliance of that, the knowledge that losing their job could mean losing their health care for them and their family, their children, their spouse, that is one of the biggest obstacles to the support these people are looking for for globalization.

So Mr. Greenspan is right to acknowledge that many of us are unwilling to go forward with the process of globalization if it is going to hurt some of the people at the lower end economically, but he is wrong to say that the reason we are not helping them is that it is an inability.

There used to be a problem, we thought, 10 years ago. We thought we were spending too much on health care. We said the American economy was stagnating because we were spending too much on health care. We now are clearly the best performing economy in the world. The fact that our health care expenditures per capita are higher than in some other places is obviously not an economic problem.

We face a moral problem in condemning people to inadequate care. But they also, I have to say to the establishment and financial community, must understand that there is going to have to be a trade-off. And if people want to reverse the move away from support for globalization internationally, those who believe that is very much in our interest economically have to understand that social equity is going to have to be part of that deal. And they are not going to go forward with the kind of economic global integration they want to see until they do a number of things, and one of them is the provision of a universal health care system.

So, as I said, I know we got some votes for equity. But fairness is not enough to win. We are in a trade-off situation. And if we look at the Congresses of the past few years, we have had increasing contention over American support for the international financial institutions, American support for reductions in tariffs. That will get worse rather than better as long as we get a refusal to recognize the legitimate claims of American workers for a universal health care system.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we begin to talk about the economic principles that have probably caused the inability to provide it. I agree with the previous speaker that it is probably more willingness.

Until we take the major costs off American corporations, they will continue to leave our country and we will continue to struggle and lose our manufacturing base.

I think it is time, though, that while we are talking about the symptoms that we should start addressing the root causes and problems. It is time to take a look at the progressive income tax, the burdensome cost of compliance, and the negative economic competition globally that it places us in.

We are now beginning to talk about the reasons why we cannot perform many of the deeds our constituents believe we should be addressing, and we will never do it with the complicated Tax Code that we have in place.

□ 1630

We reward companies for leaving. We reward imports. We kill exports. And then we talk about trade and then we talk about universal health care. Well, there will be no universal health care, there will be no improvement to the health care system until we change a tax code that rewards competitive imbalance overseas and negates America's opportunity to provide these programs. But it is interesting to see it. It is not an inability. It is not an unwillingness. It is a tax code that simply makes it almost impossible to provide this type of competitive program. We should get rid of it.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

I want to thank the gentleman from Massachusetts for this amendment which I strongly support. Like my colleague from Wisconsin, in large part I wanted to come to this body to address the issue of health care, the crisis that so many families face, those that have insurance but find it inadequate, those that lose their jobs and lose their insurance, those that have no insurance and have no hope of affording it.

I just wanted to read a letter from a constituent. This is typical. This is one of many. It is an e-mail I got the other day that says,

> The cost of health care is killing me. I'm self-employed and the cost of medical insurance for my family of three is about $9,000 a year. That's with high deductibles. That means we also have to pay several thousands of dollars a year in medical bills. These costs are getting out of control. I don't believe that private insurance or even HMOs are the answer anymore. I think it's time for a single-payer insurance system backed by the Federal Government. I would appreciate your working with others in Congress to start moving in this direction.

And so I rise to support an amendment that I think does move us at least in the direction of exploring how we can answer this gentleman who wrote on behalf of his family. Five years ago, we failed to pass comprehensive health reform and instead we left it to the for-profit health insurance industry to make critical decisions: whom to cover, what to cover and what to charge. Today what do we have? More uninsured Americans, more underinsured Americans, more American families struggling to pay premiums and medical costs that are increasingly unaffordable.

The gentleman's amendment is needed for four reasons. First, we must act now to provide health insurance to the uninsured. It is embarrassing, 44.3 million people now lacking any health coverage in this the wealthiest Nation in the world, a 1.7 million jump from the year before. Eleven million of these people are children. In my State nearly one of eight are uninsured and the numbers keep growing.

According to an AFL-CIO study, 8 million fewer Americans in working families have employer-based coverage now than in 1989. If that erosion continues, the study concluded that 12.5 million more people would lose coverage over the next 5 years.

And, second, we need to act to improve coverage for the poorly insured. Millions of insured Americans lack coverage for critical benefits. That includes 13 million senior citizens who lack prescription drug coverage as well as families who lack access to mental health services, rehab therapy, long-term care and other important services. Even if they have an insurance card, they are still effectively uninsured for services if their policies do not cover the services they need.

Third, we must act to lower health care costs for individuals and families as well as for our Nation. High insurance premiums and out-of-pocket costs present insurmountable barriers blocking access to needed care. A recent Commonwealth Foundation survey found that 40 million people went without needed medical care because they could not afford it and another 40 million said they did not have enough money to pay their medical bills.

Finally, we pay a high price for not guaranteeing access to needed medical care. We pay a high price. Lack of insurance, inadequate insurance and high costs keep millions of Americans from getting the health care that they need. There is a cost to the individuals and families who cannot get care and as a result suffer from illnesses and conditions that could be prevented. There is the cost to society, to all of us, from lost wages and productivity from those who cannot work because of the preventable injuries or who cannot work because the job does not provide coverage. And there is the cost of paying for expensive illnesses and emergency care that could have been avoided through a more rational approach to health care.

This amendment moves us in the right direction. I urge my colleagues to act now to pass it.

Mr. STARK. Mr. Chairman, I rise in support of Representative TIERNEY's amendment to require the Agency for Health Research and Quality to conduct a study about the effect of universal health care and other access expansions on health quality and costs.

The U.S. is the only industrialized nation that fails to provide universal health coverage for our citizens—and yet we continue to spend more on health than any of those nations.

A key factor impacting our nation's health expenditures is that we have 43 million Americans left out of our system whom we are covering in the most expensive manner—through emergency rooms, late in their illnesses, and often without the benefit of appropriate prescription drugs since many of these people cannot afford them.

It is time for Congress to return to the vitally important issue of expanding health insurance coverage. There are viable means to achieve that goal.

The most direct routes to providing universal coverage would be to enact a single payer system or to expand Medicare coverage to everyone. There are other more incremental approaches which would also move us in the right direction:

We could use a tax credit approach, like that I have authored in HR 2185, the Health Insurance for Americans Act.

We could expand Medicare coverage to persons aged 55–64 under HR 2228, The Medicare Early Access Act, which is supported by many of my colleagues and the Administration.

We could expand Medicare to children—creating a much more effective coverage policy than the State Children's Health Insurance Program, which continues to leave millions of our nation's children without coverage. That could become an avenue leading to Medicare for all.

I urge support of the Tierney amendment which, if passed, would provide us with further evidence for moving forward to expand health insurance in our country. That is a debate to which Congress must return.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment, as modified, offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment, as modified, was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. STEARNS:

Page 21, after line 8, insert the following subsection:

"(d) CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.—In carrying out subsection (a) with respect to innovations in health care technologies and clinical practice, the Director shall, in consultation with appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services."

Mr. STEARNS. Mr. Chairman, I would first like to say that I support H.R. 2506, to reauthorize the Agency for Health Care Policy and Research. I guess it is called the Health Care Quality Agency. This agency is an invaluable resource because the outcomes of research it provides improves the quality of health care for all of us.

Under this reauthorization, the new agency would refocus and its responsibilities would be to promote quality by sharing information, building public-private partnerships, providing cost and quality care reports on an annual basis, supporting new technologies, and assisting in providing access to those in underserved areas.

Mr. Chairman, the amendment I am offering adds a new section to section 916 entitled "Certain Technologies and Practices Regarding Survival Rates for Cardiac Arrest." By adding this language, we are merely attempting to point out how valuable we believe automatic external defibrillators are, AEDs, to saving the lives of individuals who experience cardiac arrest. We are asking the Director to develop recommendations regarding the placement of AEDs in Federal buildings.

Mr. Chairman, more than 1,000 Americans each and every day suffer from cardiac arrest. Of those, more than 95 percent die. That is unacceptable, because we have the means at our disposal to change those statistics. Studies show that 250 lives can be saved each and every day from cardiac arrest by using automatic external defibrillators, AEDs. Those are the kinds of statistics that nobody can argue with.

The AEDs which are produced today are easier to use and require just absolutely minimal training to use and operate. They are also easier to maintain and they cost less. This affords a wider range of emergency personnel to be trained and equipped.

One of the goals of this agency is to enhance the quality of health care. My amendment would help achieve this by directing the agency to develop recommendations for public access to defibrillation programs in Federal buildings in order to improve the survival rates of people who suffer cardiac arrest in Federal facilities. The programs should include training security personnel and other expected users in the use of AEDs, notifying local emergency medical services of the placement of the AED, and ensuring proper medical oversight and proper maintenance of the device.

My reason for offering this amendment highlights that it is possible to prevent thousands of people suffering sudden cardiac arrest from dying by making the equipment and trained personnel available at the scene of such emergencies.

I am hopeful that we can pass my bill in a larger sense which I have 66 cosponsors, H.R. 2498, the Cardiac Arrest

Survival Act, in its entirety in the 106th Congress. My bill directs the Secretary of Health and Human Services to develop recommendations for public access to defibrillation programs in Federal buildings.

The bill I introduced in this Congress differs from previous versions which primarily sought to encourage State action to promote public access to defibrillation. The States have responded to this call and many have passed legislation, over 40 States have since done it, to promote training and access to AEDs. So I think it is time for the Federal Government to catch up with the vast majority of our States and pass the legislation.

Mr. Chairman, I hope the amendment I offered, which is fairly innocuous, will be passed and accepted by the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I appreciate the gentleman yielding. I want to commend the gentleman. He has been very vocal on this, on the use of AEDs and of their great value to us on an everyday basis in committee. Of course his amendment is very helpful because again even though the general scope on functions of the agency would and could include these, it is another case of focusing attention, if you will, to it. We have had the opportunity to review the amendment and do accept it.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Stearns amendment. I believe his amendment will take a major step in saving the lives of people that have heart attacks in public buildings and in other places.

I would also use this amendment briefly as an opportunity to talk for just one moment, Mr. Chairman, about cardiopulmonary resuscitation. Last week was National CPR Week. I have a resolution that I have introduced to encourage people around the country to get CPR training. Only 2 percent of Americans are trained in CPR. It would save literally tens if not hundreds of thousands of lives, both the recommendation that the gentleman from Florida (Mr. STEARNS) has and CPR training.

I urge my colleagues to think about taking that training and especially to talk about it at home when there are training sessions given by hospitals, by the Heart Association and by other organizations. I commend the gentleman from Florida (Mr. STEARNS) for his interest in this issue broadly and specifically and ask for the House support for the Stearns amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished subcommittee chairman from Florida and the ranking subcommittee member from Ohio in a colloquy.

A recent series of articles in my hometown paper, the St. Paul Pioneer Press in Minnesota, highlighted a disturbing incidence nationwide of patient fatalities and injuries due to hospital errors which I will insert in the RECORD under General Leave.

The most comprehensive study conducted by Harvard medical researchers found that the hospital mistakes caused the death of one of every 200 patients admitted to hospitals. This provocative study also estimates that 1 million patients are injured by errors during hospital treatment each year. Alarmingly, some experts think official estimates of the medical errors may be understated as some cases go unreported. Most of us are very concerned about this new report.

In section 912, part C, in my reading it is intended for the Agency for Health Research and Quality to include in its research a specific report on the number of hospital errors which result in patient injury and death.

Two questions I have for my colleagues who are managing this measure: Is it intended that the agency will be reporting its findings to Congress? And is it possible that the report will include specific findings from State to State on the number of hospital errors which result in patient injury and death?

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman from Minnesota for bringing this issue in front of the House. It is extraordinarily important. I think we all need to know more about it. That is something that perhaps our committee can consider. Certainly this Congress should. But specifically now clearly the agency should do that.

In section 924 of the bill, it specifically says the information shall be promptly made available to the public, this data developed in such research demonstration projects and evaluations. They will do that. We have a great interest that they do.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Florida. I appreciate the gentleman's guidance.

Mr. BILIRAKIS. Mr. Chairman, I, too, commend the gentleman for bringing it to our attention. Obviously I think we would all agree that any intelligent reading would indicate that the scope and the general function of the agency would be to include something like this. Again it is important to focus some of these and to red-flag them, if you will, for the agency.

The gentleman from Ohio mentioned section 924. Certainly section 912(c), Reducing Errors in Medicine, and I will not repeat that, goes into that. Then you can go into Information on Quality and Cost of Care, section 913, subparagraph 2, I guess it is, Annual Report, and it refers to an annual report. I would say that it is intended the agency will report its findings to the Congress.

And the second question when you talk about State to State, logically it would seem that that information would be accumulated by them on a State to State basis and thus reported from that standpoint. I honestly do not know why that would be a problem. So is it possible? I would say it is very possible.

□ 1645

Mr. VENTO. Mr. Chairman, I thank the subcommittee chairman and ranking member. Obviously this sort of study is of great concern. I am sure we want to know the accuracy of it and the circumstances that are arising out of it to build the type of quality and objectives that are broadly stated in this bill which I will revise and extend in support of under general leave and will put this article in the paper. I appreciate the chairman, the subcommittee chairman, and ranking member's interest and cooperation with regard to this measure.

[From the Knight Ridder News Service, Sept. 24, 1999]

HOSPITAL ERRORS KILL THOUSANDS OF PATIENTS EACH YEAR

(By Andrea Gerlin)

The Medical College of Pennsylvania Hospital is a typical teaching hospital. It is known for cutting-edge research programs, for training medical students and newly graduated doctors, and for providing advanced medical care.

It is also representative of modern American hospitals in another respect: In the last decade alone, records show, hundreds of MCP Hospital patients have been seriously injured, and at least 66 have died after medical mistakes.

The hospital's internal records cite 598 incidents reported by medical professionals to the hospital administration in the past decade. In some of those cases, patients or survivors were never told the injuries were caused by medical errors. None of the doctors involved in the incidents was subjected to disciplinary action.

For patients of all ages, serious injury and death caused by medical errors are well-known facts of life in the medical community. But they rarely are reported to the general public.

MCP Hospital's records came to light only because of bankruptcy proceedings last year, when its new owner publicly filed a detailed account of the 598 incidents reported at the facility from January 1989 through June 1998.

Those numbers mirror what is happening across the country. Lucian Leape, a Harvard University professor who conducted the most comprehensive study of medical errors in the

United States, has estimated that one million patients nationwide are injured by errors during hospital treatment each year and that 120,000 die as a result.

That number of deaths is the equivalent of what would occur if a jumbo jet crashed every day; it is three times the 43,000 people killed each year in U.S. automobile accidents.

"It's by far the No. 1 problem" in health care, said Leape, an adjunct professor of health policy at the Harvard School of Public Health.

In their study, Leape and his colleagues examined patient records at hospitals throughout the state of New York. Their 1991 report found that one of every 200 patients admitted to a hospital died as a result of a hospital error.

Researchers such as Leape say that not only are medical errors not reported to the public, but those reported to hospital authorities represent roughly 5 to 10 percent of the number of actual medical mistakes at a typical hospital.

"The bottom line is we have a system that is terribly out of control," said Robert Brook, a professor of medicine at the University of California at Los Angeles. "It's really a joke to worry about the occasional plane that goes down when we have thousands of people who are killed in hospitals every year."

In bankruptcy proceedings last year, Tenet Healthcare Corp.—which bought eight Philadelphia-area hospitals, including MCP, from the bankrupt Allegheny health system—publicly filed an account of medical errors reported at MCP from 1989 through 1998. Such documents, which are maintained by hospitals for legal and insurance reasons, are routinely kept confidential.

The Philadelphia Inquirer sent written requests seeking similar information from 34 other large hospitals in Philadelphia. Of 25 that responded, all declined to provide similar insurance reports, citing patient confidentiality. Tenet declined to provide comparable data for MCP since it acquired the hospital.

Contained in the MCP records is a history of one hospital's experience, providing an unprecedented glimpse into the extent and natural of hospital mistakes.

The cases run the gamut from benign to fatal, and involve patients whose health status ranged from young and vital to old and infirm.

They include:

Four patients who died after they received too much medication, the wrong medication or no medication.

Surgical "misadventures" during which patients' organs were punctured or blood vessels were pierced.

An epilepsy patient who died and another who was left paralyzed on one side after suffering brain hemorrhages during surgery by inexperienced and inadequately supervised residents. In those two cases, four doctors at MCP later signed a letter to a hospital administrator saying that mistakes by unsupervised surgical residents "resulted in the unfortunate death of one of our patients."

Two middle-age patients who died following cardiac emergencies—men who according to hospital records did not receive proper or timely treatment from emergency room residents. One man sat in the emergency room with dangerously elevated blood pressure for more than seven hours before dying of a heart attack.

An 18-year-old man who received the wrong type of blood in a transfusion after an automobile accident, and died after an apparent hemolytic reaction to the blood.

Eight surgical patients who required second operations to retrieve sponges, cotton or metal instruments left inside their bodies.

Inadquate intensive-care monitoring, which delayed response to a mother of two who had stopped breathing. She was left permanently brain-damaged.

The Allegheny Health, Education and Research Foundation, which owned MCP until November, declined to comment. Tenet, the hospital's current owner, declined to discuss specific cases and events at the hospital preceding its ownership.

A Tenet executive said the company is aggressive and systematic in monitoring the quality of care at the 130 hospitals it owns across the country.

As of June 30, 1998, the date of the MCP report, the hospital's insurers had paid roughly $30 million—excluding legal costs—in settlements or jury awards in 76 of the 266 cases that resulted in lawsuits. The figures include five cases settled for more than $1 million each.

Lawyers for MCP, a 400-bed hospital in East Falls, Pa., have consistently denied the hospital's liability in lawsuits arising from errors. The hospital's own records suggest that its experience is no different from that of most hospitals in America.

"I find nothing in there that's beyond the average," said Donald Berwick, a pediatrician who is president and chief executive officer of the Institute for Healthcare Improvement, a nonprofit organization based in Boston.

The MCP doctors who treated patients included in the report had a wide range of expertise. Some were first-year doctors-in-training, or residents, working under the supervision of attending doctors. Others were veteran faculty who had graduated at the top of their medical school classes and are regarded by their colleagues as among the most competent in their specialties.

None of the 40 doctors involved in some of the most serious mistakes at MCP was ever subjected to disciplinary action by the state Bureau of Professional and Occupational Affairs, according to an agency spokeswoman.

"Most people in health care really try hard, but they're human and they make mistakes," said Harvard's Leape, a co-author of the "Harvard Medical Practice Study." Said Leape: "Physicians are not infallible."

Leape added: "No nurse or doctor wants to hurt somebody and every nurse and doctor has hurt somebody. They don't want to do it again."

Because most medical mistakes do not go beyond hospital walls, experts say, an estimated 2 to 10 percent of all cases involving medical error result in lawsuits.

"Because of the surveillance climate in health care, the tendency is not to report errors, but to conceal them or explain them away," Berwick said.

The CHAIRMAN pro tempore (Mr. QUINN). Are there any further amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C., 254b et seq.) is amended by adding at the end the following section:

"SEC. 330D. CENTERS FOR STRATEGIES ON FACILITATING UTILIZATION OF PREVENTIVE HEALTH SERVICES AMONG VARIOUS POPULATIONS.

"(a) IN GENERAL.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public or nonprofit private entities for the establishment and operation of regional centers whose purpose is to identify particular populations of patients and facilitate the appropriate utilization of preventive health services by patients in the populations through developing and disseminating strategies to improve the methods used by public and private health care programs and providers in interacting with such patients.

"(b) RESEARCH AND TRAINING.—The activities carried out by a center under subsection (a) may include establishing programs of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

"(c) QUALITY MANAGEMENT.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that, in order to ensure that the strategies developed under such subsection take into account principles of quality management with respect to consumer satisfaction, the applicant will make arrangements with one or more private entities that have experience in applying such principles.

"(d) PRIORITY REGARDING INFANTS AND CHILDREN.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

"(e) EVALUATIONS.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall (directly or through grants or contracts) provide for the evaluation of strategies under subsection (a) in order to determine the extent to which the strategies have been effective in facilitating the appropriate utilization of preventive health services in the populations with respect to which the strategies were developed.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.".

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, are there any further amendments to the bill?

AMENDMENT NO. 18 OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mrs. JOHNSON of Connecticut:

At the end of the bill, add the following new section:

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

‘‘Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

‘‘SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

‘‘(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

‘‘(b) AMOUNT OF PAYMENTS.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

‘‘(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

‘‘(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

‘‘(2) CAPPED AMOUNT.—

‘‘(A) IN GENERAL.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

‘‘(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

‘‘(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

‘‘(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

‘‘(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2)); and

‘‘(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

‘‘(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

‘‘(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the nonprimary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

‘‘(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

‘‘(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

‘‘(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

‘‘(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

‘‘(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

‘‘(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

‘‘(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

‘‘(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B):

‘‘(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

‘‘(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

‘‘(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

‘‘(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

‘‘(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

‘‘(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

‘‘(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

‘‘(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

‘‘(e) MAKING OF PAYMENTS.—

‘‘(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

‘‘(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

‘‘(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

‘‘(f) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) DIRECT GRADUATE MEDICAL EDUCATION.—

‘‘(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

‘‘(i) for fiscal year 2000, $90,000,000; and

‘‘(ii) for fiscal year 2001, $95,000,000.

‘‘(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

‘‘(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

‘‘(A) for fiscal year 2000, $190,000,000; and

‘‘(B) for fiscal year 2001, $190,000,000.

‘‘(g) DEFINITIONS.—In this section:

‘‘(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘approved graduate medical residency training program’ has the meaning given the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

‘‘(2) CHILDREN'S HOSPITAL.—The term ‘children's hospital’ means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

‘‘(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term ‘direct graduate medical education costs’ has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.’’.

Mrs. JOHNSON of Connecticut. Mr. Chairman, first I would like to commend the gentleman from Florida (Mr. BILIRAKIS) on the underlying bill, the Health Research and Quality Act which I consider to be a very progressive modernization of the mission of the Agency for Health Care Policy and Research, and I commend him on the thoughtful work done to enable that agency to serve us in the future in a focused and aggressive manner.

I also would like to thank the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS), for his support of a solution to the problem that our children's centers faced. He has been a strong advocate of our children's centers, and a great help to me as we moved this matter forward. I would like to thank also the chairman, the gentleman from Virginia (Mr. BLILEY) of the Committee on Commerce who also has been helpful in the support of the gentleman from California (Mr. THOMAS) who is chairman of the Subcommittee on Health of the Committee on Ways and Means and for the help and assistance and guidance of the gentlewoman from Ohio (Ms. PRYCE) who has been so very interested in the work of the children's hospital and is so conscious of the excellent opportunity they provide for children with complex, difficult illness.

Mr. Chairman, I offer this amendment, and I ask the support of my colleagues because our children's medical centers are facing an unprecedented financial crisis that threatens future advances in children's health care. All our teaching hospitals are facing a terrible challenge in just maintaining the resources needed to treat medically complex patients, the uninsured and the poor, and in addition, to maintain their training and teaching capabilities. It is increasingly difficult to get Medicare, Medicaid, and private payers to reimburse at a rate that is adequate to cover the unique responsibilities of our medical centers including the additional added costs of training physicians and conducting health care research. In today's price-competitive health care market, private payers no longer are willing to cover the costs of the public mission of training our physician work force. Children's teaching hospitals face an additional and unique burden because they receive no significant Federal support for their graduate medical education programs.

Mr. Chairman, GME is principally funded through the Medicare program. Teaching hospitals receive funding based on the number of Medicare patients that they treat. Because children's hospitals treat very few Medicare patients, they receive no significant support for their teaching programs from the Federal Government.

Freestanding children's hospitals receive on average less than one-half of 1 percent of what other teaching facilities receive in Federal GME funding. The grant program embodied in this amendment would provide GME support for children's hospitals. That is just commensurate with Federal GME support that other teaching facilities receive under Medicare. This amendment merely establishes interim assistance to our children's hospitals to maintain their teaching programs while Congress reforms the way we as a Nation fund medical education.

Mr. Chairman, the grant program would provide $280 million in fiscal year 2000, $285 million in fiscal year 2001; that is, authorize that money. Since comprehensive GME reform will take more time to develop, this amendment would provide immediate financial assistance through a capped time limited authorization of appropriations.

Mr. Chairman, freestanding children's hospitals are responsible for the pediatric training of almost 30 percent of the Nation's pediatricians and almost half of pediatric specialists. They also provide training to substantial numbers of residents of other institutions who require pediatric rotations. Even though they make up less than 1 percent of all hospitals, 59 facilities, freestanding teaching children's hospitals educate and train over 5 percent of all residents nationwide.

Make no mistake about it, Mr. Chairman. Top notch training programs are critical to ensure quality health care for our children. Kids with unusual and medically complex diseases depend on the sophisticated resources of our children's medical centers. Quality pediatric care depends on high-quality training of pediatric specialists and sub-specialists, and improvements in diagnosing and treating disease depend on sophisticated basic and clinical research carried out in our children's hospitals.

This grant program has broad bipartisan support. It is co-authored by over 190 Members, including the chairs and ranking members of the critical committees, and I urge my colleagues' support of it here today.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. Chairman, the majority had a chance to review the amendment. It would provide graduate medical education payments to the children's hospitals by creating a financing system for pediatric physical training. The amendment was introduced as the Children's Hospital Education and Research Act, H.R. 1579, with significant bipartisan support.

Mr. Chairman, few contest the historic inequity in GME funding for children's hospitals. Because Medicare is the largest single payer of GME and since freestanding children's hospitals treat few Medicare patients, as the gentlewoman from Connecticut said, their GME funding is very low. This gap in Federal support jeopardizes highly successful pediatric training programs.

Since comprehensive GME reform may take more time to develop, this amendment will provide immediate financial assistance through a capped, time-limited appropriation of $280 million in fiscal year 2000 and 285 million in fiscal year 2001. This authorization would end after 2 years or with the enactment of GME reform, whichever occurs first.

Although, Mr. Chairman, I am not going to make a motion to contest the germaneness of this amendment, I do wish to point out that the bill under consideration now which reauthorizes an agency with a primary research mission is a questionable vehicle for authorizing appropriations for funding GME and children's hospitals, and I am sure the gentlewoman understands that and would acknowledge that. Moreover, on process grounds I can make a strong argument for moving the children's GME bill through the normal committee process rather than as an amendment to H.R. 2506.

But having said this, Mr. Chairman, of course I am a cosponsor of the Johnson GME bill, and I agree with my colleague from Connecticut that this authorization of appropriations will send an important message to the relevant appropriations committees that the Congress considers support of GME for doctors training in children's hospitals as a high, high priority, and therefore, Mr. Chairman, we are prepared to accept the amendment.

Ms. PRYCE of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Johnson amendment, and I congratulate my friend for her work on this very and most important issue, and I appreciate the chairman's support. Very simply, this amendment makes an investment in children's health by authorizing funds for physician training. Currently the Medicare program provides the most reliable and significant support for graduate medical education, but children's hospitals do not treat Medicare patients who are largely senior citizens.

Mr. Chairman, the current system leaves children's hospitals searching for compensation for the time-consuming and resource-intensive training they provide to enhance our physician work force. While children's hospitals or while children's teaching hospitals represent only 1 percent of all hospitals, they train nearly 30 percent of all pediatricians, nearly half of all pediatric specialists and a significant number of general practitioners.

Now I have spent the better part of the past year in and out of Children's Hospital in Columbus, Ohio, and I know firsthand the critical difference between medical care for adults and medical care for children and all the commensurate differences in training that go along with the treating of a sick child as opposed to a grown adult including very basically the size of medical equipment, the dosage of drugs, the size of prosthetics, the administration of anesthesia, the ongoing development, the physical development, of children, the communication barriers. The list goes on and on, and it is absolutely critical for the physicians who treat children to have the proper training to meet the needs and challenges that are specific to children.

It is this kind of training that our Nation's children's hospitals are uniquely qualified to provide. Our current system of financial support for medical training disadvantages children's teaching hospitals, and the Johnson amendment begins to address the inequities of our graduate medical education system by authorizing a grant program to advance pediatrician training and pediatric research. It is a small price to pay to ensure that our children's hospitals can continue their mission to care for the sickest and poorest children while training the next generation of caregivers. It makes sense to add this provision to legislation that is focused on promoting public-private partnership to ensure health care quality research and patient access to care.

This interim solution to fix the inequities of our GME system has the support of 190 Members of the House and 38 Senators who have cosponsored similar legislation. I urge the rest of my colleagues to join us in support of the Johnson amendment and in recognition of the special work that children's doctors devote their lives and energies to.

Mr. LARSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by my esteemed colleague from Connecticut (Mrs. JOHNSON). The amendment provides funding for grants to children's hospitals to train pediatricians. This amendment incorporates the provisions of H.R. 1579, the Children's Hospitals Education and Research Act of 1999. It was one of the first bills I cosponsored on becoming a Member of this body.

This amendment greatly affects the 59 independent children's teaching hospitals across this Nation. Although these hospitals represent less than 1 percent of all hospitals in the Nation, they train over 5 percent of all physicians, 29 percent of all pediatricians and most pediatric specialists.

The Connecticut Children's Medical Center is located in the center of my district and is one of these hospitals that desperately needs this graduate medical funding for their education programs. I have heard from many of my constituents and work closely with the staff at the medical center, its president, Larry Gold, and Eva Bunnell who is a tireless advocate on behalf of the children of our great State of Connecticut.

As a parent of three children, I understand the importance and necessity of this funding. This amendment would authorize annual funding for 2 years and provide a more equitable, competitive playing field for independent children's teaching hospitals.

I wear this pin today, which is the Connecticut Children's Medical Center's logo. It represents an open-armed child made of colorful blocks. A 8-year-old from the hospital said the logo looks like a kid ready to give a hug.

We cannot turn our backs on the Nation's children and the care they deserve, and aside from the hugs they richly deserve, they need funding. Without this funding, these independent hospitals, which care solely for children, will find it hard to operate to the best of their ability.

I commend the gentlewoman from Connecticut (Mrs. JOHNSON) for her tireless work on behalf of children in the State of Connecticut and across this Nation. She has done so since she was a member of the Connecticut State Senate. I rise in support of this amendment today and urge our colleagues to join us.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. LARSON. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, it really is a pleasure to have the gentleman from Connecticut here and in support of the remarkable Children's Hospital in Hartford, Connecticut, but I think it gives us a good example of why this is so urgent and why my colleague, the gentleman from Florida (Mr. BILIRAKIS) has been so generous as to let us bring this on this bill.

□ 1700

Truly, in the environment in which our hospitals are operating, our remarkable little Children's Hospital is a good example of the terrible circumstances these children's centers face. They serve mostly children. Medicaid reimburses much worse than Medicare reimburses, to begin with, and then they are right in the middle of Hartford so they have many, many uninsured children, many very poor children, who need a lot of special care, and yet they get not one cent or hardly a cent of reimbursement for their teaching and research initiatives. We just cannot let this happen.

In the interim, we need this money to help them survive this period of extraordinary change in reimbursements. I just appreciate the gentleman's long working relationship with them, the help he has been on this bill.

I would also like to just take a moment to thank the ranking member, the gentleman from Ohio (Mr. BROWN), who has been a long solid advocate of children's hospitals and worked hard on this amendment for the year and a half or 2 years we have been working on it.

Mr. LARSON. Mr. Chairman, reclaiming my time, I can add no more to the gentlewoman's eloquence.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment offered by our colleague, the gentlewoman from Connecticut (Mrs. JOHNSON). By providing adequate Graduate Medical Education funding to children's hospitals, this amendment will ensure that our Nation's premier pediatric health care institutions are capable of pursuing their research, training, and primary-care missions on a firm financial footing.

For too long Congress has failed to remedy a clear inequity in the funding of Graduate Medical Education at children's hospitals. Because GME funding is contingent upon an institution's Medicare census, children's hospitals have not received adequate funding for the direct and indirect expenses of operating essential pediatric residency programs.

This amendment has strong bipartisan support in both the House and the Senate. I urge my colleagues to cast a vote in favor of strengthening our children's health care by supporting this amendment.

Let me conclude by saying how pleased I am that the House has reauthorized AHCPR, soon to be called the Agency for Health Research and Quality. I am proud to have been the one to have introduced this legislation creating the agency in 1989 with Senator KENNEDY. Just three years ago, AHCPR underwent a near-death experience arising from partisan politics, so I am especially pleased this essential agency once again has the bipartisan support it deserves.

Ms. MCCARTHY of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS) for accepting this amendment, to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her tireless efforts in championing it, and to thank my ranking member, the gentleman from Ohio (Mr. BROWN), for his tireless work as well in support of our children.

I am a cosponsor of similar legislation, and I am very pleased we are moving forward now on this key issue, which will authorize $565 million in appropriations for children's hospitals to maintain their graduate residency training programs.

This is critical to the health of our children. Children's hospitals are responsible for the pediatric training of almost one-third of the Nation's pediatricians. A lack of Federal support jeopardizes all education and training programs in children's hospitals, thereby threatening not only the pediatric workforce, but future health-care research and our children's health. It would be penny-wise and pound-foolish to continue down this path.

In my district alone, this temporary funding will help train 70 doctors at Children's Mercy Hospital, a free-standing regional facility in Kansas

City. The Johnson amendment supports the 59 children's teaching hospitals all across our country. I commend the sponsor and chairman and ranking member.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I would like to commend the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN) for offering this amendment.

Let me tell you what it means to one hospital of the 59. Children's Hospital of Alabama is the only freestanding pediatric hospital in the State of Alabama. It not only receives patients from Alabama, it receives patients from Mississippi and from as far away as Chattanooga, Tennessee.

Children's Hospital presently spends $4 million to $6 million annually for Graduate Medical Education. Unlike hospitals which treat Medicare patients, Children's Hospital receives no Medicare funds, and, therefore, no Medicare graduate medical expense reimbursement.

As the gentlewoman from Connecticut has said, Medicaid reimbursements are less, commercial insurers are not offering reimbursement for these expenses, and, with the recent changes in Medicaid and Medicare, all our hospitals are operating under cost controls, but our children's hospitals are operating on the severest of restraints.

Children's hospitals, we have heard various figures on how many of the pediatricians these hospitals train. Children's hospitals train 75 percent of the pediatricians in Alabama; and, nationwide, although children's hospitals train 25 percent or one-fourth of pediatricians, they train almost all pediatric sub-specialists. These are the people that treat our little boys and girls with cancer, with epileptic seizures, those children who are injured in accidents. Our sickest children come to our children's hospitals. They need the best of care, and they need medical doctors who are trained and trained well.

It is for this reason that I support enthusiastically the amendment of the gentlewoman from Connecticut (Mrs. JOHNSON), for, as we are fond of saying in this body, our children deserve the best, and that includes the best health care, and that includes the best trained health care pediatricians. This amendment will assure that.

To the gentlewoman from Connecticut (Mrs. JOHNSON), I thank you for your hard work; and I commend the body for its consideration of this measure.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Connecticut (Ms. JOHNSON) and commend her for offering this amendment. I also want to commend the ranking member, the gentleman from Ohio (Mr. BROWN). Both the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Ohio (Mr. BROWN) have been the original sponsors, of which I am an original cosponsor, of the bill, H.R. 1579, the Children's Hospital Education Research Act, and I commend them for having the foresight to introduce this legislation.

The Johnson amendment would provide critically important Federal funding for our Nation's 59 independent children's hospitals, including six such hospitals in Texas. I have the honor and distinction to represent two children's hospitals, Texas Children's Hospital, which is a qualified independent children's hospital, as well as Memorial Hermann Children's Hospital, which is part of a larger hospital system. In addition to that, I have the Shriner's Orthopedic Hospital in my district in the Texas Medical Center complex, which is in the 25th District. All of these are teaching hospitals aligned with the Baylor College of Medicine and the University of Texas.

As has been pointed out by many Members today, there is a great disparity in the level of Federal funding for teaching hospitals for pediatrics versus other types of teaching hospitals. That is due in large part because of how we have structured our medical education program around the Medicare system.

As the gentlewoman knows from the Committee on Ways and Means, this is a broader issue that we need to address. Some of us, the gentleman from Maryland (Mr. CARDIN) and myself, have some ideas. Others have their ideas. The chairman of the Committee on Ways and Means, my next-door neighbor in Houston, has his ideas. But, nonetheless, we should not wait until we come to a conclusion on that. We ought to act as the chairman of the subcommittee said. This is the right thing to do right now.

As has been pointed out, these hospitals, while only being a small percentage, train a very large percentage of the pediatricians. As the gentlewoman from Connecticut (Mrs. JOHNSON) pointed out, these hospitals are under tremendous financial pressure. They are under financial pressure from the private sector in managed-care health plans. They are under pressure in the Medicaid program.

In fact, back in 1997, as part of the Balanced Budget Act, we made pretty dramatic reductions in the disproportionate share program. Fortunately, we were able to ease those a little bit as it affected States like mine in Texas, Connecticut, and others. Those reductions were made, nonetheless. We know that the Nation's children's hospitals do carry a disproportionate share of both indigent and Medicaid patients, which just adds to the fiscal burden that they have to address.

This bill would provide in a 2-year capped program some additional funding to address this situation. But, more importantly, in the long term it would underscore the Federal commitment to ensuring that we continue to have the world's best pediatric care and that we continue to have the world's best medical education program.

I hope by passage of this amendment, and hopefully passage of this bill and funding of this bill, that we can go a step further, and when we look at the overall Graduate Medical Education program or the medical education program, we will look beyond just Medicare and understand that training doctors and training the other allied health positions is not just something that is benefited by the Medicare beneficiaries; but all of us, including our children, benefit from this; and, thus, we should take that into account in structuring the program.

So I commend the gentlewoman from Connecticut, the gentleman from Ohio and the chairman of the subcommittee for accepting this amendment, and I ask my colleagues to support the amendment.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment being offered by the gentlewoman from Connecticut. Children's teaching hospitals play a vital and unique role in our health care system. They are the training ground for future pediatricians, and nurses and they do groundbreaking research into children's illnesses. Many of these hospitals are freestanding facilities without the resources of a university or a health care organization to subsidize the higher costs the teaching hospitals incur.

Primary Children's Hospital in my State of Utah is one such hospital. It trains an average of 52 residents a year and has an outstanding reputation as one of the leading children's hospitals in the West. Most pediatricians in the 5-State Intermountain region have received at least some of their training at Primary Children's Hospital. But because children's hospitals treat few Medicare patients, they are at an economic disadvantage, since Graduate Medical Education is funded through the Medicare program. As a result, they receive less than one-half of 1 percent of what other teaching facilities receive in Federal assistance. This is not right. Our children deserve the finest health care that we can provide.

The $280 million grant funding proposed in the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON) is a modest effort to provide some equity and relief to these hospitals and enable them to continue their fine work. I was a cosponsor of H.R. 1579, and I am proud to support this amendment. I hope my colleagues will join me and stand up for children's health by voting for this amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON) to authorize $280 million in fiscal 2000 and $285 million in fiscal 2001 for a program that would provide grants to children's hospitals to train pediatricians.

On behalf of the Children's Hospital in Oakland, California, my district, I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Ohio (Mr. BROWN) for this amendment. This authorization is needed because freestanding children's hospitals are disadvantaged under the current Federal Graduate Medical Education funding for children's teaching hospitals.

Freestanding children's hospitals receive an average of less than one-half percent of what other teaching facilities receive in Federal Graduate Medical Education funding.

□ 1715

Now, in Oakland, California, in my district, Children's Hospital, a freestanding hospital, has 205 licensed beds. It is a regional trauma center and is an independent teaching hospital. It is a hospital that when my children were children played a very important role in the healthy development of my kids. It continues to be an exemplary medical facility and a very supportive environment for children and their families.

Now, because the hospital only treats children and not the elderly, it receives almost no graduate medical payments from Medicare, the one stable source of Graduate Medical Education support.

At Children's Hospital in Oakland, California, senior clinicians and scientists work with young doctors in pediatrics and pediatric specialities. It is these interns and residents who will become the pediatricians and scientists of tomorrow and who will bring us the miracles of the 21st century, a cure for cancer, new therapies, and other great possibilities. We need an equitable playing field in the price competitive health-care marketplace.

Medicare has become the only reliable source of significant support for Graduate Medical Education in teaching hospitals. Because children's teaching hospitals care for children, they receive less than .5 percent of the Medicare Graduate Medical Education support provided to other teaching hospitals. The current mechanism for Graduate Medical Education financing does not equitably recognize the contribution of these hospitals. So we must invest in children's health.

Independent children's teaching hospitals are less than 1 percent of all hospitals but train nearly 30 percent of all pediatricians and nearly half of all pediatric specialists. A strong academic program is critical to all facets of children's hospitals' missions. They care for the sickest and the poorest children, training the next generation of caregivers for children and research in order to improve children's health care. They are in the community, responding to the health care needs of our children and supporting their families.

So this amendment has broad bipartisan support. I urge my colleagues to support this amendment; and once again, I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Ohio (Mr. BROWN) for their support and commitment to children in our country.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Johnson amendment.

Mr. Chairman, I commend the gentlewoman for her work and also the gentlewoman from California (Ms. LEE) and others that have spoken before me. Before I introduced this legislation 2½ years ago, I visited the Akron Children's Hospital in Akron, Ohio, and saw the outstanding kind of work that medical personnel in that hospital did in pediatric medical advancement. As has been outlined by previous speakers, there is not a very good funding stream for medical education in children's hospitals and especially in freestanding children's hospitals.

Ohio is the home, I believe, of more freestanding children's hospitals than any State in the country. With the squeeze of managed care, coupled with the peculiarity of the way that we fund Graduate Medical Education through Medicare, children's hospitals simply cannot produce the pediatric specialists or, for that matter, the pediatric general practitioners that this country needs to produce. This is a very good amendment. This is a very important part of this bill. I commend the sponsor of the bill and ask for support of the Johnson amendment.

Mr. THOMAS. Mr. Chairman, I rise in support of Representative NANCY JOHNSON's amendment to the Health Research Quality Act (HR 2506). This amendment authorizes $280 million in FY 2000 and $285 million in FY 2001 for graduate training programs at children's hospitals.

Mr. Chairman, the way the government currently finances graduate medical education makes little objective sense. The system has unfairly penalized children's hospitals.

The training of physicians, in what is known as Direct Graduate Medical Education, is financed through Medicare's Hospital Insurance Trust Fund. Thus, the funds a hospital receives depends on the number of Medicare patients it serves. Since children's hospitals treat very few Medicare patients (primarily those with End Stage Renal Disease), they receive almost no funding from the Medicare program. Medicare pays teaching hospitals $7 billion in Graduate Medical Education, or about $76,000 per resident. Yet children's hospitals receive only about $400 per resident, despite training more than one-fourth of the nation's physicians and a majority of the pediatric specialties. In addition, free-standing children's hospitals constitute less than 1% of all hospitals but train more than 5% of all residents.

This illustrates one more reason why the entire direct graduate medical education program is in need of fundamental reform. Why should the training of residents who go on to treat patients of all demographic profiles be financed out of a program designed for the elderly and disabled? Second, why should we pay certain hospitals 5 or 6 times the amount per resident as we pay for the training of equally qualified residents at equally prestigious universities and teaching hospitals in other regions of the country?

Senator BILL FRIST, also a former physician, headed a task force within the Medicare Commission, which recommended that direct medical education be funded outside of the Medicare structure. I believe we can provide a more secure funding structure through a multiyear appropriations process because it provides a larger pool of resources: the General Fund. In addition, an appropriations process will provide needed oversight into the inequities that is lacking in the current entitlement structure.

I am pleased that Representative NANCY JOHNSON and the children's hospitals support the Medicare Commission's recommendation that children hospital DME be funded through the appropriations process. I strongly endorse this amendment and hope we can finally start providing needed resources to children's hospitals so that they may secure the important missions they perform.

Mr. SESSIONS. Mr. Chairman, freestanding children's hospitals are disadvantaged under the current federal GME (Graduate Medical Education) funding structure. GME is principally funded through the Medicare program. Teaching hospitals receive funding based on the number of patients that they treat. Because children's hospitals treat few Medicare patients, they receive no significant federal support for GME.

Children's hospitals receive on average less than one-half of one percent (0.5%) of what other teaching facilities receive in federal GME funding. This grant program would provide GME support for children's hospitals that is commensurate with federal GME support that other teaching facilities receive under Medicare.

Training programs are necessary to ensure quality health care for children. The education and training programs of these institutions are critical to the future of pediatric medicine and therefore to the future health of all children.

In 1998, Children's Medical Center of Dallas served as the training site for 77 pediatric residents. Although hospitals like "Children's Med. Center of Dallas" represents less than 1% of all hospitals in the country, independent children's teaching hospitals are responsible for training nearly 30% of all pediatricians, nearly half of all pediatric subspecialties and train over 5% of all residents nationwide.

This amendment would establish interim assistance to children's hospitals to maintain their teaching program while Congress addresses the inequities in the current GME system through Medicare reform. The grant program would provide $280 million in FY2000 and $285 million in FY2001.

Mr. PORTMAN. Mr. Chairman, I rise in strong support of Mrs. JOHNSON'S amendment to establish interim funding assistance to children's hospitals. The amendment will enable children's hospitals in Ohio and across the nation to maintain their teaching programs while Congress addresses the inequities in the current graduate medical education (GME) system through Medicare reform.

The nation's 59 freestanding children's hospitals, including Children's Hospital Medical Center in Cincinnati, train about 30 percent of the nation's pediatricians and nearly half of all pediatric specialists. Many residents of other hospitals who require pediatric rotations are trained at these facilities as well. Although they make up less than 1 percent of all hospitals, freestanding children's hospitals educate and train over 5 percent of all residents nationwide.

However, the current system of federal funding assistance is tilted against pediatric training. Graduate medical education is funded primarily through Medicare based on the number of patients that teaching hospitals treat. Since few Medicare patients receive care at children's hospitals, these facilities get less than one-half of one percent of what other teaching hospitals get in federal GME funding. This unfair situation threatens the future of our nation's pediatric workforce and also hinders the development of new treatments since teaching facilities perform the majority of health care research.

Congress recognized this problem in the Balanced Budget Act of 1997 by directing both the Medicare Payment Advisory Commission and the Bipartisan Commission on the Future of Medicare to address the financing of graduate medical education in children's hospitals as part of a comprehensive evaluation of GME. However, GME reform will take a while to develop. Therefore, the Johnson amendment will provide immediate financial assistance to children's hospitals comparable to the federal GME support that other teaching facilities receive under Medicare. It would do this through a capped, time-limited authorization of appropriations.

The Johnson amendment is essentially the language of the Children's Hospital Education and Research Act, H.R. 1579. I am an original cosponsor of a bipartisan bill, which is supported by over 190 Members of the House, including the chairs, ranking members and other members of subcommittees and committees of jurisdiction—the Commerce, Ways and Means and Appropriations Committees.

I urge my colleagues to support this important amendment to provide children's hospitals with a level playing field by addressing the federal funding GME gap they face, and, at the same time, give children a better shot at growing up healthy.

Mr. HOBSON. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Connecticut. This issue is particularly important for children in Ohio, where thousands of sick children every year are treated at Ohio's six independent children's hospitals.

Over the recent district work period, I visited the Children's Medical Center in Dayton, Ohio. Not only does the Center provide first rate care for children, it also provides a caring and attentive environment that allows parents and relatives to actively participate in their children's care. We all know how important it is to be near our children when they are sick, and the nation's children's hospitals provide the atmosphere and specialized care that is the best medicine for our children.

At some hospital serving adult populations in Ohio, the federal reimbursement for resident training is about $50,000 per resident. This federal commitment to graduate medical education has helped ensure that our doctors and the quality of care they provide are the best in the world.

However, due to the way the reimbursement formula has been set up, the federal commitment to graduate medical education at children's hospitals is much smaller. For example, Children's Hospital in Columbus, Ohio received about $230 per resident last year.

This amendment restores some fairness to the reimbursement rates that children's hospitals receive and will help ensure that Ohio and other states with children's hospitals will continue to train qualified pediatricians. This is an issue of fairness, and an investment long-overdue, and I urge my colleagues to support this amendment.

Ms. DUNN. Mr. Chairman, I rise in support of Representative JOHNSON'S amendment to provide grants to train medical residents at independent children's hospitals. I commend my friend for her leadership on this important issue and ask my colleagues to support her amendment.

The problem is simple: the federal government provides funding for graduate medical education through Medicare. Independent children's hospitals throughout this nation treat children under the age of 21, which is primarily a Medicaid population. Consequently, these hospitals do not receive Medicare funding for the medical professionals they train.

To rectify this discrepancy, this amendment will provide funding to children's hospitals that train medical doctors to be pediatricians. These hospitals are critical to serving sick children and providing important research to improve the quality of children's lives.

Earlier this year, Speaker HASTERT joined me in visiting the Children's Hospital and Regional Medical Center in Seattle, Washington. With 72 pediatric residents a year, Children's Hospital in Seattle is the dominant provider for training of pediatricians in the Pacific Northwest, covering the region of Washington, Wyoming, Alaska, Montana and Idaho.

In 1997, Children's Hospital invested $8 million in its medical education program and was reimbursed only $160,000 from Medicare and $2.4 million from Medicaid. This hospital cannot meet the needs of our community if it is forced to reduce the number of residents it trains. This amendment will improve quality of care by continuing to provide doctors who specialize as pediatricians or other pediatric subspecialties.

Independent children's teaching hospitals are less than 1% of all hospitals, but they train nearly 30% of all pediatricians. More importantly, we can continue our commitment to helping the sickest and poorest children in our communities.

As a parent of two sons, I know the importance of good quality health care for our children, and we must be very careful to leave no child behind. I urge my colleagues to support this important amendment. It is an investment in our children's health.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer amendment No. 19.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. MCGOVERN:

Page 46, after line 2, insert the following section:

SEC. 4. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Services, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

Mr. MCGOVERN. Mr. Chairman, my amendment calls attention to a very serious problem in this country, the potential shortage of pharmacists. As the population ages and prescription drug use continues to increase, we must examine whether there are enough qualified pharmacists to knowledgeably and safely distribute these medicines. My amendment would require that the Health Resources Services Administration study whether and to what extent there is a shortage of licensed pharmacists and to report back to Congress in 1 year on its findings. The report would include comments from private and public entities.

Mr. Chairman, as we debate the specifics of a prescription drug plan, which is incredibly important, we must also examine the potential shortage of pharmacists serving our health-care community. Our health-care system is changing from inpatient to outpatient treatment. Pharmaceutical manufacturing is on the rise; and even though there is debate about the specifics of such a plan, I think we all recognize the need for a Medicare prescription drug benefit.

As these events continue to unfold, we must recognize the lag in the education and development of new, qualified pharmacists. Currently, pharmacy providers throughout northern New England and around the country are experiencing difficulty finding enough pharmacists to keep up with the demand for prescription drugs. Pharmacists often serve as a valuable link between patients and their doctors. They provide valuable information about side effects and drug interactions. They ensure that our prescriptions are filled correctly, and they provide important advice on a range of issues when one of us or a member of our family is not feeling well.

I am concerned, Mr. Chairman, that in the near future people will not have access to the important community-based prescription services that are vital to maintaining their health. Unfortunately, this situation will only worsen. For example, the National Association of Chain Drug Stores estimates that the number of prescriptions will increase from 2.8 billion per year today to 4 billion in the year 2005. The number of pharmacists, however, is not projected to keep up with this demand. Data from the National Association of Chain Drug Stores shows that while the number of prescriptions in Massachusetts, my State, will increase 39 percent between 1998 and 2005, the number of pharmacists will only increase 13 percent over that same amount of time.

That is Massachusetts. The same problem exists all over the country. I believe Congress needs to take action. I have been working with the Massachusetts College of Pharmacy, which is opening a campus in Worcester, Massachusetts, in an attempt to deal with what potentially can be a major health crisis in this country.

In my opinion, we need to support the creation of more pharmacy schools. We need to examine ways to help encourage more people to enter the field of pharmacy, and we need to make sure that the financial assistance is available for students who want to pursue a career in pharmacy. By voting for this amendment, Congress will take the first step in determining whether and to what extent there is a shortage of pharmacists in this country, and I believe this will lay the groundwork for us to take actions in the future to remedy this very significant problem.

Mr. Chairman, I urge support of this amendment.

Mr. Chairman, I insert the following letter for printing in the RECORD:

MASSACHUSETTS COLLEGE OF PHARMACY AND ALLIED HEALTH SCIENCES, OFFICE OF THE PRESIDENT,
September 24, 1999.

Hon. JAMES P. MCGOVERN,
416 Cannon House Office Building, Washington, District of Columbia.

DEAR CONGRESSMAN MCGOVERN: I want to commend you for addressing the current pharmacist shortage in America. I support your amendment to the Health Research Quality Act, H.R. 2506, which would study the impending crisis and report potential solutions.

The combination of new biomedical discoveries, and the substantial graying of a large segment of the population, will create demands for billions more prescriptions that will be critical to maintaining the health of many Americans in the 21st century. This increase will cause an equal demand on human resources, and the need to supply trained personnel in pharmacy and counseling. In their 1998 study, the National Association of Chain Drug Stores found over 3500 vacant positions among their members, concluding that the demand for pharmacists could grow by as much as 30% over the next two years.

Like a great many of our colleagues throughout the nation, the Massachusetts College of Pharmacy and Health Sciences has been mindful of this burgeoning health care crisis from the need for trained community pharmacists. The project that will allow us to help to alleviate this crisis is the development of a fully accredited MCPHS campus in the city of Worcester, Massachusetts. Aided by the support of both the public and the private sectors, our strategic planning outlines a growth in academic resources that will facilitate an increase of 500 more pharmacy graduates, to bring out total to almost 2200 degrees in pharmacy studies, by the year 2003. I believe that this project holds great potential as an effective public-private partnership that could truly serve as a national model of creative response to this impending cataclysm to national health care.

We, at MCPHS, urge you and your colleagues to give serious consideration in developing recommendations to address this serious shortage of licensed pharmacists.

Sincerely,

CHARLES F. MONAHAN, Jr.

NACDS, NATIONAL ASSOCIATION OF CHAIN DRUG STORES,
September 28, 1999.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the National Association of Chain Drug Stores (NACDS), I am writing to applaud your leadership in raising awareness about the national shortage of licensed pharmacists. We are proud to be working with you on this issue and look forward to continuing our cooperative efforts to find solutions to this important public health concern.

Toward this end, NACDS supports your efforts to amend H.R. 2506, the Health Research and Quality Act, to direct the Secretary of Health and Human Services to conduct a study on the shortage of licensed pharmacists. As you are well aware, NACDS had conducted research concluding that the pharmacist shortage is an acute situation that will only get worse as the national demand for prescription drug therapy continues to grow. With your amendment, Congress can take an important step towards developing solutions to ensure that an adequate supply of pharmacists is available to provide medication and pharmaceutical services to the public in the future.

We also appreciate that you have included in the amendment a definitive date for completion of the study, as this will ensure that this issue receives the urgent consideration it deserves. Given the potential consequences of prolonging the pharmacist shortage, this research is too important to delay.

Thank you for your ongoing efforts to ensure the Americans consumers have access to the best health care services available. If I may be of any assistance on this or other issues, please do not hesitate to contact me.

Sincerely,

ROBERT W. HANNAN,
President and Chief Executive Officer.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the majority has had an opportunity to review the amendment. I personally spoke with the gentleman regarding his amendment. I commend him for it, and I would agree with him. Certainly in Florida, where we have such a much bigger demand than most of the States in the country, we have a tremendous shortage of pharmacists. Most of the members of my family are pharmacists, and I am able to keep up with that.

Mr. Chairman, we are prepared to accept the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the McGovern amendment.

Mr. Chairman, I want to thank the gentleman for his commitment, particularly in light of what Congress looks like it may do on prescription drugs, for his commitment to this issue. I think it is something we need to know more about to see if it is regional, if it is national, how acute the shortage is; and I think this amendment will help us learn to do that and deal with coverage of prescription drugs nationally also. I commend him and ask for support of the amendment.

Mr. BERRY. Mr. Chairman, I rise today as a licensed pharmacist, in support of the McGovern amendment.

I always say that I am proud to have served in two of the most respected professions: as a farmer and a pharmacist.

I have stood here many times to talk about the affordability of prescription drugs. Today, I am here to ask that we pass this amendment for the sake of consumers.

Why? Because our nation's consumers, especially seniors, rely on pharmacists for their livelihood.

In the 1st Congressional District of Arkansas, these shortages are in the smaller towns.

The demand for full-time pharmacists has increased more than 25 percent in the past two years.

We all know from traveling in our districts that one of the main concerns of seniors is the affordability of prescription drugs. But we also know that not enough pharmacists to fill those prescriptions, this is also a major problem.

Let's pass the McGovern amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Chairman, I offer amendment No. 22.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. THOMPSON of California:

Page 46, after line 2, add the following section:

SEC. 4. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Director of the Agency for Health Research and Quality shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Director for responding to such issues.

Mr. THOMPSON of California. Mr. Chairman, telemedicine has been in existence for over 30 years but has only recently become one of the fastest growing areas of medicine. Telemedicine allows a consulting physician at one location to observe a patient or interpret data at another location via two-way audio or video links. Dermatology, oncology, cardiology, radiology, and surgery are just a few of the areas of medicine that have felt the positive impact of this technology.

If someone represents a rural district, as I do, they have heard from constituents who often have to travel long distances to consult with medical specialists. Telemedicine allows these same individuals to consult with their primary-care physician and a specialist at the same time without the burdens of extraordinary travel, but telemedicine does not just help rural districts. This field of medicine has the potential to provide a wider range of services to all underserved communities, both rural and urban.

The benefits of telemedicine are numerous; but in order to encourage its growth, we still need to research and answer a few critical questions.

Are patients who have received telemedicine benefiting from it? What criteria should be used to determine which patients need these services? What factors are inhibiting the expansion of accessibility of telemedicine networks?

Congress in the past has commissioned reports on telemedicine, including one under the Health Insurance Portability and Accountability Act of 1996 and another under the Balanced Budget Act of 1997. Although these reports address many important aspects of the field, there are still gaps that need to be filled in.

In working with the National Institutes of Health and other medical professionals throughout the country, I have drafted this amendment. It requires the Agency for Health Research and Quality to research and respond to Congress by January of 2001 on issues relating to patient screening and interstate licensing of medical professionals.

In addition, this amendment would require a review of the factors that may be inhibiting the expansion of telemedicine networks. It is necessary to identify the hurdles that still need to be overcome in this field in order to establish and promote successful systems of telemedicine.

I want to thank the chairman and the ranking member for their great work on this measure, and I would urge a yes vote on this amendment.

Mr. OSE. Mr. Chairman, I rise in support of the amendment by my good friend, the gentleman from California (Mr. THOMPSON).

Mr. Chairman, I have this past week spent much time in my district visiting the various facilities that serve the medical needs of the people who live in the Third District, and I will say firsthand, up front and personal, that this system works. I have been in the hospital in Colusa, a small city of around 5,500 in my district, where we actually communicated as I was standing there with people at the University of California at Davis Medical Center talking about issues affecting a patient.

Telemedicine works. It helps the people in my district, and the thing that is so critical here, the thing that actually makes a difference, that we should support here if for no other reason is that telemedicine is an effective, efficient, beneficial way to bring medical assistance to the people who live in our rural areas throughout this country.

I have seen it work. I want to say that. I have seen it work in my district. There is a camera. There is a screen. There are people on the other end, and it is just like talking from here to the Chair.

The amendment of the gentleman is well thought out. The fact that we can get some additional greater information to allow us to make reasoned, rational decisions regarding telemedicine merits our support. I thank the chairman for considering it.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman from California (Mr. OSE) for yielding.

Mr. Chairman, I really appreciate the gentleman sharing his story with us and commend the gentleman from California (Mr. THOMPSON) for offering this amendment. Back in the days when RON WYDEN from Oregon, who is now a U.S. senator, was here, he and I spent a lot of time on the issue of telemedicine. We ran into some roadblocks but it has been sort of a little bit of a cause of mine, a secondary cause of mine unfortunately, but I think it is an excellent resource.

Frankly, my opinion is that it is not being used to its full potential and hopefully the gentleman's amendment will focus the agency on this particular issue, and hopefully we can improve upon that. So in any case, we are prepared to accept the amendment.

□ 1730

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly want to commend the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment, and the gentleman from Ohio (Mr. BROWN), our ranking member, for allowing this amendment to be brought before the floor.

Mr. Chairman, I rise today in full support of the proposed amendment of the gentleman from California (Mr. THOMPSON) to H.R. 2506 to require the Agency for Health Research and Quality to submit a report to Congress by January 2001 on telemedicine.

Mr. Chairman, I represent a group of Americans living in a remote area, far from the modern hospitals or other major health facilities. The people of my district get sick and are injured just like anyone throughout the country.

One big difference, Mr. Chairman, is that, if a person's serious injury or illness cannot be treated by a local physician, he may just have to wait awhile before he or she can be transferred to the nearest major hospital, which is about a 5-hour plane ride from Samoa to Honolulu. To make things more complicated, Mr. Chairman, there are only two flights per week between American Samoa and Honolulu.

In addition to that, Mr. Chairman, the cost of transporting a patient in a gurney, along with an attending nurse or physician 2,300 miles to Hawaii and back is quite significant, which leads to the very reason why I fully support this amendment for telemedicine.

Mr. Chairman, presently health and medical care needs in rural America and distant U.S. insular areas are simply overwhelming the available resources. Telemedicine can work to lessen the costs and, at the same time, can dramatically improve the quality of and access to needed health and medical care.

Telemedicine can be a very valuable tool to medical facilities in rural areas.

We now have the technology to assist rural America, but the infrastructure is not always in place, and the costs are still somewhat of a concern.

This amendment will require that we devote some of our resources to determining how best to move forward with this emergent technology to provide improved medical care for rural America.

Again, I thank the gentleman from California (Mr. THOMPSON) for his initiative by introducing this necessary amendment, and my appreciation to the chairman and the ranking member for their leadership and assistance by allowing this amendment to be included in this legislation.

I urge my colleagues to support this amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, am in support of this amendment, an amendment to bring the delivery of health care into the 21st century.

Telemedicine is an innovative and fast growing field that provides real access and necessary access to medical care, particularly to areas that are not close to major medical facilities.

That is why this year the gentleman from California (Mr. THOMPSON) and I requested funding for a telemedicine network located in Santa Rosa at Santa Rosa Memorial Hospital to provide access to the children and families in northern California's remote and underserved population.

Santa Rosa Memorial Hospital is in my district, and the majority of the families that it would serve are in the district of the gentleman from California (Mr. THOMPSON). Together, that was a partnership to take care of the children in our area in general.

The U.S. Department of Health and Human Services has classified portions of our districts as medically underserved. Specialty and trauma care are often limited and episodic at best, making telemedicine the only viable answer to making care accessible to these families.

The children who need state-of-the-art medicine, but do not have it in their rural communities, will be served greatly by this amendment.

We have the technology to fix a problem. Now, let us have the courage. I hear on both sides of the aisle that the courage is there, and I appreciate it, to fix this problem permanently.

Telemedicine has been in existence for over 30 years, and it is time to make it a priority so that it will work and so that it will work right.

Again, I applaud the gentleman from California (Mr. THOMPSON) for his leadership on this issue. I urge my colleagues to support this amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the second Thompson amendment. I commend the gentleman from California for bringing attention to the potential of telemedicine and for outlining for us the success already of telemedicine. It is a terrific breakthrough in the last decade or so and in serving underserved remote areas, as the gentlewoman from California (Ms. WOOLSEY) said. I think this is a good amendment that will lead to more breakthroughs in telemedicine.

I ask support of the House for the Thompson amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TRAFICANT: Page 46, after line 2, insert the following section:

SEC. 4. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

Mr. TRAFICANT. Mr. Chairman, I would like to start out by commending the gentleman from Florida (Mr. BILIRAKIS), a fellow graduate of the University of Pittsburgh and a dear friend, for his work on health care. I believe if the Congress would work with the gentleman from Florida (Mr. BILIRAKIS), we would continue to have improvements such as these that will incrementally improve the health-care system of America.

I also want to commend the gentleman from Ohio (Mr. BROWN), my neighbor, for working with our chairman and for aggressively working on problems of health-care needs for all the people of America. But I do want to encourage the Congress to continue to work carefully with the chairman. The health-care program that he is espousing makes a lot of sense.

Mr. Chairman, this is a very simple amendment. It says people who get the money from this bill in the form of grants shall abide by the "buy American" law which many of them forget to do, and they have to be prosecuted for such evasion. At least we can remind them and encourage them when expending these funds, where at all possible and practicable, to expend those funds in the purchases of American-made goods and services.

It makes sense. It is common sense. I would ask that it would be included in the bill.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I respond to the gentleman's amendment, I would like to take this opportunity to thank and commend the staffs, the people who really make all of this possible. We get the accolades, but they are really the ones who have done all the work: Jason Lee, a member of the committee staff; Tom Giles, another member of the majority staff; Ann Esposito from my personal staff; minority staff John Ford and Ellie Dahoney; and Pete Goodloe, legislative counsel. I really commend them and thank them. This has been a good piece of legislation. It has been very beneficial, I think.

Mr. Chairman, the majority has had an opportunity to review the amendment by the Buy-American Congressman, the great Buy-American Congressman here in the Congress, and his amendment would require that the agency or any entity that expends funds authorized pursuant to this act comply with the Buy American Act. He is already very diligent in doing that.

We are prepared to accept his amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Traficant amendment. I commend the gentleman from Ohio (Mr. TRAFICANT), with whom I share a county, Trumbull County in eastern Ohio, and thank him for his work on this amendment. I thank the gentleman from Florida (Mr. BILIRAKIS) for his good work on this bill and so many other pieces of legislation in our committee. Also Mr. Ford, Mr. Schooler, and the majority staff, and Ellie Dahoney also in my office.

This amendment, as the amendments of the gentleman from Ohio (Mr. TRAFICANT) typically are on this, on several bills on buy America, makes sense. It will improve the bill. I commend him for his work. I ask for support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Are there any further amendments on the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. QUINN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2506) a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research, pursuant to House Resolution 299, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 7, not voting 9, as follows:

[Roll No. 457]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
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Johnson (CT)
Johnson, E. B.
Jones (NC)
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McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
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Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Ros-Lehtinen
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Watt (NC)
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Weller
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Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—7

Chenoweth
Coburn
Duncan
Hostettler
Johnson, Sam
Paul
Royce

NOT VOTING—9

Archer
McCarthy (NY)
McKinney
Riley
Sanford
Scarborough
Sessions
Thomas
Wu

☐ 1804

Mr. ROYCE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 457, had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2506, the bill just passed.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2506, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–135)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United

States; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the House of Representatives:

I am returning herewith without my approval, H.R. 2587, the "District of Columbia Appropriations Act, 2000." Although the bill provides important funding for the District of Columbia, I am vetoing this bill because it includes a number of highly objectionable provisions that are unwarranted intrusions into local citizens' decisions about local matters.

I commend the Congress for developing a bill that includes requested funding for the District of Columbia. The bill includes essential funding for District Courts and Corrections and the D.C. Offender Supervision Agency and goes a long way toward providing requested funds for a new tuition assistance program for District of Columbia residents. I appreciate the additional funding included in the bill to promote the adoption of children in the District's foster care system, to support the Children's National Medical Center, to assist the Metropolitan Police Department in eliminating open-air drug trafficking in the District, and for drug testing and treatment, among other programs.

However, I am disappointed that the Congress has added to the bill a number of highly objectionable provisions that would interfere with local decisions about local matters. Were it not for these provisions, I would sign the bill into law. Many of the Members who voted for this legislation represent States and localities that do not impose similar restrictions on their own citizens. I urge the Congress to remove the following provisions expeditiously to prevent the interruption of important funding for the District of Columbia:

—*Voting Representation.* H.R. 2587 would prohibit not only the use of Federal, but also District funds to provide assistance for petition drives or civil actions that seek to obtain voting representation in the Congress for residents of the District of Columbia.

—*Limit on Access to Representation in Special Education Cases.* The bill would cap the award of plaintiffs' attorneys' fees in cases brought by parents of District schoolchildren against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (IDEA). In the long run, this provision would likely limit the access of the District's poor families to quality legal representation, thus impairing their due process protections provided by the IDEA.

—*Abortion.* The bill would prohibit the use of not only Federal, but also District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest.

—*Domestic Partners Act.* The bill would prohibit the use of not only Federal, but also District funds to implement or enforce the Health Care Benefits Expansion Act of 1992.

—*Needle Exchange Programs.* The bill contains a ban that would seriously disrupt current AIDS/HIV prevention efforts by prohibiting the use of Federal and local funds for needle exchange programs. H.R. 2587 denies not only Federal, but also District funding to any public or private agency, including providers of HIV/AIDS-related services, in the District of Columbia that uses the public or private agency's own funds for needle exchange programs, undermining the principle of home rule in the District.

—*Controlled Substances.* The bill would prohibit the District from legislating with respect to certain controlled substances, in a manner that all States are free to do.

—*Restriction on City Council Salaries.* The bill would limit the amount of salary that can be paid to members of the District of Columbia Council.

I urge the Congress to send me a bill that maintains the important funding for the District provided in this bill and that eliminates these highly objectionable provisions as well as other provisions that undermine the ability of residents of the District of Columbia to make decisions about local matters.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 28, 1999.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. ISTOOK. Madam Speaker, President Clinton has just surrendered in America's war against drugs. I'm deeply disturbed by this veto, and every parent, teacher and police officer should be, too.

His veto throws away all the good things this bill does: help D.C. kids go to college, get foster kids into permanent homes, clean up the foul Anacostia River, crack down on drug offenders, and reduce the size of D.C.'s bloated government.

And for what?

I'm appalled that the President of the United States would throw away all these good things just to support legalizing marijuana.

This is about legalizing drugs in the nation's capital, and using that as a stepping-stone for the rest of the country. Nobody should be fooled by the pretense that this is a medical issue. That's a smoke screen. Anyone who reads D.C.'s proposed new law knows:

It wouldn't even require an actual doctor's prescription.

People who claim they have approval to use marijuana are allowed to authorize their friends to grow and keep it for them.

It even requires government to provide the marijuana in some cases, at taxpayers' expense.

It's wide-open for abuse. It conflicts with our national law making marijuana illegal.

It's also a smokescreen for the President to pretend this is about local control. The Constitution (Article I, Section 8) puts Congress in charge of the laws in D.C. Furthermore, the items of which the President complains were all approved by him in last year's bill. They are not new. The only new thing is that now D.C. wants to legalize marijuana, and President Clinton wants to help them.

Everyone who cares about combating drugs should be sickened by the Clinton veto. You can't have a war on drugs if the President turns the nation's capital into a sanctuary. This ends any hope of drug-free zones around D.C.'s schools.

Every police officer, every teacher, and every parent who has ever fought against drugs should be crying today. The President is sending the worst possible message to our children.

Not only that, he's exposing our nation's capitol to renewed ridicule over drug abuse and hijacking D.C.'s progress on the road to recovery from the Marion Barry days. I'm shocked that he would sacrifice everything just to promote a pro-drug agenda. Neither the Congress nor the country will accept what the President has done."

Madam Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 2587, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 68. Joint Resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes."

NAVY ENSIGN DAN JOHNSON, A TRUE HERO

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BALLENGER. Madam Speaker, some say that America lacks true heroes, and I disagree. Last Friday, I had the privilege to see a young man, a constituent of mine, Navy Ensign Dan Johnson receive the Navy/Marine Corps medal for heroism.

On August 23, Ensign Johnson, a safety officer aboard the USS Blue Ridge, was working on a deck as the ship prepared to leave Pusan Harbor. During the course of that operation, a young sailor who was handling a towline attached to a Korean tug became entangled and was being dragged to what would have been certain death.

Thinking quickly, Ensign Johnson jumped on the sailor and tried to free him, but he too became entangled in the line as it became tighter. In a final desperate attempt, Ensign Johnson was able to free himself and the sailor in the nick of time, but, in the course of doing so, lost both legs at mid-calf. The sailor lost a foot.

In a time when there are too few heroes, Dan has proved that true heroes still do exist. His selfless acts will leave no doubt about his love and dedication to his service, his shipmates and his country. Dan embodies the highest standards of professionalism, courage and self-giving. The Navy should be very proud of this young man, as I and his family are. It is my hope that his actions will serve as a reminder of the sacrifices we call upon our young people to make while protecting our freedom and as an inspiration to everyone who now serves.

Madam Speaker, I include Dan's citation for the RECORD.

THE SECRETARY OF THE NAVY
WASHINGTON

The President of the United States takes pleasure in presenting the Navy and Marine Corps Medal to Ensign Daniel H. Johnson, United States Naval Reserve for service as set forth in the following Citation:

For heroism while serving as Safety Officer on board USS BLUE RIDGE (LCC 19) at Pusan, Korea on 23 August 1999.

While serving as the Station Safety Officer during a mooring evolution, Ensign Johnson took immediate action to save the life of and minimize injuries to a line handler whose leg was entangled in a tugboat's messenger line. Recognizing the imminent danger to the service member, Ensign Johnson ran to the member and attempted to control the line. The violent, jerking motion of the line entrapped both members and ultimately severed the lower limbs of Ensign Johnson.

By his courageous and prompt actions in the face of great personal risk, Ensign Johnson reflected great credit upon himself and upheld the highest traditions of the United States Naval Service.

For the President,

RICHARD DANZIG,
Secretary of the Navy.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1815

INTRODUCTION OF THE KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES ACT

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Madam Speaker, today I am introducing the Keep Our Promise to America's Military Retirees Act, a bill which will correct an injustice against millions of Americans who have made the ultimate sacrifice in defense of their country and our country.

Madam Speaker, the United States is the greatest power in the world. American forces have fought bloody battles on land, sea and in the air to preserve democracy. We could never have achieved such military superiority without the millions of Americans who risked all to serve in this great country. These patriots put the security of home and family on the line to defend the right of all Americans.

Career servicemen and women are willing to sacrifice their own lives so that all Americans can live freely. We do not hesitate to ask American men and women to make military service a career. And what do they ask for in return? All they ask is that the promises made when they entered the service are fulfilled when they retire. That is the injustice I rise to address today.

Madam Speaker, millions of Americans joined the service with the understanding that health care would be available to them when they retired. But for too many military retirees, there is no health care, or the health care that is available is doled out like table scraps for the family dog. The United States should never break a promise to the American people. But it is wrong to be this callous to the very people who keep America safe and strong. It is wrong. It is very wrong.

Madam Speaker, prior to June 7, 1956, health care provided for retirees varied from service to service but Congress had never authorized any of those systems. This changed when CHAMPUS, the Civilian Health and Medical Program of the Uniformed Services, was enacted into law in 1956. So people who entered the service after CHAMPUS was enacted were sure they could look forward to health care upon retirement, or so they thought. I am going to address that issue later in my remarks.

But what about the people who entered the service before CHAMPUS was enacted? The sad fact is that many Americans who joined the service prior to CHAMPUS were promised free health care by recruiters who had no right to make such a promise. Because there was no statutory health care, those empty promises simply could not be fulfilled.

Now, Madam Speaker, when you or I or anyone else buys something on the open market, we are always warned to let the buyer beware. But, Madam Speaker, should Americans be in doubt when their own government makes similar claims? Military recruiters are not salesmen. Recruiters are agents of the United States Government, the American people. We owe it to our military retirees who were led to believe they would receive free health care upon retirement that their government will be there for them.

Now, Madam Speaker, what do we do about the military retirees who entered the service after CHAMPUS? Madam Speaker, military retirees are eligible to participate in CHAMPUS or Tricare programs that have evolved from CHAMPUS. Essentially they can get treatment at military treatment facilities on a space available basis. That is, they can pay for treatment if, and that is a very big "if," if space is available, or if civilian doctors choose to participate.

At a time when we are downsizing the military and closing bases, space availability and access to military treatment facilities are very difficult. And treatment is impossible for retirees who are unable to travel even short distances. And then guess what? At 65, retirees lose coverage and become eligible for Medicare benefits which we all know are shrinking every day. So these post-CHAMPUS retirees are left with fewer and fewer health care options.

Today, Madam Speaker, I am introducing the Keep Our Promise to America's Military Retirees Act. This landmark legislation will restore adequate health care that was promised to all our military retirees. It will make military retirees who entered the service prior to CHAMPUS eligible for health care under the Federal Employee Health Benefits Program, with the United States paying the full cost of the enrollment. This bill also extends to all our military retirees expanded options for health care. They can enroll in the Federal employees health care program, or they can participate in the CHAMPUS program after they reach age 65, or they can remain in the Tricare program. This is the "broken promise" bill that America's military retirees have been waiting for years to come.

Many of these heroic Americans risked all in World War II, Korea, Vietnam and the Persian Gulf. The least we can do for these American heroes is keep our word. We should move these bills through the legislative process so they do become law. We should restore health care that was promised to our military retirees and to which they are entitled after devoting their lives to defend this country. We should keep our promise to America's military retirees.

I do ask that you help me support this bill. It is a great bill. It is a broken promise that we have not kept to our military retirees.

I want to acknowledge the efforts of four organizations that have been instrumental in crafting this legislation: The Retired Enlisted Association, The Retired Officers Association, The National Association for Uniformed Services, and the Class Act Group of Military Retirees.

I also want to thank Congressman CHARLIE NORWOOD for his cosponsorship and his efforts.

Before I close, Madam Speaker, I want to pay special tribute to one man: Jim Whittington. I want all of my colleagues here in Congress to know that the introduction of this landmark legislation is living proof that democracy really works in our country, and that one American citizen really can make a difference.

Jim Whittington is the most tenacious individual I know. Last March, Jim organized a summit of military retirees in his hometown of Laurel, Mississippi. The summit attracted hundreds of retirees from the southeastern United States.

Madam Speaker, if you ever have the opportunity to meet Jim, be prepared to get an earful. He is articulate and passionate about this issue.

And he is selfless. Jim does all right for himself, but he cares about his fellow retirees, many of whom have been abandoned by their country and need help.

Madam Speaker, I would not be introducing this legislation today without the persistence of Jim Whittington. He is what democracy is all about.

In closing, Madam Speaker, I am proud to introduce today "The Keep Our Promise to America's Military Retirees Act."

Passing this bill will let America's military retirees know that we honor them, we respect them, we appreciate them, and that we will keep our word to them.

And passing this bill will get the attention of the next generation of Americans, who must not be discouraged from military service.

They must know that the American people will value the sacrifice they would make by devoting their lives to national service.

After all, Madam Speaker, we must face the fact that we will always need heroes who will be willing to make the ultimate sacrifice!

BUDGET COMMITTEE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Madam Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–288 to reflect $77,000,000 in additional new budget authority and $13,000,000 in additional outlays for international arrearages. This will increase the allocation to the House Committee on Appropriations to $543,200,000,000 in budget authority and $582,478,000,000 in outlays for fiscal year 2000.

As reported by the House Committee on Appropriations, H.R. 2606, a bill making appropriations for Foreign Operations, export financing, and related programs for fiscal year 2000, includes $77,000,000 in budget authority and $13,000,000 in outlays for international arrearages.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

ON AGRICULTURE APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise to object this evening to the manipulation of the leadership of this body, particularly the Speaker, Mr. HASTERT, and the majority leader of the other body, Mr. LOTT, that is essentially disenfranchising the membership of this body with regard to one of the most important issues before us, and, that is, meeting the needs of rural America, the disaster affected regions of our country, our farmers, who are experiencing historically low prices and bad weather, sort of twin eviscerators, that we are witnessing the hemorrhaging of equity out of rural America.

For the record and for the American people and hopefully for my fellow Members, I come to the floor tonight to recount what has been happening here sort of below the surface where the press is generally not picking up on it.

Employing what certainly must be the most unusual committee process I have ever experienced in my 17 years here in the House, the Republican leadership of this House has basically taken the drafting authority of our appropriations agriculture subcommittee away from our membership. Last week, the Republican leadership of this House as well as the Senate subcommittee twice recessed our conference committee because they could not reach agreement on the Republican side of the aisle on at least three provisions relating to regional compacts regarding milk, sanctions on terrorist states, and the level of disaster assistance that is really necessary in our country to meet the needs of our farmers in rural communities coast to coast. Our subcommittee has not met since last Wednesday due to that disorganization. Then over the weekend and early this week, Speaker HASTERT and Senator LOTT, their offices began drafting something for floor action. That effort is now being circulated in the form of a committee report that a majority of House subcommittee Republicans thus far, as of 5 p.m. today, had refused to sign, and which no Democrat had seen at all, certainly not those of the subcommittee of jurisdiction where we have legal responsibility to meet our obligations to the American people.

The Republican leadership appears to be deal-making on such matters as mandatory price reporting, for example, to try to get a majority of the members on their side of the aisle to sign on to that report. The difficulty is that if that happens, let us say they make enough deals to bring that bill to the floor, that will be brought to the floor without our subcommittee membership in conference being allowed to amend and discuss under regular order as is required by the rules of this institution. Thus, Democrats for sure will not be able to offer amendments on such critical issues as the fairness and the adequacy of the formulas and the commodities and sectors to be covered in the bill, as well as the economic level of assistance and disaster assistance titles of the bill, which are extremely expensive and depending on how they are drafted benefit certain regions of the country and certain sectors more than others. We will not be able to deal with the sanctions issue, we will not be able to deal with many of the other titles of the bill that our members wanted a chance to discuss. We will only be left with the option on this floor of taking that report and being given a moment in time to vote to recommit it back to conference, which obviously has been recessed, if we do not like something that is in that report.

As of Tuesday at 5 o'clock, now it is 6:25 here in Washington, the minority membership of the committee does not have a copy of the working document, at a time when rural America is in crisis. I have really been working with the leadership on our side of the aisle and I have pleaded with the leadership on the other side of the aisle to let us go back to regular order.

This is wrong, this is not the way to run the Nation, and really what you find out is in the end that good government is good politics. If we use the full membership of this institution, if we each bring our experiences to the table, which is what a conference committee is supposed to be for, in the end we produce legislation that meets the needs of all corners and all quarters of our country. This is really the wrong way to do business.

Today we had to pass a continuing resolution to keep this institution and the country operating for the next 2 weeks in order that these respective bills might be finished. The Agriculture appropriation bill this year is one of the most important we will bring before this body. These procedures that have been used are completely atypical. I would beg the leadership to go back to regular order.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. SESSIONS, from the Committee on Rules (during the special order of Mr. PALLONE), submitted a privileged report (Rept. No. 106–345) on the resolution (H. Res. 307) waiving points of order against the conference report to accompany the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

Mr. SESSIONS, from the Committee on Rules (during the special order of Mr. PALLONE), submitted a privileged report (Rept. No. 106–346) on the resolution (H. Res. 308) providing for consideration of the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT FROM COMMITTEE ON RULES REGARDING SUBMISSION OF AMENDMENTS ON H.R. 2723 REGARDING MANAGED CARE PLANS AND OTHER HEALTH COVERAGE

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS (during the special order of Mr. PALLONE). Madam Speaker, this afternoon a "Dear Colleague" letter was sent to all Members informing them that the Committee on Rules is expected to meet the week of October 4, 1999, to grant a rule which may restrict amendments for consideration of H.R. 2723, a bill regarding managed care plans and other health care coverage. Any Member contemplating an amendment to H.R. 2723 should submit 55 copies of the amendment and a brief explanation to the Committee on Rules no later than 3 o'clock p.m. on Friday, October 1. The Committee on Rules office is located in H–312 in the Capitol. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, tonight I would like to talk about the Patients' Bill of Rights, the managed care reform legislation which will be considered on the floor of the House of Representatives next week.

My happiness, if you will, over the fact that the Republican leadership in the House of Representatives has said that they will allow a debate on HMO reform next week that will include the Patients' Bill of Rights is somewhat tempered by my concern that the way they may set up the procedure for the debate and the consideration of managed care reform, or HMO reform, may in fact be nothing more than a way to try to kill effective HMO reform and essentially end up with a bill that passes the House and that goes to the Senate that does not accomplish the goal of providing real patient protections.

I just wanted to mention very briefly, if I could, why we need the Patients' Bill of Rights and why my concern about what the Republican leadership may try to do is legitimate.

My colleagues know that I have been on the floor and in the well here many times over the last several years talking about the need for the Patients' Bill of Rights, and the reason for that is there are so many abuses with patients, with constituents that I have, with Americans, who have their health care delivered with HMOs or with managed care, and those abuses have come to light with our constituents calling us up, coming to our office, testifying at various hearings that we have had, particularly those with our Democratic health care task force.

□ 1830

I would say, if I could, to summarize the problems in our attempt to address the problems, basically fall into two broad categories. One is the issue of medical necessity. Too many times HMOs simply do not allow the particular patient to have the operation that their doctor thinks they need or to stay in the hospital for the length of time that their doctor thinks they should stay or to sometimes even to be able to have the information provided by their doctor about what kind of care that they need, and the reason that is true is because the HMOs increasingly make those decisions. Rather than decisions about what kind of operation you have or how long you stay in the hospital being made by your physician, which was the traditional way and the logical and sensible way for health care to proceed, HMOs increasingly have those decisions made by the insurance company in an effort to try to save costs.

We need to correct that. The decision about what is medically necessary, what kind of care you need, should be made by the physician and the patient, by the health care professional and the patient, not by the insurance company, and that is what we seek to do with the Patients' Bill of Rights is to turn that around and give that decision about what is necessary for your health back to the physician and to you.

The second thing we do and the second most important area where there is abuse is that if a decision is made that you cannot have an operation, for example, that your physician and you think that you need, you should be able to appeal that, and right now that is almost impossible because most HMOs define on their own what is medically necessary, what kind of operation you are going to have. And then if you seek to appeal, the only appeal is to an internal review board which they control. And what we say in the Patients' Bill of Rights is that there should be an independent review, an external review, by people that you can appeal to who are outside the control of the HMO, independently will decide whether or not the HMO's decision was wrong and can be overturned.

And failing that, if that fails, that you should be able to sue and enforce your rights in a court of law which is not the case now because many people, most Americans actually, fall under a Federal preemption called ERISA that says that if their employer is essentially self-insured, which most employers are these days, that then you cannot sue the HMO for damages or to overturn a bad decision about what kind of care you should receive.

The Patients' Bill of Rights has a lot more aspects to it. And some of my colleagues who are here tonight and joining me, I am glad to hear, will go into the details about that. But the bottom line is that if we were allowed the opportunity, which hopefully we will next week, to bring up the Patients' Bill of Rights, which is now a bipartisan bill. Most every Democrat supports it, and we have a number of Republicans, about 20 or 30, that also support it, but the Republican leadership still very much is opposed to it.

Madam Speaker, I just want to say one more thing preliminarily here tonight before I yield to my colleague from Texas and that is that what I am fearful is going to happen, and we have already heard today the Speaker had a press conference and he indicated that he was going to bring up another piece of legislation, which I think is nothing more than an effort to muck up the Patients' Bill of Rights and create a situation where the bill that finally passes next week is something that cannot pass the Senate, cannot get the President's signature.

And basically what he has proposed is what he calls an access bill that would provide more access to insurance for people who are uninsured. And let me just say very broadly I have looked at that so-called access bill; it is not an access bill. It is a bill that basically will make it more difficult for most Americans to get insurance and make the cost of insurance even higher, and the reason why it does that is very simple. It puts in the so-called poison pills, medical savings accounts, the MEWAs, the health marts; these are nothing more than vehicles that essentially allow wealthy and healthy seniors to opt out of the regular insurance pool, if my colleagues will, and make the costs for those people who are left and who are not healthy or wealthy, who are poor or middle class or who cannot be so sure that their health is going to be that great over the next few years, it makes the costs for those people of going out and buying insurance even greater.

So let us not let anyone, as my colleagues know, kid ourselves about what the Republican leadership is trying to do here next week. They are going to allow the Patients' Bill of Rights to come to the floor as an option, but they are going to make every effort to try to screw around with that bill, add things that will make it so that that bill either does not pass here in the House, cannot pass in the Senate or cannot become law, and we have to put a stop to that and demand a clean Patients' Bill of Rights that will provide adequate patient protections.

Madam Speaker, I yield now to the gentlewoman from Texas and say that, as my colleagues know, your State, as my colleague knows, and I am sure you and others will comment tonight, has already put in place a Patients' Bill of Rights which is very effective but unfortunately does not cover everyone because of the Federal preemption. And I note you have been here many times in your background as a nurse, you know very much what we are talking about in commonsense terms, not only as a Congresswoman, but also on a daily basis, and I yield to the gentlewoman.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have not yet understood why there is such concern from the HMOs that people not have the right to complain when they feel that they have been harmed by the rules of an HMO. They must not have any confidence in the quality of care which they are making sure that are offered to patients.

In today's Washington Post there is a story on the Texas bill, and we are still waiting for the sky to fall, and it has not fallen, but the insurance people continue to say: But it will fall. Out of 4 million members of an HMO in Texas, I think they have had 4, maybe 5 lawsuits, and one was very recent, and it all has to do with the care. Now when HMOs offer quality care, there should not be any fear.

This bill in Texas was not carried by a partisan Democrat. It was a conservative Republican member that I served with in the Texas Senate who carried this bill, and, as far as I can tell, they are very pleased with having access because it does challenge HMOs to give more attention to the quality of care.

I still have a hard time understanding what the fear is. All the horror stories that were envisioned by the health insurance industry just has not happened, and while it is too early to see the full effect on my State, it is evident that the implementation of this legislation has had a dramatic effect on resolving complaints between the patients and their health plans before they go to the courthouse, which is where it should be.

But I have a real problem with us saying in a democracy that people, patients, do not have a right to challenge any institution that is in charge of their health care. It is ironic that the HMOs will tell physicians exactly what they can do and what they cannot do, and physicians are held accountable, but they refuse to hold themselves accountable when many of them really are not physicians but simply some bureaucrats that are interested in their bottom line.

The legislation enacted in Texas acted as a prime motivator for HMOs to settle their disputes with their patients, and regrettably, the vast majority of Americans do not have this option which I think is unconscionable in a country that practices the greatest democracy in the world.

I have a feeling that what we are facing even next week might not be the kind of approach to the whole problem that we have worked so hard for.

We do have bipartisan support for a very good Patients' Bill of Rights. I would like very much to see that bill to come to the floor and let us debate it and let us vote and let the votes fall where they may, as we do in many other situations.

I am a little suspect though. I do not believe that it will happen quite as easily.

But I do strongly believe that the Texas experience has offered a real example of what will happen or what can happen. I believe that if the sky was going to fall, it has had time to fall. I believe that if patients were just looking for someplace to file a suit, they can certainly find it without subjecting themselves to poor health care. I just do not believe that we are going to find the kind of uprising that we hear in a scare tactic.

Anything that we do short of making sure patients have an adequate and fair chance of good health care is not fair to the American people. At best, this bill that they are talking about bringing to the floor simply nibbles around the corners of the health care debate. It provides for health care savings plans and a 100 percent deductibility for individual insurance premiums for the self-insured and uninsured. But as my colleagues know, we have so many people that do not have access to insurance, and that will not mean anything to them.

And as my colleagues know, the insurance that we are talking about here will not touch most of the low-income people because they simply cannot afford to have that type of money set aside for a savings account for their health care insurance.

I think that option is one that perhaps ought to be there for those who can afford it, but what we are looking for is insurance that all Americans would have access to and can expect in return a decent practice of medicine by their own standards of medical practice that physicians are educated and trained to render and do not really need an insurance plan to tie their hands when they are the ones who have gotten this education.

□ 1845

One size really does not fit all. People really are different. When you are 7 years old and you have the same diagnosis, it can act up on the body quite differently than if you are 70 with the same kind of diagnosis.

Just to be discussing this in America at this time is something that puzzles me. I just simply cannot understand why we are going through this kind of debate of denial of people of their right to decent healthcare.

It is clear that managed care has brought about some lowering of costs, so I do not think we should throw the whole plan out, but I do feel strongly that patients have a set of basic rights they should be able to depend upon. They should have access to some specialist to see what that condition really is, second opinions, emergency room care, and, certainly, of all things, a physician who is taking orders from this plan should not be subjected any more to the risk of a lawsuit than the plan that is dictating what he does, because very frequently if a physician is placed in that position, he often has to do things that are against really his better judgment. That is really not fair to the physicians.

If these plans feel so comfortable and so confident with what they are offering, there should not be any fear of lawsuits. People are not seeking lawsuits when they go to the doctor or go to a hospital. They are seeking care. I will tell you from personal experience, if everyone who went to a hospital would file a suit, it would be a very different pattern than what we are seeing in this country and a very different picture. Even hospital administrators and persons who work at hospitals will tell you that people do not really come looking for a way to file a lawsuit. They can find that more often than what they give attention to.

But the culture of denial that is going around in some of these plans is so very disappointing, to the point where it brings about a great deal more suspicion and a great deal more anger among people that know the difference in having access to some reasonable, decent healthcare, versus having a touch and a wipe across the top, so-to-speak, of a wound. It makes all the difference in the world of how a patient will get along, how long their convalescence will be, how long their illness might be.

All of us know that most of the time if a patient can get access to care quickly, with adequate and proper medication, that the illness can be shorter, and especially if they have confidence in the plan. But if they have got to go through a great deal of hassle, a great of emotional upheaval, and still not know for sure whether they are getting the best care, that within itself interferes with the healing process.

It seems to me that we have allowed ourselves to get so divided on this issue that the insurance companies have lost sight of what we are trying to do. They have lost sight of the fact that we are talking about human beings. They are only really seemingly interested in protecting their pockets and trying to be sure that people do not have the right to complain and get redress when they feel they have been harmed.

That is so very unfortunate. But, under the circumstances, we all must stand up as tall as we can and stand with the American people to be sure that, to the best of our ability, they have access to the care that they paid for, and that they get the quality care that we certainly can offer in this country.

I thank the gentleman for continuing to bring this issue to the forefront. It is one that will not go away. Every person in this country is interested in having access to quality care, and it is possible, without the world falling. I think my state of Texas has proven that.

Mr. PALLONE. I want to thank the gentlewoman. I am glad that you and our next colleague to address us are from Texas because of that article in the Washington Post today. You talked about the Texas experience and how that has shown over the last 2 years that there is not really any significant litigation, that there is not any significant cost increase in having patient protections, but that article today in the Washington Post really pointed out how true that is.

The best thing, I just have to mention this particular paragraph from the article, because, as the gentleman from Texas (Mr. GREEN) knows also, we have been talking about how the threat of the lawsuit and the reason why we believe that there are so few lawsuits in Texas is because of the fact that there is the threat of being able to sue, so the HMOs take a lot of preventative actions and do the prevention type things so they do not get sued.

There was a perfect quote in there where there were health plan administrators and physicians across Texas saying they have an intuitive sense that the threat of lawsuits has made HMOs more accountable. It says, "Joe Cunningham, an internist in Waco, had asked an HMO a year ago to allow a patient to undergo an overnight study to find out if he had some kind of disorder. At first the HMO official balked, but when Cunningham said he worked in Texas, he was told, oh, well, you can do the test."

That is a perfect example, that they know that they allow the test to take place, so they do not have a problem and they do not have any lawsuits. That is what I think is happening in your state.

Ms. EDDIE BERNICE JOHNSON of Texas. And the cost is not soaring.

Mr. PALLONE. I think we have figures that say the cost over the last 2 years since this was in place in Texas was about 30 cents more per month, which a lot of states have more than that. That is one of the lowest cost increases of any state. So I want to thank you again.

I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. I thank the gentleman. It is a pleasure to be here and follow my colleague from Dallas. I know people who watch C-SPAN or Members on the floor may know, Congressman JOHNSON and I were elected to the Texas legislature together when we were, I think we were only 25 years old at that time, in 1972, and served together, both as state representatives and state senators and now in Congress. It is my honor to follow Congressman EDDIE BERNICE JOHNSON from Dallas. In Houston typically we do not like anything in Dallas, but we appreciate the colleagues that we have. So EDDIE BERNICE, it is good to follow you on the floor.

Let me just start off, because last week we had an event here which was a bipartisan press conference over at the Cannon Office Building, and there were lots of Members. If fact, there were Republicans and Democrats talking about the need for a Patients' Bill of Rights. Of course, it was hosted by Congressman NORWOOD and Congressman DINGELL, our ranking member on our Commerce Committee, and I had the distinction to follow a Republican Member from New Jersey. All of us were giving our 30 second or one minute speech, and she said, "Even Texas provided this."

Well, let me follow up on that a little bit. I got to follow her and say, "You know, in Texas we like to think we are leaders." I have to admit there are some things I do not want to be the leader on that we are the leader on, but in managed care reform we are, and I am proud that in today's newspaper, as we saw here, it was in the Houston Chronicle, said that the Governor of California just signed some managed care reform legislation, a number of bills, that would do lots of things, including the accountability that is so important in our legislation, and also for some of the issues you have talked about. So California passed the legislation.

In Texas we passed it in 1997. A Republican state Senate and Republican state representatives passed this legislation. It meets the criteria, and all we have talked about is trying to do is use the examples of the states that have had success with these reforms, and, if it did not work, we did not want to adopt it.

It worked in Texas, because we have had that law now for over 2 years, and I think we reported there are four lawsuits that are filed, and I do not know if one of them is the one that the insurance industry challenged the law on, so that may be one of them.

But the most important part is that there are so many things, and I will get to it in a few minutes, about what we need in a Patients' Bill of Rights, not only accountability. If someone is standing in place of that physician, then they should also be accountable, just like that physician is. That is part of both the Texas and California law.

But the reason we have not had those lawsuits is we have a really strong outside appeals process, where it is swift and a person can go without having to go to court, to hire a lawyer and go through all the problems and delays. They can go there, because they want healthcare. They can have an outside appeal by an independent body. They will say yes, that particular treatment is needed. In Texas, in the two years over the number of appeals that have been filed, the insurance carriers have lost 50 percent of them. They have lost half of them.

You know what that makes me realize, is that if we had not had an appeals process under Texas law, then half of those people would not be receiving the healthcare that they paid for and that they need, and I use this as an example. If I was a baseball batter, you know, and if I batted .500, that would be great, if I batted 50 percent, but I would hope we would have a better percentage than flip of a coin when we are dealing with healthcare decisions.

Again, the outside appeals process, if it is strong, you will not have to have the court battles, because people want healthcare. They do not want to necessarily go to court and wait 2 years-plus to be able to receive some type of care, because they need the healthcare.

What I am concerned about is what has happened last session and what we are going to see next week, and I am glad the Speaker has set the time for the House to consider the Patients' Bill of Rights. The fear I know they have is it increases costs and opens employers to unfair lawsuits, both of which are supposedly to force the employers to drop coverage. That has not been the experience in Texas.

What worries me is those two scare tactics and half-truths. Sure, I do not want my employers to drop their healthcare coverage, because that is so important, to have that third-party benefit that is part of an employment package. Particularly I do not want to have increased costs.

To follow up what, as you and my colleague from Dallas mentioned, is in Texas, I do not know if it was 30 cents a month, because what we showed over the period of the year or the year-and-a-half that we can look at the numbers is that there were no cost increases for health insurance in Texas that were not matched by other states that did not have these protections.

Prescription drugs went up. Certain costs were going up already for HMOs, so even though the Congressional Budget Office said that it would cost about $2 a month for the Patients' Bill of Rights, so, you know, I have heard the example that the cost for a Happy Meal you could get these protections. Well, in Texas it does not even cost the amount of a Happy Meal. So even if it was $2 a month, to be able to get fairness and protection and accountability for our health insurance, it is worth it.

Again, Texas passed it. It included the external appeals and the liability provisions, the accountability provisions, and, again, the only premium increases were attributed to higher costs of prescription drugs, which is another issue that our House hopefully will work on.

Moreover, there has been no exodus by employers to drop their insurance coverage because of the fear of employer lawsuits. There has not been one in Texas in 2 years. We have a pretty aggressive trial bar, having been a member of it before I came to Congress, and, believe me, if they had the opportunity, they would sue an employer, particularly a deep-pocket employer. But they are not, because employers are not being sued under this. Employers are not making the medical decisions and are not the ones liable for it. It is the insurance carriers and the people that they hire that are making these decisions.

What Texas residents do have is healthcare protections they need and deserve and the provisions in the Patients' Bill of Rights that should be extended to every American.

Again, my colleague from Dallas talked about it. The Texas law and the California law and whatever state law that may pass only covers insurance policies licensed by that state. They do not cover 60 percent of my constituents who receive their healthcare under ERISA or self-insurance programs. They come under Federal law. So that is why Texas and California and the other 48 states could pass it, but we still have to pass it on this floor of the House, to make sure that all Americans have the same protections, including eliminating gag clauses to where physicians are free to communicate with their patients, open access to specialists for women and children, the chronically ill, so they do not need to get a referral every time.

If I have heart trouble or have cancer, then hopefully I can go back to my oncologist or my cardiologist without having to every day go back or every time go back to my gatekeeper to get permission. So that way you speed up that healthcare. An external and binding and timely appeal processes that guarantees that patients have a timely review of those decisions. I talked about that earlier. The coverage for emergency care so families cannot be required to stop at the pay phone and get preauthorization before they get to the emergency room, and they do not have to pass up an emergency room to go to the one that is on their list, that they can go and get stabilized and if they need to have continued emergency care once they get stabilized, they can be transferred to whoever that HMO made that contract with.

Also hold the medical decision-maker accountable. Again, that is one of the most important parts of any legislation. This is not a shift of medical decisions to the court, nor is it to put employers at risk. It will ensure that the people who may recklessly in some cases deny coverage are accountable for their decisions.

I tell this story, and I have done it on the floor of the House and done it a number of times. I happen to be fortunate, my daughter just started medical school over a year ago, and so two weeks into her medical school career I spoke to the Harris County Medical Society and said she is not quite ready to do brain surgery, she has only been in the school two weeks.

During the question and answer period I had a physician who is now serving as our president of our Harris County Medical Society say, "You know, your daughter after 2 weeks in medical school has more training than people I have to call to treat you or your constituents."

□ 1900

That is what is the problem. That is why we have to have accountability, not to the physician, but to the people who are making the decisions for that physician.

Instead of recognizing the affordability and the value of the Patients' Bill of Rights, I am concerned that the Republican leadership may talk about a push to half fixes with loopholes in it.

To be honest, after what we went through last year with the Patients' Bill of Rights here on this floor, I am concerned. Although, this year, we have a different Speaker. One does not serve in Congress if one is not an eternal optimist. We will see things change this year to where we will have a fair run with a decent bill like the Norwood-Dingell bill, I see the gentleman from Iowa (Mr. GANSKE) here, that has, like the gentleman from New Jersey (Mr. PALLONE) said earlier, almost every Democrat and a host of Republican Members, and how that is important.

My concern, again, is that we do not have some rule. Again, earlier, we heard the gentleman from Texas from the Committee on Rules come in and talk about some of the rules that the Committee on Rules may put on us and limit our ability to actually pass a real strong Patients' Bill of Rights, or maybe add things to it that may not even be germane.

Sure, I would like to have a tax deduction for health care insurance premiums, not just for sole proprietors, but for everyone. Because I have a district where a lot of our employers, particularly for lower wage workers, maybe $7 or $8 an hour, they may not pay the whole insurance premium for their employees. So the employee has no tax deduction for that.

But we need to stop stonewalling and support the Patients' Bill of Rights and give us a fair run on the floor without any poison pill amendments that will make it so much worse.

I know campaign finance reform, 2 weeks ago, we beat back every amendment that was, quote, a poison pill on campaign finance reform; and we passed a strong campaign finance reform to the Senate. I would hope we would use that as a guideline at least and pass a strong Patients' Bill of Rights that will provide those protections for all Americans, and not just those who happen to have a policy that is licensed by the State of Texas or licensed by the State of California.

I thank the gentleman from New Jersey for this special order tonight. He must have worn out lots of pairs of shoes standing where he is at over the last 3 years. I appreciate him allowing us to participate in it.

Mr. PALLONE. Mr. Speaker, I just wanted to mention if I could, before I move to the gentlewoman from Connecticut (Ms. DELAURO), that what we are getting from the insurance companies, from the HMOs, and the gentleman from Texas (Mr. GREEN) effectively refuted each of the three arguments, one, they are saying that the patient protections are going to cost too much. Clearly, the Texas experience shows that that is not true.

Secondly, they are saying that there are going to be too many lawsuits, which, again, the Texas experience shows dramatically that that is not true. Four or five lawsuits in 2 years, that is incredible.

The third thing I just wanted to elaborate on a little bit, and that is this latest notion, which we have been getting really in the last few weeks or last few months, this idea that the employers are going to be sued, and, therefore, they are going to drop coverage. Nothing can be further from the truth.

There is specific language had the bipartisan Patients' Bill of Rights, which is the Norwood-Dingell bill, that would specifically say that employers cannot be sued.

If I could just very briefly say that, the provision that is in the bipartisan bill protects employers from liability when they were not involved in the treatment decision. It goes beyond to even define that more explicitly by saying, explicitly, that discretionary authority, in other words, the situation where the employer would be somehow implicated and involved, if you will, in the decision, that discretionary authority does not include a decision about what benefits to include in the plan, a decision not to address a case while an external appeal is pending, or a decision to provide an extra contractual benefit.

Now, that sounds a little like a lot of legal jargon, but the bottom line is what they are saying here is that the employer cannot be involved because they are not involved in the treatment decision, and they are not even involved in a decision about what kind of benefits to include, whether or not to avoid an external appeal, whether to provide some kind of extra contractual benefit.

So I really cannot imagine any situation where an employer is liable under this provision. It has been put in there specifically to address that concern.

Mr. GREEN of Texas. Mr. Speaker, if the gentleman will yield just briefly, during the memorial week break, I spoke to a lot of large employers in my district. It was organized by the National Association of Manufacturers. During the question and answers, that question came up. I said if they write the language, we could put it in the bill.

I know there have been efforts by, not only the office of the gentleman from New Jersey (Mr. PALLONE), but also the main sponsors of it to ask for that language. So we do not have employers being sued for health care decisions unless they are the ones making those decisions.

So far, all we hear is that they would rather oppose the bill; and I think that is wrong. It has worked in Texas, and it is going to work in California, and I know it will work throughout our country.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO) who, again, as the other two that have spoken tonight were here, I think it is at least 3 years now that she has been on the floor talking about the need for these patient protections. I am pleased that she is here with us tonight.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me, and I thank him for continuing to bring us all together. I think there is no greater champion in the House for patients' rights than the gentleman from New Jersey (Mr. PALLONE).

I am delighted to be here with him, with our colleagues from Texas, because I think the proof is in the pudding; and Texas has led the way in this effort. It is working. So we have the example.

Oftentimes, we can speculate as to what will happen or what will not happen with a piece of legislation, and those are legitimate concerns. But we have something that is working, it is working for the State of Texas, for the people of Texas; and it has not caused the kind of either chaos or increase in health care costs that a number of nay sayers said that it would.

I also would just reinforce another thing that my colleagues have said tonight, is that, in fact, the wonderful effort, the bipartisan effort that has been put together in the piece of legislation that we are talking about, that employers cannot be sued; and that this notion that they are liable in some way is a way in which to really derail what has been such a very, very well-crafted piece of legislation by folks who are genuinely concerned about what is going on in managed care today.

It is almost a historic moment because people have been working on this for such a long time that, after years of fighting for health care reform, we are on the verge of victory, of a great victory.

A number of our Republican colleagues, including a number of doctors, and the gentleman from Iowa (Mr. GANSKE) is on the floor here tonight, Republicans have joined with Democrats to support a real Patients' Bill of Rights. We have a good chance of passing bipartisan HMO reform this year. It is very, very exciting.

But, as we stand on this doorstep of victory, if you will, there are some in this body that will continue to want to shut the door on that kind of reform.

As a footnote, we have been able to pass good, solid legislation in this House that has come from bipartisan effort of Democrats and Republicans throughout the history of this country. We are on the verge of being able to do that again if they will give us the opportunity to do it.

I would just say that, today, the Republican leadership put its stamp of approval on a new health care bill that has been referred to tonight, talked about tonight; and that, in fact, is nothing more than an attempt to kill HMO reform this year.

If the Republican leadership, and not the rank and file, because there is tremendous support from rank-and-file Democrats and Republicans to support the Dingell-Norwood bill, but if the Republican leadership wants to improve health care, please join with this effort to pass a Patients' Bill of Rights. It is legislation that has been endorsed by doctors, nurses, patient advocates, consumer groups. It is, in fact, the very best way to put power back into the hands of doctors and patients where it belongs.

Instead, we have, at this 11th hour, a decision to produce a piece of legislation for next week's debate. It is called the Quality Care for the Uninsured Act. The stated goal of the legislation is to improve access to health insurance, which is a worthy goal.

But no matter what its stated intention is, the fact is that this piece of legislation that has been crafted is a bill that could kill HMO reform for another year. The bill is not just bad because it hurts our chances to pass HMO reform, but it is bad on its own merit as well.

The gentleman from New Jersey (Mr. PALLONE) talked about this a little bit earlier. The Republican bill is dangerous because it includes risky Medical Savings Accounts. Study after study tells us that the MSAs are going to skim the healthy and the wealthy out of the health care system, leave everyone else in a weakened system, which will only drive up health care costs. This is not the way to fix our health care system.

The Republican bill is a budget buster. It was recently revealed that the Republican Congress has already dipped into the Social Security Trust Fund to the tune of $16 billion. So, perhaps, the notion is, "well, what the heck, let us go back for some more."

What this bipartisan bill, the Dingell-Norwood bill, says is that let us fully pay for what we are talking about; that we are not going to take money from the Social Security Trust Fund.

The so-called health care bill is a poison pill. It weakens the Patients' Bill of Rights. It invites a veto from the President. It took us 9 months, 9 months of fighting to be able to get a debate on Patients' Bill of Rights. We are out the door. Let us do it right. Let us do the right thing. Let us have a fair debate, an open debate about Patients' Bill of Rights. Then let us have a fair and open debate on how to improve access to health care for all Americans. Let us not use one issue to kill the other. That would be a tragedy for the American people.

I would just say about this bill that has just seen the light of day today that it does not address the liability issue, the right to sue, the right to some accountability in the process. We know that there is not any accountability in the process today for HMOs, a place to turn if an HMO is involved in making a medical decision, and it might go wrong. Where do people turn?

I was in Hamden, Connecticut this weekend where I did office hours, and two people came and talked to me and just begged for the opportunity to have an appeal process, a place to go, a place for accountability.

A gentleman lost his wife. We do not know all the particulars of the case, but she was in the hospital. She went home. She was told she had to go home. There was no one to monitor the toxics in her bloodstream . She was put back into the hospital, and she wound up passing away. The man just pleaded with me. He said, "Where do I go? Who do I turn to?"

We are all asking for some accountability in the process; that is all. It is not unreasonable. This piece of legislation that has been proposed today does not allow for any accountability. What the gentleman from Michigan (Mr. DINGELL) and the gentleman from Georgia (Mr. NORWOOD), which Republicans and Democrats have come together on, would do is put accountability into this process. It is critical that it exists.

We need to reform HMOs. We need improve health care access. We need to help those with insurance who have lost control of their medical decisions. We need to help those who are without any insurance, we need to help them to gain entry into the system.

Next week, we have the opportunity to do the right thing, to pass a bipartisan Patients' Bill of Rights that could truly make a difference in the lives of the people that we represent.

My cry, I know the gentleman from New Jersey, I know my Republicans who have joined in this effort, our colleagues from Texas and all over the country, let us do it together. Health care is not a partisan issue. It is an issue that is on the minds of every American family in this country. Let us do the right thing next week.

I thank the gentleman from New Jersey (Mr. PALLONE) for the role that he has played in this effort.

Mr. PALLONE. Mr. Speaker, I just wanted to follow up on what the gentlewoman from Connecticut (Ms. DELAURO) said, particularly about this latest initiative, if you will, that the Speaker put forward today. I am going to be harsher than she is in saying that I have absolutely no doubt that this new proposal that was put forward is nothing more than an effort to try to kill the Patients' Bill of Rights.

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And it is amazing to me the theme of the proposal that the Republican leadership put forward today, which is that somehow the Democrats are not doing the job because we are focusing on managed care reform which only impacts people who actually have health insurance, who are in HMOs, and that the Republican leadership, the Speaker, is not concerned so much with the people who have insurance who are in HMOs but the people who do not have insurance, the uninsured.

The hypocrisy of that is so blatant. We as Democrats, and President Clinton and Vice President GORE, have spent the last 5 or 6 years putting forth proposals to address the problems of the uninsured, starting with the President's universal health care coverage, then the kids' health care initiative, the effort to try to address the near elderly, which would let people 55 to 65 buy into Medicare. There have been so many proposals to try to deal with the problem of the uninsured, and all of them have either been put aside, the Republicans have not let them come up; or maybe after they had been kicked and they were screaming, after we pushed and pushed and pushed, as in the case of the kids' health care initiative, we were finally able to get to the floor, but those were Democratic initiatives.

I also just wanted to say very briefly that what the Republican leadership is trying to do is to say that managed care is unimportant, let us focus on the uninsured. That is a false premise. We have been spending a lot of time over the last year trying to say that we need to address managed care reform. Let us do that now. I am more than willing to deal with the problem of the uninsured later.

I just wanted to say, if I could, that I find this so ironic, because I brought with me today a document that I used in the last debate on HMO reform where the Republican leadership tried to kill the Patient Protection Act. This is from July of 1998, about a year ago, and that was at the time when the House Republican leadership announced their response to the then Dingell-Ganske bill.

And our colleague, the gentleman from Iowa (Mr. GANSKE) is here tonight. This is just from a statement that I made. It says, "In an attempt to mislead supporters of the Dingell-Ganske Patients' Bill of Rights, the House Republican leadership has called for new legislation." They called it the Patient Protection Act. "However, a more apt title would be the Insurance Industry Protection Act. It not only excludes many key provisions that are essential for consumer protection, but vehemently opposed by the insurance industry, but also includes a number of provisions that would reduce current consumer protections and destabilize the insurance market."

The three things that are in this bill that the Speaker put forward today, rather than bringing more people into the ranks of the insured, would make it virtually impossible for those who do not have insurance to buy insurance, and I just wanted to mention the three things. The gentlewoman from Connecticut has mentioned them already.

One is the health marts. The Republican plan creates health marts under the guise of offering choice to individuals in small business. In reality, health marts would be able to selectively pick what areas they offer their product in, avoid State consumer protection laws, and selectively contract with providers to avoid enrolling people in certain areas. These entities would skim the healthy out of the insurance market leaving everyone else with increasingly unaffordable premiums.

The next thing are the MEWAs, the multiple employer welfare arrangements. These, again, make it so that whoever is left in the system has to pay more and cannot get insurance.

And the last thing, the medical savings accounts, again, we have had these medical savings accounts on a demonstration basis for a couple of years now. Nobody wants them. Nobody even enrolls in them. But if the healthy and wealthy do enroll, that just leaves the sicker and poorer people out there with no insurance and the inability to buy because the cost goes up.

So all I am trying to say is that what the Speaker proposed today is not going to help the uninsured, it is going to make it more difficult for the uninsured to get insurance. It does just the opposite.

Ms. DELAURO. The gentleman has just made so many accurate points here. The whole notion of this new piece of legislation at the last moment, at the same time, really is deja vu all over again. Because we are at a moment when we can pass something that is meaningful, and the Republican leadership has come up with something that is flawed in so many ways.

But I think it is so interesting that the Speaker seems to be suffering from short-term memory. The Democrats joined with President Clinton in 1993 to try to offer universal coverage to people in this country. The fact of the matter is at that time Republicans joined with the insurance industry to kill the legislation. This is revisionist history when we take a look at a document that talks about dealing with the uninsured.

We have stood here night after night after night for the last several years talking about medical savings accounts. This is why they call it skimming. When they pull out the people who are the healthiest and the wealthiest, the most frail are thereby left in the system, which only drives the costs up.

This is a kind of a bolt from the side here to throw into the mix at the last moment, in the same way, quite frankly, campaign finance reform was handled a few weeks ago. It was an effort to put up something that was spurious, that in fact would wreck and kill campaign finance reform. This is the same thing; trying to kill HMO reform. I do not think that they will get away with it, because there is good solid bipartisan support for a Patients' Bill of Rights.

And I know that my colleague from New Jersey and I will continue to be, our colleagues from Texas and California that just passed legislation in their Statehouse there, we are all going to be on our feet and talking about this and engaging the public in this debate.

Mr. PALLONE. I thank the gentlewoman from Connecticut. This is just the beginning.

I heard one of our colleagues from Texas on the other side talk about the rule and the Committee on Rules and how this managed care debate is going to be formulated. Obviously, we will keep our eye on this to see how the procedure goes. But every indication I have today from the Republican leadership, not from the Republicans that support the Patients' Bill of Rights but from the leadership, is that they are going to try to muck this up and make patient protections impossible.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, we are about 1 week from having at least 1 day of debate here on the floor of the House of Representatives on managed care reform and, hopefully, we will pass the bipartisan consensus patient protection bill of 1999.

There has been a lot of talk about what is in this bill, so I want to go over some of the specifics. And then I want to focus a little bit about some of the miscommunication that has been put out about the bill in regards to its liability section, since I was largely responsible for writing the liability section in a previous bill.

First of all, the bipartisan consensus patient protection bill of 1999 deals with access to care. I think the opponents to this legislation want to focus on one issue, and that is the liability provisions. But there is a lot in this bill. This is a comprehensive bill that is important to the people of this country, and it is part of the reason why over 300 organizations, patient advocacy groups, consumer groups, provider groups, have endorsed this bill.

What are some of the provisions in the bill that make this an excellent bill? First of all, access to emergency services. Individuals should be assured that if they have an emergency, those services will be covered by their plan. The bipartisan consensus bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

What does this mean? Well, this means that if, for instance, an individual wakes up in the middle of the night and has crushing chest pain, is hot and sweaty, and that individual happens to remember an ad put on TV by the American Heart Association that these could be signs an individual could be suffering from a heart attack, that that individual can go to the nearest emergency room, pronto, to be treated. That is what a prudent layperson would define as a potentially impending fatal heart attack.

Now, the problem that we have had is that a lot of HMOs will say that if the tests show that the patient is actually not having a heart attack, even though the symptoms indicated that they were, if the tests after the fact show that the electrocardiogram was normal, that maybe the individual was suffering severe inflammation of the esophagus or the stomach, they say, well, see, the patient was not really having a heart attack so they did not really need to go.

The problem with that is that when that kind of attitude gets around, people then start worrying that they are going to be stuck with a big bill and they may then delay getting the needed care that they need in an expeditious fashion. The next time it happens it may really be a heart attack, the individual may delay taking action, and then they may not make it to the emergency room.

That is the type of thing that we are looking at fixing in this bill. We did this for Medicare, by the way. This should be a noncontentious issue. We have already passed that provision for Medicare. Why can we not apply it to everyone in this country who buys insurance? Especially those who take up HMO insurance.

How about the provisions for specialty care? Patients with special conditions should have access to providers who have the expertise to take care of them. The bipartisan consensus bill allows for referrals for people to go outside of the plan's network for specialty care at no extra cost for the enrollee, if there is no appropriate provider in that health plan. This is really important to a lot of consumer groups, a lot of patients with certain types of chronic care that need a specialist. A person with rheumatoid arthritis, for instance.

Chronic care referrals for individuals who are seriously ill or require continued care by a specialist. A plan should have a process for selecting a specialist who can be the regular doctor for that patient, so that every time a patient has to go and see their cancer doctor they do not have to get a referral from the health plan.

How about women's protections? The bipartisan consensus bill provides for direct access to obstetricians and gynecologists for services.

Children's protections. The bipartisan bill ensures that the special needs of children are met, including access to pediatric specialists. Children are not just little adults. Before I came to Congress, I was a reconstructive surgeon. I took care of a lot of children with birth defects. They have special needs. If a child has cancer, that child ought to have access to a pediatric oncologist.

Continuity of care. Patients should be protected against disruptions in care because of a change in the plan or a change in the provider's network status. Let us say a woman is a couple months from delivering. She has been followed by her obstetrician for two-thirds of her pregnancy. All of a sudden the plan says, well, we are changing the plan. This guy or this woman is no longer in the plan. That is a significant disruption in care.

How about somebody who is dying and they have been followed or taken care of by a certain physician? There are certain benefits to continuity of care in terms of quality of care, and we ought to make sure that people who are right in the midst of complicated treatments do not have their care disrupted by a plan arbitrarily changing their physicians.

Clinical trials. This is part of the reason why, for instance, the American Cancer Society has endorsed the bipartisan consensus managed care patient protection bill. Access to clinical trials can be crucial for treatment of an illness, especially if it is the only known treatment available. Plans under this bill must have a process for allowing certain enrollees to participate in approved clinical trials, and the plan must pay for the routine patient costs associated with those trials. That is in our bill.

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Drug formularies. Prescription medications are not one size fits all. For plans that use a formulary, beneficiaries should be able to access medications that are not on that formulary when the prescribing physician dictates.

Choice of plan. Choice is one of the key elements in consumer satisfaction with the health system. The bipartisan consensus bill would allow individuals to elect a point of service option when their health insurance plan did not offer access to non-network providers. Any additional costs would be borne by the patient. This is a fair compromise.

People should be informed about decisions about their health plan options, and they can only know what their plan is doing if their plan provides them with sufficient information. This bill requires managed-care plans to provide important information so that consumers can understand their plan's policies, their plan's procedures, their plan's benefits and requirements.

I mean, a lot of opponents to this legislation say, oh, just let the free market work. Well, the free market is not really working, because most people do not have a choice for their health plans. Most employers will select one plan, most frequently on the basis of cost; and then they will say to the employee, take it or leave it. So it is not like the employee is getting that choice.

People who are denied care ought to have a reasonable utilization review process. When a plan is reviewing the medical decisions of its practitioners, it should do so in a fair and rational manner. This bill lays out basic criteria for a good utilization review program with physician participation in the development of the review criteria, the administration by appropriately qualified professionals, timely decisions within 14 days for ordinary care, up to 28 days if the plan requests additional information within the first 5 days or 72 hours if they need an urgent decision.

They should have the ability to appeal those decisions, and they should be able to appeal in a fair process within the plan. And they ought to have an external appeal so that if at the end of their utilization review or their internal appeal within their plan and the plan is still saying, no, we are not going to give you this care and everything you have read about it and your own physician is telling you this is prevailing standards of care and you can be harmed without it, then an individual ought to have access to an external, independent body with the capability and authority to resolve disputes for cases involving medical judgment by the plan.

The plan should pay the costs of that process and any decision should be binding on the plan. And that is what is in our bill. If a plan refuses to comply with the external reviewer's determination, the patient should be able to go to Federal court to enforce that decision. And there could be a penalty. And that is in our bill.

I am going to talk about liability, though, if there is an injury. There are certain things in this bill that to me, as a physician, are absolutely essential for good health care. Consumers should have the right to know all of their treatment options. A few years ago I gathered together about 50 examples of contractual language from HMOs. Some plans try to limit the amount of information that you can receive from your doctor.

Let me give my colleagues an example of how this can work. Let us say a woman would come to me with a lump in her breast. She would give me her history. I would examine her breast. Under those types of gag rules and those contract clauses that some HMOs have put out, before I could tell this woman what her three treatment options were, one of which might be more expensive than the other, I would be obligated to first phone the health plan and say, Mrs. So-and-so has this problem. Can I tell her about all three treatment options?

I mean, can you think of anything that would be worse in terms of a patient wondering whether they are being leveled with by their doctor? I mean, I am not saying that a plan cannot write a specific exclusion of coverage into their plan.

Let us say that a plan says we are not going to cover liver transplants. Well, that is a decision that that employer and that health plan is making. I would hope that an employee would have a choice to choose another plan.

Let us say that a patient comes in to see me as a physician and their treatment option is a liver transplant; that is the only thing that might save their life. Whether their plan pays for it or not, that patient has a right to know that that treatment is available that could save their life.

Now, the plan may not like the patient to know that because a patient might be unhappy about that. But the patient has the right to know that. That is in our bill.

There should be prompt payment of claims. Health plans should operate efficiently. There should be paperwork simplification. And finally, let us get back to the issue of responsibility.

As a Republican, I have voted many times for legislation that would make people and entities responsible for their actions. I know most of my Republican colleagues on this side of the aisle feel the same way. If a criminal commits a murder, that person should be responsible for his actions. We have passed several pieces of legislation that involve the death penalty for that type of behavior. That is responsibility.

We passed the welfare reform bill a few years ago. We said, look, if you are able-bodied and you can work, we will give you some help, some education. But ultimately it is your responsibility to go out and support your family. That is responsibility.

We have a situation here where, because of a law that was passed by Congress 25 years ago, employer health plans are not responsible for their medical decisions that can result in injury. That sort of seems unbelievable, does it not? I mean, the only health plans in the country that have that kind of exemption from liability, from responsibility for injury that they can incur on a patient because of their decisions are employer group health plans.

The Members of Congress receive their insurance through what is called the Federal Employee Health Benefit Plan. Do you know what? If our plans are not providing care, then a Member of Congress could sue that health plan if that health plan resulted in injury to a Congressman's family. Because it is not an ERISA plan, it is not one of those employer plans. Other Government employees have the same right.

Church groups, for instance, that provide health benefits for their employees, those health plans are not free of any responsibility. When an insurance company sells a health policy to an individual and is under State insurance regulation, they are not free of responsibility for injuries that can result from their medical decisions. It is only these plans that, by a 25-year-old Federal law, gave an exemption for liability that they can cause injury to a patient, they can arbitrarily define what "medical necessity" is, and you have no recourse other than to recover the cost of the treatment that was not provided, which, by the time you could get through that procedure might mean that you are dead.

Let me give my colleagues an example of what I am talking about. This is a little baby that I have treated before. I treated him for cleft lip palate, a birth defect. The standard treatment for this is surgical correction, both of the lip and of the palate. There is a functional reason for that. Without that surgical correction, if you eat, food comes out of your nose and you cannot speak correctly. And speech is an absolutely essential part of our culture.

So all insurance companies that I know of in the past, traditional insurance companies, do not consider correction of this birth defect, do not consider correction of this birth defect, a cosmetic procedure. This is a reconstructive procedure.

But under this Federal law that I am talking about, the ERISA law, the Employee Retirement Income Security Act, from about 5 years ago, an employer plan can define "medical necessity" as "the cheapest, least expensive care," and they could say, no, we are not going to authorize a surgical repair for this birth defect. We are just going to give this little kid a piece of plastic to shove up into the roof of his mouth, something like an upper denture, and maybe that will help keep the food from coming out of his nose.

And do my colleagues know what? They would have no legal recourse to challenge that HMO. That is Federal law that allows them to do that. You could say that medical decision you are making, that medical judgment of "medical necessity" is wrong; it does not fit any of the proscribed norms for treatment. And it results in injury to this child. Because if he does not get his palate corrected, really, by about the age of one, he may have a speech impediment the rest of his life. And do my colleagues know what? They would have no legal recourse under that Federal law. That is wrong. That is not justice.

Let me give my colleagues another case. We have here a little boy who is tugging on his sister's sleeve. This picture was taken shortly before he was 6 months old. When he was 6 months old, one night about 3 in the morning he had a temperature of about 105 and he was pretty sick. And this beautiful little boy, looking so sick, caused his mother to phone the HMO and say, my little boy Jimmy is sick. He has a temperature of 104, 105. I need to take him to an emergency room.

She was on a 1-800 number, somebody thousands of miles away, who said, well, you know, when we look at your State, this was in Georgia, I can authorize you to go to this emergency room. And the mother said, well, that is fine. But where is it? Well, I do not know. Look at a map.

It turns out that the authorized emergency room was 70-some miles away, clear on the other side of Atlanta, Georgia. The mother knew that if she went and took him to another emergency room that is not authorized, they would be stuck with a great big hospital bill. So she wraps up little Jimmy. Ma and Dad get in the car and they start their trip, 3 in the morning. And about halfway there, they pass three hospitals that have emergency rooms and great pediatric care facilities. But they do not stop because they have not received authorization from that HMO reviewer who made a medical judgment over the phone. The medical judgment was Jimmy is okay to travel 70 miles on a prolonged ride.

Before they get to the authorized hospital, little Jimmy has a cardiac arrest. His heart stops. He is not breathing. Picture Mom trying to resuscitate him. Dad is driving like crazy. They finally pull into the emergency room entrance. Mom leaps out of the car with little Jimmy, screaming, Save my baby. Save my baby.

A nurse runs out, gives him mouth-to-mouth resuscitation. They start the IVs. They pound his chest. They resuscitate him, and they get him back and they manage to safe his life.

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Except they cannot quite save all of little Jimmy. Because he had that cardiac arrest, he ends up with gangrene of both hands and both feet, and both hands and both feet have to be amputated. This is a consequence of the medical judgment, the medical decision that that HMO reviewer at the end of a thousand-mile, 1-800 number made.

A judge reviewed this case. Of course under ERISA, the plan is liable for nothing other than the cost of the amputations. But a judge reviewed the case, and he came to the conclusion that the margin of safety for this HMO was, as he put it, "razor thin." I would add to that, as razor thin as the scalpel that had to amputate little Jimmy's hands and feet.

The opponents to this legislation who want to maintain this type of legal immunity, they refer to cases like James Adams as "anecdotes." They say, "Oh, don't legislate on the basis of anecdotes." I look at this little boy, and I think, is this an anecdote? I mean, this little boy is never going to play basketball. I tell the Speaker of the House, this little boy will never be able to get on the wrestling mat. This little boy when he grows up and he marries the woman that he loves will never be able to caress her face with his hand. This anecdote that the HMOs say we should not legislate on, if he had a finger and you pricked it, he would bleed.

This is not just that a health plan can make that type of medical judgment and not be responsible for the injury that results. Plans should be more careful than that. The liability part is the enforcement mechanism to ensure that plans are more careful.

Now, look. The point of showing little Jimmy Adams is not necessarily to say that we need a lawsuit. My point is this: We need a mechanism to prevent this type of tragedy from happening. And we need the encouragement to the HMOs to follow that process. And the process would work like this: If somebody has an illness and they have a denial of care by their HMO and they go through that internal appeals process and they are still not satisfied, they can take that to an independent panel which would make a determination on medical necessity. We know from where this type of process has been set up that more than half of the time, the independent appeals boards agree with the health plan on the denial of care. But 50 percent of the time they agree with the patient. And if they agree with the patient and they tell them, the health plan, you should provide this treatment and the health plan does that, then under our bipartisan, common sense, compromise bill, that health plan is free of any punitive damages liability because they are simply following the independent external appeals recommendation. That is something that would be available for all health plans, whether they are ERISA plans or plans that are selling to individuals. That is a fair compromise on this issue. But if they do not follow those recommendations and you end up with an injury like this, then the plan is going to be liable under that State's laws, just as if they had sold that policy to the Adams family on their own, as individuals, rather than through their employer.

I hear an awful lot from the opponents to this legislation that you are just going to make the employers liable. Well, I would refer colleagues from both sides of the aisle to the actual bill, to page 97. We say that health plans are not exempted from liability. Health plans are not. But as long as the employer has not entered into that decision-making by that HMO, then the employer is not liable.

Madam Speaker, I have here a legal brief from the law firm of Gardner, Carton & Douglas which discusses this liability provision in some detail for the Norwood-Dingell bill.

Let me just summarize what this says on the liability provisions.

This says, "Managed care industry miscommunications on this liability provision do not present an accurate analysis of the plan sponsor protections in the bill. The HMO industry claims the bill would subject plan sponsors, i.e., the employers, to a flood of lawsuits in State courts over all benefits decisions under their group health plans, and suggest that plan sponsors would be forced to abandon their plans. All of this is incorrect, for the following reasons."

This is just a summary.

First, almost all lawsuits would not be against plan sponsors. Under current ERISA preemption law, suits seeking State law remedies for injury or wrongful death of group health plan participants are already allowed in numerous jurisdictions. Those cases show that these suits are normally brought against the HMO, not against the employer. The employers are generally not involved in "treatment" decisions that lead to a plan participant's, to the employee's, injury or death. "Ordinary" benefit decisions, such as whether to reimburse particular medical expenses, are not affected by our bill.

Second, the plan sponsor exposure would be limited. If a plan sponsor, i.e., the employer, exercises discretion in making a benefit claim decision and that decision results in injury or wrongful death, section 302(a) in our bill makes an exception to ERISA to allow a State claim. However, to recover, a plaintiff, the patient, or his family must first prove that the sponsor exercised discretion which resulted in the injury or death and then must prove all elements of a State law cause of action based on the sponsor's conduct in making the decision on that particular claim. The plaintiff must have a viable State law cause of action because our bill only creates an exception to ERISA preemption. It does not create a new cause of action.

Third. The statute's "plain meaning" limits plan sponsor liability. The provisions in our bill that protect plan sponsors would be interpreted under the Supreme Court's well-established "plain meaning" analysis. Such an analysis supports the bill's clear intention to continue to preempt any State law liability suits against employers that do not involve an exercise of discretion by them in making a decision that results in injury or death. Other types of "discretionary" plan sponsor action would not be affected and would not be subject to State law liability claims.

Finally, the private sector health care would not be destroyed. The limited legal exposure of employers under this bill will not cause them to abandon group health plans. The experience of retirement plans and "non-ERISA" plans, group health plans, support that conclusion. Plan sponsors would not need to abandon all control over group health plans to remain protected.

Madam Speaker, I include the foregoing document in its entirety for the RECORD:

[Memorandum]

From: Gardner, Carton & Douglas.
Date: September 27, 1999.
Subject: Liability of Plan Sponsors Under the Norwood-Dingell Bill (H.R. 2723).

You have asked us to analyze whether Section 302(a) of H.R. 2723, the "Bipartisan Consensus Managed Care Improvement Act of 1999" (the "Bill") could subject employers or others (such as labor organizations) who sponsor group health plans ("plan sponsors") to potential liability under State law, for injuries or deaths resulting from coverage decisions under group health plans that they sponsor. As part of our analysis, you asked us to consider letters that have been prepared by some law firms for lobbying groups that are opposed to the Bill (the "managed Care Letters").

The Managed Care Letters do not focus on the central purpose of Section 302(a) of the Bill. That purpose is to fill an unintended gap under the Employee Retirement Income Security Act of 1974 ("ERISA"), by creating accountability for managed care organizations ("MCOs") and others who make treatment decisions or provide services for participants in group health plans subject to ERISA. The gap results from judicial interpretations of ERISA which prevent the application of State law remedies that otherwise would redress an injury or death caused by improper administration of a group health plan. Case law rules which attempt to define the limits of ERISA preemption in these circumstances are complex and differ from jurisdiction to jurisdiction. The Managed Care Letters shift attention from addressing this problem by characterizing Section 302(a) as an "employer liability" provision. Based on our analysis of Section 302(a), such a characterization is incorrect.

EXECUTIVE SUMMARY

Protection for plan sponsors. The protection for plan sponsors included as part of Section 302(a) provides a meaningful and workable limitation on the potential State law liabilities otherwise allowed by the Bill.

Effect on ERISA preemption. Section 302(a) creates a limited exception to ERISA's general "preemption" of State laws that relate to employee benefit plans. The exception only applies to State law causes of action against any person based on personal injury or wrongful death resulting from providing or arranging for insurance, administrative services or medical services by such person to or for a group health plan. It does not disturb ERISA preemption of State law actions against a plan sponsor, except for actions based on the sponsor's exercise of discretion on a participant's claim for plan benefits resulted in personal injury or wrongful death of a participant. Other discretion by plan sponsors under a group health plan is not affected by Section 302(a).

The Bill's limited exception to ERISA preemption is not an "employer liability" provision. The Managed Care Letters do not present an accurate analysis of the plan sponsor protections in the Bill. They claim the Bill would subject plan sponsors to a flood of lawsuits in State courts over all benefits decisions under their group health plans, and suggest that plan sponsors would be forced to abandon their plans. All of this is incorrect, for the following reasons:

1. Most lawsuits would not be against plan sponsors. Under current ERISA preemption law, suits seeking State law remedies for injury or wrongful death of group health plan participants are already allowed in numerous jurisdictions. Those cases show that these suits are normally brought against MCOs—not against plan sponsors. Plan sponsors are generally not involved in "treatment" decisions that lead to a plan participant's injury or death. "Ordinary" benefit decisions (such as whether to reimburse particular medical expenses) are not affected by the Bill.

2. Plan sponsor exposure would be limited. If a plan sponsor exercises discretion in making a benefit claim decision under its group health plan, and that decision results in injury or wrongful death, Section 302(a) makes an exception to ERISA preemption to allow a State law claim against the sponsor. To recover, though, a plaintiff must first prove that the sponsor exercised discretion which resulted in the injury or death, then must prove all elements of a State law cause of action, based on the sponsor's conduct in making the decision on that particular claim for benefits. The plaintiff must have a viable State law cause of actions because Section 302(a) only creates an exception to ERISA preemption, and does not create a separate cause of action.

3. The statute's "plain meaning" limits plan sponsor liability. The provisions in Section 302(a) that protect plan sponsors would be interpreted under the Supreme Court's well-established "plain meaning" analysis. Such an analysis supports the Bill's clear intention to continue to preempt any State law liability suits against plan sponsors that do not involve an exercise of discretion by them in making a benefit claim decision resulting in injury or death. Other types of "discretionary" plan sponsor action would not be affected and would not be subject to State law liability claims. Interpretations of Section 302(a) which characterize it as a broad "employer liability" provision require one to ignore critical elements of Section 302(a), in violation of "plain meaning" analysis.

4. Private-sector health care would not be destroyed. The limited legal exposure of plan sponsors under Section 302(a) will not cause them to abandon group health plans. The experience of retirement plans and "non-ERISA" group health plans supports this conclusion. Plan sponsors would not need to abandon all control over a group health plan to remain protected. Having MCOs or other third parties make all claims decisions (as is often done), and then monitoring the third party preserves the sponsors' control. Or, sponsors could make the claims decisions and insure their exposure.

DISCUSSION

I. BACKGROUND

Relevant ERISA provisions. Section 502(a)(1)(B) of ERISA gives participants in an employee benefit plan subject to ERISA (including a group health plan) the right to sue: (i) to recover benefits due to them, (ii) to enforce their rights under the terms of the plan, or (iii) to clarify their rights to future benefits. Section 503 of ERISA and the regulations under that Section require every employee benefit plan to have procedures for notifying plan participants of denials of benefits and for appeals from such denials. Section 514(a) of ERISA states that the provisions of ERISA will supersede ("preempt") any and all State laws which "relate to" employee benefit plans which are covered by ERISA.

Under these ERISA provisions, the Supreme Court and other federal courts have developed the following rules:

With limited exceptions, a participant must "exhaust" the ERISA claims appeal procedures under Section 503 before bringing a suit under Section 502(a)(1)(B). McGraw v. Prudential Insurance Co., 137 F.3d 1253, 1263–64 (10th Cir. 1998); Kennedy v. Empire Blue Cross and Blue Shield, 989 F.2d 588, 594–95 (2d Cir. 1993).

The ERISA causes of action are a participant's exclusive remedy to seek benefits or contest the administration of an employee benefit plan which is covered by ERISA. Pilot Life Insurance Co. v. Dedeaux, 481 U.S. 41, 47–57 (1987).

State causes of action which seek to mandate benefits structures or administration of plans covered by ERISA are preempted, as are those which seek alternatives to ERISA's enforcement mechanisms. N.Y. State Conference of Blue Cross & Blue Shield Plans v. Travelers Insurance Co., 514 U.S. 645, 657–58 (1995).

Under the ERISA causes of action, a participant or beneficiary can recover benefits to which he or she is entitled and certain other equitable relief. Other compensatory, non-economic or punitive damages are not available. Mertens v. Hewitt Associates, 508 U.S. 248, 255–62 (1993).

Managed care and ERISA. In the traditional "fee-for-service" group health plan that was prevalent when ERISA was enacted in 1974, a lawsuit based on personal injury or wrongful death arising from treatment under the plan did not implicate ERISA. The participant received the care prescribed by his or her doctor, with payment made or reimbursed by an insurer. If there was a bad medical result, the participant could sue the medical care provider.

Managed care arrangements, which became prevalent only after ERISA's enactment, place an intermediary between the group health plan participant and the medical care that is provided. MCOs, through their protocols and "utilization review" procedures, make decisions affecting every aspect of the patient's treatment, including decisions on medical procedures, facilities utilized, access to specialists, length of stay, and drug prescriptions. The consequence of an improper or negligent decision on any of these matters can be injury or death to the patient.

Today, an employer that establishes a group health plan often arranges for an MCO to provide the benefits to plan participants or beneficiaries. The employer may pay the MCO on a capitated basis or it can "self-insure" by paying the cost of treatment provided by the MCO.

ERISA preemption and MCO accountability. The combination of ERISA preemption and the use of MCOs by group health plans to provide benefits has produced a startling and unintended result. The MCO used by a group health plan may make a highly negligent treatment decision, and a participant may be injured or die as a result. If the MCO's actions are treated as acts of administration of an ERISA-covered plan, and therefore qualify for protection under ERISA preemption, the MCO is not accountable at law for the injury or death which results from its actions.

This is because the State law remedies are preempted by ERISA, and the only remedies under ERISA are the plan benefits to which the participant is entitled. The ERISA remedy is usually meaningless after the injury or death has occurred. Thus, an ERISA group health plan participant can suffer a "wrong without a remedy." See Corcoran v. United HealthCare, 965 F.2d 1321 (5th Cir. 1992); Kuhl v. Lincoln National Life, 999 F.2d 298 (8th Cir. 1993); Spain v. Aetna Life Insurance Co., 11 F.3d 129 (9th Cir. 1993).

This result can only occur if the patient is covered by a plan that is subject to ERISA. Group health plans maintained by federal, state and local governments, or by church organizations, are not subject to ERISA—and aggrieved participants in those plans can sue MCOs in state courts. So can individuals covered by Medicare, Medicaid or by insurance coverage that they purchase themselves. Thus, the interplay of ERISA preemption provisions and managed care practices has created a situation where participants in ERISA plans are the only Americans with health care coverage who cannot go to court to hold MCOs accountable for their negligent or wrongful actions.

Some federal courts have recognized this unintended and illogical situation, and have tried to distinguish MCO activities that involve administration of ERISA-covered plans for MCO activities that inolve medical decision-making and the practice of medicine. See, e.g., Dukes v. U.S. HealthCare Inc., 57 F.3d 350 (3rd Cir. 1995). these decisions have allowed injured patients or survivors of decreased patients to bring state court actions agaisnt MCOs in some jurisdictions, in some circumstances. However, courts taking this approach are forced to engage in a difficult hair-splitting analysis of whether the claim at issue involves the "quantity" of benefits a patient received or the "quality" of those benefits—with preemption in the "quantity" case, and no preemption in the "quality" cases. Recent cases show how problematic this analysis is, with different results occurring with similar facts. Compare, for example, the decision in Moscovitch V. Danbury Hospital, 25 F. Supp. 2d 74 (D. Conn. 1988), with the decision in Huss v. Green Spring Health Services, Inc., 18 F. Supp. 2d 400 (D. Del. 1998). In both cases, an MCO decision was alleged to have led to the suicide of a family's son. In Moscovitch, the State law claims were permitted, but in Huss they were held to be preempted by ERISA.

MCO accountability to participants in ERISA-covered group health plans should not depend on such hair-splitting. Nothing in ERISA or its legislative history suggests that ERISA-which was passed to protect plan participants—was intended to put plan participants in a worse position than other Americans with health care coverage.

Section 302(a) of the Bill. Section 302(a) of the Bill addresses this problem by carefully supplementing the ERISA preemption rules, with a new ERISA Section 514(e). The new provision first provides, in Section 514(e)(1)(A), that ERISA will not preempt an action under State law to: recover damages resulting from personal injury or for wrongful death against any person—(i) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan * * * or (ii) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

Next is Section 514(e)(2)(A), a special rules expressly intended to protect plan sponsors. It fully restores ERISA preemption with respect to: any cause of action against an employer or plan sponsor maintaining the group health plan (or against an employee of such an employer or sponsor acting with the scope of employment).

Finally, Section 514(e)(2)(B) states that the Section 514(e)(2)(A) protection for plan sponsors will not bar State law causes of action otherwise allowed by Section 502(e)(1), if: (i) such action is based on *the employer's or other plan sponsor's* (or employee's) *exercise of discretionary authority to make a decision on a claim for benefits covered under the plan* * * * and (ii) the exercise by such employer or other plan sponsor (or employee) of such authority *resulted in personal injury or wrongful death*. [Emphasis added.]

II. ANALYSIS

A. How likely are lawsuits against plan sponsors?

the structure of the proposed new ERISA Section 514(e), and the actual case law experience in jurisdictions which have allowed some suits against MCO's by participants in ERISA group health plans, both indicate that the "flood" of litigation against plan sponsors predicted in the Managed Care Letters is unlikely to occur.

Most group health plan benefit claims would be unaffected. New ERISA Section 514(e)(1) would permit state court suits against a person only where there is a personal injury or wrongful death. The vast majority of the "benefit claims" under group health plans do not involve personal injury or wrongful death, but instead involve matters such as: whether a person is eligible as a participant under the plan, attempts to secure pre-approval for a particular medical procedure or course of treatment; and claims for reimbursement of medical expenses already incurred by the participant or beneficiary.

These disputes are untouched by the Bill. They are still subject to the ERISA Section 503 claims and appeals procedures (including the alternative procedures provided by the Bill), and then (following exhaustion of the Section 503 procedures) could be pursued only in a suit under ERISA Section 502(a)(1)(B), where the plaintiff could only seek the limited remedies available under ERISA.

No cause of action available against plan sponsors in many cases. Putting aside the bulk of group health plan disputes, which stay within current ERISA procedures (including the alternative procedures provided by the Bill), we can turn to those which do involve allegations of personal injury or wrongful death. How likely is it that a plan sponsor will be sued in state court if such suits are permitted under new ERISA Section 514(e)(2)(B)?

Since 1994, a number of jurisdictions have allowed some state lawsuits based on personal injury or wrongful death of ERISA plan participants. Numerous suits like this have been brought, with some allowed to go forward in state court and others found to be preempted by ERISA. We have reviewed every reported opinion involving such a case.

As we analyzed the facts of these cases, as set out in the reported opinions, we found that the plan sponsor was almost never shown or described as a defendant. Specifically, in only two of the 75 cases we reviewed was there anything to indicate that the plan sponsor was sued, even though the plan sponsor might have selected the MCO and/or retained final discretion on claims appeals. Every other conceivable party seems to have been sued in these cases, including doctors, nurses, hospitals, MCOs and equipment manufactures, but not plan sponsors.

Why aren't plan sponsors (employees) typically sued? The reason why plan sponsors are not sued in these cases is probably because the personal injury or wrongful death occurs as a result of MCO actions in which the plan sponsor is not involved. The plan sponsor is not a part of the faulty diagnosis, the premature discharge, the use of the inappropriate drug or procedure, the refusal to admit, or the delay in surgery. It is these events which cause the alleged injuries and deaths. These are the well-publicized cases which have led congress to consider managed care reform. However, these are not plan sponsor decisions and are not likely to support a cause of action against the plan sponsor under the Bill's limited exception to ERISA preemption.

More specifically, the state law causes of action likely to be pleaded in situations like this have specific elements, all of which have to be established against a defendant. Many of the cases brought against MCOs are medical malpractice cases which would be inapplicable to plan sponsors (except, perhaps, where the group health plan actually operated a hospital or clinic). Negligence actions require a duty of care, as established by law, and a breach of that duty which is a proximate cause of the injury. Wrongful death statutes typically require a wrongful act which would have been actionable by the decedent, and which caused his or her death. The MCO actions attacked in the cases we reviewed could support such claims against an MCO, but not a plan sponsor. That is why plan sponsors were not defendants in the cases we reviewed, and why it seems they are not likely to be sued in similar situations if the Bill is enacted.

"Emotional distress" claims. A related point which should be addressed is whether the Bill would permit a suit against a plan sponsor based on "emotional distress." One of the Managed Care Letters suggests that a participant could seek mental health benefits, be denied, then sue in state court for "denied benefits, emotional distress and lost job opportunities."

Such a suit would not survive a motion to dismiss. While state courts may permit recovery for "emotional distress" or "mental anguish" without an accompanying physical injury, the proposed Section 514(e)(1)(A) requires a suit "for personal injury or for wrongful death" before there is any preemption of ERISA. "Personal injury" means "physical injury" (including physical injury arising out of treatment or non-treatment of mental disease). Therefore, absent physical injury, "emotional distress" is not enough to trigger the exception to preemption, and the state law claims are absolutely barred by Pilot Life.

The preceding analysis actually shows how effectively proposed Section 514(e) would work. First, the requirements for the exception to ERISA preemption (including the plan sponsor exercising discretion which results in personal injury or wrongful death) must be met; then all the elements of an applicable State law cause of action must be satisfied.

Where State law suit against plan sponsor would not be preempted. Without question, a plan sponsor could engage in conduct where it could be sued under the proposed new Section 502(e). For example, a participant could seek a cutting-edge cancer treatment, be denied and appeal to the plan sponsor's "Benefits Committee." If that Committee denied the appeal and the participant died, a wrongful death action could be brought. But the plaintiff would have to prove the state law claim—showing, for example, that the Committee decision was in violation of a legal "duty of care" owed to the participant, and that it was the "proximate cause" of the participant's death. Cases like this occur, but they are not everyday matters, even in a large group health plan. The plan sponsor can insure against such liability, and can establish claims appeal procedures to build a record which can withstand scrutiny. In the alternative, it can transfer the appeals function to a third party with medical expertise, and monitor that entity's performance.

Once the scope and operation of the Bill's exception to ERISA preemption is examined, and once the characteristics of current suits against MCOs are reviewed, concerns about a "flood" of lawsuits against plan sponsors under the Bill should greatly diminish.

B. How likely is an interpretation of the Bill allowing broad plan sponsor liability?

Arugments in the Managed Care Letters. Ignoring both the limited scope of the proposed changes to ERISA and the detailed plan sponsor protection, the Managed Care Letters predict dire consequences from the Bill. They argue that the plan sponsor protections will be illusory, and that the Bill would subject plan sponsors to potential State court litigation over every coverage decision under a group health plan. The Managed Care Letters go on to state that this broad liability for plan sponsors would put them in an untenable position and make group health plans unworkable. Several arguments are made in support of these assertions.

"Discretion". The Managed Care Letters suggest that, because "discretionary action" can occur in many contexts under ERISA, virtually any plan sponsor action regarding a group health plan will involve an "exercise of discretionary authority" that would make the plan sponsor subject to State law actions.

Imputed actions. The next argument is that under general agency concepts, the actions of a decision-maker, such as an MCO third party would be "imputed" to the employer, and the employer would thereby be deemed to have made an "exercise of discretionary authority to make a decision on a claim for benefits covered under the plan."

Retained control. Similarly, it is argued that, in reality, a plan sponsor will always retain some control over the actions of the MCO, and therefore will always be deemed to have exercised discretionary authority to make a decision on a claim for benefits covered under the plan.

Each of these objections can be addressed by applying the "plain meaning" rule of statutory construction to the proposed new ERISA Section 514(e).

Plain meaning—overview. The new ERISA Section 514(e) contained in the Bill, if enacted, would be subject to a well-established rule of statutory interpretation which focuses on the "plain meaning." This rule would strongly support the Bill's clear intention to prevent State law liability for plan sponsors that do not directly exercise discretion in making a benefit claim decision under their group health plan. Other types of "discretionary" plan sponsor actions would be well outside of the scope of the plain meaning of proposed Section 514(e)(2)(B).

The Supreme Court has repeatedly confirmed that the starting point to determine the meaning of a federal statute is the plain language of the statute itself. See, e.g., Central Bank of Denver v. First Interstate Bank of Denver, 511 U.S. 164, 171 (1994). If a court finds that this statutory language is unambiguous, the inquiry should be complete. See, e.g., Ardestani v. Immigration and Naturalization Service, 502 U.S. 129, 135 (1991).

Most importantly, with regard to the overbroad, hypothetical interpretations of proposed Section 514(e) found in the Managed Care Letters, the Supreme Court has confirmed that "assertions of ambiguity do not transform a clear statute into an ambiguous provision," and that courts must be skeptical of clever readings of a statute that are based on "ingenuity." United States v. James, 478 U.S. 597, 604 (1986). The Supreme Court has similarly stated that a statute can be viewed as unambiguous "without addressing every interpretative theory offered by a party." Salinas v. United States, 118 S. Ct. 469 (1997).

This "plain meaning" approach has been used by the Supreme Court in a number of recent cases reviewing disputes involving federal employment laws. See, e.g., Hughes Aircraft Company v. Jacobson, 199 S. Ct. 755 (1999) (dispute under ERISA); Sutton v. United Air Lines, 119 S. Ct. 2139 (1999) (dispute under the Americans with Disabilities Act); Murphy v. United Parcel Service, 119 S. Ct. 2133 (1999) (same).

Plain meaning—applied to "discretion." The Bill contains clear, straightforward language that allows State law actions otherwise allowed by the Bill to apply to a plan sponsor only when it engages in a direct exercise of discretionary authority to make a decision "on a claim for benefits covered under the plan."

To begin, the structure of proposed Section 514(e) is straightforward. New Section 514(e)'s structure of (1) rule, (2) exception, and (3) exception-to-the-exception, is orderly and understandable.

The Managed Care Letters argue that, under ERISA Section 3(21)(A), many types of "discretion" can create a fiduciary status for a person administering an employee benefit plan. This is true, but it is irrelevant to the plan sponsor protection provided by the Bill. Under the bill's literal language, plan sponsor protection is not lost whenever there is some exercise of discretion by a plan sponsor. It is only lost when there is plan sponsor discretion on "a decision on a claim for benefits covered under the plan."

The Managed Care Letters argue that, even with respect to discretion on claims for benefits, the Bill will be construed to broadly allow suits against plan sponsors under State law, because the plan sponsor may be viewed as "indirectly" exercising this discretion, for instance, by appointing the MCO which actually exercises discretion. Such an interpretation would read the words of Section 514(e)(2)(B) right out of the statute. This is precisely what is prohibited by the "plain meaning" rule.

In addition, the Bill carves out, in new Section 514(e)(2)(C), several specific plan sponsor activities which will not, in any event, constitute an exercise of discretionary authority on a benefit claim. They are: (i) decisions to include or exclude any specific benefit from the plan; (ii) decisions to provide extra-contractual benefits outside of the plan; and (iii) decisions not to consider the provision of a benefit while an internal or external review of the claim is being conducted. These carve-outs further insulate plan sponsors from State law actions in "close call" situations.

Plain meaning—applied to "imputed actions" and "retained control." It is unrealistic to argue, as the Managed Care Letters do, that under general "agency law" concepts, actions of a third party decision-maker, such as an MCO, would be "imputed" to the plan sponsor, who would then be deemed to have made an "exercise of discretionary authority" on a claim for benefits covered under the plan, through the appointment or under some notion of "ultimate control" of the group health plan.

There are two flaws in this argument. First, proposed ERISA in Section 514(e)(2)(A) clearly shields plan sponsors from the exception to ERISA preemption in Section 514(e)(1). If proposed Section 514(e)(2)(B)—which is set up as an exception to that shield—made plan sponsors subject to State law suits for the acts of others, plan sponsors would be in the same place as MCOs and others against whom State law suits would be allowed under Section 514(e)(1). This interpretation found in the Managed Care Letters would impermissibly read the exception right out of the statute and make the clear language of Section 514(e)(1)(A) meaningless. This is exactly what is prohibited by the "plain meaning" rule of statutory construction—as well as by common sense.

In addition, the Managed Care Letters cite no relevant legal authority to support this interpretation. We reviewed the list of cases which one Managed Care Letter cites as a "solid common law basis" for its argument. What these cases deal with is an MCO's liability for the acts of health care providers which it employs or supervises. They have nothing to do with the relationship between plan sponsor and a service provider to its group health plan.

Therefore, we think that use of an "agency" or similar argument to expand the scope of plan sponsor exposure would be fundamentally at odds with the structure and plain meaning of Section 302(a).

C. How likely is it that plan sponsors would terminate group health plans under the Bill?

A perennial argument. The perennial argument against changes to employee benefits laws is that the changes will cause plan sponsors to abandon their plans. (Opponents to ERISA predicted that it would destroy the entire private-sector retirement plan system. It did not.) With regard to the Bill, the experience of "non-ERISA" group health plans and of retirement plans subject to ERISA indicates that new ERISA Section 514(e) would not cause wholesale terminations of group health plans.

What experience shows. "Church plans" provide a good reference. Under ERISA Sections 4(b)(2) and 3(33), an employee benefit plan sponsored by a church organization is not subject to ERISA. Church organizations routinely sponsor group health plans, and many utilize MCOs. With ERISA preemption unavailable to them, these church-sponsors are always potential targets for the kind of suits the Managed Care Letters direly predict. Yet churches continue to sponsor group health plans.

Sponsors of retirement plans subject to ERISA can be subject to suits over the use or investment of plan assets, with huge potential liabilities for breaches of ERISA fiduciary duty. For example, a major bank was recently sued for over $100 million in alleged losses to participants in its "401(k)" retirement plan, based on the fee structure and other issues related to the plan's investment options. Franklin v. First Union Corp., Civil Action No. 3-99CV610, E.D. Virginia (September 7, 1999). To our knowledge, no one is suggesting that employers will now abandon their "401(k)" or other retirement plans in the face of such potential liabilities.

Maintaining plan sponsor control. Nor do plan sponsors need to "abandon all control" of the retirement plans to avoid fiduciary liability. The investment management of retirement plan assets is a good example. More and more, sponsors of retirement plans have put the management of plan assets in the hands of banks, insurance companies and other professional investment managers. Plan sponsors engage in careful manager searches, establish investment policies and review the performance of the investment managers and, where they deem it appropriate, change managers. The plan sponsor then does not make day-to-day investment decisions, but it certainly does not abandon control over this plan function.

In the same say, a group health plan sponsor can choose an MCO, and provide for it to have final authority over benefit claims. The plan sponsor monitors the MCO's performance, including its medical outcomes, and can change MCOs if it is dissatisfied with the care provided by the MCO. In such a situation, the plan sponsor would not have potential liability under proposed ERISA Section 514(e), but would certainly retain control over the operation of its group health plan.

Therefore, based on the experience of "non-ERISA" group health plans and ERISA retirement plans, it seems highly unlikely that the Bill's State law liability provisions would mean the end of employer-sponsored group health plans, or that employers would be forced to abandon control of those plans.

CONCLUSION

Our analysis shows that Section 302(a) of the Bill, if enacted, would not expose plan sponsors to State law liability in most situations. Only to the extent that a plan sponsor directly exercised discretion in making a benefit claim decision under its group health plan, and to the extent that an improper decision then resulted in injury or wrongful death, would there be an exception to ERISA preemption which allowed a State law claim to be brought. This potential liability is consistent with general principles of tort law, where parties are liable for the consequences of their negligent actions.

Most benefits decisions in which plan sponsors participle are outside the scope of proposed new ERISA Section 514(e). A personal injury or wrongful death is required before a state law claim is allowed. Thus, claims seeking prior approval of specific benefits, or seeking reimbursement of medical costs already incurred, or seeking to clarify a person's status as a plan participant would continue to be handled through the existing ERISA claim and appeal procedures.

Where there is personal injury or wrongful death, and a State law suit against an employer is permitted, there must be an applicable state law cause of action—nothing in Section 302(a) creates an independent cause of action. If there is a potential state law claim, it will still be preempted by ERISA unless the plaintiff can show (1) that the plan sponsor exercised discretionary authority over a claim for benefits in the case at issue, and (2) the exercise of discretion resulted in personal injury of wrongful death.

Our review of the cases where ERISA plan participants have filed suit for personal injury or wrongful death indicates that, most commonly, patients are injured or die in circumstances where the plan sponsor is not involved. It is not the plan sponsor's Benefits Committee which sends the mother home from the hospital with her sick newborn child, or refuses to scheduled urgent surgery. Speculation that plan sponsors will "somehow" face broad State law liability is inconsistent with an analysis of relevant case law and the "plain meaning" of the proposed statue.

In sum, Section 302(a) of the Bill is a carefully-drafted provision which addresses what many perceive as an unfortunate and unintended gap in ERISA, without disturbing the ERISA preemption rules applicable to most State law claims against plan sponsors of group health plans.

What is the real life experience to bear that out? I refer my colleagues to the front page story in the Washington Post today. "Patients' Rights Case Study: So Far, Benign. In Texas, Ability to Sue HMOs Has Prompted Little Litigation."

Why is that? Because whereas they say that plans that make decisions, medical decisions that result in injury are going to legally be liable, they also set up that dispute resolution process that is in our bill, a dispute resolution so that you can fix a problem before you end up with the injury.

It says here in this article:

"The insurance industry and its business allies have spent millions of dollars warning legislators in Washington that it would be dangerous to give patients the right to sue health maintenance organizations, arguing that the courts would be deluged with baseless litigation.

"But since the Texas legislature made managed care plans liable for malpractice, there have only been five known lawsuits from among the 4 million Texans who belong to HMOs.

"And despite insurers' arguments that such a law would force them to practice an expensive brand of defensive medicine, there is no sign that medical costs are rising faster in Texas than anywhere else in the country."

It talks a little bit in this article about how this bill became law in Texas. But then it goes on to say:

"The bill passed with overwhelming support from both Republicans and Democrats in Texas. Governor Bush, now a Republican presidential candidate, had opposed the idea of allowing HMOs to be sued. But this time, in a position that puts him at odds with GOP leaders in Congress, he let the law take effect.

"Two years later, a Bush spokesman said the governor believes the law has 'worked well,' primarily because of a grievance system included in the legislation that has ruled on about 600 cases and sided with patients about half the time. 'We have not seen an explosion of lawsuits,' said Governor Bush's spokesman Ray Sullivan. 'That's what the governor wanted.' "

Madam Speaker, because this is a comprehensive bill that includes so many good provisions to help patients get the kind of care that they need, it is not just a liability bill, it is a bill that because of these other provisions that will allow patients who are not getting a fair shake from their HMOs to have a process to get that fixed, we have 300 organizations who have endorsed the bipartisan consensus bill, H.R. 2723.

Madam Speaker, I include this list for the CONGRESSIONAL RECORD.

300 ORGANIZATIONS ENDORSING H.R. 2723

Adapted Physical Activity Council.

AIDS Action.

Allergy and Asthma Network—Mothers of Asthmatics, Inc.

Alliance for Children and Families.

Alliance for Rehabilitation Counseling.

American Academy of Allergy and Immunology.

American Academy of Child and Adolescent Psychiatry.

American Academy of Emergency Medicine.

American Academy of Facial Plastic and Reconstructive Surgery.

American Academy of Family Physicians.

American Academy of Neurology.

American Academy of Opthamology.

American Academy of Otolaryngology—Head and Neck Surgery.

American Academy of Pain Medicine.

American Academy of Pediatrics.

American Academy of Physical Medicine & Rehabilitation.

American Association for Hand Surgery.

American Association for Holistic Health.

American Association for Marriage and Family Therapy.

American Association for Mental Retardation.

American Association for Psychosocial Rehabilitation.

American Association for Respiratory Care.

American Association for the Study of Headache.

American Association for Clinical Endocrinologists.

American Association of Clinical Urologists.

American Association of Hip and Knee Surgeons.

American Association of Neurological Surgeons.

American Association of Nurse Anesthetists.

American Association of Oral and Maxillofacial Surgeons.

American Association of Orthopaedic Foot and Ankle Surgeons.

American Association of Orthopaedic Surgeons.

American Association of Pastoral Counselors.

American Association of People with Disabilities.

American Association of Private Practice Psychiatrists.

American Association of University Affiliated Programs for Persons with DD.

American Association of University Women.

American Association on Health and Disability.

American Bar Association, Commission on Mental & Physical Disability Law.

American Board of Examiners in Clinical Social Work.

American Cancer Society.

American Chiropractic Association.

American College of Allergy and Immunology.

American College of Cardiology.

American College of Emergency Physicians.

American College of Foot and Ankle Surgeons.

American College of Gastroenterology.

American College of Nuclear Physicians.

American College of Nurse-Midwives.

American College of Obstetricians and Gynecologists.

American College of Osteopathic Family Physicians.

American College of Osteopathic Surgeons.

American College of Physicians.

American College of Radiation Oncology.

American College of Radiology.

American College of Rheumatology.

American College of Surgeons.

American Council for the Blind.

American Counseling Association.

American Dental Association.

American Diabetes Association.

American EEG Society.

American Family Foundation.

American Federation of HomeCare Providers, Inc.

American Federation of State, County, and Municipal Employees.

American Federation of Teachers.

American Foundation for the Blind.

American Gastroenterological Association.

American Group Psychotherapy Association.

American Heart Association.

American Liver Foundation.

American Lung Association/American Thoracic Society.

American Medical Association.

American Medical Rehabilitation Providers Association.

American Medical Student Association.

American Medical Women's Association, Inc.

American Mental Health Counselors Association.

American Music Therapy Association.

American Network of Community Options And Resources.

American Nurses Association.

American Occupational Therapy Association.

American Optometric Association.

American Orthopaedic Society for Sports Medicine.

American Orthopsychiatric Association.

American Orthotic and Prosthetic Association.

American Osteopathic Academy of Orthopedics.

American Osteopathic Association.

American Osteopathic Surgeons.

American Pain Society.

American Physical Therapy Association.

American Podiatric Medical Association.

American Psychiatric Association.

American Psychiatric Nurses Association.

American Psychoanalytic Association.

American Psychological Association.

American Public Health Association.

American Society for Dermatologic Surgery.

American Society for Gastrointestinal Endoscopy.

American Society for Surgery of the Hand.

American Society for Therapeutic Radiology and Oncology.

American Society of Anesthesiology.

American Society of Bariatric Surgery.

American Society of Cataract and Refractive Surgery.

American Society of Clinical Oncology.

American Society of Dermatology.

American Society of Echocardiography.

American Society of Foot and Ankle Surgery.

American Society of General Surgeons.

American Society of Hand Therapists.

American Society of Hematology.

American Society of Internal Medicine.

American Society of Nephrology.

American Society of Nuclear Cardiology.

American Society of Pediatric Nephrology.

American Society of Plastic and Reconstructive Surgeons, Inc.

American Society of Transplant Surgeons.

American Society of Transplantation.

American Speech-Language-Hearing Association.

American Therapeutic Recreation Association.

American Urological Association.

Americans for Better Care of the Dying.

Amputee Coalition of America.

Anxiety Disorders Association of America.

Arthritis Foundation.

Arthroscopy Association of North America.

Association for Ambulatory Behavioral Healthcare.

Association for Education and Rehabilitation Of the Blind and Visually Impaired.

Association for Persons in Supported Employment.

Association for the Advancement of Psychology.

Association for the Education of Community Rehabilitation Personnel.

Association of American Cancer Institutes.

Association of Education for Community Rehabilitation Programs.

Association of Freestanding Radiation Oncology Centers.

Association of Maternal and Child Health Programs.

Association of Subspecialty Professors.

Association of Tech Act Projects.

Association of Women's Health Obstetric and Neonatal Nurses.

Asthma & Allergy Foundation of America.

Austism Society of America.

Bazelon Center for Mental Health Law.

California Access to Specialty Care Coalition.

California Congress of Dermatological Societies.

Cancer Leadership Council.

Center for Patient Advocacy.

Center on Disability and Health.

Child Welfare League of America.

Children & Adults with Attention Deficit/Hyperactivity Disorder.

Children's Defense Fund.

Citizens United for Rehabilitation of Errants.

Clinical Social Work Federation.

Communication Workers of America.

Conference of Educational Administrators of Schools and Programs for the Deaf.

Congress of Neurological Surgeons.

Consortium of Developmental Disabilities Councils.

Consumer Action Network.

Consumer Federation of America.

Consumers Union.

Cooley's Anemia Foundation.

Corporation for the Advancement of Psychiatry.

Council for Exceptional Children.

Council for Learning Disabilities.

Crohn's and Colitis Foundation of America.

Diagenetics.

Digestive Disease National Coalition.

Disability Rights Education and Defense Fund.

Division for Early Childhood of the CEC.

Easter Seals.

Epilepsy Foundation of America.

Evangelical Lutheran Church in America.

Eye Bank Association of America.

Families USA.

Family Service America.

Family Voices.

Federated Ambulatory Surgery Association.

Federation of Behavioral, Psychological & Cognitive Sciences.

Federation of Families for Children's Mental Health.

Florida Breast Cancer Coalition.

Friends Committee on National Legislation.

Goodwill Industries International, Inc.

Gullain-Barre Syndrome Foundation.

Helen Keller National Center.

Higher Education Consortium for Special Education.

Human Rights Campaign.

Huntington's Disease Society of America.

Infectious Disease Society of America.

Inter/National Association of Business, Industry and Rehabilitation.

International Association of Jewish Vocational Services.

International Association of Psychosocial Rehabilitation Services.

International Dyslexia Association.

Joseph P. Kennedy, Jr. Foundation.

League of Women Voters.

Learning Disabilities Association.

Leukemia Society of America.

Linda Creed Breast Cancer Foundation.

Lupus Foundation of America, Inc.

Massachusetts Breast Cancer Coalition.

Medical College of Wisconsin.

Michigan State Medical Society.

Minnesota Breast Cancer Coalition.

National Alliance for the Mentally Ill

National Association for Medical Equipment Services.

National Association for Rural Mental Health.

National Association for State Directors of Developmental Disabilities Services.

National Association for the Advancement of Orthotics and Prosthetics.

National Association of Children's Hospitals.

National Association of Developmental Disabilities Councils.

National Association of Medical Directors of Respiratory Care.

National Association of Nurse Practitioners in Women's Health.

National Association of People with AIDS.

National Association of Physicians Who Care.

National Association of Private Schools for Exceptional Children.

National Association of Protection and Advocacy Systems.

National Association of Psychiatric Treatment Centers for Children.

National Association of Public Hospitals and Health Systems (Qualified Support).

National Association of Rehabilitation Research and Training Centers.

National Association of School Psychologists.

National Association of Social Workers.

National Association of State Directors of Special Education.

National Association of State Mental Health Program Directors.

National Association of the Deaf.

National Black Women's Health Project.
National Breast Cancer Coalition.
National Center for Learning Disabilities.
National Coalition on Deaf-Blindness.
National Committee to Preserve Social Security and Medicare.
National Community Pharmacists Association.
National Consortium of Phys. Ed. And Recreation For Individuals with Disabilities.
National Consumers League.
National Council for Community Behavioral Healthcare.
National Depressive and Manic-Depressive Association.
National Down Syndrome Society.
National Foundation for Ectodermal Dysplasias.
National Hemophilia Foundation.
National Medical Association.
National Mental Health Association.
National Multiple Sclerosis Society.
National Organization of Physicians Who Care.
National Organization of Social Security Claimants' Representatives.
National Organization on Disability.
National Parent Network on Disabilities.
National Partnership for Women & Families.
National Patient Advocate Foundation.
National Psoriasis Foundation.
National Rehabilitation Association.
National Rehabilitation Hospital.
National Therapeutic Recreation Society.
NETWORK: National Catholic Social Justice Lobby.
New York State Nurses Association.
NISH.
North American Brain Tumor Coalition.
North American Society of Pacing and Electrophysiology.
North American Spine Society.
Opticians Association of America.
Oregon Dermatology Society.
Orthopaedic Trauma Association.
Outpatient Ophthalmic Surgery Society.
Pain Care Coalition.
Paralysis Society of America.
Paralyzed Veterans of America.
Patient Advocates for Skin Disease Research.
Patients Who Care.
Pediatric Orthopaedic Society of North America.
Pediatrix Medical Group: Neonatology and Pediatric Intensive Care Specialist.
Physicians for Reproductive Choice and Health.
Physicians Who Care.
Pituitary Tumor Network.
Public Citizen (Liability Provisions Only).
Rehabilitation Engineering and Assistive Technology Society of N. America.
Renal Physicians Association.
Resolve: The National Infertility Clinic.
Scoliosis Research Society.
Self Help for Hard of Hearing People, Inc.
Service Employees International Union.
Sjogren's Syndrome Foundation Inc.
Society for Excellence in Eyecare.
Society for Vascular Surgery.
Society of Cardiovascular & Interventional Radiology.
Society of Critical Care Medicine.
Society of Gynecologic Oncologists.
Society of Nuclear Medicine.
Society of Thoracic Surgeons.
Spina Bifida Association of America.
St Louis Breast Cancer Coalition.
Taconic Resources for Independence, Inc.
The Alexandria Graham Bell Association for the Deaf, Inc.
The American Society of Dermatophathology.
The Arc of the United States.
The Council on Quality and Leadership in Supports for People with Disabilities (The Council).
The Endocrine Society.
The Paget Foundation for Paget's Disease of Bone and Related Disorders.
The Society for Cardiac Angiography and Interventions.
The TMJ Associations, Ltd.
Title II Community AIDS National Network.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ.
United Ostomy Association.
Very Special Arts.
World Institute on Disability.

Finally, let me just briefly talk about access to medical care, because I think it is important. We have about 40 million Americans that do not have health insurance. A large percentage of those people are poor, a large percentage are children. We can do a lot more to get those children and those poor people enrolled in the programs that they qualify for than what we are doing now. Fully half of the children in this country that are uninsured qualify for either Medicaid or for the CHIP program. And we ought to make a better effort to do that. But when we look at providing better access for all Americans to health insurance, we need to be careful that we do not make the situation worse.

There are some ideas that are in a bill that may come to the floor that relate to expanding what are called association health plans or geographic association type health plans, called health marts, that we need to be careful of.

Madam Speaker, I have two letters here from the Blue Cross/Blue Shield organization and the Health Insurance Association of America that I will include for the RECORD.

BLUECROSS BLUESHIELD ASSOCIATION,
Washington, DC, July 13, 1998.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GANSKE: We are writing to express our deep concerns about exempting Association Health Plans (AHPs) and certain Multiple Employer Welfare Arrangements (MEWAs) from state law.

This unwise proposal has surfaced again, this time as part of a package of recommendations from the House Republican health care quality working group. BCBSA is concerned about many of the working group's recommendations, but we are particularly troubled by the AHP/MEWA provision.

For good reason, exempting AHPs/MEWAs from state law is strongly opposed by governors and other state officials, consumer groups, health professionals, major health insurance organizations and some small businesses. This proposal would:

Transfer regulation of these entities from states to an unprepared federal government. The Department of Labor has already testified that it does not now have the resources needed to adequately oversee the ERISA plans already under its purview. Consequently, exempting AHPs/MEWAs from state law would necessitate a substantial increase in federal regulators in order to set and enforce solvency standards and other consumer protections

Increase premiums for many small employers and dramatically hike rates for individuals who purchase their own coverage. By exempting AHPs/MEWAs from state law, the proposal would undermine state reforms that have improved the accessibility and affordability of health coverage, such as risk-spreading laws that assure cross-subsidization between low- and high-cost groups.

Decrease health coverage for those who use the most medical services. The proposal would give AHPs/MEWAs a strong incentive to cover only the healthiest people. As a result, sicker people—who are most in need of coverage—would be left in state-regulated insurance pools. Their premiums would increase as more health people joined AHPs/MEWAs, causing many to lose their health coverage.

Reduce funding for state programs to improve access to health coverage. Because AHPs/MEWAs would be exempt from state law, they would not have to contribute to state programs to improve access (e.g., high-risk pools), which are typically funded by assessments on small group health insurance premiums.

BCBSA shares the concerns of AHP/MEWA supporters who want to make health coverage more affordable for small businesses and others. But this proposal would undermine successful state reforms, increase premiums for many and decrease health coverage for those who need it the most.

When Congress considers the working group's proposal this summer, we urge you to oppose exempting AHPs/MEWAs from state law.

Sincerely,

MARY NELL LEHNHARD,
Senior Vice President.
JACK ERICKSEN,
Executive Director, Congressional Relations.

JUNE 4, 1998.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GANSKE: We are writing to express our opposition to proposals that would exempt certain health insurance arrangements, such as association health plan (AHPs) and multiple employer welfare arrangements (MEWAs), from state insurance law and regulatory authority.

We remain very concerned about proposals to preempt state regulatory of federally certified association health plans, including many MEWAs (e.g., H.R. 1515/S. 729). These proposals would undermine the most volatile segments of the insurance market—the individual and small group markets. AHPs could siphon off the healthy (e.g., through selective marketing or by eliminating coverage of certain benefits required by individuals with expensive illnesses), thus leading to significant premium increases for those who remain in the state-regulated pool. The ultimate result: an increase in the uninsured and only the sickest and highest risk individuals remaining in the states' insured market.

We have similar concerns regarding a proposal to create a new type of purchasing entity, called HealthMarts, which has not been reviewed via the committee hearing process. This proposal would exempt health plans offered through a HealthMart from state benefit standards and requirements to pool all small groups for rating purposes. As with AHPs, this proposal raises serious concerns regarding market segmentation and the ability of states to protect their residents. The combination of these two proposals could lead to massive market segmentation and regulatory confusion.

Moreover, these proposals, over time, would lead our nation toward increased federalization of health insurance regulation. Preemption of state regulatory authority would create a regulatory vacuum that would necessitate an exponential increase in federal bureaucracy and federal regulatory authority.

As representatives of the health insurance and health plan community, we are concerned about the issue of access to health coverage for small firms. However, we urge legislators to avoid legislation that unravels the market by helping a limited group of small employers at the expense of other individuals and small groups.

We look forward to an opportunity to work with you regarding proposals that expand coverage without damaging the small group and individual markets.

Sincerely,

BLUE CROSS AND BLUE SHIELD ASSOCIATION,
HEALTH INSURANCE ASSOCIATION OF AMERICA.

Sometimes I agree with the insurance industry. In this situation I do. I think that association health plans can siphon off the healthy. They can thus lead to significant premium increases for those that remain in State-regulated insurance pools.

☐ 2000

The ultimate result could be an increase in the uninsured, and only the sickest and highest risk individuals remaining in the State's insurance market. We have to be very careful about those types of provisions.

Finally, Madam Speaker, let me just say that I appreciate the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), sticking to his word that we are going to have a debate on patient protection legislation next week. I hope that we will have a clean and fair rule that will allow the majority of the House to have its say on passing good, strong patient protection legislation.

I think that we have been working on this for about 4 years. It is a struggle when you are going up against an industry as powerful as the HMO industry. But despite the fact that they have spent about $100 million lobbying against this, money that should, in my opinion, have been spent on care for patients, the public overwhelmingly wants to see Congress pass a strong Patient Bill of Rights, strong patient protection legislation. They have heard from their friends, they have heard from family members, they have heard from fellow employees about problems with people in HMOs getting the kind of care that they should be getting, and they are scared that that could happen to their own family and their own children. They just want a fair chance at reversing an arbitrary denial of care because some of those decisions, as I pointed out in my speech tonight, and countless hundreds or thousands of others that I could talk about have resulted in injury to people, and it is occurring every day that goes by without our having this debate, Madam Speaker.

I encourage my colleagues on both sides of the aisle to join with the 300 endorsing organizations, support H.R. 2723, avoid believing the distortions that the industry is putting out about this bill. The sky will not fall, HMOs will continue. In fact, they will be better HMOs if we pass this legislation.

WHERE WE ARE WITH DRUG POLICY

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Madam Speaker, I am pleased to come back to the floor tonight, and as usual on Tuesday nights, I try to address the House and the American people on the subject of the illegal narcotics situation. As I have stated many times on the floor of the House of Representatives, I take this issue very seriously.

I chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform and Oversight charged with the responsibility of trying to coordinate and get back on track our war on drugs. And I do say get back on track our war on drugs because, as I have stated many times in detail, last week in my remarks, the war on drugs basically was closed down in 1993 with the beginning of the Clinton administration. When the Clinton-Gore administration controlled both the White House, they controlled substantial majorities in the House of Representatives, in the United States Senate, and in 2 years of domination completely destroyed, completely dismantled almost all of our international narcotics efforts, took apart the cost-effective source country programs that stopped drugs very cost effectively in their production, in their route, at their source in the countries that produce them.

Then, of course, the administration, working with the majority in Congress, gutted nearly half the amount of money for interdiction, in a very short period of time dismantled almost all of the programs that interdicted drugs at the second stages from the source. First, destroyed those programs, interdiction where you caught them cost effectively at the second level of before entry to our borders, cut those programs in half, use of the military almost decimated, use of the Coast Guard in areas like Puerto Rico which saw an incredible influx of illegal narcotics from throughout the Caribbean and then transited it into the United States, even into Central Florida, my home area of central Florida from Orlando to Daytona Beach, one of the victims of that failed policy.

Then additionally, Madam Speaker, adopting a very liberal policy as far as our national leadership on the issue, soft on the issues, a national health officer, Jocelyn Elders, said just say maybe, and our kids took that at face value, and we have seen the dramatic results among, particularly among, our young people who were so susceptible, we found, to that soft message sent out of the White House and out of the administration and sent out of the Congress. Again, a short time in which they controlled all these mechanisms, but a lot of damage was done.

Now, digging our way out again, we have increased source country programs. We are getting them almost back to the 1992 levels. The interdiction programs' involvement of the military, the Coast Guard, almost back again to the 1992 levels. And education program which we have no match. For which again, I credit the gentleman from Illinois (Mr. HASTERT) who is now Speaker of the House who helped secure funding for that program in the last Congress under his leadership as a chairman of the Subcommittee on National Security on which I served with him that had drug policy jurisdiction. Education.

And of course, contrary to what is out there, the Geraldo Riveras and the others who give these programs about how the war on drugs is a failure, they do not have a clue. Of course we never mention that the war on drugs, in fact, was closed down by the liberal elements. But, in fact, the war on drugs is successful when it is multi-faceted, as I said, where it deals with stopping drugs at their source, interdicting drugs, a strong education program.

And, of course, the Riveras and others will not tell you that in the Clinton agenda most of the money went for solely, treatment. The increases from 1993 to 1995—1996 nearly doubled for treatment, and they continue to double. And, of course, we think treatment, this new majority does, is a very critical part to any multi-faceted and effective anti-narcotics program. But by itself it is sort of like treating only the wounded in a battle, and we cannot just be taking in the casualties, treating them and sending them back out or allowing them just the alternative of a life of addiction as we compared with Baltimore last week.

Madam Speaker, Baltimore now has the distinction of probably 60,000 addicts in a liberal Clinton-Gore type policy which has enslaved almost one-tenth. A Council person from Baltimore said it is one in eight who are now victims of addiction. And that is the liberal policy as opposed to the Giuliani zero tolerance, tough enforcement approach and the approach that the majority in this Congress, the new majority in this Congress, has adopted.

So we know that stopping illegal narcotics at their source is very cost effective, works. We have seen dramatic decreases in Bolivia, Peru, two countries which were really the major sources of coca and cocaine production. Now that has shifted to Colombia because mostly, as I pointed out and documented very well last week, of the Clinton-Gore policy that stopped all assistance, all aid, closed down the war on drugs basically in Colombia so that Colombia is now the largest producer. And the little programs that were started under this Republican majority in Peru and Bolivia have now dramatically cut, and again with small expenditures, production there.

But again it closed down the shoot-down policy; it closed down the assistance programs, a close-down of the cooperation in providing intelligence to Colombia. It destroyed those programs and now has Colombia, which was really not a coca producer, a producer of the raw source, it was a producer as far as transforming of the coca and processing it into cocaine is now the major producer in the world of cocaine, a great achievement that the Clinton-Gore administration has managed to pull off in less than 6 short years.

And now, of course, we have the rampage of heroin. Again, 6 years ago, almost no heroin coming from Colombia. Now the largest source of heroin in the United States grown in Colombia, a byproduct of the Clinton-Gore failed foreign policy towards Colombia. And the solution as they run to the Congress, whether it is Bosnia, Haiti, Somalia, or wherever is more money and funds. And, of course, we will be saddled with an estimated $1 billion request which is coming forth to the Congress to help solve the problem that suddenly sprung up in Colombia that actually they created with a failed policy over the last 4 or 5 years.

So that is where we were last week, and tonight I want to talk about where we are with drug policy. Some things happened in the House of Representatives, in fact, just the last few days. Those who watch the House of Representatives may have watched a resolution that was brought up by my good friend, the gentleman from Florida (Mr. HASTINGS) asking for fair and free elections in Haiti. Now this, my colleagues, is the same Haiti that had the same failed policy that was adopted by this administration that sort of got us in this mess and at no small expense to the American taxpayers or the Congress.

Now stop and think about this. We went in to save Haiti, and we went in by a Clinton-Gore method of destroying Haiti by imposing an embargo which I spoke out very actively against. I had been to Haiti many times, knew a little bit about Haiti. It is the poorest Nation in the western hemisphere. People there make about a dollar a day, and we imposed an economic embargo.

□ 2015

What we did with this Clinton war solution was we closed down 100,000 manufacturing jobs that supported almost 1 million Haitians, and almost all those manufacturing opportunities were owned by U.S. employers who had worked with Haitians to start a little bit of a real economy in a land that had known nothing but poverty. It really is the saddest case. Haitians are some of the most wonderful people I have ever met on the face of the Earth. So we imposed an economic embargo.

What that did was it destroyed any business that might have been legitimate in Haiti, and it turned these folks of this island into basically a liberal Clinton-Gore type welfare state, sort of a socialized system where they relied on Federal funding really from Washington, D.C. to supply food stations and foreign aid and assistance.

I remember talking to the ambassador and others, like what did you do after we imposed this embargo and we sent our troops in? Recall, we spent over $3 billion on this nation-building experiment that has turned into such a disaster that here we are on the floor of the House of Representatives passing a resolution saying can you participate in free elections and can you stop the corruption with your police and with your government?

This is after those billions and billions of American taxpayer dollars were spent for nation-building programs, institution-building programs. If you stop and look, they are spending American taxpayer money on teaching them how to be legislators, and they could not even convene their legislature; teaching them how to be political people; teaching them law enforcement, and here we have one of the highest levels of corruption in the entire hemisphere, some 4 or 5 years later, and billions and billions of American taxpayer dollars down the drain.

But I did ask the question to the ambassador and the others involved after we sent our troops in there, and we have got established, what have you done to bring back businesses to help American businesses in partnerships which we had started with Haiti before this embargo? Basically, they had done very little or nothing.

Even to this day, they still do not get it. They think that the way to nation-build is to provide just the institutional assistance and not real sound economic development. You can spend all the American taxpayer money you want in the world in Haiti; and until you have some real market activity, tourism, manufacturing, things that create jobs, some agriculture that allows them to provide for themselves, the handout programs do not work. Yet we have done this.

How embarrassing it must be for this administration and this Congress to stand here in the last few days and pass a resolution asking them to sort of clean up their act, after spending billions in this nation-building.

The reason I cite that as a failed Clinton-Gore policy in relation to narcotics is because we have seen the corruption of the police force there. Allegations have been filed on members of the Haitian National Police Force accusing them of a wave of murders, disappearance of detainees and drug-related crimes and other illegal activities. These are the latest reports that we have had.

The United States, in the billions we spent, we spent $75 million to help train and build the police force, and the police department has had to dismiss over 530 officers over the last 4 years for corruption.

This little report in the Tuesday, September 28, Washington Post Foreign Service said, and it quotes a Colin Granderson, "If you are asking me whether I am more concerned about rot in the police than a year ago, the answer is yes," said Colin Granderson, Executive Director of an international civilian mission here in Port-au-Prince, run by the Organization of American States and the United Nations.

Let me quote him further. He says, "We have both human rights concerns and concerns about the broader conduct of officers, specifically with respect to criminal activity, in particular drug smuggling."

Now, if that is not the crown jewel of the accomplishments of the Clinton-Gore administration. We spent billions of dollars, we have an economy that is defunct, we have corruption in the political levels unknown to the Western Hemisphere, and we again have spent a fortune in these training and assistance and aid and handout programs. And what do we have? We have Haiti being named as one of the drug smuggling centers of the Western Hemisphere.

It was interesting too in checking into the airport just this past weekend, I noticed, I think it was with, I believe, Nigeria, but I am not certain about that, but there was one other nation mentioned, as you enter the security, it says "Please note that these airports in these countries are not in compliance with international security."

There was one other country, and, again I do not recall if it was Nigeria, but I do know very well that the second country named in the list was Haiti and Port-au-Prince Airport.

What a great distinction, again, Clinton-Gore policy, on spending these billions on destroying the economy and real market activity and instituting a social handout program, the institutional training by all these "experts," and we have drug smuggling; and we have one of the worst security risk airports in the world cited as, again, in Haiti.

So I am very concerned about what has taken place there. I am even more concerned now that Haiti has become a haven for illegal narcotics activity.

Tonight I also want to go sort of around the hemisphere and talk in addition about Colombia, which I mentioned last week. I will review it again tonight, and about Haiti, another third Clinton-Gore failure of policy.

I cannot give 100 percent credit to President Clinton and Vice President GORE for this disaster. This took a combination of leadership. It started with President Carter, who negotiated the turnover of the Panama Canal, and maybe it was rightful and just for the United States to eventually cede back the canal to Panama, but it did take an administration that was in place in the past year or two to begin some of the final negotiations for departure of American interests and personnel from Panama.

Here again when they write the history books, they will have, of course, Somalia and Haiti and Colombia; but another crown jewel of policy failure has to be Panama.

I did not take over the subcommittee until January; but, again, I served with Speaker HASTERT who was then Chair of the subcommittee.

Everyone has known that the United States' lease was up, that we had to be out of Panama by the end of 1999, December 31. That was a given. The question was the negotiations; the question was the resources that we had there. Most Americans do not know it, but we had over $10 billion in assets, American assets, over 5,500 buildings in Panama.

When I assumed chairmanship of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I went down to Panama early on and met with our folks in charge there. I also stopped in Miami and met with our SOUTHCOM officials who were also responsible for DOD operations in that area.

We were told then that the administration was negotiating a withdrawal of United States troops that in particular had been involved in the interdiction effort and the surveillance effort through South America and Central America. We had been doing, I believe, up to 15,000 flights from Howard Air Force Base in an FOL, forward operating location, surveillance for international narcotics trafficking.

We knew that our time was limited, but we knew that we must negotiate with the Panamanians. We might not have been able to keep a military presence, but certainly it was in everyone's interest in the region and the hemisphere for the United States to continue these narcotics flights to the south and cover all of South and Central America, where we have the problems.

We know all of the cocaine in the world comes from Colombia, Peru, and Bolivia. We know that 80 percent of the heroin entering the United States is produced and comes from Colombia, and it all travels up through that region. So that is why the Howard Air Force Base operations were critically important to that forward oversight and surveillance mission. We were told that negotiations were under way when I visited there and met with officials and this would all be done.

What happened, in fact, is May 1, Howard Air Force Base was basically closed down as far as further flights. The United States was summarily kicked out. The negotiations failed. Our State Department failed in negotiations to continue the drug flights. So in a mad scurry, the Department of State began, along with the Department of Defense, to find new locations.

They did bring us rather late to the gate several alternatives. One was Aruba and Curacao in the Dutch Antilles and the other was in Manta, Ecuador. Of course, the price tag now may reach one-quarter of a billion dollars before we are through relocating these, but we have closed down all operations.

There has been a huge gap in surveillance of those drug and illegal narcotic activities in the time that the negotiations failed and alternatives were being explored and pursued.

To date, I do not believe that we have in place, either with Aruba, Curacao and the Netherlands, and I have met recently with the Dutch officials on this issue and I do not think there is anything new, but we do not have a long-term agreement on an operation there. So it is very difficult for us to take American taxpayer money and put it into this location for facilities, improvements or operations.

Some of those operations are up. We are still at a very low percentage, less than 50 percent, of the flights that we had prior to May 1. So we have lost 5,500 buildings; we lost $10 billion in assets, no opportunity to opt out of Howard, and now the taxpayer is going to pay for moving these operations to the Antilles and to Ecuador.

In Ecuador the situation is even more dismal. The country there has had economic and political turmoil. We do not have a permanent agreement in place, and even though Manta, Ecuador, where the facility is to be located, is a good forward operating location, it will take even more dollars than suspected; and we have had additional requests already from the administration to put our forward operating locations in.

So both of those are still up in the air. Again, another crown jewel in failure to be prepared, failure to negotiate with the Panamanians. For possibly the payment of a small amount, we might have retained our bases and operations just for the narcotics operation, a great savings to the taxpayers, but yet have an ideal location where we were already operating out of. Now we are operating on sort of a half-baked fashion, half-performance fashion, at great cost to the taxpayers.

If we had not lost just Howard Air Force Base and closed down the operations there, the situation, again as it affects the United States, is very serious. I was pleased to read just yesterday, I believe it was, yesterday's National Media, that the Senate majority leader, TRENT LOTT, has asked the Senate Armed Services Committee to conduct hearings on China's growing presence around the Panama Canal, a strategic waterway, which is, of course, being transferred to Panamanian control.

I am very pleased that the majority leader of the other body is in fact focusing attention, because what I learned in not only my visit to Panama in anticipation of problems and requesting the administration to take action so we did not get ourselves into this pickle, but what I found out about what had already taken place or was taking place as far as possible future strategic damage to the security interests of the hemisphere and the United States in particular, I believe, again, we have missed our mark, that we have a failed policy, that we have allowed also the ports, both on the Pacific side and on the Caribbean side, I believe it is Cristobal and Balboa, now to fall into the hands of possibly Red Chinese interests.

□ 2030

Let me just cite from this report. The Hutchinson-Whampoa, Limited, the Hong Kong based company that won a long-term shipping contract to operate two canal ports, is rumored to have Chinese military and intelligence ties.

I have been personally told, and it has been confirmed by the director of our National Office of Narcotics Control, our Drug Czar, that he believes that the tenders that were conducted thereto and contracts for these ports were not above the board and that these contracts and tenders were done in a corrupt fashion. That has been confirmed by many others.

But now we have possible links to Chinese military and intelligence as far as controlling interests in both of these ports. It is important to the United States because the United States is the number one user of the canal, which carries 13,000 ships per year.

Panama has always served as a major transit area for illegal narcotics. If my colleagues will recall, the reason the United States sent troops, and American troops died on Panamanian soil when Noriega was the President and dictator of that country, George Bush's policy was to go in and route out illegal narcotics trafficking. We knew Noriega was involved. We knew he was corrupt. We knew he was involved in money laundering.

George Bush's solution was to tackle the problem and go after Noriega, who is in United States prison. That is some only 10 years ago. American men and others lost their lives in that battle to reclaim the strategic interests.

Here we are signing away and giving away that interest. What is interesting is that one of the things that was done with the fall of Noriega was really the dispersal of the Panamanian military. There is almost no military in Panama today, just a national police force.

That creates a very difficult situation, because most of the illegal narcotics transiting up through the isthmus of Panama into Central America and Mexico and across the U.S. border must again come through that area and under the control of either military or police.

There being no Panamanian military, we have a great problem with a force that is small, inadequate, and, at times, sometimes subject to corruption again with large amounts of money in the drug trade.

We also have the terrible problem of the insurgency that is in Colombia, which I spoke about last week, the Marxist insurgency, of which there is no line between the insurgency and Marxist guerilla and narco-trafficking. They are supported. They are intertwined. Our Drug Czar has said one cannot tell the difference between the line.

These Marxist forces are now going from Colombia, which borders Panama, into Panama and making incursions further into Panama which is weaker and more corrupt.

My prediction is that the United States will end up again some years down the pike, when the corruption becomes so bad, when narcotic trafficking becomes so bad, and, again, will pay the price, hopefully not in American lives, but to take back our interests.

We are not interested in running Panama, but securing for the entire hemisphere that strategic location, that strategic transportation link between the two seas. I am pleased that the Majority Leader is taking action, as again reported, and demanding hearings on that issue.

In addition to the fiasco in Panama, tonight I wanted to again mention that the statistics, the information that we have on illegal narcotics, the effect of illegal narcotics in our country, particularly among our young people and our population at large, is becoming more and more serious.

I come from an area that has had more deaths by heroin overdoses than homicides. If one stops and thinks about that, people think of crime and murder and its ravages and guns destroying lives. But illegal narcotics overdoses, particularly heroin, in Central Florida now exceed homicides.

As one parent who lost a son told me at a hearing, drug overdoses are homicides. I am always reminded of his comments. But we have seen that impact in Central Florida; and now, unfortunately, we see it repeated across our Nation, not only with heroin, but with methamphetamines, with cocaine.

One thing that I started to mention at the end of my remarks last week and really did not get it in is the difference that we are seeing between the cocaine and the heroin of the 1980s and the 1970s and even the marijuana.

We will talk about marijuana tonight too, about the difference in the drugs that are on the streets and in the marketplace and also being used by our young people and why we have so many deaths and destruction of lives.

First of all, in the 1970s and 1980s, the heroin and cocaine that was on the street had sometimes a 6 and 7 percent purity, 100 percent being pure. It was 6 or 7. Sometimes strong stuff might have reached 9 percent purity.

Today, through the processing, through the chemistry, through the product that is being produced and entering this country of heroin and cocaine, the purity levels are 70, 80 percent. These narcotics are deadly substances. Basically people are dealing in death and destruction. That is why we are having this epidemic of deaths among young people.

I do not have this past week's statistics, but I had just several cites from the Orlando area: One 30-year-old woman who died of an overdose of cocaine. That is powerful, deadly cocaine. Heroin, several heroin deaths I cited. One, a 12-year-old boy went in and found his father who had overdosed on heroin. That is deadly heroin.

Particularly our young people, sometimes the first time they use it, they mix it with alcohol or some other substance, and they go into convulsions, and they are history. But that is the difference that we see.

Even the marijuana today, the levels of purity are much higher. I believe it is the TCH levels that are substantially higher than anything that we have ever seen. Scientific studies have shown that the damage that is done to the brain through these high levels of purity is substantial.

I was interested to note, I got a report, again, as chair of this Subcommittee on Criminal Justice, Drug Policy, and Human Relations, about substance abuse and addiction to substances by our teenagers and young people. I would have thought maybe alcohol might be up there. I was absolutely stunned to see that the vast, vast majority of addiction and treatment is for marijuana, that these young people become, addicted to this high purity level.

I have met, we have a Stewart Marchman Center in the Daytona Beach area, and I have sat at a little round table with young people there and also down in Orlando, the Center For Drugfree Living, have met with young people there without and, some instances, with counselors and talked to them confidentially about their involvement.

Almost all of them had become victims of this high grade of marijuana that destroys their motivation, that begins to affect their performance, their routine, their ambitions, and, again, leads to addiction and crime in many instances.

We have an incredible problem. The national drug crisis, I always try to cite some statistics about the problem. Tonight, let me just mention that, in 1998, more than three-quarters, that is 78 percent, of high school teens report that drugs are sold and kept at their schools, a 6 percent increase over 1996. That is even with some of the education programs that have been instituted. So, indeed, we have a problem. That is part of a CSA teen study in 1998.

From 1993, and again remember 1993 was the close-down of the war on drugs, to 1997, a youth aged 12 to 17 using illegal drugs has more than doubled. That is again, we had the time that the Clinton-Gore administration ruled supreme. They controlled the House and Senate. They closed down some of the programs I spoke about. The results are pretty dramatic: 120 percent increase in illegal drug use by our 12 to 17 year olds. There has been a 17 percent increase between 1996 and 1997 alone. That is a 1998 national household survey.

The overall number of past month heroin users increased a startling 378 percent from 1993 to 1997. That is part of the inheritance, I believe, also of this liberal policy to just say maybe, the Joselyn Elders approach of, if it feels good, do it.

For kids 12 to 17, first-time heroin use, which is proven to kill, that surged a whopping 875 percent from 1992 to 1996, again dramatic figures that are a result of a failed policy. There was no war on drugs, remember, from 1993, the beginning of the Clinton-Gore administration, until just several years ago with a new majority and restarting all of the efforts that are necessary to combat illegal narcotics.

The other failed policy I would like to talk about tonight is a very serious failed policy. I talked some about Haiti. I talked about Panama, reiterated the problems that we have had in Colombia, which I detailed last week. Tonight, I must talk about Mexico.

I have spoken probably more than anyone in the House of Representatives about the problems with Mexico and illegal narcotics trafficking. But the story is a very important story in our war on drugs, because the majority of illegal narcotics, whether it is marijuana, heroin, cocaine, all come through Mexico.

When we went to Panama, we also met with Mexican officials early this year and asked for their cooperation and assistance. We reviewed what Mexico has done. We reviewed what this Congress has done for Mexico and the American people as good friends and neighbors and allies. We have millions of Mexican-Americans who are productive citizens.

The picture, unfortunately, about what this Mexican Government and Mexican officials have done, the picture is very sad. Indeed, the problem again is that we have an estimated 70 percent of the cocaine coming from Mexico. We have 50 percent of the marijuana and 20 percent of the heroin in the United States now coming through our southwest border.

Last week, on Friday morning, I conducted a hearing on the southwest border. When we came back from Mexico, we stopped at the border and met with our officials, and they basically told us, Members of Congress in charge of national drug control policy, that the situation on our southwest border dealing with illegal narcotics is out of control.

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It is disorganized. It is in disarray. There is a lack of communication, a lack of coordination. And that is of great concern.

Dealing again as chair of this Subcommittee on Criminal Justice, Drug Policy and Human Resources, and with billions of dollars involved in some of these efforts in these agencies, we wanted to see specific results. I was pleased that our drug czar Barry McCaffrey came in and testified, and he told me beforehand he was glad that we conducted a hearing on the Hill on the southwest border because it gave him additional clout to deal with these agencies, and also the opportunity to bring them together to see what was working and what was not working.

And that was the purpose of our mission, and our exchange last Friday at our meeting. We know that there have been some successes in 1998. The U.S. Customs Service seized 32,000 pounds of cocaine, 150,000 pounds of marijuana, and 407 pounds of heroin. We also heard testimony that reconfirmed what we had heard in our site visit back at the early part of this year, that the Customs agency does not talk to the INS and the INS does not talk to the DEA and the DEA does not talk to the FBI and other agencies, again 23 agencies that deal with border interdiction and four cabinet level posts, are not all operating in sync.

And we certainly have seen the results of some of the narcotics trafficking that has occurred along this border. Let me just tell my colleagues a little bit about what we heard at our hearing about border violence.

In April 1998, four marijuana smugglers, dealing with that so-called harmless marijuana on the west side of Nogales, Arizona, assassinated a United States border patrol agent. His name was Alex Kurpnick, and committed murder in a so-called harmless trafficking of illegal marijuana.

We have heard of increased violence against United States border patrol agents, with more rock throwing, laser beam pointing and actual incoming fire from Nogales, Mexico. All this we heard is on the increase. In Santa Cruz County, Arizona, along the border, the majority of crimes committed there are drug related.

In March of 1999, a few months ago, Phoenix police department officer, Mark Atkinson, was killed when he was ambushed by a Mexican illegal alien teen. His name was Felipe Petrona-Cabanas, who was involved specifically in drug dealings.

In July 1999, three apparent sniper attacks, possibly by the same gunman, within a 45-minute period, were aimed at United States border patrol agents from El Centro, California. Again, we heard of more situations along our border with Mexican illegal narcotics trafficking raising havoc, and again problems with our agency coordination and efforts to combat this problem.

In border violence there have been 151 documented incidents from January 1, 1999, to date involving violence toward Federal law enforcement officers along our southern borders. In 1998, there were 140 instances of border violence.

The drug smuggling along the border continues to take on even more sophisticated techniques. I think some of my colleagues may have read about the Santa Cruz Metro Task Force which recently uncovered two secretly dug tunnels that connected to Nogales, Mexico. The tunnel was designed to smuggle drugs across the border. It was also discovered from the Tijuana National Airport to the outskirts of San Diego. So these drug traffickers become even more and more clever in their approach.

All this is very interesting, again as far as the violence and the problems and the disorganization of our agencies, and it would be fodder for congressional investigation on its own, if we did not look at the efforts that we have made to increase the number of border patrol agents, the Southwest Strategy as it is called. In the last 6 years, the border patrol agents have increased from 3,928 to 8,027. In the same 6-year period, the INS budget, Immigration and Naturalization Service, who has a large activity along the border, their budget has increased from approximately $1.5 billion to nearly $4 billion. During the same period, the INS staff grew from approximately 17,000 employees to 28,000 full-time employees as of June of this year.

So it is not that the Congress has not put an effort into this border problem. The problem is that we have put the funds there and we still do not have the cooperation and the effectiveness to deal with this situation.

Now, each of the agencies who came before our subcommittee promised to do better and to work together. That remains to be seen. But, again, we will try to keep the pressure on to see that American taxpayer dollars, which have been heavily loaded in this effort, are more effectively expended.

Again, we have received these problems from our good friend and ally Mexico, and I want to talk a little bit about the country that gave us these problems. Mexico has been a good ally. We have many, many Mexican Americans who are loyal citizens and very productive. But the government of Mexico has failed to cooperate on almost every front.

This is another one of the crown jewels of the failed Clinton-Gore administration policy. They gave them NAFTA, which was probably the best trade deal ever created by the United States Congress, a trade agreement that is unparalleled in the history of international negotiations. Great trade advantages to Mexico. We put our people out of business, lost jobs across the Nation, and gave them great economic opportunity.

We once had a positive trade balance, and now we have a huge trade deficit. They are pouring their goods in, which are produced across the border with lower wages, lower standards, lower environmental requirements across the board. It is not a level playing field, but we gave them those benefits.

When they got in financial trouble, what did we do? This administration bailed them out. We bailed them out with an unprecedented number of dollars in financial support. They have gotten as a nation and an ally and friend almost every advantage possible.

And what have they given us? We ask and we require, in order to get trade and foreign aid and assistance, we ask the President and the Secretary of State to certify each year to Congress that they are cooperating in stopping illegal narcotics production and trafficking. That is the drug certification law. In other words, if they cooperate, they get this assistance. If they do not, they are supposed to be decertified. Each time, Clinton-Gore has certified Mexico as cooperating.

The worst insult was in the last year. And I want my colleagues to look at these figures from 1998. Mexican drug seizures. We asked them to help in seizing illegal narcotics, and this is what we got: from 1997 to 1998, in seizing heroin, a drop of 56 percent: in seizing cocaine, a drop of 35 percent. Is this cooperation?

This Congress passed 2 years ago a resolution asking Mexico to help in signing a maritime agreement. To date, they have not signed a maritime agreement.

We asked for protection of our agents, because some years ago Enrique Camarena, a United States drug enforcement agent, was tortured and died in a horrible death and slaughtered like an animal by Mexican drug dealers. So we have asked for protection of our small number of agents, and we still do not have those guarantees of protection.

We asked for enforcement of laws. They pass laws in Mexico, but they do not enforce them. And what did we get? We got kicked in the teeth like no other nation has been kicked in the teeth after giving them incredible trade benefits. What did they do? We started a sting operation in Mexico, because we knew, and we had reports of incredible amounts of money laundering. In fact, this operation was called Operation Casablanca by our customs agents. Our customs agents discovered the biggest money laundering operation in the history of the world.

In fact, in testimony that we had by one former Customs agent, he told us that he was in the process of trying to money launder over $1.1 billion for a Mexican official, who was identified as a cabinet member, possibly a secretary of defense, and possibly with ties to the president of Mexico, the current president of Mexico.

Now, we know the former president, Salinas, and his brother and family, were up to their eyeballs in illegal narcotics and money laundering and every sort of crime: but, again, we had testimony before our subcommittee about what was going on there. Instead of cooperation, instead of enforcing the laws, they threatened to expel and even to arrest our United States customs agents. This is a travesty.

What was very interesting, and what I think warrants, what I think warrants investigation, and I am going to ask the director of the FBI to look into it, is the latest death of a former Deputy Attorney General who died awaiting trial here. In a suicide note, he died a few weeks ago, he implicated Mexican President Ernesto Zedillo and members of the country's ruling party in the slaying of his brother. He also said that the Mexican Government is opposing a push by the United States Congress to level major penalties against business ties to drug traffickers. This is additional information that we have gotten.

What is sad is that we have information now that implicates even the highest office. What is sad is that the initial investigation of the money laundering of $1.1 billion was basically closed down by our Department of Justice, closed down by our Customs operation. That is even after comments by individuals like Tom Constantine, who is the former head of DEA, who said, "In my lifetime, I have never witnessed any group of criminals that has had such a terrible impact on so many individuals and communities in our Nation. Corruption among Mexican antidrug authorities was unparalleled with anything I have seen in 39 years of police work."

The story gets even more difficult as we look into the evidence that continues to arise about the level of corruption with Mexican officials at every level. We have reports now that the Baja Peninsula, the western state connected to California, is now almost entirely under the control of illegal narcotics traffickers. We have reports that the Yucatan Peninsula is also in a similar state and other States of Mexico.

So we have been good friends. We have been good allies. And every report that we get paints an even grimmer picture.

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Finally, we asked the Mexicans to extradite major drug kingpins. The United States, on November 13, 1997, entered into and signed a protocol to the current extradition treaty with Mexico. This protocol has been ratified by the other body, the United States Senate; and it still has not been ratified by the Mexican parliamentarians.

This is a very sad state of affairs, again an example of failed Clinton policy granting them certification and granting them trade, granting them financial assistance, and getting in return none of the requests of this Congress, failure of cooperation in narcotics.

Mexico today has the crown and glory of being the major drug transport area from Colombia through Mexico, again the largest source of illegal narcotics entering the United States, a very dismal picture presented and brought to my colleagues, unfortunately, by this administration.

Hopefully, working with this new Congress, we can turn this around, we can get the resources to Colombia, we can take a tougher stand with Mexico, we can continue to hold hearings, make the American people and the Congress aware of this situation, and reverse this sad state of affairs with our closest ally, our closest friend, in exporting to the United States terror, death, and destruction in the form of illegal narcotics trade and business.

Madam Speaker, I am pleased to conclude at this time and, hopefully, be back next week with another report on the problem of illegal narcotics and how it impacts both this Congress, the American people, and the next generation. Madam Speaker, I am pleased to yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McKINNEY (at the request of Mr. GEPHARDT) for today after 4:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEORGE MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. RYUN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. FLETCHER, for 5 minutes, September 29.

Mr. MICA, for 5 minutes, October 5.

Mr. KASICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 5.

Mr. METCALF, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, September 29.

Mr. JONES of North Carolina, for 5 minutes, September 29.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2605. An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

ADJOURNMENT

Mr. MICA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4526. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Oriential Fruit Fly; Designation of Quarantined Area [Docket No. 99–076–1] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4527. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Area [Docket No. 99–075–1] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4528. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [OPP–300922; FRL–6382–5] (RIN: 2070–AB78) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4529. A letter from the Chief, Programs and Legislative Division, Office of the Chief Liaison, Department of Defense, transmitting notification that the Commander of Air Education and Training Command is initiating a multi-function cost comparison of the Multiple Support Functions at Sheppard Air Force Base (AFB), Texas, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4530. A letter from the Secretary of Defense, transmitting the approved retirement of Lieutenant General George A. Crocker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4531. A letter from the Chairman, Appraisal Subcommittee, transmitting the FY 1998 annual report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Banking and Financial Services.

4532. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Department's final rule—Management Official Interlocks [Docket No. 99–11] (RIN: 1557–AB60) [Docket No. R–0907] (RIN: 3064–AC08) [Docket No. 99–36] (RIN: 1550–AB07) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4533. A letter from the Acting Assistant Secretary for Postsecondary Education, Department of Education, transmitting the Department's final rule—Teacher Quality Enhancement Grants Program (RIN: 1840–AC67) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4534. A letter from the Acting Director, Mine Safety and Health Administration, transmitting the Administration's final rule—Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines (RIN: 1219–AB17) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6443–5] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4536. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes [CO–001–0034a; FRL–6441–6] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4537. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference [NM–35–1–7428: FRL–6441–3] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4538. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Vinegar Generators and Leather Coating Operations [MD069–3031a and MD070–3031a: FRL–6440–6] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4539. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets [NH–038–7165a; A–1–FRL–6445–4] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4540. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems [WT Docket No. 96–18] Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PR Docket No. 93–253] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4541. A letter from the Deputy Secretary, Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—10b–18; Purchases of Certain Equity Securities by the Issuer and Others (RIN: 3235–AH48) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4542. A communication from the President of the United States, transmitting a report on Iraq's weapons of mass destruction programs; (H. Doc. No. 106–134); to the Committee on International Relations and ordered to be printed.

4543. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a statement that the Government of Egypt (GOE) has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 100 M1A1 Abrams tanks; to the Committee on International Relations.

4544. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the signed determination of funding of U.S. CIVPOL Contingent to East Timor; to the Committee on International Relations.

4545. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting reporting the Determination Under Section 620 (Q) of the Foreign Assistance Act; to the Committee on International Relations.

4546. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–124, "Moratorium on the Issuance of New Retailer's License Class B Amendment Act of 1999," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4547. A letter from the Office of the District of Columbia Auditor, transmitting a report of the Auditor's Examination of the Practice of Placing Pretrial Defendants in District Halfway Houses and the Resulting Problem of Persistent Escapes; to the Committee on Government Reform.

4548. A letter from the Acting Assistant Secretary, Land and Minerals Management, Regulatory Affairs Group, Department of the Interior/Bureau of Land Management, transmitting the Department's final rule—Public Participation in Coal Leasing [WO–320–3420–24–1A] (RIN: 1004–AD27) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4549. A letter from the Acting Assistant Secretary of the Interior, Department of the Interior, Bureau of Land Management, transmitting the Department's final rule—Mining Claims Under the General Mining Laws; Surface Management [WO–660–4120–02–24 1A] (RIN: 1004–AD36) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4550. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Dubin v. Commissioner [99 T.C. 325 (1992)] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4551. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's' final rule—James J. and Sandra A. Gales v. Commissioner—received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4552. A communication from the President of the United States, transmitting notification that the central Government of Haiti has achieved a transparent settlement of the contested April 1997 elections, and has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups in Haiti; (H. Doc. No. 106–133); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

4553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Presidential justification to authorize unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO) without regard to provisions of law within the scope of that section; jointly to the Committees on International Relations and Appropriations.

4554. A letter from the Director, Coporate Audits and Standards, General Accounting Office, transmitting the Capitol Preservation Fund's Fiscal Years 1998 and 1997 Financial Statements; jointly to the Committees on House Administration and Government Reform.

4555. A letter from the Attorney General, Department of Justice, transmitting the Attorney General's Year-End Report to Congress, entitled "Attacking Financial Institution Fraud," for Fiscal Year 1997 by the United States Department of Justice, pursuant to Public Law 101–647, section 2546(a)(2) (104 Stat. 4885); jointly to the Committees on the Judiciary and Banking and Financial Services.

4556. A letter from the Secretary of Health and Human Services, transmitting an annual report on expenditures for religious nonmedical health care institutions under Medicare and Medicaid for the previous fiscal year, estimated expenditures for the current fiscal year and trends in those expenditures levels from previous years; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 782. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; with amendments (Rept. 106–343). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2923. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes; with an amendment (Rept. 106–344). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 307. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–345). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 308. Resolution providing for consideration of the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes (Rept. 106–346). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARR of Georgia:

H.R. 2959. A bill to prohibit the Legalization of Marijuana for Medical Treatment Initiative of 1998 from taking effect; to the Committee on Government Reform.

By Mr. BARR of Georgia (for himself, Mr. Sam Johnson of Texas, Mr. Collins, Mrs. Cubin, Mr. Everett, Mr. Pombo, Mr. Bartlett of Maryland, Mr. Norwood, Mr. Crane, Mr. English, Mr. LaHood, Mr. Stearns, Mr. Graham, and Mr. Chabot):

H.R. 2960. A bill to restore the division of governmental responsibilities between the Federal Government and the States that was intended by the framers of the Constitution by requiring all Federal departments and agencies to comply with former Executive Order 12612; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN (for himself, Mr. Archer, Mr. Frank of Massachusetts, Mrs. Morella, Mr. Lampson, Mrs. Northup, Mr. Green of Texas, Mr. Brady of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Reyes, and Mr. Gonzalez):

H.R. 2961. A bill to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT (for himself, Mr. Condit, Mr. Packard, Mr. Hunter, Mrs. Capps, Mr. Cunningham, Mrs. Bono, Mr. Waxman, Mr. Lewis of California, Mr. Radanovich, Mr. Gallegly, Mr. Kuykendall, Mr. Doolittle, Mr. Gary Miller of California, Mr. Filner, Mr. Bilbray, Mr. Matsui, Mrs. Napolitano, Ms. Sanchez, Mr. Dooley of California, Ms. Woolsey, Mr. Horn, Mr. Campbell, Mr. Dreier, Mr. Thomas, Mr. Thompson of California, Mr. Farr of California, Mr. Becerra, Mr. McKeon, Mr. Ose, Mr. Herger, Mr. Dixon, Mr. Lantos, Ms. Eshoo, Ms. Roybal-Allard, Mr. Rogan, Mr. Sherman, Mr. Berman, Ms. Lofgren, Ms. Pelosi, and Ms. Lee):

H.R. 2962. A bill to provide for the issuance of a promotion, research, and information order applicable to certain handlers of Hass avocados; to the Committee on Agriculture.

By Mr. CLYBURN (for himself, Mr. Watts of Oklahoma, Mr. Lewis of Georgia, and Ms. McKinney):

H.R. 2963. A bill to direct the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate; to the Committee on House Administration.

By Mr. HUTCHINSON (for himself, Mr. Canady of Florida, Ms. Lofgren, Mr. Shadegg, Mr. Allen, Mr. Hastings of Florida, Mrs. Northup, and Mr. Pickett):

H.R. 2964. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself, Mrs. Morella, and Mr. Gilman):

H.R. 2965. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself and Mr. Norwood):

H.R. 2966. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Abercrombie, and Mrs. Mink of Hawaii):

H.R. 2967. A bill to amend title XVIII of the Social Security Act to provide an increase in payments for physician services provided in health professional shortage areas in Alaska and Hawaii; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.J. Res. 69. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Government Reform.

By Mr. HERGER:

H. Res. 306. A resolution expressing the desire of the House of Representatives to not spend any of the budget surplus created by Social Security receipts and to continue to retire the debt held by the public; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART:

H. Res. 307. A resolution waiving points of order against the conference report to accompany the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes; House Calendar No. 118. House Report No. 106–345.

By Mr. SESSIONS:

H. Res. 308. A resolution providing for consideration of the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss; to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes; House Calendar No. 119. House Report No. 106-346.

By Mrs. MORELLA:

H. Res. 309. A resolution expressing the sense of the House of Representatives regarding strategies to better protect millions of Americans with food allergies from potentially fatal allergic reactions, and to further assure the safety of manufactured food from inadvertent allergen contamination; to the Committee on Commerce.

By Mr. NORWOOD:

H. Res. 310. A resolution providing for consideration of the bill (H.R. 358) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Rules.

By Mr. NORWOOD:

H. Res. 311. A resolution providing for consideration of the bill (H.R. 1136) to increase the availability and choice of quality health care; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 133 memorializing the United States Congress to ensure that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from the public use of the McGregor Range land beyond 2001; to the Committee on Armed Services.

233. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint No. 12 memorializing the President and the Congress of the United States to provide the full 40-percent federal share of funding for special education programs so that California and other vital state and local programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; to the Committee on Education and the Workforce.

234. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to House Resolution 1218 memorializing the Congress of the United States to seek a just and peaceful resolution of the situation in Cyprus; to the Committee on International Relations.

235. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 163 memorializing Congress to restore funding for the Clean Water State Revolving Fund program in the proposed Federal Fiscal Year 2000 budget; to the Committee on Transportation and Infrastructure.

236. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution 11 memorializing the President and the Congress of the United States to support Staff Sergeant Ramirez, Staff Sergeant Stone, Specialist Gonzales, and to press for the safe and speedy return of all other prisoners of war; jointly to the Committees on Armed Services and International Relations.

237. Also, a memorial of the Senate of the State of California, relative to Senate Resolution No. 15 memorializing the Federal Government to take the appropriate steps to encourage workers and their employees to save or invest for retirement to supplement the basic benefits of the Social Security Program; jointly to the Committees on Education and the Workforce and Ways and Means.

238. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 17 urging the United States Congress to pass the "Work Incentives Improvement Act of 1999"; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TRAFICANT introduced A bill (H.R. 2968) for the relief of Imbeth Belay; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. Bilirakis.

H.R. 170: Mr. Reyes.

H.R. 354: Ms. Lee, Mr. George Miller of California, Mr. Filner, Mr. Herger, Mr. Traficant, and Mrs. Maloney of New York.

H.R. 382: Mr. Tierney.

H.R. 424: Ms. Stabenow.

H.R. 534: Mr. Hall of Texas, Ms. Eddie Bernice Johnson of Texas, and Ms. Sanchez.

H.R. 541: Mr. Dixon.

H.R. 595: Mr. Ortiz and Mr. Kucinich.

H.R. 623: Ms. Pryce of Ohio and Mr. Davis of Virginia.

H.R. 637: Mr. Deal of Georgia.

H.R. 664: Mrs. Mink of Hawaii.

H.R. 721: Mr. Udall of Colorado and Mrs. Capps.

H.R. 742: Mr. Bonior and Mr. Price of North Carolina.

H.R. 802: Mr. Hoeffel, Mr. Rohrabacher, Mr. Skelton, Mr. Meehan, Ms. Jackson-Lee of Texas, Mr. Kingston, Mr. Rothman, and Ms. Danner.

H.R. 828: Mr. Murtha.

H.R. 935: Mr. Bartlett of Maryland.

H.R. 1032: Mrs. Myrick.

H.R. 1102: Mr. Dixon.

H.R. 1111: Mr. Price of North Carolina.

H.R. 1115: Mr. Kasich, Mr. Salmon, Mr. King, Mr. McInnis, Mr. Dreier, Mr. Calvert, Mrs. Myrick, Mr. Jones of North Carolina, Mr. Bilbray, Mr. Ford, Mr. Kuykendall, Mr. Deutsch, and Mr. Holt.

H.R. 1221: Mr. Abercrombie, Mr. Etheridge, and Mrs. Myrick.

H.R. 1228: Mr. Gutierrez, Mr. Frank of Massachusetts, and Mr. Bilbray.

H.R. 1237: Mr. Tierney.

H.R. 1248: Mr. Kucinich and Mrs. Emerson.

H.R. 1274: Mr. Hinchey, Mr. Doyle, Mr. Romero-Barcelo, and Mrs. Clayton.

H.R. 1322: Mrs. Wilson.

H.R. 1360: Mr. Borski, Ms. Schakowsky, and Mr. Holden.

H.R. 1515: Mr. Wu, Mr. Delahunt, and Mr. Clement.

H.R. 1525: Mr. Mascara.

H.R. 1663: Ms. Brown of Florida, Mr. simpson, Mr. Everett, and Mr. Hill of Indiana.

H.R. 1708: Mr. Frost.

H.R. 1734: Mr. Pastor.

H.R. 1803: Mr. Fletcher, Mr. DeMint, Mr. Terry, Mr. Largent, Mr. Wamp, Mr. Tancredo, Mr. Tauzin, Mr. Gillmor, Mr. Sam Johnson of Texas, Mr. Miller of Florida, Mr. Tiahrt, Mr. Ewing, Mr. Coburn, Mr. Sanford, Mr. Graham, Mr. Doolittle, Mr. Gallegly, Mr. Ney, Mr. Petri, and Mr. Baker.

H.R. 1832: Mr. Blunt.

H.R. 1887: Mr. Engel, Mr. Pastor, and Ms. Woolsey.

H.R. 1899: Mr. Dicks.

H.R. 2228: Mr. Doyle.

H.R. 2241: Mr. Rahall, Mr. Lipinski, Ms. Schakowsky, Ms. Brown of Florida, and Ms. Stabenow.

H.R. 2258: Mr. Towns.

H.R. 2260: Mr. Bilirakis.

H.R. 2269: Mrs. Maloney of New York, Ms. Danner, Mr. Stupak, Ms. Kaptur, Mr. Moran of Kansas, Mr. Sanders, Mr. Baldacci, Mr. McDermott, Mr. Rush, Mr. Davis of Illinois, Mr. Moore, Mr. Strickland, Mr. Peterson of Minnesota, Mr. Thompson of California, Ms. Eshoo, and Mr. Olver.

H.R. 2325: Mr. Romero-Barceló.

H.R. 2337: Mr. Bartlett of Maryland.

H.R. 2345: Mr. Brown of Ohio.

H.R. 2369: Mr. Bonilla, Mr. Lantos, Mr. Gonzalez, Mr. Menendez, Mr. Wu, Mrs. Christensen, Mr. Smith of Texas, and Mr. Rangel.

H.R. 2418: Mr. Pickett, Mr. Wamp, Mr. Blunt, Mr. Chambliss, Mr. Lewis of Georiga, Mr. Dicks, and Mr. Rothman.

H.R. 2436: Mr. Bryant, Mr. Crane, Mr. Oxley, Mr. Doolittle, Mr. Jones of North Carolina, Mr. Packard, Mr. Ney, Mr. Murtha, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. Wicker, Mr. Camp, and Mr. Stupak.

H.R. 2451: Mr. Clement.

H.R. 2492: Mr. Walsh and Mr. McHugh.

H.R. 2498: Mr. Brady of Pennsylvania, Mr. Smith of New Jersey, Mr. Kildee, and Mr. Hoeffel.

H.R. 2634: Mr. Deal of Georgia.

H.R. 2711: Mr. Reynolds.

H.R. 2723: Mr. Green of Texas, Mr. Bishop, Mr. Kleczka, Mr. Matsui, Mr. McGovern, Mr. Kennedy of Rhode Island, Mr. Sherman, Mr. Owens, Mr. Clement, Mr. Maloney of Connecticut, Mr. Bentsen, Ms. Rivers, Mrs. Lowey, Mr. Farr of California, Mr. Hoeffel, Mr. Dixon, Ms. Woolsey, Mr. Stupak, Mrs. Jones of Ohio, Mr. Abercrombie, Mr. Kucinich, Mr. Mascara, Mr. Meeks of New York, Mr. Evans, Mr. Spratt, Mr. Visclosky, Mr. Wexler, Mr. Rothman, Mr. Capuano, Mr. Weiner, Mr. Gordon, Mr. Coyne, Mr. LaFalce, Ms. Eddie Bernice Johnson of Texas, Ms. Pelosi, Mr. Inslee, Mrs. Maloney of New York, Mr. Clyburn, Mr. Costello, Mr. Allen, Mr. Kildee, Mr. Moore, Mr. Hinchey, Mr. Menendez, Ms. DeGette, Mrs. Christensen, Mr. Hoyer, Ms. DeLauro, Mr. Blumenauer, Mr. Romero-Barcelo, Ms. Baldwin, Ms. Kaptur, Mr. Wise, Mr. Kanjorski, Mr. Levin, Ms. Lee, Mr. Pastor, Ms. Jackson-Lee of Texas, Mr. Boswell, Mr. Strickland, Mr. Crowley, Mr. Tierney, Mr. Davis of Florida, Mr. Baird, Mr. Sabo, Ms. McCarthy of Missouri, Mr. Filner, and Mr. Rahall.

H.R. 2726: Mr. Young of Alaska.

H.R. 2735: Mr. Thompson of California.

H.R. 2738: Ms. Rivers.

H.R. 2749: Ms. Ros-Lehtinen.

H.R. 2807: Mr. Filner.

H.R. 2809: Ms. Hooley of Oregon, Mr. Pombo, Ms. Lofgren, Mr. Udall of Colordao, Mr. Lewis of Georgia, Mr. Waxman, Mr. Upton, Mr. Peterson of Minnesota, and Mr. McNulty.

H.R. 2816: Mr. Frost.

H.R. 2867: Mr. Sam Johnson of Texas.

H.R. 2885: Mrs. Maloney of New York.

H.R. 2894: Ms. Carson.

H.R. 2895: Mr. Pombo, Mr. Evans, Mr. Brady of Pennsylvania, and Ms. McKinney.

H.R. 2902: Mr. CLAY, Mr. MINGE, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. FILNER, Mr. LANTOS, Mr. BARRETT of Wisconsin, Mr. OWENS, Ms. WOOLSEY, Ms. NORTON, Mr. DOYLE, Mr. THOMPSON of Mississippi, Mr. ANDREWS, Ms. LEE, Mr. HILLIARD, Ms. SCHAKOWSKY, and Mr. MCHUGH.

H.R. 2919: Mr. BROWN of Ohio.

H.R. 2926: Mr. CUNNINGHAM and Mrs. CUBIN.

H.R. 2936: Mr. STARK.

H.R. 2941: Mr. PASTOR.

H.J. Res. 53: Mr. GUTKNECHT, Mr. HAYWORTH, Mr. WATTS of Oklahoma, Mr. BACHUS, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. FOLEY, Mr. HAYES, Mr. JENKINS, Mr. SESSIONS, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Pennsylvania, and Mr. WELLER.

H.J. Res. 55: Mrs. KELLY.

H. Con. Res. 58: Mr. DAVIS of Florida.

H. Con. Res. 74: Mr. UNDERWOOD and Mr. OLVER.

H. Con. Res. 89: Ms. MCKINNEY, Ms. RIVERS, Ms. MCCARTHY of Missouri, Mr. KENNEDY of Rhode Island, and Mr. LARSON.

H. Con. Res. 147: Mr. LUTHER.

H. Con. Res. 177: Mr. ALLEN, Ms. BALDWIN, Mrs. CAPPS, Mr. FRANK of Massachusetts, Ms. LEE, Ms. LOFGREN, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MCKINNEY, Ms. NORTON, Mr. OLVER, Mr. STARK, and Ms. WOOLSEY.

H. Con. Res. 186: Mr. WOLF, Mr. BARTLETT of Maryland, Mr. BACHUS, and Mr. CANNON.

H. Res. 15: Mrs. MORELLA.

H. Res. 279: Mr. KINGSTON and Mr. ISAKSON.

H. Res. 298: Mr. LOBIONDO and Mr. KENNEDY of Rhode Island.

H. Res. 303: Mr. PETERSON of Pennsylvania, Mr. SALMON, Mr. GRAHAM, Mrs. ROUKEMA, Mr. DEAL of Georgia, Mr. DEMINT, Mr. MCINTOSH, Mr. GIBBONS, and Mr. DUNCAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

52. The SPEAKER presented a petition of the City of Milwaukee, relative to Resolution File No. 990438 petitioning Congress to endorse the initiation and implementation of a Complete Count Census Program for the 2000 Census; to the Committee on Government Reform.

53. Also, a petition of the City of Santa Monica, relative to Resolution No. 99-01 petitioning Congress to pass legislation to fully fund the Land and Water Conservation Fund and to renew and strengthen our Nation's investment in urban areas by revitalizing the Urban Park and Recreation Recovery (UPARR) Program; to the Committee on Resources.

54. Also, a petition of Cayuga County Legislature, relative to Resolution petitioning the United States Congress to expeditiously approve the Treaties of 1795 and 1807 between the Cayuga Indian Nation and the State of New York; jointly to the Committees on the Judiciary and Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2559

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 1: Section 304(b)(1) Insert after (D):

"(E) Expenditures for software development, testing, maintenance and infrastructure security through USDA's Building Rural American Venture Opportunities (BRAVO) program, not to exceed $15 million per fiscal year."

Section 304(b)(2) Insert after (E):

"(F) Expenditures for software development, testing, maintenance and infrastructure security through USDA's Building Rural American Venture Opportunities (BRAVO) program, not to exceed $15 million per fiscal year."

H.R. 2559

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Add at the end of title III the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION OF MINORITY AND LIMITED-RESOURCE PRODUCERS IN CROP INSURANCE PROGRAMS.

It is the Sense of Congress that the Secretary of Agriculture should ensure the full participation of minority and limited-resource farmers and ranchers in the programs operating under the Federal Crop Insurance Act, as amended by this Act.

H.R. 2559

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 3: Page 16, strike lines 1 through 18, and insert the following:

"(A) PROGRAMS REQUIRED.—

"(i) NUMBER AND TYPES OF PROGRAMS.—The Corporation shall conduct two or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of—

"(I) futures and options contracts and policies and plans of insurance that provide livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock, provide protection for production losses, and otherwise protect the interests of livestock producers; and

"(II) policies and plans of insurance that, notwithstanding the second sentence of subsection (a)(1), and subject to the exclusions in subsection (a)(3), provide livestock producers with reasonable protection from liability to mitigate or compensate for adverse environmental impacts from producers' operations caused by natural disasters, unusual weather or climatic conditions, third-party acts, or other forces or occurrences beyond the producers' control, and with coverage to satisfy obligations established by law for closure of producers' operations.

"(ii) PURPOSE OF PROGRAMS.—To the maximum extent practicable, the Corporation shall evaluate the greatest number and variety of pilot programs described in clause (i) to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

H.R. 2559

OFFERED BY: MR. UPTON

AMENDMENT NO. 4: Add at the end of title I the following new section:

SEC. . CORRECTION OF ERRONEOUS PRICE ELECTION, MICHIGAN FRESH MARKET PEACHES.

(a) ADDITIONAL PAYMENT BASED ON CORRECTED PRICE.—Using funds available to carry out the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall make a payment to each producer of fresh market peaches in Michigan who purchased a crop insurance policy for the 1999 fresh market peaches crop and received a payment under the policy. The amount of the additional payment shall be equal to the difference between—

(1) the amount the producer would have received under the policy had the correct price election for the 1999 crop of $11.00 per bushel been used; and

(2) the amount the producer actually received under the policy using the erroneous price election of $6.25 per bushel.

(b) PREMIUM DEDUCTION.—The amount determined under subsection (a) for a producer shall be reduced by an amount equal to the additional premium (if any) that the producer would have paid for a policy for the 1999 fresh market peaches crop that used the correct price election.

EXTENSIONS OF REMARKS

PHRMA'S CAMPAIGN TO KILL MEDICARE PRESCRIPTION DRUG LEGISLATION FOR AMERICA'S SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. STARK. Mr. Speaker, poll after poll shows the American public strongly supports adding a drug benefit to Medicare. Unfortunately, the Pharmaceutical Research and Manufacturers of America has mounted a silly, sleazy $20–$30 million campaign featuring an actress named Flo to oppose comprehensive prescription drug coverage for America's seniors. They use a phony front name, Citizens for Better Medicare.

Perhaps a better name for this campaign-to-deceive-seniors would be: Corporations for Beaucoup Money . . . or Companies for Bundling Money (to trick the public into thinking that the Rx debate is about big government instead of comprehensive Medicare drug coverage) . . . or Corporations for Bigger (Profit) Margins.

PhRMA is apparently convinced that if Congress adds a prescription drug benefit to Medicare, their member companies won't be able to continue pricing drugs at the stratospheric levels many do today. Those pricing strategies are so distorted that Medicare beneficiaries who have no drug insurance are being charged more than twice as much, on average, as prices paid by enrollees of large group health plans. And for the limited number of drugs that Medicare currently covers—generally those administered by physicians—Medicare is being overcharged by billions of dollars. This was made painfully clear in a report issued last year by the HHS Inspector General, which found that Medicare paid $1 billion more in 1997 than the VA did for the same 34 drugs.

Individual seniors are being harmed by artificially inflated drug prices, too. Last year's stunning 18% growth in drug spending means that fewer elderly people—who need and use pharmaceutical medications more than any other age cohort—will be able to fill the prescriptions their doctors order this year. After all, the median annual income of seniors in this country was about $21,000 in 1997.

In contrast, the average compensation for CEOs among PhRMA's top 12 companies last year was nearly $28 million. Stock options for U.S. pharmaceutical pharaohs were worth far more: $103 million on average in 1998.

Major drug companies also spend billions every year on campaigns to influence which drugs doctors prescribe. This spring, a Florida physician mailed me a sample of the invitations he received from pharmaceutical companies for the week of April 25. Here they are:

Sunday: The doctor and his colleagues are invited to a Niaspan-sponsored Afternoon-at-the-Races event at Tampa Day Downs, which includes use of a private suite, plus an expensive lunch and open bar from noon to 3 p.m.;

Wednesday: The doctor and his colleagues are invited to a Pfizer-sponsored complementary dinner at Landry's Seafood, an upscale restaurant where no entree is under $25 per person;

Thursday: It's a tough choice: Hoechst Marion Roussel is picking up dinner at Charley's Steak House . . . but across town, Pfizer is paying for dinner at Alfano's;

Friday: What a bonanza! Free tickets for the docs, their spouses and children to watch the Tampa Bay Devil Rays play the Seattle Mariners.

That's not all. "In addition to these free meals," the physician writes, "I have been invited to a second baseball game at Tropicana Field, plus our office has been served three lunches for 25 people this week by the pharmaceutical companies."

In 1998, pharmaceutical companies spent an amazing $7 billion in these and other promotions designed to influence which drugs doctors prescribe to their patients. Advertising to consumers is climbing too: spending on direct-to-consumer advertising last year rose to $1.3 billion.

It is important to remember that "Flo" is just another advertising gimmick created by PhRMA. Her ads oppose big government when it comes to discussion of a Medicare drug benefit. What they don't say is that PhRMA vigorously supports big government R&D tax credits, barriers against cheap imports, patent extensions and generous funding of medical research.

The fictitious "Flo" will soon fade from the public's memory. But the plight of real seniors in America who desperately need access to prescription drug coverage will not. It is those seniors we are trying to help by adding a prescription drug benefit to Medicare.

INTRODUCING THE HASS AVOCADO PROMOTION, RESEARCH AND INFORMATION ACT OF 1999

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. CALVERT. Mr. Speaker, I rise today to introduce the Hass Avocado Promotion, Research & Information Act of 1999. This legislation will provide California's 6,000 avocado growers—who produce all of the Hass avocados in the United States—with a new self-help mechanism to enhance their national marketing efforts.

The Hass Avocado Promotion Act will allow avocado growers to fund and operate a coordinated marketing effort to expand domestic and foreign markets. The maintenance and expansion of existing markets, and the development of new markets, is critical to preserving and strengthening the economic viability of the domestic Hass avocado industry.

This legislation will not be funded by taxpayer dollars—the bill would simply create a mechanism for Hass avocado growers to assess themselves. In addition, importers of Hass avocados into the United States would be assessed. Thus, importers would pay their fair share in helping to expand the consumer market that they share with domestic growers. At present, the national marketing of avocados is paid entirely by California avocado growers through assessments collected by the California Avocado Commission. Therefore, this bill offers a win-win proposition for domestic growers and importers to work together to increase the market for avocados and avocado products.

The bill contains an up-front referendum, giving avocado growers a voting process to formally decide whether to implement this new national promotion program. In this referendum, growers and importers will determine whether or not they choose to assess themselves 2.5 cents per pound to fund a national promotion program. The funds generated will be administered by an 11-member Hass Avocado Board that would be comprised of domestic grower and importer representatives.

I am happy to offer this bipartisan legislation, with my colleague from the Agriculture Committee, Representative CONDIT, aimed at helping our Hass avocado producers and importers help themselves.

I ask my colleagues for their support in advancing this vital legislation for Hass avocado growers and California agriculture.

TRIBUTE TO THE CALDWELL-LYON ASSOCIATION OF MISSIONARY BAPTISTS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the Caldwell-Lyon Association of Missionary Baptists, composed of 38 Missionary Baptist churches in Caldwell, Lyon, and Hopkins counties in the First Congressional District of Kentucky.

The Caldwell-Lyon Association of Missionary Baptists will celebrate its 75th Anniversary on September 27, 1999 at the Princeton First Baptist Church where its first meeting was held on September 24, 1924. The mission of the Association is to enliven missions at home base by providing fellowship, mission activities, and support to assist churches in carrying out the Great Commission (Matt. 28:18–20).

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, the Caldwell-Lyon Association of Missionary Baptists was organized under the leadership of O.M. Shultz, pastor of the Princeton First Baptist Church, C.B. Barnes, pastor of the Fredonia First Baptist Church, Rudolph Lane, pastor of Walnut Grove Baptist Church, and Reed Rushing, pastor of the Donaldson Baptist Church. During the past 75 years, seven pastors have served the Association as missionaries. they are: Gus Marshall, Olen Sisk, Rudolph Lane, Raymond Stovall, George Park, Ralph Tomek, and Harold Greenfield. These individuals and many others have dedicated their lives to furthering the spiritual life of their communities and spreading the message of Christianity throughout the world. Recently, a 12-person team from the Caldwell-Lyon Association joined a 24-member team from Kentucky to spread the gospel of Christ in Mombassa, Kenya.

Mr. Speaker, we are a Nation founded on Christian principles. As President Andrew Jackson so eloquently declared, "The Bible is the Book upon which this Republic rests." It is with pride and admiration that I submit this statement in recognition of the spiritual leadership provided by the Caldwell-Lyon Association of Missionary Baptists on their 75th Anniversary.

MARK SALO: 25 YEARS OF DEDICATED SERVICE AND LEADERSHIP AT PLANNED PARENTHOOD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. FILNER. Mr. Speaker, I rise today to honor Mark Salo on his 25th anniversary with Planned Parenthood of San Diego and Riverside Counties in California—the second largest affiliate of Planned Parenthood in the Nation.

Mark has been active in the family planning movement since the late 1960's, beginning as a volunteer counselor with the Seattle-King County, Washington Family Planning Program. He graduate from the University of Washington in 1970 and, since 1974, has served as the president and CEO of Planned Parenthood for San Diego and Riverside Counties. In this capacity, he oversees the management of 15 family planning centers.

Mark and his fellow Planned Parenthood staff members and volunteers are dedicated to providing a complete spectrum of reproductive medical care and educational programs to families in the San Diego and Riverside areas. Through a unique partnership with the Pro Salud family planning organization in Tijuana, 30,000 of our Mexican neighbors are also receiving these services.

Mark Salo is regarded as a national family planning leader and has received recognition for his impact on family planning, both locally and nationally. He was the recipient of the 1989 Ruth Green Award, an award presented by the National Executive Directors Council to an outstanding Planned Parenthood director, chosen for his remarkable record in board development in public affairs, fund raising and planning, and service to Planned Parenthood of America.

His other professional and volunteer activities include serving as a member of the Foundation Committee of Rotary International and of the board of trustees of the Museum of Man in San Diego, treasurer of the San Diego AIDS Project, and a graduate of L.E.A.D. of San Diego, which trains a select group of the leaders of our city's volunteer and nonprofit organizations.

Mark has said that his family did not believe in government intrusion in private life. "We believed firmly that people are fit to make moral decisions independent of government interference." His life and work with Planned Parenthood have put his words into action.

I am pleased to take this opportunity to sincerely thank Mark Salo on the 25th anniversary of his service to Planned Parenthood and to the greater San Diego and Riverside communities. I want to recognize his dedication to the fundamental right of each individual to voluntary reproductive self-determination and his belief that such self-determination will enhance the quality of life, family relations, and population stability.

RECOGNIZING VIE-DEL COMPANY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Vie-Del Company and Dianne S. Nury CEO/President of the company for their success in the grape product industry. Vie-Del is located in the heart of the San Joaquin Valley and is a family owned business. It is one of the oldest and has been consistently among the largest suppliers of grape products to the wine, spirits, food and beverage industries.

Vie-Del Company was founded on August 6, 1946 as a winery, distillery and fruit juice processor. Vie-Del is a major producer of wine, brandy, grape juice concentrates and a variety of other fruit products for bulk sale to the wine, spirits, food and beverage industries. Vie-Del produces only in bulk, with no labeled/retail products. Vie-Del operates two facilities, one located in Fresno and the other in Kingsburg. The total cooperage is approximately 50 million gallons. The warehouse facilities incorporate approximately 350,000 square feet in the Fresno plant alone.

Vie-Del's concern for quality and service has grown the company to the level it is at today. They work closely with their customers in meeting product needs.

Mr. Speaker, I rise to congratulate Vie-Del Company on their achievement as an established supplier of grape products to different industries. I urge my colleagues to join me in wishing Vie-Del Company many more years of continued success.

TRIBUTE TO JUDGE RONALD W. TOCHTERMAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to Judge Ronald W. Tochterman. He is retiring as judge of the Superior Court in Sacramento, CA. As Judge Tochterman is honored by his many friends and associates, I ask all of my colleagues to join with me in saluting his remarkable career.

Judge Tochterman was born April 27, 1938. An avid reader and sports enthusiast, he also enjoys teaching night law classes. He and his wife Linda have been married for 38 years, have two adult sons, Joel and Jeffery, and two grandchildren, Isabella and Leo.

After receiving his bachelor of arts degree in general curriculum from the University of California, Berkeley in June, 1959, he went on to receive a L.L.B. from U.C. Berkeley's Boalt Hall School of Law. Here, he was a recipient of the Bancroft-Whitney Prize for Excellence in Evidence.

Before coming to the bench, from May 1967 to October 1979, Judge Tochterman served in the capacity of Deputy District Attorney, Supervising Deputy District Attorney, and Assistant Chief Deputy District Attorney for Sacramento County. In 1979, the California District Attorneys' Association named him "Prosecutor of the Year". Prior to that, he spent 1 year in private law practice with Friedman & Collard, 2 years as a Law Clerk to U.S. District Court Judge Thomas J. McBride, and 1 year as Deputy Legislative Counsel with the State of California.

Judge Tochterman has been on the faculty of the California Center for Judicial Education and Research since 1985 and the California Judicial College in Berkeley from 1981–1984. He has been an Adjunct Professor in "Advanced Criminal Procedure" since 1986 and an Instructor at University of the Pacific, McGeorge School of Law, and Lincoln University Law School. He has lectured at the University of California, Davis, School of Law and worked as an instructor for the Sacramento Police Academy.

In addition to his achievements as a lawyer and professor, Judge Tochterman has authored several papers and articles. His works include several articles regarding the insanity defense and the role of psychiatrists in criminal cases. Several of his other articles focus on prosecution ethics, search and seizure, discovery, grand jury, plea-bargaining, death penalty, and psychiatric defenses and are published in various prosecution journals.

He is also a member of several prestigious organizations including the California Judges Association, and the Sacramento County Bar Association's Criminal Law Committee and Committee on Liaison with the Judiciary. Several of his former memberships include the California District Attorneys' Association, California State Bar's Committee on Criminal Law and Procedure, and Attorney's Ad Hoc Committee to Support California Rural Legal Assistance.

On a more personal note, he is an active member of our community as a member of the

Board of Directors for the Jewish Federation of Sacramento, WEAVE, Inc., and Stanford Settlement, Inc. He is also in the Advisory Committee for the Curbstone Youth Service Center.

Mr. Speaker, as Judge Ronald Tochterman is honored by his many friends and colleagues, I am honored to pay tribute to one of Sacramento's most outstanding citizens. His devotion to the law and tireless contributions to the Sacramento area are commendable. I ask all of my colleagues to join with me in wishing him continued success in all his future endeavors.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. KLECZKA. Mr. Speaker, yesterday evening, September 27, I was unavoidably detained and thereby absent for votes on rollcall Nos. 448, 449, 450, 451, and 452. Had I been present, I would have voted "yea" on rollcall No. 448, "yea" on rollcall No. 449, "yea" on rollcall No. 450, "yea" on rollcall No. 451, and "yea" on rollcall No. 452.

IN RECOGNITION OF ELIJAH M. HUTCHINSON, EAGLE SCOUT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Elijah M. Hutchinson, Boy Scout, from Greenpoint, Brooklyn who will be honored on October 10, 1999, for his attainment of Eagle Scout.

Boy Scouts are awarded the prestigious rank of Eagle Scout based on their faith and obedience to the Scout Oath. The Scout Oath requires members to live with honor, loyalty, courage, cheerfulness, and an obligation to service.

The rank of Eagle Scout is the highest honor a Scout can earn. Each Eagle Scout must earn 21 merit badges, 12 of which are required. The merit badges an Eagle Scout must earn range from First Aid to Camping to Citizenship of the Community, Nation, and the World. What's more, each Eagle Scout must demonstrate leadership in the community, and must complete an Eagle Project that he must plan, finance, and execute. Elijah has accomplished all this and more.

In receiving this special recognition, Eagle Scout Elijah M. Hutchinson will, I believe, guide and inspire his peers toward the beliefs of the Scout Oath. I am proud to offer my congratulations to Elijah on this exceptional accomplishment.

PETE GRANILLO—THCC's 1999 HISPANIC BUSINESSMAN OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. PASTOR. Mr. Speaker, as we celebrate Hispanic Heritage Month, I rise today to pay tribute to an outstanding Hispanic leader in the Tucson community, Mr. Peter Alonso Granillo. Because Mr. Granillo has had such a positive impact on the business environment for Hispanics and because he has generously supported many charities within the Hispanic community, he has been named the 1999 Hispanic Businessman of the Year by the Tucson Hispanic Chamber of Commerce.

Mr. Granillo has been a recognized leader within the Hispanic business community for many years. His concern for improving the business opportunities available to minority contractors led him to found the National Association of Minority Contractor's Southern Arizona Chapter. His work with this group has helped it grow into one of the most important business networks for Hispanics in Arizona. He currently serves as its President. Mr. Granillo's local success with the organization has brought him to national prominence and he currently serves as the third Vice-President to the National Association of Minority Contractors (NAMC)—National Chapter.

In addition to Mr. Granillo's own successful business activities and the success he has generated for the NAMC, he has been instrumental in expanding the influence and success of the Hispanic Chamber of Commerce and the South Tucson Business Association. Both of these organizations have benefited greatly from his leadership and business acumen. Mr. Granillo has also encouraged Hispanic businessmen and businesswomen to work within the already established business networks. He has led the way in joining and in developing relevant membership opportunities within the Tucson Metropolitan Chamber of Commerce and in the American Subcontractors Association.

Fortunately for many charities, Mr. Granillo's business commitments have not taken all of his time and energies. He has been a member, supporter and contributor to the Old Pueblo Optimist Club, the Knights of Columbus and the South Tucson Weed & Seed Committee. His work with the South Tucson Weed & Seed Program, sponsored by the U.S. Department of Justice, has helped the program achieve recognition as possibly the best Weed & Seed Program in the nation. Aside from his efforts with established community service organizations, Mr. Granillo has a personal project that he organizes each Christmas: a bicycle drive for the low income children of South Tucson. Through this drive, he obtains up to 100 new bicycles and then delivers them to the children on Christmas Day.

Mr. Granillo is a citizen worthy of national recognition for his many contributions to his community, his state and his country. I applaud his efforts to organize and address the concerns of minority business people, especially minority business contractors. I ask my colleagues to join me in recognizing one of our most enterprising and committed Hispanic business leaders, Mr. Peter Alonso Granillo.

REPUBLICAN BUDGET FOR MEDICARE DESTROYS PROGRAM'S ABILITY TO SERVE PUBLIC, FIGHT FRAUD, AND PROTECT NURSING HOME PATIENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. STARK. Mr. Speaker, the HHS appropriations bill slashes Medicare's administrative budget. To quote from the Committee: "The bill makes available $1,752,050,000 in trust funds for Federal administration of the Medicare and Medicaid programs, which is $390,785,000 below the fiscal year 1999 comparable level and $264,077,000 below the Administration request."

The Administration had requested about $200 million worth of user fees, which have no hope of passing in this Congress. As a result, the Appropriations Committee action is a devastating blow to the Nation's seniors and disabled.

If these figures were to become law, our ability to fight Medicare fraud, waste and abuse will be crippled. Our ability to visit nursing homes and other providers to check on quality and protect vulnerable seniors will be 40% of the amount requested by the Administration. It is no exaggeration to say that this budget will lead to the unnecessary death of older citizens.

Speaker Gingrich must still be here. He is the one who said: "HCFA will wither on the vine." This budget achieves that goal—it destroys our ability to administer a compassionate and effective Medicare program.

TRIBUTE TO KARL BOECKMANN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Karl Boeckmann, who will be presented with the prestigious Nelle Reagan Award for Distinguished Community Service by the Olive View-UCLA Medical Center Foundation for his tireless efforts to better his community.

President Kennedy once said, "For of those to whom much is given, much is required." The Nelle Reagan Award was established to honor outstanding individuals, those who have exemplified leadership, volunteerism, and service. For over twenty years, Karl has generously committed his time and resources to many philanthropic causes, such as the John Wayne Cancer Institute, Goodwill Industries, and New Directions for Youth. He has been honored with the William Shatner Partners with Youth Award, the 1996 Humanitarian Award from New Directions for Youth, and the Ellis Island Award.

As a fellow Certified Public Accountant, I know how important honesty, accuracy, and integrity are to Karl.

He exemplifies these characteristics, and reaches out on a daily basis to work toward the empowerment, education, and care in the development of our children.

Coupled with his own efforts to better his community, Karl's wife, Thyra, shares with him active commitments to ChildHelp, USA, where Thyra has served as a Los Angeles board member and executive vice-president, as well as a member of the Coordinating Council national board. Karl credits Thyra as his source of inspiration for his many humanitarian efforts.

Mr. Speaker, distinguished colleagues, please join me in honoring Karl Boeckmann, a citizen who has shown an unwavering commitment to the betterment of his community and is deserving of our recognition and praise.

HONORING CAMPOS BROS. FARMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Tony and Fermin Campos for making Campos Bros. Farms into a worldwide operation. Campos Bros. Farms provide almonds of tremendous quality, guided by traditional values of dedication, integrity and personal attention.

Campos Bros. Farms is located in the heart of California's fertile San Joaquin Valley, in the small farming village of Caruthers. Fermin and Tony Campos moved to Caruthers from Spain in 1955. Almond growers the world over know of its almond paradise.

Campos Bros. Farms maintains strict standards for each almond's color and size, and any defects are effectively removed. The Campos Bros. maintain their own testing facility for yeast, mold, aflatoxin and other quality issues affecting the international sale of their almonds. Campos Bros. Farms exceed every standard established by the United States and California Departments of Food and Agriculture, and has been recognized for its excellence in technical quality control.

Quality almonds are the result of ideal growing conditions, timely harvest and careful handling. From the front office to their state-of-the-art almond processing facility, Campos Bros. Farms is a family-run business that's clean, orderly and organized. Campos Bros. Farms takes great pride in the fact that it has never missed a shipment, or even been late with one.

Campos Bros. Farms has been an active supporter of Big Brothers, Big Sisters of Fresno, Boys Town of Italy, Central Valley Public Television and the surrounding elementary and high schools.

Mr. Speaker, I rise to recognize Tony and Fermin Campos, the founders of Campos Bros. Farms, for their outstanding service to the community with quality almonds. I urge my colleagues to join me in wishing Campos Bros. Farms many more years of continued success.

TRIBUTE TO THE MURRAY, KENTUCKY LIONS CLUB

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the 60 years of service performed by the Murray, Kentucky Lions Club located in the First Congressional District of Kentucky.

The Murray Lions Club was founded on September 14, 1939. On September 28, 1999 the Lions will celebrate their 60th Anniversary with a reception and banquet at Murray State University. The program will highlight the Club's six decades of service to the citizens of Murray and Calloway County, including but not limited to providing thousands of eye glasses to children, diabetic supplies, scholarships at Murray State University, and medical equipment to the Murray-Calloway County Hospital Blood Blank.

Mr. Speaker, the Lions also will celebrate the charter night for the Murray State University Lions Club. This new organization sponsored by the Murray Lions Club will compliment the rich history and deep tradition of service to community above self by recruiting university faculty, staff and students as Lions Club members dedicated to the service of others.

Mr. Speaker, the concept of people helping people has been one of the distinguishing characteristics of the American experience and of our nation's greatness. It is with appreciation and admiration that I submit this statement in recognition of 60 years of service to community performed by the Murray Lions Club.

LISTEN TO THE MIAMI HERALD ON AGRICULTURE SPENDING

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to call to your attention the following insightful editorial, which recently appeared in the Miami Herald. I believe they make an excellent case as to why financed sales to the Cuban dictatorship would not benefit the Cuban people.

FOOD SALES TO CUBA WILL BENEFIT ONLY THE REPRESSIVE REGIME

The idea of allowing U.S. firms freely to sell food and medicine to Cuba seems unassailable from afar, a humanitarian gesture toward deprived people, as well as good business for American farmers.

But that's a huckster's pitch being promulgated by U.S. business interests that either misunderstand the way Cuba's politically regimented economy works, or that are trying to break the U.S. trade embargo. Congress shouldn't fall for the pitch to legalize unrestricted food and medicine sales to Cuba.

This isn't about humanitarianism: Selling supplies to the totalitarian regime responsible for so much human misery in no way ensures that any benefits would trickle down to the people of Cuba. This is about money—including money for the regime's repressive machinery.

In Washington this week, the U.S. farm lobby is bringing to a climax its orchestrated campaign against trade sanctions in general and to open Cuba to grain sales specifically. Dreaming about yearly sales that they think could reach $2 billion within five years, farm groups appear eager to extend plenty of credits and take Cuban sugar or rum in barter. Listen to David Frey, the Kansas Wheat Commission administrator: "With Cuba's stressed economic situation, we are talking about a long-term deal before they are paying cash for a lot of wheat. There will be a time when they will be able . . . to pay cash."

Mr. Frey and his allies are deluding themselves if they believe that selling wheat to a government with no hard currency and a history of stiffing business partners is going to save America's farmers. Equally deluded are those well meaning people who think that selling such materials will alleviate the suffering of the average Cuban.

Remember that this is the regime that ruined Cuban agriculture and other industry in the first place. While Cuba's fertile soil and waters no longer produce enough to feed its ration-card weary people, the regime serves lobster to tourists. While Cuban children can't get asthma medication on any given night, foreigners paying for surgery get first-world medicines.

Measures to allow licensed sales of food and medicine were attached to an agriculture appropriations bill by the Senate last month. U.S. Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both from Miami, helped kill the deal by attaching a provision that would make such sales contingent on Cuba having free elections.

That should end it. Better access to food and medicine isn't going to solve Cuba's biggest problem. Ridding itself of an odious state will.

TRIBUTE TO BOB MATTSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. FARR of California. Mr. Speaker, I rise today to recognize and acknowledge Bob Mattson. He passed away after 38 years of service and contribution as athletic director and coach at Hollister High School.

Bob was born in Oakland, CA, on November 29, 1925. He served 2 years in the U.S. Navy in World War II and earned a bachelor of arts degree in education from Stanford in 1950. Bob then completed his teaching credential at San Francisco State and a master's degree from San Jose State. Mr. Mattson moved to Hollister in 1953 as a teacher, coach, department chairman and athletic director. He retained those responsibilities until 1983 and then worked as part-time athletic director until full retirement 3 years later. Bob and his wife of 47 years, Diane, are the parents of two children, Bo and Maureen.

Bob had a distinguished career as athletic director and coach of the basketball, wrestling and football teams at Hollister High School. Devoted and well respected, Bob Mattson was an "intense coach of high moral character and he tried to instill that in his players" (Principal Larry Williams, Hollister High School). As a member of the Hollister Rotary Club and a Paul Harris Fellow, Bob enjoyed local and district involvement. He served on a variety of club committees including being appointed to the San Benito County Board of Education as a representative, vice president, and president. Bob had also been appointed to the South County Regional Occupational Program Liaison and devoted several years of service to the community. Bob contributed greatly to our community through serving 25 years as a director for the Root-Hardin Youth Fundraising. On January 1, 1994, Bob was honored with the dedication of the Mattson Gym at the High School.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the valuable contributions of Bob Mattson, spanning 38 years, to our community. His leadership and commitment as a role model, teacher and coach as well as an involved member of the community is certainly worth noting. Bob's presence as athletic director will be missed and his years of achievement and devotion will not be forgotten.

CIVIL AVIATION RESEARCH AND DEVELOPMENT AUTHORIZATION ACT OF 1999

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes:

Mr. STUPAK. Mr. Chairman, I would like to thank the Chairman of the Science Committee, Mr. SENSENBRENNER, Ranking Member HALL, and Representative MORELLA for their work on this important issue.

Mr. Chairman, I would like to speak today on H.R. 1551, the Civil Aviation Research and Development Authorization Act of 1999.

My concern with the Federal Aviation Administration is the lack of consistency in its criteria for judging which airports are deserving of radar.

I have trouble understanding how some airports are deemed deserving of a radar tracking system, and some are not. It appears to be arbitrary.

H.R. 1551 is a very important bill about aviation research and development. It seeks to fund the Federal Aviation Administration's civil aviation R&D programs for FY 2000 and 2001. This bill has the capacity to assist the many small- to medium-sized airports that do not have radar capability by demonstrating conclusively how much more effective a radar system is over visual guidance. I'm very concerned about the numerous busy small airports in America that do not have radar capability, and believe there is a real need for a pilot project to effectively illustrate the need for radar in such facilities.

A radar system is desperately needed for Cherry Capital Airport in Traverse City. Out of the top eleven airports in Michigan, Cherry Capital ranks third in the number of flight operations per hour, yet of these eleven airports, Cherry Capital is the only one not served by local radar. Located next to Lake Michigan, weather conditions at this airport can change in seconds, reducing visibility to zero. It is unbelievable that the airport with the third most operations per hour in Michigan and adverse weather conditions still has controllers in the tower landing planes with binoculars! It is a matter of luck that there has never been a mid-air collision at this airport.

The committee report accompanying H.R. 1551 expresses great concern over inclement weather conditions at our nation's airports.

I quote "The Committee recognizes that weather is the single largest contributor to delays and a major factor in aircraft accidents and incidents." I agree.

As one might imagine, weather plays an extremely prominent role at the Traverse City airport due to its proximity to Lake Michigan. Sudden and severe snow and ice storms are commonplace. The potential for accidents would be immeasurably reduced by the use of radar.

Along with severe weather, we must also factor in pilot error. On July 4, 1998 a Czech-made jet trainer aircraft went down over Lake Michigan, taking with it two men. This aircraft was never recovered.

The closest radar facility was in Minneapolis, and was unable to accurately pinpoint the location where the plane went down. If Cherry Capital had a radar, the outcome of the search and rescue could have been very different.

THE CHILDREN'S PROTECTION AND COMMUNITY CLEANUP ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. MARKEY. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2956, the Children's Protection and Community Cleanup Act, which challenges the whole premise of Superfund reform. Too many bills have been written on the premise that we have been doing too much to clean up our environment. Today, we make clear that we think we're doing too little.

Are people worried that their water is too clean, or too dirty? Are they worried that there is too little E coli in hamburgers, or too much? And do you think people sit around and wish there was more pfisteria in the water killing more fish? The answers are self-evident. People want to clean up their water, clean up their food, and clean up toxic waste dumps in their community that are threatening their health.

Last year, the movie, A Civil Action, told the story of a group of parents in the city of Woburn in my District. These parents discovered that far too many of their children were dying of leukemia, and linked it to the water they used, which smelled and corroded the water pipes. But for years they could not get anyone to listen to them, to do a rigorous public health assessment to find out whether they were at risk. The Children's Protection and Community Cleanup Act will require a public health assessment to be conducted at every Superfund site, and will allow communities to get Federal grants to conduct their own health assessments and take their own soil and water samples. It will require a cleanup that protects drinking water for future generations, instead of just building a fence around the toxic waste and hoping it won't leak out.

In addition, people don't want to pay tens of millions of taxpayer dollars to corporate polluters who are responsible for dumping tons of chemicals into our environment. They want to see the responsible parties pay for the damage they cause. The Children's Protection and Community Cleanup Act would ensure that the polluters responsible for the messes they made have to pay for them. In addition, it will place all nuclear facilities under the same Superfund laws that control chemicals, and it will ensure that when the responsible polluter was the Federal Government, that the same high cleanup and liability standards are applied as to the civilian sites.

For more than a decade under Republican administrations, EPA stood for nothing more than "Every Polluter's Ally". Superfund sites languished with no cleanups. But today more than half of non-Federal Superfund sites have completed construction activities. Where cleanups are not complete, two-thirds of the required work is underway or finished. The Children's Protection and Community Cleanup Act will ensure that the EPA can build on that record of achievement.

RESOLUTION ON POTENTIALLY LETHAL FOOD ALLERGIES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mrs. MORELLA. Mr. Speaker, today I rise to introduce an important resolution that expresses the sense of the House regarding strategies to better protect the millions of Americans whose lives are at risk because of potentially lethal food allergies.

The majority of the 5.2 million people who have serious and potentially fatal allergic reactions to foods such as peanuts, fish, shell fish, and tree nuts are children. These children will never outgrow their allergies, and there is no vaccine to prevent these deadly allergic reactions. All that these children can do is avoid eating or coming in contact in any way with peanuts, fish, shell fish, or tree nuts.

Even a small trace of peanuts or shell fish can produce a severe allergic reaction. Many children spend their day at school in fear, afraid to touch a doorknob or a desktop that might have a smear of peanut butter.

While it would be difficult to control the school or work environment, there are some steps that can be taken to protect children and adults from severe allergic reactions to food. For instance, major commercial food processors and producers should produce products on separate, dedicated manufacturing lines. Allergies in foods should be identified in terms that are clear and understandable to the average citizen.

Most consumers have no idea that products labeled with ingredients such as "natural flavors" contain peanuts or that shrimp extract is used to enhance the flavor of frozen beef teriyaki. Any food product that lists "natural flavors" as part of the ingredients should specify on the package that the product includes peanuts. Foods which are common, life-threatening allergens should not be added gratuitously to products where their taste is negligible.

Industry, consumer, and scientific groups should voluntarily work together on initiatives to better educate food industry workers and the public on issues of food allergy safety, and after one year, an assessment should be made of the success of these initiatives.

Mr. Speaker, every year, about 125 people die from fatal allergic reactions to food in the United States, and every year the number of people who have potentially fatal allergic reactions to food is increasing. This resolution will increase awareness of the serious impact of severe food allergies on the American people, and the need to address this very important health problem.

HONORING CARL SCHULTZE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend a constituent of mine, Carl Schultze, for his many years of service to the Collinsville community in Illinois.

Known to many as "Mr. Collinsville," Carl has devoted much of his life to community service through volunteer activities and club memberships. His involvement includes memberships to the Sunrise Kiwanis, Collinsville Building and Loan Board, Collinsville Chorale and Holy Cross Lutheran Church, and the Collinsville Progress Board.

Carl's dedication to the community was formally acknowledged on August 16, 1999 when Collinsville Mayor, Stan Schaeffer, proclaimed the following week as Carl Schultze Week.

I would like to thank Carl for his commitment to public service. He is an inspiration, and it is a true privilege to have him as a part of our community.

IN OPPOSITION TO PROPOSED TAX INCREASE ON ASSOCIATION INVESTMENT INCOME

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. RAMSTAD. Mr. Speaker, as the fiscal year draws to a close, I think we can be grateful for some of our accomplishments, including good ideas that were implemented and bad ideas that were stopped in their tracks.

One of those bad ideas was the administration's proposed tax increase on the investment income of tax-exempt 501(c)(6) organizations. I and several of my colleagues on the Ways and Means Committee expressed our bipartisan opposition to this misguided proposal, and the Ways and Means Committee heard excellent testimony as to why this idea should be rejected.

As Congress continues to consider tax measures, I thought it would be worthwhile to remind my colleagues why this proposal would be harmful to people in my home State of Minnesota and throughout the country who are served by America's trade and professional organizations.

I urge my colleagues to heed the excellent words that follow, written by my friend and former constituent, Ralph J. Marlatt.

AN ASSOCIATION EXECUTIVE SPEAKS OUT ON THE ADMINISTRATION'S PROPOSED TAX INCREASE

The Clinton Administration's fiscal year 2000 budget calls for a massive tax increase on associations exempt from tax under section 501(c)(6) of the Internal Revenue Code. The Administration's proposal would tax so-called "investment" income of 501(c)(6) associations—income that associations receive from interest, dividends, rents, capital gains and royalties. Under the plan, the first $10,000 that an association earns from these sources will not be taxed, however, all income earned over $10,000 will be subject to the unrelated business income tax (UBIT).

As Past President of the Minnesota Society of Association Executives and former President and CEO of the Insurance Federation of Minnesota, I have first-hand knowledge of the devastating effect this would have on the more than 800 associations in the state of Minnesota.

Associations put the synergistic power of a group to work in solving mutual problems and attaining mutual goals. More than 300,000 Minnesota individuals and firms support the activities of associations through membership and take advantage of the many benefits and services offered by associations. Thousands of Minnesotans are directly engaged in the management of voluntary nonprofit trade, professional and educational associations and societies.

Contrary to assertions made by the Clinton administration, this levy would hit thousands of small and mid-sized trade associations and professional societies exempt from tax under Section 501(c)(6). Under this proposal, most associations with an annual operating budget of $200,000 or more would be taxed on the income they receive from interest, dividends, capital gains, rents, and royalties.

Unlike other corporations, the money associations receive from investment income, royalties and rents do not go into the pockets of shareholders, individuals or other corporations. Rather, these funds go into the associations' operating budgets to help further their exempt purposes—such as improving industry safety, training individuals to adapt to the changing workplace, and providing continuing adult education.

According to a Hudson Institute Report on the Value of Associations, associations spend more on product standards and safety than the U.S. Government. Associations spend more on education than all the states except California. Community service and voluntarism provide 330 million hours valued at $3.3 billion annually.

Associations and professional societies annually contribute nearly $10 million directly into Minnesota's economy and nearly $50 billion nationally. As a Board Member of the American Society of Association Executives (ASAE), and a 29-year veteran of the association business, I join my colleagues in opposing this negative tax on associations.—

Ralph J. Marlatt, CAE, Executive Vice President, Olson Management Group, Inc.

IN HONOR OF THE 25TH ANNIVERSARY OF CUDELL IMPROVEMENT, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor and congratulate Cudell Improvement, Inc., on their 25th anniversary. They will be marking this anniversary with a celebration on September 29, 1999.

Cudell Improvement, Inc., founded in 1974 as a neighborhood-based improvement association, has grown over the past 25 years into a sophisticated community development corporation in the city of Cleveland. They have developed, or played a significant role in the redevelopment of, over $8 million in real estate.

In addition to Cudell Improvement's real estate achievements, the firm has established programs and services designed to enhance the quality of life and revitalize the community as well. They have implemented a summer and after-school program for thousands of area youth. Cudell Improvement has also been responsible for the continuous implementation of the county's first citizen-based crime prevention program. Throughout their 25 years, Cudell Improvement, Inc., has brought thousands of residents and business persons together to foster communication, achieve community improvements and instill civic pride.

Mr. Speaker, I would like to congratulate the members of Cudell Improvement, Inc., on their anniversary and salute them for 25 years of civic service. I wish Cudell the very best wishes in their continued dedication to community improvement.

CONGRATULATIONS TO DR. ROBERT ALLAN LINDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man who has contributed an incredible amount to his community of Alamosa, Colorado. Dr. Linden has recently been honored by an election to the position of Fellow of the American College of Physicians—American Society of Internal Medicine. This is a great honor because it is given by one's peers. And, Dr. Linden is very deserving of this honor.

Robert Allan Linden graduated from the University of Southern California, Los Angeles in 1969. He then went on to medical school right here at Georgetown University, School of Medicine. He completed his residency at UCLA-Harbor General Hospital in Torrance, California. From there he went on to a medical career that has certainly proven that this honor was earned, not bestowed, and well deserved.

He began his medical career in Alamosa in 1977 when he first became associated with Valley-Wide Health Services. He has been an active member of the San Luis Valley Regional Medical Center in the area of general internal medicine. He is also the senior internist at the Community Health Center group practice. He serves as Utilization Review Director for Evergreen Nursing Home, Medical Director and Co-chair of Interdisciplinary Utilization Review Team for Hospice del Valle, and physician advisor for the Alamosa Ambulance District. Dr. Linden has also been an Aviation Medical Examiner for the last 16 years. He served as Chief-of-Staff at SLV Regional Medical Center for a one year tenure in 1995–1996. In addition, he had previously served as chairperson of the Hospital Executive Committee, trustee on the Board of Directors of the Hospital Governing Board, and a member of the Quality Assurance Committee and Strategic Planning. Currently he serves as a member of the Hospital Staff Emergency Department and ICU Committee.

Some of the numerous honors he has received are: Hospice Appreciation Award in 1993 from the Interdisciplinary Utilization Review Team for Hospice del Velle; Outstanding Clinical Faculty Award for Medical Student Teaching at University of Colorado, School of Medicine, in 1989; and the Most Valuable Preceptor Award from the University of Colorado, School of Medicine, in 1997.

When he has spare time, Dr. Kinden and his wife, Maureen Orr, enjoy the Colorado outdoors. He enjoys hiking, backpacking, organic gardening, and even plays in an eclectic rock group "Lucky La Rue". He is a man who has dedicated his career to helping others and his life to Colorado. He deserves to be commended.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BARCIA. Mr. Speaker, I rise in support of H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 1999. Working with our colleagues on the Small Business Committee, we have crafted an authorization bill, which preserves the programs strengths. In addition, H.R. 2392 provides for a study of the Small Business Innovation Research (SBIR) program. It is our hope to incorporate the results and findings of this study in the next reauthorization cycle.

The SBIR program is an important element in making the unique capabilities of small high-tech business available to the Federal government. Initiated in 1982, the SBIR program was built upon an existing NSF pilot program and now includes the ten federal agencies with the largest external research budgets. When the program was conceived, it was clear that small business had much to offer federal agencies, but were not receiving a proportional share of federal research contracts. In essence, they were shut-out of the federal research awards process. Through the SBIR we have guaranteed that at least 2.5% of agencies' external research dollars are awarded to small businesses. This set aside has created progress towards achieving the SBIR programs two major goals; providing small high-tech businesses the opportunity to meet federal research needs and increasing the number of technology based commercial products developed by small business.

As in any program, however, there is room for improvement. We need to ensure that an increasing percentage of SBIR winners go on to be commercial successes. And we need to build a better record in helping the best SBIR participants join the ranks of federal contractors. I will continue to work with my colleagues to address both of these concerns.

In closing, I would like to say that it has been a pleasure working with Chairman SENSENBRENNER, Chairwoman MORELLA, and Ranking Member HALL as well as our colleagues on the Small Business Committee in developing this consensus legislation.

Mr. Speaker, I urge my colleagues to support H.R. 2392.

LIFE AND TIMES OF OSEOLA McCARTY

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. SHOWS. Mr. Speaker, today, I would like to take a minute to tell my fellow colleagues and the American People about Oseola McCarty. Ms. McCarty recently passed away and it is important that we pause to remember this remarkable Mississippian and American.

Oseola McCarty spent her life washing and ironing the clothes of others in Hattiesburg, Mississippi. Her life was one of meager and simple means concerning the material things many deem important. Her spirit and faith, though, was large and full. Her capacity to give and care and love exceeded all boundaries. Ms. McCarty was a great American and we all need to know and learn from her story.

The Bible teaches us about the widow's mite; that lady who gave less than others but all she had and was called great for her more profound sacrifice. Friends, Ms. McCarty gave us all the widow's mite.

Her meager income over the years provided just enough for her to put away a little in savings each month. Over these 75 years this grew and in 1995 she gave the University of Southern Mississippi $150,000 to help the poor go to school. This was a gift to all of us. Certainly to those who have and will benefit from a college education. But also Ms. McCarty gave us all the gift of love and generosity. She taught us that integrity in life and belief in God and others, when put into action, changes lives.

I am indebted to Oseola McCarty for her example. My Alma Matter, the University of Southern Mississippi, is indebted to her for her gift and inspiration. And everyone, all of us, is indebted to Ms. McCarty because she helped remind us that we all matter and what we do matters to all.

Many beautiful and great words will be said the next several days about Ms. McCarty. And, great things should be said. But, let's honor her the way she would want . . . let's give ourselves. Let's give to others, like Ms. McCarty.

PROGRESS IN THE GAMBIA

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. HILLIARD. Mr. Speaker, I wish to express my satisfaction with the course of certain events relating to The Gambia, in West Africa. Some of our colleagues may, or may not, be aware that due to the tireless efforts of President Yahya Jammeh, The Gambia continues to play a pivotal role in peacemaking and peacekeeping. Specifically, The Gambia has participated in peace efforts in three regions of conflict of West Africa—Guinea-Bissau, Sierra Leone, and the Casamance region of Senegal.

During the 21st summit of the sixteen-member Economic Community of West African States (ECOWAS), hosted by The Gambia in October 1998, President Jammeh was successful in bringing the two protagonists in the Guinea-Bissau conflict to the negotiating table for their first face-to-face meeting since fighting erupted earlier that year. Although the peace accord, which was signed by Guinea-Bissau President Joao Bernard Vierira and rebel leader Ansumane Mane was subsequently broken, President Jammeh continued to work toward a peaceful resolution of the conflict. For his efforts, President Jammeh was congratulated by other heads of state for being the first leader in the sub-region to send a delegation in search of a peace resolution to the crisis.

Similarly, in the conflict in Sierra Leone between President Kabbah and the Revolutionary United Front (RUF), led by Foday Sankoh, Gambian President Jammeh was the first leader to make an international offer to mediate, and urge for peace in the country, as well as the entire sub-region. In June 1999, Banjul was again the scene of peace negotiations when the Senegalese government and separatist rebels from the Casamance province accepted President Jammeh's offer to facilitate peace in the troubled province.

Gambian President Yahya Jammeh has offered all possible assistance in order to facilitate the permanent return of peace to the West African region. On the occasion of President Jammeh's first visit to the United States as a head of state, I would like my colleagues to join me in honoring and commending President Jammeh for his commitment to peace and unity in West Africa.

THE HASS AVOCADO PROMOTION, RESEARCH AND INFORMATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. CONDIT. Mr. Speaker, I rise today in strong support for legislation offered with Representative KEN CALVERT to create a new national promotion program for Hass avocados. This bill, the Hass Avocado Promotion, Research and Information Act, provides a vehicle for both domestic producers and importers to work together to increase the demand for avocados.

The California avocado industry has benefited from an innovative, state grower-funded program administered by the California Avocado Commission. The means that 6000 Hass avocado growers in California currently assess themselves to pay for the national promotion of avocados. In recent years, however, imports are supplying an increasing share of the U.S. consumer market. In 1998, for example, import levels reached 100 million pounds, an amount equal to nearly one-third the size of U.S. avocado production. Given this trend, Congress should provide a mechanism for importers to share in the state commission's efforts. This bill will do just that, by providing tools to expand consumer markets for avocados at a time when supply is increasing.

This legislation is tailored to fit the special characteristics of Hass Avocado production, which is unique to California and several foreign countries. The creation of a national checkoff at no cost to the nation's taxpayers will allow US avocado growers and importers to fund and operate a coordinated marketing effort. This bill is designed to: (1) create a industry-based, international board to administer the program; (2) authorize promotion, research, and educational activities; (3) direct the Secretary of Agriculture to conduct a referendum 60 days prior to implementation of the program; and (4) designate the initial rate of assessment on Hass avocados at 2.5 cents per pound, capped at five cents per pound. In addition to promotional and consumer information, this legislation allows producers to research issues important to avocado production and sales, such as market development, food safety, avocado uses, quality, and nutritional value.

For these reasons, I join my colleague on the Committee on Agriculture from California, Mr. CALVERT, in introducing this legislation, the Hass Avocado Promotion, Research and Information Act.

ARBITRARY DECISIONS BY INS ARE ROADBLOCK TO AMERICAN DREAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I read with great interest the story of Ms. Sherol Boles in an op-ed by Anthony Lewis in today's New York Times. It is a heart-wrenching story about a woman who is battling for her right to remain in this country with her children and her husband. Tragically, she may be deported at any time due to arbitrary decision making by the Immigration and Naturalization Service and the harshness of the 1996 immigration law.

Mrs. Boles' story is not an isolated incident. Since taking office, I have personally heard INS horror stories from many immigrants, legal residents, and citizens who write, call, and visit my office seeking assistance. Ninety percent of casework in my district office is related to immigration issues. Many of the problems stem from a clear lack of inefficiency and unpreparedness in the INS office in Chicago.

During my visit to the Chicago INS office earlier this year, I witnessed first hand this inefficiency and unpreparedness. Even worse, I also witnessed the mistreatment of customers, the lack of respect for individuals, the complete disregard of common decency and the hostile environment many must face.

The culture of the "Customer is Always Wrong" at the INS must change. Customers at the Chicago INS must receive the quality service they deserve. These legal residents are customers who pay high fees and they deserve to be treated with respect.

The Chicago INS responded to my concerns and those of my colleagues by taking steps to improve the quality of service.

However, we must work to ensure that those steps taken by the Chicago INS remain in place and that additional improvements are made. Finally, we must translate our local efforts to the national stage so people like Sherol Boles are given the chance to live the American dream.

[From the New York Times, Sept. 28, 1999]

BALANCE OF HARDSHIPS

(By Anthony Lewis)

BOSTON—Dickens gave us the classic picture of official heartlessness: the government Circumlocution Office, burial ground of hope in "Little Dorrit." It would take his savage wit to tell, properly, the story of Sherol Boles and the U.S. Immigration and Naturalization Service.

Mrs. Boles is a 33-year-old woman from Barbados. In 1996 she married Michael Boles, an American who served 12 years in the U.S. Marines. They have 2-year-old twins, born three months prematurely weighing less than two pounds each; they were hospitalized for months and are still under medical treatment.

The I.N.S. has ruled that Mrs. Boles's marriage entitles her to permanent residence here: a green card. But for reasons in the past she is legally deportable, and the I.N.S. says she must be deported. If she is, it may be as long as 10 years before she can enter the United States again.

Mrs. Boles wants to have her deportation case reopened, so account can be taken of her now-established right to a green card and her children's fragile health. If she is deported alone, her husband could not possibly take care of the twins by himself. If she takes them with her, the medical care they need may not be available in Barbados.

But the case cannot be reopened without the consent of I.N.S. officials, and they refuse to give it. Why? I.N.S. lawyers explained in a brief, "She has not shown that she would suffer irreparable injury or that the balance of hardships tilt in her favor." Dickens could not have put more unfeeling words in the mouth of one of his fictional tormentors.

Mrs. Boles is still in the United States because her lawyer, Harvey Kaplan of Boston, sought and won a stay of deportation from the U.S. Court of Appeals for the First Circuit. The I.N.S. is urging the court to withdraw the stay.

The past chapters of the story deepen its harshness. Mrs. Boles came to the United States in 1990, to Boston. Some years later she tried to obtain legal permanent residence by using the services of one Joseph Chatelain, who called himself an "immigration adviser." By 1995 Mrs, Boles and others realized they had been defrauded by Mr. Chatelain. She testified in full and agreed to be a witness against him, but he fled and has not been found.

In 1995, on the basis of her own statements, an immigration judge ordered her deported. He allowed her to depart voluntarily—legally advantageous—by April 1996 "or any extensions as granted" by the I.N.S. Immigration officials in Boston, citing her cooperation in the Chatelain case, extended the date successively to March 1998.

In the meantime Mrs. Boles had married and moved to her husband's home in Phoenix. In February 1997 Michael Boles filed an I–130 petition to get his wife permanent residence. The petition went to the I.N.S. Texas service center, covering Phoenix. It was then transferred to a California center, and from there back to the local I.N.S. office in Phoenix.

In May 1998, with the petition still pending and the date for voluntary departure just past, the I.N.S. office in Boston gave Mrs. Boles a year's stay of deportation. A year later she had still heard nothing about her green card. She asked an I.N.S. officer in Phoenix for a further stay. Denying it, he said the delay on the green card petition must mean that her marriage was fraudulent—in effect blaming her for the notorious inefficiency of the I.N.S.

"Based on a careful review of the facts of this case," an official wrote, "there do not appear to be any unusual humanitarian factors."

The petition for a green card was finally granted this past June, more than two years after it was filed. So far it has not helped Sherol Boles. If she is deported, she may come within provisions of the harsh 1996 Immigration Act that would bar her from this country for 5 or 10 years.

Tough as it is, the 1996 law gives the I.N.S. power to reopen this case. But the service seems determined in its refusal. In its First Circuit brief it argued that the court has no power to review its decision, right or wrong.

Why is the I.N.S. so adamant? It must want to establish the principle that nobody—not event a court—can make it pay attention to reason and humanity.

CONSOLIDATION OF MILK MARKETING ORDERS

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

Mr. OBERSTAR. Mr. Chairman, in 1996 Congress agreed the U.S. dairy pricing system was seriously flawed and the U.S. Department of Agriculture (USDA) should develop a more evenhanded pricing system. After three years of research and an exhaustive public comment period, USDA proposed a modest reform plan, and now the proponents of H.R. 1402 seek to violate the agreement made in the 1996 Farm bill by leaving in place a blatantly unfair Depression-era pricing structure that penalizes dairy producers based on their distance from Eau Claire, Wisconsin.

Few government programs are more complex and misunderstood than the USDA's milk marketing system. President Franklin Roosevelt established federal orders in the 1930s during the Great Depression to ensure an adequate supply of fresh milk nationwide. The primary goal of the system was to facilitate the flow of milk from surplus production regions to deficit regions. During the Depression, the Upper Midwest was the nation's center of dairy production. So to encourage the flow of milk from the region, the federal government required dairy processors to pay higher prices for fluid milk based on their distance from the Upper Midwest. This allowed our dairy farmers to recover the extra costs of transporting their product to consumer regions. Clearly, federal orders made sense sixty years ago.

The situation has changed. Dairy farms have sprung up in every corner of the country, especially in those regions farthest from the Upper Midwest where the government requires higher minimum prices. Federal orders no longer encourage the flow of milk from one place to another. Today, federal orders artificially encourage the production of milk by high-cost producers in certain regions at the expense of more efficient producers in the Upper Midwest. Geographically, the system favors milk production in high-cost regions such as the Southeast, Texas, and the Northeast at the expense of traditional dairy states such as Minnesota and Wisconsin.

The impact of this pricing system on the Upper Midwestern dairy farmer has been disastrous. Since 1955, Minnesota has lost nearly 60,000 dairy farms. Over one-quarter of Minnesota dairy farmers disappeared in the six-year period following 1993.

Mr. Chairman, I strongly oppose this misguided legislation that would continue an outdated dairy policy, and I believe that the USDA's reform plan should be implemented.

INTERNATIONAL PATIENTS' CARE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. BENTSEN. Mr. Speaker, today I am introducing legislation to address the time limitation placed on international patients and attending family members who remain in the United States while receiving medical treatment. I am grateful for the Texas Medical Center in Houston for bringing this important issue to my attention.

Many international patients who obtain prearranged care in the United States require long-term medical treatment and lengthy hospital stays. However, a provision in the 1996 Immigration Reform Act instituted a time limit on "voluntary departure" status that has restricted health care facilities from providing sufficient care to some patients.

Each year, hospitals and health care facilities across the United States provide prearranged treatment and health care assistance to more than 250,000 international patients, who come from many nations around the world. At the Texas Medical Center in Houston, more than 25,000 international patients are seen each year. These patients come to the United States because of the high quality health care that is the best in the world.

Since the 1996 immigration reforms were enacted, many medical patient visitors have entered the United States under the Visa Waiver Pilot Program, which allows a maximum 90-day stay. After 90 days, these patients and their attending family members are eligible to apply for voluntary departure, which allows an additional stay of 120 days. Upon completion of the 120 days, these individuals must request "deferred action" status, which allows them to stay in the United States for an extended period, but places them under illegal status. Consequently, these patients—whose lives are often dependent on return visits to the United States for further medical treatment—are barred from entering the United States from between 3 and 10 years.

After I brought this issue to the attention of the INS and the Department of State, each agency has worked to strengthen their staff knowledge of medical patients, and to better screen prospective international patients at U.S. embassies and during inspections. However, due to the relaxed rules governing participation in the Visa Waiver program, many patients have continued to come to this country unaware of its strict length-of-stay restrictions.

Mr. Speaker, I was a strong proponent of the immigration reforms passed by Congress and signed by the President in 1996. Overall, I believe these were tough, but needed reforms that cracked down on illegal immigration. I have worked closely with law enforcement authorities in my district to clamp down on illegal immigration, and I have supported legislative effors to provide the INS with the resources to safeguard the integrity of our borders while also holding the agency to high professional standards of law enforcement. In this case, though, I believe it is entirely appropriate to make a concession to the small number of itnernational patients who travel to the United States for life-saving treatment.

The bill I am offering today would authorize a 3-year pilot program allowing the Attorney General to waive the voluntary departure 120-day cap for a very limited number of international patients and attending family members who enter the United States under the Visa Waiver program. It would implement a tough, restrictive process for these patients, to ensure that only those truly in need of long-term medical care could obtain such a waiver. This legislation would require these patients to provide comprehensive statements from attending physicians detailing the treatment sought and their anticipated length of stay in the United States. In addition, the patients would be required to provide proof of ability to pay for their treatment and the daily expenses of attending family members. This legislation would strictly limit the number of allowable family members and limit the total number of waivers to 300 annually. To safeguard against fraud and abuse, this legislation would require the INS to provide Congress with an annual status report detailing the number of international patients waivers allowed each fiscal year. Should the INS fail to release this data, Congress would be authorized to discontinue these waivers.

In drafting this legislation, I consulted with the Texas Medical Center to determine an accurate, workable number of annual waivers for this legislation. After contacting a number of medical institutions throughout the United States, the Texas Medical Center estimated that approximately 1000 annual waivers will be needed to meet the total number of international patients who fall out of legal immigration status due to long-term health care needs. Despite this estimate, I believe 300 annual waivers will provide an adequate starting point to address this situation, while providing an appropriate safeguard against fraud and abuse.

Mr. Speaker, I realize that there are many members who are hesitant to make changes to the immigration law Congress adopted in 1996. I know that I am loath to do anything more than a surgical fix to the underlying statutory scheme. However, I am convinced that the reforms enacted in 1996 were not intended to target nonimmigrant visitors who enter this country to receive preapproved, life-saving medical treatment. I believe we have an obligation to protect the status of legal, international patients who owe their lives to the high-quality medical care they receive in the United States. Working together, in a bipartisan manner, we have taken great strides in strengthening our immigration laws. We should not allow our hard work to be diminished by the unintentional consequences of otherwise highly effective immigration reforms.

I urge my colleagues to join me in supporting this important effort.

HONORING JACKIE WAITLEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor Jackie Waitley of Iliff, CO, immediate past president of Colorado Cattle Women who recently was recognized for her leadership and hard work on behalf of the organization.

Jackie, born in Boston, MA, is a true westerner. Growing up in a Denver suburb, she romanticized about living on a ranch riding and rodeoing. Meeting her husband Frank at Hastings College, both went to work for a short time as school teachers in Peetz, CO, but soon realized their shared dream of ranching and raising cattle and owning the Waitley

Cattle Co. Today, the mother of four children and grandmother of five granddaughters, she says, "The city girl has learned that it takes hard work, knowledge, skill, and cooperation from mother nature to operate a cattle ranch today."

Jackie understands America must count on rural areas, not dismiss them. Statistics confirm the importance of rural settings. Agriculture is still America's number one employer providing more jobs and paychecks than any other sector of the economy.

Jackie recognizes that sound policy to offset the effects of Colorado's population boom should focus on Colorado's best stewards of the land—its farmers and ranchers. Besides supplying safe and inexpensive food for our tables, farmers and ranchers provide valuable open space and wildlife habitat.

In fact, most of this nation's wildlife survives and thrives on private lands. To preserve these valuable assets we need to protect water and property rights and make it easier for farmers and ranchers to pass their land on to succeeding generations.

While certain antiproperty rights groups fight for more regulation and government intervention, the future of agriculture depends on aggressive advocates like Jackie. Preserving farms and ranches is one effective way to mitigate Colorado's booming urbanization.

Mr. Speaker, in closing, I agree with Jackie who is concerned for this nation's moral foundation. A nation launched by planters and preachers, America's founding strength was mustered and sustained by the moral character of rural people. Their values of hard work, honesty, integrity, self-reliance, and faith in God thrive in abundance today in the character of Jackie Waitley.

TRIBUTE TO DICK SPROD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to recognize a man who has recently passed away. Mr. Dick Sprod died August 30th. He was born in Meeker, Colorado, in 1917 and lived there throughout most of his life. He graduated from the Meeker Public School system in 1935. He was drafted into the United States Army Air Corps six years later, in 1941, where he served for four years. He earned the rank of Master Sergeant as well as a bronze star during his time with the service.

He married Angela Nassau in Grand Junction in 1946. Together they made their home on his family homestead and raised their family while ranching. They had three children and have since been blessed with six grandchildren and two great-grandchildren.

During his time as a rancher Mr. Sprod was an active member of the St. James' Episcopal Church, a member of the Meeker Snowmobile Club, the Rio Blanco Cattleman's Association, and also served for 21 years on the White River Electric Board. In addition to all of his responsibilities, Dick loved to travel and participated in the athletic pursuits of all of his children and grandchildren. Most recently, he was an avid supporter of his granddaughter's involvement in basketball at Mesa State College.

Dick Sprod will be greatly missed by all who knew him. He was an important part of the ranching community and his community of Meeker as a whole. He will be remembered for many years to come.

HOUSE OF REPRESENTATIVES—*Wednesday, September 29, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NUSSLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 1999.

I hereby appoint the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. John H. White, President of Geneva College, Beaver Falls, Pennsylvania, offered the following prayer:

We begin this morning with the recognition that You, O God, are the source of life and the provider of all good things. We recognize that the order and prosperity of this Nation is a gift of Your providence.

I thank You for these ladies and gentlemen and those who assist them in this vital task of governing this Nation. May they recognize that their authority comes from You and that they are the servants of God and His Son, Jesus Christ, as well as servants of those who elected them.

I pray that their decisions may be founded on Your law, seasoned by Your justice and Your grace. Especially grant us all a full measure of Your wisdom this day.

In the name of the Father, and the Son, and the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KLINK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLINK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. DEMINT) come forward and lead the House in the Pledge of Allegiance.

Mr. DEMINT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1156. An act to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 249) "An Act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes."

WELCOMING REVEREND DR. JOHN H. WHITE, PRESIDENT OF GENEVA COLLEGE, BEAVER FALLS, PENNSYLVANIA

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today to welcome Reverend Dr. John White, the President of Geneva College in Beaver Falls, Pennsylvania, who we had the honor of having with us to say the prayer to begin this session. Dr. White is a constituent of mine, and certainly is noted for the marvelous work he has done at Geneva College.

Geneva College was founded by the Reform Presbyterian Church of North America. It does a wonderful job in enriching the community in which it is located. It has sent many wonderful students out to do good work in this Nation.

Dr. White has been a part of that College for the last 28 years, the last 8 years of which he has been the President, and it has been my honor to work with him.

We are pleased to have someone of his stature here to assist Reverend Ford in beginning this session, and I would commend him and thank him for being here with us.

I also would commend Geneva College for 4 out of the last 5 years they have been in the national championships with their football team, and they have done a marvelous job of exhibiting their athletic prowess as well as their intellect and their academic prowess. So I thank Dr. White for being with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one minutes on each side.

DOE IGNORES SCIENCE AT YUCCA MOUNTAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just two days ago this chamber approved, unfortunately, $352 million for the continued development of a nuclear waste repository at Yucca Mountain, just north of Las Vegas, Nevada.

On that very same day, a public hearing on that project was held in Las Vegas, and at this hearing numerous experts testified that the Department of Energy's draft impact report ignored completely the basic principles of sound science. And, just to make matters worse, the Energy Department's impact report failed to follow the law requiring them to consider alternatives to Yucca Mountain for storing high level nuclear waste. And, by the way, it did not consider the dangers of transporting the high level nuclear waste across America to Yucca Mountain.

But these issues, by necessity, deal with sound science. Obviously the Energy Department is not interested in sound science.

It does not take a scientist, Mr. Speaker, to know that funding a nuclear waste storage project which lacks a sound scientific rational is not only wasteful, but dangerous.

I yield back the trace of all nuclear waste across this country and the green garbage it leaves behind.

DERAILING HMO REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, after years of fighting for HMO reform, we are at the doorstep of passing meaningful patient protections. But now, just before we enact the bipartisan Patients' Bill of Rights, the Republican leadership is trying to derail HMO reform.

The Republican leadership has offered a plan that fails to guarantee patients the right to make medical decisions with their doctors, decisions that are free from insurance company bureaucrats. Their plan also fails to hold HMOs accountable for wrong or improper decisions, and, sadly, the only reason this plan is even being offered is to prevent meaningful HMO reform from being passed.

The bipartisan Patients' Bill of Rights is a good bill. It has broad support. If we pass this bill, then all HMO patients can have the ability to choose their own doctors, guaranteed access to emergency and specialty care, the right to make health decisions with doctors only, freedom from gag rules to prevent doctors from offering care, and the ability to hold their HMOs accountable.

Let us do the right thing. We have an historic opportunity in the next couple of weeks. Let us pass the bipartisan Patients' Bill of Rights.

A CHALLENGE TO DEMOCRATS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I would like to issue a challenge to my Democratic colleagues on the other side of the aisle. I would like for someone to explain to me whether it is your view that Republicans are extremists for wanting to limit spending and exercise fiscal responsibility or is it your view that Republicans are irresponsible for not exercising this fiscal responsibility?

Fiscally irresponsible or extreme. Which is it? I have heard both charges repeatedly in the recent weeks; and I am curious to know, for those in the party that has been dedicated to expanding government for the past 40 years to tell me what is their idea of fiscal responsibility?

I am also a bit curious to know when they think the American taxpayer should get some tax relief. After all, if one cannot make the case for tax cuts now in the face of $3 trillion budget surpluses over the next 10 years, just what would it take to convince you that tax relief is possible?

I think it is clear that the party that wishes to limit the size of the Federal Government and the party which is careful with the taxpayers' money is the real party of fiscal responsibility. So which is it? Are Republicans extreme or fiscally responsible in our desire to limit Washington spending?

PREVENTING REAL HMO REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, once again our friends in the majority continue to ignore the will of the majority of Americans who have spoken out in support of a real Patients' Bill of Rights. Instead of heeding this call, the majority has again drafted their own cynical health care bill in a last minute attempt to prevent the people's bill, the bipartisan Norwood-Dingell bill, from passing.

The Republican health care bill unveiled yesterday is not real HMO reform, and do not believe for one second that it expands health care coverage for uninsured Americans.

The Dingell-Norwood bill, by contrast, will put doctors and their patients back in charge of health care, increase access by making sure the insured can get the medical care they need, and makes managed care plans accountable when they decide to deny care.

We must not let the opponents of the reform all our constituents asked for succeed. Support the Dingell-Norwood consensus managed care reform act.

RAIDING THE SOCIAL SECURITY TRUST FUND

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, the President wants to raise taxes and raid the Social Security trust fund to pay for new government spending. Do not just take my word for it, look at the facts. The Congressional Budget Office scored the President's budget as a net tax increase and House Democrats support that budget and the President wants to increase spending by billions of dollars, which the Congressional Budget Office also confirms breaks the very budget caps the President agreed to and took credit for in our budget agreement.

For the past 32 years Congress has raided the Social Security trust fund to pay for more government. Republicans want to put an end to that. It is time for this Congress to stop playing by the rules established by liberal Democrats in the 1960's. Seniors in my district are surprised to hear that Congress has been routinely operating in this manner. They do not understand why politicians in Washington use retirement money for anything other than retirement. It just does not seem right. It is not right. We must stop the President's raid on Social Security.

EDUCATION SYSTEM IN AMERICA IS NOT GETTING PASSING GRADES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a new report says that 75 percent of American students cannot write a simple essay. It also says many students cannot even change a dollar bill, and many of them cannot read.

But, what is even worse, the report says these uneducated students continue to graduate. And all the experts are now looking at Congress and asking, what is Congress going to do about this?

Beam me up, Mr. Speaker. This is not about Congress; this is about parents. In the old days, kids knew their ABCs before they went to school.

I yield back all the well-intended billions of taxpayer dollars that are not reaching home without the help of parents.

DEMOCRATS PUSH FOR TAX INCREASE

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, remember when? Remember when the Democrats controlled the White House and were in the majority in the House and Senate? Remember those days of spend and spend and spend? And what did they give us? The biggest tax hike in the history of our country. Why? Because they wanted to spend the money.

And remember when they were in control, how they raided the Social Security trust fund? Well, they are back at it again. Today in Congress Daily, what is on the front page? "Democrats push for a tax increase."

President Clinton's budget calls for a $180 billion tax increase. Now House and Senate Democrats want even more in tax increases, and they also support President Clinton's budget, which calls for raiding Social Security, 40 percent of Social Security going for other programs.

Republicans say no. Let us put a stop to spending beyond our means. Let us stop the raid on Social Security. One hundred percent of Social Security for Social Security-Medicare. Let us stop the raid on Social Security. It is all about spending.

PASS MEANINGFUL MANAGED CARE REFORM

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, the Republican leadership has unveiled yet another proposal they hope will derail the efforts for meaningful HMO reform. Just when a bipartisan majority has reached a consensus on real HMO reform with the Norwood-Dingell bill, the Republican leadership is once again proposing harmful provisions for Americans' health.

The American people want HMO reform. Instead of figuring out how to solve this, they just add poison pills to their proposed legislation.

For months, we have been hearing from the Republicans that a Patients' Bill of Rights will increase costs and open employers to lawsuits. Well, in my home State of Texas, we passed many of these patient protections; and we have not had any lawsuits against employers. In fact, the only increase that we have seen is the increase in prescription medication that other States have had to do. In fact, there has been no exodus of employers from providing healthcare in Texas under Texas law. What Texas residents have is health care protection and provisions that should be included in a national law. They eliminate gag clauses, open access to specialists for women and children, a timely appeals process, coverage for emergency care, and accountability for those decision makers in healthcare.

It is time to stop stonewalling and support a real Patients' Bill of rights.

□ 1015

FISCAL DISCIPLINE IS FORGOTTEN WHENEVER DEMOCRATS HAVE AN OPPORTUNITY TO INCREASE SPENDING

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, why is it the Democrats want to bust the budget caps that they themselves agreed to while at the same time they are opposed to giving tax relief to the taxpayers? On the one hand, they argue that we must relax our fiscal discipline and expand government. On the other hand, they argue that we must maintain fiscal discipline and therefore cannot have tax relief.

Leaving aside the many good arguments for tax fairness that the Republican tax relief proposal contains, let us consider what the Democrats are saying. New Washington spending, fine. Tax relief for the taxpayers, no way. Fiscal discipline is forgotten whenever Democrats have an opportunity to increase spending, but they are fiscal discipline's best friend whenever tax relief is on the table.

What is wrong with this picture? It is very simple. It is known as liberalism; never known, it must be said, for the rigor of its logic. Is there a liberal in the House that will step forward and defend their position?

HMO REFORM AND GUARANTEEING A PATIENTS' BILL OF RIGHTS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I would like to talk today about changing the subject. We are having a discussion here in Congress about the patients' bill of rights. It is a bipartisan discussion in which both Democrats and Republicans agree that we need to protect patients' rights: access to specialists, emergency room coverage, coverage for all kinds of illnesses when it is needed. We need to have the right to sue if the HMO causes harm to someone's health. That is what we are talking about, but now the Republican leadership wants to change the subject.

All of a sudden, they want to talk about medical savings accounts and access to health care. They have several ideas. Some are good; some are bad. The point is, do not change the subject. The subject is HMO reform. The subject is guaranteeing a patients' bill of rights with real teeth in it.

We have a bipartisan agreement. We have the Dingell-Norwood bill that makes sense. We are having a good discussion. Do not change the subject. Let us stick with the patients' bill of rights. Let us pass a clean bill. Their ideas are not paid for. They should not be brought up in the context of this issue. Let us protect patients first, and then we will deal with some of these other issues.

WE MUST PROTECT THE SOCIAL SECURITY SURPLUS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us be honest. President Clinton and his fellow Democrats believe in big government, the bigger the better. For years, President Clinton and the Democrats have increased taxes, squandered precious Social Security money on wasteful government spending. Now, thanks to fiscally responsible Republican policies, we have a budget surplus.

We tried to return some of it to the American people, the true owners, but President Clinton vetoed any tax relief for hard-working Americans. Instead, the President and the Democrats cannot resist the urge to take the surplus, go on a big spending spree and charge it to America's Social Security account. The President wants this funded with new taxes, of course. Americans do not want, need, or deserve new taxes.

Mr. Speaker, we must protect the Social Security surplus from the President.

REPUBLICANS SHOULD KEEP THEIR WORD AND HONOR FUNDING FOR THE WYE RIVER ACCORDS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, later today the House will vote on the Conference Report on Foreign Operations Appropriations for Fiscal Year 2000. I will vote against the conference report, marking the first time in 21 years that I have opposed a foreign aid appropriations bill.

I am taking this action for one very good reason. The Republican leadership of Congress has refused to include money requested by the administration to fund the Wye River Accords between Israel and the Palestinians. This is one of the most irresponsible acts taken by the Congress in a very long time.

In August, two delegations of Members of the House traveled to Israel and met with Prime Minister Barak and Palestinian Leader Arafat. I headed the Democratic delegation and the gentleman from Virginia (Mr. DAVIS) headed the Republican delegation. Both delegations told Prime Minister Barak and Yassir Arafat that we would support funding for the Wye River Accords. The Democrats intend to honor our word. Apparently the Republican leadership does not intend to allow those Republican Members to keep theirs.

This is indeed a sad day. The Wye River Accords and the subsequent agreement entered into by Israel and the Palestinians earlier this month to implement Wye mark a dramatic turning point in the history of the Middle East. President Clinton has said he will veto this bill if it is passed by the Congress. I urge a no vote today and a vote to sustain the President's veto when the bill is returned to the House.

STATE FLEXIBILITY, A MEANS TO PROTECT WELFARE REFORM

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, as we begin to debate raising the minimum wage, we must take into consideration the most significant change in our social, economic, and workplace laws in American history. We must remember welfare reform. Federal law currently places immense responsibilities on State governments to move people off of welfare and into productive jobs; but if we are not careful, another one-size-fits-all Federal minimum wage could harm our efforts to create good jobs for every American.

Mr. Speaker, we have trusted our governors with the responsibility to move welfare recipients into jobs. Now they need all the tools to do that job, including more control over the minimum wage. It is time we trust our State leaders to determine increases that best complement their successful welfare policies. I urge my colleagues to secure the employment future for American workers by sending these decisions back home.

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REPUBLICAN MANAGED-CARE BILL

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, making sure that everyone has an opportunity to see the doctor of their choice, that is one of the main principles that we are here for. One of the main things each and every one out there, each American, wants to be able to see the doctor of their choice, especially if they are paying for their own medication and their own health care.

For the last 2 years, we fought over the issue of managed-care reform, and we need to make sure that every American has that opportunity to see the doctor of their choice.

It is interesting that now as we come to battle on this issue that the other side is beginning to talk about coming together, and we do need to come together, but the reality is that we are skeptical about their proposals. We have the managed-care bill, the patients' bill of rights, that is there to make sure that we can come back and make the managed-care companies, the HMOs, accountable to our constituents. I want to make sure that as we move forward that we do the right thing. Let us stop wasting time. It is time that we come together and we make sure that we are responsive. Instead of reinventing the wheel and derailing things, we have to make sure that the majority is held accountable for health care in this country.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL VETOED BECAUSE IT DOES NOT LEGALIZE MARIJUANA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, with the stroke of a pen yesterday President Clinton has thrown away a good Washington, D.C. appropriations bill. What has he thrown away? Good and needed things like helping D.C. kids go to college, placing foster kids into permanent homes, cleaning up the foul Anacostia River, cracking down on drug offenders, and reducing the size of D.C.'s bloated government. And for what? For legalizing marijuana. The President drew a line in the sand that said he would not sign a bill that did not legalize marijuana.

Nobody should be fooled by the pretense that this is a medical issue. That is a smoke screen. A war on drugs will never happen when the President's priority is to veto a bill over legalizing drugs in our Nation's capital.

The President is sending the worst possible message to our children. Every police officer, every teacher, every parent who has ever fought against drugs should be outraged by this veto.

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IT IS TIME TO PROTECT AMERICANS FROM THE THREAT OF A BALLISTIC MISSILE ATTACK

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, we are very busy here trying to make sure that we have enough money to continue to shore up our military defense system. Some are tempted in thinking that free trade, diplomatic goodwill, and more international communication will remove the threat of war. All of human history really suggests that such thinking is a fantasy. It is not only a fantasy, Mr. Speaker, but it is a very dangerous illusion. It was a dangerous illusion in 1914, and it was a dangerous illusion in 1939 and it is a dangerous illusion today.

In fact, it is because of the existence of nuclear weapons that this illusion, this fantasy, is even more dangerous today than ever. It is, therefore, imperative that we reconsider our foolish policy of remaining vulnerable to a foreign ballistic missile attack. Many Americans will be surprised to learn that this is so, but America does not have a national missile defense system. It is time to protect Americans from the threat of a ballistic missile attack because the world is still a dangerous place out there.

ONCE AGAIN, BIGGER GOVERNMENT WINS AND THE TAXPAYER LOSES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has vetoed the tax relief package passed by Congress. Once again, by vetoeing this legislation, he has denied the average middle-class family relief from the marriage tax penalty. He is robbing millions of workers the opportunity to obtain health-care coverage, who do not have health-care coverage now. He is making it more difficult for parents to save for their children's education. He is making it more difficult for people to pass on the family farm or the family business after a lifetime of toil, sacrifice, and devotion. He is making it more difficult for people to save for their future and provide for their retirement. This tax legislation would have been a step towards more fairness in the Tax Code and it would have reduced the burden on the people who are carrying the load paying the taxes and living the American dream, or trying to live the American dream. Once again, bigger government wins and the taxpayer loses.

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A COMMITMENT NOT TO SPEND THE SOCIAL SECURITY TRUST FUND

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, yesterday we debated a very important resolution on this floor to reaffirm our commitment not to spend the Social Security surplus. We heard repeatedly from the other side of the aisle that we had already spent the Social Security surplus when not one penny of that surplus has been spent, and when this House needs to be firmly committed not to spend one penny of the Social Security surplus.

I wondered all afternoon and all evening why we would constantly hear that, and then I began to realize that for four decades the House has spent the Social Security surplus. This is truly a historic moment in the life of this House and for the future of Social Security. We have to be committed to the future of Social Security not to spend Social Security money today. We can and we are in the process of putting this budget together without spending the surplus. We have to stay committed to that. We cannot let the American people believe that has already happened, because it has not. We cannot let the message go forth from this House that we are going to continue business as usual when we are not.

THE TRUTH IS REPUBLICANS PLAN NOT TO SPEND THE SOCIAL SECURITY TRUST FUND

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, a few days ago I saw a Democratic member of this Congress on television stating that the Republicans were going to spend Social Security money to finally get the appropriations bills passed. I was astounded, absolutely astounded. First of all, he is wrong. We are not planning to do that. What is even worse, although I have been here only 5 years, I did serve under a Democratic administration of this House that first year I was here. Not only did we take Social Security money and spend it, we took every cent of Social Security money and spent it. Not only did we take all of the Social Security money and spend it, but we spent a couple of hundred billion dollars beyond that and added that to the national debt. That is what we had 5 years ago here in this House under Democratic control. Today the Republicans are controlling it. We are not adding to the national debt. We are trying not to spend a cent of Social Security to get our budget out. What a dramatic change, and to have someone from the other side say we are breaking the rules is just utter nonsense. Listen to the truth and the truth is things are much better today.

A TAX CUT IS POSSIBLE WITHOUT SPENDING THE SOCIAL SECURITY SURPLUS

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, we may have heard the recent propaganda coming out of the White House and from the liberal tax-and-spend Democrats here in the House. The word is that a tax cut would take money from Social Security and from paying down the debt. The truth is the tax cut that the President vetoed would have allowed the American people to keep $792 billion of their money over the next 10 years. It would have not touched Social Security. It would pay down the debt by $2.2 trillion.

The truth is, as the former speaker said, for 40 years, a liberal tax-and-spend Democrat Congress spent the Social Security trust fund money as fast as they could on every big government program they could think of.

□ 1030

To hear them today say that they want to pay down the debt, that they want to save Social Security, is an absolute joke. They never have; they never will. What they want the money for is to spend, and to spend it on bigger and more intrusive government.

TAX CUTS VERSUS SOCIAL SECURITY SURPLUS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we are hearing rhetoric from the other side of the aisle that should make them ashamed of themselves for trying to deceive the American public. Because the truth is the Republicans had every intention of using the Social Security surplus to pay for their trillion dollar tax cut.

I have some news for all of my colleagues. No one was fooled by it. And it is also no secret that the Republicans have already spent $30 billion of the Social Security monies before we even start debating the rest of the spending bills. And now they are scrambling to use every budget trick in the book to pretend otherwise.

Well, I am here to tell my Republican friends that it just will not work. The people in this country know better. I applaud the President for vetoeing the Republican payoff to their wealthy contributors and preventing the majority party in Congress from dipping into the Social Security surplus even further to fund what they consider the most important benefit of this country, tax breaks to the very wealthiest people, the top 1 percent.

ARREST OF ZHANG RONGLIANG

(Mr. DREIER asked and was given persmission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to bring to the attention of my colleagues the very unfortunate case of Zhang Rongliang, one of the most prominent church leaders in the People's Republic of China. During the month of August, Chinese officials arrested over 30 House church leaders, including Mr. Zhang. It is reported that government security officers burst into a meeting of his church, telling the gathering that they were a cult, engaged in illegal activities.

Last year, Mr. Zhang made it clear by signing the United Appeal to the Chinese Government and the House Church Confession of Faith that he has no desire to undermine his nation. Instead, his desire is to serve the people of China.

Mr. Speaker, the actions of the Chinese Government in this case are a blatant violation of the International Covenant on Civil and Political Rights, which they have agreed to uphold. Mr. Zhang is not a criminal and should not be treated as such.

The actions of the Chinese Government in this case, and others like it, are undermining their own ability to bring China fully into the community of nations. I urge them to immediately release Mr. Zhang and others unjustly arrested and imprisoned because of their religious beliefs.

PROVIDING FOR CONSIDERATION OF H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 308 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 308

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us today is a modified open rule providing for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The rule waives all points of order against consideration of the bill.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member on the Committee on Agriculture.

The rule makes in order the Committee on Agriculture's amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendments printed in the report of the Committee on Rules accompanying the resolution.

The rule waives all points of order against consideration of the amendment in the nature of a substitute, as modified.

The rule provides that the amendment in the nature of a substitute shall be open for amendment by title.

The rule makes in order only those amendments printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate only.

The rule provides that the amendment may be offered only by the Member who caused it to be printed or his designee, which shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, passage of this rule will allow the House to consider this very important piece of legislation, the Agriculture Risk Protection Act. The Agriculture Risk Protection Act is the right legislative response to the current plight of our Nation's farmers and ranchers.

It is no secret that agriculture commodity prices are down. Natural disasters, including hurricanes, floods, and droughts have only added insult to this injury. We must give agriculture producers the tools to manage risk in a responsible way. This bill is a large step in that direction.

This legislation provides better insurance coverage at a lower cost for our Nation's farmers. It provides affordable coverage at every level, with strong incentives to purchase higher levels of protection and new flexibility for producers to choose the level of coverage that best meets their needs.

Additionally, this legislation, for the first time, creates a pilot program that offers insurance assistance to livestock farmers and ranchers who suffer the same problems of volatile weather and markets that hurt crop farmers.

This legislation empowers those who understand the kind of insurance that farmers need, instead of government bureaucrats. Under this plan, new programs are developed by reimbursing universities, farm organizations, coops, and even individual farmers who research and develop a policy that is successful.

As many of my colleagues know, this is also an important issue to me as a Texan. In Texas, we have experienced historic droughts during 2 of the past 4 years. During these droughts, I have worked actively with not only my farmers and ranchers, but also with State, county, and local officials to find ways to survive these dry conditions.

Unfortunately, there is no easy way to manage crops and livestock once these severe drought conditions are experienced. After living through these droughts, I have made a conscious effort this year to get my district ready for the potential of the dry weather that we knew would happen. Through proactive planning sessions held in each county in my district, I made plans to try and make sure that my farmers and ranchers were prepared. However, it is common sense for us to know that being prepared is better off than reacting to the weather.

This legislation makes sure every farmer and rancher has the tools necessary for this preparation. Clearly, proactive steps such as these are needed at the Federal level. Under current conditions, too many farmers are unable to afford crop insurance. When natural disasters strike, the Federal Government assists victims with taxpayer dollars. By increasing Federal contributions to tax insurance, such insurance becomes more affordable, and there is less need for taxpayer dollars for reactive solutions.

The Agriculture Risk Protection Act is a common sense, fiscally conservative way to properly prepare for natural disasters that impact agriculture production. I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule, which provides for consideration of crop insurance reform.

Mr. Speaker, farmers across this country are facing a disaster. The bill, as far as it goes, makes improvements in crop insurance that will probably provide some relief. But, unfortunately, Mr. Speaker, this bill misses an opportunity to make substantial changes in the crop insurance program that could yield long-term relief and provide a real safety net to the agricultural sector.

However, this bill can be improved, and the rule allows for the consideration of amendments that seek to accomplish that end. While Democratic members of the Committee on Rules might ordinarily object to a rule that requires preprinting of amendments, in this case, because of the tactical nature of agriculture programs, we will not do so.

Mr. Speaker, my friend and colleague, the gentleman from Texas (Mr. STENHOLM), will offer a significant amendment that seeks to provide assistance to those producers who are the most in need and which addresses the long-term problems of the cyclical nature of agriculture. That assistance would come in the form of a supplemental income payment program, which squarely addresses the issue of price disasters. His amendment deserves serious consideration and support of the House.

Mr. Speaker, this rule will allow the consideration of amendments which can improve this legislation, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Dallas for yielding me this time, and I congratulate him on his fine statement and his work on this.

I mention that he is from Dallas. I feel compelled to bring at least a modicum of geographic balance to this debate. As I look at the manager of the rule, the gentleman from Texas (Mr. SESSIONS), and the gentleman from Texas (Mr. FROST), the manager on the minority side, the other gentleman from Dallas; and then once we pass the rule, we look at the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), and the manager on the minority side will be the gentleman from Texas (Mr. STENHOLM).

So I am pleased to bring some geographic balance to this debate and say this, obviously, is an issue which transcends simply our friends from Texas and is, in fact, a very, very important issue.

I think that the statement that was made by the gentleman from Texas (Mr. SESSIONS) is right on target when he says that it is better to be prepared rather than simply reacting to weather. And we clearly know that, as we have been dealing with disasters that have hit throughout the past several weeks and months here in this country and the tragedies that we have witnessed around the world.

Obviously, this legislation, which enjoys strong bipartisan support, as does the rule, is designed to ensure that we have better risk management and those tools that are essential to an industry which obviously is dependent on the weather.

□ 1045

So I simply want to congratulate my friend and say that I am pleased to join in support of what is obviously a very, very important step to make sure that we maintain a continuity for ranchers and farmers in this country.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Lubbock, Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER) for bringing a regional balance to this, as well as for his great work on the Committee on Rules in providing this rule. I thank the gentleman from Texas (Mr. SESSIONS) and the other gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, I just would like to say I rise in support of this rule. I think it is a process by which all Members should have an opportunity if they have desires to discuss this subject. It should give plenty of time for that. There are some amendments. We will be dealing with those, as well.

To the gentleman from Texas (Mr. SESSIONS) I would say, I appreciated his opening comments and statement. I just wanted to make the point, Mr. Speaker, that while the $6 billion additional money for crop insurance that was provided for in the budget which passed this House several months ago is in itself very significant in that this is, I think, the largest increase in crop insurance, that alone is not what I believe is probably the best part of this bill.

One of the major problems that we have confronted with farm policy for many, many years is the lack of adequate risk management. To actually begin to move toward adequate risk management, it is important to make some major changes. This bill does that, and I think there are very positive changes.

We saw a disaster package last year of $6 billion. There is one being considered today and may be considered this week that is going to be probably in excess of $8 billion. While this alone does not solve that problem, nor would I want to lead any of my colleagues to believe that it would totally solve it, I do believe that this is the first major step in a right direction to help provide adequate protection and much needed protection.

To my colleagues who may not have an opportunity to deal in agricultural policy or who do not have a lot of farmers maybe in their districts, I would like to just make a brief explanation of why this is so important.

Almost in every endeavor of life, Mr. Speaker, whether they are buying homeowner's insurance, whether they are a businessman or businesswoman that happens to have a small business or a large business, it is possible for people to protect themselves by buying insurance. They can buy it to protect their home. They can buy it to protect their inventory.

If the gentleman from Texas (Mr. SESSIONS) and I are in business side by side and my inventory costs more than his inventory, I buy more insurance. It costs me more, but I can buy that. And if something happens to that inventory through some disaster that is covered by the insurance policy, then the insurance policy pays and I buy insurance on my next warehouseful of inventory.

Unfortunately, one the real fallacies in crop insurance has been that farmers cannot cover their capability. As an example, if my colleague is a farmer, and the gentleman from Texas (Mr. STENHOLM) is a farmer and can grow 50 acres of wheat on a normal year on a normal basis and he puts his input costs in to grow 50 bushels of wheat on his farm but because of past problems that have occurred, there are some antiquated historical data information that is used to determine how much insurance the gentleman from Texas (Mr. STENHOLM) could buy and he might only be able to buy insurance to cover 25 or 30 bushels of his crop but his input costs are to produce a 50-bushel crop of wheat, it is not advantageous, even under the maximum amount that could be purchased, for him to buy insurance. It is not cost effective. It does not adequately cover him. And there is no incentive.

So what we are trying to do in this proposal is to give him an opportunity to have his actual production capability or movement toward his actual production capability to be able to insure for.

This bill also is a major step in the right direction for revenue assurance, and that is very important to people that farm in areas that do not have historical natural disasters and generally always make a crop. Because the revenue aspect or the downward turn in revenue aspect are one of the reasons we are looking at disaster and emergency packages today, farm assistance, because of low market prices, some of the lowest we have seen in many, many years.

So this does have a good program in it to provide insurance for revenue loss. It does increase the subsidy substantially that the farmer receives for buying insurance. We believe that this creates real incentives, albeit not as far as I would like to see it.

I will tell my colleagues that, in the next couple of years, we intend to even move forward with a second phase of crop insurance reform. But it is important for there to be a risk management tool available to farmers that is, number one, economically feasible and, number two, it covers their crops in an adequate fashion and creates an incentive to buy rather than disincentive, which I think today is the case.

Mr. Speaker, I think that this is a major move in the right direction for risk management that I think will lessen the impact of natural disasters or low commodity prices in the future, and I would commend it to my colleagues and ask for their support.

Again, I am strongly in support of the rule, and I appreciate the Committee on Rules for its efforts.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL), who comes from a huge agriculture State.

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I want to congratulate the two gentlemen from Texas who are managing the rule for a good rule and the two gentlemen from Texas who will be managing the bill for a good bill.

Mr. Speaker, as our colleagues are listening to the debate, they will be able to distinguish the difference between the Texans and the rest of us because the Texans will say "insurance" and the rest of us will say "insurance" when we talk about this. So that is one of the ways we can tell the difference.

Crop insurance is the primary risk management tools that producers have. It helps them and has historically helped them manage the greatest risks they have and that is, of course, the loss of crop, a catastrophic loss of their crop. But as we have asked producers to produce for the marketplace, it has been apparent that we need to make some changes in the risk management tools that we have to help them do a better job of doing that. We need to do that in a fashion that does not distort the marketplace, and that is not easy to do. But this bill goes a long way in helping us address those concerns. I want to just touch on some of them.

One of them, for example, is to make it more accessible for those who would produce alternative crops to get crop insurance. One of the things we are asking producers to do is to diversify their production, to reduce their risk to the catastrophic potential that weather might have on an individual crop or that prices might have on an individual crop. This bill makes alternative crops more accessible for insurance.

One of the problems with the existing program is that the amount of support the Government gives to lower levels of insurance is greater than the amount of support we give to higher levels of insurance. And the consequence of that is that it actually discourages many producers from participating in the crop insurance program and then it reduces the effectiveness of it.

This bill increases support for the highest levels of guaranty, actually across the board, which should encourage more producers to participate. Many producers will tell us that crop insurance is not affordable, and this bill will help that by adding more support across the board, as I mentioned.

Without this bill, the crop insurance premiums for producers is going to go up about 30 percent, which would be a catastrophic thing to occur given the hardship that is out there in ag country right now. Without this bill, we will have a 30-percent increase. This bill avoids that increase.

The current program hits producers when they are down. If they have a number of bad production years, the amount of insurance that they can buy goes down based upon their average production. This bill allows them to take on some of those bad years to be able to keep their insurance level high enough so that they can get enough insurance to cover production costs and to cover their loan.

The program also now introduces the idea of premium discounts. If they have a number of good years where they do not have a claim and they have good production years, they can actually get a discount on their premium, which will help it be more affordable to producers.

It also expands the principle of revenue insurance. One of the things we discovered is that production loss is not the only loss that producers need to be able to manage the risk of. There is also the potential of price loss. This bill allows producers to insure their revenue, which covers both price and production risks.

Lastly, the bill allows livestock producers for the first time to participate in the crop insurance program and the risk management principles that are associated with it.

I just want to again congratulate the ranking member and the chairman for bringing forward a very good rule and a very good bill, and I would urge all my colleagues to support both the rule and the bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for bringing a great rule to the floor.

Mr. Speaker, as many people know, we have heard from California and Montana and Texas, now we go to the East Coast, North Carolina, where floods have inundated our farmers and our families.

I come to the floor today to voice my strong support for a good rule, for a good bill, H.R. 2559, the Agricultural Risk Protection Act.

I want to thank the gentleman from Texas (Chairman COMBEST) the gentleman from Illinois (Mr. EWING) and others for the work that they and the staff have done with Members, farm constituents, and agricultural associations to put together this thoughtful, far-sighted crop insurance bill which is covered by this rule.

Over the past several months, I have traveled around my district, the 8th of North Carolina, and spent dozens of hours listening to farmers and ranchers telling me about the state of the farm economy.

In February, I, with the help of the gentleman from Illinois (Mr. EWING) and the Committee on Agriculture, hosted a field hearing in Laurinburg, North Carolina, to learn farmers' concern about the current crop insurance program and what changes they felt needed to be implemented to achieve meaningful reform.

The Committee on Agriculture took the comments of my farmers and the comments of other farmers around the country and passed a bill which addresses their concerns and strengthens crop insurance and provides better risk management tools for farmers and ranchers. Crop insurance is just one recent example of how the Committee on Agriculture takes a grass roots approach to learning about a problem and then, with a bipartisan effort, efficiently works to solve it. We are now looking to our colleagues here in the full House and the Senate to help us implement this reform and pass this rule.

H.R. 2559 is a good bill created, for the most part, by our own farmers. This bill will provide long-term assistance badly needed. I urge my colleagues to vote in favor of this rule and the bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Dallas, Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, this is a modified, open rule. It is a good rule. It allows us to discuss federal agricultural policy as we deal with dramatic changes in agriculture.

Last February, I served on the Committee on the Budget as well as the Committee on Agriculture, and last February we decided in the Committee on the Budget that we were going to include in the budget $6 billion from the year 2001 to 2004. The Budget Resolution funding would be to help farmers adjust to the challenges of survival that Americans now face. The 1996 Freedom to Farm legislation provides a phaseout of the old Government programs.

The challenges now facing farmers, include subsidies to farmers in other countries that put our farmers at a disadvantage, reduced exports and Washington's lack of efforts to be more aggressive in expanding our trade. Certainly the greatest challenge this year are record-low prices that farmers receive for their commodities. So farmers today are receiving record low prices. For example, soybean price is the lowest in the last 30 years. Corn lower than the last 15 years.

This bill helps farmers adjust.

□ 1100

What we are suggesting in this legislation is that insurance be more available to farmers that would add to their tools of reducing risk. This insurance covers two areas: One, insurance for some commodity price protection. Secondly, is what I call sunshine insurance, insurance to cover those farmers against loss in case of natural disasters.

I think the challenge before us, as we revisit federal agricultural policy is how do we make sure that we keep a strong agricultural industry in the United States? If consumers want to continue with the high quality, low cost that they now pay for food in this country, if we want to continue to know the food is safe because we know how it was produced, then we are going to have to save and maintain and make sure we keep strong, stable agriculture in the United States.

We'll examine some other ways that we can help farmers in the future years. Crop insurance deserves taxpayer support because we do not know what the risks are, because those people that are selling that insurance do not have the experience. It is appropriate, it is proper, it is necessary that government support some of those premiums as we get more experience as we encourage farmers to take out crop insurance in the new freedom to farm environment.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like my other colleagues who have spoken, I have spent a great deal of time visiting with the farmers and ranchers in my district down through central Texas in recent months. Clearly there needs to be a long-term solution to the crop insurance situation. The gentleman from Texas (Mr. STENHOLM) has an amendment which he may or may not offer today, it has been made in order by the Committee on Rules, but the gentleman from Texas as the ranking member on the Committee on Agriculture will be offering a long-term approach to this situation in the months ahead. While today's bill will offer some short-term relief to farmers, there will need to be a more comprehensive approach down the road which the gentleman from Texas will offer at the appropriate time.

Mr. Speaker, I urge adoption of the rule so that we may proceed to consideration of this legislation today.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

As my colleague the gentleman from Texas (Mr. FROST) has suggested, I would like to thank the participants from the Committee on Agriculture, including the gentleman from Texas (Mr. COMBEST) and also the gentleman from Texas (Mr. STENHOLM) not only for their leadership but for their care and consideration of the men and women who are involved in agribusiness.

Mr. Speaker, I support this rule. I am asking for each one of our Members to support this bipartisan rule and piece of legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This 15-minute vote will be followed by a 5-minute vote on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 10, as follows:

[Roll No. 458]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Vento

NOT VOTING—10

Dixon
Hill (IN)
Istook
Jefferson
Nadler
Scarborough
Spratt
Thomas
Watts (OK)
Wu

□ 1124

Mr. HILLIARD and Mr. RAMSTAD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 458, had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 43, not voting 15, as follows:

[Roll No. 459]

YEAS—375

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Bonior
Bono
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
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McGovern
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Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
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Rothman
Roukema
Roybal-Allard
Royce
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Sawyer
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Upton
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Thomas
Wu

☐ 1133

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 459, had I been present, I would have voted "yea."

AGRICULTURAL RISK PROTECTION ACT OF 1999

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to House Resolution 308 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2559.

☐ 1135

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we consider H.R. 2559, the Agriculture Risk Protection Act of 1999. This important legislation was approved by a voice vote in the subcommittee and the full committee and enjoys broad bipartisan support from colleagues representing farmers and ranchers from all regions of the country. Equally important, I am pleased to report that this bill fully complies within the budget resolution approved by the Congress earlier this year.

As my colleagues know, this country's farmers and ranchers are not experiencing the prosperity that other Americans enjoy today. Confronted by adverse weather and low prices, they are facing a second year of extreme economic crisis.

Mr. Chairman, there are two ways a farmer or rancher can lose money. That is where a strong farm safety net is needed. The culprits are low prices and lost production, and, sadly, both of these culprits are at work again this year.

On the price side of the equation, just as examples, cotton is expected to receive the lowest price in 13 years; wheat the lowest in 22 years; and soybeans the lowest in a quarter century. Fortunately, in an effort to avert a financial disaster in farm country, the House and Senate are working together to provide an emergency farm relief package.

Mr. Chairman, I believe the short-term assistance provided in the fiscal year 2000 agricultural appropriations bill is urgently needed and will bring our Nation's farmers and ranchers at least some peace of mind. But make no mistake, ad hoc relief of any kind will not bring about a long-term solution to chronic problems. That is why I have announced the committee's intention to convene a series of hearings early next year to evaluate current and future American farm policy. By providing our farmers and ranchers an opportunity to fully participate in this process, we will steer clear of the kind of fixes in farm policy that are made in haste and ultimately do more harm than good.

On the other side of the equation, there is something Congress can do now about severe crop losses that each year rob farmers and ranchers of their livelihood. After more than 8 months of input from farmers and ranchers on the problems with crop insurance, Congress is in a position to act.

The Federal crop insurance program was created in 1938, but it was not a case where the government intruded on the private sector thinking it could do better. Instead, the program came about because countless private sector attempts at crop insurance had failed miserably. Without a Federal commitment, the widespread losses associated with natural disasters would make something as fundamental as insurance protection simply unavailable to our farmers.

Unfortunately, during its 61 years of existence, this critical program has been both underfunded and seriously undermined by ad hoc disaster. This dual policy has fueled a vicious cycle that has not saved taxpayers money but cost them countless billions. By underfunding the crop insurance program, farmer-paid premiums have been unaffordable, leading to a Nation of underinsured farmers at best and uninsured farmers at worst.

For years, the practical effect of this policy has been that farmers who do not buy crop insurance or buy too little leave Congress little choice but to enact ad hoc disaster bills; and in the following year, farmers who had insured their crops the year before decide not to, trusting that Congress will once again come through.

This vicious cycle has seriously undermined the crop insurance program. It has eroded program participation and fueled the need for Congress to pass costly, unbudgeted ad hoc disaster in every year but three since 1985, at a cost totaling more than $30 billion.

Mr. Chairman, while this is by no stretch a desired effect, it is totally understandable when you consider that many of America's farmers just cannot afford crop insurance.

Mr. Chairman, reducing the need for ad hoc assistance and putting an end to this vicious cycle is my aim with respect to all of Federal farm policy. With respect to crop loss assistance that is exactly what H.R. 2559 sets out to do.

Three provisions of H.R. 2559 alone go a long way in effectively reducing the future need for ad hoc disaster. These provisions simply allow farmers who already buy crop insurance to buy better coverage and encourages those who have usually relied on the government for help to instead rely on themselves.

First, H.R. 2559 makes across-the-board reductions in farmer-paid premiums. In fact, without passage of this bill, crop insurance premiums for every farmer in America will automatically increase by 30 percent.

Second, the bill makes insurance that protects price as well as production more affordable to our farmers.

Third, the bill helps farmers who are hit hard by multiyear disasters to insure more of the yield that they have proven that they can grow. These are obvious but important changes that farmers from all regions, growing all crops, have said that they need.

But H.R. 2559 also recognizes that no matter what amount of premium assistance the government provides, if the insurance policy itself does not work for a farmer, the Federal crop insurance program is flawed. H.R. 2559 responds to calls from farmers from all regions to increase the number of crops that are served by crop insurance and to improve the quality of coverage to crops that are already being served.

By promoting new policy research and development, by expediting the policy approval process, and by helping farmers buy these new policies H.R. 2559 works to ensure that all farmers can count on crop insurance.

There are many other provisions contained in this bill that give committee members reason to be proud. The bill provides risk management assistance to livestock producers for the first time ever and eliminates an agency-imposed black dirt policy that has prevented farmers from planting perfectly good ground. I am particularly pleased with the farmers who came forward and helped us write tough antifraud and antiwaste and abuse provisions that crack down on those who would dare to farm this program.

Mr. Chairman, in short, H.R. 2559 is a fiscally sound bill that is in keeping with the commitment of this Congress to safeguard our balanced budget while strengthening the safety net for our Nation's farmers and ranchers.

I would call to the attention of my colleagues, Mr. Chairman, and at the appropriate time would ask for inclusion into the RECORD, of a variety of letters from many, many farm groups and commodity groups that I will have for the Members to review in support of the efforts of the committee and in support of the bill on the floor.

I would urge my colleagues to support H.R. 2559.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2559. I want to thank the chairman for the work that he has put in to this bill and for the inclusion of the minority and all members of the committee in the development of its provisions. The gentleman from Texas (Chairman COMBEST); the gentleman from Illinois (Chairman EWING), the subcommittee chairman; and the gentleman from California (Mr. CONDIT), the ranking Democrat on the subcommittee; are all to be commended for their efforts.

Mr. Chairman, this bill succeeds in spending the funds that were allotted in the fiscal year 2000 budget. While it was the will of our committee that these funds should be dedicated to improvements in our current crop insurance program, the Congressional budget resolution made funds available for the broader purposes of income assistance and for risk management and, in so doing, provided a level of flexibility that would permit nearly any kind of agricultural assistance.

The bill before us today, however, does not recognize that flexibility. In a rare moment, at a time when the congressional budget actually allows us to increase the amount spent on farm programs without having to offset them, the bill spends all of its money on yield insurance and ignores the many other needs facing agriculture.

□ 1145

Mr. Chairman, these budgeted funds came on the heels of last year's $6 billion in emergency agricultural spending. Even as we speak, appropriators in conference are finalizing a proposal to designated over $8 billion as emergency spending to compensate for economic circumstances that were entirely foreseeable. The fact that 2 years in a row we are compensating producers for low prices seems to me to be a stark admission that our basic farm program is not working, just as yield disaster aid shows that crop insurance is not working.

Increases in the budget were a clear signal by our colleagues that these problems, income reductions as well as yield reductions, need to be addressed. Our Nation deserves a long-term, reliable farm policy. Taxpayers and agricultural producers alike should be able to know up front what kind of assistance they can expect and what the rules will be for distributing it.

In terms of yield insurance, this bill makes some progress. Higher subsidy rates, for example, will lead to higher levels of participation in crop insurance and better indemnity performance for the producers who participate.

Absent from the bill, Mr. Chairman, is the other half of the picture. Last year, our programs left producers overexposed to price and weather disasters. This bill makes progress toward addressing yield disaster. But what about price disaster? How much more will our Government spend on ad hoc, supplemental AMTA payments before we realize that a more rational, predictable policy needs to be in force?

Mr. Chairman, I intended to offer an amendment that addresses the total revenue picture for program crops. Because the score from CBO came in at a higher level than expected, I will not offer it at this time. However, I am committed to exploring all avenues in order to provide this type of assistance in a budgetarily responsible manner.

I will describe it now in the hope of encouraging my colleagues to give it their consideration as we continue to debate long-term farm policy.

My proposal would establish a system that would allow for supplemental income payments, SIP. Producers who planted crop would receive a payment for a crop year if national revenue for the crop falls significantly below the most recent 5-year average. Payouts would occur if national prices are low or if a national production is low. A supplemental income program can work for our producers and for taxpayers as well. It is a simple program under which payments would go directly to actual producers in time of need.

It is the kind of long-term approach we should be using to address agriculture's cyclical problems. H.R. 2559 does increase the subsidy provided to the current revenue products that address price drops within a crop year. However, it does nothing to protect producers from severe downturns in income from year to year.

The supplemental income program would complement existing farm programs and the changes made to the crop insurance program by providing a complete risk-management package.

Mr. Chairman, once again I want to commend the gentleman from Texas (Mr. COMBEST) and all members of the Committee on Agriculture for their work on this bill thus far. Going into this process, we agreed that short-term changes in crop insurance this year would pave the way for a broad look at the entire program in the years ahead. I look forward to working with my colleagues in developing a crop insurance program that works better and a farm revenue program that meets producer and taxpayer needs.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT), who is a very valuable member of our committee.

Mr. EVERETT. Mr. Chairman, I rise in strong support of H.R. 2559, the Agricultural Risk Protection Act of 1999. It is a great first step to help our struggling farmers, and I would like for my complete statement to be made a part of the RECORD at this point.

Mr. Chairman, this bill is the culmination of months of work by the Agriculture Committee in trying to form policy that would give producers from all regions of the country a better way to manage risk.

Producers have to manage two types of risk, price fluctuation and weather related disasters. I believe this bill reforms the federal crop insurance program to more adequately address the risk management needs of agricultural producers when it comes to protecting yield.

One of the problems with the current system was the program was being underutilized. Producers chose not to participate because crop insurance was too expensive for too little coverage. H.R. 2559 makes coverage more affordable by building upon the additional premium assistance that was provided by the Omnibus Appropriations bill of 1998. By increasing the government's share of the premium's cost, we can dramatically increase participation in this crucial program.

In addition, the bill provides assistance for innovative policies that protect against lost revenue or rising costs of production. Right now, current law prevents federal assistance on that portion of the policy, making these policies too costly for most farmers.

A viable crop insurance program must achieve broad-based participation across all potential production risk levels. Crop insurance participation is lower among so-called low risk producers because it is not cost effective for a producer to have insurance if he never files a claim. This bill changes that by allowing performance based discounts for those low risk producers.

The bill also addresses the need for adjustment in Actual Production History to assist farmers affected by disasters. Actual Production History serves as a guide for determining how much protection a producer can receive. Producers are currently punished two fold by natural disasters. One being the actual crop loss and two the permanent damage to a producer's production history making it harder for a producer to get adequate coverage for his crop.

One provision that is especially crucial to Southern producers is the provision that revokes the prevented planting policy. Currently, if a producer collects an indemnity because he is unable to get a crop into the ground, he is prevented from planting a second crop, possibly one with a shorter growing season. This bill strikes that language, but also provides safeguards against manipulation of the system.

In addition, the committee found far too many cases of fraud and abuse of the crop insurance program. To improve program compliance, the bill increases the punishment for fraud, including assessing a fine up to the value of the false claim or $10,000, whichever is higher, and a producer would be banned from all farm programs for five years.

Mr. Chairman, this bill addresses many of the inadequacies of the current program, making crop insurance more attractive to many more producers, but more must be done. This is a step in the right direction of letting farmers effectively manage their production risk. I ask all my colleagues to support this important legislation.

Mr. COMBEST. Mr. Chairman, what time did I consume, and how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) consumed 7 minutes and has 23 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. EWING), a very valuable member of the committee, the subcommittee chair with jurisdiction over this subject, and cosponsor of the bill on crop insurance.

Mr. EWING. Mr. Chairman, it seems that ever since I have been in Congress and been a part of the Committee on Agriculture, which has been five terms, we have been working on crop insurance. I know this is not the first bill that we have passed on crop insurance in those five terms, but I think it is the best bill; and I think we have made continued progress over the years. So I rise today in very strong support of H.R. 2559, the Agricultural Risk Protection Act of 1999.

As chairman of the Subcommittee on Risk Management, Research, and Specialty Crops, which has jurisdiction over the Federal crop insurance program, improving Federal crop insurance has long been a priority for me. H.R. 2559 is the result of many hours of work to try and give farmers better and more affordable coverage.

We also intend to make USDA more efficient in administering the program, while at the same time cutting down on fraud and abuse. Finally, we hope to give producers, producer organizations, insurance companies, and universities the ability to work together to create better, more workable crop insurance policies.

The subcommittee conducted a series of hearings all over the country last year and the year before that were designed to gather information from producers as to what was wrong with our crop insurance program.

We had hearings in western Michigan; Sioux Falls, South Dakota; Perry and Douglas, Georgia; Laurinburg, North Carolina; and Lexington, Kentucky. Many ideas were presented to us and many of these ideas eventually were incorporated in this bill before us today.

Crop insurance has become a vital link to the soundness and prosperity of American agricultural producers. It is a safety net that assists the producer in managing risk on the farm. It allows the producer, not the Government, to decide how to manage this risk, be it financial, market or legal risk. By no means has the program been perfect, and it is unrealistic to expect the same program to always work well in every part of the country.

In the past, crop insurance has worked well in many regions, but in other areas, such as California, Florida and Maine, the program has not worked as well.

During our meetings and hearings, some producers advocated complete elimination of the program. Some advocated elimination of the actuarial soundness standard. Some supported retaining the program but believed improvements, including increased premium subsidies, modified rating practices, modified APH determination, and the development of a cost-of-production crop insurance policy were needed.

What we did do that is very important in this bill is we provided higher premium support to allow more farmers to afford the purchase of this improved crop insurance policy. We also addressed the problem of yield averages to allow farmers to eliminate those bad years in their average so that they can actually purchase insurance to cover what they normally can produce.

The improved policies also allow producers to buy income protection, a much needed improvement in the safety net. The committee has stated all along that it was on a two-track approach toward improving risk management. The first track was to make improvements in the Federal crop insurance program, and that is H.R. 2559.

It has and will be combined with further efforts to bring about a full examination of our safety net and to examine the crop insurance program to find the best way to provide the best crop insurance and the best safety net for all of our farmers. I want to thank the leadership, who made the extra money possible so that we could be here today with this improved bill.

I want to thank my staff on the subcommittee who worked so hard, and I want to thank the gentleman from Texas (Mr. COMBEST), the ranking member, the gentleman from Texas (Mr. STENHOLM), the subcommittee ranking member (Mr. CONDIT), and all of those who have worked to make this bill what it is today. It is a good bill. It is an improved bill, and we ought to pass this bill resoundingly and send it to our colleagues in the Senate.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise first to commend the leadership of the gentleman from Texas (Mr. COMBEST) in bringing this bill to the floor today. The chairman has proven himself, in his time so far as the Committee on Agriculture chairman, to be a square shooter. He is also dealing substantively with the issues and dealing with them in a bipartisan way.

I think his comments even on the floor today, his stated intention to hold hearings in the new year on the farm bill to assess its failings, shows that he will honestly follow the facts and not get tied up in partisan positioning; asking the questions that need to be asked, why is this farm bill failing so poorly?

Another example of the constructive leadership of the chairman is the bill before us. He represents the southern plains. I represent the northern plains. He is a Republican. I am a Democrat. This bill reflects a consensus product that leaves me very, very enthused about extending the protection to the farmers I represent, as well as farmers throughout the country. I deeply appreciate the bipartisan, constructive leadership he has provided in bringing this bill together.

Quickly, let me tell of the importance of crop insurance to farmers. Family farming involves the exposure of a significant amount of capital, literally hundred of thousands of dollars each year; and yet there are risks the farmers cannot control, the risk of production loss and the risk of price collapse. We are passing a disaster bill now, responding in part to the fact that we do not have a farm program responding to price collapse. We need to build that in as part of the farm program in the future.

This crop insurance, however, responds to the other risk, production loss, and it does so very meaningfully in three important ways.

First, it makes adequate coverage levels affordable to family farmers. Right now, quite frankly, the premiums to put in place the coverage levels that begin to protect the financial investment are simply out of reach for America's family farmers. This makes those premiums more affordable and therefore will greatly help people get the coverage that they depend upon.

Secondly, it helps farmers plagued with several years of losses continue to have a production history that produces adequate coverage and adequate coverage opportunity. Right now, through no fault of the farmer, if they have a loss, another loss the next year, another loss the next year, pretty soon no matter what they do, no matter how much they want to pay, they cannot get adequate coverage back in place anymore. This deals with that problem.

Thirdly, right now we essentially do not provide adequate coverage at all for farmers that haul their grain to the elevator, and only at the elevator realize a very severe price discount due to quality problems in the grain. That is an uncovered exposure under the present system. This affords the opportunity to the Risk Management Agency to address that problem.

This bill goes an awful long way to making permanent changes in crop insurance that will help farmers deal with the risk-of-production loss. It is an excellent starting point to the full breadth of action required by this Congress to rural America, the next step being, of course, a permanent provision for protecting farmers when prices collapse.

I thank the chairman and urge support of this legislation.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), the vice chairman of the full committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for yielding me this time.

Mr. Chairman, I do rise in support of H.R. 2559, and I too want to commend the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their leadership on this issue and their hard work on the bill and certainly a word of appreciation to the subcommittee chairman, the gentleman from Nebraska (Mr. EWING), and the ranking member, the gentleman from California (Mr. CONDIT), for their leadership in bringing the bill to the point that we have reached here today.

Mr. Chairman, H.R. 2559 strengthens the farm safety net by making crop insurance more accessible and certainly more affordable for our producers. Most importantly, the bill will help reduce the need for unbudgeted ad hoc disaster assistance just as we are preparing to provide that assistance again this year.

□ 1200

I believe the livestock coverage pilot program included in the bill will prove to be very, very beneficial. It will allow livestock producers to participate in the Federal insurance program for the first time to help them better manage low market prices.

The bill also rewards producers who have above average production and insurance history, that is very, very positive, by authorizing some premium discounts for exceptional performance in the program.

Mr. Chairman, our American farmers and ranchers borrow more money each and every year than most of us borrow in a lifetime just to plant a crop so that the world can eat. Borrowing that kind of money is an incredible gamble because markets may or may not provide farmers enough to pay back their loans or to cover the cost of their production. Worse yet, adverse weather, of course, can rob them of their crop and their income completely.

I think it is absolutely essential that we pass H.R. 2559 as our farmers prepare for the upcoming crop year. I urge my colleagues to join me and support this timely and very, very important measure.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I wish to thank the gentleman from Texas (Mr. STENHOLM) for his leadership on this issue and bringing this about and working with the gentleman from Texas (Chairman COMBEST) and the committee as we move this legislation forward.

Mr. Chairman, this is going to provide the new national safety net. We have seen that, with the disasters in both drought and other circumstances, that our farmers need additional assistance in order to provide for a safety net.

I have enjoyed working with the committee to make sure that it includes policies which will be a benefit to, not only Maine, but to Northeast, in particular the development of new policies and the expansion of the specialty crops and the special recognition of expanding to cover more of those specialty crops like potatoes.

I want to again urge the chairman and would like to be able to work with the chairman and the gentleman from Texas (Mr. STENHOLM), the ranking member, as we look to try to reduce to smaller units and rate increases that are no greater than any other class to make sure that we can further incorporate more and more of the farmers, especially in Maine and in the Northeast, as we try to get more of them engaged on a national scale in terms of this new national safety net.

I would like to be able to work with the chairman and the ranking member in conference as we work on this particular issue.

Mr. Chairman, I yield to the gentleman from Texas (Mr. COMBEST) for comments.

Mr. COMBEST. Mr. Chairman, I appreciate very much the productive efforts of the gentleman from Maine (Mr. BALDACCI) throughout this process. Part of what he is suggesting is, a part of the whole concept behind this, is to look at new types of programs that can be available for coverage that does not exist today, look at the growing habits and conditions that farmers may have, and to encourage the associations that represent the people who grow those commodities to be involved in the product so that it is a very workable product.

We will be happy to work with the gentleman in any way that I might through the conference to assure that his concerns and interests are taken care of.

Mr. BALDACCI. Mr. Chairman, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I, too, look forward to working with the gentleman from Maine. I appreciate him bringing it to the attention of the full body, bringing this, not necessarily unique problem, but it is one which is clearly made possible in the legislation that we consider today, these concerns to be met.

I look forward to working with the gentleman from Maine (Mr. BALDACCI) and the gentleman from Texas (Mr. COMBEST) and seeing that, in the final conference report, that this be achieved.

Mr. COMBEST. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the Vice Chairman of the Committee on the Budget and a member of the House Committee on Agriculture and who I would say more than any other Member is responsible for the additional money that was in the budget for crop insurance.

Mr. CHAMBLISS. Mr. Chairman, I just want to say, like my other colleagues, how much I appreciate the strong leadership, both to the chairman of the committee and also to the ranking member. The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have come together in a strong bipartisan way to ensure that farmers in America have been treated fairly. Also to the gentleman from Illinois (Mr. EWING), my subcommittee chairman, and the gentleman from California (Mr. CONDIT), the ranking member. Again, we have shown how things in this body ought to work in a bipartisan way.

Agriculture is the backbone of the economy of this country. It always has been and, frankly, always will be. But today agriculture all across the United States is in trouble. We are taking some short-term measures to shore up the current deficit in prices for commodities across the country, and that is very well needed.

But even though we have heard a lot of fingerpointing in the last 4 years now, almost since we passed the 1996 farm bill, as to what the cause of the problems are in agriculture country today, when we passed the 1996 farm bill, there were several legs to the table that were going to be necessary to require agriculture country to stabilize for years to come.

One of those legs was regulatory relief. Frankly, in this House, we passed any number of regulatory relief measures that would give our farmers more flexibility to operate their farms and improve their bottom line. Some of those measures have been enacted into law and are in the process now of being tweaked to benefit our farmers. Some of them never got beyond passage in this House.

Another leg was providing tax relief to the American farmer. We passed a real tax relief package not too long ago that would have been a huge benefit to the American farmer and has recently been vetoed.

Another leg to that table is crop insurance. The one thing that I think we agree on across agriculture country in the United States is that the current crop insurance program we have in place does not work and does not provide any sort of safety net to our farmers.

We did have hearings down in my district and all across the country. The gentleman from Illinois (Mr. EWING) was gracious enough to come down and visit with the gentleman from Georgia (Mr. BISHOP) and myself. The gentleman from Texas (Chairman COMBEST) came down and heard the interest of my farmers.

There were a couple of things in particular that we heard. One was we need flexibility. We need flexibility and a crop insurance program that will provide for a cost to production policy that will ensure our financial benefactors to be able to know that we will get some sort of return in disastrous years. That flexibility is provided in this bill.

A second thing that he heard, that both these gentleman heard from our farmers, was that, in our part of the country, we have a real distinction between irrigated and nonirrigated crops. We need crop insurance policies that will allow the insurance of irrigated crops versus nonirrigated crops so that our farmers who are making good, rational business decisions to invest in irrigation will be able to provide the risk management tool that they need to cover those irrigated versus nonirrigated crops.

Those are some of the major issues that are covered here. It is a good bill. I, again, thank our leadership and urge the passage of this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding me the time. I thank him for his leadership.

I also want to thank the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, for his leadership in bringing this bill to the floor and his attitude and his openness to be inclusive of a variety of ideas.

I think this is a terrific step forward, and I think it is the right way to go. I do not think it is the complete step, however. I think it is a process that will allow us to get to a desired place where most farmers will be better protected.

We certainly know that the safety net that this bill speaks to will enable a lot of farmers to have the assurance that the risks that they need to manage, it will be greatly enhanced.

I am still hopeful that the whole issue that the gentleman from Texas (Mr. STENHOLM) is talking about, income, can be looked at. I think that is something that the chairman has at least been open to discuss.

I want to raise the issue of the whole safety net for smaller farmers. In my neck of the woods, smaller farmers have complained that they have not had the opportunity to have the same recovery from the risk management in crop insurance. This, I think, begins to open that process.

At least I want to have that intention when I vote for it, that it does not inherently put into place to enable the larger farmer over the smaller farmer; that, structurally, we are trying to make it open that all farmers have equal access in the base of their production and their year rather than to have it skewed to the larger farmer.

Finally, I would say that this risk management will go a long ways because, in many of my areas, Hurricane Floyd has added to that whole risk, and we certainly need it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a very hard working member of the committee.

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 2559. I, too, want to congratulate the leadership and the staff for all the work that went into this bill.

It does not go as far as I would like to see us go in terms of the area of revenue protection. H.R. 2559 marks a major step toward the kind of revenue protection program that I believe will be necessary to provide our farmers with a shock absorber, a shock absorber against the vagaries of weather and volatile commodity prices.

The past couple of years demonstrate now more than ever that our farmers need more affordable protection in times of declining prices and natural disasters. Without these changes, we are likely to face the prospect of even more costly and more unbudgeted ad hoc annual disaster programs.

Putting aside the emergency assistance package that is being prepared, the RMA estimates that $1.8 billion will be paid this year to farmers who have suffered major crop losses. Even with lower commodity prices, these payments, I am told, parallel a 17 percent jump in crop insurance protection for farmers, from $28 billion in 1998 to a projected $33 billion in 1999.

Let us not lose sight of the fact that we can save precious dollars tomorrow by a smart investment today. I urge my colleagues to support these much-needed reforms. Support the Agriculture Risk Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I want to thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for their leadership on this issue.

I rise today in support of the Agriculture Risk Protection Act. This bill makes the Federal crop insurance program a better risk management tool for America's farmers.

Farmers will pay less for crop insurance at every level as a result of this bill. By offering increased premium subsidies, this bill encourages farmers to purchase crop insurance and protect themselves against low yields and weather disasters.

Crop insurance should be like automobile insurance. If one gets a discount on automobile insurance for having a good driving record, one should get a discount on crop insurance for having a good production history. This bill does this by establishing premium discounts for producers who have a good production history.

This legislation also imposes different penalties on those who defraud the program. Anyone who intentionally submits false information will be disqualified from all farm programs for up to 5 years. This is an excellent step towards making sure a good crop insurance program is available for honest farmers.

This legislation improves the way a farmer's actual production history is calculated to allow producers sufficient yields to provide adequate coverage.

It enhances Farm Services Agency's roll in record keeping, yield estimates, and product approval by forming a new record-keeping system through cooperation between the Farmer Service Administration State committees and the Federal Commodity Insurance Corporation.

This system will provide more accurate information for the crop insurance program. This legislation improves oversight of companies and the Risk Management Agency by establishing an office to oversee policy development and broadens membership and oversight authority of the board of directors of the Federal Crop Insurance Corporation.

It increases coverage for fruits and vegetables by expanding and improving NAP program to benefit fruit and vegetable farmers.

The bill allows producers who are prevented from planting a crop to receive the indemnity on that crop and still make use of the land by preventing an uninsured crop. This provision is especially important for cotton producers across the country who are often prevented from getting their crop in the ground.

Mr. Chairman, this is a good bill. I urge my colleagues to vote for a better crop insurance program and pass the Agriculture Risk Protection Act.

Mr. COMBEST. Mr. Chairman, may I have an accounting of the time.

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) has 11½ minutes and the gentleman from Texas (Mr. STENHOLM) has 15½ minutes.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a very hard-working member of the committee.

Mr. LAHOOD. Mr. Chairman, I rise in strong support of this very important bill and to congratulate the two distinguished Members from Texas who have worked so well together in a bipartisan way to help hard-hit farmers solve some very important problems.

There are two things in the bill that I want to point out. One is an amendment that was adopted by the committee during consideration which allows for electronic availability for producers and agents to file electronically crop insurance paperwork.

It is a shorter version or a revised version of a bill that I have been pushing to allow for electronic filing for any number of forms and programs within the department of USDA.

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And I am glad this provision was included as an amendment. I think it is a good first step, and I hope it will allow us in the future to pass the entire bill that we have held hearings on in our subcommittee.

I also will be offering an amendment, along with the gentleman from Iowa (Mr. BOSWELL), to set up a couple of pilot projects for livestock producers around the country. And in particular I think it is interesting to note that these pilot projects are very timely, given the disasters that have taken place as a result of hurricanes, particularly in the Carolinas. I believe these pilot projects will go a long way to helping livestock producers.

I appreciate the fact that the chairman has agreed to accept our amendment and look forward to working with him as we go to conference on this bill so that these important provisions can be a part of a final bill that passes the Senate and, hopefully, turns into a conference report that both the House and Senate will pass and that the President will sign.

This is important legislation for hard-hit agriculture; and, again, I compliment both of the gentlemen from Texas for the work that they do on behalf of farmers all over America.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I would like to thank the ranking member for yielding me this time, and I rise in support of the legislation.

This crop insurance reform proposal has been worked on now for many months. It represents an effort on the part of many commodity groups and farm organizations to come together and identify key reforms that are necessary in our program, ways to strengthen the program, and the financial support that is necessary to make this program successful and effective in the farming community.

One of the problems that we continue to face is concern on behalf of farmers that crop insurance is a very expensive tool to manage risk, and that the benefits that they receive from crop insurance are not adequate to compensate them for the tremendous losses and risks that they face in their agricultural endeavors. I hope that with the additional infusion of cash here for the Federal crop insurance program that farmers will see that this is still a better value and that they will be able to use it and that it will provide the type of countercyclical government assistance that is needed for America's farmers to continue to compete in the global economy.

I am particularly pleased that we are now moving in the direction of whole-farm revenue assurance. This bill certainly does not accomplish that, but it enables us to pursue pilot studies, pilot projects, and offer to some of the farmers that have livestock operations an opportunity to ensure the revenue stream with respect to their livestock operations and, similarly, to enable crop farmers to assure their revenue stream.

This is an important distinction from the insurance program that we have had traditionally. Traditionally, crop insurance has been keyed to productivity, to yield loss. And a multi-peril crop insurance has meant, whether it is hail, insect infestation, drought, flooding, or some other cause, that they have protection against that yield loss. But as we see here in 1998 and 1999, the farmer faces a risk of price loss that is every bit as severe as the yield loss.

When I was home in my area of Minnesota last weekend and saw the combines starting to roll and heard from some of the farmers that the yields are perhaps the best that they have ever experienced in certain parts of the State but that, still, they cannot break even because the price collapse haunts them, it reminded me even more of the importance of expanding the crop insurance concept to include this total revenue stream, to include the price risk.

So as we move ahead with this debate and consideration of the bill, I urge that we continue to focus on how this can be the most effective tool possible for farmers.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY), a very valuable member of the committee.

Mr. RILEY. Mr. Chairman, things are bleak in farm country these days. Commodity prices are at their lowest levels since the Great Depression. Each morning, far too many families in Alabama and across the Nation wake up to the haunting realization that their farm may not be around next year; that they may have to change their way of life.

Mr. Chairman, there has always been weather-related disasters and difficult economic times in agriculture, but there is something different about today's economic climate. In my own State of Alabama, farmers are suffering through some of the toughest climate and economic conditions in years.

For years, crop insurance has been the primary risk-management tool for farmers. But every time I go home, farmers tell me that insurance premiums under the current program are just too expensive and too complicated to make the program useful. H.R. 2559 will solve this problem by reducing the expensive out-of-pocket crop insurance cost to farmers by making across-the-board cuts in farmer-paid premiums. As a result, more farmers in my State and across the Nation will be able to participate in this program.

Finally, Mr. Chairman, I am pleased that this bill lifts unfair restrictions, like the so-called "black dirt policy," that prohibits farmers who double crop, like many of my cotton growers, from planting a second crop in a year when they make a prevented planting claim.

Mr. Chairman, overall, H.R. 2559 is a good bill and I urge my colleagues to support it.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Texas for yielding me this time to speak on this matter. It is very important. And I want to thank also our chairman, as others have, the gentleman from Texas (Mr. COMBEST) for his keen interest in trying to provide a better safety net for our producers.

Farmers need the insurance. But if they cannot afford it, they are not going to use it. And they have proven that to us. So this will be a big step, an incentive, to get this going. And again I want to thank the gentleman from Texas (Mr. COMBEST) for taking this on.

As has been said several times, and I will not spend a lot of time repeating it, but the lowest commodity prices in years and years and years are facing farmers today.

I am also looking forward, and I appreciate again the statement of the chairman in committee that the supplemental income language that the gentleman from Texas (Mr. STENHOLM) has prepared will be discussed at a future time. So I thank him for that. I am looking forward to that. I think that is a step forward in the right direction.

So I am very enthusiastic to support this bill today, and I look forward to the discussions we will have starting in the new year with the hearings that we are going to have on the farm bill. I think this is very important, and the farmers across this land are expecting this and looking forward to it.

So I rise in strong support of what we are doing here today and thank again the chairman and the ranking member for their good work.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a former member of our committee and still-hardworking member of the Committee on Appropriations.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me this time, and I just wanted to take this opportunity to congratulate the Committee on Agriculture, which, as the chairman mentioned, I was a former member of. But the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), have really done an outstanding job on this bill, and also the subcommittee of jurisdiction I think has done an outstanding job.

I just wanted to make a couple of comments. We have had a pilot project, or pilot plan, in Iowa for the past several years, using the revenue assurance model. And the farmers that have used the program have found it extremely beneficial in managing their risk.

And when we talk about weather-related problems, such as an individual farm hail storm, a lot of times emergency bills do not cover an isolated area that has either some small flooding or hail storms. This allows the individual farmer to manage his risk. And, also, with the revenue assurance, it allows that individual to manage the price risk.

As we all know, we are going through right now an emergency supplemental for agriculture, which is very much needed, but in the long run we have to find ways for farmers to manage their risk, both price and production risk. This is what this bill is all about. It is extraordinarily positive.

There are problems in areas where they have had disasters over a number of years that they have not been able to purchase insurance. It has been too expensive to justify purchasing the insurance. And I believe this bill will go a long ways towards solving those problems, making revenue assurance available for all producers throughout this Nation.

It is an extremely positive step forward, and I just want to compliment everyone on the committee for their great work.

(Mr. WELDON of Pennsylvania asked and was given permission to speak out of order.)

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS SPONSORING VISIT OF CHILDREN WHO ARE BURN VICTIMS

Mr. WELDON of Florida. Mr. Chairman, I thank my colleagues for yielding and for indulging.

Mr. Chairman, I rise to announce to my colleagues that at present, in the basement of the Rayburn Building, we have 45 young children from all over the country who are the victims of terrible tragedies in their homes who have been burned.

These youngsters were brought here by the International Association of Firefighters. It is part of a week-long camp to help them get reoriented into their lives. I would ask Members, if they have some time, to stop by B369 in the Rayburn Building to say hello to these children and to see the tragic consequences of what fire does to young people, but also to see the spirit of these young people as they press forward, working with the IAFF to rebuild their lives.

Mr. STENHOLM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume and, in closing, I would only thank my colleague and friend and neighbor, the ranking member of the committee, the gentleman from Texas (Mr. STENHOLM), for his bipartisan work and support.

The gentleman from California (Mr. CONDIT) is the ranking member of the Subcommittee on Risk Management, Research, and Specialty Crops, and even though he has left the floor, a special thanks to him; and to the gentleman from Illinois (Mr. EWING), the subcommittee chairman, who not only has spent a great deal of time and a lot of hard work in a lot of hearings, and probably understands crop insurance as well as anyone. I thank him for his efforts in moving this bill forward. He did a great job, and I certainly could not give him over-acclaim. He did a very good job on the bill, and I thank him very much.

Mr. BRYANT. Mr. Chairman, I rise today in strong support of this legislation.

The continuing dry weather in Tennessee has left our farmers facing devastating crop losses for the second year in a row. The harsh conditions have dried up thousands of acres of crops and left Tennessee farmers with low commodity prices and unstable market conditions for those crops which have survived the harsh drought conditions.

Rainfall has been very sparse throughout west Tennessee. National Weather Service statistics show that Jackson, Tennessee, received less than 3 inches of rain for July, which is indicative for the rest of the region. Memphis rainfall totaled less than 4 inches for 3 months in a row so far this summer. The entire west Tennessee region is more than 7 inches below the normal precipitation levels this year.

Because of the lack of significant rainfall, conditions of specific crops have suffered dramatically over the past several months. Cotton farmers, whose crops are mostly located in southwest Tennessee in the Fayette County area, reported just last month that more than 34 percent of their crops are in poor to very poor condition. Soybean farmers, who make up the largest percentage of farmers in Tennessee, reported last month that 49 percent of their crops are in poor to very poor condition.

Livestock farmers are also being forced to use their own winter feed reserves because of the crop devastation around the State. In fact, some of the livestock producers in Montgomery County have begun to sell off a portion of their herd because of the high price for feed and the unstable conditions in the area.

There can be no better time for crop insurance reform than now. The farming industry, which is solely dependent on the weather, has producers across the country contacting their Representatives asking for a more responsive crop insurance program. Their need is to have availability to insurance plans or policies for both crop and livestock risk management.

Farmers who have suffered year after year in either drought or flood conditions are having a difficult time obtaining insurance at an affordable rate. Under this bill, the Federal Government provides better assistance for buying coverage for farmers, who have been plagued by multiple disasters each year. It also provides the development of pilot programs for livestock risk management plans.

The bill also tightens the accountability of the Federal crop insurance program. It requires the Secretary of Agriculture to work with the Farm Service Agency to monitor and audit the Federal crop insurance program in the field. There are also increased sanctions for reporting false information and new requirements for record keeping and reporting of crop acreage, acreage yields and production.

Tennessee's 95 counties were declared a Federal disaster area on September 10th. This was welcome news for our farmers who have been through the worst of conditions over the past several years, and whose crops are dwindiing to dust. But so far, the assistance has been slow. Many of our farmers have not received any information concerning the disaster funds available and are left wondering when the assistance will come and will it be on time to help with the financial losses they're suffering.

Comprehensive crop insurance reform is desperately needed for our farmers across the country. Future disasters will happen, and when they do, our farmers will need to have a plan they can rely on that offers accountability, premium assistance and affordable coverage to keep their industry going.

Mr. CONDIT. Mr. Chairman, I rise today in support of H.R. 2559, The Agricultural Risk Protection Act. I would like to take this opportunity to commend the chairman and ranking minority member of the committee and my subcommittee chairman, Mr. EWING for their efforts in developing this important bill.

H.R. 2559 serves the interests of farmers and ranchers by providing more choices and the tools needed to manage the risk inherent in farming. This is especially important to my constituents in the central valley of California, who rely on little Federal support or programs. Instead, these producers rely on other risk management tools, such as diversified farming, irrigation, and responding to market signals to make their decisions. However, even these practices may not be enough for producers to protect themselves from factors beyond their control. New challenges are being faced in light of the growing global marketplace and the increasing regulatory and social pressures to reduce farming inputs.

I would like to point out there are currently over 300 specialty crop producers who do not have the choice to purchase insurance products—there are simply none available. Even worse, current specialty crop insurance policies are either unusable or too costly because of high input and sales value of specialty crops. While ad hoc disaster relief seems inevitable this year to assist U.S. Agriculture, Congress cannot continue to use taxpayer money and break budgetary caps. At the same time, Congress cannot turn its back on those producers who are not eligible for Federal crop insurance and have had to rely on other forms of disaster relief protection.

Not only is there a need to develop more risk management tools, farmers need to be aware which financial, marketing, and production tools are available, both on and off the farm. I believe that H.R. 2559 provides the necessary resources and direction. This bill makes more management options available to underserved commodities in the following ways: increasing premium subsidies, increasing research and education funds, expedited product approval, expanded pilot program authority, producer and industry-wide input on policies, allowing farmers to join together through their cooperatives and associations to obtain crop insurance.

In these ways, the Risk Management Agency along with public and private inputs can better address the unique challenges associated with the planting, growing, and harvesting of specialty crops.

I thank Chairman COMBEST and his staff for all of their efforts to bring this bill to the floor. I urge my colleagues to vote for its passage.

Mr. JOHN. Mr. Chairman, I would first like to thank the chairman and the ranking minority member of the full committee, Mr. COMBEST and Mr. STENHOLM, and the chairman and ranking minority member of the subcommittee, Mr. EWING and Mr. CONDIT, for their leadership in crop insurance reform this year. Having served on the subcommittee of jurisdiction, I have been vested in this crop insurance reform effort for many months. I am pleased to say that I rise in support of H.R. 2559 and that it addresses most of the needs of my constituents in south Louisiana. Moreover, it is a tremendous improvement from the current program.

As you know, Mr. Chairman, many of my farmers are rice producers. Most rice producers have traditionally not participated in the Federal crop insurance program because premiums have been viewed as too expensive relative to the minimal coverage the program offers. For example, during the 1998 crop year only 43 percent of the 3 million rice acres planted was covered by catastrophic (CAT) policies while another 20 percent of the acreage was covered by buy-up policies. The 20 percent level of participation in the buy-up option for rice is significantly lower than the 47 percent for wheat, 44 percent for corn and cotton and 37 percent for soybeans during the 1998 crop year. In general, the low level of participation by U.S. rice farmers has occurred because: (1) coverage for CAT policies is low and premiums for buy-up policies are too high given the level of coverage; (2) serious problems exist with the actuarial data used to calculate both premiums and coverage, and (3) rice producers, due to a relative low level of yield variability, want price/revenue protection versus traditional yield insurance.

With the risk management challenges facing the rice farmer listed above, H.R. 2559 goes a long way toward addressing them. First and foremost, this crop insurance reform bill does not replace the current farm program. With respect to addressing the low level of participation in the program, H.R. 2559 makes CAT or similar policies more attractive. Though the structure of the current CAT program does not change in H.R. 2559, a Group Risk Plan (GRP) policy may provide a higher yield and price protection on a uniform national basis, which a producer can choose as an alternative to CAT. The actuarial soundness of the program is addressed in H.R. 2559 by requiring the Federal Crop Insurance Corporation to adjust rates by the 2000 crop year if they are found to be excessive. In addition, rice producers will benefit from H.R. 2559 because revenue and price coverage is strengthened in this bill. Policies protecting production and/or revenue would receive an equal percentage of assistance on total premiums as MPCI policies. Finally, the FCIC Board of Directors is expanded to include additional producer participation that reflects different crop growing regions.

With all this in mind, I believe H.R. 2559 is a good first step toward addressing the problems in farm country. However, Mr. Chairman, this bill does not solve the larger problems associated with the lack of a safety net for America's farmers, but is an important component of a comprehensive solution. There are many farmers in my district that can not secure financing for next year's crop because we have yet to address the farm crisis. In fact, I've heard from just as many community bankers as I have farmers about this crisis. There are many farmers who will not benefit from the advancements made in H.R. 2559 because they will not be farming next year unless this Congress acts soon to address the ongoing crisis.

Let us pass H.R. 2559 and let us immediately address the Agriculture appropriations bill that includes emergency disaster assistance from our country's farmers.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of H.R. 2559, the Agricultural Risk Protection Act of 1999.

Mr. Chairman, American agriculture is in a serious situation right now. While the rest of the economy is booming, American farmers and ranchers are hurting and asking for our help. Commodity prices are at record lows, export markets are weak, and no relief is expected any time soon. This crop insurance bill helps protect farmers against low commodity prices and farm income by making insurance levels more affordable for crop losses, declining prices and total farm revenue loss. Under the current crop insurance program, my farmers in Michigan have very little incentive to purchase any level of insurance beyond the CAT coverage. It doesn't pay off for them to do so. In Michigan, like a lot of areas in the United States, we get hit by a disaster about every 10 years. They don't need sunshine insurance. One of my amendments adopted in the Agriculture Committee helps correct this problem. This provision adjusts the premium farmers pay by area according to frequency of disaster. Another important provision this bill contains regards revenue coverage. Plans will be developed designed to enable producers to take maximum advantage of fluctuations in market prices which will maximize revenue from the sale of a crop.

H.R. 2559 increases premium assistance to farmers at every coverage level so they can protect more of what they produce. This is why I am a cosponsor of this bill. Farmers will have across-the-board premium cuts. The little money farmers have in their pockets will stay there and not be spent on overpriced premiums. I urge all my colleagues to join with me in supporting H.R. 2559.

Mr. COMBEST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in House Report 106-346, shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee, shall be considered read, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Risk Protection Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING THE FARM SAFETY NET

Sec. 101. Premium schedule for additional coverage.
Sec. 102. Premium schedule for other plans of insurance.
Sec. 103. Adjustment in actual production history to establish insurable yields.
Sec. 104. Review and adjustment in rating methodologies.
Sec. 105. Conduct of pilot programs, including livestock.
Sec. 106. Cost of production as a price election.
Sec. 107. Premium discounts for good performance.
Sec. 108. Options for catastrophic risk protection.
Sec. 109. Authority for nonprofit associations to pay fees on behalf of producers.
Sec. 110. Elections regarding prevented planting coverage.
Sec. 111. Limitations under noninsured crop disaster assistance program.
Sec. 112. Quality grade loss adjustment.
Sec. 113. Application of amendments.

TITLE II—IMPROVING PROGRAM INTEGRITY

Sec. 201. Limitation on double insurance.
Sec. 202. Improving program compliance and integrity.
Sec. 203. Sanctions for false information.
Sec. 204. Protection of confidential information.
Sec. 205. Records and reporting.
Sec. 206. Compliance with State licensing requirements.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Promotion of submission of policies and related materials.
Sec. 303. Research and development, including contracts regarding underserved commodities.
Sec. 304. Funding for reimbursement and research and development.
Sec. 305. Board consideration of submitted policies and materials.
Sec. 306. Contracting for rating of plans of insurance.
Sec. 307. Electronic availability of crop insurance information.
Sec. 308. Fees for use of new policies and plans of insurance.
Sec. 309. Clarification of producer requirement to follow good farming practices.
Sec. 310. Reimbursements and negotiation of standard reinsurance agreement.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

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Sec. 308. Fees for use of new policies and plans of insurance.
Sec. 309. Clarification of producer requirement to follow good farming practices.
Sec. 310. Reimbursements and negotiation of standard reinsurance agreement.

TITLE I—STRENGTHENING THE FARM SAFETY NET

SEC. 101. PREMIUM SCHEDULE FOR ADDITIONAL COVERAGE.

(a) PREMIUM AMOUNTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) In the case of additional coverage equal to or greater than 50 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.".

(b) PAYMENT SCHEDULE.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

"(B) In the case of additional coverage equal to or greater than 50 percent, but less than 55 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 67 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional coverage equal to or greater than 55 percent, but less than 65 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 64 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(D) In the case of additional coverage equal to or greater than 65 percent, but less than 75 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(E) In the case of additional coverage equal to or greater than 75 percent, but less than 80 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 54 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(F) In the case of additional coverage equal to or greater than 80 percent, but less than 85 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 40.6 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(G) Subject to subsection (c)(4), in the case of additional coverage equal to or greater than 85 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 30.6 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.".

(c) PREMIUM PAYMENT DISCLOSURE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following new paragraph:

"(5) PREMIUM PAYMENT DISCLOSURE.—Each policy or plan of insurance under this title shall prominently indicate the dollar amount of the portion of the premium paid by the Corporation under this subsection or subsection (h)(2).".

SEC. 102. PREMIUM SCHEDULE FOR OTHER PLANS OF INSURANCE.

Section 508(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(2)) is amended—

(1) by striking "A policy" and inserting the following:

"(A) PREPARATION.—A policy";

(2) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

"(B) PREMIUM SCHEDULE.—In the case of a policy offered under this subsection (except paragraph (10)) or subsection (m)(4), the Corporation shall pay a portion of the premium of the policy that shall be equal to—

"(i) the percentage, specified in subsection (e) for a similar level of coverage, of the total amount of the premium used to define loss ratio; and

"(ii) the dollar amount of the administrative and operating expenses that would be paid by the Corporation under subsection (e) for a similar level of coverage.".

SEC. 103. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.

(a) USE OF PERCENTAGE OF TRANSITIONAL YIELD.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following new paragraph:

"(4) ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.—

"(A) APPLICATION.—This paragraph shall apply whenever the Corporation uses the actual production history of the producer to establish insurable yields for an agricultural commodity for the 2001 and subsequent crop years.

"(B) ELECTION TO USE PERCENTAGE OF TRANSITIONAL YIELD.—If, for one or more of the crop years used to establish the producer's actual production history of an agricultural commodity, the producer's recorded or appraised yield of the commodity was less than 60 percent of the applicable transitional yield, as determined by the Corporation, the Corporation shall, at the election of the producer—

"(i) exclude any of such recorded or appraised yield; and

"(ii) replace each excluded yield with a yield equal to 60 percent of the applicable transitional yield.".

(b) APH ADJUSTMENT TO REFLECT PARTICIPATION IN MAJOR PEST CONTROL EFFORTS.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by inserting after paragraph (4), as added by subsection (a), the following new paragraph:

"(5) ADJUSTMENT TO REFLECT INCREASED YIELDS FROM SUCCESSFUL PEST CONTROL EFFORTS.—

"(A) SITUATIONS JUSTIFYING ADJUSTMENT.—The Corporation shall develop a methodology for adjusting the actual production history of a producer when each of the following apply:

"(i) The producer's farm is located in an area where systematic, area-wide efforts have been undertaken using certain operations or measures, or the producer's farm is a location at which certain operations or measures have been undertaken, to detect, eradicate, suppress, or control, or at least to prevent or retard the spread of, a plant disease or plant pest, including a plant pest covered by the definition in section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a).

"(ii) The presence of the plant disease or plant pest has been found to adversely affect the yield of the agricultural commodity for which the producer is applying for insurance.

"(iii) The efforts described in clause (i) have been effective.

"(B) ADJUSTMENT AMOUNT.—The amount by which the Corporation adjusts the actual production history of a producer of an agricultural commodity shall reflect the degree to which the success of the systematic, area-wide efforts described in paragraph (1)(A), on average, increases the yield of the commodity on the producer's farm, as determined by the Corporation.".

SEC. 104. REVIEW AND ADJUSTMENT IN RATING METHODOLOGIES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(7) REVIEW AND ADJUSTMENT OF RATES.—

"(A) REVIEW REQUIRED.—To maximize participation in the Federal crop insurance program and to ensure equity for producers, the Corporation shall periodically review the methodologies employed for rating plans of insurance under this title consistent with section 507(c)(2).

"(B) PREMIUM ADJUSTMENT.—The Corporation shall analyze the rating and loss history of approved policies and plans of insurance for agricultural commodities by area. If the Corporation makes a determination that premium rates are excessive for an agricultural commodity in an area relative to the requirements of subsection (d)(2)(B) for that area, then, in the 2000 crop year or as soon as practicable after the determination is made, the Corporation shall make appropriate adjustments in the premium rates for that area for that agricultural commodity.".

SEC. 105. CONDUCT OF PILOT PROGRAMS, INCLUDING LIVESTOCK.

(a) REPEAL OF OBSOLETE PILOT PROGRAMS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraphs (6) and (8).

(b) GENERAL REQUIREMENTS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by inserting after paragraph (7) the following new paragraph:

"(8) GENERAL REQUIREMENTS APPLICABLE TO PILOT PROGRAMS.—In conducting any pilot program of insurance or reinsurance authorized or required by this title, the Corporation—

"(A) may offer the pilot program on a regional, whole State, or national basis after considering the interests of affected producers and the interests of and risks to the Corporation;

"(B) may operate the pilot program, including any modifications thereof, for a period of up to 3 years; and

"(C) may extend the time period for the pilot program for additional periods, as determined appropriate by the Corporation.".

(c) EXPEDITED CONSIDERATION.—Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)) is amended—

(1) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(2) by moving the text of the clauses (as so designated) 2 ems to the right;

(3) by striking "The Corporation" in the first sentence and inserting the following:

"(A) GUIDELINES REQUIRED.—Not later than 180 days after the date of the enactment of the Agricultural Risk Protection Act of 1999, the Corporation"; and

(4) by adding at the end the following new subparagraph:

"(B) EXPEDITED CONSIDERATION OF PROPOSED PILOT PROGRAMS.—The regulations required by subparagraph (A) shall include streamlined guidelines for the submission, and Board review, of pilot programs that the Board determines are limited in scope and duration and involve a reduced level of liability to the Federal Government, and an increased level of risk to approved

insurance providers participating in the pilot program, relative to other policies or materials submitted under this subsection. The streamlined guidelines shall be consistent with the guidelines established under subparagraph (A), except as follows:

"(i) Not later than 60 days after submission of the proposed pilot program, the Corporation shall provide an applicant with notification of its intent to recommend disapproval of the proposal to the Board.

"(ii) Not later than 90 days after the proposed pilot program is submitted to the Board, the Board shall make a determination to approve or disapprove the pilot program. Any determination by the Board to disapprove the pilot program shall be accompanied by a complete explanation of the reasons for the Board's decision to deny approval. In the event the Board fails to make a determination within the prescribed time period, the pilot program submitted shall be deemed approved by the Board for the initial reinsurance year designated for the pilot program, except in the case where the Board and the applicant agree to an extension.".

(d) LIVESTOCK PILOT PROGRAMS.—

(1) PROGRAMS REQUIRED.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (10) and inserting the following new paragraph:

"(10) LIVESTOCK PILOT PROGRAMS.—

"(A) PROGRAMS REQUIRED.—The Corporation shall conduct one or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of futures and options contracts and policies and plans of insurance that provide livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock, provide protection for production losses, and otherwise protect the interests of livestock producers. To the maximum extent practicable, the Corporation shall evaluate the greatest number and variety of such programs to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

"(B) IMPLEMENTATION; ASSISTANCE.—The Corporation shall begin conducting livestock pilot programs under this paragraph during fiscal year 2001, and any policy or plan of insurance offered under this paragraph may be prepared without regard to the limitations contained in this title. As part of such a pilot program, the Corporation may provide assistance to producers to purchase futures and options contracts or policies and plans of insurance offered under that pilot program. However, no action may be undertaken with respect to a risk under this paragraph if the Corporation determines that insurance protection for livestock producers against the risk is generally available from private companies.

"(C) LOCATION.—The Corporation shall conduct the livestock pilot programs under this paragraph in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the risk management tools evaluated in the pilot programs.

"(D). ELIGIBLE PRODUCERS; LIVESTOCK.—Any producer of a type of livestock covered by a pilot program under this paragraph who owns or operates a farm or ranch in a county selected as a location for that pilot program shall be eligible to participate in that pilot program. In this paragraph, the term 'livestock' means cattle, sheep, swine, goats, and poultry.

"(E) RELATION TO OTHER LAWS.—The terms and conditions of any policy or plan of insurance offered under this paragraph that is reinsured by the Corporation is not subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission or considered as accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.). Nothing in this subparagraph is intended to affect the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act to any transaction conducted on a designated contract market (as that term is used in such Act) by an approved insurance provider to offset the provider's risk under a plan or policy of insurance under this paragraph.

"(F) LIMITATION ON EXPENDITURES.—The Corporation shall conduct all livestock programs under this title so that, to the maximum extent practicable, all costs associated with conducting the livestock programs (other than research and development costs covered by paragraph (6) or subsection (m)(4)) are not expected to exceed the following:

"(i) $20,000,000 for fiscal year 2001.

"(ii) $30,000,000 for fiscal year 2002.

"(iii) $40,000,000 for fiscal year 2003.

"(iv) $55,000,000 for fiscal year 2004 and each subsequent fiscal year.".

(2) CONFORMING AMENDMENT TO DEFINITION OF AGRICULTURAL COMMODITY.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by striking "livestock and" after "commodity, excluding".

(e) FUNDING OF LIVESTOCK PILOT PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended—

(A) by striking "years—" and inserting "years the following:";

(B) by capitalizing the first letter of the first word of each subparagraph;

(C) by striking "; and" at the end of subparagraph (A) and inserting a period; and

(D) by adding at the end the following new subparagraph:

"(C) Costs associated with the conduct of livestock pilot programs carried out under section 508(h)(10), subject to subparagraph (F) of such section.".

(2) USE OF INSURANCE FUND.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended—

(A) by striking "including—" and inserting "including the following:";

(B) by capitalizing the first letter of the first word of each subparagraph;

(C) by striking the semicolon at the end of subparagraph (A) and inserting a period;

(D) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(E) by adding at the end the following new subparagraph:

"(D) Costs associated with the conduct of livestock pilot programs carried out under section 508(h)(10), subject to subparagraph (F) of such section.".

SEC. 106. COST OF PRODUCTION AS A PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended—

(1) by striking "The Corporation shall establish a price" in the matter preceding subparagraph (A) and inserting "For purposes of this title, the Corporation shall establish or approve a price";

(2) by striking "or" at the end of subparagraph (A);

(3) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(4) by adding at the end the following—

"(C) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity (as determined by the Corporation).".

SEC. 107. PREMIUM DISCOUNTS FOR GOOD PERFORMANCE.

Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM DISCOUNTS.—

"(A) PERFORMANCE-BASED DISCOUNT.—The Corporation may provide a performance-based premium discount for a producer of an agricultural commodity who has good insurance or production experience relative to other producers of that agricultural commodity in the same area, as determined by the Corporation.

"(B) DISCOUNT FOR REDUCED PRICE FOR CERTAIN COMMODITIES.—A producer who insured wheat, barley, oats, or rye during at least 2 of the 1995 through 1999 crop years may be eligible to receive an additional 20 percent premium discount on the producer-paid premium for any 2000 crop policy if the producer demonstrates that the producer's wheat, barley, oats, or rye crop was subjected to a discounted price due to Scab or Vomitoxin damage, or both, during any 2 years of that period. The 2000 insured crop or crops need not be wheat, barley, oats, or rye to qualify for the discount under this subparagraph. The 2 years of insurance and the 2 years of discounted prices need not be the same.".

SEC. 108. OPTIONS FOR CATASTROPHIC RISK PROTECTION.

Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) ALTERNATIVE CATASTROPHIC COVERAGE.—Beginning with the 2000 crop year, the Corporation shall offer producers of an agricultural commodity the option of selecting either of the following:

"(A) The catastrophic risk protection coverage available under paragraph (2)(A).

"(B) An alternative catastrophic risk protection coverage that—

"(i) indemnifies the producer on an area yield and loss basis if such a plan of insurance is offered for the agricultural commodity in the county in which the farm is located;

"(ii) provides, on a uniform national basis, a higher combination of yield and price protection than the coverage available under paragraph (2)(A); and

"(iii) the Corporation determines is comparable to the coverage available under paragraph (2)(A) for purposes of subsection (e)(2)(A).".

SEC. 109. AUTHORITY FOR NONPROFIT ASSOCIATIONS TO PAY FEES ON BEHALF OF PRODUCERS.

Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended by adding at the end the following new subparagraph:

"(F) PAYMENT OF FEES ON BEHALF OF PRODUCERS.—

"(i) PAYMENT AUTHORIZED.—Notwithstanding any other subparagraph of this paragraph, a cooperative association of agricultural producers or a nonprofit trade association may pay to the Corporation, on behalf of a member of the association who consents to be insured under such an arrangement, all or a portion of the fees imposed under subparagraphs (A) and (B) for catastrophic risk protection.

"(ii) TREATMENT OF LICENSING FEES.—A licensing fee or other payment made by the insurance provider to the cooperative association or trade association in connection with the

issuance of catastrophic risk protection or additional coverage under this section to members of the cooperative association or trade association shall not be considered to be a rebate to the members if the members are informed in advance of the fee or payment.

"(iii) SELECTION OF PROVIDER; DELIVERY.—Nothing in this subparagraph shall be construed so as to limit the ability of a producer to choose the licensed insurance agent or other approved insurance provider from whom the member will purchase a policy or plan of insurance or to refuse coverage for which a payment is offered to be made under clause (i). A policy or plan of insurance for which a payment is made under clause (i) shall be delivered by a licensed insurance agent or other approved insurance provider.

"(iv) ADDITIONAL COVERAGE ENCOURAGED.—Cooperatives and trade associations and any approved insurance provider with whom a licensing fee or other arrangement under this subparagraph is made shall encourage producer members to purchase appropriate levels of additional coverage in order to meet the risk management needs of such member producers.".

SEC. 110. ELECTIONS REGARDING PREVENTED PLANTING COVERAGE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (7), as added by section 104, the following new paragraph:

"(8) PREVENTED PLANTING COVERAGE.—

"(A) ELECTION NOT TO RECEIVE COVERAGE.—

"(i) ELECTION.—A producer may elect not to receive coverage for prevented planting of an agricultural commodity.

"(ii) REDUCTION.—In the case of an election under clause (i), the Corporation shall provide a reduction in the premium payable by the producer for a plan of insurance in an amount equal to the premium for the prevented planting coverage, as determined by the Corporation.

"(B) EQUAL COVERAGE.—For each agricultural commodity for which prevented planting coverage is available, the Corporation shall offer an equal percentage level of prevented planting coverage.

"(C) AREA CONDITIONS REQUIRED FOR PAYMENT.—The Corporation shall limit prevented planting payments to producers to those situations in which producers in the area in which the farm is located are generally affected by the conditions that prevent an agricultural commodity from being planted.

"(D) SUBSTITUTE COMMODITY.—

"(i) AUTHORITY TO PLANT.—Subject to clause (iv), a producer who has prevented planting coverage and who is eligible to receive an indemnity under such coverage may plant an agricultural commodity, other than the commodity covered by the prevented planting coverage, on the acreage originally prevented from being planted.

"(ii) NONAVAILABILITY OF INSURANCE.—A substitute agricultural commodity planted as authorized by clause (i) for harvest in the same crop year shall not be eligible for coverage under a policy or plan of insurance under this title or for noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333). For purposes of subsection (b)(7) only, the substitute commodity shall be deemed to have at least catastrophic risk protection so as to satisfy the requirements of that subsection.

"(iii) EFFECT ON ACTUAL PRODUCTION HISTORY.—If a producer plants a substitute agricultural commodity as authorized by clause (i) for a crop year, the Corporation shall assign the producer a recorded yield, for that crop year for the commodity that was prevented from being planting, equal to 60 percent of the producer's actual production history for such commodity for purposes of determining the producer's actual production history for subsequent crop years.

"(iv) EFFECT ON PREVENTED PLANTING PAYMENT.—If a producer plants a substitute agricultural commodity as authorized by clause (i) before the latest planting date established by the Corporation for the agricultural commodity prevented from being planted, the Corporation shall not make a prevented planting payment with regard to the commodity prevented from being planted.".

SEC. 111. LIMITATIONS UNDER NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

(b) LIMITATION.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "GROSS REVENUES" in the subparagraph heading and inserting "ADJUSTED GROSS INCOME"; and

(B) by striking "gross revenue" and "gross revenues" each place they appear and inserting "adjusted gross income"; and

(2) by striking paragraph (4) and inserting the following new paragraph:

"(4) LIMITATION.—A person who has qualifying adjusted gross income in excess of $2,000,000 during the taxable year shall not be eligible to receive any noninsured crop disaster assistance payment under this section.".

SEC. 112. QUALITY GRADE LOSS ADJUSTMENT.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (8), as added by section 110, the following new paragraph:

"(9) QUALITY GRADE LOSS ADJUSTMENT.—Consistent with subsection (m)(4), by the 2000 crop year, the Corporation shall enter into a contract to analyze its quality loss adjustment procedures and make such adjustments as may be necessary to more accurately reflect local quality discounts that are applied to agricultural commodities insured under this title, taking into consideration the actuarial soundness of the adjustment and the prevention of fraud, waste and abuse.".

The CHAIRMAN. Are there amendments to title I?

☐ 1230

AMENDMENT NO. 3 OFFERED BY MR. LAHOOD

Mr. LAHOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Mr. LAHOOD: Page 16, strike lines 1 through 18, and insert the following:

"(A) PROGRAMS REQUIRED.—

"(i) NUMBER AND TYPES OF PROGRAMS.—The Corporation shall conduct two or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of—

"(I) futures and options contracts and policies and plans of insurance that provide livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock, provide protection for production losses, and otherwise protect the interests of livestock producers; and

"(II) policies and plans of insurance that, notwithstanding the second sentence of subsection (a)(1), and subject to the exclusions in subsection (a)(3), provide livestock producers with reasonable protection from liability to mitigate or compensate for adverse environmental impacts from producers' operations caused by natural disasters, unusual weather or climatic conditions, third-party acts, or other forces or occurrences beyond the producers' control, and with coverage to satisfy obligations established by law for closure of producers' operations.

"(ii) PURPOSE OF PROGRAMS.—To the maximum extent practicable, the Corporation shall evaluate the greatest number and varieity of pilot programs described in clause (i) to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

Mr. LAHOOD. Mr. Chairman, I rise today, along with the gentleman from Iowa (Mr. BOSWELL), to offer an amendment to the bill that, in keeping with the spirit of this bill, creates an equal partnership between farmers, ranchers, and the Federal Government by closing a giant gap in the farm income safety net, a gap created by the consequences of unforeseen, uncontrollable, and unforgiving natural events.

Our amendment would create, as I indicated earlier, a pilot project for two or three places around the country that would include livestock producers.

I believe that farmers and ranchers want to do the right thing. We need to help them.

My amendment allows us to live up to our commitment to our country's food producers by giving them the risk management tools to cope with disasters, weather shifts, and other natural acts beyond their control without fear that the cost of doing the right thing will put them out of business.

Mr. BOSWELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first off, I again want to thank my colleague and neighbor the gentleman from Illinois (Mr. LAHOOD) for his good work, and also the committee, as I have already mentioned earlier.

I have been a long-time crop farmer and livestock farmer and, of course, associate with those kind of folks a lot. We have often tried very hard to respond to the needs of the crop farmers, as we should, and we should continue to do that. But we have overlooked livestock time and again.

So I rise to support this amendment. It gets right to the point of why the business of agriculture is unlike any other business in the world. Most business people have some degree of control over many of the factors that affect their bottom line. And although weather affects everyone, we can make a case that farming is greatly threatened by natural disasters such as floods, tornadoes, hurricanes, damaging droughts, which severely affect a farmer's ability to stay in business.

Now, granted that other businesses are threatened with those, too. But remember, a farmer's business stretches over many acres of land and, therefore, is a different situation. Cleanup after one of these natural disasters, like

Floyd, and we are still trying to assess that impact, cost the family farmer thousands upon thousands of dollars. And in these times of disastrously low commodity prices, any kind of unforeseen cost could be a factor that finally puts the farmer out of business for good.

Farmers cannot control the weather, but they certainly must deal with it. This amendment would simply direct USDA to use its new livestock insurance pilot program to give producers a useful risk management tool against the ill effects of Mother Nature's force and other factors beyond their control. And for farmers who are barely making ends meet, every opportunity to mitigate unforeseen costs is extremely useful.

Mr. Chairman, this amendment simply moves to protect livestock producers from costs associated with incidents beyond their control. It is an amendment that will help the producer better manage the risks associated with farming. It is a common-sense amendment and it makes H.R. 2559 a better bill.

Again, I thank the gentleman from Illinois (Mr. LAHOOD), the chairman and the ranking member.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the work of the author of the amendment, the gentleman from Illinois (Mr. LAHOOD), and the cosponsor of the amendment, the gentleman from Iowa (Mr. BOSWELL).

We have discussed the amendment. There are some questions I think that at some point will need to be answered and resolved. I think this is certainly within the spirit of the direction of the bill that is before the House today, and I would certainly support the amendment and accept the amendment.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too commend the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Iowa (Mr. BOSWELL) for offering this amendment. I think it does fit certainly within the spirit of the recognition that, as the gentleman from Iowa (Mr. BOSWELL) pointed out, we have traditionally been in the crop insurance business.

This bill is intended to expand into the livestock and crop. And I think the spirit of this, particularly in the environmental side, is something that we should accept today and that we should work expeditiously to be made part of the final legislation that ultimately is signed by the President.

Mr. COMBEST. Mr. Chairman, I suggest passage of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. LAHOOD).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

Mr. THUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I too want to add this morning to what has already been said about how important this issue is to producers across this country and to say that agriculture has been hit by an unprecedented set of issues, the lowest prices in decades, loss of foreign markets, unprecedented levels of concentration within the industry itself. These are all issues, many of them over which producers do not have control; and those are things that I hope as we move forward in our discussion in agricultural policy in Congress, that we can begin to address.

There is tremendous room for improvement in many of these areas. I certainly hope that, as a member of the Committee on Agriculture, that I know our chairman is focused on these issues; and we intend to move forward and try to create an environment with respect to our producers to have an opportunity to make a living and to compete in the world marketplace.

But we had a series of hearings on this subject. I credit the gentleman from Illinois (Mr. EWING) the chairman of our subcommittee for allowing us to have a hearing in Sioux Falls about 10 months ago where we heard from a number of producer groups across South Dakota as to what the problems with the current crop insurance program are and how we can fix those.

I believe that the bill that we are discussing today takes us in a direction that addresses those concerns and, hopefully, comes up with a system and a program that is more workable for the producers.

A couple of suggestions that came out of that were that we need to address the premium schedule so that there is an incentive in the program for producers to buy up to the next level of coverage. If this program is going to work, we have to have that. We have addressed that in this bill.

We also have had a number that were concerned about how the actual production history is used in a calculation of what is insurable in a loss, and that has been addressed, as well. There are those areas of the country like my own where we have seen year to year successive repeated losses, and the multiple-year loss issue is something that is addressed as well in this bill. So I believe that this is an important step forward.

I want to credit the chairman of our committee, the gentleman from Texas (Mr. COMBEST), and the gentleman from Illinois (Mr. EWING), the chairman of the subcommittee, and the gentleman from Texas (Mr. STENHOLM) and others on the other side of the aisle who have worked together. This really is an issue which should take the politics out of where we should work in a bipartisan way to try and address what is a very important issue to the future of this country and that is our food supply and how we compete in the international marketplace.

Our producers need as many risk management tools as they can possibly have in order to be competitive out there, and a crop insurance program that is workable is certainly one of those tools and one of the things in their arsenal in what we hope will be an array of tools that will help them to better compete.

So I, this morning, rise in support of this legislation. I hope that we can get action in the other body, in the Senate, as well and get the President to sign it into law. It is long overdue, and it is something I hope that will start us down the road toward returning some level of profitability to agriculture and also helping us insure against those things over which producers many times have no control, such as the weather.

So this is, again, a first step. And I hope, again, that we will have an opportunity to address some of the other issues that are affecting the ag sector today.

My State of South Dakota is going through tremendous economic stress on the farm, and I believe that many of the things that we are working on that, hopefully, will make their way through the body later on this year and next year will take us farther down the road towards addressing what are the very serious concerns about agriculture.

Again, I want to thank the leadership of this committee and the House for moving this forward and taking a bill which I think is a very balanced, reasonable approach and will better make improvements in this bill to make it better, to make it a more useful tool to producers across this country.

So I urge all Members in the House to vote "yes" when we come to final passage.

AMENDMENT NO. 4 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. UPTON: Add at the end of title I the following new section:

SEC. . CORRECTION OF ERRONEOUS PRICE ELECTION, MICHIGAN FRESH MARKET PEACHES.

(a) ADDITIONAL PAYMENT BASED ON CORRECTED PRICE.—Using funds available to carry out the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall make a payment to each producer of fresh market peaches in Michigan who purchased a crop insurance policy for the 1999 fresh market peaches crop and received a payment under the policy. The amount of the additional payment shall be equal to the difference between—

(1) the amount the producer would have received under the policy had the correct price

election for the 1999 crop of $11.00 per bushel been used; and

(2) the amount the producer actually received under the policy using the erroneous price election of $6.25 per bushel.

(b) PREMIUM DEDUCTION.—The amount determined under subsection (a) for a producer shall be reduced by an amount equal to the additional premium (if any) that the producer would have paid for a policy for the 1999 fresh market peaches crop that used the correct price election.

Mr. UPTON. Mr. Chairman, I am here today on behalf of peach growers in my State who may lose their farms, their livelihoods, unfortunately, because of a bureaucratic mistake.

Last January, much of the Michigan peach crop was devastated by a cold snap when temperatures plummeted to 15 degrees below 0. That was the high for a number of days. We knew then that the entire peach crop was going to be gone, literally dead on the branches, would not recover in the spring. But when the farmers turned to USDA for help, there was even more bad news.

The Risk Management Agency miscalculated our farmers' reimbursements providing them, yes, with relief but well below the amount that they deserved, expected, and what they need, in fact, to recover. In fact, we learned later on that when the disaster payments went out this summer, the same peaches in other States under this program were getting nearly twice as much per bushel. That is not right.

Now, there is some good news. The USDA admitted that they had made a mistake and, in fact, they wanted to make amends and they recalculated with a new formula to determine what the disaster payment really ought to be. But, unfortunately, those new payments will not affect the disaster program for peaches until next year, which means that this year our farmers are out.

What this amendment would have done is it would have provided a retroactive payment to Michigan peach farmers based on the correct information because we would feel that it is not fair to make peach farmers pay a price for an error by USDA.

Now, because a point of order could have been made against this amendment, I will ask unanimous consent to withdraw it. But I would like to note that I am working with the Committee on Appropriations members and they have given me a pretty good assurance that they plan to include this language as part of the agriculture appropriations conference report.

I have discussed it with a number of folks at the Department of Agriculture, including the Secretary of Agriculture earlier today, and they know of the problems that we have and would like to work with us to make sure that our peach farmers, in fact, are not discriminated against.

Mr. Chairman, I have talked to the gentleman from Texas (Mr. COMBEST), chairman of the House Committee on Agriculture, and I yield to him.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding and would certainly encourage the USDA to see if there is some way they could rectify this problem.

The gentleman has been very strongly representative of his people in his district, recognizing there was an initial problem, and I appreciate his tenacity.

It is also my understanding that the report language in the appropriations conference report will also address this subject. I appreciate the willingness of the gentleman to withdraw his amendment.

Mr. UPTON. Mr. Chairman, again, I appreciate the comments of the chairman.

I also want to commend our fellow Michigander on the Committee on Agriculture, who asked some pretty tough questions and asked us to deliver a better peach price with Gus Schumacher, representative of the USDA.

Mr. Chairman, I yield briefly to my friend and colleague, the gentleman from Michigan (Mr. SMITH) who helped carry the ball in the committee.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman very much for yielding.

Mr. Chairman, it was simply a mistake. They made a mistake on the crop insurance. They put the wrong price down. And who ended up suffering, of course, is our farmers that bought that insurance with the mistake incorporated in that contract. So it does need to be corrected.

Mr. UPTON. Mr. Chairman, our peaches ought to be treated the same as peaches from other States no matter where they are.

Mr. UPTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me congratulate not only the chairman of the committee but the ranking member and all the Members who worked in a very bipartisan way to bring this crop insurance bill to the floor today. It is an important piece of legislation that will, in fact, give our Nation's farmers greater risk management tools that they need given the new environment that we are all operating in.

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There has been a lot said on the floor today about our farm policy. Like my colleague from Georgia said, we need to remember the forgotten parts of the farm policy that we put in place some 3 years ago. We knew then as we began to move agriculture to more market orientation that it was going to be essential that we work with the agriculture community to provide more risk management tools. That is what we are doing today: This extra money for crop insurance, the program is more flexible, it will work for more farmers, an essential part of what we need to do to make the farm policy that we have work more efficiently.

Secondly, we talked about the need to have regulatory reform, so that we bring some common sense to the regulations the farmers have to deal with that do nothing more, in some cases, other than drive up costs for farmers, making them less and less profitable. There is certainly an awful lot of room for improvement that we all need to be paying attention to. But we all know that the real cause of the current crisis in agriculture is what happened in Southeast Asia some 2 years ago when the bottom fell out of their markets, when their currencies were devalued and they were unable to continue buying our commodities at the rate that they were. But an important part of our farm policy was to make sure that we were out there opening new markets for our crops. About 40 percent of what we raise and produce in this country, we export somewhere around the world. If we are not exporting that product, it is going to lay here in our markets and drive down prices. That is exactly what has happened.

Not only do we see now some strengthening in Southeast Asia but I think what this House and this Congress and this administration need to get to work on is providing fast track authority to our U.S. trade rep so that we in this country can go out and begin to open markets for our farmers. Until we open markets for our farmers, we are going to have excess production. It is going to lay over the markets and drive down prices. The only other answer is to go back to what we did for 60 years, and that is to get back into this business of the Federal Government telling farmers how much they can plant, how much they can harvest and try to have some type of supply management program run by Washington, D.C. Farmers do not want that, most Members of Congress do not want that. And so if we are going to avoid that, what we need to do is to get out there and open those markets and help our farmers. But what we are doing today is an important part of making that farm policy work, providing these risk management tools to our farmers so that they can better ensure their own success down the road.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding. I want to associate myself with his remarks. I hope that this might prove what I hear is happening on the agriculture appropriations to be unfounded. We have an opportunity to drop the sanctions language. One of the things that has hurt agriculture time and time again is when we have had sanctions on other countries applied that have a devastating effect on our agriculture producers. And so I hope that we will be able to deal in a very responsible way on the agriculture appropriations bill in eliminating these sanctions and the resulting lack of market opportunities for our producers.

Mr. BOEHNER. Reclaiming my time, I also want to congratulate the chairman of the committee and the ranking member who have announced that we are going to have a set of hearings early next year to look at our farm policy. I think it is an appropriate time to take an honest and a thorough look as to what is working in our farm policy, what is not, and what we as Members of Congress can do to improve it.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, American agriculture is in a very serious situation right now. While the rest of the economy is experiencing strong profits and strong employment and good income, farmers are at the lowest level of net profits that they have been in many years. That comes from two consequences: One is the natural disaster of the weather that for a lot of farmers has substantially reduced their yields all the way to almost zero in some cases; and the other problem is the commodity prices. The commodity prices are the lowest, record low commodity prices. For example, in soybeans, lower price than there has been in soybeans in 30 years, corn, rice, cotton, livestock production especially in the area of hog production, the kind of commodity prices that are devastating farmers.

I spoke last week to a fourth-generation hog producer in my area of Michigan, where his great grandfather and his grandfather and his father all were successful in running that operation. Now he is threatened with bankruptcy, a very serious situation. But it is not just the farmers. It is not just the 1.5 percent of our population in this country that are out there on the farm working their 16 hours a day or 18 hours a day. It is also the consumers. Because if we do not move ahead with this kind of legislation, if we do not move ahead in ways that we help assure that our farmers in America are not put at a competitive disadvantage with farmers in other countries because of how those other countries are subsidizing their farmers plus how they are keeping our products out of their markets, then we are going to lose our agriculture industry in this country. I think we have got to be very conscious of what the consequences are of losing our ability to produce food and fiber in this country for our consumers. I think it deserves a reminder that the American public buys food at a lower percentage of their take-home income and buy the highest quality food in the world. And so we need to maintain those kind of provisions for the consumers in our country. That is why everybody in this Chamber needs to be concerned with the future of agriculture. This bill moves us along the route of helping assure that our farmers can survive.

As I met with my farmers in Michigan, they told me that it is silly for them to buy this crop insurance because they only have a disaster once every 14 years, or 16 years, or 18 years. And so the higher priced premium that has been charged to accommodate all areas of the country, even those areas, of course, with the higher frequency of disaster, makes it not worthwhile for our farmers to buy that kind of insurance.

So the amendment that the committee adopted and those that are in this bill account in two ways to look at premiums based on how often there are disasters in particular regions, and to change those premiums to reflect the frequency of those disasters. Also, we incorporated language in this bill that says that we will work on developing insurance that has a more targeted consideration of the price of the commodity. Right now this bill is mostly sunshine insurance, or natural disaster insurance, with a small provision on helping assure that the price is either in the winter months or in the fall months, there is that option of the higher price. But this bill says to look and explore other avenues to add to the tools that a farmer has to be risk management tools to help assure that they can run their business the way anybody else runs their business. And as we continue to be in a free market system, as we continue to let the marketplace help influence that farmer on how much of what crop to plant, this kind of insurance help from the Federal Government is reasonable and it is necessary.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—IMPROVING PROGRAM EFFICIENCIES

SEC. 201. LIMITATION ON DOUBLE INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (9), as added by section 112, the following new paragraph:

"(10) LIMITATION ON DOUBLE INSURANCE.—

"(A) RESTRICTED TO CATASTROPHIC RISK PROTECTION.—Except for situations covered by subparagraph (B), no policy or plan of insurance may be offered under this title for more than one agricultural commodity planted on the same acreage in the same crop year unless the coverage for the additional crop is limited to catastrophic risk protection available under subsection (b).

"(B) EXCEPTION FOR DOUBLE-CROPPING.—A policy or plan of insurance may be offered under this title for an agricultural commodity and for an additional agricultural commodity when both agricultural commodities are normally harvested within the same crop year on the same acreage if the following conditions are met:

"(i) There is an established practice of double-cropping in the area and the additional agricultural commodity is customarily double-cropped in the area with the first agricultural commodity, as determined by the Corporation.

"(ii) A policy or plan of insurance for the first agricultural commodity and the additional agricultural commodity is available under this title.

"(iii) The additional commodity is planted on or before the final planting date or late planting date for that additional commodity, as established by the Corporation.".

SEC. 202. IMPROVING PROGRAM COMPLIANCE AND INTEGRITY.

(a) ADDITIONAL METHODS.—Section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(2) by inserting after the subsection heading the following new paragraph (1):

"(1) PURPOSE.—The purpose of this subsection is to improve compliance with the Federal crop insurance program and to improve program integrity."; and

(3) by adding at the end the following new paragraphs:

"(4) RECONCILING PRODUCER INFORMATION.—The Secretary shall develop and implement a coordinated plan for the Corporation and the Administrator of the Farm Service Agency to reconcile all relevant information received by the Corporation or the Farm Service Agency from a producer who obtains crop insurance coverage under this title. Beginning with the 2000 crop year, the Secretary shall require that the Corporation and the Farm Service Agency reconcile such producer-derived information on at least an annual basis in order to identify and address any discrepancies.

"(5) IDENTIFICATION AND ELIMINATION OF FRAUD, WASTE, AND ABUSE.—

"(A) FSA MONITORING PROGRAM.—The Secretary shall develop and implement a coordinated plan for the Farm Service Agency to assist the Corporation in the ongoing monitoring of programs carried out under this title, including—

"(i) conducting fact finding relative to allegations of program fraud, waste, and abuse, both at the request of the Corporation or on its own initiative after consultation with the Corporation;

"(ii) reporting any allegation of fraud, waste, and abuse or identified program vulnerabilities to the Corporation in a timely manner; and

"(iii) assisting the Corporation and approved insurance providers in auditing a statistically appropriate number of claims made under any policy or plan of insurance under this title.

"(B) USE OF FIELD INFRASTRUCTURE.—The plan required by this paragraph shall use the field infrastructure of the Farm Service Agency, and the Secretary shall ensure that relevant Farm Service Agency personnel are appropriately trained for any responsibilities assigned to them under the plan. At a minimum, such personnel shall receive the same level of training and pass the same basic competency tests as required of loss adjusters of approved insurance providers.

"(C) MAINTENANCE OF PROVIDER EFFORT; COOPERATION.—The activities of the Farm Service

Agency under this paragraph do not affect the responsibility of approved insurance providers to conduct any audits of claims or other program reviews required by the Corporation. If an insurance provider reports to the Corporation that it suspects intentional misrepresentation, fraud, waste, or abuse, the Corporation shall make a determination and provide a written response within 90 days after receiving the report. The insurance provider and the Corporation shall take coordinated action in any case where misrepresentation, fraud, waste, or abuse has occurred.

"(6) CONSULTATION WITH STATE COMMITTEES.—The Corporation shall establish a mechanism under which State committees of the Farm Service Agency are consulted concerning policies and plans of insurance offered in a State under this title.

"(7) ANNUAL REPORT ON COMPLIANCE EFFORTS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report containing findings relative to the efforts undertaken pursuant to paragraphs (4) and (5). The report shall identify specific occurrences of waste, fraud, and abuse and contain an outline of actions that have been or are being taken to eliminate the identified waste, fraud, and abuse.".

(b) TECHNICAL CORRECTION.—Paragraph (3) of section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)), as redesignated by subsection (a), is amended by striking "this subsection" and inserting "this paragraph".

SEC. 203. SANCTIONS FOR FALSE INFORMATION.

(a) AUTHORIZED SANCTIONS.—Section 506(n) of the Federal Crop Insurance Act (7 U.S.C. 1506(n)) is amended—

(1) in the subsection heading, by striking "PENALTIES" and inserting "SANCTIONS FOR VIOLATIONS";

(2) by redesignating paragraph (2) as paragraph (3) and, in such paragraph, by striking "PENALTY" and "assessing penalties" and inserting "SANCTION" and "imposing a sanction", respectively; and

(3) by striking paragraph (1) and inserting the following new paragraphs:

"(1) FALSE INFORMATION.—If a producer, an agent, a loss adjuster, an approved insurance provider, or any other person willfully and intentionally provides any false or inaccurate information to the Corporation or to an approved insurance provider with respect to a policy or plan of insurance under this title, the Corporation may, after notice and an opportunity for a hearing on the record, impose one or more of the sanctions specified in paragraph (2).

"(2) AUTHORIZED SANCTIONS.—The following sanctions may be imposed for a violation under paragraph (1):

"(A) The Corporation may impose a civil fine for each violation not to exceed the greater of—

"(i) the amount of the pecuniary gain obtained as a result of the false or inaccurate information provided; or

"(ii) $10,000.

"(B) If the violation is committed by a producer, the producer may be disqualified for a period of up to 5 years from—

"(i) participating in, or receiving any benefit provided under this title, the noninsured crop disaster assistance program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.);

"(ii) receiving any loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et. seq.);

"(iii) receiving any benefit provided, or indemnity made available, under any other law to assist a producer of an agricultural commodity due to a crop loss or a decline in commodity prices; or

"(iv) receiving any cost share assistance for conservation or any other assistance provided under title XII of the Food Security Act (16 U.S.C. 3801 et seq.).

"(C) If the violation is committed by an agent, loss adjuster, approved insurance provider, or any other person (other than a producer), the violator may be disqualified for a period of up to 5 years from participating in, or receiving any benefit provided under this title.

"(D) If the violation is committed by a producer, the Corporation may require the producer to forfeit any premium owed under the policy, notwithstanding a denial of claim or collection of an overpayment, if the false or inaccurate information was material.".

(b) DISCLOSURE OF SANCTIONS.—Section 506(n) of the Federal Crop Insurance Act (7 U.S.C. 1506(n)) is amended by adding at the end the following new paragraph:

"(4) DISCLOSURE OF SANCTIONS.—Each policy or plan of insurance under this title shall prominently indicate the sanctions prescribed under paragraph (2) for willfully and intentionally providing false or inaccurate information to the Corporation or to an approved insurance provider.".

SEC. 204. PROTECTION OF CONFIDENTIAL INFORMATION.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following new subsection:

"(c) PROTECTION OF CONFIDENTIAL INFORMATION.—

"(1) AUTHORIZED DISCLOSURE.—In the case of information furnished by a producer to participate in or receive any benefit under this title, the Secretary, any other officer or employee of the Department or an agency thereof, an approved insurance provider and its employees and contractors, and any other person may not disclose the information to the public, unless the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

"(2) VIOLATIONS; PENALTIES.—Subsection (c) of section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) shall apply with respect to the release of information collected in any manner or for any purpose prohibited by paragraph (1).".

SEC. 205. RECORDS AND REPORTING.

(a) CONDITION OF OBTAINING COVERAGE.—Section 508(f)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)(A)) is amended by striking "provide, to the extent required by the Corporation, records acceptable to the Corporation of historical acreage and production of the crops for which the insurance is sought" and inserting "provide annually records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each agricultural commodity insured under this title".

(b) COORDINATION OF RECORDS.—Section 506(h) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)) is amended—

(1) by striking "The Corporation" and inserting the following:

"(1) IN GENERAL.—The Corporation"; and

(2) by adding at the end the following new paragraph:

"(2) COORDINATION AND USE OF RECORDS.—

"(A) COORDINATION BETWEEN AGENCIES.—The Secretary shall ensure that recordkeeping and reporting requirements under this title and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) are coordinated by the Corporation and the Farm Service Agency to avoid duplication of such records, to streamline procedures involved with the submission of such records, and to enhance the accuracy of such records.

"(B) USE OF RECORDS.—Notwithstanding section 502(c), records submitted in accordance with this title and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be available to agencies and local offices of the Department, appropriate State and Federal agencies and divisions, and approved insurance providers for use in carrying out this title and such section 196 as well as other agricultural programs and related responsibilities.".

(c) NONINSURED CROP DISASTER ASSISTANCE PROGRAM.—Section 196(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) RECORDS.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary, acting through the Agency, records of crop acreage, acreage yields, and production for each eligible crop."; and

(2) in paragraph (3), by inserting "annual" after "shall provide".

SEC. 206. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

"(o) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person who sells or solicits the purchase of a policy or plan of insurance under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State.".

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—ADMINISTRATION

SEC. 301. BOARD OF DIRECTORS OF CORPORATION.

(a) CHANGE IN COMPOSITION.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking the section heading, "SEC. 505.", and subsection (a) and inserting the following:

"SEC. 505. MANAGEMENT OF CORPORATION.

"(a) BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—The management of the Corporation shall be vested in a Board of Directors subject to the general supervision of the Secretary.

"(2) COMPOSITION.—The Board shall consist of only the following members:

"(A) The manager of the Corporation, who shall serve as a nonvoting ex officio member.

"(B) The Under Secretary of Agriculture responsible for the Federal crop insurance program.

"(C) One additional Under Secretary of Agriculture (as designated by the Secretary).

"(D) The Chief Economist of the Department of Agriculture.

"(E) One person experienced in the crop insurance business.

"(F) One person experienced in the regulation of insurance.

"(G) Four active producers who are policy holders, are from different geographic areas of the United States, and represent a cross-section of agricultural commodities grown in the United States. At least one of the four shall be a specialty crop producer.

"(3) APPOINTMENT OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2)—

"(A) shall be appointed by, and hold office at the pleasure of, the Secretary; and

"(B) shall not be otherwise employed by the Federal Government.

"(4) CHAIRPERSON.—The Board shall select a member of the Board to serve as Chairperson.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

(c) EFFECT ON EXISTING BOARD.—A member of the Board of Directors of the Federal Crop Insurance Corporation on the effective date specified in subsection (b) may continue to serve as a member of the Board until the earlier of the following:

(1) The date the replacement Board is appointed.

(2) The end of the 180-day period beginning on the effective date specified in subsection (b).

SEC. 302. PROMOTION OF SUBMISSION OF POLICIES AND RELATED MATERIALS.

(a) REIMBURSEMENT AUTHORITY.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)), as amended by section 105(a) of this Act, is amended by inserting after paragraph (5) the following new paragraph:

"(6) REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.—

"(A) REIMBURSEMENT PROVIDED.—Subject to the conditions of this paragraph, the Corporation shall provide a payment to reimburse an applicant for research, development, and maintenance costs directly related to a policy or other material that is—

"(i) submitted to, and approved by, the Board under this subsection for reinsurance; and

"(ii) if applicable, offered for sale to producers.

"(B) DURATION.—Payments under subparagraph (A) may be made available beginning in fiscal year 2001. Payments with respect to the maintenance of an approved policy or other material may be provided for a period of not more than 4 reinsurance years following Board approval. Upon the expiration of that 4-year period, or earlier upon the agreement of the Corporation and the person receiving the payment, the Corporation shall assume responsibility for maintenance of a successful policy, as determined by the Corporation based on the market share attained by the policy, the total number of policies sold, the total amount of premium paid, and the performance of the policy in the States where the policy is sold.

"(C) TREATMENT OF PAYMENT.—Payments made under subparagraph (A) for a policy or other material shall be considered as payment in full for the research and development conducted with regard to the policy or material and any property rights to the policy or material.

"(D) REIMBURSEMENT AMOUNT.—The Corporation shall determine the amount of the payment under subparagraph (A) for an approved policy or other material based on the complexity of the policy or material and the size of the area in which the policy or material is expected to be used.".

(b) ISSUANCE OF REGULATIONS.—Not later than October 1, 2000, the Corporation shall issue final regulations to carry out the amendment made by subsection (a).

SEC. 303. RESEARCH AND DEVELOPMENT, INCLUDING CONTRACTS REGARDING UNDERSERVED COMMODITIES.

(a) SUPPORT FOR PRIVATE RESEARCH AND DEVELOPMENT.—Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following new paragraph:

"(4) PRIVATE RESEARCH AND DEVELOPMENT OF POLICIES AND OTHER MATERIALS.—

"(A) USE OF REIMBURSEMENT AUTHORITY.—To encourage and promote the necessary research and development for policies, plans of insurance, and related materials, including policies, plans, and materials under the livestock pilot programs under subsection (h)(10), the Corporation shall make full use of private resources by providing payment for research and development for approved policies and plans of insurance, and related materials, pursuant to subsection (h)(6).

"(B) CONTRACTS FOR UNDERSERVED COMMODITIES.—

"(i) DEVELOPMENT OF PRODUCTS AND RELATED MATERIALS.—In the event the Corporation determines that an agricultural commodity, including a specialty crop, is not adequately served by policies and plans of insurance and related materials submitted under subsection (h) or any other provision of this title, the Corporation may enter into a contract, under procedures prescribed by the Corporation, directly with any person or entity with experience in crop insurance or farm or ranch risk management, including universities, providers of crop insurance, and trade and research organizations, to carry out research and development for policies and plans of insurance and related materials for that agricultural commodity without regard to the limitations contained in this title.

"(ii) TYPES OF CONTRACTS.—A contract under this subparagraph may provide for research and development regarding new or expanded policies and plans of insurance and related materials, including policies based on adjusted gross income, cost-of-production, quality losses, and an intermediate base program with a higher coverage and cost than catastrophic risk protection.

"(iii) DELAYED EFFECTIVE DATE FOR CONTRACTS.—A contract entered into under this subparagraph may not take effect before October 1, 2000.

"(iv) USE OF RESULTING POLICIES AND PLANS.—The Corporation may offer any policy or plan of insurance developed under this subparagraph that is approved by the Board.

"(C) CONTRACT FOR REVENUE COVERAGE PLAN.—The Corporation shall enter into a contract for research and development regarding one or more revenue coverage plans designed to enable producers to take maximum advantage of fluctuations in market prices and thereby maximize revenue realized from the sale of a crop. Such a plan may include market instruments currently available or may involve the development of new instruments to achieve this goal. Not later than 15 months after the date of the enactment of this paragraph, the Corporation shall submit to Congress a report containing the results of the contract.".

(b) RELIANCE ON PRIVATE DEVELOPMENT OF NEW POLICIES.—Section 508(m)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)(2)) is amended—

(1) by striking "EXCEPTION.—No action" and inserting—

"(2) EXCEPTIONS.—

"(A) PRIVATE AVAILABILITY.—No action"; and

(2) by adding at the end the following new subparagraph:

"(B) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—Notwithstanding paragraphs (1) and (5), on and after October 1, 2000, the Corporation shall not conduct research and development for any new policy or plan of insurance for an agricultural commodity offered under this title. Any policy or plan of insurance developed by the Corporation under this title before that date shall, at the discretion of the Corporation, continue to be offered for sale to producers.".

(c) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by inserting after paragraph (4), as added by subsection (a), the following new paragraph:

"(5) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—

"(A) PURPOSE.—The purpose of this paragraph is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of increasing the availability of loss mitigation, financial, and other risk management tools for crop producers, with priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and specialty and underserved commodity producers.

"(B) AUTHORITY.—Subject to subparagraphs (D) and (E), the Corporation may enter into partnerships with the Cooperative State Research, Education, and Extension Service, the Agricultural Research Service, the National Oceanic Atmospheric Administration, and other appropriate public and private entities with demonstrated capabilities in developing and implementing risk management and marketing options for specialty crops and underserved commodities.

"(C) OBJECTIVES.—The Corporation may enter into a partnership under subparagraph (B)—

"(i) to enhance the notice and timeliness of notice of weather conditions that could negatively affect crop yields, quality, and final product use in order to allow producers to take preventive actions to increase end-product profitability and marketability and to reduce the possibility of crop insurance claims;

"(ii) to develop a multifaceted approach to pest management and fertilization to decrease inputs, decrease environmental exposure, and increase application efficiency;

"(iii) to develop or improve techniques for planning, breeding, planting, growing, maintaining, harvesting, storing, shipping, and marketing that will address quality and quantity challenges associated with year-to-year and regional variations;

"(iv) to clarify labor requirements and assist producers in complying with requirements to better meet the physically intense and time-compressed planting, tending, and harvesting requirements associated with the production of specialty crops and underserved commodities;

"(v) to provide assistance to State foresters or equivalent officials for the prescribed use of burning on private forest land for the prevention, control, and suppression of fire;

"(vi) to provide producers with training and informational opportunities so that they will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools; and

"(vii) to develop other risk management tools to further increase economic and production stability.

"(D) FUNDING SOURCE.—If the Corporation determines that the entire amount available to provide reimbursement payments under subsection (h) and contract payments under paragraph (4) (in this subparagraph referred to as 'reimbursement and contract payments') for a fiscal year is not needed for such purposes, the Corporation may use a portion of the excess amount to carry out this paragraph, subject to the following:

"(i) During fiscal years 2001 through 2004, amounts available for reimbursement and contract payments may be used to carry out this paragraph only if the total amount to be used for reimbursement and contract payments is less than $44,000,000 for fiscal year 2001, $47,000,000 for fiscal year 2002, $50,000,000 for fiscal year 2003, and $52,000,000 for fiscal year 2004.

"(ii) During fiscal years 2001 through 2004, the total amount used to carry out this paragraph for a fiscal year may not exceed the difference between the amount specified in clause (i) for that fiscal year and the amount actually used for reimbursement and contract payments.

"(E) DELAYED AUTHORITY.—The Corporation may not enter into a partnership under the authority of this paragraph before October 1, 2000.".

SEC. 304. FUNDING FOR REIMBURSEMENT AND RESEARCH AND DEVELOPMENT.

(a) EXPENDITURES.—Section 508(h)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(6)), as added by section 302(a) of this Act, is amended by adding at the end the following new subparagraph:

"(E) EXPENDITURES.—

"(i) SPECIALTY CROPS.—Of the total amount made available to provide payments under this paragraph and subsection (m)(4)(B) for a fiscal year, $25,000,000 shall be reserved for research and development contracts under subsection (m)(4)(B). The Corporation may use a portion of the reserved amount for other purposes under this paragraph, with priority given to underserved commodities, if the Corporation determines that the entire amount is not needed for such contracts. If the reserved amount is insufficient for a fiscal year, the Corporation may use amounts in excess of the reserved amount for such contracts.

"(ii) LIMITATION.—In providing payments under this paragraph and subsection (m)(4)(B), the Corporation shall not obligate or expend more than $55,000,000 during any fiscal year.".

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following new subparagraph:

"(D) Costs associated with the reimbursement for research, development, and maintenance costs of approved policies and other materials provided under section 508(h)(6) and contracting for research and development under section 508(m)(4)(B).".

(2) USE OF INSURANCE FUND.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended by adding at the end the following new subparagraph:

"(E) Reimbursement for research, development, and maintenance costs of approved policies and other materials provided under section 508(h)(6) and contracting for research and development under section 508(m)(4)(B).".

SEC. 305. BOARD CONSIDERATION OF SUBMITTED POLICIES AND MATERIALS.

(a) PERSONS AUTHORIZED TO SUBMIT.—Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended by inserting after "a person" the following: "(including an approved insurance provider, a college or university, a cooperative or trade association, or any other person)".

(b) SALE BY APPROVED INSURANCE PROVIDERS.—Section 508(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(3)) is amended by inserting after "for sale" the following: "by approved insurance providers".

(c) TIME PERIODS FOR APPROVAL OR DISAPPROVAL.—Section 508(h)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)(A)), as amended by section 105(c), is amended—

(1) in clause (iii), as redesignated by section 105(c), by striking "of the applicant." and all that follows through the end of the clause and inserting

", and such application, as modified, shall be considered by the Board in the manner provided in clause (iv) within the 30-day period beginning on the date the modified application is submitted. Any notification of intent to disapprove a policy or other material submitted under this subsection shall be accompanied by a complete explanation as to the reasons for the Board's intention to deny approval."; and

(2) by striking clause (iv), as redesignated by section 105(c), and inserting the following new clause:

"(iv) Not later than 120 days after a policy or other material is submitted under this subsection, the Board shall make a determination to approve or disapprove such policy or material. Any determination by the Board to disapprove any policy or other material shall be accompanied by a complete explanation of the reasons for the Board's decision to deny approval. In the event the Board fails to make a determination within the prescribed time period, the submitted policy or other material shall be deemed approved by the Board for the initial reinsurance year designated for the policy or material, except in the case where the Board and the applicant agree to an extension.".

(d) FUNDING TO EXPEDITE CONSIDERATION.—Effective October 1, 2000, section 516(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)) is amended—

(1) by striking "RESEARCH AND DEVELOPMENT EXPENSES.—" and inserting "POLICY CONSIDERATION EXPENSES.—"; and

(2) in subparagraph (A), by striking "research and development expenses of the Corporation" and inserting "costs associated with considering for approval or disapproval policies and other materials under subsections (h) and (m)(4) of section 508, costs associated with implementing such subsection (m)(4), and costs to contract out for assistance in considering such policies and other materials".

SEC. 306. CONTRACTING FOR RATING OF PLANS OF INSURANCE.

Section 507(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)(2)) is amended—

(1) by striking "actuarial, loss adjustment," and inserting "actuarial services, services relating to loss adjustment and rating plans of insurance,"; and

(2) by inserting after "private sector" the following: "and to enable the Corporation to concentrate on regulating the provision of insurance under this title and evaluating new products and materials submitted under section 508(h)".

SEC. 307. ELECTRONIC AVAILABILITY OF CROP INSURANCE INFORMATION.

Section 508(a)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(2) by striking "The Corporation" and inserting the following:

"(A) AVAILABLE INFORMATION.—The Corporation"; and

(3) by adding at the end the following new subparagraph:

"(B) USE OF ELECTRONIC METHODS.—The Corporation shall make the information described in subparagraph (A) available electronically to producers and approved insurance providers. To the maximum extent practicable, the Corporation shall also allow producers and approved insurance providers to use electronic methods to submit information required by the Corporation.".

SEC. 308. FEES FOR USE OF NEW POLICIES AND PLANS OF INSURANCE.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following new paragraph:

"(11) FEES FOR NEW POLICIES AND PLANS OF INSURANCE.—

"(A) AUTHORITY TO IMPOSE FEE.—Effective beginning with fiscal year 2001, if a person develops a new policy or plan of insurance and does not apply for reimbursement of research, development, and maintenance costs under paragraph (6), the person shall have the right to receive a fee from any approved insurance provider that elects to sell the new policy or plan of insurance. Notwithstanding paragraph (5), once the right to collect a fee is asserted with respect to a new policy or plan of insurance, no approved insurance provider may offer the new policy or plan of insurance in the absence of a fee agreement with the person who developed the policy or plan.

"(B) DEFINITION.—For purposes of this paragraph only, the term 'new policy or plan of insurance' means a policy or plan of insurance that was approved by the Board on or after October 1, 2000, and was not available at the time the policy or plan of insurance was approved by the Board.

"(C) AMOUNT.—The amount of the fee that is payable by an approved insurance provider to offer a new policy or a plan of insurance under subparagraph (A) shall be an amount that is determined by the person that developed the new policy or plan of insurance, subject to the approval of the Board under subparagraph (D).

"(D) APPROVAL.—The Board shall approve the amount of a fee determined under subparagraph (C) for a new policy or plan of insurance unless the Board can demonstrate that the fee amount—

"(i) is unreasonable in relation to the research and development costs associated with the new policy or plan of insurance; and

"(ii) unnecessarily inhibits the use of the new policy or plan of insurance.".

SEC. 309. CLARIFICATION OF PRODUCER REQUIREMENT TO FOLLOW GOOD FARMING PRACTICES.

Section 508(a)(3)(C) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(3)(C)) is amended by inserting after "good farming practices" the following: ", including scientifically sound sustainable and organic farming practices".

SEC. 310. REIMBURSEMENTS AND RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

(a) REIMBURSEMENT RATE CHANGES.—

(1) CAT LOSS ADJUSTMENT.—Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking "11 percent" and inserting "8 percent".

(2) REIMBURSEMENT FOR ADMINISTRATIVE AND OPERATING COSTS.—Section 508(k)(4)(A)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)(ii)) is amended by striking "24.5 percent" and inserting "24 percent".

(3) APPLICATION OF AMENDMENTS.—The amendments made by this subsection shall apply with respect to the 2001 and subsequent reinsurance years.

(b) RENEGOTIATION.—Effective for the 2002 reinsurance year, the Federal Crop Insurance Corporation may renegotiate the Standard Reinsurance Agreement.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Add at the end of title III the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION OF MINORITY AND LIMITED-RESOURCE PRODUCERS IN CROP INSURANCE PROGRAMS.

It is the Sense of Congress that the Secretary of Agriculture should ensure the full participation of minority and limited-resource farmers and ranchers in the programs operating under the Federal Crop Insurance Act, as amended by this Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment specifically to H.R. 2559 provides for a sense of Congress for the full participation of minority and limited resource farmers and ranchers in programs operating under the Federal Crop Insurance Act as amended by the Agriculture Risk Protection Act of 1999.

First of all, let me thank the chairman and ranking member, both from Texas, for their cooperation in this sense of Congress. Many of them are aware that all of us as members of the Congressional Black Caucus have been working over the years with African-American farmers. In particular, those of us who live in urban or inner city communities have found ourselves more and more educated about the plight of the black farmer, in particular because many who have lost their land have moved into our cities or in fact some of our residents who live in our district still retain farming connections, as we call it, in the country. In fact, one of the sites for the black farmers meeting was Houston. Another site is Detroit, Michigan; both urban centers.

H.R. 2559, in particular, provides viable risk management tools which are imperative for producers. Crop insurance is a critical tool in a producer's risk management tool box, one which must be more affordable, equitable and more broadly available.

While farming and ranching has been declining in our country, minority and limited resource farmers have faced a severe loss of their farms over the last 70 years. According to the most recent census of agriculture, the number of all minority farms have fallen from 950,000 in 1920 to 60,000 in 1992. For African Americans, the number fell from 925,000, 14 percent of all farms in 1920, to only 18,000, 1 percent of all farms in 1992. Although the number of farms owned by other minorities has increased in recent years, particularly among Hispanics, the total acres of land farmed by these groups have actually declined. Only women have seen an increase in both the number of farms and acreage farmed.

H.R. 2559 goes a long way in ensuring that all farmers and ranchers have access to crop insurance. We need to particularly be mindful of our minority and limited resource farmers and ranchers. And so this amendment puts the sunlight and the highlight on our minority and limited resource farmers and ranchers to ensure that the programs operating under the Federal Crop Insurance Act do reach out to them. This measure is an important first step toward meeting this goal. I urge my colleagues to support not only this particular legislation but the amendment.

Mr. Chairman, today I rise to support H.R. 2559, the Agriculture Risk Protection Act of 1999. This legislation would enact needed improvements to the current crop insurance program for farmers and ranchers. H.R. 2559 provides substantial improvements that will strengthen program performance and participation across all commodities and regions of the country.

Viable risk management tools are imperative for producers. Crop insurance is a critical tool in a producer's "risk management tool box"—one which must be more affordable, equitable and more broadly available.

H.R. 2559 amends the Federal Crop Insurance Act to strengthen the safety net for agriculture producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

While farming and ranching has been declining in our country, minority and limited-resource farmers have faced a severe loss of their farms over the last 70 years. According to the most recent Census of Agriculture, the number of all minority farms has fallen—from 950,000 in 1920 to around 60,000 in 1992. For African-Americans, the number fell from 925,000, 14 percent of all farms in 1920, to only 18,000, 1 percent of all farms in 1992. Although the number of farms owned by other minorities has increased in recent years, particularly among Hispanics, the total acres of land farmed by these groups has actually declined. Only women have seen an increase in both number of farms and acres farmed.

H.R. 2559 goes a long way in ensuring that all farmers and ranchers have access to crop insurance. We need to be particularly mindful of our minority and limited-resource farmers and ranchers. This measure is an important first step toward meeting this goal. I urge my colleagues to do the right thing and support H.R. 2559 in a bipartisan manner.

Mr. COMBEST. Mr. Chairman, I rise in support of the amendment.

I would say to the gentlewoman that the crop insurance program obviously is a voluntary program which should be open and we would always want it to be open to any individual who qualifies as a farmer. And that the intent of this bill is to create an additional menu of insurance options that are available to hopefully be able to reach and to meet the specific needs that some farmers may have that may not fit into a bigger box. That is the whole purpose, to create new programs available. Certainly without singling out or giving a priority to anyone, I just want to make sure the record is clear that this program is available voluntarily to any farmer who wishes to participate who does qualify.

With that in mind, Mr. Chairman, I would rise in support and urge the adoption of the gentlewoman's amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

I want to say that it certainly was the full intent of the Committee on Agriculture that all farmers be allowed full participation in this. I appreciate the gentlewoman from Texas with the sense of Congress resolution that she offers today which will highlight the full intent of that. I commend her for bringing this, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—EFFECTIVE DATE AND IMPLEMENTATION

SEC. 401. EFFECTIVE DATE.

Except as provided in sections 301(b) and 305(d), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. The actual implementation by the Secretary of Agriculture and the Federal Crop Insurance Corporation of an amendment made by this Act shall depend on the terms of the amendment or, in the absence of an express implementation date in the amendment, the special rules specified in section 402.

SEC. 402. SPECIAL RULES REGARDING IMPLEMENTATION OF CERTAIN AMENDMENTS.

(a) IMPLEMENTATION FOR 2000 CROP YEAR.—The amendments made by the following sections of this Act shall apply beginning with the 2000 crop year:

(1) Section 104, relating to review and adjustment in rating methodologies.

(2) Section 106, relating to cost of production as a price election.

(3) Section 107, relating to premium discounts for good performance.

(4) Section 202, relating to improving program compliance and integrity.

(5) Section 203, relating to sanctions for false information.

(6) Section 204, relating to protection of confidential information.

(7) Section 205, relating to records and reporting.

(8) Section 206, relating to compliance with State licensing requirements.

(9) Section 309, relating to requirement to follow good farming practices.

(b) IMPLEMENTATION FOR FISCAL YEAR 2000.—The amendments made by the following sections of this Act shall apply beginning with fiscal year 2000:

(1) Section 105(a), relating to repeal of obsolete pilot programs.

(2) Subsections (a), (b), and (c) and section 305, relating to Board consideration of submitted policies and materials.

(3) Section 306, relating to contracting for rating plans of insurance.

(4) Section 307, relating to electronic availability of crop insurance information.

(c) IMPLEMENTATION FOR 2001 CROP YEAR.—The amendments made by the following sections of this Act shall apply beginning with the 2001 crop year:

(1) Section 101, relating to premium schedule for additional coverage.

(2) Section 102, relating to premium schedule for other plans of insurance.

(3) Section 103(b), relating to adjustment in production history to reflect pest control.

(4) Section 109, relating to authority for nonprofit associations to pay fees on behalf of producers.

(5) Section 110, relating to elections regarding prevented planting coverage.

(6) Section 111, relating to limitations under noninsured crop disaster assistance program.

(7) Section 201, relating to limitation on double insurance.

(d) IMPLEMENTATION FOR FISCAL YEAR 2001.—The amendments made by the following sections of this Act shall apply beginning with fiscal year 2001:

(1) Section 105(b), relating to general requirements applicable to pilot programs.

(2) Section 304, relating to funding for reimbursement and research and development.

SEC. 403. SAVINGS CLAUSE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as in effect on day before the date of the enactment of this Act, shall continue to apply with respect to the 1999 crop year and shall apply with respect to the 2000 crop year, to the extent the application of an amendment made by this Act is delayed under section 402 or by the terms of the amendment.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1300

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, pursuant to House Resolution 308, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2559, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2559, the Clerk be authorized to correct section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Without prejudice to the resumption of regular legislative business, under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

ORDER OF BUSINESS

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to proceed with my 5-minute special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WE SHOULD NOT SPEND SOCIAL SECURITY SURPLUS MONEY ON OTHER GOVERNMENT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, we have significant challenges before this legislature, possibly more than any of the 7 years that I have served in Congress. That challenge is to hold the line on spending. The question before this body is should we spend the Social Security surplus money for other government programs.

And, Mr. Speaker, everybody should understand that when Congress spends more money, most often they are more likely to be reelected. They take home pork barrel projects, they do more things for more people with taxpayers' money, and they end up on the front page of the paper or end up on television cutting the ribbons; and so part of the problem is that there is a lot of Members of Congress supported by a lot of bureaucrats that work within Federal Government, all of whom would very much like to spend more money and have a bigger government.

The challenge facing us this year is a budget resolution decision not to spend the Social Security surplus funds coming in. We are now approaching the new fiscal year. Day after tomorrow the new fiscal year starts for the United States Government. In that budget we now anticipate $148 billion coming in surplus from the FICA tax, from the Social Security tax. We now estimate approximately $14 billion coming in surplus from the on-budget surplus or, if you will, from the income tax.

In our budget resolution we said we were not going to spend the Social Security surplus. We passed what was called a lockbox bill on the floor that says that we are going to put all of the Social Security surplus into a lockbox and not use it for anything except Social Security.

Now we have got a lot of individuals, including the President, suggesting that we should have more spending; but everybody needs to understand that more spending means that we use the Social Security surplus money. The President suggested that we take 66 percent of the Social Security surplus and set that aside and do not spend it, but that we go ahead and we spend one-third of the Social Security surplus. This side of the aisle, the Republicans, said, no, let us try to do a little better than that, let us put a hundred percent of the Social Security surplus, trust fund surplus, aside and make sure that we do not spend it for other government programs.

I mean it is tough. We have not done this before. It would be history making if we are able to do this. Before the Republicans took the majority in 1995, for the 40 years before that the Democrats had the majority in this chamber for most every one of those years. Any time there was a surplus coming in from Social Security, it was spent for other government programs.

I chair a bipartisan task force of the Committee on the Budget on Social Security. In those hearings we learned that the Social Security Administration may be very well underestimating life span, especially how long an individual is expected to live after they reach the age of 65. Futurist medical experts were guessing that within 25 years anybody that wanted to live to be a hundred years old could make that decision to do so, and they guess that maybe within 35 years anybody that wanted to live to be 120 years old, it was within a realistic realm of possibility that they could live that long, Mr. Speaker.

See the huge consequences this will mean for any pension programs, for any government program, whether it is Social Security or Medicare or whether it is Medicaid with a huge cost, increasing cost, of nursing home care if individuals are going to live that long, because what we are faced with is a declining number of workers paying their tax in that immediately is spent out in benefits.

I mean Social Security has been a pay-as-you-go program ever since it started in 1935. In other words, current workers pay in their taxes to pay the benefits of current retirees. When we started in 1935 and up through the 1940s, we had about 41 people working, paying in their taxes, for every one retiree. Today there is three people working paying in their taxes for every one retiree. By 2030 we are expecting that there is only going to be two people working. That means that those two people have to earn enough to provide for their families plus one retiree.

Huge challenges. Let us be careful. Let us rededicate ourselves not to spend the Social Security surplus. It is a good start.

STATE OF THE FARM ECONOMY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, it is my pleasure to talk for a few minutes today about the state of the farm economy in America. I have listened with interest over the last hour or so to a number of Members come to the floor and speak passionately about the problems that exist in our agriculture sector of our economy across this Nation.

I am proud to hail from the east side of the State of Washington, a location which grows abundant crops, lots of grains, wheat, oats, peas and lentils and other commodities, most of which are exported overseas. When the farm bill policy of our country was adopted back in 1996, it was met, I think, with general acceptance in my part of the country, that this is a good policy change for our farmers, that they would farm for the market and not just for the Government, and the continual subsidies that had been in existence for many, many years under long-term farm policy in this country would see a change.

There would be a reduction over a period of time in the subsidies that had been provided, a marked transition payment assistance program that ultimately would get our farmers into a world market condition where the market would meet the needs, the income needs, of the farmer and not to have the farmer necessarily turn to the Government repeatedly year after year.

This was a good change. I think it was a positive change. For those of us in Congress who feel that the free market is the best way to go, a free market economy is the best, it in many respects caused some problems for our farmers because while on the one hand the Federal Government would say we are going to adopt a free market economy in agriculture, but yet we are not going to provide markets overseas for our farmers to market to, which brings me to the point that I want to make this evening:

That is that in order for our farmers to survive, those in eastern Washington as well as other parts of the country, we must have open markets. Currently our country has a policy of putting embargoes on countries with whom we disagree government to government. I happen to be proudly a member of the Committee on Appropriations, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, which now has before it an issue regarding sanctions relief as part of the evolving policy to assist our farmers across this country.

I think our policy as a general proposition ought to be that we lift sanctions on food and medicine to countries around the world, not providing assistance government to government, but providing assistance to the people of the countries with whom we disagree and their leadership with whom we disagree, providing assistance to those countries in a market-oriented system that allows them to buy our farm products, to purchase them, not to give them, not for us to assist terrorist governments. That is not the intent of anybody in my judgment who supports lifting of sanctions, but to provide assistance to American farmers who are shut out of markets around the world that other countries are not shut out of.

So what happens is that a farmer, the government of Australia or Canada or the European Union has the ability to go into markets that we are frozen out of, American farmers are frozen out of, and underbid prices to sell products, commodities, to those countries; and then in those countries with which they can compete with us, they will undercut us even more. They will raise the prices in the sanctioned countries to get the sale, they will lower the prices in the competing countries in order to beat us out of a sale.

□ 1315

Iran is a prime example. I disagree absolutely with the government of Iran and their policies of terrorism around the world and oppression, but they are buying wheat from Canada, Australia, and the European Union. Americans are getting nothing from nor realizing any sales to this country.

So my argument is that before the Committee on Appropriations, Subcommittee on Agriculture, we have the issue of sanctions relief. I think we ought to have sanctions relief in this bill. It is an opportunity for us to say we are not going to use food and medicine as a weapon of foreign policy.

Iran cannot shoot grain back at us, but they can sure buy our grain and help our agriculture community in eastern Washington and around the country that want to sell to this country.

I know there is a problem with Cuba, and I understand that issue. And I am willing as one Member of the House to address that issue and discuss it and try to come to some reasonable solution about it, given the political consequences of some Members of the House. But I think as a general proposition, Mr. Speaker, we ought to raise sanctions, lift them, so that our agriculture community can survive in a free market system in the years ahead.

TAXPAYER FUNDING FOR OFFENSIVE ART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. McINNIS) is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, I do not know how many Members have been keeping track of what is going on in New York City, but I think the repercussions of what is going on in New York City really sweep across the entire country, especially when it pertains to two different groups, one, the taxpayers, and, two, the art community.

Let me start at the beginning of my comments to let you know that I have supported the art community. I have in the past voted for the NEA to support their art with taxpayer dollars. I have, however, on a number of occasions cautioned the arts community, do not go spending this money on careless or offensive art. If you have careless or offensive art, what you need to do to fund that is to go out and raise the money privately or have the individuals do it on their own in a display somewhere else.

That is not a violation of the Constitution or a violation of freedom of speech, to go to an individual who is an artist and say, look, your piece of work is too offensive. We are not going to pay for it with taxpayer dollars. That is not to say that you are banned in the United States from displaying your art. You do have freedom of speech; you may display your art. It is just that the taxpayers are not going to pay for it.

So what happens in New York City? Do you think the art community, especially some of the prima donnas in the art community, listen to that kind of advice? Of course they do not. They decide to draw the line in the sand.

Do you know what kind of line they are drawing? They say, look, we have a picture, a portrait of the Virgin Mary, and it has elephant dung, in my country it is known as crap, elephant crap, thrown on the portrait of the Virgin Mary. That is where they decide they should draw the line. They want that to be continued to be funded by taxpayer dollars.

Mayor Giuliani comes out and says this is offensive. Of course it is offensive. I wonder what the black community would do if Martin Luther King's portrait was there and had crap thrown on it. I wonder what those of us who are concerned about AIDS in this country would do if they put an AIDS blanket on there and threw crap on it.

Of course it is offensive. Those communities would not tolerate it. They would probably take down the building. But I guess it is okay for the arts community in New York City, or at least the leadership of the prima donnas, to say it is all right to offend the Catholic religion and to offend Christians throughout the country.

Let me tell you, the Jewish community could be next. For all I know, this museum might put on the swastika and say it is beautiful art and should be paid for by the taxpayer dollars.

I am urging the art community, Mayor Giuliani is right in this case, and you know he is right. Those are taxpayer dollars. Do not offend the taxpayer, do not offend religions across this world, by allowing the Virgin Mary display in your museum at taxpayer expense.

You have plenty of patrons, plenty of rich patrons that support the arts community. Go to your patrons and say look, will you fund this offensive display? By the way, I would be surprised if you have many that do. But will you fund this display of the Virgin Mary with crap thrown all over it? Will you fund it somewhere else, so we do not have to go to the taxpayer?

It is amazing to me. Even the New York Times ran an editorial today, and they say what a courageous stand this art museum is taking by standing up and saying we have the right at taxpayers' expense to display a portrait of the Virgin Mary with crap thrown on it.

I wonder where the New York Times would be if that was an AIDS blanket. I wonder where the New York Times would be if that was a portrait of Martin Luther King or a symbol of the Jewish religion.

It is amazing to me that the art community defies common sense every opportunity they seem to have. I am telling you in New York City and my colleagues that represent New York City, let me tell you, you are hurting the arts community across the United States.

One other point I want to make, if you do think in New York City that this art and that what you have done here does not extend across the country, I am getting calls in my district, the 3rd Congressional District of Colorado. That is the mountains. It is a long ways away from New York City. But I have got constituents, rightfully so, very, very upset about the fact that you in New York City in that arts community, the prima donnas, are funding with taxpayer dollars that picture, that portrait of the Virgin Mary with dung thrown on it, and stand up and have the gall to defend it.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from California.

Mr. ROHRABACHER. Recently we have, of course, seen a terrible situation where young Christians were murdered and attacked by someone down in Texas. Does the gentleman believe that perhaps some of this vitriol he is talking about could have resulted in that type of violence against Christians? We will leave that for the public.

REFINEMENTS TO THE BALANCED BUDGET ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, today I rise in frustration, frustration with the government agency that may even be more unpopular than the IRS, if you can believe it. My friends on the Health Subcommittee of Ways and Means and many other colleagues on both sides of the aisle know exactly who I am talking about, the Healthcare Financing Administration, or HCFA.

Mr. Speaker, on Friday of this week our Health Subcommittee will be holding a hearing on refinements to the Balanced Budget Amendment, or BBA. As we plan for this hearing, I hope the administration will not appear before us again in the subcommittee and insult our intelligence. I will be asking some tough questions about their handling of the Medicare program recently, and I hope I do not hear that the agency is unable to address the concerns we are hearing about from seniors across the Nation, and also from Medicare providers, because the agency's hands are completely tied by prescriptive BBA language. That is the constant refrain we get from HCFA, the agency's hands are completely tied by prescriptive BBA language.

We hear these lines about prescriptive language and Congressional intent when the administration does not want to do things, but when it does want to act, when it does want to do something, it is perfectly comfortable with ignoring bill language or Congressional intent.

Some of the problems we are hearing about in Medicare from health care providers are all results of actual BBA language. Yes, they are. The Health Subcommittee is planning to provide relief in those areas. But, as Senator ROTH and Chairman THOMAS have said recently, there is also a lot HCFA can do.

The BBA gives HCFA significant power over how things are implemented. The risk adjuster for Medicare+Choice payments is a perfect example. Many of my colleagues and I have heard concerns about the risk adjuster the administration has designed. One very important concern is how this risk adjuster will impact some very special programs, especially innovative programs that seniors want and that the frail elderly seniors need so desperately.

HCFA obviously understands the grave impact the interim risk adjuster will have on these programs. In fact, HCFA exempted them from the risk adjuster for the first year. But the argument which compelled the agency to exempt them for one year remains the same and just as powerful for all the years under the interim risk adjuster.

Now, I might be just a plain Norwegian from Lake Woebegone, Mr. Speaker, but even I cannot understand why the agency is not exempting them for the entire interim period. That just makes good common Governor Jessie Ventura sense. If they have the authority to do it for 1 year, it seems they have the authority to do it for multiple years. Conversely, if they do not have authority for all the years, then how do they have the authority to do it for one?

I see nothing in the BBA which prohibits the agency from exempting them for more than 1 year. Even if I were to accept HCFA's claim that only Congressional action allows a multiple-year exemption, that still would not allow me to understand why HCFA is not supporting the bill I introduced to provide the multiple exemption. They tell providers, well, we need Congress to pass a bill. So I introduced one. Then they come up with the multiple weak arguments against the bill.

Mr. Speaker, I am offering to address any substantive concerns in a reasonable way, in a reasonable commonsense way, and I hope we will be having such an exchange on Friday in the Health Subcommittee. I invite the administration to join me for the sake of frail, eligible, elderly beneficiaries in Minnesota and across this Nation.

UNITED STATES-CHINA MILITARY EXCHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, 2 days ago, the U.S. Secretary of Defense, William Cohen, told reporters that he hopes the U.S. military will resume contacts with the Communist Chinese military. At the very same time that Secretary Cohen was speaking, in Shanghai, Chinese dictator

Jiang Zemin was speaking to a gathering of elite U.S. corporate chairmen who were in China to help celebrate the 50th anniversary of the communist takeover of the mainland of China.

Jiang Zemin blatantly renewed threats by the communist regime to conquer Taiwan by force, and then he threatened the United States. "We will not allow any foreign force to create or support Taiwanese independence."

I have in my possession, Mr. Chairman, Pentagon documents detailing the Clinton Administration's exchange program between the United States and Communist China. It is a military exchange program. This program of military exchanges has, in effect, assisted the Communist Chinese Air Force in improving its capabilities to conduct bombing raids on Taiwan.

The May 1999 Air Force exchange, and this was an exchange in May of 1999, this year, introduced the Communist Chinese, and these are military leaders in the Communist Chinese military, to our most advanced Air Force capabilities. This may eventually cause the death of Americans serving in any U.S. air or naval forces that would attempt to defend Taiwan against communist attack.

This is mind boggling. I pray that those people who are listening to this or reading it in the CONGRESSIONAL RECORD or my colleagues will please pay attention. We are talking about training Communist Chinese military people in ways that will result in the death of thousands, if not tens of thousands, of American military personnel. It is outrageous. It is incredible. What can you say? What can we do to draw attention to this absolute outrage?

The Chinese Communist People's Liberation Air Force and government air traffic control delegation visited the United States between May 9 and May 20 of this year. Air traffic control certainly sounds harmless. The Pentagon documents used to brief these Chinese visitors show that they observed or participated in advanced combat Air Force exercises with the U.S. 389th Fighter Squadron at Luke Air Force Base in Arizona. They also observed fighter bomber operations at Edwards Air Force Base test center in California.

At these exercises, they experienced the real or simulated flights of bombing runs and strafing runs by our most sophisticated military aircraft. Especially useful for the Communist Chinese in their potential attack by the Communist Chinese on Taiwan was the briefing they got, and these DOD documents verify this, that they were shown how the military can use civilian airfields to conduct military operations.

What we see by these DOD documents is that our government, our Defense Department, showed the Communist Chinese how we would use our radar systems for air traffic control of fighter bombers at remote airfields.

□ 1330

We showed the Communists how to use AWACs in coordinating bombing campaigns. We showed the Communists how we coordinate our AWACS with inflight refueling for long-range missions.

Mr. Speaker, earlier in this session, when I discovered this military exchange program and made it public, the Congress appealed to the Defense Department and passed legislation to end military exchanges that would benefit the warfighting skills of the Chinese military.

These DOD documents prove that the Pentagon has ignored the will of Congress. Instead, they have not only jeopardized the 24 million people who live on Democratic Taiwan but this administration is in effect teaching the Communist Chinese how to improve their ability to kill America's defenders.

Again, this is bizarre. It is almost surrealistic. I beg my colleagues to pay attention to this. I beg the administration to come to their senses, quit trying to treat the world's worst human rights abuser, a regime that constantly reminds us that they do not believe in anything that America believes in, hates everything America stands for. I beg them to quit trying to call these people our strategic partners and training them how to do their military.

I stand ready to give my colleagues all of these documents upon request.

TRIBUTE TO BRADLEY CURRY, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. ISAKSON) is recognized for 5 minutes.

Mr. ISAKSON. Mr. Speaker, in the days ahead we will debate the final actions that we will take on the budget. We have already tried to bring tax relief to the American people, and we in this Congress day in and day out are fortunate enough to be the governors of a great country that is the freest, safest, and richest country in the world.

There are Americans day in and day out, as we cast these debates and cast our votes, who back home are working to pay the taxes that finance this government, volunteering their time in civic activities to make their community better, and day in and day out do the work of this country.

I rise here today for just a moment to join many Americans who will next week in Washington, D.C. pay tribute to a great American, to a great Georgian, and to a personal friend of mine, Mr. Bradley Curry, a great businessman who built a company with his employees and his partners known as Rock-Tenn, a national, if not world leader, in packaging and in box board.

While he did that, he raised a wonderful family, committed his time to civic activities for the best of our community, whether helping to solve the problems of our public hospital, Grady Memorial, work in a voluntary think-tank called Research Atlanta, or join with hundreds of other Atlantans to make a dream come true to bring the Olympic Games, the Centennial Olympic Games, to our city in 1996.

Above all else, Brad Curry is a dedicated American. His partisanship is red, white, and blue. He works for the best of our country and business, the best in mankind in our community and, most importantly of all, for the continuing foundation of our freedom that we enjoy.

So for this moment on this floor, I rise to pay tribute to Bradley Curry, who will retire at the end of this year from the Rock-Tenn Corporation, but will not retire from his tireless efforts on behalf of his city, his State and his country. I ask all in this Congress to join me in paying their highest respects to Bradley Curry of Atlanta, Georgia, upon his retirement from the Rock-Tenn Corporation.

RELIGIOUS BIGOTRY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, today America is at a crossroads. Our people head into the 21st century having witnessed remarkable events all across the globe. We have seen the rise and we have seen the fall of tyranny, Nazism and Communism, with Americans being instrumental in the destruction of both.

We have seen technological and scientific developments unparalleled in history. America itself is more prosperous than it has been at any time in its existence. The United States is now recognized as the unchallenged superpower in the world.

Mr. Speaker, at the same time that our Nation has seen so many achievements, we must admit that there are some areas where we are not making the progress that we should. Today, Mr. Speaker, I regret to say that in one area where we are losing ground is our treatment of religious believers. We are witnessing a rising level of bigotry against people of faith, especially Christians.

Mr. Speaker, let me talk about some of the most recent examples that I have seen. The first three followed after the tragic shootings in Littleton, Colorado, and Fort Worth, Texas.

After the memorial service for the families and victims of Littleton, Colorado, on May 1, the May 1 issue of the Denver Post editorialized against what it called, "the disenfranchising nature of this memorial service."

According to the editorial page writers, "While the service deftly satisfied the needs of fundamentalist Christians, it estranged too many others who came in search of healing and due to the fact that the primary entertainment was by Christian singers Amy Grant and Michael W. Smith, and the key speech was by the Reverend Franklin Graham, son of Billy Graham, it drove away a sizable number of people who had come to mourn the deaths." The editorial went on to say, "We urge State officials to learn from the error and plan future events to be inclusive, not divisive."

In other words, Mr. Speaker, the editors of the Denver Post objected to the families and victims turning to their faith in this terrible time of grief.

According to the May 18 edition of the Washington Times, plans to create a memorial for the family and victims of the Columbine shootings at the Foothill Parks and Recreational District near the high school were scrapped after the Freedom From Religion Foundation threatened legal action. The spokesman for the group said that the memorial would make non-Christians feel unwelcome at that park.

The day after the tragic shootings in Fort Worth this month, the Washington Times reported that Attorney General Janet Reno was asked the next day whether she thought that these shootings had anything to do with hatred or religious bigotry. Attorney General Janet Reno warned reporters that it was too early to characterize the Fort Worth shooting as a hate crime.

This reticence was in stark contrast to other cases of bigotry. For instance, last year the Justice Department offered its resources to help prosecutors prove racial bias in another Texas case involving the dragging death of James Byrd within days of that tragic killing.

It has been 2 weeks since the shootings in Fort Worth, and we are still waiting for the Attorney General.

Mr. Speaker, there are still other examples. Whether we wish to admit it or not, Christians are now subject to ridicule, mistreatment and bigotry, pure and simple.

The television show "Nothing Sacred" lived up to its billing by trying to develop storylines with ministers of the cloth engaging in immoral activity or finding ways to belittle people of faith altogether. According to the New York Post which ran in March 1998, "Nothing Sacred" set an all-time low for viewership last year on a major network with 94 percent of the available market bypassing the program.

Hollywood is not any better. Movies such as this summer's release of Stigmata attack the Catholic Church, accusing it of being on a millennium-long crusade to stamp out the true teachings of Christ.

Mr. Speaker, there is more evidence that our society, rather than protecting religious freedom, is discouraging religious expression. According to the Associated Press, the ACLU sued the City of Republic, Missouri, on behalf of Jean Webb, a Wiccan witch, to have its city seal altered to remove the fish symbol.

The May 6 article stated that the ACLU planned to also argue that since the symbol is often found in Christian establishments, not non-Christian ones, and that most of the people who wrote letters supporting the fish symbol identified it as a Christian symbol, the ACLU had plenty of evidence that the city's support of keeping the fish symbol constituted an establishment of religion.

The Chicago Tribune reported that the ACLU this year sued the Chicago Public Schools because of its activities with the Boy Scouts of America. Why? The April 26 news story indicated that it was because the Boy Scout oath pledges that a good scout will obey God. By the ACLU's reasoning, such an oath, because it mentions God, makes the Boy Scouts a religious organization which should not be allowed on school property.

The USA Today ran a story last week announcing that the Augusta, Kansas, school board has revoked a policy that allowed students to lead classmates in prayer over the school intercom after the American Civil Liberties Union challenged the policy as unconstitutional.

On the May 21 broadcast of CNN's Crossfire, Barry Lynn, the executive director of Americans United for the Separation of Church and State, went so far as to criticize the acclaim given to Cassie Bernall, the young girl who was shot at Columbine High because she would not renounce her faith.

He said, I think that what we have done here is to take this one victim, turn it into an example of martyrdom, and then use it to become the springboard for even more exploitation of this tragedy by people with a religious political agenda.

Such insensitivity would have been denounced if he had said the same about John F. Kennedy, Martin Luther King or even, for that matter, Rodney King.

The District of Columbia public school system was sued this summer for allowing a church to use an abandoned park as a parking lot in exchange for providing after-school services for the neighborhood children. The September 17 story, as reported in the Washington Post, revealed that members of the Metropolitan Baptist Church have been parking about 300 cars on the field on Sundays for more than 10 years. Reverend Hicks agreed to cancel the contract rather than force the city to defend the suit. Reverend Hicks, pastor of the 5,000-member Metropolitan Baptist Church of Washington, D.C. got my attention with his statement when announcing plans to terminate the contract, saying there has been a shift in culture, he said. We have reached the point where God no longer has a place in our communities.

Mr. Speaker, imagine that. A simple contract between the city and the church, where the city says to the church they can use this parking lot on Sundays that would otherwise be vacant and unused if they will provide an after-school service, an opportunity for these children; and somebody challenges that because of their fear of religion and the city is forced to submit.

The Hagerstown Suns, a Single-A affiliate of the major league Toronto Blue Jays, is being sued by the ACLU because they ran a promotion for the past 6 years that reduced ticket prices on Sundays for anyone coming to the stadium with a church bulletin.

According to the Baltimore Sun in their June 29 edition, the ACLU believes this discount is a form of discrimination against the nonreligious.

Jeff Jacoby complains in his August 19 column in the Boston Globe of a blatant case of anti-religious bias involving an inner city Boston church. On July 15, the City of Boston sent a letter to Mason Cathedral warning the church center, which receives taxpayer subsidies to help wayward youth, not to involve its teenage counselors in religious activities, including but not limited to the following: praying, reading Bible stories, drawing Bible pictures, and cleaning in the areas of the church where there are religious symbols. All religious activities must cease immediately.

Jeff Jacoby interviewed the pastor: "For 5 years, they have been saying I do good work," says Reverend Thomas Cross. "This year, everything has changed."

Conversely, if anyone stood up and said that the groups like the National Organization of Women and the National Abortion Rights League should not be allowed to operate shelters for battered, homeless women because they cannot separate out their political agenda, they would be laughed right off the stage.

Amazingly, our own Federal Office of Juvenile Justice Delinquency Prevention even funds the middle school curriculum "healing the hate." Get this, Mr. Speaker, our own Federal Office of Juvenile Justice Delinquency Prevention even funds a middle school curriculum entitled "healing the hate" that suggests that among the warning signs for school counselors that a child may be dangerous is if he or she grows up in a very religious home.

□ 1345

Mr. Speaker, I know of no religion, I know of no religion that preaches hate, violence, or even, for that matter, disrespect for other people. Yet, we have a

Federal Government office that puts together a program that says that, if one identifies a child of faith, one should see that child as a threat to his companion children.

Mr. Speaker, this is done without any shred of evidence showing any linkage whatsoever between Christians and any of these terrible acts of violence that our Nation has faced. Imagine saying that a warning sign that a child may be dangerous or a threat to other classmates was the skin color or sexual orientation of that child's home. Such a statement would be declared outrageous or condemned in every quarter of the land.

In case after case, people of faith are told to mind their own business, keep to themselves, and stay out of the affairs of the rest of society. People of faith are called the extremists, labeled out and out threats to our Nation, and generally find "Not Welcome Here" signs all over the place.

Law-abiding people who regularly attend church, try to live their lives as examples to their children and their community are lampooned and mocked. Priests, ministers, and the laymen who support them are expected to sit at the back of the bus when it comes to participating in the public square.

As my colleagues have seen from my examples, when the rights of people of faith are trampled, newspapers and other leaders in our Nation are either silent or complicit. Why is this? What about the rights of people of faith?

Bigotry of any kind, Mr. Speaker, should be confronted. It is always irrational, and it is always unjustified. Madmen who kill at a synagogue deserve our most stinging disapprobation. The tragic death of James Byrd was worthy of the national condemnation. But just as we should be eternally vigilant against racial bigotry, we must also protect the rights of people of faith.

People of faith, Mr. Speaker, are decent, loving, and patriotic. They work hard to provide for their families and are tireless advocates for improving our communities across the Nation. Let us join together and condemn those who would deny freedom and opportunity for every American.

Mr. Speaker, let us have the simple common American decency to respect each and every person who feels within their heart the need to express their faith and respect of other people. We must deal with these circumstances, Mr. Speaker, honestly and assertively.

We are a great Nation. We are a Nation that has been declared in the past to be a good Nation, a Nation of good people. No matter what our prosperity, no matter what our power, we cannot be that if we cannot be a Nation that has the decency to respect the faith of our citizens. We are failing in that regard, and we must turn it around.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 45 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I thank the Majority Leader for yielding me the balance of his time.

One can never say that the floor of Congress is a dull place. So this afternoon we have heard about art exhibits showing the blessed virgin with elephant dung on them. We had a 5-minute speech from the gentleman from Minnesota (Mr. RAMSTAD) who had told us that he lives in Lake Woebegone. So I am going to speak about managed care.

I just thought I would ask the Majority Leader a question. I was wondering if the Majority Leader, in the spirit of a little levity, could tell me the difference between a PPO, an HMO, and the PLO.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will rise to debate. Let me say to the gentleman, though, I am sorry I cannot tell him the difference between a PPO, an HMO, and a PLO.

Mr. GANSKE. Well, Mr. Speaker, one can negotiate with the PLO.

Mr. Speaker, I am going to use the balance of the time to discuss managed care reform legislation that we are going to be debating here on the floor next week. I appreciate the Majority Leader and the Speaker of the House for setting up this debate for next week.

The rumors are that we will be using the bipartisan consensus managed care bill as the base bill. That is the bill that I support. It is a strong managed care reform bill.

We are uncertain at this time as to what type of rule we will have. I would request that we have a clean rule; in other words, a rule that is limited to patient protection legislation and does not involve tax matters for which one could then get into discussions about offsets and other difficult problems.

Well, Mr. Speaker, humor sometimes shows that the public is aware of a problem. I remember, a few years ago, my wife and I went to the movie "As Good As It Gets." Many people saw this movie. It featured Helen Hunt and Mr. Nicholson.

It was about a waitress played by Helen Hunt. She had a young son who had asthma. In one of the lines of the movie, which I cannot repeat here on the floor, Helen Hunt, with expletive waste language described her HMO as preventing her son who had asthma from getting the type of care that he needed. The forcefulness of her statement caused audiences, not just to laugh, but in many instances to stand up and clap and cheer, as occurred in the movie theater that my wife and I attended this movie, indicating that the public understands that there is a problem in the delivery of health care by HMOs.

It is not so funny when we look at real life cases. We have headlines, and this probably is directly related to the humor or at least the understanding of the statement by Helen Hunt in the movie "As Good As It Gets." We have a headline here from the New York Post: "HMO's cruel rules leave her dying for the Doc she needs." Just like the HMO's cruel rules would not allow Helen Hunt's son in the movie to get the asthma care that he needed, so he was also ending up in the emergency room.

How about this headline from the New York post: "What his parents did not know about HMOs may have killed this baby."

Which brings us to an issue in HMO reform that we have been working on which deals with an issue that started this debate several years ago.

Now, before I came to Congress, I was a reconstructive surgeon in Des Moines, Iowa. I still go overseas and do charitable surgery. So I am still involved with the practice of medicine in some respects.

But a few years ago, it became known that HMOs were writing contracts in which they said that, before a physician could tell a patient all of their treatment options, they would first have to get an okay from the HMO. These are called gag rules. That then spawned a number of cartoons.

Here we have one, and I will read this for my colleagues because it is hard to see. We have a physician sitting at his desk, and he says: "Your best option is cremation, $359, fully insured." The patient is sitting there saying, "This is one of those HMO gag rules, isn't it, doctor?"

Or how about this one. The physician is sitting, talking to his patient. The physician says, "I will have to check my contract before I answer that question."

Now, think of that. Now say one is a woman, one has a lump in one's breast, and one goes in to see one's doctor, he takes one's history, does one's physical exam. Then he says, "Excuse me. I have to leave the room." He goes out in the hallway. He has to get on the phone, phone the HMO, and says, "Mrs. So-and-So has a lump in her breast. She has three treatment options, one of which may be expensive. Is it okay if I tell her about all three treatment options."

Is that bizarre? Is that ridiculous? Does that strike at the heart of a patient having confidence that his physician is going to tell him all of his treatment options.

Well, it was not such a funny story for a real life patient. This woman in the middle of this picture is dead today because her HMO prevented her from knowing all of her treatment options. This story is fully documented in Time Magazine from about 2 years ago.

Or how about the problem that one has had with HMOs in delivering emergency care. Frequently, HMOs, if one has gone to an emergency room, will deny payment.

Let me give my colleagues an example. You wake up in the middle of the night. You have crushing chest pain. You are sweaty. You know that the American Heart Association says this could be a sign that you are having a heart attack. So you go to the emergency room right away like you should, because if you delay, you may be dead. You have the tests run, and the electrocardiogram shows it is normal. But, instead, you have severe inflammation of your stomach or your esophagus.

So the HMO, ex post facto, says, "See, the EKG was normal. You were not having a heart attack. You are stuck with the bill, man, because you did not need to go."

Next time somebody thinks about that and then delays going to the emergency room when they should under what a common layperson would say is truly an emergency, they may not get a second chance.

So here you have a cartoon that sort of deals with this. You have a medical reviewer saying, "Cuddly Care HMO. My name is Joan. How may I help you? You are at the emergency room, and your husband needs approval for treatment? He is gasping, writhing, eyes rolled back in his head? Does not sound all that serious to me.", the medical reviewer at the HMO says.

Then she says, "Clutching his throat? Turning purple? Uh-huh? Have you tried an inhaler? He is dead? Well, then, he certainly does not need treatment, does he?"

Then the medical reviewer from the HMO turns to us and says, "Gee, people are always trying to rip us off."

That is black humor. That is black humor, I will tell my colleagues. But that rings a bell with a lot of people who have trouble with their HMOs.

Here you have a picture from a TV show a long time ago. You have a nurse here. She is on the phone, and she is saying, "Chest pains? Let me find the emergency room preapproval forms."

How about a real life example of an HMO patient having significant problems with their HMO during an emergency. This young woman who is strapped to a board was hiking not too far from Washington. She fell off a 40-foot cliff. She was lying at the base of the cliff, semi-comatose with a fractured skull, a broken arm, and a broken pelvis.

Fortunately, her boyfriend had a cellular phone, and they got her airlifted into an emergency room. She was in the ICU on morphine drip for a long time, but she is doing okay now. But then she got a refusal of payment from her HMO. They would not pay for her hospitalization. Do my colleagues know why? They said, well, she did not phone ahead for preauthorization.

I mean, think of that. She was supposed to know that she was going to fall off the cliff, break her skull, break her arm, fracture her pelvis. Maybe her HMO thought that, as she was laying at the bottom of the cliff, she should wake up, with her nonbroken arm, pull a cellular phone out, dial a 1-800 number, and say, "Hello. I just fell off a cliff. I broke my pelvis. I need to go to the emergency room."

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And then when she was in the hospital on a morphine drip in the ICU, after it became silly, when the HMO was confronted with their denial, they said, well, she was in the hospital and she did not notify us in the first couple of days, so now we are not going to pay for it on that reason.

Well, she was finally able to get some help from her State ombudsman, but many people who have health insurance, particularly through their employers, would not have that option. So what we have in the bill that we are talking about, the patient protection bill, the bipartisan consensus managed-care reform bill, is a provision that says, look, if an average person has what they would say truly is an emergency, they get to go to the emergency room and the HMO has to pay.

How about some of these plan guidelines the HMOs use to determine medical necessity. Remember these? Remember when the HMOs were talking about drive-through delivery of babies or mandating only 24-hour stays in the hospital? Boy, they were embarrassed by that. But under Federal law, they can define medical necessity anyway they want to. And even if a patient suffers an jury, they have no recourse under Federal law.

Here we have a cartoon with Dr. Welby, and he is saying, "She had her baby 45 minutes ago. Discharge her." I mean, imagine that line on that program years ago. People would have thought that was absolutely crazy, and yet that is what the HMOs have mandated in some cases.

Here we have a cartoon that says maternity hospital, and then we have the drive-through window with the caption, "Now only 6-minute stays for new moms." And the person at the window says, "Congratulations, would you like fries with that?" And look at the mother. Her hair is all out like this; the baby is crying. And then there is a little thing that says, "Looking a little like scalding coffee situation," in the corner.

Now, this may be a little bit funny, but it was not funny to a woman by the name of Florence Corcoran, whose baby was sent home within the mandated 24 hours. The baby ended up dying of an infection that would have been discovered had the baby been allowed to stay in the hospital just a little bit longer.

I was talking a little bit about the HMO's ability under Federal law for employer plans to define medical necessity any way they want to. Well, I have taken care of a lot of children with this birth defect, a cleft lip and a cleft palate. There are some HMOs out there that are defining medical necessity as the "cheapest, least expensive care." Think of that for a minute. They can deny any treatment that is not the cheapest, least expensive care.

So for this child with this birth defect, instead of authorizing a surgical correction of the roof of this child's mouth that would enable the child to be able to learn to speak correctly, not to mention not having food go out of his nose, that HMO, under Federal law as it currently exists, could say, no, that is not the cheapest care. We are going to prescribe a little piece of plastic to shove up in that hole in the roof of the mouth, what is called an obturator. Of course, will the child be able to learn to speak properly with that? No. But quality does not matter to the HMOs when they are defining care as the cheapest, least expensive care. And under Federal law they could do that with impunity. We need to fix that.

Here we have another cartoon. We have the operating table. We have the doctors, the HMO bean counters, and anesthesiologist at the head of the table. And the doctor says, scalpel. The HMO bean counter says, pocketknife. The doctor says, suture. The HMO bean counter says, Band-Aid. The doctor says, let us get him to intensive care. And the HMO bean counter says, call a cab.

They can do that under current Federal law, because they can define medical necessity as the cheapest, least expensive care.

Here is a cartoon that says, "Remember the old days, when we took refresher courses in medical procedures?," one doctor is saying to a colleague as they walk in the HMO medical school. And the course directory in the HMO medical school is: First floor, basic bookkeeping and accounting; second floor, advanced bookkeeping and accounting; third floor, graduate bookkeeping and accounting.

Now, look, I think some HMOs do a reasonable job, and they should be a choice for people to have. And some HMOs are truly trying to do an ethical job as well. But the HMO field is very competitive, particularly on prices, and there are some bad apples out there that are cutting corners too close. And they are able to do that because this Federal law that I was talking about that passed 25 years ago put nothing in place of State insurance oversight. It took the oversight on quality away from the States. Not a very Republican idea. It took it away from the States, put it in the Federal arena, but then placed nothing in its place in terms of some standard rules on fairness to patients or on quality.

Here we have another cartoon that says, "the HMO bedside manner." "Time is money" is the sign on the edge of the bed. "Bed space is loss. Turnover is profit." And the health care provider is saying, "After consulting my colleague in accounting, we have concluded you're well enough. Now, go home." And here we have a patient with his arms in traction looking like he has a fractured face with his jaw in traction.

The bottom line should not be the bottom line if it is going to interfere with quality health care.

Here we have another cartoon where the patient is saying to the HMO physician, "Do you make more money if you give patients less care?" The HMO spokesperson says, "That's absurd, crazy, delusional." The patient then says, "Are you saying I'm paranoid?" And the answer is, "Yes, but we can treat it in three visits."

It reminds me of the well-known joke about the three physicians who died and went to heaven. One of them was a neurosurgeon, and he said to Saint Peter, You know, I fixed people who were in accidents and had blood clots on their brains and I saved their lives. And Saint Peter said, Enter my son. The next person is an obstetrician, and she says to Saint Peter, I have delivered hundreds of thousands of babies, and I have given a lot of free care. And Saint Peter says, Enter, my daughter. And the last one is an HMO medical director who says, Well, Saint Peter, I was able to save millions of dollars by denying care and getting people out of the hospital earlier. And Saint Peter says, Enter, my son, for 3 days.

Here we have a cartoon that is the HMO claims department, and the HMO bureaucrat says, "No, we don't authorize that specialist." Then she says, "No, we don't cover that operation." And then she says, "No, we don't pay for that medication." And then, apparently, there is some strong language or something as she is listening, and then she looks rather cross and says, "No, we don't consider this assisted suicide."

Now, look, if all of this seems a little off the wall, let me just say that it has real-life consequences when HMOs are not accountable for their medical decisions. And is there anyone that doubts that HMOs are making medical decisions every day? Not by the hundreds, not by the thousands, but by the tens of thousands every day they are making medical decisions. And under Federal law they are not liable for the bad results, the negligent results of those decisions that could result in loss of life or limb.

Now, if an insurance company sells a policy as an individual, and they are under State insurance oversight, that insurance company does not have that kind of legal liability shield. But under this antiquated Federal law, it is the only group in this country, other than foreign diplomats, that have legal immunity for the decisions that they are making. The automobile manufacturers do not have that kind of legal immunity, the airplane manufacturers or the airlines do not. Only the group that provides health care for employers is totally immune from the consequences or responsibility of their decisions.

So let me tell my colleagues about a case where this makes a real difference, where an HMO made a medical decision. I have here a picture of a little boy who is tugging his sister's sleeve. He is about 6 months old. A few weeks after this picture was taken he is awake at about 3 in the morning with a temperature of about 105, and he is sick. And as a mother can tell, he is really sick and he needs to go to the emergency room.

So Mom does what she should do. She phones that 1-800 number for that HMO and says, My baby, Jimmy, is sick. He has a temperature of 104, 105, and he needs to go to the emergency room. And this voice from some distant place, certainly not familiar with her State, says, Well, all right. I will authorize you to take little Jimmy to this hospital. And Mom says, Well, where is it? And the reply from the medical bureaucrat is, Well, I don't know. Find a map.

Well, it turns out that it is a long ways away. But Mom and Dad know that if they take little Jimmy to a different hospital, then their HMO is not going to cover any of the cost. So they wrap up little Jimmy and start the trek. Halfway through the trip they pass three emergency rooms with pediatric care facilities that could have taken care of little Jimmy, but they cannot stop. They are not medical professionals, but they do know if they stop at those unauthorized hospitals they would be stuck with potentially a huge bill. So they keep driving.

Before they get to the hospital that has been designated, little Jimmy has a cardiac arrest and he stops breathing, and his heart stops beating. Imagine that, while Mom and Dad are driving, Mom is trying to keep this beautiful little boy alive.

They come screeching finally into the emergency room. Mom leaps out screaming, Help me, help me, help my baby. A nurse runs out and does mouth-to-mouth resuscitation. They start IVs, they give him medicines, they pound his chest, and they get him back alive. But because of that medical decision that that HMO made, they do not get him back whole. Because of that circulatory arrest, he ends up with gangrene of both hands and both feet. And they have to be amputated.

Here is little Jimmy after his HMO treatment, sans hands and sans feet. Under Federal law, the HMO which made this medically negligent decision is liable for nothing, zero, nada, because they have already paid for his amputations, and that is all they are liable for.

Is that fairness? Is that justice?

This little boy will never play basketball. I would remind the Speaker of the House that this little boy will never wrestle. I would remind my colleagues that some day when he grows up and he gets married he will never be able to caress the cheek of the woman that he loves with his hand. I would remind the HMO people who always say do not legislate on the basis of anecdotes like little Jimmy Adams that this little boy, if he had a hand and you pricked his finger, it would bleed.

We need justice. I am a Republican. I have stood on this floor and I have voted for responsibility for one's actions. If a murderer or a rapist is convicted, they should suffer the consequences. When we passed the welfare reform bill, we said it is your responsibility if you are able-bodied and you could work, it is your responsibility to get some education. We will help you with that, but you need to get out and get a job and support your family.

Republicans are big on responsibility. But look, are my fellow Republicans going to say to the HMOs when they are responsible for a little boy losing his hands and feet that that HMO should not be responsible? And furthermore, we Republicans have said, you know what, we should devolve power back to the States. Let us get these things back to the States. This was a Federal law that took this oversight away from the States.

In the name of justice, we should say that if an HMO makes this type of decision that results in this type of injury, they should be responsible for that. That is only fair.

I will tell my colleagues what: Those bottom-line HMOs that are cutting the corners too close will be much more careful so we will not see injuries like this. A judge reviewed this case. The judge, in reviewing the HMO's decision making on this, said that their margin of safety was "razor thin." I would add to that, as razor thin as the scalpel that had to cut off little Jimmy's hands and feet.

What we are talking about next week when we have this debate is an issue that has a lot of importance to people every day around the country. We will have an opportunity to correct a wrong, to right a wrong. The bill, as it was written in ERISA 25 years ago, did not anticipate the changes that we have seen in the management of health care by HMOs where they are now managing medical decisions.

I am a physician. I would never argue that if I had made a negligent decision that had resulted in an injury like this that I, as a physician, should be immune from the consequences. I do not know any physicians who would make that argument.

I do not know an airplane manufacturer that, if it is negligent and a plane goes down and 200 people are killed, would make an argument on this floor that anyone would vote for that would give them legal immunity for their negligent actions. I just do not see it.

Well, Mr. Speaker, we are going to have an opportunity to debate several bills next week. There is a difference in those bills. There is a bill that my good friends, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG), have introduced.

I would point out that the Health Insurance Association of America does not think that that is a very good bill because of the liability provisions that it has in it. But I would say that there are some problems with that bill.

Let me give my colleagues an example. They have a provision in the bill that requires the exhaustion of all remedies and the internal and external review procedures in order to permit a cause of action against an HMO that would make this type of decision. I think that is a problem.

For example, a patient like little Jimmy Adams could have already suffered an injury or he could have died before he ever went through an appeals process. Or, for instance, a patient might not discover an injury that is a result of an HMO decision until after the time period in which administrative remedies of internal and external review could have been used.

There are some significant problems in the way that liability provisions are written, and I would encourage my colleagues to not support it.

We are going to debate on the floor possibly a medical access bill. I think that bill should be handled on a separate bill. We will have to deal with that issue in the rule. But when it comes to the floor, I would encourage my friends to be very careful about the Talent-Hastert bill.

Let me just read to my colleagues a press release that was put out by the Health Insurance Association of America. This is the insurance folks. On this issue I think they are correct.

They say, there are two provisions in the plan announced by the gentleman from Illinois (Mr. HASTERT) that are cause for concern. "HIAA opposes the plan's call for Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees." Let me repeat that. This is the insurance industry talking about a bill to increase access. They oppose Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees. "This, in turn, will cause many of these employers to drop their coverage because it will become too costly."

A press release from the same organization speaks about a similar provision in the bill of the gentleman from Ohio (Mr. BOEHNER). His bill "contains expensive mandates and problematic Association Health Plans and HealthMarts."

Then we have a press release that says, "These bills," referring to bills that have Association Health Plans and HealthMarts, "could destroy employer-sponsored health insurance."

I have a memo from the Blue Cross-Blue Shield Association entitled "Association Health Plans: The Unraveling of State Insurance Reforms."

I have another memo from Blue Cross-Blue Shield Association Health Plans. "Association Health Plan legislation would require billions in Federal regulatory spending."

Here is another memo from the Blue Cross-Blue Shield plan. Association Health Plan legislation would reduce insurance coverage. I have another memo from the Blue Cross-Blue Shield Association Health Plan. "Study claims coverage would increase under Association Health Plan legislation is fundamentally flawed."

I am pointing this out because of this bill that I support, the bipartisan consensus managed care bill, we do not have Association Health Plans in it.

Here is another memo from Blue Cross-Blue Shield. "Association Health Plan legislation would increase administrative costs for small businesses."

Here is another memo from Blue Cross-Blue Shield Association Health Plan. "National survey finds that small businesses reject this type of legislation."

Mr. Speaker, we will soon have, hopefully, a full debate on the floor on patient protection legislation. There is one bill that has generated the endorsement of over 300 organizations around the country. We have not seen this type of coalition since the days of the civil rights bills. These are all of the patient advocacy groups, the consumer groups, the professional provider groups on board, the American Cancer Society, the American Heart Association, the American Lung Association. You could go down the list. They support one bill. And that is H.R. 2723, the bipartisan consensus managed care improvement act of 1999.

This is a bill that has reached across the aisle. It has come to a reasonable compromise on the liability issue. It says that an employer is not liable if an employer has not entered into the decision making that the contracted HMO has made.

I have a clear legal brief that says our language is rock solid on that protection for employers. It says that if there is a dispute, a patient can then take that denial of care from the HMO and take it to an independent panel in order to get that reversed by the HMO. But, in fairness to the HMO, if they follow independent panel's recommendation, then the HMO is no longer liable for any punitive liability.

This is a fair compromise, and it applies across the board not just to group health plans but to all plans. This would apply to insurers who are in the individual market, as well. That would be a good thing. That would be not leading to lawsuits but preventing injuries so that you do not end up with a little boy who has lost his hands and his feet.

This is a fair compromise, Mr. Speaker. Let us gather together. Let us get past the $100 million that the HMO industry is spending to defeat this legislation. Let us do something right. Let us agree with the American public that says, by an 85 percent margin, we think Congress should pass Federal legislation to protect patients from HMO abuses like this one.

Mr. Speaker, next week we will have a historic opportunity to show whether we, as individual Members of Congress, are on the side of patients or on the side of the HMO bureaucrats. Support H.R. 2723.

Mr. Speaker, I include the aforementioned articles for the RECORD:

AHP/MEWA STUDY: NATIONAL SURVEY FINDS THAT SMALL BUSINESSES REJECT MEWA LEGISLATION

Performed by: American Viewpoint, Inc.; Sponsor: BCBSA; April 15, 1998.

American Viewpoint, Inc., conducted a national survey of small business owners and employees in order to assess their views on proposed regulatory reforms regarding Multiple Employer Welfare Arrangements (MEWAs) and Association Health Plans (AHPs). A total of 500 interviews were conducted with small business owners and 300 interviews were conducted with employees of small businesses. Interviews were conducted by telephone between March 20 and April 15, 1998.

SUMMARY AND CONCLUSIONS

After arguments on both sides of the debate are presented, small business rejects this proposal by 42%–26%. That is, 42% say Congress should not pass it and just 26% support passage.

By 54%–21% small business owners and employees say their state insurance commissioner is better able than the U.S. Department of Labor to regulate health insurance in their state.

In fact, there is very little confidence in the U.S. Department of Labor's ability to enforce the law without a major increase in the size of the bureaucracy. Only 17% think the Labor Department could enforce the law while 68% say it cannot.

Overall, anti-federal government sentiment is a major factor in the opposition to proposed legislation on MEWAs and AHPs. In all, 63% are less favorable and only 26% are more favorable toward the legislation when they learn that these plans would be regulated only by the federal government—not by the states.

SMALL BUSINESS DOES NOT FAVOR THE USE OF FEDERAL LEGISLATION TO AVOID STATE LAWS

63% are less favorable toward the legislation, and 20% are more favorable, in response to the argument that this legislation "creates a large loophole through which healthy small employers and certain individuals could exit the state regulated markets, leaving only the sickest remaining in these insurance pools."

59% are less favorable and 26% more favorable toward the legislation when they learn that plans would be exempt from other state laws such as limits on out-of-pocket expenditures and requirements to include certain specialists.

A majority (55%) are less favorable toward the legislation when they learn that it would exempt affected small group health plans from more than 1,000 consumer protection laws at the state level. Only 24% are more favorable.

54% are less favorable (31% are more favorable) toward the legislation because it would allow health plans to operate without having to comply with each state's laws on premiums, benefits, and financial standards.

Fairness is also an issue. A majority (54%) say it is not fair that exempting these groups from state regulations would allow them to escape the cost of state assessments for programs to help low-income and high-risk individuals who are unable to find affordable health coverage.

A majority (52%) say that federally-regulated group health plans should not be allowed to have lower financial standards than those now required by the states. Only 23% say they should be allowed to have lower standards.

Small employers are very sensitive to price. A 55% majority say they would not be able to continue offering insurance if their premiums went up by 20%. One in three say they would be unable to continue offering insurance to their employees if premiums rose by 10%.

Clearly, anti-federal government sentiment is a major factor in small businesses' rejection of the AHP legislation. However, several other factors are also important considerations. First, they think the bill is unfair to those with a less healthy work force. Second, they think it would lower standards for exempted plans and expose them to health and financial risks from which they are now protected under state law. Third, only one in three think the bill would have a positive impact on their ability to provide health insurance.

In short, although small business may agree with the motivations for this legislation, they realize that the bill itself threatens their ability to provide health insurance to employees, the quality of their coverage, the security of the state-regulated insurance pools, and the quality of insurance regulatory oversight. As a result, a plurality (35%) would be less likely to vote for a Member of Congress who supports this legislation and just 27% are more likely. 22% say it depends.

Note: The margin of error for a random sample of N=800 is ±3.5 percentage points at 95% confidence. The margin of error for N=500 is ±4.5 percentage points and the margin for N=300 is ±5.8 points.

AHP/MEWA Study: Association Health Plan Legislation Would Increase Administrative Costs for Small Businesses

Performed by: William M. Mercer, Inc.; Sponsor: BCBSA; March 22, 1999.

An analysis by the benefits consulting firm of William M. Mercer found that AHPs/MEWAs have unique administrative costs, such as royalties and membership dues, that make it more expensive for small firms to purchase coverage through these groups. Moreover, Mercer found that general administrative costs for AHPs/MEWAs are similar to insurance companies and that this legislation provides no opportunity for AHPs to reduce administrative costs for small firms.

KEY FINDINGS:

Associations often require additional administrative loads: According to a 1995 survey of associations, 80% of group health insurance programs sponsored by associations produce revenue for the association. Association revenue comes from marketing fees, administrative fees, and royalties and licensing fees. Association-specific fees can be substantial. According to one survey, association administrative fees averaged 3.8%, while royalties (i.e., licensing fees charged to insurers) average 2.2% of premiums for national plans.

Association membership fees can add to the cost of coverage: Association membership fees are an additional cost that must be borne by small firms that purchase health coverage through an AHP. "As a result of the fees required to join an association, firms and individuals may face higher total costs in the association market than they would if they purchased coverage directly from a health insurance company without joining an association."

AHPs and insurers have similar administrative costs: "Administrative costs borne in the small group market would generally apply to federally certified AHPs as well." Sales commissions, employer billing, and underwriting expenses tend to be higher for small employers as compared to those for large employers. However, offering small group health plans through AHPs does not eliminate these costs.

AHPs would not reduce administrative costs: "Based on our review, this legislation would provide no material opportunity for AHPs to reduce health insurance administrative costs for small businesses." AHPs could assume responsibility for administrative activities. "However, it is unlikely that AHPs could perform these activities at lower cost than insurers. Negotiating prices with vendors that are below the insurers' costs would be equally unlikely."

Mercer concludes that, ". . . for small group health plans offered by AHPs, the potential administrative cost increases typically would exceed the potential administrative cost savings. We estimate that the additional costs for small firms who buy AHP coverage typically would range from 1.5% to 5% of premiums."

AHP/MEWA Study: Study Claiming Coverage Would Increase Under Association Health Plan Legislation Is Fundamentally Flawed

Performed by: Barents Group/KPMG; Sponsor: BCBSA; February 12, 1999.

A recent analysis by the Barents Group/KPMG found that a National Federation of Independent Business (NFIB) funded study that asserted that AHP legislation would help solve the uninsured problem contains serious deficiencies that undermine its credibility. Moreover, the NFIB study, performed by CONSAD Research Corp., neglects the primary problem with this proposal: that it would undermine state reforms, thus reducing access for many small employers.

The Barents Group's review of the NFIB study found problems that ". . . raise serious concerns regarding the accuracy of the estimates." Given these problems, Barents concluded that ". . . the report fails to provide an adequate justification for the assertion that coverage would increase under the proposed association health plan (AHP) legislation." Flaws identified include:

Unsubstantiated claims of AHP savings: The projected increase in coverage is based on assumed savings for AHPs of between 5 and 20 percent. According to Barents, ". . . these assumptions . . . are not based on any evidence that such savings would actually exist. In fact, other studies have shown that AHPs would actually increase costs for many small firms by skimming off employers with healthy workers and undermining state reforms."

Unrealistic assumptions: Barents found the results of the NFIB study to be ". . . implausible because they are inconsistent with the existing body of literature on working health insurance coverage." For example, the study inflates the estimates by assuming that people are three to six times more likely to buy coverage than one would expect based on the academic literature.

Use of inflated numbers: The base population used for the estimate is "inflated, which results in overestimation of the number of people who would obtain coverage." For example, it appears that individuals covered by Medicare, Medicaid and other public programs may also be in this base, despite the fact that they would typically not participate in AHPs.

Neglecting the effects of income on the decision to purchase insurance: The report fails to account for the fact that low-wage workers would be less likely to obtain coverage. "The net effect of not accounting for affordability is to overestimate the number of workers that would obtain coverage," according to the Barents analysis.

The Barents analysis supports BCBSA's position that the principal effect of this legislation would be to force employers to move from the small group insurance market to AHPs—not increase the number of people with insurance. As the Barents analysis points out, ". . . if AHPs are successful in reducing costs by attracting a healthier risk-pool, any increase in coverage could be offset by reductions in coverage for the rest of the small group market."

AHP/MEWA Study: Association Health Plan Legislation Would Reduce Insurance Coverage

Performed by: Len Nichols, Ph.D., of the Urban Institute; June 16, 1999.

Although association health plans are touted as a "solution" for the uninsured, preliminary results of an Urban Institute study indicate that AHP legislation would actually *reduce* overall health insurance coverage. The results of this study, which were outlined in testimony by Len Nichols, Ph.D. before the House Commerce Health Subcommittee, reaffirm concerns raised by numerous groups regarding the potential for this legislation to undermine state reforms and make coverage more expensive for firms and individuals with greater health care needs.

KEY FINDINGS

AHPs will be most attractive to healthy individuals: According to Nichols, ". . . our research simulations suggest that by far the most important factor determining the attractiveness of various health insurance options is the pool with whom the firm's workers will be joined for premium rating purposes. AHPs and Health Marts . . . will be more attractive to the good risks and less attractive to high risks in search of more heterogeneous pools."

AHPs would undermine pooling in the insurance market: AHPs will appeal to good risks since they can practice more segmented premium rating practices than the commercial insurance industry. . . . This segmentation increases the chances that firms will be pooled only with firms with similar cost structures." In other words, AHPs will fragment the insurance market into smaller and smaller pools, rather than increasing pooling as proponents claim.

AHPs will pull people from existing insurance arrangements, rather than attract the uninsured into the market. Nichols found that ". . . extremely few new firms are enticed to offer health insurance which did not offer [coverage] before the reform options were made available. The net effect would be a lot of churning of insurance policies, but few uninsured would gain coverage and some firms with insurance would drop coverage.

AHPs will result in more uninsured Americans. Nichols said his projections indicate that "net coverage is reduced because the commercial and [existing] MEWA pools lose some of their best risks to the AHPs, and thus their pools deteriorate. Because of this risk pool deterioration, some firms drop coverage rather than pay the new higher prices that go with this deteriorating risk pool. These firms do not join the AHPs . . . because that risk pool is too segmented for their taste and risk profiles."

These preliminary results are part of a growing body of literature that refutes claims that AHP legislation would reduce costs for small firms or help the uninsured. BCBSA believes that AHP/MEWA legislation would raise costs for many small firms without making any progress toward solving the uninsured problem.

AHP/MEWA Study: AHP Legislation Would Require Billions in Federal Regulatory Spending

Performed by: Bill Custer, Ph.D. and Martin Grace, Ph.D., Georgia State University; Sponsor: BCBSA: June 2, 1999.

In this update of a 1996 study of MEWA regulatory costs, Georgia State University researchers Bill Custer and Martin Grace conclude that AHP legislation would create a significant regulatory burden for the federal government. They estimate that billions of dollars in federal regulatory outlays would be needed to oversee AHPs. Moreover, they conclude that provisions that allow federal officials to cede regulation of certain AHPs back to the states would require the creation of a duplicative regulatory system that would actually increase overall regulatory costs.

KEY FINDINGS

The proposal requires major new regulatory outlays: Custer and Martin estimate that regulatory costs would increase by between $431 million and $3.2 billion over a seven-year budget period. Federal regulatory costs could be as high as $2.4 billion over seven years, while state regulatory costs could exceed $1.1 billion.

The AHP proposal creates new federal bureaucracy: The legislation requires federal officials to create a new regulatory bureaucracy to regulate AHPs, which are now overseen by the states. "Although the federal government already has regulatory responsibility for ERISA plans, AHP regulation should result in significantly higher federal regulatory costs. The Department of Labor (DOL) has testified that they have the resources to review each ERISA health plan once every 300 years. This level of oversight will not be adequate for AHPs, which are much more like insurers than single-employer health plans."

The proposal creates costly dual regulation scheme: Custer and Grace dismiss proponents' claims that allowing states to enforce certain federal standards will limit regulatory outlays. "In fact, the most costly regulatory model is one in which the federal and state governments take an equal role in regulating AHPs, which is the most likely regulatory model under this legislation. This is because dual regulation would require both the federal government and the states to develop and maintain duplicative and costly regulatory systems."

Undermines state insurance laws: Many states have passed reforms that limit insurers' ability to compete on the basis of risk. Although the legislation attempts to limit the ability of AHPs to exclude groups on the basis of claims experience, ". . . the primary factor in deciding to form one of these groups will be risk. . . . As such, both insured and self-funded AHPs would pull better risks out of the small group market, increasing premiums for those who remain in the state-regulated market or are without access to the association plan."

[Blue Cross Blue Shield Association,
Washington, DC, September, 1995]

AHPs/MEWAs: The Unraveling of State Insurance Reforms

As Congress considers federal health care reform, Congress should reject proposals to exempt Association Health Plans (AHPs) and Multiple Employer Welfare Arrangements (MEWAs) from state law and regulation. These proposals would unravel insurance reforms that most every state has enacted to assure access to health insurance for small firms and their workers.

Rather than enhancing the "pooling" of small firms, as claimed by AHP/MEWA proponents, this legislation would lead to smaller and smaller insurance pools as healthy groups leave the state market. The result will be large premium increases for many firms and more uninsured.

WHAT ARE AHPS/MEWAS?

Association Health Plans are health plans sponsored by business and professional groups. Many AHPs exist today under state regulation and can play a valuable role in providing health coverage to their members. Associations and other business groups that provide health benefits to two or more employers are generally called Multiple Employer Welfare Arrangements (MEWAs).

MEWAs can self-fund or purchase insurance from health plans that are regulated by the states. States currently have authority to regulate MEWAs and require self-funded MEWAs to comply with state insurance standards because they are risk-bearing entities and operate like insurers.

IMPACT OF CONGRESSIONAL PROPOSALS TO PREEMPT STATE LAW FOR AHPS/MEWAS

Congressional AHP proposals would exempt self-funded AHPs/MEWAs from state law and transfer oversight to the Department of Labor (DOL). These entities would be exempt from numerous state standards, including solvency requirements, managed care rules, benefit mandates and certain rating laws. Minimal federal standards would replace state rules. This change would:

Allow AHPs/MEWAs to "Cherry-Pick": Exemption from state mandated benefits would allow MEWAs to avoid offering benefits that attract sick individuals (such as autologous bone marrow transplants). This proposal also would allow AHPs/MEWAs to be experience rated, rather than pooled with other small groups for rating purposes, as required in many states. Despite certain rules against discrimination in the proposal, AHPs/MEWAs could be designed and marketed in a manner that would attract members with lower expected health care costs.

Destroy State Insurance Reforms and Increase Premiums: Preemption of self-funded AHPs/MEWAs from state regulation would allow a large segment of the health insurance market to escape state regulation. The movement of healthy individuals into self-funded arrangements would leave high risk individuals in the insured pool, but reduce the number of enrollees over which to spread costs. The resulting premium increases would drive away more healthy individuals and ignite another round of premium increases. States would be unable to stabilize rates because such a large portion of individuals would be outside their authority.

Increase the Number of Uninsured: Rather than being a solution for the uninsured, a recent Urban Institute analysis found that AHP legislation would actually reduce overall health insurance rates. According to testimony by Dr. Len Nichols of the Urban Institute, net coverage is reduced because the state-regulated pools lose some of their best risks to the AHPs, and thus the pools deteriorate. Because of this risk pool deterioration, firms drop coverage rather than pay the new higher prices that go with this deteriorating risk pool.

Transfer Insurance Regulation to the Federal Government: This proposal would allow large numbers of AHPs to avoid state rules through self-funding. The number of plans regulated by DOL would increase dramatically, requiring a significant increase in federal regulatory capacity. Under the current staffing structure, DOL could review each AHP only once every three hundred years, which is inadequate for these new federally licensed insurance arrangements. The regulatory burden for these AHPs could be up to $3.2 billion over 7 years, according to a recent analysis by researchers at Georgia State University.

Expose Federal Government to Monumental Regulatory Responsibilities: by transferring regulatory authority to the federal government, DOL would become responsible for regulating the solvency of hundreds of AHPs/MEWAs across the country. MEWAs have a history of fraud and have left thousands of consumers and providers facing millions of dollars in unpaid medical claims. The National Governors' Association, the National Conference of State Legislatures and the National Association of Insurance Commissioners have stated that solvency standards in the proposal remain inadequate to protect consumers.

BCBSA also opposes proposals to apply special rules (i.e., ratings and exemption from mandated benefits) to insured AHPs/MEWAs. These rules would allow insured AHPs to be experience rated instead of pooled with other small groups and individuals. This provides an opportunity for segmentation of the market. The end result: higher premiums, an unstable market and states that are powerless to address the problem because federal law has overridden their authority.

BCBSA RECOMMENDATION

BCBSA believes that the federal government should allow states to retain the authority to regulate the health insurance market. States are the most appropriate decision-makers to craft legislation that expand across without disrupting insurance markets. However, the federal government should take an active role in encouraging small firms to provide health coverage though targeted tax incentives, such as the small employer tax proposal that BCBSA unveiled in February of this year.

[Press Release—Health Insurance Association of America, September 29, 1999]

NEW "PATIENT PROTECTION" BILLS COULD DESTROY EMPLOYER-SPONSORED HEALTH INSURANCE

WASHINGTON, DC.—Despite the assertions of Congressional sponsors, new so-called "patient protection" legislation would allow employers to be sued over health benefits voluntarily provided to their employees, and could destroy the employer-based health insurance system, according to a new legal opinion released today by the Health Insurance Association of America (HIAA).

The new HIAA legal opinion demonstrates that the Shadegg-Coburn bill introduced last week—as well as the "Dingwood" bill introduced last month—expressly authorize lawsuits against any employer shown to exercise any oversight over its health coverage. The opinion also states that the "shield" in both bills—which the bills' sponsors claim would protect employers against lawsuits—would apply only if an employer gives up any involvement with any coverage decision.

Under these bills, even an employer's simple act of choosing health coverage for employees would be considered exercising oversight over health coverage, thereby exposing the employer to the possibility of a lawsuit.

"This legal opinion shows how both bills offer employers who sponsor health coverage a 'Hobson's choice' between the horrific and the horrendous," remarked HIAA President Chip Kahn. "Employers either could pay for higher cost coverage that they cannot control, or retain control and expose themselves to costly lawsuits. Given these choices, many employers are likely to throw in the towel and simply drop coverage altogether, leaving millions more Americans uninsured."

HIAA's new legal opinion was prepared by Washington, D.C.-based attorney William G. Schiffbauer.

HIAA is the nation's most prominent trade association representing the private health care system. Its members provide health, long-term care, disability, and supplemental coverage to more than 115 million Americans.

[Press Release—Health Insurance Association of America, September 29, 1999]

BOEHNER "CARE" BILL A MIXED BAG

The following statement was released today by Chip Kahn, President of the Health Insurance Association of America (HIAA):

Consumers and employers can take some solace that the "Comprehensive Access and Responsibility in Health Care (CARE) Act," offered today by Rep. John Boehner (R-OH), would not saddle them with higher premiums due to expanded liability. Our nation's health care dollars should go toward providing coverage for Americans, and for improving quality-not for lining the gilded pockets of trial attorneys.

Although Rep. Boehner's bill prudently lacks liability, it does contain certain costly mandates and a problematic provision calling for "Association Health Plans" and "HealthMarts." HIAA opposes Association Health Plans and HealthMarts because they would undermine-not enhance-the small employer market by increasing premiums for many, and causing many of them to drop their coverage because it will become too costly.

On the one hand, Rep. Boehner's bill lacks liability, and would make coverage more affordable because it calls for an immediate, above-the-line deduction for the purchase of individual health and long-term care insurance. On the other hand, Rep. Boehner's bill contains expensive mandates and problematic Association Health Plans and HealthMarts. All told, Rep. Boehner's bill becomes a mixed bag of pluses and minuses for American consumers and employers.

[Press Release—Health Insurance Association of America, September 29, 1999]

WELL-INTENDED HASTERT PLAN HAS PLUSES AND MINUSES

The following statement was released today by Chip Kahn, President of the Health Insurance Association of America (HIAA):

Speaker Dennis Hastert (R–IL), along with Reps. Jim Talent (R–MO) and John Shadegg (R–AZ), clearly recognize the need for increasing the number of Americans with health insurance. The proposal that they released today is a step in the right direction because it would allow a 100 percent tax deduction for individuals and for self-employed Americans. Also, it would provide a similar deduction for private long-term care insurance, and allow people to set up Medical Savings Accounts (MSAs).

In this respect, their proposal is similar to HIAA's "InsureUSA" proposal. HIAA also commends the Speaker and Reps. Talent and Shadegg for recognizing that expanding liability provisions undoubtedly will increase costs and force employers to drop coverage for their employees.

Two provisions in the plan announced by Speaker Hastert are well-intended, but are cause for concern. HIAA opposes the plan's call for Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees. This, in turn, will cause many of these employers to drop their coverage because it will become too costly.

OZONE POLLUTION IN MAINE

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. BALDACCI) is recognized for 60 minutes as the designee of the minority leader.

Mr. BALDACCI. Mr. Speaker, the issue that I and other Members in the chamber are going to be talking about tonight is ozone pollution. Primarily it is pollution coming in from the Midwest from utilities and smoke-stack emissions that is, through the weather patterns, ending up turning Maine into the tailpipe, so to speak, for the Nation, and where you are sitting there at Acadia National Park, one of the most beautiful national monuments, and watching the lighthouses and lobster boats and recognizing that this past summer we had 12 days where there was an ozone problem and we have no industries, no industrial manufacturing of any kind, but it is coming in because of this ozone transport from utilities that are burning coal to generate power and going along in a weather pattern and pollution created all throughout that region.

Now, this issue had been addressed in the Clean Air amendments that were passed in 1992 and these utilities were given exemptions because they were told at that particular time that they would be no longer in business. But because of improvements that they have been able to make in terms of their longevity, they are still going on and they are still polluting the air.

Not only is this something that further undermines the competition for the region, because in the Northeast and in our State of Maine we have made the improvements to the industrial manufacturing sector and they have reduced the amount of pollution that the industries within our State and within our region make, but at the same time, because we have had to expend that money to clean up our air and our water and the region in the Midwest has not had to go through that where they have an economic competitive advantage.

On top of that, the pollution that is created from this ozone transport is damaging the young people and their lungs, older people with asthmatic conditions. It is damaging our agricultural crops.

The other ways that these emissions can harm our environment is that the nitrogen deposit into watershed contributes to the over fertilization of coastal and estuary water systems. Too much nitrogen in these water bodies result in increased algae growth, which limits the oxygen available to sustain fish and other aquatic life.

Although contributions from the years vary from place to place, according to the EPA's Great Waters Report, an estimated 27 percent of nitrogen entering into the Chesapeake Bay can be attributed to air emissions. These nitrogen deposits over-fertilize the land; and when this happens, nitrogen can no longer be stored in the soil and used by plants.

□ 1430

Instead, it leaches into the ground and surface waters, potentially contributing to elevated nitrogen levels in drinking waters. So we are seeing where it not only affects the health of young children, where it affects the health of people suffering from respiratory and asthmatic conditions, but it is also impacting upon our watersheds and environmentally impacting on our agricultural lands and action must be taken.

EPA has the authority, it has been challenged in court in terms of their abilities, but still the underlying law has not been challenged and they have the ability under the 1-hour transport rule to be able to enforce these States, these industries that are not cleaning up their act and that are polluting our waterways and polluting our airways and further hampering the abilities of not just Maine but the Northeast, their business opportunities from being able to compete on a level playing field with industries wherever those industries may happen to be. This is the impact.

So EPA has the authority under the existing laws and we are asking them through a Dear Colleague signed by Members of this body to the EPA to do their job. They have done a good job, we want to pat them on the back, but at the same time we want to make sure that they continue to do their job because people's lives and health depend on them enforcing this law. This is not something that we can wait until next year or the year after or until another Congress or until another executive is in office. It is something that needs to be done now. The people of Maine are suffering because of nothing that they have done, it is just that the weather patterns move from west to east, and the ozone that travels through those tall smokestacks have emitted into the Northeast and have created ozone conditions where, as I referred to, Acadia National Park in Maine has had pollution levels this year on par with Philadelphia. The Jersey shore and industrial Newark have had the same number of bad air days so far this year. Cape Cod's national seashore has had higher pollution levels and more bad air days than Boston and Indiana Dunes National Lakeshore, the remote Door County in Wisconsin and the Great Smokey Mountains National Park. This is a problem that has to be confronted.

There was a negotiation that was going on between governors in the Northeast, and that has fallen apart, because the compromises that were being put forward were too compromising and pollution was not going to be able to be greatly impacted. So now what we are confronted with is basically having EPA do its job, enforce its laws and the regulations that it already has on the books.

I recognize a colleague of mine, my good friend the gentleman from Maine (Mr. ALLEN) who has addressed many national issues in his terms in Congress and been a very effective Member of this body, has also sponsored legislation to get at this particular issue and other issues to make sure that our environment, our air and our water are cleaner, because the real determination and the real judgement that is placed on each of us as stewards is to make sure that the Earth and the resources that we have are in better condition for the next generation than they were for us, and I would ask him to make comments in regards to this legislation.

I was reading a book that was provided by Richard Wilson and a few other editors, it is called "Particles in the Air." In it, it talked about our first environmental stewardship that had taken place. It actually had taken place, it is not anything new and it is not anything radical, but it actually had taken place in 1272 when Edward I, who was an early environmentalist, banned the use of carbon from London because of the problem that the carbon pollution was having on the community in London. And then Edward II and the early history of the sea coals that were being burned to generate a fuel which was causing pollution.

And so pollution control and cleanup is not something new, it has been something that has been going on for well over 400 or 500 years. There have always been these attempts to make sure that the air and water are cleaner because of the health impact, because of the impact on our natural resources, and to make sure as far as equity, making sure that we are not being treated any worse than any other region and our industrial manufacturers have an opportunity to compete, and they are being asked to clean up and they have cleaned up. They are asking to compete, and they have had to install environmental equipment, pollution equipment and other industries in other parts, the Midwest in particular, have not had to do this. It has put us at an economic disadvantage.

I yield to my colleague who is here from Maine, a very effective Member of this body.

Mr. ALLEN. I thank the gentleman for yielding. I really appreciate the gentleman from Maine calling this special order and giving us a chance to talk about what is an extraordinarily difficult and complicated problem for not just those of us in Maine but the entire Northeast.

Basically to go over a little history which he may already have touched on, but in November of 1997, the Environmental Protection Agency proposed a rule to control the interstate transport of nitrogen oxides, which are a precursor to ozone smog. This call for State implementation plans, usually referred to as the NO_X SIP call, was based upon the recommendations of the Ozone Transport Assessment Group which consisted of the 37 easternmost States and the District of Columbia. So that this proposal is not just New England or the Northeast but the 37 easternmost States and the District. The SIP call required the 22 downwind States to submit State implementation plans to reduce nitrogen oxide emissions. Maine was not one of the States that was covered, but our governor pledged to achieve the same reduction of nitrogen oxides as required in the SIP call States.

In May of 1999, the D.C. Circuit Court struck down the NO_X SIP call, if we can continue to speak in some jargon, by ruling that the Environmental Protection Agency did not have the authority to issue the regulations. But the Court cited a doctrine, described as the nondelegation doctrine, which had been dormant for almost 60 years. That is why I think there is good ground to believe that this decision could be overturned on appeal to the U.S. Supreme Court.

Negotiations between the Northeast States and the Midwest States to find a compromise in lieu of the NO_X SIP call have broken down without an agreement.

Now, in Maine we know that smog is not just an urban problem. We know that in the State of Maine, we are a rural State, we are not heavily developed, we only have 1.2 million people. We are as large as the rest of New England combined. Millions of tourists visit Maine every year, and we welcome them, and most of them come to enjoy our pristine natural resources. They come to hike, fish, boat and simply take in the majestic views of the Appalachian Trail or Acadia National Park. Imagine their surprise when on occasion they go to Acadia National Park and find the air is dirtier than what they left behind in the city.

During the summer ozone season, southern Maine often exceeds EPA's health standard for ozone smog. In fact, this past summer, the 3 million visitors to Acadia National Park would occasionally find that pollution levels there were on a par with those in the city of Philadelphia. And further down the Gulf of Maine, the Cape Cod National Seashore had twice the number of days where the ozone level exceeded standards as did the city of Boston.

So what we have got here is an environmental issue but also an economic issue and a public health issue, because smog increases the instances of asthma in children and severely affects all people with respiratory problems. Even highly conditioned athletes experience a 25 percent reduction in lung function on days that do not meet EPA's health standards for ozone. Some studies have shown that emergency room visits for respiratory problems double on bad ozone days, creating a greatly increased burden on our health care system.

Now, the wind blows west to east. It always has, it always will. That is really why the pollution technology that is adopted in the Midwest and the South affects those of us in the Northeast. As long as the wind blows west to east, New England will have an enormous stake in the smog that is created in the South and in the Midwest. If there is any area where we know that State action is not enough, it has to do with air pollution. We have no way of controlling the air that comes across our borders. Maine is doing everything it can to clean up its own air and water and make sure that on mercury, for example, where the State has taken action, but there is only so much we can do. This is a national problem. It calls for a nationwide approach to controlling air pollution.

Mr. BALDACCI. Mr. Speaker, the gentleman is so accurate in terms of information and why this is a national issue, and to further reinforce that issue, when we talk about the prevailing winds and the emissions from unregulated power plants in the Midwest and South, it is estimated that they are responsible for approximately 30 to 40 percent of New England's background pollution. So we end up having to clean up our own industries, spending our own taxpayers' resources to make sure that we are in compliance, and then we end up having to shoulder the load that we are not even responsible for. So we end up getting punished more than twice in terms of health, the natural resource impact and the impact on the competitiveness of our industries because of this issue and because of its national nature.

We are also putting forward a Dear Colleague to have the EPA do its work. The gentleman has legislation because this is a national issue. Maybe he wants to explain that legislation.

Mr. ALLEN. I would be glad to do that. Again, I believe the gentleman is right. We have to encourage the EPA to take action. We have to encourage the Northeastern States and the Midwest States to continue to try to come together. But we also need a change in law.

I have become convinced that it is irresponsible of this Congress to leave this critical environmental, economic and public health issue to be decided by these long dormant legal doctrines, long battles in court, battles in the EPA over the extent of its authority. Congress can and should deal with this issue now.

Tomorrow, I am going to introduce legislation that I believe will take a major step forward. It is called the Clean Power Plant Act of 1999. It deals directly with the largest source of industrial air pollution in the country, fossil fuel-fired power plants. In the Northeast, States have taken steps to reduce pollution from electric utilities, but nationwide the problem of utility pollution is overwhelming.

Nearly three out of every four power plants in the U.S. are grandfathered from having to comply with the full standards of the Clean Air Act. These plants legally pollute at four to 10 times the rates that are required for new plants. When Congress passed the Clean Air Act 30 years ago, and then the Clear Air Act Amendments 10 years ago, it assumed that these grandfathered plants would be replaced, that they would become obsolete and new plants would be constructed that would be covered by clean air regulations. Well, it has not happened. What has happened is this: Because those plants do not have to meet new source performance standards, because they can pollute more than other plants, they have an economic incentive to stay in business, to keep running.

Dirty power is often cheap power, and the economic advantage gained by these grandfathered plants has allowed them to survive much longer than Congress ever expected. Most of the power plants in the U.S. began operation in the 1960s or before, which is hardly surprising when we consider that their operating costs are often half as much as the cost of running a new, clean plant.

If we are going to control air pollution, whether it is smog, mercury emissions, acid rain or greenhouse gases, we must close the grandfather loophole that allows these ancient plants to continue polluting.

Tomorrow, I will introduce the Clean Power Plant Act of 1999, a bill that will set uniform standards for all utilities no matter when they began operation. It aims to replace or upgrade the oldest and dirtiest plants in the country and level the economic playing field so that new, clean generation can compete in a deregulated electricity market.

My bill sets the same emission standards for nitrogen oxides that EPA included in its SIP call.

□ 1445

It covers four pollutants:

Nitrogen oxides, sulfur dioxides, carbon dioxide, which is a major greenhouse gas and which we need to contain over time, and it is setting no higher standard there than was accepted by the Bush administration in the Rio negotiation; and finally, it covers mercury. Mercury is a pollutant, a heavy metal which is emitted into the air. It comes down hundreds of miles away from the source and has very serious effects on our fish, fresh water fish, and wildlife that consume fish; and so there are now 40 States in this country which have mercury advisories primarily advising pregnant women and children not to eat fresh water fish.

Mr. Speaker, it is a looming crisis. We need to do something about it, and the legislation I am introducing tomorrow will be a major step forward. I want to thank my friend and colleague, the gentleman from Maine (Mr. BALDACCI), for being a cosponsor of that legislation and for all that he is doing to try to make sure that we have a sensible national clean air policy that adapts to the situation we find ourselves in today, which is that these old grandfathered plans have stayed in practice, stayed in operation, much longer than we ever expected and are now contributing enormously to pollution in local areas around the country, but particularly in the Northeast where, as I say, Mr. Speaker, the wind blows all those emissions to.

Mr. BALDACCI. Mr. Speaker, I want to thank the gentleman for offering the legislation, comprehensive legislation that is being offered and that will be made available tomorrow and encourage all our Members of this body to sign on to that legislation and at the same time encouraging the courts and the EPA to continue on in the Dear Colleague letters that have been going through the Senate and the House.

This is going to require sort of an effort in all quarters, and I think that we will be able to recognize that what we are talking about is we are talking about smoke stacks, utilities that are burning in an inefficient way coal; that because of the tall smoke stacks and because of the way weather travels, especially what is happening now with the heat in the summertime and creating an ozone condition, and that is primarily the prime ingredient of pollution and smog in our cities and towns; and what we need to work on to reduce its impact on children, respiratory conditions, asthmatic conditions of many people in talking about what is happening to our watersheds and to our agricultural lands.

I was just looking at a report that was put forward by the New England Council, and in the New England Council's report they recognize that today, to illustrate the point, that all power plants in the Northeast are approximately 2.6 pounds per megawatt hour in terms of their emission while the emission rate from power plants in the Midwest is approximately 6.6 pounds per megawatt hour, nearly three times as much.

You recognize that from the New England Council, business industry group recognizing that its industries in its areas that have made the improvements are being hampered in an unfair competition with industries that have not had to make the changes to clean up the environment. So it is good for business, it is good for the environment, and I believe it is good for the country to recognize that we have got to have comprehensive legislation. We have got to have Members signing on to the dear colleague letter, and we have got to say to the EPA: you have been doing a good job, but we need you to keep doing that job and recognizing that this is an important area issue for a lot more than just Maine, a lot more than the Northeast, but for the entire country. It is in the entire country's interest.

As we talked about it before, in terms of the parks that have been impacted, the health effects that have gone on and to citing in Maine with a population of 1.2 million, one of the most sparsely populated States in the East, and Acadia with the pollution on par with Philadelphia and in Rhode Island, coastal town of Narragansett, there are 8 dirty days, three times as many as there were in Providence, and even upstate Vermont have not escaped the dirty air this year.

And it is showing impact into areas and communities and into the lives of children and families in that we need to make sure that the legislation that my colleague is offering, is co-sponsored by other Members and that Members are signing this Dear Colleague, that it is going to the EPA and to the administration to do their job and to recognize that they still have the authority in regards to this action as it pertains to the 1-hour rule that was not overruled by the court and to continue to require that these States be brought into conformance and that Maine not end up being the tail pipe for these kinds of inefficient, harmful pollutional industries that have been going on throughout the Midwest in particularly.

Mr. Speaker, I yield to my colleague, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, we have been talking so much about the Northeast because, after all, as my colleagues know, the wind, as I say, does blow west to east, so the Northeast is impacted. But it is worth pointing out, I think, that in many local areas where these grandfathered plants are in existence the local smog, the ozone, is a real health concern, and that can be true in the Midwest, in the South and in the West itself.

Mr. Speaker, the reason for that is that many of these plants have been allowed to engage in what is called the "cap-and-trade approach"; that is, they can effectively buy clean air credits without cleaning up their own plant, and they still get by and meet the existing standards. What I am trying to say in this legislation is that with respect to nitrogen oxides and sulfur dioxides, which produce ozone, smog and acid rain, there would not be any provision for capping and trading; so the result will be that many of the dirtiest plants scattered in the Midwest, in the South and the West itself, will have to be cleaned up. That will be an enormous advantage to people who live in those local areas.

And so this is not just a Northeastern bill; this is a national bill. And I trust that many Members from around the country will be willing to support it, and I thank the gentleman for yielding.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for pointing that out because pollution is a national issue, requires a national solution, and its impact and benefits will be on a national basis. And to be able to make that point, I was just reading where the national parks, the millions of people that visit these particular parks that have been impacted by the ozone transport and increased smog and pollution and health risk, not just Acadia National Park in Maine, but Cape Cod, the Great Smoky National Park, Shenandoah National Park, Indiana's National Lakeshore Recreation Area, many other of these national parks and outdoor places where 2.7 million, 4.9 million, 9.3 million, a million and a half people, each one has been able to go to those facilities to enjoy the outdoors and that quality of life.

And Tennessee, the cradle of blues, rock and roll, and country music makes tourists in the Smoky Mountains sing a sad song about the smog they thought they left behind; in historic Virginia, George Washington's Mt. Vernon home as well as Colonial Williamsburg are suffering with pollution levels as great as our Nation's capital. Other Southern tourist destinations did not fare much better, Shenandoah's National Park and even remote Mt. Mitchell, and no relation I do not assume, but Mt. Mitchell in North Carolina have had unhealthy levels of ozone.

So those are within the Southeast, within the West. They are talking about Salt Lake City, surrounded by mountains, has been trapped in pollution for 3 days this year. Houston, second only to L.A. in population in the West, also home to chemical and refining industries. It is not geared just to the Northeast, it is the Southeast, it is the West, it is the Midwest, the Midwest home to small town U.S.A., but in addition to agriculture areas is dotted with major industrial cities. Many folks in the upper Midwest spend their spare time recreating in these areas.

So it is reinforcing my colleague's point about the national impact of this legislation, and I yield back to my colleague from Maine.

Mr. ALLEN. As we are having this conversation, I was looking at a recent report, and there is something here that is directly on point. I thought I would mention it.

Within the Ohio River Valley, this report says, there is a large and persistent area of high ozone during the summer months compared to air in other parts of the country, and in this region winds intermingle ozone pollution from different power plant fumes, as well as from other sources. Somewhat surprisingly, people living in the Ohio River Valley are exposed to higher average smog levels over a more prolonged period of time than people living in Chicago or Boston, and that goes back to what we have been talking about, that this is not just about the Northeast. If the smog in the Ohio River Valley, where a number of these plants are located is higher on average than the smog in Boston and Chicago, it is pretty clear we have got a national problem and it needs a national solution.

Mr. BALDACCI. Mr. Speaker, if I can, just to reinforce the impacts of what we are talking about, children are most at risk. Children breathe even more air per pound of body weight than adults because children's respiratory systems are still developing; they are more susceptible than adults to environmental threats. Ground ozone is a summertime problem because of the heat and the combination of the pollution creating this, and children are outside playing and exercising during the summer months. Asthma is a growing threat to children. Children make up 25 percent of the population, and 40 percent of the cases of asthma are here. We are talking about 14 Americans dying every day from asthma, a rate three times greater than just 20 years ago.

So we are talking about the pollution impacts, the impacts to individuals and communities. And I want to thank my colleague from Maine for introducing his comprehensive legislation and encouraging Members to sign onto it, and signing onto the Dear Colleague and making sure that the administration does its work, the courts do their work and that we do our work.

TEACHING HOSPITALS IMPACTED AS RESULT OF PASSAGE OF THE BALANCED BUDGET ACT

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, during the last several months we have had a tremendous amount of discussion about managed care, patients' bill of rights, different kinds of indicators of disease and problems with our health care delivery system, trying to find a way and trying to find solutions, answers, to many of these problems. Group of us come this afternoon because we want to talk about another problem, and that is a problem facing the hospitals in the State of Illinois and especially facing tertiary care teaching hospitals as a result of our passage of the Balanced Budget Act.

Health care, as all of us would agree, is one of the essential elements of a great society, and unless people have access, have the ability, unless people have the assurances of knowing that they can find the care that they need in times of stress and difficulty and in times of physical pain and disability, then that society is missing something.

As a member of the Illinois delegation, I am going to share some concerns about the fate of Illinois' teaching hospitals and academic medical centers unless we get some form of relief from reimbursement cuts authorized in the 1997 Balanced Budget Act.

While we all recognize that cost containment, trying to manage the cost of health care, is important, all of us recognize the concerns that have been expressed over the years about unregulated, unbridled, unchecked cost overrunning our ability to pay; and so while we recognize that certain sacrifices must be made in order to achieve Balanced Budget Act objectives, we strongly believe that the unintended consequences of the Balanced Budget Act threaten the viability of these valuable health care resources.

As envisioned, the Balanced Budget Act was intended to cut $104 billion from Medicare reimbursement to hospitals.

□ 1500

However, the Balanced Budget Act, if implemented as enacted, will result in nearly $200 billion in reductions.

Now, the people of Illinois have come to expect, and they have every right to do so, the high quality medical care delivered by our teaching hospitals and academic medical centers. The benefits derived by residents of every region of our State are incalculable. These teaching hospitals and academic medical centers are the primary providers of complex medical care and high risk specialty services, such as trauma care, burn care, organ transplants and prenatal care to all patients, regardless of their ability to pay. In fact, the 65 tertiary care teaching hospitals in Illinois provide approximately 63 percent of all hospital charity care in the state.

Aggressive Balanced Budget Act cuts are jeopardizing their ability to fulfill their vital mission of maintaining state-of-the-art medical care and technology, providing quality learning and research environments, and serving as a safety net for those unable to pay.

Not only do these institutions enhance our health and physical wellbeing, they are also some of our largest employers and consumers. As a matter of fact, they are an integral part of our overall economy. In total, our Illinois teaching hospitals and academic medical centers employ more than 56,000 of our constituents and add almost $3 billion to the State's economy in salaries and benefits alone. Yet, despite the great benefits that Illinois residents derive from our teaching hospitals and academic medical centers, these institutions suffer disproportionately under the Balanced Budget Act.

In total, Illinois teaching hospitals face 5-year reductions of more than $2.5 billion. I will say that again. In total, Illinois teaching hospitals face 5-year reductions of more than $2.5 billion. Consequently, while teaching facilities comprise 27 percent of Illinois hospitals, they will bear the brunt of 59 percent of the Balanced Budget Act reductions. These cuts are compounded by increasing fiscal pressures from managed care companies and inadequate Medicaid reimbursements on the State level. We believe that we must act now, that we really cannot wait.

I represent a district that has 22 hospitals in it. I have four academic medical centers, four of the best in the Nation, in my district. Not only do they provide greatly needed care, but they are also the primary trainers of medical personnel, not only for Illinois, but all over America. I have three Veterans Administration hospitals in my district that are linked to these medical schools.

So not only are we looking at the provision of greatly needed care, but we are also looking at the overall economic impact on a community if the individuals cannot work, if they have no place to go. Then, obviously, the status of health for the community worsens, worsens, and worsens.

Also with me this afternoon, one that I know is greatly interested in this problem and this issue and has concerns not only about the ability of hospitals to serve but the ability of our society to function as it is intended to do, it pleases me to yield to the gentlewoman from the 9th District in the State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Illinois for organizing this special order tonight and for yielding time. His commitment to providing quality health care in Illinois and across the Nation is unparalleled.

There is probably not a Member in this House that is not committed to and has not talked about protecting Medicare, but that means more than just the benefits under the Medicare program. That means that we have a strong and vibrant delivery system in place. That is what we need, one that is available to meet the needs of Medicare beneficiaries.

Unfortunately, the payment cuts required under the Balanced Budget Act threaten that delivery system. Inadequate payment levels are jeopardizing quality care at nursing homes, in hospices, for home care services, and the subject of tonight's special order, hospitals.

Now, my mother-in-law in Shreveport, Louisiana, Adelaide Creamer, was director of volunteer services at the large university hospital there; and she knows, as good as volunteers are, this is one issue where we are going to need far more than that in order to meet the needs of our Medicare patients.

We need to understand as policymakers and as consumers that payment cuts and inadequate reimbursement levels are patient issues. Patients will suffer if we do not act now to correct the problems created by the Balanced Budget Act.

The Balanced Budget Act, when it was passed, was supposed to cut hospital rates by $53 billion, but the actual cuts are now estimated to be $71 billion. As the gentleman from Illinois has said, cuts in Illinois would be close to $3 billion, and, in my Congressional District alone, the cuts could approach $270 million over 5 years. Because the size of the cuts grows every year, the longer we wait to correct this problem, the greater the impact on patients and healthcare quality.

I want to emphasize that we are not talking here about slowing the growth rate in hospital payments in the coming years. Without a correction in the Balanced Budget Act provision, Illinois hospitals will face actual reductions below existing payment levels. That is why the Honorable John Stroger, President of the Cook County Board, and Robert Maldonado, County Commissioner, and many of the members of the Cook County board, introduced and passed a resolution that calls on the President and the Members of the 106th Congress to refrain from enacting additional Medicare reductions in addition to those contained in the Balanced Budget Act of 1997, and to use at least a portion of the Federal budget surplus to address the negative impact caused by these reductions.

Obviously, as the cost of healthcare rises, cuts of these magnitudes will mean that hospitals will face horrible decisions, whether to cut back on staffing, turn away patients, shut down services such as trauma care, delay elective surgery, impose cutbacks on clinics and outpatient services.

In February, I wrote to President Clinton endorsing his proposal to use 15 percent of the budget surplus for Medicare and encouraging him to place a moratorium on any further BBA, Balanced Budget Act, payment reductions. Recognizing the problems being created already by the Balanced Budget Act, we simply cannot allow it to continue in place.

We need to take additional steps as well. I particularly am concerned about the impact of cuts on disproportionate share hospitals, hospitals that serve a large number of uninsured and underinsured patients.

We have heard a lot this week from the Republican leadership expressing their concern about the 44 million uninsured Americans. Disproportionate share hospitals care for those uninsured persons. They are the only source of care for many children and adults.

According to the Illinois Hospital Association, 30 percent of these disproportionate share hospitals had negative margins before the Balanced Budget Act was enacted. By 2002, if we do not act to stop further reductions, two out of every three of these hospitals serving low-income people will have negative margins.

In Illinois, these DSH hospitals, is what we call them, will lose $1.7 billion. $1.7 billion. These cuts are simply not sustainable. As the number of uninsured rises, DSH providers should be getting more resources, not suffer the cutbacks required under the balanced budget amendment.

Patients who rely on teaching hospitals would also suffer. The $1.1 billion in projected cuts to Illinois teaching hospitals threaten their ability to train medical professionals and serve patients.

Tertiary teaching hospitals in Illinois provide over half of all charity care in the State, even though they represent only 13 percent of hospitals. That care too would be threatened. Finally, teaching hospitals provide critical specialty services, trauma centers, organ transplants, specialized AIDS care, and other critical services.

Teaching hospitals are pioneers in training medical professionals and providing complex and innovative medical technologies to patients. We should make it a priority to ensure that they have adequate resources to continue to do so. As less and less services are performed on an inpatient basis and more and more in hospital outpatient departments, we need to take action to stop drastic cuts for outpatient services.

Finally, I hope that we will act to repeal the annual $1,500 per patient cap on rehabilitation therapy payments. This arbitrary cap is preventing patients from getting adequate care to maintain, restore, and improve their functioning. We need to protect and increase payments to disproportionate share hospitals and payments for teaching hospitals. We need to protect against drastic cuts in outpatient hospital care. If we fail to do so, the real victims will not be the providers, they will be the patients who rely on their hospitals for quality, compassionate, and timely care.

Again, I thank the gentleman for the time.

Mr. DAVIS of Illinois. Let me thank the gentlewoman from Illinois for her comments. As I was listening, I was just sure that not only are the people of the 9th District in Illinois pleased that you are here working on their behalf, but citizens from all over the State of Illinois are pleased to know that they have you as a Member of Congress fighting for their rights and for their communities. So I thank you so very much.

The gentlewoman that I would like to next yield time to is not from the State of Illinois, but any time that she would want to come she is always welcome, and especially would she be welcome in the 7th District. But I would like to yield to the gentlewoman from the State of North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his time and gracious comments, and I appreciate him allowing me to say a few words during his designated special order on the impact of the 1997 budget on hospitals as it relates to hospitals, particularly in urban areas.

I come from rural North Carolina. I am here to talk about another issue, which I will do later, but I could not pass up the opportunity of reaffirming how important the subject you are talking about is, how the 1997 Balanced Budget Act affects hospitals, and to also share with you that the implication is even more severe for those of us who live in rural America.

Just think that if indeed you think about the delivery system or the infrastructure for health care being at peril in urban areas, think of rural areas of having already a severe shortage of providers and institutions and heavily dependent on Medicare reimbursement and Medicaid reimbursement, and, therefore, having private insurance to pay for most of their care is not a part of the equation in supporting rural hospitals or nursing homes or home health services or hospice services. They are heavily dependent on the participation of the Federal budget.

So your raising this issue for us helps us to join with you from rural America to say that this is a nationwide project, it is a nationwide problem. It is a challenge for those of us who live in rural America, because we serve a disproportionate number of senior citizens who are very much dependent on Medicare.

The teaching hospital that is in my district, for their interns and their fellows, it is supported in the main by the Medicare payments that are made to the individual institution.

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We talk about DSH. Most of our hospitals are actually disproportionately hospitals in rural areas so we are on the verge of losing hospitals in our area if, indeed, we pursue with this gradual sliding below to the lowest common denominator, Balanced Budget Act projection, given just what the last speaker spoke of. Actually we have exceeded those projections where the intent was to have 53 percent.

Now we have exceeded those. So just think, that means we are going to have to make decisions about cutting outpatient, making decisions about cutting AIDS programs, of all of those extra programs that hospitals were beginning to equip themselves for, so they would not have to keep patients in their hospitals in beds. They had outpatient, they had therapy, they had rehabilitation programs. All of those are threatened under the 1997 Balanced Budget Act.

It is not the act itself. It is the implementation. So we really do need to do two things. There needs to be two tracks. We need to make a case to the administration in the finance mechanism that they need to adjust where they have authority to adjust so they can make that relief that hospitals need right now.

Secondly, we need to make some amendments in our budgetary process to allow for us to not have the year 2000 as structured as we had proposed in 1997.

I thank the gentleman for allowing me to participate and just would say finally that rural hospitals also are appreciative of the efforts of the gentleman to raise this issue for Members of Congress so that we can take the appropriate action.

Mr. DAVIS of Illinois. Mr. Speaker, let me just thank the gentlewoman and commend the gentlewoman again for the tremendous advocacy that she displays consistently on the part of rural America, and especially as she crusades right now to try and find relief for that part of North Carolina and for all of those thousands and thousands of people who have been uprooted by recent Hurricane Floyd.

Certainly, our hopes, our prayers, and our thoughts are with the gentlewoman and all of the people in North Carolina as they try to work their way out of this disaster.

Mr. RUSH. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois, who represents a district that certainly has one of the most outstanding hospitals and academic medical centers in the Nation in it, the University of Chicago.

Mr. RUSH. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS), Congressman from the 7th Congressional District, for holding this special order. This special order is important to the hospitals in my district, the hospitals in urban America and, as the previous speaker indicated, the hospitals in rural America.

I want to say to my colleague from the 7th Congressional District that, again, he is on point. We served in the Chicago city council together. He was a leader on health care issues in the city council. He was a leader on health care issues when he was a member of the Cook County Board of Commissioners and now in the Congress he is a leader on health care issues, and I want to applaud him for his leadership and again thank him for holding this important special order.

To the gentlewoman from North Carolina (Mrs. CLAYTON), I want to join with my colleague from the 7th Congressional District in indicating my support for her, my support for those distressed constituents in her district, those individuals who are experiencing hardship now because of Hurricane Floyd. I want her to know that any time she wants to visit her son, who is a constituent of mine in the 1st Congressional District, she certainly can come in; and we will roll out the red carpet for her, as we have done in the past.

The Balanced Budget Act, Mr. Speaker, is causing real pain for hospitals, for patients, and the communities that they serve. The BBA has produced an unintended financial burden on Chicago teaching hospitals, on rural hospitals, on skilled nursing facilities, and on home health providers. The issue is important, to me and to others, because Illinois ranks fifth in the Nation in the number of teaching hospitals.

Teaching hospitals not only provide training to our Nation's future doctors but they also provide uncompensated care to underserved communities. In my State, the State of Illinois, these teaching hospitals provide 59 percent of the State's charity care. Additionally, in teaching hospitals in Illinois and in academic medical centers in Illinois, there are at least 80,000 Illinoisans statewide who are employed by these hospitals.

As a matter of fact, Illinois teaching hospitals and academic medical centers are one of Illinois' largest employers. They add more than $3 billion in salaries and benefits to the Illinois economy.

Because of these BBA cuts, these hospitals will lose $1.678 billion between fiscal year 1998 and fiscal year 2002. $1.678 billion the hospitals in Illinois will lose between fiscal year 1998 and fiscal year 2002. These cuts would be atrocious, these cuts will undeniably deny many low-income patients adequate and much-needed health care.

This year this Congress passed a budget resolution that would have allowed for $792 billion in tax breaks, mostly to millionaires and billionaires, those who are living the good life, but not one red cent to fix the damage to Medicare from the BBA.

Ironically, today in this Congress we are seeing that Members who voted for the BBA 2 years ago, they are now switching. They are now reversing their positions. They are now supportive of fixes to Medicare.

Mr. Speaker, the Members on both sides of the aisle, this Congress, the Republicans particularly, this Congress must fess up and admit that it made a mistake; and it must do the right thing by funding for substantial increases in Medicare reimbursements.

Mr. DAVIS of Illinois. Mr. Speaker, let me just thank the gentleman from Illinois (Mr. RUSH) for the comments that he has made because what he has said actually is the same thing that I am hearing from constituents of mine each and every day.

In my hand and in my office are actually thousands of cards that I have received from constituents of my district asking that we provide for them some relief. They are very active people who understand what is going on, who recognize when they hurt that they need to cry, and who recognize that if they do not cry chances are nobody will even know that they are hurting.

I can say that the people of the 7th District are crying. They are crying out for relief from the Balanced Budget Act. They are crying out to make sure that their hospitals, that their health centers, that their skilled nursing homes, can continue to exist and provide for them the greatly needed services that they so richly and rightly deserve.

So I thank the gentleman for being where the people are, and I appreciate his comments.

Not only, though, are we saying it, I mean the Members of Congress are saying it, but also I am looking at editorials, and I would put these entered into the RECORD at this point, Mr. Speaker.

[From the Peoria Star Journal, Aug. 31, 1999]

MEDICARE REDUCTIONS THREATENING HOSPITALS

If these are the good years, then why are hospitals administrators so blue? The answer is that they're seeing red.

Medicare cuts being implemented now are "the most serious reductions in the history of the program," says Ken Robbins, president of the Illinois Hospitals and Health Systems Association.

Hospitals operating on a slim margin, or dependent on Medicare for almost all of their revenues, will close, he says. Those which stay in business will cut staff, eliminate unprofitable programs and increase prices charged paying patients, forcing insurance rates up.

Teaching hospitals, which will lose more assistance than most, will cut residency slots. That will threaten medical specialities and charitable care, which depends heavily on resident physicians. Already OSF St. Francis has trimmed seven positions and is considering eliminating an entire residency program. In the 26 years he's been looking Robbins says he's never seen a more critical threat.

It seems peculiar that hospitals are ringing this alarm as congressman fan out across the land to tell of a federal treasury overstuffed with surplus dollar bills. The timing is not accidental.

The federal surplus owes its existence not just to a booming economy but to the domestic spending cuts mandated by the Balanced Budget Act of 1997. About half of them will come from Medicare and Medicaid. The American Hospital Association anticipates that by 2002, hospitals will lose $71 billion, a little more than one of every 10 Medicare dollars they take in.

OSF St. Francis figures it will give up $27.6 million; Methodist, $22.6 million; Proctor, $18.2 million. To appreciate the size of the losses, and the steps necessary to compensate, consider that Methodist and Proctor derive 50 percent of their income from Medicare, while St. Francis gets 40 percent. By the end of 2002, Robbins says Illinois hospitals will be treating more Medicare-dependent patients for fewer inflation-factored dollars than they get now. He says everybody who needs hospital care will feel the effects.

The hospital association wants legislation that will restore $25 billion, a little more than a third of what hospitals lost. To get the money, it will have to fight off those who would spend the surplus on tax cuts and those who would pay down the federal debt.

Members of both camps say they want to make sure the anticipated surplus isn't used to increase spending. That is an understandable goal but an inaccurate description of the alternative. The third choice in the surplus arguments is not whether to expand federal programs with the extra money but whether to maintain the present level of service.

Permitting spending to grow at the rate of inflation would cost nearly $750 billion, or three-fourths of the predicted 10-year non-Social Security surplus. Assuming that defense spending will not be reduced, the Balanced Budget Act will require domestic spending cuts of about 20 percent over five years. If Congress boosts military spending, as it has indicated it would like to do, then bigger reductions in domestic spending will be necessary.

The hospital lobbyists would seem to be at vanguard of those who will feel the pinch. Earlier this month Peoria officials said they anticipated a 10 percent cut in Community Development Block Grant funds for neighborhood-based programs. Housing and Urban Development Secretary Andrew Cuomo warned last week of budget cuts that would leave 156,000 people without affordable housing. The nation's parkland preservation program is due to be reduced to one-tenth of its 1978 level. Congress has put out feelers about taking back from the states $4.2 billion in welfare reform money.

Cuts of this magnitude may have made sense when the nation was battling to control deficit spending and the threats it posed. The case for them is not as strong now that it's been declared the post-deficit era on Capitol Hill.

Certainly maintaining Head Start participation and national park dollars and environmental enforcement at present levels, rather than slashing them, deserves an equal platform with tax cuts and debt reduction as decisions are made. So do the hospitals' concerns.

It is particularly irksome that the facts of the issue have been so poorly laid out and that the budget cuts which lie ahead have claimed so small a stage in the national debate. Perhaps the hospital lobbyists will help.

[From the St. Louis Post-Dispatch, August 4, 1999]

WHEN HOSPITALS GET SICK

The nation's teaching hospitals, the backbone of the country's health care system, are getting sick. Squeezed on one side by managed care's demand for lower costs and shorter stays and on the other by federal cuts in Medicare reimbursements, the average teaching hospital will have lost $43 million between 1997 and 2002. That will leave nearly 40 percent of the facilities operating in the red.

Similar dire figures are projected for facilities here. By the end of this year, St. Louis-area teaching hospitals will have seen their revenues reduced by $70 million. The reduction for all the state's teaching hospitals will be about $126 million. By 2002, the figure will have climbed to over $100 million in St. Louis and $214 million for Missouri. Barnes-Jewish Hospital has gone from generating $30 million a year to just $4 million this year.

Those figures are much more than just numbers on a balance sheet. Teaching hospitals, particularly in St. Louis and Missouri, are unique, vital cogs in the health care network. Though they represent only 4 percent of all of the nation's hospitals, they treat 44 percent of the uninsured patients. Meanwhile, they provide expensive, highly specialized programs, such as the organ transplant, bone marrow transplant and trauma programs operating at St. Louis University Hospital and Barnes-Jewish Hospital.

In St. Louis and Missouri, this continued financial hemorrhaging could hurt the local economy. Barnes-Jewish Hospital, with over 8,000 employees, is the largest private employer in the city of St. Louis. Its network, BJC Health System, is Missouri's single largest private employer.

Sen Daniel Patrick Moynihan, D-N.Y., and Rep. Charles Rangel, D-New York, have an answer for the current mess. Mr. Moynihan has introduced a bill to freeze the reductions in Medicare reimbursements for the next two years. The New York Democrats have proposed the establishment of a Medical Education Trust Fund that would be financed by a 1.5 percent assessment on private health insurance premiums and funding from Medicare and Medicaid.

Congress's desire to rein in rising medical costs is commendable, but the 1997 Balanced Budget Act, which cut the Medicare reimbursements for teaching hospitals, produced serious unintended consequences. The nation must not sacrifice the great institution of the teaching hospital to the budgetary scalpel.

[From the Chicago Tribune, July 9, 1999]

UIC TO CUT HOSPITAL JOBS, SEEK MERGER

(By Bruce Jaspen)

In a rare move that highlights the deepening financial crisis of one of the city's biggest teaching hospitals, the University of Illinois said Thursday it will turn over management of its West Side academic medical center to a Florida consulting firm.

At the same time, the university reassigned the hospital's director, announced that more than 10 percent of the hospital's employees will lose their jobs and said it will seek a merger with another health-care firm.

The dire measure for the University of Illinois at Chicago Medical Center were recommended by The Hunter Group of St. Petersburg, Fla., in the wake of millions of dollars in losses, blamed in large part on drastic reductions in Medicare spending growth as a result of the Balanced Budget Act of 1997.

As part of the government's effort to slow the growth in spending for Medicare, the federal health insurance for the disabled and the booming elderly population, the Balanced Budget Act is taking $33.5 million in projected revenue from the UIC's budget over a five-year period, and thus far has contributed to an $8 million deficit in the hospital's second quarter. As recently as 1997, UIC had income of $6.1 million on a budget of nearly $300 million.

UIC has also been vulnerable to an intensely competitive health-care marketplace in Chicago, where one in three hospital beds remains empty and managed-care companies and developments in science are keeping patients out of the hospital.

"We are struggling with making ends meet," said Dieter Haussmann, vice chancellor for health services at UIC. "Unless things change, you will see fewer teaching hospitals in the next decade."

Like all academic medical centers, UIC is particularly vulnerable to managed care, which emphasizes low-cost outpatient care.

Contracts with teaching hospitals are less attractive to managed-care insurers because the costs of training the nation's future doctors and conducting cutting-edge research typically make services at teaching hospitals 20 to 25 percent higher than at community hospitals.

To keep the UIC's teaching mission of educating doctors viable, The Hunter Group will begin looking for potential partners, possibly leading to a merger or sale to one of any number of possible buyers. Haussmann speculated about one scenario involving the UIC forming some partnership with Rush-Presbyterian-St. Luke's Medical Center or Cook County Hospital, both within a block of the UIC on Chicago's West Side.

"Without some sort of partnership, we are going to have serious difficulties being viable," Haussmann said.

Rush executives Thursday seemed open to the idea. "The University of Illinois is a major institution within the Illinois Medical Center District, and therefore it would be logical for Rush and Cook County to pursue mutually beneficial discussions with the University of Illinois," said Rush's senior vice president, Avery Miller.

UIC officials, however, said they would be exploring all options.

"Anything is possible," Haussmann said. "We won't leave any stones unturned from the outset."

Thursday's decision by the university's board of trustees follows a 14-week study by the Hunter Group, which was paid $1.2 million for its work and will now manage the hospital for $140,000 a month over a period officials expect will be less than a year.

Sidney Mitchell, the hospital's executive director for the last several years, will be reassigned for the time being within the university, Haussmann said. Mitchell was unavailable Thursday for comment.

About 275 of the hospital's 2,600 full-time employees will lose their jobs as part of The Hunter Group's recommendations, but it remains unclear exactly when the cuts will take effect and who will be affected.

Officials hope most of those employees, mainly clerical workers and support staff, will be able to find jobs within the university system, but negotiations on those positions will also take place with some unions.

Earlier this year, the UJC implemented a hiring freeze and eliminated 250 positions, and most of those workers were placed elsewhere, university officials said.

Meanwhile, the proposed changes will also mean a different employment arrangement for more than 300 physicians who are either full- or part-time faculty at the University of Illinois at Chicago College of Medicine and do clinical work at the hospital. They will become more independent, with employment contracts, much like doctors at other academic medical centers where the physicians work for affiliated practices.

Thus, doctors will be forced to build up a base of patients and referrals for the hospital rather than relying largely on the hospital's contracts with insurance companies.

"The idea that the board is looking at is, can these physicians take on more responsibility for their actions?" said David Hunter, chief executive of The Hunter Group, which will officially take over management sometime next month, once its contract is made final. "Can physicians take more control over their lives and their practice, and therefore be more productive?"

Physicians appeared to support the changes. "I'm very positive, and I believe the physicians will be, too," said Dr. Gerald Moss, a surgeon and dean of the medical school. "We believe with these changes the hospital will return to profitability."

The hospital is also going to streamline billing and collection systems and reduce supply expenses, aiming to save more than $6 million by 2002.

UIC ANNOUNCES CHANGES

University of Illinois at Chicago Medical Center said Thursday it will implement changes for improving hospital operations.

Major recommendations include: Reduce staffing by about 275; Implement supply expense reduction program; Streamline patient registration, billing and collection systems; and Seek a merger or sale.

[From Crain's Chicago Business, June 21, 1999]

DEEP MEDICARE CUTS DRAW BLOOD AT TEACHING HOSPITALS—TOP MED CENTERS TAKE LARGEST HIT; SURVIVAL OF FITTEST

(By Meera Somasundaram)

Chicago's academic medical centers, known for treating the most challenging cases and training the nation's top doctors, are facing some tough medicine of their own.

Already struggling with pressures from managed care, rising drug costs and a surplus of local hospital capacity, they now are bracing for one of the sharpest cutbacks ever in Medicare payments to hospitals.

And the prognosis isn't good. Some top hospitals are already in the red. Others have seen operating income fall sharply. The most pessimistic observers question whether, long term, the region can support all of its high-end medical centers.

In Chicago, which has an unusually high concentration of such facilities—five major academic medical centers and seven medical schools—the effects of the statewide $2.5-billion retrenchment will be staggering: The five academic medical centers together will lose about $350 million over five years.

Two of the five—University of Illinois at Chicago Medical Center and Rush-Presbyterian-St. Luke's Medical Center—already are feeling the pinch, having reported operating losses in fiscal 1998.

Two that were in the black—Northwestern Memorial Hospital and University of Chicago Hospitals—reported sharp downturns from 1997. Loyola University Medical Center posted operating income after a loss in 1997.

"Clearly, we are in for some difficult times for academic medical centers over the next few years," says health care consultant David Anderson of Health Care Futures L.P. in Itasca.

The downward spiral is expected to worsen over the next few years because the cuts—mandated under the Balanced Budget Act of 1997 and phased in from fiscal 1998 to fiscal 2002—widen each year. Some of the current losses have been offset by a robust stock market, which has helped hospitals stay in the black. But that can't continue forever.

HOW MUCH THEY'LL LOSE

Medicare payments are the lifeblood of many teaching hospitals—accounting for 20% to 40% of total revenues.

In addition to receiving payments from Medicare for treating elderly patients, the hospitals also are paid through Medicare for training physicians in residency programs. The larger a hospital's Medicare population and the larger its residency program, the larger its Medicare payment.

Rush-Presbyterian and the University of Chicago Hospitals will lose the most because of their greater dependence on public aid and larger residency programs: Rush will see $104 million in cuts over five years, and U of C will lose $95 million.

As for the other three. Northwestern Memorial will lost $65 million; Loyola, about $50 million, and UIC, $33.5 million, according to Ralph W. Muller, president and CEO of U of C Hospitals and chairman-elect of the Assn. of American Medical Colleges, which is lobbying Congress to restore the cuts.

The fallout from the cuts could drastically change the hospital landscape in Chicago.

The Illinois Hospital and Health-Systems Assn. (IHAA) has predicted that some smaller area hospitals will be forced to close. Others will turn to layoffs, cutbacks in programs or consolidation. In addition, the loss of funds could put a squeeze on research programs and bolster unionization efforts among physicians and nurses seeking job security amid the turmoil.

Notes Jonathan Kaplan, director of the Midwest health care consulting division in Chicago at Ernst & Young LLP: "As you erode the revenue side, they're going to have to dramatically redesign their business to make sure they can survive."

Already, UofC says it won't fill 115 positions this year, and UIC is eliminating 250 positions and has initiated a hiring freeze. Experts say more layoffs are likely.

"What's going to happen is, we'll see cutbacks in programs," says U of C's Mr. Muller. "If you cut back programs, then patients stop coming and doctors stop using you. That's not in anyone's interest."

Rush-Presbyterian, which includes expenses for Rush University and faculty practices in its financial results, posted an operating loss of $18.7 million on revenues of $520.4 million in the fiscal year ended last June 30, on top of an operating loss of $235,000 the previous year. Losses at the university and the faculty practices more than offset operating income of $8.3 million at the hospital—down from $28.7 million in 1997—according to President and CEO Leo M. Henikoff. He cites eroding Medicare revenues as the reason for the decline.

In fact, Rush kicked off an aggressive three-year cost-cutting program in 1997, aimed at saving $120 million, in anticipation of Medicare cuts in 1998.

"A number of people thought that was overkill," says Dr. Henikoff. "It turns out it was underkill."

Rush is also taking steps to boost growth, including plans to buy or build 24-hour ambulatory surgery centers in the suburbs, and to expand Rush System for Health, a network of six hospitals with Rush-Presbyterian as a tertiary hub. He also says the recent recruitment of Dr. Leonard Cerullo to head Rush's neurosurgery department will attract more patients.

U OF C VULNERABLE

While Rush tries to increase patient volume, competitors are undertaking changes of their own.

University of Chicago, whose operating income dropped a whopping 72% to $6.3 million last year from 1997, also is particularly vulnerable to federal cutbacks.

If losses associated with its Medicaid managed care plan and a now-divested Meyer Medical Group and other affiliates are included, the medical center posted a consolidated operating loss of $32.6 million last year.

Even though the losses are steep, observers say U of C is taking steps in the right direction, including selling money-losing ventures.

Still, U of C has a high dependence on Medicaid, receiving 26% of revenues from the federal-state health insurance program for low-income patients, while Loyola receives 14%; Rush, 13%, and Northwestern, 11%, according to IHHA.

Northwestern Memorial Hospital, located in the affluent Streeterville neighborhood, is perhaps the best-positioned to withstand the Medicare cuts. Although it reported a 35% drop in operating income to $35 million last year, it has significant investments in marketable securities, as well as a desirable payer mix. However, the hospital must absorb depreciation costs and risks associated with its new, $580-million building, which it funded with debt and cash. Hospital officials say the new facility is more efficient and will save costs in the long run.

A RUSH-UIC MERGER?

Loyola University Medical Center, which posted operating income of $6.2 million in 1998, after a loss of $4.2 million in 1997, is trying to shore up operations at its 19 outpatient care clinics.

UIC earlier this year hired a consulting group to help improve operations. In the first nine months of fiscal 1999 ended March 31, the medical center reported a $5.8-million operating loss, following a loss of $7.1 million in fiscal 1998 due to a drop in revenues and patient volume.

In response, UIC could turn to mergers or affiliations, including a potential merger with its nearby competitor, Rush.

Although Dieter Haussmann, vice-chancellor for health services at UIC, says he's not in formal talks with Rush, he doesn't rule out the option. The most difficult task for any academic medical center would be the melding of medical schools, he adds.

"It's clear that, ultimately, there have to be fewer academic medical centers," says Mr. Haussmann, "How we get there is the big question."

Observers say UIC would have more to gain from a Rush-UIC combination than Rush because UIC could gain patients from Rush's network. Dr. Henikoff agrees with that assessment, and says a merger with another teaching hospital wouldn't make sense for Rush.

FINANCE-DRIVEN OUTCOME

"When you end up with two hospitals, you don't save money," says Dr. Heinkoff. "You would get saddled with another infrastructure. The last thing I want is an infrastructure that isn't utilized."

Still, if Congress doesn't reverse the cutbacks, mergers here may be inevitable.

Says consultant Mr. Anderson: "Financial pressures are going to drive very serious evaluations by boards of hospitals about whether the enemy across the street now needs to be their friend."

MEDICARE FLU—OPERATING INCOME (LOSSES) FOR CHICAGO'S FIVE ACADEMIC MEDICAL CENTERS

[In millions]

	1998	1997
University of Chicago Hospitals	$6.3	22.7
Northwestern Memorial Hospital	35.0	53.9
Rush-Presbyterian-St. Luke's Medical Center, including Rush University and faculty practices	(18.7)	(0.2)
Loyola University Medical Center	6.2	(4.2)
University of Illinois at Chicago Medical Center	(7.1)	2.7

Source: Hospitals' financial statements.

[From the New York Times, May 31, 1999]

Teaching Hospitals in Trouble

The nation's teaching hospitals are facing deep financial trouble, brought on by the growth of managed care and cost-cutting measures in government health programs. Congress can help by restoring some cuts made to Medicare funding in 1997 that squeezed these institutions severely. But their long-term financial health will depend on new ways of financing their special missions. They also should be required to live by reasonable cost controls.

All hospitals are facing the same pressures, chiefly cuts in government payments and managed care's demand for lower hospital fees and shorter hospital stays. Most have responded by reducing staff and merging with other institutions. Teaching hospitals have also taken these steps, but their problems are compounded by the extra obligations that teaching hospitals have long assumed—training new doctors, conducting medical research and providing charity care for the poor. These functions have traditionally been indirectly underwritten in part by the private sector.

Managed care has changed that by making it much harder to pass along charity care and education costs through higher fees. At the same time, these hospitals have been especially hard hit by government cuts because they derive much of their revenue from Medicaid and Medicare patients. These pressures are especially severe in New York City, which has the nation's largest concentration of teaching hospitals. City hospitals have cut their staffs by 10 percent since 1993. Still, Gov. George Pataki has proposed trimming roughly $150 million in state Medicaid payments to hospitals in the new fiscal year, and Clinton Administration is also proposing further Medicare cuts.

But the worst blow comes from the 1997 Balanced Budget Act. That law has produced the welcome and unexpected result of actually cutting Medicare expenditures in the first half of this fiscal year. But it also had a disproportionate impact on teaching hospitals. Among other cost controls, the law sharply cut the Federal subsidy for graduate medical education that is financed as part of Medicare. By 2002, when all the cuts are fully phased in, New York State hospitals will have lost $5 billion in Federal revenue, with $3 billion of that squeezed out of the metropolitan area hospitals.

Senator Daniel Patrick Moynihan introduced legislation that would reduce some of the damage. One bill would freeze the graduate medical education subsidy, rather than allow further annual reductions for the next two years, as required under the 1997 law. That would save teaching hospitals $3 billion in losses over five years. Another bill would take the Federal subsidies for serving low-income patients that are included in payments to Medicare managed-care plans and redirect the money to the hospitals that provide the care. In theory, Medicare H.M.O.'s pass on the subsidy to the hospitals, but in practice they often do not. A similar bill would redirect the subsidy for training nurses from Medicare H.M.O.'s to teaching hospitals.

Congress should make these adjustments without unraveling other cost-containment measures of the 1997 law. Mr. Moynihan has also proposed broader legislation that would spread the burden of paying for medical education. His plan would establish a separate Medical Education Trust Fund that would be financed by a fee levied on private health insurance premiums, as well as contributions from Medicaid and Medicare. The bill calls for an advisory commission to debate alternative approaches.

Something has to be done to shore up this key part of the nation's biomedical infrastructure. Simply plugging holes in the current patchwork of funding will not insure stability for the future.

[From the New York Times, May 6, 1999]

Teaching Hospitals, Battling Cutbacks in Medicare Money

(By Carey Goldberg)

BOSTON, May 5.—Normally, the great teaching hospitals of this medical Mecca carry an air of white-coated, best-in-the-world arrogance, the kind of arrogance that comes of collecting Nobels, of snaring more Federal money for medical research than hospitals anywhere else, of attracting patients from the four corners of the earth.

But not lately. Lately, their chief executives carry an air of pleading and alarm. They tend to cross the edges of their palms in an X that symbolizes the crossing of rising costs and dropping payments, especially Medicare payments. And to say they simply cannot go on losing money this way and remain the academic cream of American medicine.

The teaching hospitals here and elsewhere have never been immune from the turbulent change sweeping American health care—from the expansion of managed care to spiraling drug prices to the fierce fights for survival and shotgun marriages between hospitals with empty beds and flabby management.

But they are contending that suddenly, in recent weeks, a Federal cutback in Medicare spending has begun putting such a financial squeeze on them that it threatens their ability to fulfill their special missions: to handle the sickest patients, to act as incubators for new cures, to treat poor people and to train budding doctors.

The budget hemorrhaging has hit at scattered teaching hospitals across the country, from San Francisco to Philadelphia. New York's clusters of teaching hospitals are among the biggest and hardest hit,. the Greater New York Hospital Association says. It predicts that Medicare cuts will cost the state's hospitals $5 billion through 2002 and force the closing of money-losing departments and whole hospitals.

Often, analysts say, hospital cut-backs closings and mergers make good economic sense, and some dislocation and pain are only to be expected, for all the hospitals' tendency to moan about them. Some critics say the hospitals are partly to fault, that for all their glittery research and credentials, they have not always been efficiently managed.

"A lot of teaching hospitals have engaged in what might be called self-sanctification—'We're the greatest hospitals in the world and no one can do it better or for less'—and that may or may not be true," said Alan Sager, a health-care finance expert at the Boston University School of Public Health.

But the hospital chiefs argue that they have virtually no fat left to cut, and warn that their financial problems may mean that the smartest edge of American medicine will get dumbed down.

With that message, they have been lobbying in Congress in recent weeks to reconsider the cuts that they say have turned their financial straits from tough to intolerable.

Hospital chiefs and doctors also argue that a teaching hospital and its affiliated university are a delicate ecosystem whose production of critical research is at risk.

"The grand institutions in Boston that are venerated are characterized by a wildflower approach to invention and the generation of new knowledge," said Dr. James Reinertsen, the chief executive of Caregroup, which owns Beth Israel Deaconess Medical Center. "We don't run our institutions like agribusiness, a massively efficient operation where we direct research and harvest it. It's unplanned to a great extent, and that chaotic fermenting environment is part of what makes the academic health centers what they are."

Federal financing for research is plentiful of late, hospital heads acknowledge. But they point out that the Government expects hospitals to subsidize 10 percent or 15 percent of that research, and that they must also provide important support for researchers still too junior to win grants.

A similar argument for slack in the system comes in connection with teaching. Teaching hospitals are pressing their faculties to take on more patients to bring in more money, said Dr. Daniel D. Federman, dean for medical education of Harvard Medical School. A doctor under pressure to spend time in a billable way, Dr. Federman said, has less time to spend teaching.

Whatever the causes, said Dr. Stuart Altman, professor of national health policy at Brandeis University and past chairman for 12 years of the committee that advised the Government on Medicare prices, "the concern is very real."

"What's happened to them is that all of the cards have fallen the wrong way at the same time," Dr. Altman said. "I believe their screams of woe are legitimate."

Among the cards that fell wrong, begin with managed care. Massachusetts has an unusually large quotient of patients in managed-care plans. Managed-care companies, themselves strapped, have gotten increasingly tough about how much they will pay.

But the back-breaking straw, hospital chiefs say, came with Medicare cuts, enacted under the 1997 balanced-budget law, that will cut more each year through 2002. The Association of American Medical Colleges estimates that by then the losses for teaching hospitals could reach $14.7 billion, and that major teaching hospitals will lose about $150 million each. Nearly 100 teaching hospitals are expected to be running in the red by then, the association said last month.

For years, teaching hospitals have been more dependent than any others on Medicare. Unlike some other payers, Medicare has compensated them for their special missions—training, sicker patients, indigent care—by paying them extra.

For reasons yet to be determined, Dr. Altman and others say the Medicare cuts seem to be taking an even greater toll on the teaching hospitals than had been expected. Much has changed since the 1996 numbers on which the cuts are based, hospital chiefs say; and the cuts particularly singled out teaching hospitals, whose profit margins used to look fat.

Frightening the hospitals still further, President Clinton's next budget proposes even more Medicare cuts.

Not everyone sympathizes, though. Complaints from hospitals that financial pinching hurts have become familiar refrains over recent years, gaining them a reputation for crying wolf. Critics say the Boston hospitals are whining for more money when the only real fix is broad health-care reform.

Some propose that the rational solution is to analyze which aspects of the teaching hospitals' work society is willing to pay for, and then abandon the Byzantine Medicare cross-subsidies and pay for them straight out, perhaps through a new tax.

Others question the numbers.

Whenever hospitals face cuts, Alan Sager of Boston University said, "they claim it will be teaching and research and free care of the uninsured that are cut first."

If the hospitals want more money, Mr. Sager argued, they should allow in independent auditors to check their books rather than asking Congress to rely on a "scream test."

For many doctors at the teaching hospitals, however, the screaming is preventive medicine, meant to save their institutions from becoming ordinary.

Medical care is an applied science, said Dr. Allan Ropper, chief of neurology at St. Elizabeth's Hospital, and strong teaching hospitals, with their cadres of doctors willing to spend often-unreimbursed time on teaching and research, are essential to helping move it forward.

"There's no getting away from a patient and their illness," Dr. Ropper said, "but if all you do is fix the watch, nobody ever builds a better watch. It's a very subtle thing, but precisely because it's so subtle, it's very easy to disrupt."

[From the Chicago Tribune, Apr. 25, 1999]

MEDICARE CUTS HIT BIG CENTERS

TEACHING COSTS LOWER IMMUNITY

(By Bruce Japsen)

For years Dieter Haussmann has been far from the tremors of managed care, but the government's effort to drastically slow Medicare spending growth is quickly pushing him toward the epicenter.

As vice chancellor for health services at the University of Illinois at Chicago Medical Center, Haussmann was forced to disclose recently a deficit of $8 million that will result in a hiring freeze and the elimination of more than 250 jobs at the West Side academic medical center.

Although UIC said the shortfall was "unexpected," the changing economic landscape made it bound to happen sooner or later.

Like all academic medical centers, UIC is more vulnerable than community hospitals to managed care, which emphasizes low-cost outpatient care. Teaching hospital costs are traditionally higher because such hospitals also train the nation's future doctors and conduct cutting-edge research.

Until federal spending began slowing under the Balanced Budget Act of 1997, Chicago teaching hospitals seemed largely immune to financial forces squeezing hospitals elsewhere. Health maintenance organizations—the most restrictive form of managed-care insurance when it comes to paying medical-care providers fixed rates—insure only one in four Chicago-area consumers and the insurance industry is largely fragmented.

"Maybe we are late compared to other academic medical centers," Haussmann said.

Now, with HMOs gaining more leverage here through consolidation and with Medicare slicing millions from hospitals' projected revenues, everything from more job cuts to mergers may be in store for Chicago's five major academic medical centers, analysts say.

A substantial number of the more than 22,000 workers at UIC, Rush-Presbyterian-St. Luke's Medical Center, University of Chicago Hospitals, Northwestern Memorial Hospital and Loyola University Medical Center could be affected.

This trend has already passed through other markets, where storied teaching hospitals have merged and been forced to make deep cuts in their workforces.

For example, Massachusetts General Hospital in Boston said it will eliminate 130 positions in the wake of a $5 million loss in its first quarter.

The hospitals' plight has been made worse by the Balanced Budget Act of 1997, which seeks to drastically hold down spending.

"The crunch is coming," said Haussmann, who concedes that consultants recently hired by the university may recommend a merger. "We need to develop a strategic partnership with somebody."

Indeed, without the pressure from managed care to keep Chicago consumers out of hospitals, acute-care hospitals here have remained bloated with beds and staffing. Much like at the rest of Chicago hospitals, one in three beds at UIC lies empty on any given day.

In fact, Chicago has more acute-care capacity than practically every major metropolitan area in the country, according to a Dartmouth Medical School study published last week by the Chicago-based American Hospital Association.

The Chicago area had 4.4 acute-care beds and 21.9 acute-care employees per 1,000 residents in 1996, compared with a national average of 2.8 beds and 13.2 employees per 1,000, the Dartmouth study said.

Even New York, Boston and Philadelphia—cities where academic medicine is also a hallmark of health-care service—ranked lower than Chicago in the study.

"If we have a higher utilization than New York, then that is a problem," said Ralph

Muller, president and chief executive of University of Chicago Hospitals. "We need to bring that down to be in line with national averages."

With five major stand-alone academic medical centers, analysts say, excess capacity here is costing consumers and employers more than elsewhere. That's because consumers here aren't encouraged to use wellness programs and other outpatient services designed to keep people out of the hospital.

"There seems to be a great under-use of preventative services in some of the lesser managed-care areas," said Carol Schadelbauer, a spokeswoman for the American Hospital Association.

"It's a tremendous waste," said Larry Boress, executive director of the Chicago Business Group on Health, a business coalition that includes 65 employers that represent $1.5 billion in health-care spending. "I don't think there is any doubt this is costing us. You have beds sitting empty and yet it's coming out of the budget [of the hospitals] to maintain those."

But teaching hospitals here are now beginning to make serious efforts to reduce the size of their workforces. Last week, Michael Reese Hospital and Medical Center said it would lay off 400 full-time employees, while Muller said the University of Chicago "will not fill well over 115 positions this year . . . and the number may get higher."

The UIC has pared 200 hospital positions through attrition or retirements since the beginning of the year, and is looking to eliminate 50 more by next month.

"It's a long, slow struggle," Haussmann said. "We aren't getting paid as much as we used to. The managed-care market is becoming much tougher."

Chicago's other academic medical centers, too, saw their operating income drop last year when it came to operations. University of Chicago's operating income dropped by $10 million last year to $6 million.

Even cash-rich Northwestern Memorial Hospital saw its net operating income fall 35 percent last year to $34.9 million from $53.9 million in 1997. "Medicare reimbursements were part of the decrease," said Northwestern Memorial spokeswoman Paula Poda.

Northwestern and University of Chicago are each getting more than $60 million less from Medicare through 2002 than earlier projected. The UIC is amid a five year hit of $33.5 million out of a projected $334.5 million.

Most of Chicago's academic medical centers have remained well in the black, however, because of multimillion-dollar gains on their investment income. University of Chicago Hospitals, for example, made $50 million on stocks, real estate and other investments last year.

The UIC medical center's balance sheet would be in even worse shape if the hospital didn't get state support. Through the University of Illinois, the state provides the hospital a $45 million subsidy per year and another $32 million directly from the state for hospital employees' fringe benefits.

"In some ways, among the academic medical centers, we may be the first to come to grips because we don't have a big endowment that we can sort of exist on for awhile," Haussmann said. "We have to go back to the state treasury . . . and that's not a very likely prospect."

With UIC already losing money, the hospital's only recourse may be to form a partnership or enter into a merger with another hospital or academic medical center.

Over the last two decades, UIC has talked merger at various time, but negotiations have never come to anything, including talks with its neighbor across Polk Street, Rush-Presbyterian-St. Luke's Medical Center.

"Just because we tried in the past doesn't mean we wouldn't try again." Haussmann said of Rush. "Circumstances are different for both of us."

As operating margins here sink, U. of C.'s Muller said, it's only a matter of time before academic medical centers here will be swimming in red ink like those in other parts of the country.

"This is going to start putting hospitals like us in difficulty," Muller said. "When you do that, you start weakening the regional health system.

[From The New York Times, Apr. 15, 1999]

Hospitals in Crisis

A deep financial crisis is spreading like a virus through the nation's teaching hospitals. It is undermining their honorable and historic mission, which has been to train new generations of physicians, to conduct critically important medical research and to provide treatment for, among others, the poor.

A devastating combination of financial pressures "has produced a situation in which our best hospitals are now essentially all losing money," said Dr. Joseph Martin, dean of the Harvard Medical School. He was referring to hospitals in the Boston area, but similar pressures are being felt at teaching hospitals across the country.

The teaching hospitals (or, more accurately, academic medical centers) have been hammered by the Medicare cuts that were part of the Balanced Budget Act of 1997. As teaching hospitals are the key providers of the nation's charitable care, they are affected disproportionately by cuts in government funding. At the same time, they are being squeezed by the drastic reductions in payments that have resulted from the changeover to managed care in recent years.

Meanwhile, the cost of delivering care continues to rise. The bottom line has been an explosion of red ink that threatens not just the mission but the very existence of some of the finest teaching institutions.

"The only payers who help balance the books have been those who pay through private insurance, and the payments for that are declining as well," said Dr. Martin.

In California, the medical center known as UCSF Stanford Health Care expects operating losses of $50 million this year. Layoff notices have already been sent to 250 employees, and officials said 2,000 of the center's 12,000 staff members would probably be let go over the next year and a half.

Without the layoffs, UCSF Stanford would see an operating loss of $135 million next year, according to the center's chief executive, Peter Van Etten.

Inevitably the center's mission will be diminished. Said Mr. Van Etten: "I have to say the services we will provide can't be of the same quality that we would provide with 2,000 more people."

You cannot overstate the importance of teaching hospitals to the health care system in the U.S. They offer the most advanced and sophisticated treatment in the nation. They are essential to the health of the poor, providing nearly 40 percent of the nation's charitable care. They are also the places, as Neil Rudenstine, the president of Harvard, noted, "where physicians get educated," where they get their first, carefully guided exposure to the connection between scientific study and the real world of clinical treatment.

And they are medical research centers, the places where cures are found, treatments developed, miracles realized.

Toying with the future of such a system is as dangerous as Russian roulette.

When asked yesterday how much of a threat the financial problems pose to the mission of the teaching hospitals, Mr. Rudenstine replied: "It's a total crisis, a complete crisis. I think anybody who would call it less than that would really just not know what's going on. I'm not quite sure what the cumulative deficit of our four or five closely related hospitals is, but it's certainly well over $100 million so far, and we haven't even finished the year yet."

The outlook is not good. The cutbacks in Medicare funding, the single biggest source of revenues for teaching hospitals, will accelerate over the next few years. This is not a case of administrators crying wolf. The situation is dire. The University of Pennsylvania Health System lost $90 million last year and the Temple University system lost nearly $25 million.

When he mentioned the financial losses at Harvard's affiliated hospitals, Mr. Rudenstine said: "Two or three more years like that and you're going to see either some people go out of business or become for-profit institutions, which means they will drop the research and teaching components because those things don't make any money. They'll become perfectly good hospitals up to a certain level, but not up to the level at which we now treat disease, and not up to the level where you can actually train the best physicians."

Teaching hospitals and academic medical centers are the primary sources for complex care. Continued failure to support these institutions threatens their long-term viability.

> *"Illinois' teaching hospitals need adequate funding to remain viable for people like . . ." Vanessa Blaida, Age 21, Children's Memorial Hospital, Asthma Study.*

"I was known as the girl who didn't have asthma," Vanessa Blaida explains about growing up with asthma. "I would pretend I didn't have it, because I didn't want it." Instead, she played volleyball every fall, and softball every spring. She also missed weeks of school and spent days in the hospital.

Throughout college, Vanessa's illness grew worse. Though she continued to participate in sports, she was getting sicker and sicker. "It was frustrating. I would be rushed to the local emergency room and the nurses would tell me I was just hyperventilating. I wasn't hyperventilating, I was having an asthma attack."

In August of 1998, Vanessa became part of a year-long asthma study. Children's Memorial Hospital is one of only seven hospitals nationwide participating in the study to decrease the level of asthmatic morbidity.

Under careful supervision, Vanessa is trying a new experimental inhaler designed to prevent future asthma attacks, long-term.

Doctors monitor Vanessa's health with a Peak Flow Meter. Every morning she blows into the device which determines the level of her condition, and alerts her if she's getting sick. "It's great because it gives the patient control over the illness. You can tell when you are getting sick and you know what to do to help yourself," she said.

Since she began using the experimental inhaler, Vanessa's condition has dramatically improved. "Usually fall and spring are my worst times. I didn't get sick at all in the fall. I got a little sick in the spring, but I haven't had to go to the hospital at all. That's unusual for me."

Vanessa graduated from St. Xavier University in May, with a degree in psychology. She hopes to become a counselor for chronically ill children. "The thing that's so great about Children's Memorial is no matter what's wrong with you, they don't ignore you. They don't make you feel like an outsider. They're working to give children a normal life."

"*Illinois' teaching hospitals need adequate funding to remain viable for people like . . ." Heather Marker, Age 27, Northwestern Memorial Hospital, Robert H. Lurie Comprehensive Cancer Center.*

For 14 years, Heather Markel has struggled against systemic lupus. Systemic lupus is a devastating, chronic disease in which the immune system attacks normal tissue. It can cause joint inflammation, severe pain and permanent damage to internal organs.

During the spring of 1997, Heather's life changed. As a patient at Northwestern Memorial Hospital, Heather had access to one of the most cutting-edge treatments for lupus.

Northwestern Memorial Hospital is participating in the first comprehensive research program to develop techniques—traditionally used to treat cancer—to treat autoimmune diseases such as lupus, rheumatoid arthritis and multiple sclerosis.

Heather's treatment for lupus included chemotherapy and transplanted blood stem cells. Within ten days of the procedure Heather's immune system began to rebuild itself. For the first time in 14 years, Heather was free of the disease she had struggled with since childhood. She is currently planning on returning to medical school and hopes to fulfill her lifelong dream of becoming a physician.

The procedure was discovered through research at the Robert H. Lurie Comprehensive Cancer Center of Northwestern University. Northwestern Memorial Hospital's connection to Northwestern University, and its status as a teaching hospital, provides patients with cutting-edge technology and experimental treatments based on University research. To date Northwestern Memorial Hospital's program is one of the few in the country using this procedure.

Heather was the first person to receive the treatment, and doctors are optimistic about her condition.

"*Illinois' teaching hospitals need adequate funding to remain viable for people like . . ." Philip Gattone, Age 12, Rush-Presbyterian St. Luke's Medical Center, Rush Epilepsy Center.*

Phil and Jill Gattones' son Philip began having seizures as a baby. Doctors diagnosed Philip with intractable epilepsy. The disease interfered with Philip's development so much that by age six he still couldn't speak in full sentences.

An estimated 2.3 million Americans suffer from epilepsy. While about 75 percent find medications or other treatments to control their seizures, the other 25 percent, like Philip, try everything available to alleviate their seizures, but find no relief.

The Gattone's search for help from specialists around the country ended at the Rush Epilepsy Center. Rush-Presbyterian is one of the few hospitals in the nation that offers advanced treatment options and research capabilities for people with epilepsy.

Philip went through various tests at Rush to diagnose his condition and to discover the right way to treat his particular form of the disease. During the test period, Philip was videotaped 24-hours-a-day so doctors could identify his type of epilepsy, recording certain symptoms including facial expressions and unusual or abnormal behavior.

Doctors experimented with a variety of medications, but Philip's seizures persisted. His IQ was dropping, and he was losing critical cognitive abilities. His father, Philip Sr. said, "We knew we had to do something."

Doctors agreed that surgery was the only option. "If you can stop epileptic activity at its original site, you can stop the spread," said Thomas Hoeppner, PhD., a Rush neuroscientist.

In 1993, Philip underwent the first of two surgeries designed to prevent epileptic activity in areas of the brain critical to speech, movement and sensation.

Philip, now 12, has been seizure-free for the last five years. His parents are thrilled to see their dark haired, bright-eyed son doing so well. "This is what happens when research, dedication and commitment come together," said his father.

TERTIARY CARE IN ILLINOIS: A RESOURCE AT RISK

REQUEST

Because the costs associated with delivering more complex care limit the ability of these hospitals to compete on price in the health care marketplace, their continued ability to provide leading-edge technology and specialized care depends heavily on government reimbursement policies. Several bills that would give teaching hospitals and academic medical centers some relief from BBA cuts have been introduced in Congress. All deserve the support of our state's U.S. senators and representatives.

S. 1023/H.R. 1785, the Graduate Medical Education Payment Restoration Act of 1999, would freeze the IME payment reduction at its current level of 6.5%. It would restore nearly $90 million of Medicare funding to Illinois teaching hospitals and academic medical centers.

S. 1024/H.R. 1103, the Managed Care Fair Payment Act of 1999, would pay disproportionate-share hospitals (DSH) directly from Medicare for services provided to beneficiaries who are members of Medicare+Choice health plans.

S. 1025, the Nursing and Allied Health Payment Improvement Act of 1999, and H.R. 1483, the Medicare Nursing and Paramedical Education Act of 1999, would carve out funding for nurse and allied health training from payments to Medicare+Choice plans and pay the money directly to the hospitals that provide the training. Illinois Rep. Philip Crane (R-8th Dist.) is the sponsor of H.R. 1483.

Tertiary teaching hospitals and academic medical centers also support:

A halt in implementation of further DSH payment reductions.

Payment of 100% of their DME and IME costs in lieu of the current partial carve out under Medicare+Choice, beginning in FY 2000.

JULY 23, 1999.

DRAFT

As members of the Illinois Congressional Delegation, I am writing to share our concerns over the fate of Illinois teaching hospitals and academic medical centers absent some form of relief from reimbursement cuts authorized in the '97 Balanced Budget Act (BBA). While we recognize that all sectors of society must sacrifice to achieve BBA objectives, we strongly believe that the unintended consequences of BBA threaten the viability of these valuable health care resources. As envisioned, BBA was intended to cut $104 Billion from Medicare reimbursement to hospitals. However, BBA, if implemented as enacted, will result in nearly $200 Billion in reductions.

The people of the State of Illinois deserve and have come to expect the high-quality medical care delivered by our teaching hospitals and academic medical centers. The benefit derived by residents of every region of the state is incalculable. These teaching hospitals and academic medical centers are the primary providers of complex medical care and high-risk specialty services such as trauma care, burn care, organ transplants and prenatal care to all patients—regardless of ability to pay.

In fact, the 65 tertiary care teaching hospitals in Illinois provide approximately 63% of all hospital charity care in the state. Aggressive BBA cuts are jeopardizing their ability to fulfill their vital mission of maintaining state-of-the-art medical care and technology, providing quality learning and research environments, and serving as a safety net for those unable to pay.

Not only do these institutions enhance our health and physical well-being, they also are some of our largest employers and consumers and, as a result, are an integral part of our overall economy. In total, our Illinois teaching hospitals and academic medical centers employ more than 56,000 of our constituents and add almost $3 Billion to the state's economy in salaries and benefits alone.

Yet, despite the great benefits Illinois residents derive from our teaching hospitals and academic medical centers, these institutions suffer disproportionately under the BBA. In total, Illinois teaching hospitals face five-year reductions of more than $2.5 billion. Consequently, while teaching facilities comprise 27% of Illinois hospitals, they will bear the brunt of 59% of BBA reductions. These cuts are compounded by increasing fiscal pressures from managed care companies and inadequate Medicaid reimbursements on the state level.

We believe we must act now to prevent the unintended consequences of BBA from eroding the high quality medical care we in Illinois take for granted. We respectfully urge you to make relief for our teaching hospitals and academic medical centers a high priority in this legislative session.

Mr. Speaker, I am looking at an editorial from the Peoria Star Journal that says, "Medicare Reductions Threatening Hospitals."

I am looking at one from the St. Louis Post Dispatch that says, "When Hospitals Get Sick," that hospitals can be sick if they are not being provided the necessary resources with which to operate.

I am looking at one from the Chicago Tribune which says, "University of Illinois to cut hospital jobs, seek merger."

I am looking at one from Crain's Chicago Business Magazine that says, "Deep Medicare cuts draw blood at teaching hospitals," and they are not talking about the kind of blood that needs to analyzed. They are talking about the blood that is going to cause the institutions to hemorrhage; and, of course, if one does not stop a hemorrhage we know that institutions, as well as individuals, can die. If institutions die, then they threaten the life of communities.

I am looking at one from the New York Times that says, "Teaching Hospitals in Trouble."

Then one that says, "Teaching Hospitals Battling Cutbacks in Medicare Money." Another editorial from the Chicago Tribune, "Medicare Cuts Hit Big Centers."

So all around America, both rural and urban, we are experiencing difficulties that unless there is relief we do not really know what to do about it. It is understandable if our economy was in bad shape, if we were on the verge of disaster, if we were on the verge of bankruptcy; but all of us continue to talk about how fortunate we have been that the economy has been holding steady, that we continue to experience economic growth. If we are experiencing economic growth, then it would seem foolhardy to allow institutions that provide the most needed of services to dissipate and perhaps even go under.

Now, there are some things that are being proposed. There are bills that have already been introduced that could provide some relief. One is Senate bill 1023 and House Resolution 1785. The Graduate Medical Education Payment Restoration Act of 1999 would freeze the IME payment reduction at its current level of 6.5 percent, and it would restore nearly $90 million of Medicare funding to Illinois teaching hospitals and academic medical centers. Obviously, we are asking people to support that legislation.

Senate bill 1024 and House Resolution 1103, the Managed Care Fair Payment Act of 1999, would pay a disproportionate share to hospitals directly from Medicare for services. So we would hope that these legislative initiatives would be seriously looked at by the Members of Congress and that we could move to provide the kind of relief that is necessary to keep our institutions alive, viable, healthy, and well.

☐ 1530

HURRICANE FLOYD DISASTER IN NORTH CAROLINA

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I come from North Carolina, and there is, indeed, trouble in the land where I come from. There is great devastation. In fact, we have suffered the greatest devastation that we have ever suffered in the history of our State. Some are calling this the flood of the century. It exceeded the 500-year watermark.

So, indeed, when we think of Interstate 95 being closed, and we know Interstate 95 was built for certainly every eventuality for many hundreds of years, when we think of the great unexpected consequences that this flood has brought, we can understand the devastation that the people in eastern North Carolina indeed are facing.

In fact, Hurricane Floyd came on the back of Hurricane Dennis. Dennis had come and rained and had dumped approximately 20 inches from August 29 to September 9. So the grounds were already soaked.

Then as my colleagues recall, Floyd came back; and when he came, he came all the way up the coast from Florida all the way up to New York. The State of Florida was severely hit, not as much as North Carolina. But Virginia was also affected. The States of Pennsylvania, New Jersey, and New York, all of those were indeed affected. But the devastation in North Carolina is profound.

Over 49 individuals have been confirmed dead. There are six bodies unidentified. The waters now are still rising because, just yesterday, six more inches of water has been the result of the rain that has occurred, and we are expecting to get at least 4 more in that area.

We see on TV areas like Tarboro and Princeville or Greenville, North Carolina. The waters that came downstream from Princeville and Tarboro, the Tar River is flowing. As the river is flowing down towards the ocean, those communities living in the wake of that flow, indeed, have found themselves under stress.

Again, in Greenville, East Carolina University, the whole school, 12,000 students were, indeed, evacuated, and 5,000 of them right now without accommodations. The school began today, and they are trying to find temporary housing for a good many of the students.

We have more than 2,800 people still living in shelters. At one time, we had as many as 30,000 people living in shelters throughout. This is, indeed, a devastation of indescribable terms.

One wonders, when there is such suffering, is there some redemptive value in that. Well, one of the things I have seen in all of the suffering is the resilience and the hope and the kind of dogged determination of people that they will, indeed, come back. But I also have seen just the generosity of the American people or neighbors helping neighbors or churches helping churches, school districts lending mobile units to other school districts.

We have schools flooded. We have a whole town still under water. In fact, part of another town is still under water. Houses that are structurally so vulnerable that they probably all will be destroyed.

Certainly in the town of Princeville, environment damage has been caused as a result of that. More than 1,020 hogs were killed. More than 2.3 million chickens were killed. Five hundred turkeys were killed. Fertilizer, nitrate, chemicals.

On last Saturday, I visited Princeville service stations where they had dislodged the gasoline tanks, and one could smell the gasoline. Just the environmental impact in their water system. It is going to take an enormous amount of resources and time and effort and collaboration and work and patience to restore the vitality, the environmental nature of the community.

So I want to call my colleagues to understand the proportionality of the suffering. When any of us suffer, all of us suffer.

This is a vast amount of North Carolina farmland. More than one-third of our farmland is said to be nonproductive now as an effect of having Hurricane Floyd.

Hopefully, very soon, there will be a resolution on this floor that will say that this sense of House, we feel that, indeed, part of America is suffering; and this House, this body will have the fortitude to commit the resources that are needed to restore them.

This will not be easy. Indeed, it will not be easy, because floods do a lot of things that the wind does not do. In fact, it just threatens the integrity of roads and bridges and water systems and structures. Amazing to see such devastation.

Finally, Mr. Speaker, I just commend to the people who have helped us our gratitude from North Carolina. But I also, Mr. Speaker, urge the colleagues here to respond in the appropriate way, and the American way, and to provide the necessary resources to restore the lives of these communities.

CRITICAL HEALTH CARE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, today, before I start, I want to say to the gentlewoman from North Carolina (Mrs. CLAYTON) and to the people of North Carolina that my heart and the heart of my constituents go out to them. We know what they are going through, although I think their situation is much worse than ours has ever been. We will stand by them and are ready to be of assistance in any way that we can to the people of North Carolina, Virginia, and the other States that are affected.

But today, Mr. Speaker, I come here to give a brief overview of some of the critical health care issues that are a priority to the Congressional Black Caucus and its health braintrust which I chair. Many of my colleagues and I will come back on subsequent days to elaborate on the dire statistics that have compelled us and some of our individual critical issues.

Last year, the Caucus was able to secure an unprecedented $156 million to fund a state of emergency or what was called a severe and ongoing crisis on HIV and AIDS and to target the needs of African Americans, Latinos, and other people of color with regard to this epidemic.

The dollars were to increase capacity, to help build infrastructure, to enable us to get grants, to administer them, and reach the population within our communities that until now have been hard to reach, mainly because we, the health care delivery system, have not been going about it in the right way.

Mr. Speaker, in communities of color, there are many barriers that must be overcome to bring effective messages of disease prevention and health promotion. They are language. They are culture. They are decades of mistrust. They are lack of education. There are other priorities that come from poverty, joblessness, and other social and economic factors.

These communities thus have severe disparities and health services and health status and are disproportionately affected in many diseases, but especially in HIV and AIDS. The health care delivery infrastructure is just not there. While we work on that, that cannot be built in 1 day, 365 days, 1 year or even several years.

In the meantime, we need to empower our communities through their indigenous community organizations to provide the prevention and intervention services that are needed. The people within the communities know their communities. They have the trust of their communities. They can do it best. What they do not have are the resources, and that is what the CBC initiative is all about.

We will soon be looking at the outcome of this past year's initiative. We have some doubts that it accomplished what we asked it to, but we must prepare to continue to improve and expand on that effort. We are, therefore, asking for an increase in the FY 2000 budget above the President's request of $171 million.

Because we are seeking to make sure that all communities of color receive the funding they need commensurate with the level of the epidemic and the infrastructure deficiencies that each one of us has, some greater than others, we are asking then for $349 million in the Labor HHS appropriation.

This funding is critical, as our other requests for $150 million for the President's disparity initiative, $55 million towards the international AIDS program, and AIDS in Africa.

Along with our requests with respect to the disparities, we are asking for the special funding to be set aside to train more providers of color, to provide Medicare and Medicaid outreach to our communities, and to increase our knowledge of and attention to HIV/AIDS and other health care issues in the Nation's prisons.

Mr. Speaker, there are other issues that are just as important to us as funding, though, and which actually costs us nothing but our commitment to reduce the disparities that exist for communities of color in this country.

They include the funding of the offices of minority health in the agencies of the Department of Health and Human Services, such as CDC, the Centers for Disease Control and Prevention, SAMHSA, and to Health and Substance Abuse, HRSA, and the Agency for Health Care Research, where although they are established, they are not funded.

It has been directed that up to 0.5 percent of the agencies' budget be allocated to fund them, and we want the committee to direct that this be done. With the best of intentions, the issue of people of color will not be adequately addressed unless these offices are empowered and are given some authority within their individual agencies.

The other important area is the Office of Minority Health Research at the National Institutes of Health which we are asking to be raised to the level of a center. That office, to be effective, and to fulfill its important role in ending a two-tiered system of health care in this country must have budget sign off. It must have accountability for the funds and the research it has done on behalf of the people it represents. We in the Caucus will fight for this as we will fight on the other issues until this becomes a reality.

We have many other challenges before this country, insuring the uninsured to name a major one. We can make a major step towards better health care in this country by supporting the initiatives of the Congressional Black Caucus. They are undertaken, not just on behalf of African Americans or Latinos, Asian Americans, Native Americans, Asian or Pacific Islanders, or Native Hawaiians or Native Alaskans, although those are our priority populations, but they are undertaken on behalf of all Americans.

Just like justice, health care delayed is health care denied. We have an obligation as the Representatives of all of the people of this country to bring health care, not just to some, but to each and every American.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1643

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 4 o'clock and 43 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2910, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–342) on the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2436, UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–348) on the resolution (H. Res. 313) providing for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOSWELL) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today;

Mr. PALLONE, for 5 minutes, today;

Mr. FILNER, for 5 minutes, today;

Mr. CUMMINGS, for 5 minutes, today;

Ms. BROWN of Florida, for 5 minutes, today;

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today;

Mr. BURTON of Indiana, for 5 minutes, October 6;

Mr. ROHRABACHER, for 5 minutes, today;

Mr. ISAKSON, for 5 minutes, today;

Mr. EHLERS, for 5 minutes, today;

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On September 28, 1999:

H.R. 2605. Making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Making continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, September 30, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4557. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV99-905-3 IFR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4558. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Air Education and Training Command is initiating a Multiple Support Function comparison of the base operating support functions at Kessler Air Force Base (AFB), Mississippi, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4559. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a report on the Effectiveness and Cost of the Civilian Separation Incentive Program for Fiscal Year 1998; to the Committee on Armed Services.

4560. A letter from the Departments of the Army and the Air Force, transmitting a report on Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense; to the Committee on Armed Services.

4561. A letter from the Secretary of Defense, transmitting a determination that it is necessary to order the transportation of 16 Chemical Agent Identification Sets (CAIS) recently recovered in Guam and currently stored on Anderson Air Force Base, Gaum, to Johnston Atoll; to the Committee on Armed Services.

4562. A letter from the Secretary of Defense, transmitting a report specifing for each military treatment facility the amount collected from third-party payers during the preceeding fiscal year; to the Committee on Armed Services.

4563. A letter from the Board of Governors of the Federal Reserve System, transmitting the report on State member bank compliance with the national flood insurance program, pursuant to Public Law 103—325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

4564. A letter from the Federal Deposit Insurance Corporation, Office of Thrift Supervision, Board of Governors of the Federal Reserve System, Comptroller of the Currency, transmitting a joint report, required by section 402 of the Credit Union Membership Access Act of 1998, detailing the progress of the Riegle Community Development and Regulatory Improvement Act of 1994 since the report of September 1996; to the Committee on Banking and Financial Services.

4565. A letter from the Federal Housing Finance Board, transmitting the Board's Annual Report on the Low-Income Housing and Community Development Activities of the Federal Home Loan Bank System for 1998, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4566. A letter from the Office of Special Education and Rehabilitative Services, Department of Education, transmitting Final Funding Priorities for Fiscal Year (FY) 2000 and Subsequent Fiscal Years—Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4567. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-123, "Condominium Amendment Act of 1999," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4568. A letter from the Director, Administration and Management, Department of Defense, transmitting a report of the Department of Air Force vacancy; to the Committee on Government Reform.

4569. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating, statistical, and financial information for the fiscal year 1998, pursuant to 50 U.S.C. 167n; to the Committee on Resources.

4570. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Migratory Bird Hunting; Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018-AF24) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4571. A letter from the Secretary of Labor, transmitting the Secretary's annual report on employment and training programs, pursuant to 29 U.S.C. 1579(d); to the Committee on Veterans' Affairs.

4572. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans Education: Montgomery GI Bill—Active Duty; Administrative Error (RIN: 2900-AJ70) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4573. A letter from the Executive Office of the President, transmitting a report on the Accession of the Republic of Georgia to the World Trade Organization; to the Committee on Ways and Means.

4574. A letter from the Executive Director, Office of Compliance, transmitting the Three Year Report of the Office of Compliance; jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. H.R. 2436. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; with an amendment (Rept. 106-332, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106-347). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 313. Resolution providing for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 106-348). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Armed Services discharged. H.R. 2436 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COX (for himself, Mr. GILMAN, Mr. KUCINICH, Mr. PORTER, Ms. PELOSI, Mr. ROHRABACHER, Mr. MCGOVERN, Mr. PAUL, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. STARK, Ms. MCKINNEY, Mr. BROWN of Ohio, Ms. LEE, Mr. JACKSON of Illinois, Mr. LANTOS, Mr. UDALL of Colorado, and Mr. EVANS):

H.R. 2969. A bill to prevent United States funds from being used for environmentally destructive projects or projects involving involuntary resettlement funded by any institution of the World Bank Group; to the Committee on Banking and Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. GEORGE MILLER of California):

H.R. 2970. A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Resources.

By Mr. ARMEY (for himself, Mr. BOEHNER, Mr. WATTS of Oklahoma, and Mr. SHAYS):

H.R. 2971. A bill to provide parents whose children attend an academic emergency school with education alternatives; to the Committee on Education and the Workforce.

By Mr. BERRY:

H.R. 2972. A bill to redesignate the Stuttgart National Aquaculture Research Center in the State of Arkansas as the Harry K. Dupree Stuttgart National Aquaculture Research Center; to the Committee on Agriculture.

By Mr. CAMP (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. SMITH of Michigan, and Mr. UPTON):

H.R. 2973. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes Basin; to the Committee on International Relations.

By Mr. HILL of Montana:

H.R. 2974. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2975. A bill to establish grant programs to provide opportunities for adolescents, to establish training programs for teachers, and to establish job training courses at community colleges, to amend the Elementary and Secondary Education Act of 1965 to reduce class size, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. BENTSEN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BORSKI, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Mrs. CLAYTON, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DIXON, Mr. DOOLEY of California, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCHUGH, Mr. MATSUI, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Ms. STABENOW, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2976. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Commerce.

By Mr. KLECZKA:

H. Res. 314. A resolution expressing the sense of the House of Representatives that all parties involved in negotiating the compensation for the Nazi slave and forced labor victims should achieve a settlement that is fair and equitable to all claimants; to the Committee on International Relations.

By Mr. STARK:

H. Res. 315. A resolution supporting the goals and ideas, and commending the organizers, of "National Unity Day"; to the Committee on Government Reform.

By Mr. TRAFICANT:

H. Res. 316. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring William Holmes McGuffey, author of the McGuffey Readers; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

239. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 13 memorializing Congress and the President of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense; to the Committee on Armed Services.

240. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 11 memorializing the President of the United States and the Congress of the United States to commend Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales; to the Committee on Armed Services.

241. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 9 memorializing the President and the Congress of the United States, the Secretary of Defense, the Chairpersons of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to take immediate action to authorize the continued operation of the commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro; to the Committee on Armed Services.

242. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 12 memorializing the President and Congress of the United States and the Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California; to the Committee on Banking and Financial Services.

243. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 10 memorializing the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965; to the Committee on Education and the Workforce.

244. Also, a memorial of the Legislature of the State of California, relative to Senate Concurrent Resolution No. 7 memorializing that the Legislature hereby proclaim the month of October 1999, as Domestic Violence Awareness Month; to the Committee on Education and the Workforce.

245. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 4 memorializing the President of the United States and Congress to take the necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, and urges a peaceful resolution to the situation in Afghanistan that restores the human rights of Afghan women and girls; to the Committee on International Relations.

246. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 8 memorializing the President and the Congress of the United States to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin; to the Committee on Resources.

247. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–179 memorializing Congress to adopt the proposed amendments as requested by President William J. Clinton, to reimburse, CNMI for the cost of detaining and repatriating the smuggled Chinese aliens; to the Committee on Resources.

248. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 257 memorializing the Congress of the United States to limit the appellate jurisdiction of the federal courts regarding the specific medical practice of partial-birth abortions; to the Committee on the Judiciary.

249. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 1 memorializing the President of the United States to declare the affected portions of California as a federal natural disaster area as a result of the cold storms and the consequent frost damage that occured in December 1998; to the Committee on Transportation and Infrastructure.

250. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 3 memorializing the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility Petaluma through the increased utilization of its facilites and more efficient use of the Coast Guard's east coast facilities; to the Committee on Transportation and Infrastructure.

251. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 6 memorializing the President and Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans' benefits to Filipino veterans of the United States Armed Forces; to the Committee on Veterans' Affairs.

252. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 1 memorializing the President of the United States to issue an Executive Order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to find new Medicare coveage, either in the form of another HMO that serves the abandoned region, or through Medigap coverage, until appropriate federal legislation is enacted to address permanently these types of dislocations that adversely affect

Medicare patients; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. TAUSCHER introduced a bill (H.R. 2977) for the relief of Bruce Watson Pairman and Daniele Paule Pairman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 212: Mr. ETHERIDGE.

H.R. 303: Mr. LATHAM, Mr. KIND, Mr. ISTOOK, Mr. MARTINEZ, and Mr. SANDERS.

H.R. 306: Mr. FATTAH.

H.R. 348: Mr. INSLEE.

H.R. 354: Ms. BERKLEY.

H.R. 405: Mr. FARR of California.

H.R. 406: Mr. FARR of California.

H.R. 484: Mr. SESSIONS.

H.R. 583: Mr. WICKER.

H.R. 670: Mr. TRAFICANT, Mr. KIND, Mr. MATSUI, Mr. GORDON, Mr. TIERNEY, Mr. DELAHUNT, Ms. KILPATRICK, Mr. COYNE, Mr. OLVER, Mr. SKELTON, Mr. STUPAK, Ms. SLAUGHTER, and Mr. WAXMAN.

H.R. 764: Mr. WEXLER.

H.R. 783: Mr. GEJDENSON, Mrs. NORTHUP, and Mr. TERRY.

H.R. 804: Mr. STRICKLAND.

H.R. 904: Mr. SPRATT and Mr. VITTER.

H.R. 953: Mr. REYES, Mr. WU, and Ms. WOOLSEY.

H.R. 1090: Ms. ESHOO, Mr. ISAKSON, Mr. MALONEY of Connecticut, Mr. DEFAZIO, and Ms. STABENOW.

H.R. 1095: Mr. GUTIERREZ, Mr. EVANS, Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. ALLEN, Mr. MCDERMOTT, Mr. REYES, Mr. DAVIS of Virginia, Mr. UNDERWOOD, Mr. COOK, Mr. CLÉMENT, and Mr. MCCRERY.

H.R. 1115: Ms. HOEFFEL, Ms. HOOLEY of Oregon, Mrs. TAUSCHER, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. BLUMENAUER, Ms. LOFGREN, and Mrs. CHRISTENSEN.

H.R. 1139: Mr. MALONEY of Connecticut and Mrs. NAPOLITANO.

H.R. 1168: Mr. UDALL of Colorado, Mr. CALLAHAN, Ms. PELOSI, and Mr. FATTAH.

H.R. 1217: Mr. OWENS, Mr. LEWIS of Kentucky, Mr. HASTINGS of Florida, Mr. FRELINGHUYSEN, Mr. PASTOR, Mr. HUTCHINSON, Mr. MARTINEZ, Mr. HOUGHTON, Mr. KIND, Ms. BERKLEY, and Mrs. ROUKEMA.

H.R. 1246: Mr. WU.

H.R. 1304: Mrs. LOWEY, Mr. WELLER, and Mrs. ROUKEMA.

H.R. 1323: Mr. ROTHMAN and Mr. BRADY of Texas.

H.R. 1344: Mr. SCHAFFER, Mr. HAYWORTH, and Mr. RILEY.

H.R. 1363: Mr. CALVERT.

H.R. 1621: Mr. FROST and Mr. EVANS.

H.R. 1644: Mr. TERRY.

H.R. 1657: Mr. RAHALL.

H.R. 1732: Mr. BRADY of Pennsylvania and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1816: Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. FLETCHER, Mr. CLAY, Ms. KAPTUR, and Mr. KUCINICH.

H.R. 1821: Mr. HINCHEY, Mr. SABO, Ms. PELOSI, Mr. COYNE, Mr. CROWLEY, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Mr. BROWN of Ohio.

H.R. 1824: Mr. CANADY of Florida and Mr. BURTON of Indiana.

H.R. 1885: Mr. HINOJOSA and Ms. JACKSON-LEE of Texas.

H.R. 1932: Mr. CALVERT.

H.R. 1967: Mr. LEWIS of Georgia.

H.R. 1977: Mr. SOUDER.

H.R. 1990: Mr. INSLEE, Mr. DINGELL, Mr. PRICE of North Carolina, and Mr. ETHERIDGE.

H.R. 1997: Mr. WEXLER, Mr. SANDERS, Mr. GEJDENSON, and Mr. FROST.

H.R. 2004: Mr. TALENT.

H.R. 2086: Mr. WEINER, Mr. BOUCHER, Mrs. BIGGERT, and Ms. ESHOO.

H.R. 2106: Mr. SANFORD.

H.R. 2283: Mr. MARTINEZ.

H.R. 2319: Mr. MARTINEZ.

H.R. 2372: Mr. NUSSLE, Mr. DOYLE, Mr. ADERHOLT, Mr. EHRLICH, Mr. LATHAM, Mr. BILIRAKIS, Mr. LINDER, and Mr. KINGSTON.

H.R. 2401: Ms. SCHAKOWSKY and Mrs. MALONEY of New York.

H.R. 2436: Mr. WOLF.

H.R. 2441: Mr. RUSH.

H.R. 2442: Mr. MCCOLLUM.

H.R. 2546: Mr. CRAMER.

H.R. 2550: Mr. WATTS of Oklahoma, Mr. CALVERT, and Mr. PETERSON of Pennsylvania.

H.R. 2631: Mr. CONDIT.

H.R. 2711: Mr. MCHUGH.

H.R. 2722: Mr. MALONEY of Connecticut.

H.R. 2895: Ms. BALDWIN.

H.R. 2915: Mr. LARGENT, Mr. VENTO, Mr. PASTOR, and Mr. STUPAK.

H.R. 2929: Mrs. MINK of Hawaii, Ms. RIVERS, Mr. DIXON, Mr. PALLONE, Ms. ESHOO, Mr. WEXLER, and Mr. DEUTSCH.

H. Res. 268: Mr. TERRY.

H. Res. 278: Mr. BILIRAKIS, Mr. BALDACCI, Mrs. BONO, Mrs. CLAYTON, Mr. COOKSEY, Mr. EHLERS, Mr. FARR of California, Mr. FILNER, Mr. GILMAN, Mr. HALL of Ohio, Mr. BARTLETT of Maryland, Mr. BOYD, Mr. CAMPBELL, Mr. CARDIN, Mr. DIXON, Mr. GALLEGLY, Mr. GORDON, Mr. GREEN of Texas, Mr. HORN, Mr. HOUGHTON, Mr. LATOURETTE, Mr. MEEHAN, Mr. PAYNE, Mr. SAXTON, Mr. SHAYS, Mr. SCHAFFER, Ms. JACKSON-LEE of Texas, Mr. MCINTOSH, Mr. PALLONE, Mr. QUINN, Mr. SESSIONS, Mr. SMITH of Washington, Mr. WAXMAN, Ms. WOOLSEY, Mr. NETHERCUTT, Mr. WELDON of Pennsylvania, Mr. SUNUNU, Ms. SANCHEZ, Ms. STABENOW, Mr. LOBIONDO, Mr. SANDERS, Mr. BARRETT of Wisconsin, Mr. SWEENEY, Mr. BARCIA, Mr. FOSSELLA, Mr. PASCRELL, Mr. COSTELLO, Mr. LAFALCE, and Mr. CANADY of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of Detroit City Council, relative to a Resolution petitioning the Detroit Delegation of the United States House of Representatives to support full funding for HUD programs; to the Committee on Banking and Financial Services.

56. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–14 resolving that the Association of Pacific Island Legislatures member jurisdictions give sound consideration and full respect to all Pacific Islanders in their adoption and implementation of immigration policies; to the Committee on International Relations.

57. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–01 petitioning the United States Congress to recognize and grant 200-mile Exclusive Economic Zone of waters surrounding the U.S. Territories of Guam and the Commonwealth of the Mariana Islands; to the Committee on Resources.

58. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–03, CD1 petitioning the U.S. Department of the Interior and the United States Congress to grant Micronesian employees of the former Trust Territory Government (TTG) the same pay rates given to the TTG on the island of Saipan from January 9, 1978 onward; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2910

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. 11. USE OF RECYCLED MATERIALS IN SURFACE TRANSPORTATION PROJECTS.

(a) STUDY.—The National Transportation Safety Board shall conduct a study on the safety and cost effectiveness of using recycled materials in the construction of surface transportation projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress a report on the results of the study conducted under subsection (a).

H.R. 2910

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: At the end of the bill, add the following:

SEC. 11. TRANSPORTATION OF INCINERATED SOLID WASTE.

(a) STUDY.—The National Transportation Safety Board shall conduct a study on risks to public safety related to the transportation of incinerated solid waste through populated areas.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress a report on the results of the study conducted under subsection (a).

SENATE—*Wednesday, September 29, 1999*

The Senate met at 10:01 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the book of Tobit we hear:

Thank God! Give Him the praise and glory. Before all the living, acknowledge the many good things He has done for you, by blessing and extolling His name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising Him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness.

Let us Pray.

Blessed are You, Lord God of mercy. You have given us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these Your servants in the United States Senate. May they generously devote themselves to the good of our Nation and to helping others. When they are called on in times of need, let them faithfully serve You and their neighbor.

We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

THE PRESIDING OFFICER (Mr. GRAMS). The Senator from Pennsylvania.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, before our distinguished President pro tempore leaves the floor, I wish to make a comment or two about how good it is to see Senator THURMOND looking so well. He had a recent bout with the doctors. I had a bout with the doctors not too long ago myself. But notwithstanding that, Senator THURMOND, our distinguished President pro tempore, is here every morning to open the Senate. I know he was occupied yesterday in the early evening signing the continuing resolution and attended a Bible study group in my hideaway, presided over by a distinguished Biblical scholar. Senator THURMOND was there participating, and I just wanted to make a comment how sharp Senator THURMOND looks today and how good it is to see him opening the Senate.

Mr. THURMOND. Congratulations on your Bible study.

Mr. SPECTER. I thank the Senator.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that today the Senate will immediately begin consideration of the Labor, Health and Human Services, and Education appropriations bill. Amendments to the bill are expected to be offered. Therefore, Senators may expect votes throughout the day and into the evening. Senators who intend to offer amendments should let us know as promptly as possible. Based on the number of amendments which are anticipated so far, it is possible we could finish action on the bill today. In any event, action on the bill must be finished before the close of Senate business tomorrow so that the Senate will have acted on all of the appropriations bills before the end of the fiscal year, September 30.

As always, Senators will be notified as early as possible as votes are scheduled. Senator LOTT has asked for notification that the Senate may also consider any conference reports available for action.

I thank my colleagues for their attention in this matter.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Also, under the previous order, the motion to proceed to the consideration of S. 1650 is agreed to.

The clerk will report the bill by title.

The bill clerk read as follows:

> A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent to permit Dr. Jack Chow, Mr. Mark Laisch, and Jane MacDonald to be present in the Chamber during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the bill on which we are now proceeding allocates some $91.7 billion for the three Departments—the Department of Education, the Department of Health and Human Services, and the Department of Labor. It is an increase of $4 billion over the program levels for fiscal year 1999. Most of that money is taken up by additional funding for the Department of Education, $2.3 billion, and an increase in the National Institutes of Health, $2 billion.

This bill is very close to the President's mark. It is within $1.4 billion of the President's mark. It contains advance funding for programs that are currently forward funded of some $16.46 billion.

Last year, the advance funding was $8.5 billion. The advance funding, of course, is a consistent, customary practice for the appropriations process. It is worth noting that the President's suggested mark had advance funding, forward funding, in excess of some $20 billion.

In reporting this bill out from the Appropriations Committee yesterday, I thanked our distinguished chairman, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for the allocations which have enabled us to reach the floor. This appropriations bill is within the caps. My distinguished colleague, Senator TOM HARKIN, and I have cooperated on a partnership basis. Senator HARKIN and I have worked for more than a decade as chairman or ranking member, depending on which party is in power.

I learned a long time ago that if you want to get something done here in Washington, you have to be willing to cross party lines and work on a bipartisan basis. When we are dealing with the two top priorities of the country on the domestic scene—education and health care—in addition to the very important programs in the Department of Labor on worker safety and job training, a bipartisan approach is necessary. Senator HARKIN and I do

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

present this budget in a bipartisan context.

It is our projection, as we move down the line, to present a bill to the President which will be signed. That is not an easy matter, given the budget constraints, given the many different views in the Senate, and, quite candidly, given the differing views in the House of Representatives where we will have to go to conference. But it is our hope that we will present to the President a bill which will be signed. That has not been accomplished in recent years. In fact, last year we didn't even get to bring the bill to the floor of the Senate.

I think it is generally recognized that the American people are fed up, really sick and tired of partisan political bickering in Washington. If we are able to have a bill which can be signed by President Clinton, who is a Democrat, presented to him by a Congress which is controlled, both Houses, by Republicans, it will be good for the country. It will be good for both parties. It will be good for everyone to be able to present a bill on these high priority items of education and health care which can be agreed to.

Just a few of the highlights of this bill: The bill is more than $500 million over the President's requests on education. We think that is a matter of great significance because education funding is a priority second to none. Head Start, which has been a very important program for everyone, but emphasized by the President—and I enumerate a number of items where we have acceded to the President's priority line but, in accordance with the constitutional authority to the Congress for appropriations, we have exercised our own judgments. Senator HARKIN will comment on this, as we have had a bipartisan approach, which is an approach with Democrats—not necessarily the President's approach, but an approach by the Democrats—as we have put in some of our own priorities, as they have been reflected in requests we have received from 100 Senators and from many in the private sector.

We have received over 1,000 letters from Senators requesting 2,188 report, bill, or number item changes. In addition, the subcommittee received over 1,000 requests from outside individuals and organizations. Many of those requests have come in air travel from Washington to Chicago and Des Moines, where Senator HARKIN has been importuned by his constituents, not only from Iowa but his constituents from the United States, because he is a United States Senator as well as a Senator from Iowa. Many of these requests have come on the Metroliner between Washington and Philadelphia, as people have approached me with their requests.

So that in coming to this proposal, it is a matter of establishing priorities. That is not easy to do. With a budget of nearly $1.8 trillion, the whole budget process is priorities. We have established what we think are appropriate lines of priorities. It is worthwhile to note that the President has emphasized Head Start; we have agreed with him. We have a Head Start Program in excess of $5 billion, with an increase of more than $600 million.

We have had requests from the President on an important program called GEAR UP, which is designed to help low-income elementary and secondary school children prepare for college. My distinguished colleague, CHAKA FATTAH, a Member of the House of Representatives from Philadelphia, originated this program. The President has embraced it, and we have funded it this year for $120 million. The President asked for an increase. Senator HARKIN and our subcommittee and the full committee have increased it by 50 percent to $180 million. I joined the President in one of his weekly radio announcements and talked to him afterward, as I listened to his interest in this on a priority basis. We have increased, as I say, funding there by some 50 percent.

Special education has been a matter of high priority. Now we have more than $6 billion, an increase of more than $900 million this year. I could go over quite a number of the other lists, but the President's priorities have been accorded very substantial consideration and approval.

The Ricky Ray Program now has $50 million to compensate hemophilia victims. On our Pell grants, in accordance, again, with the administration's request, we have put in an increase to bring them to $3,325 on the maximum Pell grant a year. Again, on an item of importance emphasized by the White House and many Senators, LIHEAP, Low-Income Home Energy Assistance, has been funded for $1.1 billion.

On the health line, the subcommittee included a mark of $2 billion, which was approved by the full committee. The National Institutes of Health, in my judgment, are the crown jewels of the Federal Government, perhaps the only jewels of the Federal Government. We are on the verge of phenomenal breakthroughs on many dreaded ailments.

Yesterday, we had a hearing on Parkinson's disease with Michael J. Fox coming in, putting a face on that human tragedy, a person who is well known and loved by so many millions of Americans as a television personality. It happens to be a fact of life that when Michael J. Fox comes in and testifies about his own trauma, a young man at the age of 39, with three children, facing a very uncertain medical future—medical experts testify that we may well be within 5 years of a cure for Parkinson's, Alzheimer's, cancer, heart ailments and a long list of very tragic ailments. One of the aspects of chairing the subcommittee has been to be the recipient of requests from people with strange and rare illnesses. We have tried to raise the level of funding at the National Institutes of Health so there can be maximum accommodation for research on so many lines. Even with this $2 billion increase, raising from $15.6 billion to $17.6 billion, there are many lines which we cannot fund totally.

We still have, out of every 10 doors of research, the possibility that 7 will remain unopened.

It is my personal view that with a national budget of $1.8 trillion we ought to fund all of the meritorious applications. That can't be done. Many people have looked at this $2 billion increase, and have said: How can we afford it? The response that Senator HARKIN, our subcommittee, and the full committee have given us is: How can we not afford it?

One item we ought to be mentioning is that the language on stem cell research, which would have eliminated certain restrictions from the National Institutes of Health, has been deleted. That was inserted on the initiative from the leadership of the subcommittee because the stem cell research has such enormous potential. The stem cell research can go forward now with private funding extracting the stem cells from embryos, and then the Federal funding coming in on the stem cells which have been extracted.

It is my personal view—and the view which Senator HARKIN expressed forcefully at the subcommittee yesterday—that some of the existing limitations ought to be eliminated from this bill. The embryos which are involved are not embryos which would create human life. They are embryos which have been discarded from in vitro fertilization. The bill's prohibition against research on embryos will stay intact.

But what we had originally contemplated was to allow Federal funding to NIH on extracting stem cells from the embryos. But that has been eliminated at the request of the majority leader, Senator LOTT, and the chairman of the committee, Senator STEVENS. We have eliminated that because we never could have finished this bill by the close of business tomorrow had it remained.

Senator LOTT has made a commitment that he will take up a freestanding bill in February, and our subcommittee will move forward to extensive hearings so that everybody may be informed.

There is a lack of information about the importance to medical research in these stem cells and the fact that does not really impinge upon embryos which could produce life.

There are many similarities between this debate and the debate on fetal tissue where for a long time fetal tissue could not be used in research because of a concern that it would promote abortions, and then the understanding was driven home that it would not promote abortions but would only use fetal tissues from abortions which had already been concluded.

To repeat, this will be taken up in February.

One other initiative which deserves attention is an initiative on school violence prevention. We have seen on a recurring basis the tragedies of school violence. The subcommittee undertook three active working sessions lasting about an hour and a half each where I presided in order to bring forward the experts on the working level. From that effort has come a program which is described on pages 6 to 14 of our report.

We brought together ranking officials and people very knowledgeable from the field, including the Deputy Attorney General, the Surgeon General, representatives of the Office of Management and Budget, representatives from elementary and secondary education, from the Department's units administering safe and drug-free schools, from special education, from the Administration for Children and Families, from the National Institute of Mental Health, from Mental Health Services, Substance Abuse, from the Centers for Disease Control and the Division of Violence Prevention, from the Office of the Victims of Crime, from employment and training programs from the Department of Labor, and from the Association of School Psychologists—all who have put together a comprehensive bill which essentially involves the reallocation of some $851 million. Not pointing the finger of blame in any direction but recognizing school violence as a national health problem, as suggested years ago by the Surgeon General, and putting it under the Surgeon General where we are coordinating with Bruce Reed from the White House Domestic Council—a program has been created which we believe has long range potential. Included in the funding, in addition, are important programs on worker safety.

In the interest of time, I will not delineate all of them. They have been set forth in some detail.

On a personal note, I have recused myself on the funding for the National Constitution Center, since my wife, Joan Specter, is director of fundraising for the National Constitution Center. Senator THAD COCHRAN, the senior Republican on the committee, has taken over.

I ask unanimous consent that a letter from me to Senator COCHRAN on this subject, dated September 17, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 17, 1999.
Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Subcommittee for Labor, Health and Human Services and Education.

Sincerely,
ARLEN SPECTER.

Mr. SPECTER. Mr. President, this is an abbreviated statement of what the bill contains.

In the interest of moving us promptly as possible to the amendment from the Senator from Washington, Mrs. MURRAY, I am going to yield the floor at this time and yield to my distinguished colleague, Senator HARKIN, whom I again thank for his total cooperation and partnership and bipartisan approach to this important bill.

The PRESIDING OFFICER. The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, before beginning my comments, I ask unanimous consent that Jane Daye, a member of my staff on detail from HHS, be afforded floor privileges during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that two of Senator INOUYE's staff, Andrew Peters and Patricia Boyle, be given floor privileges during the consideration of the bill now before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I again thank Senator SPECTER and his staff for all of their hard work in putting this bill together. Senator SPECTER has done, indeed, a commendable job. He has done so in a professional and bipartisan fashion under very difficult and trying circumstances. We all owe him a debt of gratitude for his patience, his good work, and, above all, his persistence.

Again, my good friend, Senator SPECTER, spoke of the bipartisan effort on this, and that he is hoping the President will sign this bill. I will have something to say about that in a moment. But I want to make it clear that in no way do we want to delay this bill. We ought to get it up and get it through. I am just sorry that we didn't get it up earlier this year. I still feel compelled to say that of the 13 appropriations bills, this is the last one. That should not be our priority. Education and Health and Human Services should not be the last priority. It should not be the last bill up for the fiscal year. It should have been the first bill and not the last bill. But we are here. The fiscal year is drawing to a close, and hopefully we can get this through.

But I want to point out that in my role as ranking member, while I will be supportive of Senator SPECTER in his efforts to get this bill through, I want to make sure that I protect the rights of Senators on this side of the aisle to offer amendments and to debate them in a timely fashion.

Before I say a few more words about the contents of the bill, I think it is important that I briefly talk about the funding of the bill and how it plays into the overall budget situation.

First, let me repeat what I said yesterday in our committee markup.

I am very pleased that the chairman of the full Appropriations Committee has worked to restore a more reasonable level of funding for this bill. Investments in education and health, labor, and other areas are key to our Nation's quality of life, our future, and our next generation of children.

I am concerned, however, that it now seems that the Republican leadership intends to simply shift the funds for the census and the Pentagon to our bill as emergency spending when clearly they are not emergencies. In other words, it looks as if the leadership is going to declare the funds for the census and the Pentagon—which have been shifted to fund our bill—as emergency spending—emergency for the census and emergency for the Pentagon. They are not emergencies. Even Thomas Jefferson could have told us there would be a census in the year 2000. That is no emergency. The Republican leadership is playing a shell game, and the loser may be Social Security.

Money is being moved from one bill to another to make it look as if we can fund all 13 appropriations bills with all their priorities and still stay within the budget caps.

According to CBO, the Republican leadership has already spent the projected on-budget surplus for next year. About $14 billion of the non-Social Security budget surplus has already been spent. In addition, it looks as though there has already been about another $19 billion dig into Social Security.

Declaring the census and the Pentagon—which are clearly nonemergency items—emergency spending doesn't mean anything. It means the Republican leadership will dig that much further into the Social Security surplus in fiscal year 2000. Stay tuned for the next chapter because it looks as though Social Security is going to have a big bite taken out. It shouldn't be that way.

I have drafted legislation that imposes penalties on tobacco companies that fail to reduce teen smoking. CBO has scored my amendment as raising approximately $6 billion in fiscal year 2000. I think that is better than taking it out of Social Security.

Before the whole process is completed—I don't mean this bill; I mean the whole process this year—we will be looking for new sources of revenue to offset the costs of appropriations without tapping into Social Security. I believe getting this money from the tobacco companies that have already set their targets for reducing teen smoking and having them pay penalties is a much fairer and better way of meeting our goals in our appropriations bills than tapping Social Security.

Having said that, there are many excellent items in this bill. In particular, I commend the chairman for the $2 billion increase in NIH. Yesterday, as Senator SPECTER said, there was a hearing held on Parkinson's disease. This is a disease that causes untold human suffering, a disease that scientists believe may be cured within the next 10 years or drastically reduced and alleviated. Under Senator SPECTER's leadership, we are taking another step to realize that result.

The morning shows today were talking about the hearing yesterday. Michael J. Fox, the famous movie actor who testified, showed his trembling hands and how Parkinson's disease was affecting him. It was quite a poignant representation of the ravages of Parkinson's disease. Of course, those who had the privilege of serving with Congressman Mo Udall from Arizona know how that affected him and the suffering it caused him in his later years.

Most scientists believe one of the major steps that can be taken in finding the pathways to interventions and cures for Parkinson's disease is through adequate funding of stem cell research. We had it in this bill until it was taken out in committee yesterday on a split vote. I think it won by two votes, if I am not mistaken. It was a close vote.

The provisions on stem cell research were removed. That is a shame. People suffering from Parkinson's disease or spinal cord injuries, neurological problems, neurological diseases, and neurological accidents could have hope. For example, I think of Christopher Reeves, who has been so diligent and energetic in his efforts to push for more research in finding how to repair damaged spinal cords. Here is an avenue of research that could collapse the timeframe and lead to major breakthroughs on repairing neurological damage through stem cell research. Yet because of a handful of people in the Senate or the House—I don't know where, but it comes from the Republican leadership—we couldn't bring this bill out with that stem cell research provision. That is a shame.

I was talking to some Senators yesterday who started talking about partial-birth abortion and all that kind of stuff. I said, wait a minute. What does that have to do with stem cell research? Absolutely nothing. Again, as I stated in committee, and I will state again for the RECORD on the floor, we approve in this country—and I think all the major religions and ethicists all agree—in vitro fertilization is not only permissible and acceptable but a very good way for a woman who may have problems getting pregnant and bearing a child to do so. In vitro fertilization is a widely accepted practice where the egg is removed from the mother and mated to a sperm. These eggs are then frozen in nitrogen and one is implanted. If it takes, a baby results, a child results, and we have some very happy parents.

However, there are a lot of fertilized eggs still frozen in liquid nitrogen. That is what we are talking about. That is where they want to get the stem cells. It has nothing to do with partial-birth abortion or anything else. The Cell Biology Association says there are probably about 100,000 frozen fertilized eggs in the country. That is where the scientists get the stem cells. These fertilized eggs will be destroyed anyway. They are not going to keep them forever in liquid nitrogen; they will be destroyed. Scientists say, why not let scientists take the stem cells out to do the kind of stem cell research we need to find the cures for Parkinson's and spinal cord injury.

That is what was in our bill. Here are the restrictions we have placed in our bill. First, we say the stem cell research had to be conducted under ethical guidelines. Second, to use any of the fertilized eggs to extract the stem cells, scientists must have the informed consent of the donor. Third, we could only use stem cells from fertilized eggs that are the result of in vitro fertilization. We had all of these restrictions.

Why would we want to take that out of the bill? I understand the leadership says they want to take it out because it couldn't pass with it. Why? Because there are two or three people who have some hangup about this. Perhaps they don't understand. If we could debate it and fully flesh it out and get it out, perhaps then people would understand what we are trying to do. I think there is a lot of information being promoted and bandied about on stem cell research that is totally false. It prohibits Congress from doing what I think is in the best interests of morality, ethics, and science. So we do not have it in the bill. Now I hear the leadership says they are going to have hearings next year and bring up a separate bill in February. I will believe it when I see it because we cannot get it on this bill, and this is where it logically belongs. This is the bill with all biomedical research funded by the Federal Government, with a couple of exceptions in the Department of Defense. This is the proper place for it.

I cannot see why it is going to take a long time. We have had hearings on it. Senator SPECTER has had hearings on it. We have had hearings on it in other committees. How many more hearings do we need? How many more people have to come down with Parkinson's, die of Parkinson's? How many more people have to linger with spinal cord injuries and other neurological problems before we have the guts to do what is right around here and give the scientists the tools they need to do the research in stem cells?

So I am very upset that this was taken out—and taken out, I might add, at the behest of the leadership, not the chairman of the subcommittee nor the chairman of the full committee, as I understand it, but of the leadership of the Senate. I think it is wrong to do that, coming on the heels of this very powerful hearing yesterday, with all the national publicity coming out, even yet today, on Parkinson's disease, to say: Yes, but I am sorry, we are not going to permit nor fund the kind of research that would lead to a possible cure.

I want to make it clear, there is some stem cell research that will be conducted by NIH but only from two stem cell lines from the University of Wisconsin and Johns Hopkins. These are just from two sources. When you have 100,000 in the United States, you can get stem cell lines from a lot of different sources.

I am trying to think of an analogy here. This is akin to doing research on cancer but saying: But you can only do research on pancreatic cancer. You cannot do research on prostate or breast cancer or thyroid cancer or anything else, but you can do it on pancreatic. That is all. That is all we are going to allow. That is basically what we are saying on stem cell research: You can do this little bit of research, but you can't do the kind of broad research with which you open the doors and find some of the answers.

Again, I wanted to go on a bit on this because I think it is that vitally important. I think it is wrongheaded—I might even have stronger words than that but not appropriate for the Senate floor—for the Republican leadership to demand this be taken out of our bill. I believe the votes would be here if the Republican leadership would stand up for it. Oh, we would probably have a few people, misinformed, not understanding the situation, who might vote against it. But I believe the provisions we had in this bill, carefully crafted to provide all the protections, would have garnered an overwhelming vote in the Senate—were it not for the leadership's position.

Again, I might add, as I said, there are a lot of good things in this bill for which Senator SPECTER has fought: A billion dollars for community health centers, a $100 million increase of vital importance for low-income people who do not have insurance coverage. In fact, it is probably the best bulwark we have for preventive health care, keeping healthy low-income people who do not have health care insurance. We have $400 million for afterschool programs; that is a $200 million increase.

Again, I compliment Senator SPECTER for the anti-school-violence bill he has put together, of which I am a cosponsor. As we pointed out, there is a lot of talk about school violence these days. The fact is, schools are the safest places for our kids. Less than 1 percent of the violence committed by or against kids is done in school—less than 1 percent. Most of the violence happens after school. That is why we need strong afterschool programs. We have all these school buildings around this country, we have put a lot of money in them, and at 3 o'clock in the afternoon they lock the doors. What is inside? There are gymnasiums, there are swimming pools, there are art rooms, there are computer rooms, basketball courts, weight rooms, music rooms—all behind locked doors at 3 o'clock in the afternoon. You have these kids on the street looking for something to do, and that is when the violence happens; that is when the drugs happen. What Senator SPECTER and I and others have done is increased by $200 million last year, up to $400 million, afterschool programs.

Obviously, if you are going to leave the doors of the school open, you have to pay. It costs money for heating, air conditioning; it costs money for supervision, for people to run the programs. If you have a music room, maybe kids want to take up music after school; maybe they want to take up theater. Maybe these young people would like to act a little bit, get into theater. You are going to have to have somebody there working with them. Better we pay the cost of an art teacher, a music teacher, a phys ed instructor or whatever for the 3 hours or 4 hours from after school until the time for dinner at home—better we pay that than we pay for the violence and the drugs and stuff that is happening on the streets. I hope this marks a steady increase this year, next year, and the year after that in afterschool programs.

We have $5.3 billion for Head Start, an increase of $608 million, again moving toward the target of making sure that, in America, every 4-year-old who is eligible is covered for Head Start. I am told that with this increase we are getting close to 80-percent coverage of all eligible 4-year-olds, so hopefully next year we can close that gap and get 100-percent coverage. We have increased the maximum Pell grants to $3,325, a $200 increase for low-income students to go to college. So there are some good things.

But there are some big holes in this bill that need to be filled. One of those, perhaps one of the most important—and it is critically important—is the provision the Senator from Washington State, Mrs. MURRAY, I am sure will shortly be talking about. That is the issue of class size reduction. Last year, we put in money for class size reduction. We put in $1.2 billion last year, and we hired 30,000 teachers around the country to reduce class size. This was a high priority of everyone. When you talk about bipartisanship, let me read what former Speaker Newt Gingrich said of the class size reduction program:

> A great victory for the American people. There will be more teachers, and that is good for all Americans.

The former Speaker, Newt Gingrich—not a Democrat.

House Majority Leader DICK ARMEY last year, on class size reduction, said:

> Good for America and good for the schoolchildren.

Finally, BILL GOODLING, chairman of the House Education Committee, said, referring, again, to the class size reduction program:

> It is a huge win for local educators and parents.

This year, the Republican leadership is saying we have to cancel the program, cancel it—$1.2 billion. We hired 30,000 teachers, and they are saying this year: Fire them all.

Oh, yes, they are going to say: We are going to put the $1.2 billion into some kind of block grant program, and then they can use it for this, use it for that, and all that stuff. The priority we have heard from teachers, principals, superintendents, and from parents around the country is that we need to reduce class size. I have heard, on the Republican side, talk that we need teacher qualification, teacher upgrading. I am all for that, but I do not care; you can give me the best qualified, best trained teacher in the world, and if he or she is teaching a second grade class that has 35 or 40 kids in it, I am sorry, they cannot handle it: I don't care how well trained they are.

We had a priority last year on the course of hiring an additional 100,000 teachers to reduce class size in this country, a goal that was shared by the former Speaker of the House, the House majority leader, and the Republican chairman of the House Education Committee.

This year, the Republican leadership says no; because President Clinton wants it, we are going to cut it out. Talk about bipartisanship. This was a bill that had broad-based support. I do not see it as a Republican or Democratic provision at all.

I have heard from parents in Iowa about reducing class size, and they did not say I am a Democrat or I am a Republican and here is what I want. They said: I am a parent and my kid is in a class with 30-some kids and it is too big.

I hear from teachers. They did not tell me if they were Republican or Democrat. I don't know. I did not ask. They complained to me about what it is like as a young teacher just out of college. They have their teaching certificate, and they are on their way. They want to be a good teacher. They want to make a good profession out of it, and they get stuck in a second-grade class with, I heard one of them say, 38 kids. Talk about teacher burnout. You can handle that for about 2 years and then you are out the door. That is why we are losing so many young bright teachers. They want to teach. They want to get to know their kids and to work with those kids. They cannot do it when they have 30 kids in a classroom.

What we have is a bill that basically disinvests the investment we started last year in reducing class size. If this bill were to go through as it is, 30,000 teachers hired last year will have to be let go this year. They say: We are going to put money in block grants if they want to do it. I am sorry, we decided we needed to reduce class sizes. Let's keep our eye on the prize. Let's keep our eye on the goal. Let's at least accomplish one goal for our kids that we set out to do, and that is to reduce class size.

They say they are going to provide $1.2 billion for a teacher assistance initiative. There are two problems with this approach. First, I do not know what the teacher assistance initiative is. Maybe someone can explain it. We have not had any hearings on it. We had lots of hearings on reducing class size. I do not know what a teacher assistance initiative is. Some fancy words.

Secondly, when is it going to be authorized? I also serve on the authorizing committee, and the bill to reauthorize the Elementary and Secondary Education Act has not even been written. We have had hearings. We are a long way from passing this major legislation. Under the existing law, even though the Elementary and Secondary Education Act expires this fiscal year—tomorrow—under the law, we are given a 1-year extension, a 1-year grace period. You know how the Congress is, Mr. President. If we get an extension, we will fill up the time. Quite frankly, the Elementary and Secondary Education Act is not going to be passed this year; it is going to be passed next year.

For some reason, the Republican leadership wants no part of the initiative to reduce class size, I guess because the President wants it. Well, big deal. Last year, the Speaker of the House, the majority leader and the Republican chairman of the Education Committee wanted it, too. Why is it just because President Clinton wants it they do not want to go along with it? I do not understand that. I simply do not understand that.

Last night, President Clinton announced his intention to veto this bill if it comes to him in its current form. He will veto the bill because it does not guarantee we can continue the class size reduction program that we initiated last year.

I have a statement by the President. I will read it:

> Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.
>
> To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress, too. . . .
>
> If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. President, I ask unanimous consent that the President's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
September 28, 1999.

STATEMENT BY THE PRESIDENT

> Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology, and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.
>
> To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress too.
>
> In addition, the reduction in funding for the Social Services Block Grant could severely undermine state and local efforts to provide child care, child welfare programs, and services for the disabled. By failing to fund the Family Caregiver initiative, the bill also withholds critical aid to families caring for elderly or ill relatives. The legislation also shortchanges public health priorities in preventive and mental health, and underfunds programs that would give millions of Americans improved access to health care.
>
> If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. HARKIN. Mr. President, all I can say is, I wish they could put Senator SPECTER and me in a room. I think we would come up with a good bipartisan bill. We have already. Because of some outside influences, we are going to have some real problems. That is a shame.

I believe my colleague, Senator MURRAY, will be offering an amendment to authorize and fund the program as we did last year to reduce class size. This amendment will ensure that school districts across the country will not have to lay off almost 30,000 new teachers hired this fall. I urge my colleagues to support Senator MURRAY's amendment.

Again, before I close, I thank Senator SPECTER and his staff for all their work and their willingness to work together in a truly bipartisan fashion to get this bill to the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, Senator HARKIN, for his generous remarks. There are one or two points about which I would like to comment.

With respect to the stem cell issue, on the merits and on the substance, I agree with what Senator HARKIN said, that ultimately we ought to reduce the limitations on the National Institutes of Health. I think it appropriate to say that I took the initiative in putting that language in the bill.

I also agree with Senator HARKIN that this is an issue which I think his position and mine can prevail when it is explained. But I disagree with him on one tiny point, and that is it would not take long to explain it. I think it is going to take a long time to explain it, and a lot of people are going to want to be heard on it.

That is our only point of disagreement, that I don't think it realistic to conclude this bill by the end of business tomorrow. I do not blame him for a healthy share of skepticism, and he will believe it when he sees it. I predict he will see it. He and I have worked together, and our predictions to each other have been accurate right down the line without exception.

Senator HARKIN commented on the statement from the President which I had not seen when I started my comments. I will be responding to that when we have a break in the action. We just received the statement this morning, and he has made a comment that the President said he will veto the bill in its current form, which surprised me on that abrupt challenge. I am prepared to work through that.

He also said in his statement—let me read the statement specifically:

> If this bill were to come to me in its current form I would have to veto it.

I was a little surprised to see that peremptory language without some preliminary consultation. But then he goes on to say:

> I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Our objectives are the same on strengthening public education and other important national priorities. I am instructing my staff to start to work now with the Secretaries.

We had a hearing. I have worked closely with Secretary Shalala, Health and Human Services; Secretary Riley, Education; and Secretary Herman, Labor. We are going to be working with them as this bill proceeds on the floor and also with the Office of Management and Budget to see if we cannot have a meeting of the minds as we work through the process.

I know the Senator from Washington is ready to offer her amendment, so at this time I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SPECTER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, after conferring with the distinguished Senator from Iowa and others on the Democratic side, I ask unanimous consent that the Senate now proceed to debate until 12 noon, at which point we will take up the first amendment to be decided at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. REID. Will the Senator from Washington yield for a unanimous consent request?

Mrs. MURRAY. Yes.

Mr. REID. Mr. President, I say to the manager of the bill, so we don't have to wait around until 12, I would like the opportunity—whenever it is—to offer my amendment, so people don't have to continue coming down here waiting to offer amendments. I am ready to offer mine at 12.

Mr. SPECTER. Reserving the right to object, Mr. President, that is satisfactory with me. Senator MURRAY had been on the floor earlier, and if she is prepared to defer——

Mr. REID. If Senator MURRAY wants to offer hers at noon, that is fine with me, too.

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to speak to the Labor-HHS appropriations bill that is currently on the floor. Our colleagues, Senator HARKIN and Senator SPECTER, have done a yeoman's job of trying to put together a bill under extremely difficult circumstances for sure. They have been left with their bill until last, and every other appropriations bill has taken funds from this appropriations item. We are now left with a bill that we actually don't know how it is going to be funded. I have heard a lot of funding schemes, from taking money from defense, forward funding, a 13th month, to declaring emergencies. Basically, we are left with funding education, funding health research with money that is not real, that we don't know from where it is coming.

We don't know what budget it is coming from or whether it is actually there. So I have a great concern about the reality of the funds for the most important funding we do in this body, that of educating our children, that for health care.

Again, we are debating the appropriations bill that funds some of the most important things in the lives of families across this country. Certainly education is a top priority of every family. They have said they want us to make sure the Federal Government does its part to assure that every child, no matter who they are or where they come from, what their background is, what school they are in, gets a good education.

We have fought hard in this body on the issues that make a difference in a child's classroom. Last year, 1 year ago, this body, in a bipartisan way, with the House agreed in the final appropriations bill, the omnibus bill, to reduce class size. It is a major priority of this Congress and of this country. We appropriated $1.2 billion to reduce class sizes in first, second, and third grades. That decision was applauded across this country by parents, by teachers, by business leaders, and by communities.

Today, those teachers, nearly 30,000 of them, are teaching in our public schools. I had the opportunity last Monday to visit one of the classrooms in Tacoma School District. Tacoma School District has taken the class size funds we allocated and, in 57 first grade classrooms, they have reduced the class size to 15. I had the opportunity to sit down with those 15 children in the first grade classroom and talk to their teacher. She was ecstatic. She said, compared to a class she had worked in before with 27 children: I didn't know all of the kids. I didn't have the opportunity on a daily basis to sit down with them to find out where they were. I didn't have the opportunity as I worked with them throughout the year to make sure every child was keeping up.

She said: Today, with 15 kids in my classroom, and only 10 days of classroom time at the beginning of the year, I know where every child is. I know what their skills are. I know what they need to work on, and I can guarantee as a teacher that by the end of this year every child in my classroom will be reading, will have the basic skills, and will be able to move on to second grade ready to learn.

That is the goal we set when we allocated those funds 1 year ago.

That is why I was so saddened to see, in the bill that comes before us, no money allocated to continue that program to reduce class size in first, second, and third grades; no money; zeroed out; no money to continue those teachers.

Essentially, this bill fires the nearly 30,000 teachers who have been hired since 1 year ago who work in our classrooms to educate our students. This is an incredible step backwards. We did agree 1 year ago that we need to focus on kids in the early grades, that we need to do what we can to make sure that they learn reading, that they learn math, that they learn those basic skills so they can be productive in the outyears.

We know from the studies that have been done that reducing class size in the first, second, and third grades works. We know students from small class sizes have enrolled in more college-bound courses such as foreign languages and advanced math and science. We know students in smaller class sizes have higher grade point averages. We know students in small classes have fewer discipline problems. We know students in small classes have lower dropout rates. It makes sense for us to continue to make sure that class sizes in first, second, and third grades are reduced, and that we continue the commitment we began 1 year ago.

Our initial commitment was $1.1 billion. We agreed that we would add $200 million to that—that is the President's request—so that we can continue to expand and hire 8,000 more teachers. But under the bill that is before us, there is no money to reduce class size. There is no commitment to continue to hire those teachers or to retain those teachers.

Essentially, the language as written in this bill says we will fire 30,000 teachers at the end of this school year. Not on my watch. Not on my watch are we going to go back on a commitment we made 1 year ago. Not on my watch are we going to send a message to young students that we no longer care about making sure they get the basic skills they need; that no longer is this Senate going to stand behind the dollars and the commitments we made 1 year ago; that no longer are we going to tell teachers they can count on us and they can count on our word when we tell them this is the commitment we are going to make to them.

I have had the opportunity to talk with many teachers around my State and around my country. These teachers have been hired. They are in our classrooms. Forty-three percent of the teachers we have hired are teaching in first grade. Their class sizes are going to be reduced from an average of 22.9 to an average of 17.6 students—from 22 down to 17. And every teacher will tell you that for one less student they have in the classroom, the more time they have to spend with each individual student. Twenty-three percent of the teachers are teaching in second grade, and class sizes in second grades across this country are being reduced an average of 23.2 to an average of 18.1. Twenty-four percent of the teachers are teaching in third grade, and class sizes will be reduced from an average of 23.5 to an average of 18.3 for third graders in classrooms across the country.

The money we allocated last year is being spent. We are getting overwhelming responses from teachers, parents, business leaders, and communities that have this class size money in place and are beginning to see the results of it. They are ecstatic. These teachers are in the classrooms. They are teaching. They are appalled that we are going to go back on our word; that this money is not going to continue to be there so that we continue the commitment we made 1 year ago.

I have numbers from many of our States across the country where class size dollars have been put into place and where teachers are beginning to see the real results of what we did 1 year ago. I think one of the things we haven't talked about is the fact that when we put this program in place, we said—unlike the block grants, unlike many other programs—we want to make sure administration and paperwork are not going to hamper these dollars actually going into the classroom.

The class size money that we put into place last year takes one form for a school district—one form, and a few minutes of an administrator's time. That is all it takes for the dollars we allocated, the $1.2 billion going directly to hire teachers. This is real money being used in real classrooms. Unlike block grants and other programs that we have, we can keep track of where this money is. We know the money is being used to hire teachers. We know that a portion of it is being used to train teachers to give them the skills they need. We know the real money is being used in a way that we can come back and test it and hold it accountable and show that our kids are learning because of something we did in the Senate.

As a result of the work we did a year ago, 1.7 million children are now benefiting from smaller class sizes this year. More than 29,000 teachers have been hired with that money. Forty-three percent of them are teaching in the first grade, twenty-three percent are teaching in the second grade, and twenty-four percent are teaching in the third grade.

In Anchorage, AK, very far from here, they received $1.8 million under our Class Size Reduction Program and lowered their average first grade class from 22 to 18 by hiring 40 new first grade teachers.

If the District loses its funding under this bill, the 40 recently hired teachers will be laid off, and they will return their class sizes back to 22 students. And, more importantly, if it ends next year, little will have been gained.

According to Bruce Johnson, Deputy Commissioner of the State Department of Education and Early Development in Anchorage, a 1-year project, he said, generally doesn't yield dramatic results. In Mesa, AR, the Mesa public schools serving 70,000 students received $1.1 million in class size reduction funds. Half of it was used to hire new full-time teachers to reduce their class sizes, and the other half was used to provide reading instruction, an important goal for small groups of children.

Without these continued funds, we are facing a real dilemma. Superintendents are under the gun to get their class sizes down. But at the same time they have this concern about what will happen if they hire new teachers and the Federal money runs out. That is a quota, according to the executive director of the Arizona school administrator.

San Francisco, CA, has been working very hard to reduce class size in the early grades for many years, and they requested a waiver. I say that all the school districts that have requested a waiver have received one. Because they already focused their money on the early grades, they were allowed the flexibility under the dollars we spent last year, and want to continue to spend this year, to reduce class sizes up to the eighth grade.

With these funds, San Francisco hired 37 teachers and reduced their class sizes from 33 to 22. In English and in math, they reduced their class sizes to 20, and they used the funds to provide training for teachers on how to work effectively in smaller classes.

Whenever I talk to young students who are in a high school math class, they tell me the most frustrating thing they do in a day is have their hand raised for an entire 50-minute period and never get their question answered.

California has already focused their class size reduction money on the early grades. They had the flexibility under our language to reduce class sizes to make gains in K through eighth. Now kids don't sit through a 50-minute period raising their hand, with no answer given, and they don't go home at the end of the day not understanding what happened that day. That is progress because of the work we did, because of the flexibility we offered in this bill, and because we said our national goal is to reduce class size because we know it works.

In Boise, ID, they received $547,000 to hire 11 teachers as a result of the Class Size Reduction Program. Some of the teachers will circulate through 10 schools giving students extra help. We have heard from districts that it is a problem because they don't have the classes available to reduce class size. We have allowed them the flexibility, as in Boise, ID, having teachers circulate through the schools so the students get more one-on-one with an adult. Other teachers in Boise were placed in schools with high numbers of low-income students to reduce class size. Boise school administrators will have to lay off the newly hired teachers if they do not receive targeted funding next year. Idaho superintendent Marilyn Howard said this returning of some of our Federal tax dollars to our schools will help support districts' efforts to create smaller classes in the critical early grades.

It is our hope this commitment will continue beyond the current year. These teachers are in place. They are working. They are looking to Congress to see whether what we did a year ago was just an empty promise or whether we really meant it when we said that in the United States of America we want our kids to get a better education and we believe an important role of the Federal Government is to provide the partnership and the dollars to reduce class size. It is a very important goal, one that is achievable, one in which we can help to make the commitment, and one to which we can be held accountable at the end of the day. We know where those funds go. We know they don't go to administration. We know they don't go to expensive bureaucratic work. We know they don't go to a lot of paperwork. We know they go to hire teachers to go directly into the classrooms.

This money is helping. But in the bill before the Senate today, there is no money for class size reduction, no money whatever. Mr. President, 30,000 teachers will be fired as a direct result of this bill now before the Senate. I cannot stand by and let that happen. I know a number of my colleagues will not stand by and let that happen.

In Boston, MA, home of Senator KENNEDY, the Boston public school district received $3.5 million in funding to reduce class size. In the first year, the school district has reduced class sizes in the first and second grades from 28 students to 25 by hiring 40 new teachers. If the Boston public schools were to lose funding targeted to class size reductions, they would not be able to further reduce class sizes to 18 in the first and second grades and they would not be able to reduce class sizes in third and fourth grades, their objective. They would have to lay off all 40 teachers or make deep cuts in other areas of education.

That is not a choice we ought to be giving them. We ought to fulfill the commitment we made 1 year ago: Put the money in class size reduction, make the commitment to continue to work to hire 100,000 teachers across the country, and keep the promise everyone made that education is a No. 1 priority and we are not going to underfund it.

I know there are other colleagues who want to do block grants. I commend them for their ideas, their passion, and their commitment. If there is a need for additional funds for schools in the form of block grants, I am happy to hear those proposals. Yes, let's provide that additional funding. However, let's not take away the commitment we have made to reduce class size in the first, second, and third grades. It is a national commitment on which we need to follow through.

I think what we should recognize is that only 1.6 percent of the entire Federal budget goes to fund education. To take away this $1.2 billion is not the right way to go. I know that my colleagues several years ago passed a sense of the Senate which said we would increase by 1 percent a year the amount of money going to fund education. We have not done that.

If some of my colleagues want to offer a block grant, offer additional funds to schools, that is great. However, let's not take away the commitment, let's not take away the promise, let's not take away the investment that is in place right now with teachers hired, with classes being reduced, with young students in early grades across our country now knowing they will be able to learn to read, write, and do math by the end of first and second grades because this Senate, this Congress, in a bipartisan manner, 1 year ago said: We are going to make this happen. Let's not renege on that promise.

Mr. DURBIN. Will the Senator yield?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. DURBIN. I am also a member of the Appropriations Committee, and, like the Senator, I was disappointed yesterday. We have a chance with this appropriations bill to define our priority and to say to the American people whether or not we think education is important. I was startled—I think the Senator from Washington, as a former classroom teacher, was surprised as well—when a successful program to reduce class size that put thousands of teachers in classrooms across America was not funded in this legislation.

In my home State of Illinois, we will lose up to 1,200 teachers; nationwide, 29,000 teachers. It strikes me as not only odd but maybe a little bit embarrassing that we are saying to the American people as we start this new century, the first thing we will do for education——

Mr. GREGG. Regular order. I do not think the Senator may be yielded to for a statement.

The PRESIDING OFFICER. The Senator from Washington may yield for a question.

Mr. DURBIN. I was reaching the interrogatory phase of this statement, and it was just about to come to me when the Senator reminded me of the Senate rules. I thank him for that.

Here is the question: Should we in the Senate be kicking off a new century by announcing to America, when it comes to education, we will lay off 1,200 teachers in Illinois?

I will ask another question: Should we announce to America that in terms of education as a priority in the new century, we will kick it off by laying off 29,000 teachers? Would the Senator from Washington respond to that question.

Mrs. MURRAY. The Senator from Illinois is asking the question that every Member ought to be asking. Are we, by our votes on the floor of the Senate today, going to lay off nearly 30,000 teachers nationwide to whom we made a commitment 1 year ago to put into our classrooms, who are working today, who are making a difference today, who are connecting with young children one on one today? Are we going to turn around and say to them: Sorry, you no longer have a job?

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I yield.

Mr. DURBIN. The Senator is a former classroom teacher and follows the trends in education. The question I will ask her: Is the enrollment in schools in America declining so that we can get by with fewer teachers, even if we accept larger classrooms?

Mrs. MURRAY. To the contrary, in answer to the Senator from Illinois. In fact, projections say we will have 500,000 new students in our schools in the next year—500,000 new students. By firing 30,000 teachers, we will increase the classes most dramatically.

Mr. DURBIN. I ask the Senator from Washington: We are struggling to encourage people to become teachers because so many of our current teachers are retiring. Would it not be a disincentive if there were uncertainty about the commitment by the Federal Government for a program to reduce class size?

If the Republican appropriations bill on education passes and lays off 29,000 teachers, what kind of impact will that have on a young person who is trying to decide whether to take up teaching as a profession?

Mrs. MURRAY. I think the Senator from Illinois raises a valid point. We have a lot of young students today who would make outstanding teachers, who would be able to contribute to the future of this country in a very positive way by getting a teaching degree and being a teacher in one of our schools.

However, if we send the message today that teachers will be in an overcrowded classroom, they are not going to have the support, the backing of Congress and legislatures, and teachers will be sitting in overcrowded classrooms, my guess is, we will have a decreasing number of students willing to work in the public education system.

Mr. REID. Will the Senator from Washington yield for a question?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. REID. We are here now on the floor considering the Health-Education-Labor appropriations bill, a very important bill. The question I have for the Senator from Washington is this. It is my understanding what she wants is a vote, up or down, on whether or not this bill is going to allow the termination of 29,000 teachers or whether those teachers will have jobs. Is that the question we want to put before the Senate?

Mrs. MURRAY. Yes. The Senator from Nevada is absolutely correct. We want to be able to offer an amendment and have every Senator vote, up or down, whether or not they are going to continue to allow these teachers to be employed, to be working in our classrooms, or whether they are going to say: No, sorry; not on our watch.

Mr. REID. I ask a further question of the Senator from Washington. It is my understanding the Senator from Washington and the Senator from Massachusetts, who knows every rule of the Senate, and others who are on this side of the aisle are going to do everything within the procedural possibilities of this Senate to have an up-or-down vote on this amendment on this bill; is that true?

Mrs. MURRAY. Mr. President, in response to the Senator from Nevada, this issue is so important to me, it is so important to the children in our classrooms and the families of this country, that I will continue to offer this amendment every single hour until the Senate is out of session in November.

Mr. REID. I ask an additional question to my friend from Washington. We have been told by the leadership on the other side of the aisle, it is very important to move this legislation. In fact, they have set the date they want to complete it—by tomorrow night. As I understand the Senator from Washington, this legislation would move along very quickly if we had an up-or-down vote on her amendment. If we had an up-or-down vote on her amendment, we could go on and complete the bill very quickly; is that true?

Mrs. MURRAY. The Senator from Nevada is correct. To our colleagues who are wondering why we are debating and not offering the amendment, if I offer the amendment, it will be second-degreed and our colleagues will never have an opportunity to vote or make a statement whether or not they want to continue the funds to reduce class sizes. We are here to continue to talk about the bill. I am happy to do that. I have a lot to say. I know a number of my colleagues do as well.

Mr. REID. I have a last question to my friend from Washington. My friend from Washington speaks from her experience prior to coming to the Senate. It is true, is it not, she was a teacher?

Mrs. MURRAY. The Senator from Nevada is correct. I have been a preschool teacher. I have been a school board member. I have served in my State legislature, been on the education committee there, and I now serve on the Education Committee in the Senate. I have seen all sides of education. Probably most important, I have been a parent of two students in our public education system and participated in everything from PTA to all the activities that go along with being a parent.

Mr. REID. The question I ask to the Senator from Washington—I want to make sure everyone understands: We, the minority, are not stalling this bill. All we want is a simple up-or-down vote on whether or not we are going to lay off 29,000 teachers. We believe those teachers should have their jobs, should be able to keep their jobs. Is that the matter before the Senate?

Mrs. MURRAY. The Senator from Nevada is correct.

Mr. KENNEDY. I wonder if the Senator will yield for an additional question. As I understand, in the Senator's presentation, this concept and commitment to the smaller class size is not only based upon her own experience as a teacher and as a school board member but upon very important results of studies and evaluations of what they call the STARS Program in Tennessee. The results of that study indicate the impact on those children was rather dramatic in math and science, in reading, in reduction of disciplinary problems, and also the benefits of that experience actually carried on through the later grades, through the eighth grade, and actually were reflected in the increasing number of students who attended college.

The amendment of the Senator is based upon what I imagine is rather intuitive understanding of education, and that is, a teacher understanding the students and knowing their needs in a small class. But also, am I correct, this has been really one of the most important new results of various experiments that have taken place in the several States? Am I correct with that conclusion?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. Every parent knows smaller class size is important. It is the question they ask their children when they come home on the first day of school: How many kids are in your classroom? They ask that question because every parent knows the smaller the class, the better chance at learning.

But the fact is, we want our Federal dollars spent in areas that will really work. We have, as a Senate, looked at studies—the STARS study the Senator from Massachusetts just mentioned—and the fact is, when we spend Federal dollars and we are partners with our local districts in reducing class size, it makes a difference for our students.

As the Senator from Massachusetts said, students in smaller classes have significantly higher grades, as found in a STARS study that followed these kids from the early grades all the way through senior year in high school. In fact, in English, smaller classes had a 76.1-percent average—higher than these. In math it was higher, and in science it was higher. This is real. These dollars make a difference. It means students will learn the skills every one of us wants them to learn, and studies back them up. This money makes a difference.

Mr. KENNEDY. Am I correct also, last year when Congress went on record committing itself to at least the first year of the hiring of additional teachers, it really was not a partisan issue? At that time, as I understand it—I am wondering whether the Senator remembers it—the chairman of the House Education Committee said, essentially, on the proposal of the Senator from Washington:

> This is a real victory for the Republican Congress, but more importantly a huge win for local educators, parents who are fed up with Washington mandates, redtape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create a big new Federal education program.

This was said last year by the chairman of the House Education Committee, and similar words were used by House Majority Leader DICK ARMEY of the Republicans. Is the Senator aware that this concept was warmly embraced by Speaker Gingrich, Majority Leader DICK ARMEY, and Congressman GOODLING in the final hours of the last Congress?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. I remember the negotiations. I remember everyone coming out in a bipartisan manner, in fact struggling to get their press conferences before their counterparts in the other party, in order to take credit for the class size reduction.

Senator GORTON here in the Senate was part of those negotiations. As the Senator mentioned, the House chairman, a Republican, as well as DICK ARMEY, came out and said: We have made progress. We have done something that is important. We are behind the class size reduction. This is a commitment we are going to make.

So it is very surprising to me that the House has zeroed out money now and said it is no longer a priority, and here in the Senate bill we are doing the same thing.

Mr. KENNEDY. Is it the understanding of the Senator that the Federal participation is very limited, what we do in terms of our contribution to local school budgets—perhaps 7 cents, perhaps somewhat less than that if we consider actually the food? But it is a very small targeted amount; am I correct?

Mrs. MURRAY. The Senator from Massachusetts is correct.

Mr. KENNEDY. Therefore, what the Senator is driving at is to really target scarce resources in an area of education, as I understand it, that has demonstrated and proven to be, under every evaluation, effective in enhancing academic achievement; am I correct?

Mrs. MURRAY. The Senator is absolutely correct. What we did with these dollars is, we focused them directly in an area where we know it makes a difference in the learning of children. In addition, unlike many other Federal programs, we made sure it was not spent on bureaucrats or paperwork or administration. These dollars are targeted directly to the classroom. That is why it has been so effective. That is why it is so well loved by so many districts.

Mr. KENNEDY. I want to ask the Senator whether she is aware of an editorial in today's St. Louis Post-Dispatch illustrating how important class size is to St. Louis families. This is basically Mid-America talking.

I ask unanimous consent the whole editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Sept. 29, 1999]

ABANDONING SCHOOLS

First in the people's hearts, last in Congress' wallet. That's education. Poll after poll has confirmed that improving our schools is a top priority of Americans. The message has been so relentless that even Republicans (ever mindful of the 2000 elections) felt compelled to rethink their long-standing aversion to involving the federal government in local schools. "It's time to quit playing around the edges and dramatically increase the amount of money that we put in public education," Sen. Pete Domenici, chairman of the Budget Committee, vowed last spring.

Translation: The check is in the mail. Reality: Uh, we intended to pay for it, but now we don't have the money.

Why don't they have the money? Because, as Congress sheepishly waits until the final minutes of the fiscal year to do the unpopular work of tackling the budget, the spending bill that includes education, labor and health and human services was stuck last in line, where money was taken from it to fund other bills. "We've used the health and human services account as an ATM machine," fumed Senate Minority Leader Tom Daschle.

So many billions have been withdrawn from it that several education programs are frozen and an especially important one is in jeopardy.

Remember class size reduction? Last year there was a bipartisan commitment to spend $1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program. So when Congress says "seven years," the education translation is "until the ink on the headlines is dry." It is, as Rep. William L. Clay of St. Louis says, "a shameful abandonment." Thirty thousand of those teachers have been hired. Without the money that was promised, it becomes questionable how many can return next year.

The rap on public schools is, in most cases, a valid one: If your child is either ahead of or behind his peers, he's going to be lost in the shuffle of 25 to 30 children. If your child has some kind of learning disability, it may take years to zero in on it. And if your child doesn't learn to read and do basic arithmetic by the fourth grade, he'll be playing a losing game of catch-up for the rest of his academic life—which might not be very long.

It's hard to think of anything more obvious or more fundamental than the need for smaller classes in the early years. It's even more difficult to think of anything more unconscionable than bailing out a long-range commitment one step into it. Members of Congress, keep your promise. Give our children schools where teachers can teach and all students can learn.

Mr. KENNEDY. I would like to just ask the Senator to respond to this part of the editorial that says:

> Remember class size reduction? Last year there was a bipartisan commitment to spend $1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program.
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Does the Senator find this kind of expression that comes from Middle America, the heartland of the Nation, is really expressed in other parts of the country, western parts of the Nation, the great State of Washington which she represents, as well as in the other parts of the country?

Mrs. MURRAY. The Senator from Massachusetts is correct. I have not seen the editorial. It does not surprise me. I have seen similar editorials, like in Longview, WA, a very small rural community that understands the need to educate their kids because they can no longer rely on the timber jobs that were there maybe even a decade or two decades ago, and they know their kids need to know math and science so they can attract some of the high-tech industries that are coming in and seeing that those kids get the education they need.

I have heard from schools in Yakima, WA, a farming community, Everett, a suburban district, right in the heartland of Seattle, Garfield High School, where teachers have said to me: This money is critical, it is targeted, it is used for what we need to do, you can be held accountable for it; don't renege on a promise.

Mr. KENNEDY. We had some tragic experience in schools this last year, and all of us are trying to find ways of avoiding those circumstances. No one pretends the answers are going to be easy and are going to be solved virtually overnight. But is it the Senator's sense that by having the smaller class sizes that we not only are dealing with academic achievement, but we are also dealing with some disciplinary problems, and also since we are talking about K–3, we are also talking about the opportunities for teachers to interact with students and perhaps identify some of the younger children who may be faced with some tensions or some developmental difficulties early in the cycle and perhaps have some opportunities to address those particular children's needs?

Does the Senator also think this smaller class size can have some impact in terms of discipline and also in terms of the climate and atmosphere which exists in schools in this country?

Mrs. MURRAY. The Senator from Massachusetts brings up another extremely important point. I do not think there is a parent in America whose heart does not stop when they see another television show about another shooting and they worry about their own child.

The fact is, when kids are in smaller class sizes in the first, second, and third grades, their tendency toward discipline problems is reduced dramatically. It does make a difference.

More important is what a policeman told me not long ago. He said: I watch these families today, and a lot of kids are home alone essentially in the evening. The parents may even be there, but they are essentially home alone. They walk to school in the morning in a neighborhood where the blinds are closed and the doors are closed and not one adult looks out to see if they are OK. They walk to school without anyone paying attention. They get to school, where it is overcrowded, where the only adult in that classroom never has time to look them in the eye or see that they are OK.

This policeman said to me: These kids feel anonymous in today's world. It is no surprise they act out violently in order for someone to notice them.

Mr. KENNEDY. Finally, because there are other Senators who wish to speak, we will lose some 575 teachers in my State of Massachusetts. I have heard from the parents. I have heard from the school boards. I have heard from those communities that say this is certainly one of the highest priorities they have for this Congress.

I thank the Senator from Washington for bringing this matter back to the attention of the Senate.

Mrs. MURRAY. I thank the Senator from Massachusetts. I remind my colleagues that we are here today because we believe this issue is extremely important; that firing nearly 30,000 teachers, that reneging on our promise to reduce class size is the wrong way to go. We want this Senate to be on record, we want an up-or-down vote on this amendment, and we want this country to know we stand behind the commitment we made 1 year ago.

Mr. DORGAN. Mr. President, I wonder if the Senator from Washington will yield for a question.

Mrs. MURRAY. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, I was in the appropriations markup yesterday when the Senator from Washington was preparing to offer the amendment she now describes on the floor of the Senate. I asked the question at that point during the discussion whether the product from the Appropriations Committee that was brought to the committee yesterday, and now to the floor, would, in fact, require or allow or cause the firing of up to 30,000 teachers that had been previously hired under this program. I asked the question, I think, a couple of times, trying to understand, is there a deliberate effort to say we don't want to have a program with national goals or aspirations to reduce class size by hiring more teachers; we don't want to have that program. Is that the goal, to not have that program any longer?

I was not able to get an answer to that. But we now have the program. Is it not correct we have a program in which we in Congress said we will authorize and fund to try to reduce class size around this country in our public schools by adding some additional classroom teachers? We know that works. Study after study tells us that works, that it improves education. A teacher in a classroom with 30 students has substantially less time to devote to those students than a teacher in a classroom with 15. We know that. We know it works in every way to have smaller class sizes.

This Government already decided it wanted to have a program of that type. We funded it and authorized it last year.

Unless the amendment offered by the Senator from Washington is adopted, is it not correct that all across this country, we will see the dismissal of teachers who are now in the classroom helping reduce class sizes, improving education, because the resources will not be available any longer to fund that? And will that not be a significant step backward in our goal to improve public education in this country?

Mrs. MURRAY. The Senator from North Dakota is correct. If my amendment is not adopted, the result will be nearly 30,000 teachers nationwide will lose their jobs at the end of this year.

Mr. DORGAN. But is it not also correct—I continue to ask a question of the Senator from Washington, Mr. President—when we had this discussion yesterday, there was a proposal that perhaps a second-degree amendment would be offered, and they said: Well, we will offer some money that is in the form of kind of a block grant—they do not call it that—where they send some money back to the school districts and say: By the way, do what you want with this because we don't have any goals or aspirations with respect to how it ought to be used.

In other words, they say: Let us retreat from this program of reducing class size by hiring more teachers and improving education that way; let's decide we will send money but have no national goals.

Isn't that the case with respect to what was attempted yesterday before you decided to withhold your amendment for the floor of the Senate, that the second-degree amendment would have said: OK, we will provide some money, but we want to back away from the commitment of reducing class size as a part of solution to improve education?

Mrs. MURRAY. The Senator from North Dakota is absolutely correct. What the other side wants to do is offer a second-degree amendment that offers Senators a false choice. We want to make sure we keep those teachers in place and continue our commitment to reduce class size.

I say to my colleagues, if they want to create a block grant program that provides additional funds, go ahead and tell us what their goals are, tell us what the program is, tell us what the achievements are. But right now we have in place a program we know works, we know what the goals are, and we know it achieves what we want to see achieved in this country, which is increasing the basic skills of our young students and giving them a chance at the economy when they graduate one day.

Mr. DORGAN. Mr. President, if I may further ask the Senator from Washington, this issue is not new. Is it not the case that this issue has been debated for some long while? President Clinton proposed in a State of the Union Address some long while ago this national goal of improving our country's education system by reducing class size; that is, reducing the number of students each teacher would have in the classroom, and decided there are sort of niche funding areas where we can play a role.

It is true that most education funding comes from State and local governments. It is the case, and always should be, that those who run America's schools are our local school boards and those that make education policy in our States are the State legislatures. That is the case. No one suggests that ought to be different.

Mrs. MURRAY. The Senator is correct.

Mr. DORGAN. But it is also the case we can provide niche funding in certain areas through national goals we establish to dramatically improve education, and one of those methods is to say if we had more teachers, we could reduce the size of the classroom, the number of students per class. We know from study after study that dramatically improves the ability of students to learn in school.

The recipe for a good education is not a mystery at all. You have to have a good teacher, you have to have a student willing to learn, and you have to have a parent willing to be involved in that student's education. Those are necessary ingredients for education to work.

What about this notion of a good teacher? You have to have a good teacher and put that teacher in a position of teaching well in a school that is functional, not in a crumbling school or a crumbling building that is in desperate need of repair, and we know of plenty of those and are working on that, but also in a classroom that is not overcrowded.

I know the Senator from the State of Washington——

Mr. SPECTER. Mr. President, regular order.

Mr. DORGAN. My understanding is, the Senator from Washington has the floor.

The PRESIDING OFFICER (Mr. BURNS). If the Senator would withhold, the Senator from Washington has the floor, and she may only yield for a question.

Mr. DORGAN. Yes. The Senator from North Dakota understands that. I have been in the process of asking a series of questions. I have asked the Senator from Washington several questions. I was in the middle of asking her another question.

The PRESIDING OFFICER. Then the——

Mr. DORGAN. My understanding of the 12 o'clock issue is, there was to be no amendment offered prior to 12 o'clock; and it is now 12 noon. But that restriction has nothing to do with whether or not the Senator from Washington has and retains the floor of the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator may finish his question.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is it——

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. SPECTER. I am asking the Chair, isn't it correct——

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania, the Senator from Washington does have the floor.

Mr. SPECTER. Parliamentary inquiry. With 12 noon having passed——

The PRESIDING OFFICER. Does the Senator from Washington yield for a parliamentary inquiry?

Mrs. MURRAY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Parliamentary inquiry. Isn't it true that the hour of 12 o'clock having passed, that prohibition against offering amendments has lapsed and amendments may now be offered?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield for a question.

Mr. DORGAN. Let me just ask a final question of the Senator from Washington. I do this saying, first of all, that I have great respect for the Senator from Pennsylvania. I am a member of the Appropriations Committee, and I watched what he did yesterday in the area of education and health care and a range of other areas, where he tried to take resources that were rather limited and make the right investments with them. There are many areas on which I applaud the Senator from Pennsylvania and the Senator from Iowa. I think they deserve our accolades and applause for their work in a number of areas.

The Senator from Washington, however——

The PRESIDING OFFICER. The Chair——

Mr. DORGAN. Let me finish the question, if I might.

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that the Senator from Washington cannot yield for a statement but a question.

Mr. DORGAN. I understand.

I did not expect that the Chair or the Senator from Pennsylvania would have a problem with my complimenting the Senator from Pennsylvania. But I will cease and desist that.

Mr. SPECTER. I have no problem with that.

Mr. DORGAN. I have a question I want to propound to the Senator from Washington. Isn't it the case that while in some areas there has been adequate funding, in this area on the major initiative dealing with class size, we will have to fire classroom teachers around this country unless this resource is put back in the piece of legislation before the Senate?

Mrs. MURRAY. The Senator is correct. Unless we dedicate this money to the class size reduction bill we passed last year—that we continue it—those classroom teachers will be fired at the end of this year.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I will yield for a question.

Mr. DURBIN. I would like to ask the Senator from Washington the following question. It was my understanding it was the President's goal to try to recruit and train some 100,000 teachers across America in order to reduce the class size in virtually every community and school district in need of that. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. It is my understanding, because of bipartisan action last year—an agreement between Republicans and Democrats that this was a good goal—we appropriated $1 billion or slightly more——

Mrs. MURRAY. It was $1.2 billion.

Mr. DURBIN. And we went on to hire almost 30,000 teachers under the President's program. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. I would like to ask the Senator from Washington this question. Am I correct that the Republican leadership now is suggesting we abandon this program, we walk away from this program, and we lay off 29,000 teachers across the country in terms of at the end of this school year and not being retained after that?

Mrs. MURRAY. The Senator is absolutely correct. That is what the bill before us does.

Mr. DURBIN. I would like to ask the Senator from Washington, is this not analogous or parallel to the same debate we had about 100,000 cops on the street, where the President proposed working with communities and police chiefs and sheriffs so we would be able to have safer neighborhoods and safer schools by putting 100,000 cops on the beat?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. If I recall correctly—I would like to ask the Senator from Washington—at one point, after many thousands of these policemen had been hired and crime rates were coming down, did not the same Republican Party object to extending the President's 100,000 COPS Program and say we should give this money to States and they could decide what to do with it?

Mrs. MURRAY. I recall the same effort; correct.

Mr. DURBIN. I would like to ask the Senator from Washington, there seems to be pattern: Instead of trying to meet the goals of 100,000 cops to reduce crime or 100,000 teachers to reduce class size, is it not the case that the Republican majority, time and again, wants to stop the President's programs for more cops and more teachers?

Mrs. MURRAY. The Senator from Illinois is correct.

I continue to add, what we have seen is what we call block grants proposed under the guise of: Well, we are letting the local people decide where the money is going to go. All of us want that to happen. All of us want local people involved in the decisionmaking. But what I have seen in the almost 8 years I have been here is that block grants are reduced dramatically. In fact, the title I funds, under the current bill—when we look in the block grants—are being reduced. So it is pretty easy to reduce a block grant. It is a lot harder to fire 29,000 teachers.

Mr. DURBIN. I would like to follow up on that with a question.

The Senator from Washington is not only a leader in education but is a former classroom teacher. I don't know that many of us—I certainly cannot—in the Senate can claim to have that background when we address this important issue.

So I would like to ask the Senator from Washington, as perhaps one of the few, if not the only, classroom teachers on the floor of the Senate, whether there is any importance to the President's priority of saying, we are going to try to fund 100,000 new teachers and reduce class size, as opposed to some other way this money might be spent?

Mrs. MURRAY. I say to the Senator from Illinois, my experience not only as a teacher but as a parent and school board member and a State legislator working on education is that this initiative has made more of a difference in classrooms than anything I have seen in a number of years. Reality: New teachers hired; smaller class sizes; kids getting the attention they deserve. The reality is that our tax dollars—the moneys allocated under this program—are making a difference. They are making a difference for 1.7 million children right now.

Mr. DURBIN. Is it not true—I would like to ask further of the Senator from Washington—that most, if not all, of us believe there should be accountability in education, accountability by students with their testing, by teachers in terms of the results, by parents in terms of their involvement, and that if we accept the Republican approach, which basically says, let's block grant the money, let's give it in large sums to the school districts, and not hold them accountable in terms of teachers and class size, we are not meeting this national goal?

Mrs. MURRAY. We are not meeting the national goal. And we have no way, as people allocating this money, to know where it went, how it was spent, whether it is on paperwork or bureaucracy or administration. We will not have any way to show that it makes a difference in our kids' classrooms, whether it increases test grade scores—which is a goal for everyone—and we will not know whether this is going to make a difference in a child's learning.

When we put these teachers in the classrooms, we can follow those kids in those classrooms, and we will know for sure, as the years go by, that these dollars make a difference. We will be able to look at those kids, and we will know.

Mr. DURBIN. Further inquiring of the Senator from Washington, if we are going to talk about accountability and results in education—and we have a program where school districts will be held accountable, Senators will be held accountable in terms of reaching the goal of 100,000 new teachers, and we can measure how many teachers are being hired, we can measure class size, and results—are we not going to lose accountability if we accept the Republican approach of basically just sending the money, with no strings attached, to the school districts?

Mrs. MURRAY. The Senator from Illinois is correct; we will not be able to. If our proposal is second degreed, we will not be able to win my amendment and we will not have any accountability. We will not know a year from now how that money was used; we won't know if it made a difference. We will have no accountability; and, frankly, we will not see class sizes reduced in a way that we want them reduced. We know it is important.

Mr. DURBIN. The last question which I will ask of the Senator from Washington: Is it true, you are on the floor leading this debate because of one simple request, and that is that the Senate go on record—yes or no—with a rollcall vote printed for the RECORD to see whether or not we are going to continue this program to move toward 100,000 new teachers in America and lower class sizes, and at this point in time—I hope it changes—there is resistance to that up-or-down vote from the Republican majority?

Mrs. MURRAY. The Senator is absolutely correct. I want an up-or-down vote on this amendment. I want the Senate to be held accountable for their vote on this. I want to be assured that we actually have an opportunity to move to do this amendment without rule XVI applying.

I went to the appropriations subcommittee hearing the night before last. We could not offer any amendments in committee yesterday, as the Senator from Illinois knows; he was there. We were unable to offer this amendment. It was going to be second degreed. The chairman of the committee pleaded and begged that no amendments be offered, that we do it on the floor. Now we get to the floor. I am going to be second degreed. We will never have a chance for an up-or-down vote and rule XVI may or may not apply. The Senate will never be on record.

I want our colleagues to vote. I want us on record. I want the American public to know who wants to make sure that we continue the promise we made, the commitment we made 1 year ago, to reduce class sizes in first, second and third grades.

Mr. KENNEDY. I have one final question, if the Senator will yield for a question.

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. Correct me if I am wrong. The Department of Education has estimated that we are going to lose 2 million teachers over the next 10 years, which is 200,000 teachers a year. At the present time, we add 100,000 teachers a year. So we are basically in a 100,000 deficit, as I understand it, at a time when we are seeing the total enrollment for students increase by half a million. Is that the Senator's understanding as well.

Mrs. MURRAY. The Senator is correct.

Mr. KENNEDY. So we are falling further and further behind at the start of this discussion and putting our children in jeopardy without the amendment of the Senator from Washington. It seems to me, for the excellent reasons she has outlined, in terms of quality of education enhancement for children in grades K through 3, that as a matter of national purpose and national priority, this has a sense of urgency.

Mrs. MURRAY. The Senator is absolutely correct. In fact, we know there is going to be a teacher shortage. We need to make sure young people want to go into a career in education. If we are going to tell them they are going to be in a large class, in a crumbling school, and will not have the support at all levels—local, State, and Federal—we are going to have a hard time recruiting those teachers we drastically need.

We do know if we tell our young people that we are going to reduce their class sizes so they can really do the professional job we have asked them to do, and we have a commitment that we are not going to renege on every year, that we believe in this, I believe we will be able to recruit young, great students into the teaching profession, and I think we have a lot of work to do on that. Certainly this is a commitment we need to make.

Mr. President, the majority leader has indicated that he is willing to discuss with us a way to move forward on this.

At this time, I am happy to yield the floor in order to move to that.

PRIVILEGE OF THE FLOOR

Before I do, Mr. President, I ask unanimous consent that the privilege of the floor be granted to Emma Harris, who is a congressional fellow in the office of Senator EDWARDS, during the pending Labor-HHS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have heard a great deal of talk about class size. There has been an absence of recognition that the bill provides $1.2 billion for teacher initiatives, which may well be defined as class size, where the authorizing committee works. We have heard a castigation about failure to fulfill a promise for the discharge of teachers, which is factually untrue. There is currently $1.2 billion to fund class size reduction on an authorization which was contained in last year's appropriation bill.

This year's appropriation bill includes $1.2 billion on what is called a teacher initiative. So when a number of Senators have talked about the desirability of reducing class size and what that does for education, that is something to which this Senator agrees. That is something the subcommittee agrees with, the full committee agrees with, and is not a partisan issue. It is not a matter that the Democrats say we ought to have small class sizes and the Republicans say there ought to be large class sizes. That is not an issue at all. There is not a controversy.

It is not a controversy that there is any reneging on a promise to take out the $1.2 billion to discharge many teachers. That is simply not factually correct.

The fact is, this appropriations bill contains $1.2 billion.

Yesterday, the Senator from Washington, in the committee, offered an amendment for $1.4 billion. So there was an increase of $200 million, and the Senator from Washington offered that amendment without an offset. This bill is already at $91.7 billion, which is at the breaking point, maybe beyond the breaking point of what this body will enact or what may go through conference. In the absence of an offset, the priorities are not subject to be rearranged, at least in my opinion.

There has been an objection made, understandably, by Senator JEFFORDS, who is the chairman of the authorizing committee. That is the role of the authorizing committee.

Yesterday, there was talk about Senator GORTON. Senator GORTON introduced or was prepared to introduce a second-degree amendment, which would have appropriated the $1.2 billion, subject to authorization, and if the authorization did not occur, then the $1.2 billion would be given to the States. They can make a determination as they see fit in a block grant concept, allocating it to class size or teacher initiative or whatever it is the States decided.

My preference is to see that the $1.2 billion stays in the area of class size and teacher initiative, but that is a matter for the authorizers.

I understand the Senator from Washington wants an up-or-down vote, but the rules of the Senate permit another Senator like Senator GORTON to offer a second-degree amendment. When the Senator from Washington says she is prepared to stay until the end of November to reoffer her amendment, she is entitled to do that. Senator GORTON is entitled to continue to offer a second-degree amendment, if he decides to do that. Those are the rules of the Senate. Nobody is entitled to an up-or-down vote if another Senator wants to offer a second-degree amendment.

Now, it may be that Senator GORTON and others will yield and will allow an up-or-down vote. I am not sure how that will work out, but it is not a matter of right. No Senator has a right to an up-or-down vote. A Senator has a right to follow the rules. Senator GORTON has a right to the rules, just as Senator MURRAY has a right to the rules.

It is simply not true that there is a reneging on the commitment for $1.2 billion. It is in the bill. It is categorized as a teacher initiative. That is another way of saying class size, or it is another way of saying what the authorizers may do by way of specifying how the $1.2 billion is to be spent.

We have a deadline of September 30, the end of the fiscal year, to finish our work. We had the Senator from New Hampshire, Mr. GREGG, call for regular order. I called for regular order. You can articulate questions which are speeches, a lot of speeches that have consumed more than an hour. It is my hope that we can proceed with this bill, proceed with the rules of the Senate, and move to let the Senate work its will.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the comments made by the Senator from Pennsylvania, who has worked so hard to bring this bill to the floor. The bill has been so distorted in its presentation from the other side for the last hour and a half, and the Senator from Pennsylvania, in fairly quick terms, disposed of that distortion. But let me reinforce the point that was made.

There is $1.2 billion in this bill for teachers—teacher activity. It is not an authorized program in the bill because this is an Appropriations Committee, and it doesn't authorize.

I find it a bit unique to hear the ranking member of the authorizing committee come to the floor and say that he wanted it as an authorization on this appropriations bill when 2 weeks ago—or 5 weeks ago now—we passed an amendment in this body which said we weren't going to authorize on appropriations bills.

So the chairman of this subcommittee has appropriately put the money in for teacher assistance—$1.2 billion. And he has not authorized, which is the proper way to proceed.

On the issue of class size itself, there are disagreements. Time and again, we heard in the speeches from the other side how they were going to tell the local school districts how to run their business. There is no longer any sugarcoating of this issue. The fact is that the proposal from the other side of the aisle, which originated with the White House, is a proposal specifically directed at telling local school districts how to run their local school districts. We heard terms such as: How can we pass the language in the appropriations bills when there are no strings attached? The Member from the other side said that. How are we going to know it works if we don't put strings on?

Yesterday, in the committee, the junior Senator from Washington, Mrs. MURRAY, stated as a metaphor: Well, this is like a parent who gives a child an allowance. If you do not tell the child how to spend that allowance, how are you going to know how the child spends it? She might go out and buy candy instead of buying school lunches. That was the metaphor used in committee yesterday.

I point out that the Federal Government is not the parent of the local school districts. The parent in this instance happens to be the parent of the kids. They are the parents. They are the ones who should be making the decision as to how the money gets spent. We are not the parents.

We are not the local parents for every school district in the country, although that happens to be the view of the Democratic minority in this House and the White House. They are the great fathers from Washington who come down into the school districts, and say: Oh, school districts. Give us your money so we can take it to Washington, and, by the way, spread a little bit of it out among the bureaucracy in Washington. And then we will send you back some percentage of your money—

maybe 85 cents on the dollar, if you are lucky—and then we will tell you how to spend the money. That is the theory that comes from the other side of the aisle.

This class size proposal is the ultimate example of that because where do they get the money for the class size proposal? They took it out of special education dollars, which essentially meant that local money which was supposed to be used for local decisions—whether it was to add a new teacher for a school or to add a new wing to the school or to add a new computer program to the school—that local money was lost because it had to go to support special education needs which were supposed to be supported by the Federal Government, while the Federal Government came and took the special education money and put it into a classroom program and said: Here, school district. In order to get your money, you have to take our program as it is presented to you, and in no other way. You must accept a class size program in order to get your money back, money which you were supposed to be getting to begin with to help you with special education dollars, for example.

The whole theory of this class size proposal, as it comes from the White House and on the other side of the aisle, is flawed because it essentially is the theory that says Washington knows best. You either do what Washington says or else you are not going to get your money back from Washington—your hard-earned dollars you sent here.

We, however, take a different approach on this. We suggest that when you send money to Washington—unfortunately it still goes through bureaucracy—when you get it back, especially in the area of education, the teachers, the parents, the principals, and the local school districts know best how to spend it.

Yes, we are going to put in some very broad parameters that basically go to quality. But we are not going to exactly tell you that you must hire a new teacher. Rather, we have proposals such as the TEA bill, which passed the House, which I hope will pass here, which says for this money—$1.2 billion—if you want to hire a new teacher, fine, but if you want to train your present teachers to be better math teachers, you can do that, too. Or, for example, if you have a really good teacher, maybe in the sciences, and a lot of pressure is being put on that teacher to move out of the classroom and into the private sector because they can make so much more, you can use the money to give that teacher some sort of bonus in order to keep them in the classroom where they are doing such good.

Give the local communities flexibility. Let's give some credibility to the idea that the teacher, the principal, and the parent actually know what is best for the kid; that maybe the President does not know what is best for every classroom in America; that maybe the Department of Education does not know what is best for every classroom in America. Maybe it is the people in the classroom and the parents, who have a huge interest in what is happening in this classroom, who know a little bit more about what is happening in that classroom and what the adequate allocation of resources should be.

Our proposal is that we put this $1.2 billion in the context of flexibility. Make it applicable to teachers, make it available for teacher activity, but do not say you must hire a teacher.

Remember that this is not a debate over money, although some will try to characterize it that way. In fact, this bill brought forward by the Senator from Pennsylvania exceeds the President's request in education by almost $.5 billion.

In this account—the issue of the teachers account—the money is the exact same. What the President asked for and what we have in this bill is $1.2 billion.

It is not an issue of money. It is an issue of power and who controls the dollars and who makes the decision over how those dollars are spent. We happen to think the parent, the teacher, the principal, and the school district should have the power. The other side thinks they should have the power—specifically right here in this Chamber, with no strings. They have to have strings attached—from that desk right over there; that desk three rows up and two desks over—running from that desk out to every school district in the country; thousands of strings all over the country running out of that desk telling Americans how to spend that money and how to control the classroom. Then we are going to reel in those strings. And when we find at the end of the string that somebody did something we don't like, somebody from that desk three rows up and two desks over will say: You are not educating your kids correctly, and we know how to do it better. So we are going to take your money away. Here, we are cutting this string right here.

That is not right. Let's send the money out to the schools. Let's let the parents make the decisions. Let's let the teachers make the decisions. Let's let the principal make the decisions within the context of requiring quality.

While we are on the subject, let's talk a little bit about this mythology—that is what it is, mythology—that class size isn't the issue. This has been polled. That is the reason this is being put forward. This is a polling event. It has nothing to do with the substance of the studies that have been done on the education.

They keep quoting the STAR study out in Tennessee. The STAR study has been reviewed by a lot of other studies, including the STAR study itself. The conclusion has been that it isn't so much class size that is important, but it is quality of the teacher that is important. One of the conclusions in the Tennessee study was that if you had first-class teachers for 2 or 3 years, then those students' ability to do the work was improved dramatically. It not only was improved dramatically for the years they had first-class teachers, but it carried forward for 3 or 4 years after they got a really good teacher. That ability of that student went up. It wasn't size of classrooms so much as quality of teachers.

That is what our proposal does, the TEA proposal that goes to the issue of quality teachers and trying to keep quality teachers in the classroom, and letting the local school districts decide who is the quality teacher and who isn't.

It does no good to put a child in a classroom—whether it is 18-to-1, 15-to-1, 10-to-1 or 25-to-1—if that kid is being taught by a teacher who does not know anything about the subject they are teaching or who is an incompetent teacher. It simply doesn't do any good. The child doesn't learn anything because the teacher doesn't know the subject or the child isn't able to communicate with the teacher because the teacher doesn't have the ability to communicate effectively with children.

Class size is not the critical function. It is whether or not that teacher knows the subject and knows how to communicate it and deal with the children. That has been the conclusion of study after study. If we are citing studies, there was an excellent study done by the University of Rochester which has led the subject for years. They looked at over 300 other studies on the question of class size and teacher quality. The first conclusion of that study by Professor Hanushek was that class size reduction has not worked. The second conclusion was that Project STAR in Tennessee does not support overall reduction in class size except perhaps in kindergarten. Remember, this study looked at 300 other studies. Third, the quality of teacher is much more important than the size of the classroom.

That study is not unique. He looked at 300 different studies.

In the State of Washington, there was also a study which came to the exact, same conclusion. In my own State of New Hampshire we did a study. The New Hampshire Center for Public Policy Studies did the same study and came to the same conclusion. A study in Boston dealt with a charter school and found the same. Studies have been done. The evidence is absolutely clear. It is not size of the classroom; it is quality of teacher.

Yes, size may play a marginal function. So we may ask, isn't it obvious size has an impact? We all can agree that size has a small impact but size has been addressed in most States. The President's initiative said we had to have an 18–1 ratio in class size. That is what his goal was. Maybe Members haven't been out of Washington to look at the school systems; maybe they are getting their information from the Education Department or their teacher union friends. But the fact is 42 States have an 18–1 ratio in class size; 42 States already meet the class size requirements. What those 42 States need is a better effort in producing high-quality teachers. What we have in this country is a severe lack of well-trained teachers, teachers in the classroom who are not capable and not doing the job in core disciplines and in areas of education communication. That is where we need help. That is where our teachers need help.

More than 25 percent of the new teachers entering our schools are poorly qualified to teach; 1 out of every 4. Mr. President, 12 percent of the teachers entered without any prior classroom experience; 14 percent of the teachers entered our Nation's schools having not fully met the State standards. In Massachusetts alone, 59 percent of the incoming teachers failed the basic licensing exam; 96 percent of those who retook the exam failed again.

The issue is not numbers in the classroom. The issue is quality of the teacher, how to get a good teacher into the classroom. This is especially true in mathematics and science where we have a dearth of the talent we need because the teachers are not being adequately trained and science moves so quickly they can't stay up with the science. Forty percent of the math teachers in this country do not have a major or a minor in the field in which they teach.

Tell me how it will help a student to be in a classroom with a teacher who has not had algebra, who has no major in algebra, maybe didn't even take algebra? How does it help a student, whether there are 10, 15, or 20 students in the classroom, if the teacher doesn't understand the subject matter? Clearly, we are not going to help the student no matter how many kids are in the class.

The issue is not class size. The statistics prove it is not class size. Studies show it is not class size. Even the Tennessee study referred to by the Senator from Massachusetts shows it is not class size. The issue is quality. Yet the President's program and the program of the junior Senator from Washington says to the States: States must reach this ratio, and if they don't reach this ratio, we will take your money away to some other account. And you must hire a teacher to get your money back—the money you sent to begin with.

We say that is foolish. It is intuitive. It is obvious if you have a school district with parents involved, teachers involved, principals, and school boards involved, they will know whether they need another teacher or they will know whether they need another classroom or they will know whether they need another computer science lab or they will know whether they have to send some of their teachers to educational classes that might help them in their capacity to handle certain subjects, or they will know if they have a teacher about to leave whom they think is good and they want to teach. The local school district will know these things. These people are not out there committing their lives to education in order to bring down education. These people are well-intentioned, well-purposed, well-meaning, sincere, hard-working individuals who work in our schools. Yet we treat them, as the Senator from Washington described yesterday in committee, as if they were children getting an allowance.

It is insulting to them, No. 1. No. 2, it doesn't work. Obviously, these folks who are running our schools should be given the flexibility to make the decisions within certain parameters so they can do what they think is best for the school district. The parameters we laid out are quality parameters set not by the Federal Government but set by the States. We say: State, you can have this money, but you have to meet certain quality standards and you set those quality standards and test for the quality standards. When you fail to meet the quality standards, you have to take action to correct it. If you don't correct it, then action can be taken by the Federal Government, but not until the local community has had a chance to meet its decisions in the context as to what it sees as its problems. That is a much more logical approach to all of this.

I know the Senator from Arkansas is one of the leaders on this subject and wants to speak. I could go on for quite a while because I find the arguments on the other side to be so outrageous and so arrogant in their viewpoint which is: We know best for school districts of America. We know best because we happen to be elected to the Senate or elected President of the United States. We know what is best at the local school districts.

That is outrageous. This is not about money. The money is in the bill, $1.2 billion. It is there. The Senator from Pennsylvania has been extremely aggressive in funding education. We have on all sorts of accounts exceeded what the President requested. This is about power and the fact there are interest groups in Washington, specifically major labor unions and the education bureaucracy, who want to control the curriculum and the school activities and the educational structure of our elementary schools across this country. They don't want to give up that control. Every time they create a new program, it is directed at control from Washington, telling the local districts how to spend their money. That is what it is about.

We put forth proposals which are aggressively funded which do the opposite: We empower the parent; we empower the teacher; we empower the principal; we empower the local school district. That is the way it should be done and that is the way we improve education.

This is a debate which I enjoy engaging in because I believe it is fairly obvious that proposals from the other side are misdirected and do little to improve education—maybe a lot to improve the power of the local unions, the national unions, and the national education lobby, but they do nothing for local education, whereas our proposal does a great deal to help the local school districts help their kids get a better life, a better education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I certainly associate my remarks with those of the distinguished Senator from New Hampshire who truly has displayed not only great leadership but great expertise on this whole subject area, and who, I think, very eloquently and very articulately explained the differences in philosophy and approach, and while sincere, the misguided efforts of the proponents of this amendment.

I take a few minutes to make a couple of observations about what the other side said about their amendment and then will outline my objections and what I think are the flaws in the approach advanced by the Senator from Washington. Certainly, I think Senator GREGG was right. The Republican approach is superior because it emphasizes the qualities of the teacher, not simply putting more teachers out there.

I recall very well, in the third grade, when there was an overabundance of third graders in a small rural school in Arkansas that I attended, we were placed in the second grade class. There were 7 third graders placed in the second grade class. Our teacher, Mrs. Hare—I remember her well—had 30 students in her class: 23 second graders and seven third graders. It was not an ideal situation by any means. It was not what anybody desired. We would have liked it if they had smaller classes. But I will tell you this: I am glad I had a quality teacher and that quality teacher was able to turn what would have been a disadvantage in having a combined class into an advantage for every student in that classroom. It is far more important that we have good teachers, qualified teachers, and teachers who have a heart for those students than it is for us, with a command-and-control approach from Washington, DC, to simply put more teachers out there and hire more teachers at the Federal level.

It struck me that the Senator from Washington, in her arguments on behalf of her amendment, wanted to have it both ways. In one breath she said: The Class Size Reduction Program was dramatically effective, so effective that we had to continue it. In virtually the next breath she said: Yes, it is impossible in 1 year to judge the effects of the program; therefore, we need to fund it again so we can give it time to judge its effectiveness.

You cannot have it both ways. So I think, as in many of the sincere arguments from the other side, they are, in fact, quite misguided.

Let me outline a few of my concerns. Senator GREGG rightly pointed out it is a one-size-fits-all approach; it is a command-and-control educational system in which the Federal Government micromanages what the local school districts can and should be doing. It is highly inflexible.

Lisa Graham Keegan, from the State of Arizona, who is one of the great education reformers in this country, stated recently that:

> President Clinton made it abundantly clear that he decided smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn.

Time and time again, I heard the other side say they have lots of conclusive studies, that reduction of class size inevitably improves educational achievement. But I have heard very few studies cited, other than one, in fact, from the State of Tennessee.

She continued:

> Nevertheless, because [smaller] class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

There, I think, is the flaw in the argument. Because it helps in some situations does not necessarily mean it is the panacea for educational reform across this country.

Second, I believe the approach cited by the Senator from Washington will reward States that have failed to address this issue. Education is primarily a State and local issue. Most States now address class size. In fact, 25 States have had class size reduction initiatives: California, Virginia, Florida, Wisconsin, Tennessee, and on and on. Twenty-five States have already addressed this. Yet this Federal program, in which we fund from the Federal level 100,000 new teachers, basically says that failure to act will be rewarded by the Federal Government stepping in and assisting States. So it has a negative incentive. It rewards States that have failed to address this issue.

Third, it creates either a new entitlement program or an annual battle such as we have now had for two successive years in the appropriations process, pulling the rug out from under school districts that have hired teachers based upon this Federal program. It is a Band-Aid approach to a more systemic problem. It will either create a new entitlement which we feel obligated to keep funding year after year after year because school districts have acted on the basis of this Federal program, or we will go through this annual exercise, the schools never knowing for sure whether or not there is going to be this Federal program, and therefore we would be accused of pulling the rug out from under them.

The Democrats keep mentioning we need to fulfill the promise we made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program at $1.2 billion. I simply ask the question: What happens if we do it this year and next year? At the end of the 7 years, what happens?

I will tell you what will happen. Every school district that has acted on the basis of this program will be saying: Reenact it, keep on because we are now dependent on this Federal program for the hiring of teachers.

As usual, in Federal education programs, it will continue to grow from year to year. It will become a new restrictive program that places more regulations on the localities and further contributes to Federal oversight of a local issue. Many school districts in Arkansas have declined to participate simply because of the amount of red tape and bureaucracy involved in the program. In fact, it feeds Federal dependence. It encourages those schools to look to Washington for funding. It encourages schools into a kind of Federal dependency.

No. 5, needy, small districts oftentimes do not even qualify for one single teacher. I think one of the saddest results of this legislation was that some of the neediest school districts, because of their size, were unable to qualify for even one. They were unable to form the consortia required to allow them to receive even partial funding for additional teachers. So in a State like Arkansas those schools that are the neediest are those that are least able to avail themselves of this program.

I might add, we have heard time and time again from the other side that failure to pass the Murray amendment will result in the firing of thousands of teachers across this country. That is not the case. Funds are only now flowing into the school districts from last year's Omnibus Appropriations bill. It is for this school year the teachers who have been hired are already funded, all the way through to the end of this school year. The way this should be addressed is through the Elementary and Secondary Education Act, which the education committee is addressing, and they will be bringing forth a reauthorization bill. That is the proper way for this issue to be addressed. But the issue of firing teachers, that is an absolute red herring; no teacher will be fired by the passage or failure of the amendment before us today.

I might add also, listening to the other side, you would think when the $1.2 billion, 1-year appropriation for this program was enacted last year, that there was bipartisan, universal consensus that this was what we ought to do. That was far from the case. It is a revision of history. The fact is, when the Murray amendment was offered last year, it was defeated on the floor of the Senate, and it was only in the huge omnibus appropriations bill at the end of the session that, in order to reach an agreement with the President to prevent a Government shutdown, there was a resolution of the issue by a 1-year funding of the program. But there was not a 7-year authorization under ESEA, nor was there ever any consensus of this body that this was a proper Federal approach.

The sixth reason I think this is a flawed approach is, while it is very expensive, it will make minimal difference in academic achievement. We have already discovered decreased class size oftentimes does not result in any marked improvement in achievement. Between 1955 and 1997, school class size has dropped from 27.4 students per classroom to 17 students per classroom, according to the National Center for Education Statistics. The number of teachers has grown at a far faster rate than the number of students.

Mr. SPECTER. Will the distinguished Senator from Arkansas yield for a unanimous consent request?

Mr. HUTCHINSON. I will be glad to yield.

Mr. SPECTER. I thank my colleague.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 1 p.m. Senator MURRAY be recognized to offer an amendment relevant to additional teachers, and following reporting by the clerk, the amendment be laid aside, and Senator GORTON be recognized to offer a first-degree amendment.

I further ask unanimous consent that the time between 1 p.m. and 4 p.m. today be divided equally for debate on both amendments, and the vote occur on or in relation to the Gorton amendment, to be followed by a vote on or in relation to the Murray amendment, at 4 p.m., and any rule XVI point of order be waived with respect to these two amendments only.

I also ask unanimous consent that no second-degree amendments be in order to either amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent when Senator

HUTCHINSON concludes, the distinguished chairman of the Appropriations Committee be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I only have a few more remarks.

The point I was making, my sixth point, is why I think theirs is a flawed approach. The evidence is very clear that a simple reduction in class size does not improve academic achievement. In Arkansas, we have seen enrollment decrease from 1970 to 1996 by only 1.3 percent, but there has been a reduction in the number of students.

Mr. REID. Will the Senator yield?

Mr. HUTCHINSON. I would like to yield, but I have a number of points I want to make before I wrap this up.

Mr. REID. We want to clear up who controls the time on this side so there is no confusion later. Can we do that quickly?

Mr. HUTCHINSON. Sure.

Mr. REID. Time will be controlled by Senator MURRAY on this side.

Mr. SPECTER. Acceptable.

Mr. HUTCHINSON. Mr. President, if I may return to the State of Arkansas where we had a reduction in the number of students by 1.3 percent over the 25 years from 1970 on; the number of teachers grew by 17,407 in 1965 to almost 30,000 in 1997. That is an increase of 70 percent in the number of teachers, while we saw a decrease in the number of students. That is dramatic class size reduction.

Unfortunately, we have not seen a comparable increase in academic achievement. I believe, if you look nationwide, that will be the story in State after State. While student-teacher ratios have decreased, we have not seen a comparable increase in academic achievement. Why would we then put this huge investment, dictating from Washington what the solution should be?

If I were to make no other point in these remarks, it would be this seventh concern, that a one-size-fits-all approach from Washington will actually have a negative impact on the poorest students in this country. It will actually penalize poor children in districts across this country.

The L.A. Times, in an editorial entitled "Class-size Reduction Doesn't Benefit All; Quality Teachers Gravitate to Upper-Income School Districts, While Inner-City Students Lose Out"—it is an interesting phenomenon. Because of the influx of Federal funds to hire teachers, the result has been inner-city schools and poor school districts that can compete less effectively with larger and more affluent schools are actually penalized under this proposal.

The L.A. Times editorial said it very well:

> A substantive reduction in the size of classes in the lower grades for virtually every one of California's public elementary schools triggers a frenetic stirring among the existing teacher force. Schools post job openings for the newly created classrooms. Teachers apply to multiple sites, some more attractive than others. The more attractive schools—those in middle to high-income communities—receive stacks of applications along with well-honed cover letters. The least attractive schools—poorly performing schools in high poverty areas—scrape far fewer applications from their mailboxes.

That is the phenomenon. As so often is the case when we have a federally initiated program trying to decide in Washington, DC, what is best for local school districts all across this country, we have unintended consequences, and the tragic unintended consequence of this program has been that the poor school districts, the inner-city school districts, are those that have been penalized while the more affluent and middle-class communities have prospered under this program.

Randy Ross, vice president of the Los Angeles Annenberg Metropolitan Project, in testifying before our health committee in the Senate, noted this phenomenon. He said:

> One would think [that] . . . a policy that benefits all teachers would benefit all children—rich and poor. But for reasons that are all too clear, such is not the case with the wholesale reduction in class size. . . . I believe the federal government ought to take the moral high ground to insure that government spending helps poor children, and never, ever hurts them.

That has been the tragic result of this program, that poor children are the ones, in fact, who are penalized.

Senator GREGG rightly said the issue is not money. There is $1.2 billion set aside in this bill for teacher initiatives, including the hiring of additional teachers, if that is what is necessary. That is the better approach, where the local authorities have an option as to how those Federal funds should be spent.

Frankly, in the area of IDEA, we have made an enormous commitment, but we have failed to meet that commitment with adequate funding. My sister Jeri who teaches in Reagan Elementary School in Rogers, AK, knows very well that if the local needs were best met, it would be in providing additional help in special education.

Why shouldn't the local authorities have the right and have the option of determining whether or not hiring more classroom teachers fills the greatest need or whether spending that money to better meet the needs of special ed students would be the better use of local money?

I suggest our approach is far superior, that while very sincere, Senator MURRAY has brought forth, once again, a flawed approach in the area of this Class Size Reduction Initiative. I think we should meet the responsibilities that we have already assumed in the area of IDEA before we create a new commitment and new responsibility that we are unprepared and unable to meet.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been in conference this morning on other matters, but I did hear the distinguished Senator from Washington, Mrs. MURRAY, discuss the situation in Alaska and particularly Anchorage.

Anchorage did receive $1.8 million last year and reduced class size from 22 to 18. The Senator from Washington indicated if her amendment is not adopted that the Anchorage School District would lay off those new teachers.

I asked my staff to get in touch with the school district. I have to point out it is 4 hours earlier in Alaska, and we had to wait a little while. I have come now to report the conversations that have taken place with the Anchorage and Alaska entities that would receive moneys under this bill.

I want to make it very plain that the Alaska position is, we want no strings on these block grants. We contacted the Anchorage School District superintendent, for instance, Bob Christal. He told my staff to tell me, without any question, they prefer this block grant money without any strings. But he said if Anchorage did receive the block grant, they would use the money to keep the teachers who were hired and for other purposes.

We also contacted the Deputy Commissioner of Education, Bruce Johnson. He said the Alaska Department of Education encourages the greatest amount of flexibility for small districts. There is no question that Alaska wants flexibility in this money. He also indicated there has been no contact with him about this prior to our call this morning.

The superintendent of the Fairbanks School District, Alaska's second largest city, Stewart Weinberg, said he much prefers the flexibility of a block grant. He would like to use a portion of the money that would be received for staff development by hiring mentor teachers to help other new teachers.

There is no question that is the Alaska situation. I know of schools in our State where the school population is going down so far that they are in the situation of maybe having to close schools. We are not talking about an across-the-board concept of money to reduce class size. We want money that can be used to meet the needs of the particular school district.

In some school districts, because of the very unfortunate circumstance of fetal alcohol syndrome, fetal alcohol effect in Alaska, we need teachers' assistants. There ought to be flexibility to use this money so it can meet the needs of the particular school district.

I want to make it very plain in voting, and I intend to vote on the Murray amendment, I will vote to support the position of the educators in Alaska who want this money without strings attached. They want to meet the needs of their districts and they do not want the Federal Government dictating how the money must be spent.

I yield the floor.

Mr. COVERDELL. Mr. President, under the previous order, we are now in 3 hours of debate, equally divided, beginning with the presentation by the Senator from Washington?

The PRESIDING OFFICER. That is correct. Under the previous order, the Senator from Washington is now recognized.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Washington.

AMENDMENT NO. 1804

(Purpose: To specify that $1.4 billion be made available for class size reduction programs consistent with the provisions of Section 307 of 105–277)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE and Mr. KENNEDY, proposes an amendment numbered 1804.

Mrs. MURRAY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "$3,086,634.000, of which $1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: *Provided*, That of the amount appropriaed, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That $1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105–277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early grades to 18 or fewer children can choose to use the funds received under this section for locally designated programs—

"(i) to make further class-size reductions in grades 1 through 3, including special education classes;

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if my colleague desires to speak and use some of her time before I actually offer my amendment, I will let her do so. I will seek recognition when she has completed her statement.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment I have sent to the desk corrects a major flaw in the appropriations bill that is currently before the Senate.

Last year—1 year ago—in a bipartisan way, Members of the Senate, from both parties, and Members of the House, from both parties, agreed to fund an initiative called Reducing Class Size in the first, second and third grades. This is a commitment we made to hire 30,000 new teachers across the country in the early grades to make sure that these kids learn the basic skills that are so important to them as they begin their education.

We did this as a national commitment because we understand that the funds that are directly targeted to the classroom, directly to hire new teachers, directly makes a difference in children's lives, and will mean that we, as Federal partners in providing funds for education will be doing something concrete to make the education of every child in this country better off. It was a bipartisan commitment by both parties.

Unfortunately, in the bill that is currently before us, the money that was to be allocated for class size reduction has been put into something called a teacher assistance program that has not been authorized. Unless it has been authorized, the $1.2 billion will be lost. Essentially, what that means is that the newly hired 30,000 teachers who are in their classrooms—one on one, working with young students—at the end of this year will be laid off, if the current bill moves forward as we now have it in front of us.

My amendment corrects that flaw. It recommits the Senate, it recommits the Congress to doing what we said was the right thing to do a year ago, and that is reducing class sizes in first, second, and third grades.

This idea of reducing class sizes did not come from some bureaucrat in Washington, DC. It came from grassroots organizations across the country, from parents who know that if their child is in a classroom with 30 students throughout the year, they are not going to get the attention they need to have a good education.

It came from teachers who told us they were teaching in overcrowded classrooms, with young students coming to them with problems that none of us probably have experienced in our lives but who are in their classrooms, and the teachers do not have the time to deal with those problems when there are 25 or 30 students.

As professionals and as educators, they told us that what we could do that would make a difference would be to target money across the country, to add new teachers to lower class sizes which would give them the opportunity to do what they have been educated to do—to teach our young children.

This came to us from community leaders who saw the increasing occurrences of violence in youth across their communities, who are saying to us: We want you to do something that makes a difference, that is a reality, where our tax dollars can be held accountable, where we can see a real difference occur because we see too many young people who do not receive any adult attention, who are in overcrowded classrooms, in neighborhoods where no one pays attention to them. They come from families that, for many varied reasons, do not give them the attention they deserve. Reduce class sizes so there is one adult in their lives, in those early grades, who pays attention to them, works with them one on one, and makes a difference.

This idea of reducing class sizes came to us from parents and teachers and community leaders who knew that the role of the Federal Government was to be a partner with their State legislature and their local school district to do the right thing for our young students.

We did not just pull this out because we imagined it may make a difference. We knew from the studies that have been conducted that reducing class sizes in first, second, and third grades makes a difference. It makes a difference in the learning of our young children.

We knew, in fact, that students in smaller classes had significantly higher grades in English, math, and science. This came from a STAR study, a scientific study that took young kids in first, second, and third grades, put them in smaller classes, and then followed them throughout the next 10 years of their education. As they went on, these students, who had been in smaller class sizes to begin with, had significantly higher grades in English, math, and science. They were able to do what all of us want them to do, and that is to learn.

So this idea to reduce class size was backed up by science. It was because of studies similar to the STAR study that we knew that putting our Federal resources into hiring teachers was going to have an outcome that actually made a difference in the education and learning of students across this country. It is real and it is there.

This is the result of the work we did a year ago. We currently have almost 30,000 teachers now teaching in our classrooms that would not be there if we had not begun this approach a year ago. We need to make sure we follow up on that commitment.

How can anyone turn around and now say: Well, what we did a year ago was an empty promise at the end of the year. We got tied up in a budget negotiation. We did not mean it.

How do you say to the teacher that I met in Tacoma a week ago—with a class of 15 first graders as a result of what we did—that it was just an empty promise, that we did it on a whim, that we had to do it? We need to say to that teacher: We meant it then and we mean it now. We know that having 15 first graders in your classroom is going to make a difference. We agree with you as a professional, with you as a teacher, when you look me in the eye as a legislator and say: These kids are going to get an education this year.

She said to me: I want you to make sure you continue this program so it isn't just a 1-year program, that every child in the first grade in the United States of America knows that they are going to learn to read, that every parent who sends their child to a first grade classroom will have the commitment from us that we are doing something in reality that makes a difference for their classrooms.

I know that we are going to be second-degreed. I know another amendment is coming that will block grant these funds and say: Sure, this money is still going to go out to the districts, but that does not touch what parents are asking us to do, that does not touch what teachers are asking us to do.

They said: You as a Federal Government, you as our national leaders, have said that reducing class size is a priority and you are behind it. Tell us that is true, and follow through on that commitment. Don't let it get lost in the bureaucracies of block grants. Don't let it get lost in the politics that happen between where you are and where we are. Please make sure that the money stays there for our teachers.

This is a program we know works. We know that in a lot of block grants the money gets lost in administration and bureaucracy and paperwork. When we passed this legislation to reduce class size, we did it in a way that makes sure the paperwork is minimal. In fact, it is a one-page form that school districts fill out. It takes an administrator 10 minutes—no bureaucracy involved. That class-size money that we began a year ago—$1.2 billion—gets directed all the way into a classroom.

The money doesn't go to bureaucracy and paperwork. It goes to a teacher in a classroom with young kids, giving them time, one on one, to be together and to learn and to be educated.

That is what we all want. That is what is important for our country's future. That is what is going to make a difference 15 years from now when those young kids graduate. Instead of being a dropout, instead of having discipline problems, instead of not going on to college, we know from studies we have seen that these children have a much higher rate of being successful.

Our economy will be better because these children have had that kind of attention. Our education system will be finally working, and we can sit back—15 years from now, 12 years from now—and take credit for doing something that is real. If we block grant this money and send it out there, none of us can say we made a difference. We won't know. But we do know because it is something that is wanted by parents; it is wanted by teachers; it is wanted by community leaders; it is wanted by grassroots people who are in the classroom working with our young children, and it is part of what we have a responsibility to do at the Federal level.

We spend only 1.6 percent of the Federal budget on education. That is appalling. If my colleagues on the other side of the aisle want to add a block grant fund that adds to what we have done in the past, I am all for it. I want to hear about it. I want to hear what it is targeted for. I want to hear what its purpose is. I want to know it is going to make a difference in education. I am delighted to join in that discussion.

But to rob from the Class Size Initiative to add a new program they have developed, I say that is wrong. We know the class size money we put into effect a year ago is in the classrooms and working. We know a year from now we can be held accountable for that. We know there are 1.7 million children today who are in a smaller class size, getting the skills they need and being taught what they need, having an adult pay attention to them and whom we won't be able to look at if this bill follows through and takes away the Class Size Reduction Initiative we began 1 year ago.

This is an important commitment. It was an important promise a year ago. It is an important promise today. I hope this Senate will step back and say we have a responsibility as Federal legislators to work with our States, to work with our local governments, to reduce class size, and we are going to ante up our part. We are going to put the resources behind our rhetoric. We are going to put $1.4 billion into class size reduction, keep those 30,000 teachers we have hired, add 8,000 new ones, and, a year from now, know we can look back and say we have made a difference—we have made a tremendous difference. We have told a lot of kids, probably more than 2 million, a year from now, if we do this right, that we care about them; that we want them to have the attention they deserve; we believe their education is important; we believe it is more important than just words and rhetoric and empty promises; we are going to live up to the commitments we have given. I urge my colleagues to support the amendment before us.

We have a number of Senators who are going to come and debate this amendment. We will be talking about this for the next several hours. I will retain the remainder of my time at this point and allow the Senator from Washington to send his amendment forward.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1805

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1805.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 2, strike all after "*Provided further*," to the period on line 5 and insert the following: "$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i–iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

Mr. GORTON. Mr. President, the bill that is before us today, an appropriations bill for a wide range of subjects, including education, includes just four lines on this subject:

$1,200,000,000 shall be for teacher assistance to local educational agencies only if specifically authorized by subsequent legislation.

Now, the distinguished chairman of the subcommittee, the Senator from Pennsylvania, described this money in this fashion because the chairman of the HELP Committee, the committee in charge of education in this body, has conducted a long series of detailed hearings on education in the United States toward the goal of renewing the Elementary and Secondary Education Act.

Sometime next month or, at the latest, in January or February, the committee chaired by Senator JEFFORDS will report that Elementary and Secondary Education Act to the floor for debate. I will be surprised if the debate on renewing our most fundamental educational bill does not last at least a week. But it is simply because these issues are so vitally important and so key to the future of educational quality, so key to the achievement of our students, so key to their performance in a 21st century world, that it is not a debate that should be conducted on an appropriations bill in a 3-hour period.

I must, incidentally, say that this is 3 hours more than was devoted to the subject last year, when the first installment of this 100,000 teachers program was authorized. It was authorized as a part of that massive, overweight, end-of-session proposal that included at least half a dozen appropriations bills and hundreds of pages of authorizing language, the content of which most Members were entirely unaware when they voted on it.

The amendment of my colleague from the State of Washington is, at the very least, premature. She presents issues that are significant and important. They do deserve debate. I think there is a considerably better way. The way we wrote it last year created some overwhelmingly significant problems. It created, first and foremost, in the State of Washington, our own State—and I suspect in every other State in the United States—a situation in which a very large number of school districts got too little money to hire a single teacher. Slightly over 50 percent, slightly over half, 154 of the school districts in Washington State, didn't get enough money out of this program to hire one teacher, already distorting the priorities set forth in the bill.

Interestingly enough, I don't think this is a debate that ought to divide liberals from conservatives, much less those who believe in a Federal role in education from some, though I know of very few, who do not.

In the course of the last year, after the passage of that bill, I have been working with some of my colleagues on the other side of the aisle and with many on my own side of the aisle to come up with a set of ideas as to how we provide more trust in the people who have devoted their entire lives to education as teachers and principals and school board members and, for that matter, parents. We have heard from various of the academic organizations and think tanks, both on the liberal side of this spectrum and on the conservative side of the spectrum.

Interestingly enough, a paper was recently published on this field, authored by Andrew Rotherham of the then Public Policy Institute, a very liberal think tank. Here is what he said in the section of his paper on the subject of teacher quality, class size, and student achievement:

> Now a part of Title VI of ESEA, President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential. However, mandating localities do it by reducing class sizes precludes local decisionmaking and unnecessarily involves Washington in local affairs.

That describes perfectly the proposal before us right now: Washington, DC, knows best. This criticism was written by a scholar at a liberal think tank on education. But, interestingly enough, that scholar has now left the Public Policy Institute and works as President Clinton's Special Assistant for Education Policy today. His study is on our side of this issue, not on the side of this issue presented by the previous amendment.

I was disturbed by the way in which the bill came before us because essentially the bill says that if we don't pass authorizing legislation for this particular program, the schools lose the $1.2 billion. I believe, as does the committee that reported this bill, we should be providing our schools all across the United States with more means to provide quality education for their students.

So I really think in the debate over my amendment that at least we ought to secure a unanimous vote, whatever the views of Members on the amendment by my colleague from the State of Washington, because the amendment that is now before you, which I have offered, simply says that if Congress does not authorize this program by June 30 of next year, the schools will get the money anyway for any valid educational purpose, and they will get it in exactly the same dollar amount in every single school district in the country that they would have gotten had the Murray amendment passed and had we authorized the program she proposes.

But what is the big difference? The big difference is that in the Murray amendment we are telling every one of 17,000 school districts in the United States that we know better than they do what they need in order to provide education for their students. Somehow or another, an immense ray of wisdom has descended on 100 Members of this body who know more about the needs of a rural district in North Carolina, more about the needs of New York City, more about the needs of 256, I believe it is, school districts in my own State, more than the men and women who have been elected school board members in each one of those school districts, more than the superintendents they have hired to run their schools, and more than the principals who preside over each of their schools or the teachers in those schools or the parents in those districts.

That is not a supportable proposition. That is not a supportable proposition.

Obviously, the needs of school districts vary from place to place across the country. Obviously, there are thousands of school districts that already have ideally low class sizes and have other urgent needs for the improvement of the performance of their students.

I am convinced that when we get to the debate over the Elementary and Secondary Education Act, we are going to make profound changes in an act that has had wonderful goals for decades and has largely failed to meet those goals. I am convinced that one of the principal reasons those goals have not been met to anything like the extent we would wish is the fact that we are telling all of the school districts how to spend the money on literally hundreds of different programs.

I have a better idea, I am convinced, than even this amendment I proposed here today—the idea that we allow States to take a large number of these Federal programs and spend the money as they deem fit, with just one condition, that one condition being that the quality of education be improved as shown by testing students by their actual performance.

Let me go back again to this critique by Mr. Rotherham: "Illustrates Washington's obsession with means at the expense of results"—"means at the expense of results."

In one amendment here today, we are saying to every school district in the United States: Here is what you have to do with respect to the structure of your schools. We are telling them nothing about what they have to do from the point of view of the performance of their students. But when we get to the debate on the Elementary and Secondary Education Act, we will have that opportunity to go from a set of Federal programs for which the school district becomes eligible by filling out forms and meeting requirements set out here by the Congress of the United States or the U.S. Department of Education to one that says: Use your money to improve student performance, and if you do, if you keep on using it that way, you can keep on using it that way, but that is the only condition—provide a better education.

As an interim step, my proposal says if we don't agree on some of the proposals here, we are still going to trust you, Mr. and Mrs. member of the school district boards, and all of the professional educators, all of the men and women, the hundreds of thousands, millions of men and women in the United States who are dedicating their entire careers to education to being able to do the job.

Earlier this spring, when we came up with the proposition—that we passed last year without debating it—of a program that created a tremendous amount of awkwardness in half of our school districts because they couldn't hire a single teacher with the money, the associate executive director of the State school directors association in my State of Washington wrote this to us:

> At some point elected officials in Washington, DC, simply must trust local education officials to do what is in the best interests of the kids in their community. We all have their best interests at heart.

Yesterday and this morning, all we heard from the other side of the aisle was that if we don't pass that previous amendment from my colleague, the 30,000 teachers who have been hired in the last year will all be fired and they will all be out on the street. We heard that from Member after Member on the other side.

If we do it my way, each of these schools districts will have the same number of dollars. Are they going to hire teachers with it? Do we have so little confidence in the ability of our schools to set their own priorities that 30,000 teachers will be out on the street? If we did, it would be because it was the unanimous opinion of school districts across the country that this wasn't the right way to spend money on improving education.

I expect that most of the money will continue to be spent on teachers—a very large amount. But it will be a little more in one district and a little less in another because each one of them will have different needs and different priorities.

No. Between these two ideas this is a great gulf. Each of us, I guess, has a strong ego, and humility is not a virtue widely practiced in the Congress of the United States. However, it doesn't take a great deal of humility to say maybe the teachers in my State know more about education than I do; maybe our principals and superintendents know more about running their school districts than we do; maybe the elected school board members who run for just that office and are in the communities and are working with the parents know a little bit more about what their schools need in 17,000 different school districts across this country than do 100 Members of the Senate.

Members who vote for that other amendment will be saying: We know what's best; you don't. We know what's best. Do it our way. It's the only way to do it.

Those who take a different philosophical point of view will say: Let's provide our schools with the tools to do the job, but let's let them determine how to do the job.

Beyond that, my own amendment ought to unite us. We certainly ought to assure the money goes to the schools, and then when we have that week-long or 2-week-long debate this winter and decide how much Federal control we are going to impose, whether we are going to begin to provide more trust, the money will be there; it will be guaranteed to each of the school districts. But we don't need to do it here and now in a relatively brief debate. We do not need to say we know better than they do what their students need.

Guarantee the money for our schools through this amendment, guarantee our schools can set their priorities through their own professional educators, through their own parents, their own often amateur members of the school board, without our having to tell them how to spend every dollar.

I believe we should vote in favor of this amendment and against the other.

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senator from California, Mrs. FEINSTEIN, be added as a cosponsor, and I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I think the amendment offered by the Senator from Washington, Senator MURRAY, is a no-brainer. I want to say why I believe it is a no-brainer and why I believe it is prudent for the Senate to move ahead with it and approve it today.

The Federal share of elementary and secondary education in this country has declined from 14 percent in 1980 to 6 percent of the share going to schools in 1998. Let me say this another way. Back in 1980, we funded 14 percent of elementary and secondary education needs; in 1998, we funded 6 percent of those needs.

Essentially what Senator MURRAY is trying to do is raise the appropriation level by $200 million and say let's go do it.

What does she want to do? She says, let's reduce class size. What does that mean? In 1999, we spent $1.2 billion on the first installment of hiring 100,000 new teachers all across this great country. The United States could hire 30,000 teachers under that appropriation; my State, California, could hire 3,322 teachers. President Clinton's request for this year, FY 2000, was $1.4 billion. That meant the United States could hire 8,000 teachers to continue that and California could hire an additional 1,100 teachers.

The recommendation of the Appropriations Committee, of which I am a member, is $1.2 billion. How the money would be used is not specified. The legislation reads that it is for "teacher assistance" and that it can only be appropriated if it receives the authorizing legislation.

Senator MURRAY's amendment adds $200 million and deletes the contingency language. Therefore, with the passage of this amendment, the United States could hire 8,000 new teachers all across this great land. For my State, California, that means 1,100 additional teachers. That is important. Class size reduction is important.

I think there are three things that can be done to improve education:

One, elimination of the practice of social promotion, under which youngsters are promoted from grade to grade even when they fail, even when they don't show up in class, even when there are major disciplinary problems and youngsters are not learning. But they are still promoted. This has come to denigrate the value of a high school diploma all across this great land.

We also have large class sizes. California has some of the largest classes in the Union. I have been in elementary schools, K through 6, with 5,000 students in the school. In California, in some schools, students speak 50 different languages, which adds additional burdens on the teachers. No one can learn adequately in overcrowded classes with overburdened teachers.

Because of the challenge of diversity, of the need for additional English training, of the challenge of tightened core curriculum standards, smaller class sizes across this land makes sense. I don't think there is anyone in the Nation who has a youngster in public school who wouldn't say: My youngster can learn better in a class size that is smaller.

That is what this money will go to—reducing class size. Class size reduction, school size reduction, elimination of social promotion, and more qualified teachers across this land can make a huge difference in the accountability and excellence of education for our youngsters.

My State has 6 million students, more students than 36 States have in total population. We have one of the highest projected enrollments in the United States. California will need 210,000 new teachers by 2008—210,000 new teachers. How could I say, let's wait and authorize this some other time? We don't even know whether there will be an elementary and secondary education bill this session. We have an opportunity to address a big problem in education right now. I would hazard a guess that States such as that of the Presiding Officer, Ohio, could also benefit from small class size reduction.

The Murray amendment essentially provides $200 million in additional funds and specifically says the funds will go for class size reduction and the hiring of this additional increment of teachers. That is why I say it is a no-brainer. The need is there; the need is clear. Every parent knows their child is better educated in a smaller setting than a larger setting in elementary school. Why not do it?

California needs to build six new classrooms a day—$809 million a year just in our State—to be able to meet demand. It is a huge obligation. Our teachers are actually spending $1,000 a year out of their own pockets to pay for books, Magic Markers, scissors, and other school supplies. Our needs are huge.

I think reducing class size, increasing the amount of Federal dollars that go to the schools for education, is something we should do, and something we should do forthwith. We should do it because we face an emergency in our schools.

I commend Senator MURRAY for her effort in this. Mr. President, $200 million more dollars can help get the job done. We have an opportunity, and we should use it.

I also take this opportunity to thank the chairman of the subcommittee and the ranking member of the subcommittee, as well as the chairman of the full committee and the ranking member. I actually think this is a good bill in terms of dollars. It has at least $2 billion more for health research. This bill probably includes the largest single priority bill of the American people. I compliment the distinguished Senator from Pennsylvania, the chairman of the subcommittee. I compliment the ranking member, the Senator from Iowa. We may have some differences over how the money should be spent, we may have some differences over stem cell research or some of the specific wording of the bill, but the bill does provide many of the necessary dollars.

I will speak at a later time on the health aspects of the bill. I ask unanimous consent I be afforded 15 minutes after this vote on the amendment to be able to speak on the health aspects of this bill.

Mr. SPECTER. Mr. President, reserving the right to object, we have a time agreement now until 4 o'clock, where we have two votes. After that time, we are going to be moving on to another amendment, I think, of the Senator from Nevada. But I expect at some point we could accommodate the request by the distinguished Senator from California.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, technically I do object, not knowing where it is going to come. Let us see if we cannot work it out. Let us not have an agreement at this moment as to time, and I will consult with Senator REID, who is managing the time for that side, and we will try to find the time.

Mrs. FEINSTEIN. I appreciate that. I withdraw the request.

How much more time do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri. Who yields time?

Mr. SPECTER. I yield 5 minutes requested by the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the manager of the bill. I wanted to take a few minutes to share with my colleagues the very clear, overwhelming message I received as I traveled over the State of Missouri and met with teachers, parents, principals, superintendents, and school board members. They asked me a very simple question: Why is it the people in Washington know so much more about our needs than we do? How are you, in Washington, DC, so smart, to know that what we really need is more teachers?

I can tell you instance after instance where, for example, they say: Look, we are in a small school. We only have so many classrooms. We cannot put another teacher in those classrooms. What we need is more equipment. Do not give us the money for a teacher for whom we do not have a classroom, or do not give us more money for another teacher when our salaries are so low we have to raise all the teachers' salaries in order to make sure we keep good people in teaching. It is not just quantity. In a lot of these areas it is getting the money to pay for quality teachers. That is why I believe the Gorton proposal is the way to go.

I have talked to those in small school districts who say: Do you know what we would get? We would get .17 of a teacher, 17 percent of a teacher. That makes a pretty poor teacher, when you have only 17 percent of the teacher. They have not quite figured out how to usefully employ seventeen one-hundredths of a teacher.

But that is the extreme case. The real case, time and time again, is that this is viewed in school districts around my State, and I suggest it would be viewed that way in your own States if you asked them, that Washington is not so smart as to know what each district—whether it is North Callaway or the Scotts Corner or the Martinsburg-Wellsville-Middletown School District needs another half a teacher, or a teacher-and-a-half. Those decisions should be made by the school boards that represent and serve the parents of the district who employ the superintendents and the principals and the teachers.

I proposed something called a direct check for education, which is molded on the work of my colleague, Senator GORTON. That has had overwhelming support from people who actually do the job of teaching our students. We entrust the future of our students to these people. Then we come in from Washington, DC, and say: We are a lot smarter; we know what you need in the school district. One size does not fit all. Washington's solution is not right in every school district. I can assure you of that. I can assure you the people who are responsible, the people who are elected—usually by the constituents in that district, the patrons of the school district—want to see the best for their children.

Do you know what bugs them? Do you know what is causing them problems? It is all the time and energy they waste in filling out the forms on how they used that 17 percent of a teacher. Filling out those reports, sending them to Washington to keep more bureaucrats busy, does not educate a child or teach the child to read. It doesn't help that child figure out multiplication or division or even to learn about science and history. We need to get the Federal redtape and regulations and misdirected priorities off the backs of the schools that are laboring to teach our kids.

If you have any confidence at all in public education, public education in America today is, and must be, controlled at the local level. Yes, it is a national priority. It must be a national priority.

I commended President Bush when he set out to start the work of raising the standards and the expectations for everybody in America to improve our education system. That is a national priority. But it is a local responsibility. Let us not impose our will on local officials, school board officials, parents, principals, and the teachers on how to spend that money.

I think this is a clear-cut case where we want to trust the people who teach our kids. They know the kids' names, they know the kids' problems, and they know the kids' opportunities.

I urge support of the Gorton amendment. I reserve the remainder of the time and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent Senator LEVIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield such time as he may use to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will use 10 minutes, Mr. President.

What we have heard from the other side in this debate today is a technique which is sometimes used in this body. But the people who are watching this debate ought to understand it. Those listening to it ought to understand it. It is a familiar technique; that is, not to describe what the amendment is and then to differ with it. That is what we have seen.

With all respect to the Senator who recently spoke about all the time that is necessary in order to make the application—here it is: One page, to make an application. One page for the local school community to make the application.

Let's come back a step and understand the Federal role in education and what this program is basically all about. There is not anyone who is serious about education policy who believes with the 6 or 7 cents out of every Federal dollar that the Federal Government is going to control local decisions on education, not a serious educator. There may be Senators who would like to misrepresent what they understand would be the results of any particular amendment, but that does not stand. I think it is basically intuitive to understand when we are only providing the 6 or 7 cents out of every dollar, basically it is a modest opportunity for local communities to take advantage of these programs.

Second, so we have made a commitment to what? Smaller class size, which is the debate now, ensuring we are going to have a quality teacher in every classroom, that we are going to take advantage, later on in these debates, of afterschool programs which have proven effective and which people desire. We are going to have an opportunity to address those issues. But it is all within that 7 cents.

To listen to our friends on the other side, you would think this is being jammed down the throats of the various school districts. What is in this amendment of the Senator from Washington? It is $1.4 billion to provide for the hiring of various teachers. I have listened to the other side, the Senator from New Hampshire and other Senators, talking about how this is going to threaten local education, how the heavy hand of the Federal Government is going to come down and dictate to every local school community.

This is what it says. Section 304:

> Each local education agency that desires to receive the funds under this section shall include in the application required. . . .

If they so desire to participate—completely voluntary. Do we understand that on the other side? This is voluntary. This says, if your parents, your local teachers, the local school boards, want to participate under this, if there is enough resources and the Murray amendment is accepted, then they can voluntarily participate. Do we understand that on the other side? Voluntary.

Then the question is, all of this Federal bureaucracy, here it is—one page. I wish those who comment on the Murray amendment would at least extend the courtesy to the Senator from Washington to actually understand, to read the amendment and understand what it does. Here it is.

I ask unanimous consent it be printed in the RECORD, the one-page application for local communities to apply for these teachers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

III. BUDGET PLAN

1. Indicate the plan for the amount and percentage to be spent per budget category.

(a) Administration	(b) Teacher Salary/Recruitment	(c) Professional Development	Total
$	+ $	+ $	= $
%	+ %	+ %	= 100%
Allowable maximum (3%)	+ Minimum (82%)	+ See directions	= 100%

2. If the district or consortium will use a portion of the grant funds for recruitment purpose(s), list the amount and describe the activity.
Amount: $
Describe:

IV. HIRING PLAN

(Proposed use of funds listed under Part III 1.b.)

Report the number of additional teachers to be hired using these funds, by teacher type and grade (write in "0" for teacher types/grades where no teacher will be hired using these funds)

Teacher Type	1st grade	2nd grade	3rd grade	Other grades
Regular				
Special Education				

For grades with hires planned using these funds:

Estimate the average number of students per class expected in 1999–2000 without CSR Fund hires			Estimate the average number of students per class expected in 1999–2000 with CSR Fund hires		
1st grade	2nd grade	3rd grade	1st grade	2nd grade	3rd grade

V. DESCRIPTION OF PROPOSED PROFESSIONAL DEVELOPMENT ACTIVITIES

(Proposed use of funds listed under Part III 1.c.)

Describe:

VI. ADDITIONAL ASSURANCES

(Proposed use of funds listed under Part III 1.c.)

☐ 1. District will hire only certificated teachers.
☐ 2. District will produce an annual report card for public issue that describes the use and effect of class size reduction funding.
☐ 3. District will provide data on class size reduction for state and/or national reporting.

Mr. KENNEDY. Mr. President, with all respect to the Senator from the State of Washington, Mr. GORTON, under his particular provisions it would put $1.2 billion in a title VI block grant program that allows 15 percent to be used for administration, reducing the funds to schools.

How hollow it is for those on the other side to talk about how we are not getting the bang for the buck when virtually 100 percent of this goes to the local school boards for them to make the judgment in hiring those teachers. Our Republican friends, under title VI, spend 15 percent in administration of it.

Let's get real about this. Please, let's get real on it. Let's debate it on the merits. I would be tempted, if the Senator from Washington, Mr. GORTON, wants to put this as an add-on, to perhaps support it. But that is not what we have here. It is a substitute saying that their program is better than this particular program that has been tried, tested, accepted, and working, and improving the quality of education for children and, importantly, there is a desire for it to be continued.

We have heard again from our good friend from New Hampshire about how this is basically robbing the funding for IDEA, the disability program in education. We should not hear that anymore from that side of the aisle, and I am going to tell you why. When we had the major tax proposal under the Republicans, we had an amendment on the floor of the Senate that the Senator from Washington supported and which I supported, the Senator from Minnesota supported, and others supported, that said: Let's take the full funding of IDEA for 10 years and carve that out of the tax bill; let's carve it out and fully fund it for 10 years.

It would have amounted to a one-fifth reduction in taxes. That was the key vote in terms of IDEA. That was the key vote in terms of priorities for disabilities. Every single Member of the other side of the aisle voted against it—every single one of them.

Let's not come to this Chamber in the afternoon and say: Look what is happening with the Murray amendment; they are trying to take the money from scarce resources.

We had the opportunity to do that, and they said no. That was a serious debate at that particular time. Perhaps maybe even the President's position on the tax bill might have altered or changed—might have, maybe not—if we were going to have full funding of IDEA. But absolutely not and not a single one supported that particular proposal.

I do not often differ with the chairman of our Appropriations Committee, but he suggests we reserve $1.2 billion subject to authorization, and if the authorizers choose to authorize class size, fine, and if not, it can be a block grant for the States to choose. That is the whole problem. We have not been given the opportunity to authorize that. We have been denied, on each and every opportunity, as the Senator from Washington has pointed out, doing that.

The fact is, last year on the appropriations bill, they in effect authorized it and Republicans supported it. All we are asking is to extend it, like we did last year.

I mentioned earlier, and it continues to echo in my ears, what the Republicans said about this very program. It is a shame this issue has somehow developed into a partisan issue because last year, with the Murray amendment, it was widely embraced by the Republicans.

Listen to what Congressman GOODLING, the chairman of the Education and Workforce Committee, declared about this program, the Murray amendment:

> . . . a real victory for the Republican Congress . . .

That is fine with us. As long as we can get the substance, as long as we get teachers, if Congressman Goodling wants to declare that, fine.

> . . .but more importantly—

Thank you—

> . . . it is a huge win for local educators and parents who are fed up with Washington mandates, red tape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs.

Mr. ARMEY:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so we could let the state and local communities use this money—

That was always the intent, and not only the intent, but specifically the language of the MURRAY amendment.

He continues:

> . . . make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this was good for America and good for schoolchildren. We were excited to move forward on that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask for 2 more minutes.

Senator GORTON said this about the class size:

> On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts. . .and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

What in the world has happened in the last 10 months to those Republican leaders who were enthusiastic about this program 10 months ago and now discard it? What is it? We have not heard it in the Senate; we have not heard it from one single speaker. We hear generalities; we have rhetoric, but there has not been a specific reason for opposition.

In conclusion, the results of that investment show the children are benefiting from the Murray amendment every single day they are in those smaller class sizes.

I hope this body will accept the Murray amendment and do something that is important for local schoolchildren all across this Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in the beginning of his remarks, the Senator from Massachusetts said the Senator from Missouri, not having read the Murray amendment, made a factual error. I regret to say the Senator from Massachusetts, obviously, has not read my amendment when he stated it allows 15 percent to be used for administration and not go to teachers. In fact, the distribution formula under the Gorton amendment is identical to the distribution formula under the Murray amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. GREGG. I also note the Senator from Massachusetts must not have heard my speech because I outlined specific reasons why class size is not as important as quality of education and quality of teachers. Isn't it true the quality of the teachers is what is the key here, and the amendment of the Senator from Washington will go to allowing schools to improve quality of education and quality of teachers?

Mr. GORTON. The Senator from New Hampshire, in 30 seconds, is precisely correct. He summed up the entire debate. I yield 5 minutes, or such time as he may use, to the Senator from Arizona.

Mr. KYL. Mr. President, we should step back from the rhetoric for a moment and calmly ask the question: What is this debate all about? It is about two simple ideas. They are competing ideas, and neither one is necessarily a bad idea. The question is which one is better.

On the one hand, we have an idea that comes from Washington, DC. It is not a bad idea. It comes from very smart people. The idea is that a lot of school districts in this country could benefit by having the money to hire more teachers. There is nothing wrong with that. Washington, DC, has a lot of bright people, and sometimes some good ideas come from them.

But every school district in this country is different. What the Kennedy-Murray amendment will provide for is only one program, only one idea, and that is that Federal money would be available for one purpose and one purpose only: the hiring of more teachers.

As I said, it is a fine idea; it is good for many but not all. That is where the other idea comes into play. The other idea is that the same amount of money should be made available to the local school districts to be used not just to hire more teachers but for any other legitimate purpose which they believe would best meet the needs of their students based upon their circumstances.

It is a matter of choice. A school district may well decide that what they need more than anything else is to get new books for their library or new computers for the kids or to develop a new reading program; maybe, in view of what is happening to some schools around the country today, to make sure their schools are safer, to provide new antidrug or drug education programs in the schools.

We believe strongly that every parent and child in this country should be guaranteed a safe and drug-free, quality education for themselves or their children. What that means in a school district in Brooklyn, NY, may be very different from what it means in a school district in rural Arizona, for example.

So what the amendment propounded by Senator GORTON says is: Let's let the local school districts decide what to do with this money. The people in Washington may well be right that it ought to be used to hire teachers, but maybe the local folks have a better idea for their school district as to what they think that money should be used for.

I ask my colleagues on the other side, what is the matter with choice? Why wouldn't you want to give the local school districts the choice over how to use that money? I think the answer is: Well, because that is not our idea. We in Washington have a better idea. We know what's best.

The presumption is, we know what is best for every school district in the country. But that isn't true. It is the folks who know the kids' names, who are right there in the local community, who understand what they need most. If they could use that money for purposes other than hiring a new teacher or to better the education of their kids—because maybe they have enough teachers—then why shouldn't we give them that choice? It is a very simple proposition—two competing ideas: Washington knows best or letting the school district decide.

There is another potential problem with the Murray amendment. Perhaps those more familiar with the funding could speak to this issue, but I think there is a significant likelihood that with $200 million more in money under the Murray amendment, the forward funding concept being proposed here would result in that money coming from the Social Security trust fund. If there is any chance of that happening, I must say, we should be firmly and unequivocally in opposition.

We should not be here today making decisions which—maybe not next year but the year after—could result in taking money from the Social Security trust fund, even to fund something as beneficial as education. There is plenty of room in the non-Social Security budget for all of the things we need to do. Remember, this year we have a surplus. The President just announced the size of that surplus—well over $100 billion. Much of that is in the non-Social Security side of the budget.

A surplus, by definition, means that after we have paid for everything else we need, we have money left over. So we are not talking about not being able to fund what we need to fund.

The PRESIDING OFFICER (Mr. GREGG). The Senator's time has expired.

Mr. KYL. I ask for 2 additional minutes.

Mr. SPECTER. I yield the Senator 2 minutes.

Mr. KYL. May I ask my colleague from Pennsylvania, is there another speaker on our side who wishes to speak next or would we go to the other side?

Mr. SPECTER. We should alternate to the other side of the aisle. Then we have Senator JEFFORDS after that.

Mr. KYL. Fine. I will take just another minute and a half of the 2 minutes of which I asked.

Just to summarize the point here, there are a lot of good ideas that come out of Washington, DC. We provide money for them. But we should not presume that everything we come up with here fits every single school district in the country. There may be needs in one area that are not shared in another area; whereas one school district may need teachers, another school district may say, down the road we may need to hire more teachers, but what is more needed is a better math program or a better history program or whatever it might be.

We ought to give them that chance—that is all the Gorton amendment says—instead of saying they can only spend the money on one thing. The Gorton amendment provides that they can spend the money on a variety of things. The application is simple. They simply set their goals, and a year later they demonstrate whether they have met their goals. If they have, they can re-up for the money. If they have not, they cannot. So it is a very goal-oriented program, and they are the ones who set the goals.

I urge my colleagues to support the Gorton amendment to the Murray amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. I ask unanimous consent that Ann Ifekwunigwe, a fellow in my office, be given floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that Senator WELLSTONE be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield to Senator WELLSTONE 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. First of all, I ask unanimous consent that an intern, Jonathan Wettstein, be granted floor privileges during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, let me just say to my colleagues on the other side of the aisle, and, for that matter, to the people in our country who are watching the debate or those who are writing about this debate, that if Republicans want to block grant an additional $1 billion or so, having some sense of what it will be for, above and beyond the commitment we have made to our school districts—which has everything in the world to do with not only what teachers but students tell me they really need, namely, more teachers for smaller class sizes—we might be for it.

But that is not what this is about. I have been in a Minnesota school about every 2 weeks for the last 9 years. I was at Centennial High School just 2 days ago—on Monday. We were talking about education, I say to my colleague from Washington.

I always say to students: You are the experts. Tell me, given your experience—they were juniors and seniors, from a very good school—what works? What are the things you think work best? Also, tell me where you think the gaps are, where you think the weaknesses are. The first thing students talk about is smaller class size. That is the first thing they talk about.

We have used this commitment from the President and what Democrats have pushed through for this last year to hire an additional 519 teachers in the State of Minnesota. That makes a difference to our State. I do not want to see these 519 teachers who are adding—not subtracting, but adding—to the education of young people in our schools in Minnesota receive pink slips, to be without work. I do not want to see that happen. I do not want to see us retreat from the commitment we have made.

A lot of people back in our States are fairly cynical about what we are doing or what we are not doing in the Nation's Capital, what we are doing or not doing in the Congress.

One of the programs that people really respond to is sort of the way people view the Cox program, this initiative we have taken, which is working. What infuriates school districts, what infuriates the education people, who we should be supporting in all our States, is when we go down the road of a commitment, we come up with something that is not bureaucratized, we come up with an initiative that makes all the sense in the world, that speaks directly to the challenges we are faced with in our schools, that provides the funding for school districts to hire more teachers so they can reduce class size, which is really appreciated, which really makes a difference, all of a sudden we go back on that commitment. That is what this is all about.

This amendment, on the part of Senator GORTON from Washington, is an effort to essentially negate the commitment we have made, which is what Senator MURRAY and Senator KENNEDY and all of us are speaking for.

As I listened to my colleagues on the other side speak, I think there is also a philosophical difference. It is not true that we in the Congress do not or should not think of our country as a national community. We should. We are a national community. There are certain kinds of values that inform us.

Sometimes we come to the floor and support legislation, and hopefully pass legislation, that says to every child in

America, no matter where he or she lives, no matter what State, no matter what district, no matter rural or urban or wealthy school district or low-income school district, we are going to do everything we can to make sure that child has an opportunity to do well. That is a commitment we make for our national community. We are going to say this is a priority. We are going to focus on this priority. We are going to fund this priority.

What Senator MURRAY has said is, we have made that commitment. The priority that we have outlined is that we make the commitment to provide the funding for the school districts, if they want, so they can use that funding to hire more teachers to reduce class size. We know this is important, important to the students in this country, important to the students in Minnesota, important to the students of Illinois or Washington or Massachusetts. That is what we have done. That is what this debate is all about.

The Republicans on the other side of the aisle want to basically go back on this commitment. They want to say no, we don't want to do that. We are simply going to undercut the commitment. They haven't authorized it yet.

Let me tell Senators, there are a lot of us who would like to have a lot of substantive debate about education, including authorizing this bill in committee, getting it out on the floor. That can't be used as an excuse.

What we have from Republicans is a counterproposal which essentially means that we go back on this commitment and we block grant this money. We wipe out this program. We wipe out this commitment. We wipe out this priority. We no longer say that as a Federal Government, as a Congress, as a national community, we are committed to getting more resources to school districts so they can hire more teachers and reduce class size.

If my colleagues on the other side think there isn't a lot of support in their States for this initiative, they are making a big mistake.

What my Republican colleagues want to do is say: We will just block grant this. The money can be spent however it can be spent. We don't establish the priorities. We don't think of this as a national community. We don't think of this effort to reduce class size as an important enough priority that we should continue to fund it.

That is an outrageous proposition. All of us will be held accountable for our vote.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. WELLSTONE. I will make one more point, unless there are any colleagues on the floor who need to speak right away.

I think there is a kind of difference between Democrats and Republicans, a difference above and beyond a philosophical question, which is that we are prepared to say this is a priority and stand by this priority, and we are not prepared to walk away from the commitment we have made to school districts or a commitment we made to children or a commitment we made to teachers or a commitment we made to education. We are not going to walk away from that commitment. Our Republican colleagues on the other side of the aisle want to.

The other problem is this pattern of funding. Here is a Republican 5-year history of cutting education funding: I remember the 1995 rescission, a cut of $1.7 billion. That was a House bill. Fiscal year 1996, $3.9 billion below 1995, House bill; fiscal year 1997, a cut of $3.1 billion; fiscal year 1998, $200 million less than the President's proposal; fiscal year 1999, $2 billion below the President's proposal.

It is incredible to me. I was on the floor with Senator BOXER, Senator FEINGOLD, Senator DURBIN—there were a number of Senators involved. We were saying: Wait a minute; we now see an effort on the floor of the Senate to feel so sorry for these big oil companies that have been caught cheating; they ought to pay their fair share of taxes, but some of our colleagues on the other side of the aisle were right there for these oil companies. They wanted to make sure they got their breaks, wanted to make sure they didn't have to pay their fair share, wanted to make sure they got this benefit. That is a priority. You can be for big oil companies or you can try to work out deals for this special interest or that special interest.

We are arguing that children and education is a special interest. We are arguing that this is a special program. We are arguing this is a special program that has worked very well. We are arguing that we made a commitment to our school districts to continue this funding. We are arguing that it would be simply unconscionable, indeed, unacceptable, for this Senate to now abandon that commitment after 1 year of a successful program.

We speak against it. We fight against it. We are proud to vote for the Murray amendment. All of us will be held accountable.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I ask unanimous consent that the majority leader, Senator LOTT, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Washington. I appreciate his leadership and commitment to education. He is an excellent spokesman on this issue.

Mr. President, my daughters have graduated from public schools. My wife and I have graduated from public schools. We want to strengthen our public schools. We want to improve schools; certainly, we do.

What we really want to do is improve public education. We want to make it better. I believe that so strongly. It is curious to me that there are some in this body who think there is only one way to do it—to spend an extra billion or so—and that is to spend it on 100,000 teachers, which I suppose is an issue that somebody poll tested and ran surveys on and thought that sounded like a good political way to fix education. We have to be responsible. We have to think these thing through.

The Gorton amendment says, OK, we want to do more than we have done. The Senator from Washington says, I will sponsor an amendment that spends more for education than the President has requested. But he wants to give the local school systems the ability to decide how to use that money.

As I travel around my State having town meetings in every county in my State, almost every meeting I have the local superintendent of education comes up and we talk about education. I am not hearing them tell me they want more micro-managed, targeted assistance from Washington, more regulations, more paperwork to fill out, and more controls on how they are operating to improve their education. They are not asking for that.

What they are saying is—and this is happening all over America; school systems are in intense self-study; Governors are in intense study of their education situation—we have to do better about how we do education. Just to say we need more teachers and that is all you can spend this money for does make good sense.

It is not being against education; it is not being against learning; it is not being against schools, to say we ought not to target this money for one use only. We need to be flexible.

What we do know is this: Class size in America is down. As a matter of fact, it has been reported that 42 States already meet the goal of 18 students per teacher; 42 States are already doing that. What is troubling—and I know the Presiding Officer, the Senator from New Hampshire, has talked passionately about this so often—is our achievement numbers are still going down.

When you get at the level of 16, 17, 18, 19 students per teacher, what do we know from scientific study and analysis? It is not whether it is 19 or 17 in a classroom that is key. It is the quality of the teacher, the learning environment that occurs there. Do they have the kind of textbooks and equipment needed? Do they have the resources from which that teacher can draw? Is there discipline there, or are there Federal rules and regulations hampering a teacher's ability to maintain discipline and to remove students who are disruptive from the classroom?

Aren't those the things my colleagues hear when they talk to teachers? That is what they are telling me.

I agree with the Gorton amendment, to allow the school systems to use this money—more money in this amendment than asked for by the President for education—as they see fit but without the restrictive rules and regulations and controls.

Why isn't that what we ought to be doing? Why is it that some people in this body have their own idea about how they have to improve education and only their way is the way to have it done? I would just say that this is a mistake. I believe it very strongly. We are all united together in our concern to improve education. But how we do it is the question.

My wife taught for a number of years. I taught for a year. We both were in the PTA. She was a volunteer teacher in the classroom to help teachers teach on a daily basis. I think that helps. Perhaps a program that will allow local schools to help parents to participate more directly as aides to teachers on a volunteer basis may be of far more benefit than adding 1 more teacher to a classroom and getting that number down from 19 to 18. Who knows for sure?

We know this: There is an intense reevaluation of education in America today. There are a lot of things we don't know. But our superintendents, our principals, our State school boards, and our Governors are having to answer to the American people about why they should continue to give more and more money to the system when progress is not occurring and in fact we are showing a decline in so many different areas in our education achievement.

We know that among the industrialized nations, the United States finished 19th recently out of 21 countries in mathematics and lower in science and technology. Something is afoot here. Mandating teachers without giving school systems a choice to improve education and learning is a big mistake. I certainly share that.

I would like to mention a few other things we ought to think about as we go through this debate.

The "Washington knows best" attitude is wrong. The federal government funds 7 percent of the money for education in America. While 93 percent comes from the States and local governments. That is what we have always believed was correct. We have always believed that we don't want a central state government educating all our children. We want our children to be educated by people we know, people who know our children's names. For the most part, that happens in America today. And we ought to enhance that.

But what we have found is that there are 778—get this—778 Federal education programs in existence today. That is a lot of programs. That is why the education systems are telling me: JEFF, we have to have a full-time person just to fill out the paperwork in order to comply with the federal regulations. This amendment by Senator MURRAY would add number 779, I suppose. And before the education bill goes through, we may even try to add a bunch more in addition to that. But we never go back and eliminate those that are not proving to be effective.

We have also found that today only 65 cents out of every dollar we dedicate to education from Washington actually gets to the classrooms where the kids are and the teachers are. To me, that is not acceptable. It is simply not acceptable. Too much of it is kept in Washington. That which gets down to the schools and the classrooms has so many strings on it and regulations and so much paperwork that it is not as effective as it ought to be.

I just say this: We have 50 States in this Nation that fund 93 percent of the cost of education in their States. Most of these Governors have made education a top priority. More and more, are doing everything possible to fix education in their states. We ought to give them some freedom and flexibility to be innovative, creative, to fix and improve education, and not try to run it from up here. There is just no doubt about that in my mind.

I know we can do a better job with education. I know we can improve the quality of American life. I know this for a fact: We would have better education if the Federal Government gave more money to the school systems with fewer strings, fewer regulations, less redtape, and less bureaucracy.

Somewhere, some way, we need to enhance that magic moment that occurs in a classroom, that sublime moment when a child learns, when that teacher and child communicate and good things happen. Just having 789 programs instead of 788 I don't believe is the right direction.

SLADE GORTON's amendment would allow the school system to use it for teachers, computers, textbooks, or whatever they need. It would be available for that in the same proportion the proponents of the amendment would require. It would go to schools in the same fashion. But they would be able to use it for teachers or any of the other things you can imagine that would be necessary.

I thank the Chair. I thank Senator GORTON for his dedication and his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I think one of the great things about the class size initiative that is so important to remember is that this money goes directly to the classrooms, with no bureaucracy and one piece of paper. There is essentially no paperwork. This money is allocated directly. There is no bureaucracy and no administration cost. This money goes to the teachers in our classrooms. That is what so many of us believe is the right way to spend our Federal dollars.

Mr. President, I ask unanimous consent that Senators DURBIN, TORRICELLI, MIKULSKI, JOHN KERRY, BOXER, SARBANES, and JOHNSON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask for 10 minutes for the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington, Mrs. MURRAY, for her very strong leadership on this important issue.

We just heard the Senator from Alabama, Mr. SESSIONS, talk about 779 different programs. My friends in the Senate, we are not talking about 779 different programs. We are talking right now about a very important issue. It is one issue. It is one program. It is a program that has placed 29,000 teachers across this country in schools.

We have a bill before us that would end that program. That is what the Senator from Washington State is doing. It is bad. It is bad on the merits. It is bad in terms of the whole issue that has been raised here about us moving forward and then turning our back on a program we just began. It is bad for the children. It is bad for these teachers.

If I were the Senator from Alabama, I wouldn't feel so good about having a vote that is going to result in teachers getting their pink slips in his State and in every State in the Union. In my particular State, we are talking about 4,000 teachers being given pink slips.

A lot of us like surprises. We like nice surprises. We don't like bad surprises. This Republican bill has a surprise for the children of this country. Surprise: Many of you are going back into large classes after you have spent a year getting the attention you deserve, because that is the impact of the Gorton amendment, and everybody on the other side tries to cover it up by saying: Oh, no; Senator GORTON is merely trying to make this thing a block grant package. It doesn't matter.

The Murray amendment is a fight with Senator GORTON about whether or not we are going to live up to our promise. The Senator from Washington, Mrs. MURRAY, said it is a very simple form to fill out. I have the form here. You have seen it before. It is a one-page form.

I hope no one on the other side of the aisle gets up and says what bureaucracy this is. They talk about 779 programs. But this is one program, one sheet of paper, a program that was praised by Republican DICK ARMEY, the Majority Leader over in the House. It was praised by the Republican chairman of that committee. They took all kinds of credit for it. We said: Great; take credit for it. Now they are going to end it right here in the Senate. I have a problem with that.

I also have a problem with the way the bill was put together. I have a chart. I am going to try to explain what has happened with this bill.

The Republicans promised to have their appropriations bills ready in time. Wrong. What do they do? They left Health and Human Services, which includes education, for the last appropriations bill. I find that interesting since they often say education is the highest priority. When they wrote this bill, they were short $11 billion for education.

We had been saying on the floor we need to make education a priority. Desperately, they looked around and came up with the all-time gimmick of the year. They said: Let's take two issues which we can argue later are emergency issues.

One is the census. I find it interesting to declare that an emergency since we have known it was coming since the founding of the Constitution. Be that as it may, they called it an emergency. Then they said: We can say the defense budget is an emergency even though we have already funded it as a nonemergency.

So they took the $11 billion from defense and they put it over to education. Now they had a bit of a problem. They were short $11 billion on this side of the chart. How would they replace it? Guess what, folks. Social Security—Social Security had that $11 billion. They decided to declare defense and the census emergencies; they took the money, by declaring them an emergency, out of Social Security and put it in defense. Then, something they promised they would never do because this was supposed to be locked up, we have an $11 billion IOU in the Social Security trust fund.

This was quite a maneuver, going against what the Republicans said they would not do. In order to get this money, they steal from here; in order to get this money, they steal from there; and Social Security, which they were not going to touch, will now be owed $11 billion because that is where the emergency spending comes from. I think it is time we used a little fiscal discipline and paid for things as we go. I think that is the right way to go.

Some Members say one good thing about this, they do have $11 billion for education. I say right, but even within that, they zero out the teachers in the school program. They have the money now, but they take it away, and in their appropriations bill they set up a whole new program that no one has ever heard of called teachers assistance. We don't know what it is or what form it will take. We don't know if it will be authorized.

The Senator from Washington says if it isn't authorized, we will figure a way to give the schools a block grant. This is an important issue. The Senator from Alabama gets up and says: I don't understand how we in the Federal Government know what people want.

Maybe he doesn't know what his people want, but I know what my people want. I ran two tough elections for the Senate. One of the biggest issues was education; within that, putting more teachers in the schools, afterschool programs, and school construction. My Republican opponent was against me on every single issue. My election was based on issues.

I say to my friend from Alabama, yes, I know what the people in my State want. I am proud to know that. I didn't come here to give my responsibility to someone else.

Today, in the Public Works Committee we honored a great President, Dwight Eisenhower. We named a building after him. I was thrilled to vote for it. Dwight Eisenhower, a Republican President, the first President to say there is a function and a role for the Federal Government in public education. He outlined it in the National Defense Education Act. It amazes me when Republicans stand up and say this is some radical idea. It came from one of their leaders whom I greatly admire. We are doing too little for the schools, not too much.

I don't want to be a party to children in school being told they have to leave a class of 15 or 20 and return to a class of 35 or 40. That is what will happen with the Gorton amendment. Senator MURRAY is right on target in her fight. It stuns me that we are dealing with this situation. As Senator KENNEDY said, all the Republicans, a year ago when we funded this program, not only praised it but took credit for it.

I ask, is anyone writing to complain about this program? No. The local districts want this program to continue. They want the certainty of this program to continue. They want the smaller class sizes to continue. Even with this $11 billion that they will eventually take out of Social Security and place in here, they ignore teachers in the classroom. They underfund afterschool programs by $200 million under the President's proposal. That will leave a lot of children out in the cold, tens and tens of thousands. I will have an amendment on that.

The crumbling schools initiative is as if every school is beautiful. I have been to schools where the tiles are falling off the ceilings. Yes, they put in the $11 billion, but they are not spending it in ways that the people in our country want Congress to spend it. Education is a priority. We all say it; we ought to mean it.

In conclusion, my friends talk as if the schools are forced to apply for this program. Nothing could be further from the truth. This is not a mandate to put teachers in the school. This is Congress responding to a request to help put more teachers in the school. It is a one-page form. With one vote, we can do away with a great program. I hope we will follow the leadership of Senator MURRAY and Senator KENNEDY.

I yield the floor.

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 1805; there is also pending the Murray amendment. There are two amendments pending.

Mr. JEFFORDS. Mr. President, first of all, everyone should realize this is the year we start reevaluating the educational programs of this country. The Elementary and Secondary Education Act is up for reauthorization. This is most comprehensive. It is the one bill we look at to try and get guidance from the Federal Government in the area of elementary and secondary education.

There are many things we must be concerned about. One of those has been raised by the Senator from Washington—class size. There are many other issues to be involved. In addition, this is an attempt to authorize on an appropriations bill. It is not the time. The time is when we take up the Elementary and Secondary Education Act. We have begun doing that. The committee has been very active. We held over 20 hearings on what should be done to make the Elementary and Secondary Education Act more successful.

This Nation, as everyone has articulated, is in an educational crisis situation. We have many wonderful schools and many wonderful teachers, but relative to our competition in other areas of the world, we could be doing much better. The question is, What do we do and how do we do it? On the 23rd of June this year, the Health, Education, Labor, and Pensions Committee held a hearing on the class size proposal. We have had this under review. Statements were heard from an expert panel of witnesses who offered an array of views on the merits of creating a Federal program that mandated local communities use funds to lower class sizes.

We examined important issues, including the impact of reducing class size on student achievement and other factors impacting student achievement; the tension between quantity and quality with respect to hiring teachers; whether large class sizes are the biggest obstacle to improving student achievement; and the value and role of schoolteachers in making decisions for providing the best education to young people in their schools.

What did the witnesses who came before the Committee have to say? Dr. Eric Hanushek, a respected professor at the University of Rochester stated, for the record:

> a move to mandate smaller classes . . . is misguided and could even hurt students and student achievement; . . . the accumulated evidence on the impact of reduced class size on student performance gives no reason to expect that the current wave of class size reduction will have an overall effect on student achievement; and that class size is very expensive and takes resource and attention away from potentially more productive reform efforts.

He based his views on extensive research and historical evidence. In U.S. history, between 1965 and 1995, pupil-teacher ratios have fallen from 25:1 to 17:1 yet performance on the National Assessment of Educational Progress (NAEP) has remained roughly constant. That produces no evidence that class size makes a difference. He noted that while pupil-teacher ratios are defined somewhat differently than class-size, the two measures do move together. International comparisons suggest no relationship between pupil-teacher ratios and student performance. So in Europe their studies show the same as reported in ours: It doesn't make a difference. In looking at some 300 advanced statistical studies, the studies show an equal number of studies that suggest positive improvements as suggest negative effects.

We also heard from Dr. Randy Ross, who spoke not from a research-based perspective but from the heart and common sense. He has witnessed the results of class size reduction efforts in California first hand and is concerned about what he saw. He stated:

> A wholesale reduction in the sizes of classes in schools throughout a state predictably nibbles away at the chances that students in poor, inner city neighborhoods will get a better education.

He watched the better teachers in low-income neighborhoods be lured away to higher paying suburban schools, leaving the inner-city schools to fill vacancies which those individuals that did not make the cut in other school districts. It is a policy that has hurt students, not helped them.

At this same hearing, we talked at length about the Innovative Education Program Strategies, or title VI of the Elementary and Secondary Education Act. Witnesses on that panel told us how states and local education agencies are improving student achievement by investing in reform efforts, education technology, professional development, school library activities, and support for at-risk students. I would argue that investing in any one of these activities may have a more profound and significant impact on helping students achieve at higher levels than mandating that a local school hire one more "teacher"—qualified or not.

Let's not forget our common sense in this debate. My common sense says the quality of the teacher does matter. Common sense tells me that local leaders in schools across the country have the student's best interest at heart and must have a say in implementing programs that will provide the greatest benefit to their students. If class size reduction is the greatest need in a community, we can all rest assured that local leaders throughout the country will direct their portion of the $1.2 billion made available in this bill to that effort. There is no need for my colleagues to worry.

If on the other hand, local leaders have other ideas for ways to vastly improve the educational opportunities of young people in their communities, in their classrooms, I think we should provide them with some flexibility to do what is best for the student, and what is best in accordance with that community.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator DODD and Senator HARKIN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Kelly Green Kahn, a fellow in my office, be given the privilege of the floor during the remainder of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me begin my brief remarks by commending our colleague from the State of Washington for her leadership on this issue once again. She has, on numerous occasions over the last few years, raised the issue of class size as one critical to improving the quality of public education in the country, and she is doing so again this afternoon with the introduction of this amendment. I am pleased to be a cosponsor and hope we can build strong bipartisan support for it.

There is no question that the size of a class, the number of students in a classroom, and academic performance bear a correlation. My State of Connecticut has one of the lowest ratios between teachers and students in the United States. The most recent statistics indicate that class size in Connecticut hovers just over 20 students per class. A couple of States actually are lower, but the national average is around 25—about 5 additional students per class.

Also, we in Connecticut make other investments in education. We pay our teachers well. We also have led the nation in the adoption of high standards for student performance measured with the Connecticut Mastery Test and with support for whole school reform. I note this, because it is these investments that have shown such dividends in Connecticut. It is no mystery that we end up, in national surveys, at the top in the country in academic performance.

I do not know how many of my colleagues this morning noted in the Washington Post an article entitled "Students Weak In Essay Skills." The top State in performance was Connecticut, by a margin of some 12 percentage points, in essays by 4th graders, 8th graders, and 12th graders.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 1999]

STUDENTS WEAK IN ESSAY SKILLS

(By Kenneth J. Cooper)

Three-quarters of the nation's school-children are unable to compose a well-organized, coherent essay, a skill frequently demanded in the modern workplace, according to results of a federally sponsored writing test released yesterday.

Most students tested last year managed to get across their main, simple points in the short essays they were asked to write, but their writing did not have the sophistication to meet the standard for proficiency set by a national board of educators, state officials and business leaders.

The test results from a representative sample of 60,000 students in the fourth, eighth and 12th grades provided another source of concern about the condition of the nation's schools and follows similar results showing students falling short of new academic standards in the states.

"The average, or typical, American student is not a proficient writer. Instead, students show only partial mastery of the knowledge and skills needed for a solid academic performance in writing," said Gary W. Phillips, acting commissioner of education statistics.

The testing found that girls wrote better than boys in each grade, in keeping with the outcome of earlier, less demanding versions of the test. The gender gap in writing skill was large: Twice as many girls reached or exceeded the standard for proficient writing.

There was also a gap in the performance of different racial and ethnic groups, with white and Asian students writing better than African Americans, Hispanics and Native Americans. That gap was narrower in schools on military bases, where African American and Hispanic students scored higher than their counterparts elsewhere. Analysts suggested minority students benefited from an equitable distribution of resources at the Defense Department schools and the financial security of military families.

For the first time, it was possible to make comparisons of writing skill in the states. Of 35 states where 100,000 additional eighth-graders were tested, Connecticut led the nation, followed by Massachusetts, Maine and Texas. Virginia was one of eight states above the national average, while Maryland fell slightly below average. The District had the lowest score of any jurisdiction except the Virgin Islands.

Mark Musick, president of the Southern Regional Education Board, suggested that Virginia did well in writing because a large percentage of the state's students attend solid suburban schools in Northern Virginia, and state residents have above-average income, an advantage shared by many high scorers.

Top scorer Connecticut has the highest per capita income in the nation and has tested students in four grades in writing since 1985. "What you test is what you get," said Marilyn Whirry, a high school English teacher in California.

Musick and Whirry are members of the board that governs the National Assessment of Educational Progress, a congressionally mandated series of tests that provides the best measure of student achievement in the country. Last year's writing test had a higher standard than one administered in 1992, making comparisons between them unreliable, testing officials warned.

Students had 25 minutes to compose one of three different types of essays—narrative, informative, persuasive. The expected standard of proficiency was reached by 22 percent of fourth-graders, 26 percent of eighth-graders and 21 percent of high school seniors.

In an example of proficient writing by a senior, a girl told an imaginative story about falling in love and marrying another Italian immigrant who died after the birth of their four children. "As I gaze out my window, I turn look at my hand still wearing that same gold ring from so many years ago. I smile because I know I don't need to bring him back. . . . I never really lost him," the girl concluded the five-paragraph essay.

The National Center of Education Statistics said her essay was well-organized "and shows good command of stylistic elements and control of language."

Whirry said seniors "had the most trouble with persuasive writing . . . a serious problem because persuading a reader to take a course of action or bring about a certain change is enormously important, not just to get ahead on the job, but also to make sound decisions in our democratic society."

Most students demonstrated basic writing skills—able to make simple points but not put together sophisticated sentences. Writing at this level were 61 percent of fourth-graders, 57 percent of eighth-graders and 56 percent of seniors.

Incomprehensible essays were produced by 16 percent of fourth- and eighth-graders and 22 percent of seniors.

In each grade, 1 percent of the students were writing at the highest level.

Mr. DODD. This news follows on reports earlier this year that indicate Connecticut students lead the nation in reading performance and in math and science.

In my state, we have invested in class size, we have invested in teachers. As a result of that, we are getting this kind of academic performance. Not everywhere in the state, performs at these high levels and frankly even in the most affluent parts of my state, too many children fail to reach the advanced levels of performance that we know will be needed to succeed in the next century.

What we are suggesting today is, if this works for children, and all the studies as well as the experiences of states like mine suggest, then we should be helping all communities to achieve these smaller class sizes that will help their children succeed.

If this amendment is defeated and this appropriations bill is passed without the inclusion of the Murray amendment, it is tantamount to this body giving a pink slip to 29,000 teachers in America. Pay attention to this debate today. We will vote at about 4 p.m. If this body rejects this amendment, then 29,000 teachers will know, as of this date in September, their services are no longer needed in the classrooms of America.

If anyone believes that by having more students and fewer teachers, we are going to improve the quality of public education in this country, they are living in a dream world. That is not the way we are going to raise the level of excellence, whether it is essay writing, math performance—all the academic criteria we seek to improve.

One thing is for certain. If we continue to have fewer teachers and larger classes, we can almost guarantee the results. We will have declining academic performance.

Clearly, there are other important issues in education. We are not arguing that we do not need high quality teachers—in fact, this is what this amendment supports, or that after school and other efforts are not needed. But the central component of education is what happens in the classroom. And any teacher in any school in this country will tell you that if they have to manage 20, 23, 25, 30, 35 students in a classroom, they cannot teach. I don't care how good you are, you cannot manage 25 or 30 students in a classroom. You cannot teach young children the fundamentals of reading, math and science if forced to deal with this number of children.

So this amendment, the Murray amendment, is critically important if you care about this issue. You cannot go around and say, I care about education, I am a strong supporter of it, and then walk away from class size as an issue. I hope when this amendment comes for a vote, people will get behind it.

By the way, about block grants, we have been down this road in the past. Suggesting somehow if we throw it in a block grant program, it would suddenly all work. I hoped we would have learned the lesson by now. Unfortunately, it doesn't work that way. There is no accountability for how federal dollars are spent; too often in the past, we have found these dollars ending up in athletic programs, in administrative accounts and in other such expenditures. State and local dollars are not targeted to areas with great need unlike federal dollars. Block grants don't work because the politics are not there for it at the state and local level or else the states would already be spending their dollars this way.

So, yes, we bear a national responsibility. We are a national legislature. We try to speak for our country on these issues. I am from Connecticut. Maybe I should not care what happens in Mississippi, Alabama, or New Mexico, but I do. I do not think I am wrong because I do care. I think if a child in Mississippi or Alabama is in too large a class, I suffer, my constituents in Connecticut suffer.

The idea that somehow we are 50 disparate States and we do not have to worry about it, we hope each State chooses the right priorities, is ducking our responsibility as a national legislature. When a crying gap exists in an area such as this, we bear a collective responsibility to address it and a block grant program just does not do it.

So I hope that we can all join together to support the Murray amendment and this flexible program that supports high quality teachers, targets lowest income areas and sends all the money down to the local level. It is what parents across the country are calling for and voters support and I urge the adoption of this amendment.

This amendment is just the first of several efforts we will have during the next hours and days to improve the quality of the bill before us. While there are certainly things to be praised in the efforts of Senator HARKIN and Senator SPECTER, this bill falls short in other ways. Even as we debate it, I understand that exactly how it is paid for is still unclear—we know there will be significant advance funding, potentially additional Defense items will be declared emergencies freeing up more budget authority and outlays.

One of the most disturbing offsets contained in the bill is the reduction in the Social Services Block Grant, Title XX, which is slashed almost in half. This flexible program supports local efforts like meals on wheels, child care, adult day care, foster care, child abuse protection, programs for those with disabilities and other local efforts to respond to the neediest in our communities. How does it make sense to cut this program to pay for other programs for those in need?

I believe we should also do better by way of funding for afterschool, literacy training, school construction and child care. On this last item, later in the day, Senator JEFFORDS and I will be offering an amendment on the Child Care Development Block Grant Program to increase funding for this critical program funding to $2 billion. My colleagues have been so good on this issue over the last year. We have had overwhelming votes on this question over and over again this year.

Clearly we know child care is grossly underfunded. Many States have responded to this underfunding and set very low income eligibility levels: Two-thirds of the States have income levels of $25,000 or less; 14 States, $20,000; 8 States are even more stringent. Wyoming, Alabama, Missouri, Kentucky, Iowa, South Carolina, and West Virginia cut off subsidies for child care for families earning more than $17,000. I do not know how a family earning $17,000 a year can afford child care, which for an infant or toddler can run nearly half of that amount. And this program is not just about child care for young children; nearly 30 percent of these funds go to support afterschool programs.

I am hopeful my colleagues, when that amendment is raised, will be supportive of it. They have been helpful in the past. I apologize for coming back to the issue. We had a good provision adopted in the tax bill, but it was dropped in conference, and the bill was vetoed. I apologize for coming back to child care over and over, but we have as yet been able to adopt the provisions my colleagues voted for on numerous occasions. I hope they do so again when Senator JEFFORDS and I offer the amendment.

But let's move forward, Mr. President. Let's consider and adopt the MURRAY amendment. Let's move on to hopefully improve this bill. But let's get on with the people's business.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator has 2 minutes.

Mr. DODD. I ask for 1 additional minute and yield to my colleague from New Jersey for any comments he may have.

Mrs. MURRAY. I will be happy to yield 1 minute.

Mr. DODD. I yield to the Senator 3 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator for yielding.

On the question of education in America, there are both those exhilarated by our progress and those who are frustrated by our failures. It really is a tale of two cities: America has the finest universities in the world, the best colleges, proof that we know how to educate and build institutions. However, we have secondary and grade schools which simply, by any accounting, are not making the grade.

Forty percent of our fourth graders failed to attain basic levels of reading; 40 percent of eighth graders could not attain basic levels of math; and 76 percent do not even reach proficiency levels.

The fact is, we are not meeting an international standard. We are debating the fact that there is an educational crisis, but, if unaddressed, it will in our own generation become an economic crisis.

The Senator from Connecticut is correct: There are schools in my State of New Jersey for which I have enormous pride. Many are succeeding. But in the world in which we live today and our economy, if schools are failing in Alabama or California or New York or some distant community in New Jersey, it is as much your problem as it is mine. It is an economic difficulty, a social difficulty, at some point in our country's history, even a political difficulty if unaddressed.

The truth of the matter is, our country suffers some from a false sense of complacency. Parents come to me and say: Senator, I don't understand your concern. The schools are as good as I remember them 40 years ago. Or, I think the schools in my community are as good as the schools in the community that is next to us.

That, I say to my friends, is not the point. The point is whether our schools are as good as countries halfway around the world.

A national education testing service recently concluded that in math and science our students were 19 out of 21. We do not need to compare our schools with ones we remember as children. We need to compare them with schools in Germany and Japan, and we are not meeting that standard.

I know every Senator has a different idea about what we should do about American education, and the truth is, they are all right. There is no one answer. Senator COVERDELL and I had an innovative program to bring private money to help private and public schools. There are others who have a variety of different answers. They are all part of the solution. But no one can construct a solution that does not involve the hiring of teachers. Your ideas may be right, but this idea is central.

The Department of Education estimates we will need 2 million new teachers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Will the Senator yield an additional 5 minutes?

Mrs. MURRAY. I am happy to yield 5 minutes.

Mr. TORRICELLI. The Department of Education estimates we will need 2 million new teachers in the next decade. In my State of New Jersey, that is 109,000 teachers currently in shortage. When schools started this year in the city of Newark, there were 200 classrooms without teachers available. You can have your idea about American education, but the debate starts here. Empty classrooms, overcrowded classrooms, retiring teachers are not part of the formula for American educational or economic success.

The fact is, if we did not have massive retirements, if there were not already shortages, we would still need Senator MURRAY's amendment.

The Department of Education in May 1998 also concluded that the one principal variable that we know in improving education in America is class size. Educational Testing Services found that smaller class sizes raised achievement from fourth to eighth grade students, it reduced drop-out rates, and increased performance. It is the one variable we know that works.

The strange thing about this debate, as the Senator from Connecticut has pointed out, is that a year ago, as Democrats and Republicans on this Senate floor, we accepted these arguments and we endorsed this program. For the last year, Democrats and Republicans, with pride, have noted that we spent $1.2 billion hiring 29,000 teachers to begin dealing with this educational crisis. You were proud of it, and we were proud of it.

I have not heard a single Senator come to this floor and say: You know those 29,000 teachers, they failed. They did not show up to work, they were not trained, the teachers did not perform, the students did not perform. No evidence, no argument, not even a contention, because it was not a failure. It worked.

But is this the extent of our national commitment? We deal with an educational crisis, and every Member of the Senate knows the greatest variable in America's economic future is the quality of education, and the sum total of our commitment as a Senate is 1 year for 29,000 teachers in a nation of a quarter of a billion people. That is quite a commitment, and now we are going to abandon the effort.

The strange thing about this is, this is not the first time the United States has had an educational crisis. One of the proudest things I know in the 20th century history of this country is that between 1890 and 1920, the United States of America opened a new high school every single day. That is a commitment. We did it through war, depression, recession, and stagnant economic growth.

Now the United States is experiencing the greatest economic growth in our Nation's history, nearly full employment and a budget surplus, and the response of this Congress is a 1-year program of $1.2 billion to hire 29,000 teachers, and a year later we are going to fire them. Quite a commitment; quite a source of pride.

I know the alternative program is to return, instead, to block grants. Never in my experience has so much authority been given to people. I came to the Senate to deal with issues and national problems, not to give that authority to somebody else.

There is a national educational crisis. It requires the hiring of teachers on a national scale, and that is our responsibility. If the judgment of this Senate is simply to send money to the States and let them decide whether they want new football teams, more buses, athletic fields, or science teachers, hire an accounting firm and get rid of the Congress, not the teachers. That is not why I came to the Senate.

Senator MURRAY's amendment is not the end of the debate on education quality in America. It is not the completion of a national program, it is the defense of a national program that started last year. It should be continued. And for her leadership on this issue, the Senator from Washington has both my respect and admiration. I urge the Members of the Senate to follow her lead.

Education should not be a partisan issue in the United States. Every schoolchild in America would benefit in a competition between Democrats and Republicans for educational leadership. I do not want to see that ceded to my party. Indeed, I hope we can all join in it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Ms. COLLINS. Mr. President, those of us who strongly supported an increased Federal investment in education should be celebrating this legislation, not criticizing it. Let's look at the numbers.

The committee's appropriation for total education spending is $1.9 billion more than for fiscal year 1999. It is a half billion dollars more than the President's request. Let me repeat that because I think that has been lost in this debate. The fact is, the Appropriations Committee has increased total education funding in this bill by a half billion dollars more than President Clinton requested.

Similarly, the committee has increased spending for Pell grants—an essential program that I strongly support—for title I, for special education—I could go on and on.

So it is clear that this debate is not about money. What is it about? It is about power. It is about command and control. It is about who will be making the decisions and where they will be made.

Let's look at the language of the amendment offered by the Senator from Washington, Mr. GORTON. It says: School districts may use the funds for class size reductions or for any other authorized activity in the ESEA that will improve the academic achievement of our students.

Who could be opposed to that? Isn't that the bottom line? Isn't that what we want—improved academic achievement, better results for our students?

So the question before the Senate is whether we should continue with the Washington-knows-best, arrogant attitude or whether we should recognize that our local school boards, our principals, our teachers, and our parents are best able to determine what local students need to improve their performance.

The question—the bottom line—should be: What have our students learned? Have they improved? It should not be: How did you spend your Federal grant? Did you fill out the paperwork correctly?

In some school districts, smaller class size may be what is needed. But in others, we may need to upgrade the science lab or institute a program for gifted and talented students or hire more teachers. The needs vary as much as our schools vary. A one-size-fits-all approach simply does not work.

The Senator from Connecticut mentioned an article in today's newspaper which has the startling results that nationally three-fourths of the students cannot compose an organized essay. I am pleased to note that my State of Maine ranks near the top—No. 2 only to Connecticut—in performance on this test. But nationwide, three-quarters of the students failed this simple test.

Is the answer the same in every State? I do not think so. In some States, improved professional development for the teachers may be the key to reversing these test results. In other States, it may be smaller classes. Yet in another State it may be another technique or method or solution that is required.

The point is that we do not know here in Washington what the best approach is in the thousands of school districts across this country. All we are saying is, let the local school districts decide what they need to do to improve student achievement.

There is nothing in Senator GORTON's amendment that prohibits the school district from using the money to reduce class size if that is what is needed. But that may not be what is needed. Indeed, 41 States already exceed the ideal teacher-student ratio.

What we need to do is to trust local people to make the decisions that are going to help bring out the best in the students in our communities across the United States. That is exactly what Senator GORTON's amendment would do.

This is not a debate about money. All of us agree that we want to increase the Federal investment in education. It is the best investment of our money we can make. The issue is about who is making the decision.

Thank you, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 5 minutes?

Mrs. MURRAY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, as we pointed out earlier, this legislation is a voluntary program. Each local education agency that desires to receive the funds shall include the application. So it is completely voluntary. I know it has been repeated time and time again that the Federal Government is imposing this on the local school districts. But it is the local school district who has to make the judgment, who has to fill out the application. All the money goes to the local school district. Under the Gorton amendment, 15 percent goes to the bureaucracy. So let's be accurate in our description of this proposal.

Then let's also be accurate that this concept was basically endorsed by all the Republican leadership in the last Congress. Congressman GOODLING, Congressman DICK ARMEY, and Senator GORTON claimed credit for this proposal. We understand that. They claimed credit for the Murray amendment when it was accepted in the last Congress.

Just a final point I want to make. I think it is fair to say: One, if they want to do all the things the Senator from Maine has pointed out and you want an additional block grant, I agree with the Senator from Minnesota, if they want to get additional funds, I will vote for it. If the State of Maine wants to do it, that is all well and good. We are talking about limited resources targeted on national needs.

The question is whether this program works. The Senator from Washington has said time and time again that it does. And with all the responses on the other side, no one has questioned the various reports that demonstrate that children have made progress—no one, none; silence.

You can give all the cliches about one size fits all and all the rest, but just respond to the various STAR report conclusions, such as: 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade.

Talk to Maria Caruso, an elementary school teacher in Lawrenceburg Elementary School in Lawrenceburg, TN, who talks about what a difference it makes in all the years that she has been teaching, having the smaller class size, what a difference it has made in the quality of the education for the children in the Lawrenceburg Elementary School. Or talk to Jacqueline van Wulven a veteran teacher from the Cole Elementary School in Nashville, TN, who said:

> These students come into third grade far more advanced academically than any other

third grade class I have taught. There were very few behavior problems with a small class. The students worked well together, and I was able to provide many different learning experiences because I did not have to spend so much time disciplining the class.

Sandy Heinrich from Granbery Elementary School in Davidson County, TN: "I have been a teacher for 29 years and have never had an experience like I have had with the smaller class size." These are the teachers. Respond to these teachers.

All we are saying is, if the local community wants to try and replicate what has been tried and tested and demonstrated to produce enhanced academic achievement and accomplishment, that is the Murray amendment. They are already doing it in communities across the country, based upon last year's commitment. All we are saying is, let's continue it.

Two million teachers will be needed over the next 10 years. We are getting 100,000 teachers a year normally. We need to recruit an additional 100,000, to handle rising enrollments. The Republicans say, no, no, to the additional teachers. With their proposal, they will eliminate close to 30,000 school teachers across this country. Does that make any sense at all? It does not.

In Wisconsin, the Student Achievement Guarantee in Education program is helping to reduce class size in grades K to 3 in low-income. A study found that the students in smaller classes had significantly greater improvements in reading and math and language than students in bigger classes.

In Flint, MI, efforts over the last three years to reduce class size in K–3 have produced a 44 percent increase in reading scores, an 18 percent increase in math scores.

This issue is not about power. It is about partnership, partnership between the local communities, the States, and the Federal Government. We should insist on the Murray amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Tennessee, Mr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I thank the Chair.

Mr. President, I am delighted with the debate thus far because it really does come down to some pretty important concepts as to how we best approach a problem that I believe is the most threatening we have today, as we look into the decade, the next century; that is, the education of our children.

As has been said again and again, we are failing. We are absolutely failing today. If we look at our education for kindergarten through the twelfth grade, statistics have been given. Let me review those. This is the fourth grade. This is the eighth grade. This is the twelfth. This looks at just mathematics. We could put science, math, reading, English, any number of things in these columns.

Each of these green bars—it is hard to read—is a country. The red bar is the United States of America. That is our performance in the fourth grade in mathematics compared to Singapore, South Korea, Hong Kong, Austria, Slovenia, Ireland, Australia. You can see in the fourth grade, we are at about that level, about seventh or eighth.

In the eighth grade—the longer you stay in school—in mathematics, we drop further. And by the time you get to the twelfth grade—the black line is the average—you can see we fall below the average in the eighth grade. In the twelfth grade, we are down further.

People agree with the data. That is the good thing about this debate. On both sides of the aisle we have come forward and said we have to act. Indeed, there are things we do have a Federal responsibility to do in education; that is, to reverse these trends in this global marketplace. These are our children; these are our investment in the future.

The difference is in approach. It is very important the American people understand the difference in approach. It boils down to these two amendments. On the one hand, we have an amendment which says we have a new program, a new answer, a program we need to grow that will make a big difference with the resources we provide.

On our side of the aisle, Senator GORTON has basically said, that is one approach, but why not take essentially the same resources and recognize that every school is going to have a different problem, maybe even every classroom a different problem. It is absurd for us to think that in Washington, DC, we can dictate what is needed in a rural school in Alamo, TN, or an urban school in Memphis or in Nashville.

Let's take the same resources and instead of telling them they need more teachers, say take those same resources; maybe you need better trained teachers or maybe you need to hook a computer up to the T–1 line outside or maybe you need to buy computers or more textbooks. You decide. Maybe you need more teachers. Use the money for that. Two different approaches.

This is what we have today, and it is failing. We all recognize it is failing. These are the Government programs, the Federal Government programs on the outside. The Department of Health and Human Services has education programs aimed at the beneficiaries of our school system today—at-risk and delinquent youth is one group; young children is another group; teachers. You could put any number of groups. The school is down here. Any number.

The point is, we have heard the figure 480. It might be 250; it might be 300. The point is, we have hundreds of these Federal programs all aimed at different populations, and it is not working. It is failing.

What our side of the aisle says is that we can identify the problems, but with 87,000 different schools out there, let's let that school, that schoolteacher, that superintendent, that principal, those parents come to the table and say this is what we need and, with the resources we make available through the Gorton amendment, use those resources. It might be more teachers. It might be better prepared teachers. It might be an afterschool program. It might be hooking up a computer or it might be better textbooks. They decide at the local level. That is the difference between our side of the aisle and the other side. The Republican, the Gorton approach is basically saying, identify the needs locally and come together and decide.

The Murray amendment says more teachers. Indeed, we have made progress. In 1970, we had 22 pupils per teacher. In 1997, it is 17 pupils per teacher nationwide. That is some progress. Again, I am not going to diminish the importance of that. What I do want to say is that local identification of needs, that local flexibility is more likely to give you the answer to better education than us telling a community whether or not they may need a teacher.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRIST. I urge my colleagues to support the Gorton amendment and defeat the Murray amendment for the reasons of flexibility and accountability at the local level.

The PRESIDING OFFICER. Who yields time? The Senator from Washington has 13 minutes 49 seconds. The Senator from Pennsylvania has 30 minutes 44 seconds.

Mrs. MURRAY. Mr. President, I commend our colleagues who are concerned about bureaucracy. That is one of the great things about the class size initiative. It was passed in a bipartisan manner last year. One form, one page takes one administrator a few minutes to fill out, and the class size money goes directly to hire teachers. Our Federal tax dollars go to pay for the teacher in the classroom—no bureaucracy, no big charts. The money goes to make a difference. That is why we believe it is the right way to go.

I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I thank my colleague from Washington, Senator MURRAY, who has done such a great job on this issue, for yielding time. I rise in strong support of her amendment.

My State and our Nation are on the verge of an education crisis. At the end of the last school year, test scores showed that half of New York's fourth grade students could barely handle basic written and oral work.

If you look at the studies, what is one of the best ways to remedy that? It is the method of the Murray amendment—to reduce class size. If her amendment is not passed, in New York State, 3,497 teachers in the next fiscal year will get pink slips. Why are we doing that?

We have a program that works. It is reducing class size. The same things were said about the Cops on the Beat Program, the 100,000 police, that it wouldn't work or needed targets or would create bureaucracy. It has helped bring crime rates way down.

Now we have a chance to do the same thing for education. It makes such eminent sense to support a proposal that is aimed at the heart of the problem: too many students; not enough teachers.

Instead, what the alternative amendment proposes, the Republican amendment, is a block grant. Instead of saying make sure the money goes into the classroom, it says, if the local school board wants to fritter it away on something that is much less necessary than good, new teachers, let them do it.

I have never understood the zealotry on behalf of block grant proposals.

It is classic good sense to say when you take the people who tax you and the people who spend the money and separate them, money is going to be wasted. When the taxing authority is separated from the spending authority, the people spending it didn't have to go through the sweat of bringing those dollars in, and they waste it. Every block grant program we have seen, when audited, shows huge amounts of waste. Certain school districts will use that money for all sorts of programs that are not necessary. Some, I argue, would be laughed at.

Then we will hear people from both sides of the aisle come back and say: Oh, we should cut this program because it is wasteful. To start out with, let's make it work. If you ask educators what is the No. 1 place to put dollars, it is teachers.

I would like anyone on the other side to tell me what is more important than teachers. Why give the local authority the ability to take money away from teachers and give it somewhere else—to bureaucracy, or to waste, or to things that might be necessary but not as necessary as teachers?

There will be 3,497 teachers in New York State who will get pink slips if the Murray amendment does not pass. The number is proportionate in your own States.

How are you going to look teachers and, more importantly, young students in the eye and say, "Well, I had this ideological concept, and the teacher is going to be fired?"

Yes, we must spend more on education. I am completely sure of that view. But we must spend it intelligently. We must spend it rigorously. We must spend it with standards. To just throw money at the problem, as we have learned in school district after school district, will not solve the problem.

The wisdom we have accumulated about education goes into the Murray amendment because we know that smaller class size increases reading scores and increases math scores.

We hear a lot of criticism. I heard my good friend from Tennessee criticize the education system. Then he is giving money to the same people who are being criticized for not doing a good enough job.

Are we going to have leadership? Are we going to show America that we know what needs to be done, or are we going to hide behind the defensive measure that nobody really has any heart for, which will not maximize our bang for the buck?

There is, indeed, an educational crisis in America. There is, indeed, an anxiety among the people of our great land that our educational system doesn't measure up to the 21st century. Last year, in a bipartisan way this Congress had the courage to begin to address that issue at its core: Too few teachers for a growing number of students. Let us not take a step backward and reverse that. Let us support the Murray amendment.

I thank the President.

I yield the time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President and fellow Senators, some of you will not think what I am going to tell you is even possible. But, believe it or not, before I went to law school, I was a schoolteacher. I taught mathematics in junior high school in the public school system. I loved it. I had a class in the morning that was made up of half the students who didn't know how to add 6 and 6—they were in the eighth grade—and half the students who were ready for geometry.

I guarantee that if the U.S. Government, back when we were trying to teach in Albuquerque, NM, in Garfield Junior High, said, We want to give you the same program as we give a junior high school in New York City, do you think I would have jumped to it and said, Give it to me? Of course I would not have. I would have said, What is it for? Then I would have said, Won't you let me use it for what I know the kids need or are you going to tell me what they need?

In essence, that little classroom and that little example is a microcosm of this issue. This issue across this land is whether or not the U.S. Government can help a failing education system with more targeted programs—more programs that say, use it our way in every way or you don't use it. It is a presumption on our part that it is the very best way to use the money and it is the best way to make our students achieve more—none of which is true and none of which will bear out in the marketplace of educating young people.

What we have today is an effort to use $1.2 billion of education funding by authorizing on an appropriations bill a way of spending that is not now authorized in the law. We will not even wait for a couple of months for the committee that has been having hearing upon hearing to come forth with a bill that puts everything into some perspective as to the small Federal Government's share—and small it is; 7 percent of public education is the U.S. Government. And that is found in this bill, 7 percent.

Some people talk as if we are the driving force of education. We would have to be miracle workers for our 7 percent to really make schools get significantly better. But they would take $1.2 billion that is here to be used in a new way under a new law, and they would say: We know best; spend it for more teachers in every school in America.

Frankly, it was also said on the floor that every superintendent wanted it that way. I only had a chance to call four—Belen, Artesia, Cloudcroft, Capitan. None of them thought that more teachers was the biggest priority for their school systems and their problems. Some said they would improve themselves with alternative learning. Some said they would improve themselves with math and science. One said they would dramatically improve themselves in science.

Frankly, that is what this is all about. Under the guise of saying we know best and, please, under the guise of saying more teachers must be met for everybody, we are going to spend $1.2 billion of hard-earned taxpayers' money by mandating that you use it for more teachers or you can't use it.

I would just suggest that in my home city school district—where I taught school years ago when I taught mathematics in the junior high—I am not at all sure they would take this money and put it in more teachers if you gave them the option. They are having a crisis in the school system there. But I don't believe they would be saying the thing they need the most is more teachers. They might need bonuses for good teachers. They might need some bonuses for teachers who are indeed excellent and can't make ends meet because we can't pay enough. They would find all kinds of things and put them on the table. Ask them.

If you really said—let's just pick a number, the $20 million you will get, or the $50 million you will get—Albuquerque, you can use it all for teachers or in enhancing the opportunity for achievement, which is our goal, you can use it in other ways and be accountable for it, I doubt very much if they would in my home State all choose more teachers.

Don't anybody miss the point. If you vote against Senator MURRAY's amendment, you still vote for the $1.2 billion to go to our States in the appropriate formula, which nobody is arguing about, to be used where they think it is best to enhance the achievement level of our public school students.

There is much that could be said. When the debate ensues on the major American overhaul of education, we will all be here talking about some new reform. But for now, I think in my 5 minutes I have expressed my views as best I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, our side yields up to 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, it is remarkable how a relatively short amendment and even debate can be misconstrued.

The amendment we have before us that will be voted on in about 30 minutes is less than 10 full lines long. Twice, the senior Senator from Massachusetts has said that it authorizes the States to take 15 percent of the money for administrative purposes, in spite of having been corrected after the first mistake.

In fact, in clear English, it states that the distribution will be for school districts in exactly the same form as would be the distribution under Senator MURRAY's amendment. I don't believe Senator MURRAY's amendment allows 15 percent to be taken out by the States for administrative expenses. Neither does mine. That is one point that has been made on the other side during the course of the debate.

Another—very recently by the junior Senator from New York, and by others—speaks of the tremendous waste and abuse in the use of this money for football teams and the like, which seems to be the inevitable consequence of trusting elected school board members to manage their own schools.

A few years ago when we began this debate I made a remark that I repeat now. How is it that voters who are so wise as to choose us to represent them in the Senate will be so foolish and so stupid as to choose school board members in their own communities who will take any money we give them and throw it away on frivolous, noneducational purposes if we allow them to run their own schools?

No one has answered that question. Yet this entire debate on the other side of the aisle has been taken up by Members who either implicitly or often explicitly, as is the case with New York, are willing to state that they know more not only about the schools in their own States but the schools in the other 49 States as well, and unless we tell every one of the 17,000 school districts in the United States of America precisely how to spend their money, they will waste that money.

More than 90 percent of the money spent on schools in the United States is spent by States and local school districts. Unless the proposition is that all of that money is wasted, that our whole system is so dysfunctional that we should abolish school districts, abolish elected school board members and simply run all of our schools from Washington, DC, unless that is the argument, the proposition on the other side arguing against my amendment simply falls by its own weight.

As I said earlier, I think the proposition proposed in the Murray amendment is clearly debatable. It wasn't debated last year. It was poked in a huge omnibus bill at the end of the session, unknown to most of the Members of both Houses of Congress. It has been debated for a total of 3 hours today. It needs to be debated against other competing ideas of at least equal and I think greater merit when we debate renewal of the Elementary and Secondary Education Act sometime during the winter of next year. Perhaps by that time, with various ideas spread out, we can do a better job.

The Murray amendment, in order to breach one of our rules, has had to be written in an awkward fashion. It is an authorization but it is an indirect authorization. It deserves much more serious consideration than we are giving it this afternoon. It deserves debate against much more serious and broad ranging ideas.

It does seem to me, however Members vote on it—and Members who don't trust local school districts and think superintendents are incompetent, who believe that principals and teachers don't have the interests of the kids they are educating in mind, can certainly vote to tell them exactly how to spend this money by voting for the Murray amendment—even those Members ought to vote for my amendment because mine simply says if we don't adopt the Murray amendment or don't adopt something similar to the Murray amendment between now and the 30th of June of next year, the school districts will get the money in any event, and it is only in that "any event" they will be able to use it for any educational purpose they deem appropriate for the improvement of their students. If both amendments are defeated, the schools may forfeit the money entirely.

I trust Members on the other side will at least be objective enough to agree to the proposition that we ought to adopt my amendment unanimously and then determine whether or not this is the time, without any real debate, to say we have to have one more program added to the literally hundreds we already have on the statute books of the United States, all of which are for precise, single purposes, each of which implicitly or explicitly says we don't trust our professional educators and our parents to know how to set the priorities for their own schools.

I firmly believe in the proposition we should provide that trust permanently through the amendment I offer. My amendment doesn't do that permanently; it only uses it as a backup. We will debate a more sophisticated version of it later this year or early next year. Between sides, there is a great gulf. That gulf is between those who believe people at home are professional educators, are elected school board members who do care about the kids they are teaching and do know what those kids need, and those who believe, unless we operate as a super school board, unless we adopt the assumption we know far more than they do about education, that education will not be provided.

Mrs. MURRAY. I ask unanimous consent Senators LANDRIEU and REED from Rhode Island be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield 4 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Washington. I support her amendment.

The basic issue is this: Will we give the pink slip to 29,000 teachers at the end of this school year, teachers who were hired to use their professional skills, to have reduced class size which helps kids along in kindergarten, first, and second grades?

The Republicans say yes; the Democrats say no. The Republicans say: Give them the pink slips. Give the money to the school districts. Let them do with it what they like.

I think Senator MURRAY, in supporting this amendment which I support as well, is supporting a concept that is tested and proven.

During the course of this debate, we have been visited in the galleries by many students—hundreds of them, perhaps. I think if you ask each of them whether it was a better classroom experience when they were in a small class where they got to know the teacher and worked with them or in some large study hall with 200 or 300 students, the answer is obvious. It is obvious on this side of the aisle but, unfortunately, not on the other side of the aisle.

The chart the Senator from Tennessee brought up must be passed to every Senator when they are elected. It shows how bad America's schools are and compares various grade levels of different nations and the United States. I have seen the chart over and over again. It is a chart they use to rationalize vouchers, taking money out of public schools and giving it to a few kids to go to private schools. It is a chart they use to say public education doesn't work in America today.

There is something fundamentally flawed in that presentation. Virtually every other country we are compared to uses a selective system of bringing kids to school. But not in America. Our schools are open to everybody regardless of color, regardless of economic circumstance, regardless of whether you are gifted or have a learning disability. Yes, some of our test scores are lower because our school doors are open to everyone. Some of the other countries, which the Republicans point to with pride, are very selective. There is the class that will become the leaders and the class that will always be the lower-class workers. That is not America. I hope it never is.

This commitment to this amendment is a commitment to public education, to 90 percent of the kids in America who go to public schools. I went to private schools, parochial schools, as did my kids, but I believed my first obligation in my community and in the Senate was to public education. That is why I support Senator MURRAY.

For those who say we don't care about or don't trust local educational officials, nothing could be further from the truth. Despite everything we do in this appropriations bill, 93 percent of the funds spent on local schools will come from local sources and will be administered by local officials, as it should be. The question that Senator MURRAY poses with this amendment is whether the Federal Government will continue to show leadership in certain areas where we have had proven success.

Looking back we can see it: vocational education, the School Lunch Program, title I for kids falling behind, the IDEA program for kids with disabilities, the National Defense Education Act, the Pell grants and others for higher education. We pick and choose those things that work at the Federal level and do our level best to work with local school districts to use them at the local level. That is what the Murray amendment is all about.

Yes, we trust local officials, but we want to make certain they are held accountable to produce the teachers and reduce the class sizes that we know has proven results.

I say to the Senator from Washington, who offers an alternative: Have faith in the public school system, please. Have faith, if teachers are in the classroom with a smaller number of students they can succeed; kids that might otherwise fall behind have a fighting chance.

I close by saying it is sad, in one respect, that this is what the educational debate in Washington, DC, comes down to, a matter of 29,000 teachers. The No. 1 issue for families across America deserves a bigger debate and a lot more attention from the Federal Government. So far, this Congress, as we have seen in previous Congresses under Republican control, has continued to shortchange education. We cannot do that except at our own national peril. I support the Murray amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we have had a very solid, constructive debate this afternoon. The Murray amendment seeks to deal with class size, which I believe is a very laudable and praiseworthy objective. A difficulty I have with the amendment of the Senator from Washington is that it adds some $200 million to the bill, which is already, in my judgment, at the maximum level. It now calls for $91.7 billion; $16 billion is forward funded. Last year $8 billion had been forward funded. This bill has been crafted by the subcommittee, then accepted by the full committee, after 17 hearings, after having more than 2,000 requests from Members, more than 1,000 letters, 1,000 inputs from the citizenry. Our subcommittee, a group of experts on staff, sat down and crafted this bill which was then approved by Senator HARKIN, the ranking Democrat, and myself. We have some 300 items which we have weighed and evaluated. We have allocated $1.2 billion to the generalized subject of teacher initiative, which is perhaps the same as class size. When I say perhaps the same as class size, I say that because the determination of precisely how that money is to be used is up to the authorizing committee.

For those watching on C-SPAN II, if anyone, a word of explanation might be in order; that is, we appropriate. We put up the money. But we have another committee, headed by Senator JEFFORDS, which decides authorization, as to how the money is to be spent. That is the way we do business in the Senate.

Last year, in order to move through the process—and occasionally we do legislate on an appropriations bill—we did legislate, for 1 year, on class size. The amendment offered by the Senator from Washington was subject to challenge under rule XVI and could have been defeated because it is legislation. We decided not to do that in order to give this issue a thorough airing on the merits.

Frankly, I would like to add $200 billion—million—maybe Freud would say I would like to add $200 billion. I am not sure. But we have a couple of problems. One problem is we have to pass this bill. On my side of the aisle, we are at the breaking point. I may be wrong about that, we may be beyond the breaking point. I am lobbying my colleagues in the Cloakroom that $91.7 billion ought to get their affirmative vote. They raised questions about the size of the amount. Then we have to go to conference and we have to produce a bill which will be accepted by our House colleagues, who have a little different view. They want to spend substantially less money.

I am aware the object, the end process is to get the bill signed. Under our Constitution, it is not enough for the Senate to vote, for the House to vote, for the conference committee to vote. It has to be submitted to the President. He has to agree with it. We are very close to the President's figure.

He asked for $1.4 billion for class size, and I am not saying in the end we might not be there on a compromise, at the very end of the process, if we make some other adjustments. But there is a limit as to how much I can get my Republican colleagues to vote for.

One of my colleagues just entered, came to the floor, and said, "That's right." I have been lobbying him very hard in the Cloakroom. We have to get 51 votes for this bill; that is not easy to do, at $91.7 billion.

So as we look at the overall structure, and we have 300 programs—the Senator from Washington did not make a suggestion as to where she would like to cut $200 million. We have a structure that is not subject to the Budget Act because it is advanced funding.

I believe our bill, at $91.7 billion, is within the caps, and I am confident it does not touch Social Security. But that is a complicated subject because some of the money has been borrowed from defense. There are a lot of factors at play here. Senator DOMENICI and Senator STEVENS and I and others have been working to be sure we are within the caps and we do not cut Social Security. I have been told if we spend $200 million more on the amendment of the Senator from Washington, we may invade Social Security—that we will invade Social Security. I am not prepared to make that argument because I do not know whether it is true or not. But I do know every time we add money, we come very close to that and there is, not a consensus—there is unanimity not to touch Social Security, not to do that, and to allow room for Medicare.

In the debate earlier, I heard the Senator from Connecticut talk about adding $2 billion to another program that I like very much, but I am not prepared to spend $2 billion more on this bill and eliminate any chance at all I can get 51 votes on this side of the aisle.

So it was with great reluctance that I am constrained—and I voted against very little, in the 19 years I have been here, against increased education funding. If somebody wants to spend more money on education, almost always I have said yes. The authorizers may come back and may do exactly what the Senator from Washington wants, put it on class size. That is a laudable, praiseworthy objective. But there are other objectives as well. That has to be decided by our authorizing committee, under our rules.

So it is with reluctance that I vote against the Senator from Washington because I do not like to vote against money for education. But we have not just been fair; we have been very generous. This bill is an increase of $2.3 billion over last year. It is more than $500 million more than the President wanted. We have worked hard to craft this, among 300 programs. Agreeing to the amendment offered by Senator GORTON does not rule out class size on two grounds: One is, it could be class size if the local districts say so, or it could be class size if the authorizers say so.

So Senator GORTON's amendment is not inconsistent with the objectives of the Senator from Washington.

Chairing this subcommittee has been fascinating, and trying to put all the pieces together is really a challenge. Voting against education is something I do not like to do, to be misconstrued in a 30-second commercial, but I think the interests of American children and public education, of which I am a product, are best served by keeping the bill as it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to say by voting for the Gorton amendment we are voting for education. In voting against the Murray amendment you are not voting against education, you are voting for allowing—Mr. President, I ask unanimous consent to have 4 minutes off the time of the proponents of the Gorton amendment.

Mr. SPECTER. Mr. President, I will yield him that time. That is the way we do it, as opposed to unanimous consent.

Mr. NICKLES. I thank the Senator.

Mr. President, the Gorton amendment is a pro-education amendment, if you believe people in the local school districts know what they need. Maybe they need more teachers. Maybe they need more computers. Maybe they need to enhance the benefits for teachers that are there so they can keep them there.

Maybe they need it for recruitment. Let's give them the flexibility.

I, along with several other Senators, met with some Governors and asked them what they wanted, and they said they wanted flexibility and they wanted Congress to help them meet the unfunded obligations of IDEA. I said: What about this proposal that some people have made that says let's have 100,000 new teachers paid for by the Federal Government? That was not their request.

They said: No, just give us flexibility; there are hundreds of Federal programs, some of which work, some of which do not work, a lot have mandates; give us the flexibility to work on those programs; give us some of the money without the strings attached; you do not need to tell us we have to hire so many teachers.

Frankly, they do not have to hire teachers and have them paid for by the Federal Government. Some States have already taken significant action to reduce class size. I compliment them for it. Some are way ahead of others. Should we punish those States that have moved ahead earlier than other States? I don't think so.

How in the world do we in the Federal Government have that kind of knowledge that allows us to dictate, to mandate that we need 30,000 teachers, or 100,000 teachers? In my State, it comes to 348 teachers. We have 605 school districts, so each school district gets half a teacher. Nationwide, there are 14,000 school districts, so I guess we get 2 teachers for each school district. Some people are saying that is the solution for better education, for the Federal Government to hire two teachers for each school district? That is ridiculous.

We have a lot of programs. The Senator from Pennsylvania has already mentioned there is a significant increase for education. Let's allow some flexibility, as proposed by the Gorton amendment, by people who run the schools who know—the local school boards and the States—what they need most. Let them make that decision. Maybe it is four more teachers. Great, I am all for it. Maybe it is for retention of teachers. That is fantastic. Maybe it is for computers. Let's have them make the decisions and not dictate that Washington, DC, knows best.

I reiterate, a vote for the Gorton amendment is pro-education, and a vote against the Murray amendment, in my opinion, is pro-education if you happen to believe people on the local school boards and the PTAs within the States have an interest in improving the quality of education and might know better than some bureaucrat in the Department of Education.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. SESSIONS). Three minutes 30 seconds for the proponents of the amendment, and 5 minutes 36 seconds for the opponents.

Mr. REED. Mr. President, I rise in support of Senator MURRAY's amendment to provide funding for the class size reduction initiative.

Last year, the Congress, on a bipartisan basis, made a down payment to help communities hire 100,000 teachers so they could reduce class sizes to an average of 18.

As Tennessee's efforts with class size reduction show, qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education.

The class size reduction initiative is flexible, and communities are using innovative locally-designed approaches to give children the individual attention they need.

Every state is using the funds, and every state that needed a waiver to tailor the class size reduction program to its specific needs or to expand class size reduction to other grades, received one.

1.7 million children are benefitting from smaller classes this year.

29,000 teachers have been hired with FY99 Class Size Reduction funds.

1,247 (43 percent) are teaching in the first grade, reducing class sizes from 23 to 17.

6,670 (23 percent) are teaching in the second grade, reducing class size from 23 to 18.

6,960 (24 percent) are teaching in the third grade, reducing class size from 24 to 18.

2,900 (10 percent) are in kindergarten and grades 4–12.

290 special education teachers were hired.

On average, 7 percent of the funds are being used for professional development.

Mr. President, the debate is not a simple either/or proposition on class size versus teacher quality. We need to do both. That is why last year on an overwhelming bipartisan vote we passed a new teacher quality grants program as part of the Higher Education Act Amendments of 1998. Indeed, those who claim they support improvements in teacher quality have a clear chance to do so when Senator KENNEDY and I offer an amendment to fully fund the teacher quality grants at $300 million.

We must continue to meet the bipartisan commitment we made on class size reduction.

I urge my colleagues to support the Murray amendment to do just that and reject the Gorton amendment which could result in children being forced to return to larger classes and the firing of 29,000 newly hired teachers.

Mrs. MURRAY. Mr. President, we are coming to the end of this debate. Everybody needs to step back and remember why we are here, and that is that 1 year ago, in a bipartisan manner, both Houses—the Senate and the House—agreed to work toward funding 100,000 new teachers in the early grades, first through third grades.

Everybody took credit a year ago. In fact, I have a copy of the Republican Policy Committee, "Accomplishments During the 105th Congress." This is what they put out, and right on the second page, they take credit for the 30,000 new teachers we funded with the $1.2 billion. They take credit and say: This is one of their accomplishments. They say:

> This omnibus FY 1999 funding bill provides $1.2 billion in additional educational funds, funds controlled 100 percent at the local level—

Despite the rhetoric you have heard today—

> to recruit, hire, train, and test teachers. This provision—

They said a year ago—

> is a major first step toward returning to local school officials the ability to make the educational decisions for our children, rather than the bureaucrats in Washington.

I did not say that; our Republican colleagues said that a year ago when they passed the $1.2 billion with us to reduce class sizes.

In the past year, we have put 30,000 new teachers into our classrooms. Why was that an initiative that we all felt was important? Because we know it makes a difference. We know that students in smaller class sizes enroll in more college-bound courses, they have higher grade point averages, they have fewer discipline problems, and they have lower drop-out rates.

The commitment we began last year is making a difference for our students, it is making a difference in our classrooms, and it will make a difference for our economy and for this country's future. It is a program that is working.

I ask my colleagues: Why have so many people opposed it today when 1 year ago they said it was a major accomplishment in turning money back to local school districts? Why are they opposing it?

Perhaps they do not want any Federal involvement in our education. I disagree. The Federal Government is a partner. They are a partner with our State and local governments, with our teachers, our students, our families. We made a commitment a year ago, and we are about to renege on that right now. If my amendment is not agreed to, and a year from now 30,000 teachers get their pink slips and we have students, 1.7 million children, who are returned to larger classrooms, everyone in this Congress will have failed to do the right thing for our children.

The Class Size Reduction Initiative was the right thing to do a year ago. Everyone said so. It is still the right thing to do today. It is a commitment we have made to the families in this country that, yes, we will live up to what their expectations are of us, that education is a priority, that we are willing to put our money behind our rhetoric.

My colleague from Washington, Senator GORTON, has offered an alternative, and I say to my Republican colleagues, if they want to introduce a new block grant program and tell us what it is, perhaps we will be willing to help them. But we are not willing to take 30,000 teachers out of our classrooms, and we are not willing to say to the families in this country that we are not with you in making sure that every child in this country, no matter who they are or where they come from, will learn. We are willing to do our part.

I urge my colleagues to support the Murray amendment and oppose the Gorton amendment and do the right thing for children and families in this country.

Mr. SPECTER. I yield 5 minutes 36 seconds to the distinguished Senator from Washington so he can conclude the debate in support of his amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment that I have before you and which will be voted on in a few minutes is extraordinarily simple both to understand and in its undertaking. It says that the $1.2 billion the chairman of the subcommittee and his ranking member have generously put in this bill, subject to the authorization of a specific teachers program, will nonetheless be available to the school districts of the country if we do not come up with a specific authorization of that very specific and prescriptive program, one, the merits of which as against trusting school districts, I find somewhat dubious.

It should be a slam-dunk vote for every Member of this body, and yet immediately after I last spoke on this issue, the senior Senator from Illinois said if we do not adopt the Murray amendment, 27,000, 29,000, 32,000 teachers who have been hired under the teachers program in the last year will all get pink slips. It is hard to think of a more bizarre argument.

Under my amendment, every school district will get every dollar it has gotten in the present year that is used to hire teachers. The only rationale for firing a single one of those teachers would be that the teacher was unneeded but that the school district had the money, could not use it for any other purpose because of the wisdom of the Members of the Congress of the United States and felt that there was an infinitely more important use for that money.

If that is the case, if thousands of teachers are going to be fired, it shows that the program was the wrong program in the first place and should never have been passed.

If the teachers program is justified, the teachers will stay on the payroll whether Senator MURRAY's amendment is adopted or not as long as my amendment is adopted.

They are on the horns of a dilemma: either they pass a foolish and unneeded program that would otherwise be rejected by every school district in the country, or they can reach their goals through my amendment, as well as through their own, and then debate at a later time under more thoughtful circumstances, as both the Senator from Pennsylvania and the Senator from Vermont pointed out, the whole idea of how much direction we must impose on our school districts when we deal with the Elementary and Secondary Education Act 2, 3, or 4 months from now.

But the fundamental difference between these two approaches is very simple. Their approach is: The people who run our schools don't know what they are doing and will waste money and will do it wrong unless we tell them, down to the last detail, how to set their own priorities. Their belief is that parents and teachers and principals and superintendents—those three sets of professionals who have devoted their entire lives to the education of our kids—and elected school board members, who go through campaigns, the way we do, because they care about their schools, do not really care or are too stupid to know what their students need and that one set of rules, applicable to New York City and the most rural district in South Carolina, is the only way we can provide appropriately for the education of our children. That is an argument that is not only perverse; it is false and erroneous on its face.

Let us admit that there may be people in the United States who know more about the education of their own children in their own communities than do 100 Senators. We should adopt the amendment that I have proposed. We should defeat the Murray amendment.

We should have the debate on a broader scale at a later, more appropriate time, not in connection with an appropriations bill that urgently needs to be passed by tomorrow so we can actually get this money to the schools so they can educate our children and do a better job in the future even than they have done in the past.

I guess I cannot yield back the remainder of our time. It is controlled by the Senator from Pennsylvania.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator AKAKA as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Are the yeas and nays ordered on my amendment?

The PRESIDING OFFICER. They are not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. I move to table the amendment by the Senator from Washington, Mrs. MURRAY, and ask for the yeas and nays.

Mrs. MURRAY. Parliamentary inquiry.

The PRESIDING OFFICER. The Murray amendment is not pending. The Gorton amendment is the pending amendment.

Mr. SPECTER. I withdraw the motion and will renew it at the appropriate time.

VOTE ON AMENDMENT NO. 1805

The PRESIDING OFFICER. The question is on agreeing to the Gorton amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN), is absent due to a death in the family.

I further announce that if present and voting, the Senator from Michigan (Mr. LEVIN), would vote "no."

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—2

Levin
McCain

The amendment (No. 1805) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. COVERDELL. I move to lay it on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1804

The PRESIDING OFFICER. The question is on agreeing to the Murray amendment.

Mr. SPECTER. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murray amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote "no."

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Levin
McCain

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1807

(Purpose: To require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. BOXER, and Mr. KENNEDY, proposes an amendment numbered 1807.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. REID. Mr. President, I offer this amendment on behalf of the Senator from Nevada, Mrs. BOXER, and Senator KENNEDY.

A woman by the name of Karen Daly was stuck by a contaminated needle while working as an emergency room nurse in Massachusetts. As a result of her being inadvertently, accidentally stuck with a needle she was using on a patient, she was infected with both HIV and hepatitis C. She had worked as a nurse for 25 years. She, of course, can no longer work as a nurse. She loved her job. She has become, I believe, the Nation's most powerful advocate for our need to do something to prevent people from being accidentally stuck with needles from which they become sick.

Her story is really heart-rending. She says:

> I can't describe for you how that one moment—the moment when I reached my gloved hand over a needle box to dispose of the needle I had used to draw blood—has drastically changed my life. Since January of this year, I have had to come to terms with the fact that I am infected with not one but two life-threatening diseases.

The tragic part of this story is, like Karen, so many other people could have had this accidental stick prevented. Karen Daly is one of 800,000 accidental sticks every year.

In Reno, NV, there is a woman by the name of Lisa Black, a 21-year-old registered nurse, a single mother of two, who has also learned the devastating impact of a needle stick. In October of 1997, 2 years ago, she was nursing a man who was in the terminal stages of AIDS when a needle containing his blood punctured her skin. Today, she is infected with hepatitis C and HIV. She takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C which is an incurable liver disease.

Lisa Black's needle stick could have been prevented if hospitals had widespread use of safe needles and needleless devices. I repeat, 800,000 needlesticks and sharps injuries each year. That is more than is really imaginable, but it is true.

There are pages and pages of incidents I could report of people who are stuck with these needles. The nursing profession is mostly women, so most of the people who are injured are women.

I will talk about a couple of others.

Beth Anne. She graduated with a nursing degree less than a year before she got hurt. She says:

> Life for me was just starting. Having graduated from college that year, I had planned to specialize in critical care, emergency services, and flight nursing. I was engaged to a wonderful and supportive engineer whom I had met when we were students on the same university campus. We were planning our wedding. Suddenly, everything seemed uncontrollable. The illness and the response from my employer seemed out of my control. . . . The severity of the illness threatened my life. . . . Wedding plans were postponed indefinitely.

Here is how she describes her injury:

> I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. "I forgot about the shot," the patient said. "I thought it was a mosquito biting at my hip."

Beth Anne says:

> The injury I sustained is now preventable. . . . I injected the needle into her hip with my right hand, aspirated to assure placement, and pushed the plunger. The patient did not flinch. I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. "I forgot about the shot," the patient said. "I thought it was a mosquito biting at my hip." There [are] now syringes that automatically retract the needle into the syringe before the syringe is pulled away from the patient's skin. . . . The cost difference between this safe syringe and the one that infected [this lady] is less than the cost of a postage stamp. The cheaper syringe has cost [this woman and her employer] much more than this, in many ways.

She has been very sick and has been in and out of hospitals. Hundreds of these patients die each year from these injuries. Moreover, these statistics account for only reported injuries. The 800,000 are only those that are reported. There are a lot more that are not reported.

Lynda.

> On September 9, . . . I sustained a needlestick while starting an intravenous line at a small community hospital in Lancaster, Pa. I was a 23-year-old registered nurse working in the ICU.

The reason I go over these stories is these are not negligent nurses. They have not done anything wrong.

What happened is on one occasion there was a needle in a wastepaper basket. She stuck her hand in it. Needles are not supposed to be put there.

On another occasion, a patient, very sick, not thinking well—senile—swiped at a person's hand, thinking it was a mosquito.

In this instance, I repeat, she was a 23-year-old registered nurse.

> At my hospital I had received in-depth training and had attended in-service sessions about safety and technique. Although I was complying with all recommended precautions at the time my needlestick occurred, these precautions were not enough to prevent the injury. While removing the needle from the patient's vein, he suddenly moved his arm and knocked mine. The motion forced the bloody exposed needle directly into my left palm. It punctured my latex gloves. . . .
>
> It was here that my worst fears were confirmed. The patient had AIDS and was in the final stage of the disease.

She said:

> I began the 1-year wait to discover if I had become infected. At 3 weeks after my needlestick I was sent to a family practitioner because of a rash, sore throat, and fever; I was prescribed some topical ointment for the rash and sent home.
>
> . . . I received the results of my 6-month antibody test and got the most devastating news of my life: I was HIV positive. I do not think that words can accurately describe my emotions at this time. I felt suffocated, desperate, fearful, dirty, contaminated, and confused. Nothing in my education, on-the-job training, or critical care course could have prepared me for the experiences and emotion that lay ahead.

I have only recounted a few of these. Nurses badly need this legislation. There are all kinds of things that can be done to protect these people who are being stabbed inadvertently. There are needles that retract. Too many of our front-line health care workers contract, as I have indicated, these debilitating and often deadly diseases as a result of these on-the-job needlestick injuries.

Those at risk for needlestick or sharp injuries include anyone who handles blood, blood products, and biological samples, as well as housekeeping staff and those responsible for the disposal of contaminated materials.

According to the Centers for Disease Control, we have only a few of the reported sticks each year; 800,000 people have reported needlesticks and sharps injuries. There are many more who do not report.

We do not actually know the number of needlestick injuries.

Over 20 different diseases—including HIV, hepatitis B and C, and malaria—may be transmitted from just a speck of blood.

This amendment that has been offered would ensure that necessary tools—better information and better medical devices—are made available to front-line health care workers in order to reduce injuries and deaths that result from these needlesticks.

What would my amendment do?

It would amend OSHA's—that is the Occupational Safety and Health Administration—blood-borne pathogens standard to require that employees use needleless systems and sharps with engineered sharps protections to prevent the spread of blood-borne pathogens in the workplace.

Second, create a sharps injury log that employers would keep containing detailed formation about these injuries that occur.

And finally, it would establish a new clearinghouse within the National Institute of Occupational Safety and Health, NIOSH, to collect data on engineered safety technology designed to help prevent the risk of needlesticks.

In the House of Representatives, this legislation is sponsored by 136 of their Members. Protecting the health and safety of our front-line health care workers should not be a partisan or political issue. We need something done.

I have been told that the chairman of the committee, the junior Senator from Vermont, is aware of the problem in this area and has indicated a willingness to work to come up with regulations that we can work with the administration on or legislation, if in fact that is necessary—which I think it is—to prevent these needlestick injuries—and they are preventable, and we as a body need to do something about it.

Mr. SPECTER. If the distinguished Senator would yield on that point?

Mr. REID. I am happy to yield.

Mr. SPECTER. Senator JEFFORDS would be willing to work with the Senator from Nevada on a bipartisan approach to needlestick prevention. I have not heard the issue broached at the hearings, but I will urge Senator JEFFORDS to include that in working with the Senator from Nevada. The issue poses a problem on the appropriations bill. This is authorization on an appropriations bill, and it is subject to our rule XVI which precludes that. But more fundamentally, it has not been aired with many of the interested parties. I am sympathetic to what the Senator from Nevada seeks to accomplish. I think there are problems. I found out about it for the first time yesterday, and I say that in no way to be critical. That is what happens here. When we take it up, we have heard rural hospitals would find it difficult in its present posture. I am told by CBO that there is a substantial cost figure involved. I don't cite it with any authority, but they are talking about $50 million. I don't quite see that, but that has been reported to me.

I compliment Senator REID for calling attention to the issue, for focusing on it, for raising it and taking a big step in having consideration by the authorizing committee. I will urge Senator JEFFORDS to include hearings as well as a cooperative approach to try to work it out.

Mr. REID. I say to the manager of the bill, I appreciate his statement. I understand rule XVI. It was my initial idea because I think this is so important. Every nurse in America, every day they go to work, is concerned about whether or not they have a needlestick. Nurses all over America favor this. It was my original intention to move forward and see if we could get enough votes to surmount the problem with rule XVI.

I think we have the opportunity to do something on a bipartisan basis. I do not believe something this important should be done on a partisan basis. I think we should make this a bill both Democrats and Republicans support. I have spoken to the Senator from California, Mrs. BOXER, who has worked on this with me from the very beginning. She is someone who feels very strongly about this issue. I have spoken to the other sponsor of the legislation, Senator KENNEDY. They acknowledge the need for this and also the fact technology now exists to protect health care workers from needlesticks, but only 15 percent of those hospitals are using safer needle devices such as retractable needles.

Having said that, I am not going to call for a vote at this time. It is my understanding Senator JEFFORDS has agreed to do hearings. I am sure I can confirm that with a phone call with him. At this stage, what I am going to do is speak no more, talk to Senator JEFFORDS, and then I will withdraw my amendment.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for both focusing the attention of the Senate on this issue and for agreeing to an orderly process, which has been outlined, for expediting the processing of the bill by, as he says, withdrawing the amendment.

Mr. REID. I say to my friend in closing, I understand there might be a cost involved. CBO has indicated to the manager of the bill $50 million. I think it would be a fraction of that, but we need not get into that today. For any one of these women I talked about today who have been inadvertently stabbed with one of these needles, their medical bills are huge. There isn't a single one of these women who doesn't have medical expenses less than $100,000. When added up, it comes out to a tremendous amount of money that could be saved, notwithstanding the pain and suffering of these individuals and their families.

The PRESIDING OFFICER. Does the Senator withdraw the amendment?

Mr. REID. I am not going to withdraw the amendment at this time. I am going to talk to Senator JEFFORDS, make sure we will have a hearing sometime within the reasonable future. I have been advised by staff he has agreed to that, so I am sure there will be no problem.

I say to the Chair, I have no objection to my amendment being set aside and moving on to other business.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. SPECTER. Mr. President, on our sequencing, the distinguished Senator from New Hampshire, Mr. SMITH, has an amendment to offer at this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1808

(Purpose: Sense of the Senate regarding the Brooklyn Museum of Art)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1808.

The amendment is as follows:

SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation,' which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry."

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, first, I thank my colleague, the manager, Senator SPECTER, and the Democratic side for agreeing to my amendment. It is my understanding there is no opposition. I will be very brief in my remarks.

The amendment is very simple, as was read by the clerk. It says that unless the Brooklyn Museum of Art, about which we have been reading, cancels the exhibit Sensation, it will no longer receive Federal funds through the National Endowment of the Arts. An article in today's Washington Times describes this exhibit "called. art"—I use that term loosely—as including a picture of the Virgin Mary decorated with elephant feces and pornographic pictures. It also contains a picture, a photograph of the Last Supper with a naked woman presiding, presumably, as Christ. It also depicts a sculpture of a man's head filled with the artist's frozen blood.

As I say, I use the term "artist" loosely. I am reading from the article. This is called "art."

Mr. President, we do live in troubled times. You would think with the constant barrage of violence and sex and death and blasphemy that maybe somehow everybody would get to the point where enough is enough. I think that is where I am with this particular piece of art, so-called. Yet this painting of the Virgin Mary covered in feces and surrounded by pornographic pictures is particularly shocking. It is irreverent; it is sacrilegious; and it is disgusting; but it is not art, for goodness' sake. People can do what they want to do. We do have the first amendment. They can draw what they want to draw.

But I will say one thing: The taxpayers of the United States shouldn't fund this garbage. Everyone here knows how I feel about the funding for the National Endowment for the Arts. I had an amendment recently that lost overwhelmingly to defund the National Endowment for the Arts.

At that time, we were told all of these things were in the past. There were no more Mapplethorpes. And as someone spoke to me on the way in, we went from Christ on the crucifix immersed in urine to the Virgin Mary now with animal feces. That is where we have gone with the National Endowment for the Arts.

I think it is time we dismantled the National Endowment for the Arts because I am sick and tired of hearing about these so-called art projects. How many times do we have to hear the NEA has cleaned up its act, and how many times do we have to hear that it has not? That is the bottom line.

This amendment doesn't defund the National Endowment for the Arts. It says, very simply and very clearly, it is the sense of the Senate that the conferees on the Department of the Interior, where NEA is funded, shall include language prohibiting funds from being used for the Brooklyn Museum of Art, unless the museum immediately cancels the exhibit Sensation, which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.

Basically, Mayor Giuliani has said the same thing, that he doesn't want any of these funds going to the museum for it either. I think if we are going to fund the arts, we owe it to the taxpayers to exercise discretion. The Brooklyn Museum of Art is upset that Mayor Giuliani is threatening to withdraw the $7 million subsidy the museum gets from the city, but the mayor is right.

The people of New York City shouldn't have to spend their hard-earned tax dollars to pay for this trash, nor should the people of New Hampshire, or California, or Iowa, or Idaho, or any place else. Defenders of the NEA always say this is creativity. According to the promotions for this exhibit in New York, they have a warning poster outside the display in the museum that says: This exhibit causes "shock, vomiting, confusion, panic, and anxiety."

The Brooklyn Museum of Art has received just over the last 3 years at least $500,000 worth of taxpayer dollars—at least. You could employ a lot of homeless veterans for $500,000. You could take a lot of them off the streets for $500,000.

If we are going to give money to museums, we ought not to include those that are this irresponsible. Give me that $500,000, and I will find homeless veterans in San Francisco, in Los Angeles, and Washington. Every day when I come to work, I see homeless veterans on grates in this city. Let me have that money, and I will get them off the grates. But I will be doggone if I am going to give it to the Brooklyn Museum of Art or any other museum with this kind of trash called "art." It is wrong.

Every time I take the floor and talk about it—and others before me, and Senator HELMS who is a leader on this—we always hear that they have cleaned up their act, it is not going to happen anymore, and we are not going to hear any more about these horror stories. But here we are with this money. We just passed it—$99 million worth for the National Endowment for the Arts. I lost my amendment, and here goes some of that money right smack into the Museum of Art in Brooklyn.

If a student wants to say a prayer over his lunch or if a teacher holds a moment of silence, it is Government sponsorship of religion. Judge Roy Moore of Alabama could go to jail for putting the Ten Commandants on his wall because somehow we are afraid of the separation of church and state. But this kind of stuff can go on, and nobody stops it.

The ACLU liberals are all too willing to persecute people for legitimate religious expression if it takes place in a public building. Then they defend the desecration of the Virgin Mary and Jesus Christ and call it art? What is happening to this world? Can somebody figure this out?

We have a public museum, receiving hundreds of thousands of dollars of Federal taxpayer dollars, spending these dollars on religious bigotry. So the American taxpayer has to pay for art that degrades and blasphemes against their own religion. But if their child wants to say a prayer over lunch, we have to get the lawyers out. Welcome to America. It seems that anti-Catholic bigotry is coming back into vogue. Not only that, it is celebrated as art, and it gets Federal dollars to do it.

This guy needs a psychiatrist for putting this thing together. He doesn't need Federal money. You get publicity-craving artists who go to any length to create controversy. And he has it. I am giving him plenty of publicity. He is probably very happy. I will give him the publicity, but let's not give him the money. I imagine those who created this monstrosity are watching right now on C-SPAN and are cheering away: "There is SMITH out there giving us all this attention." Give him the attention, but let's take the money away.

It is not the so-called "artists" who are responsible. They are doing their job as they see fit. They should not do it at taxpayer expense. Those who run public museums ought to know better. We shouldn't have to hang parental warning signs on public art museums saying that children under 17 shouldn't come in.

Mayor Giuliani gave the museum an opportunity to end this controversy by removing certain exhibits, and the museum rejected his offer. Let's reject the money. As far as I am concerned, this was a statement by the Brooklyn Museum that this is the kind of art they think is appropriate to fund with taxpayer dollars. Until they change their mind, I think the taxpayers' money would be better spent elsewhere. I would be happy to pick homeless veterans if somebody wants to give me the $500,000 to do it.

Mr. President, I believe it is appropriate to ask for the yeas and nays.

We have an agreement on the amendment. So we don't need the yeas and nays. Is that correct?

Mr. SPECTER. That is correct.

Mr. SMITH of New Hampshire. I yield the floor, Mr. President, and I appreciate the cooperation of my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, the Senator from New Hampshire has broached a great many complex issues in his presentation. The question on school prayer is one of the most complex constitutional issues the Supreme Court has faced. And I do not believe those analogies are particularly apt here. I am certainly opposed to religious bigotry in any form whatsoever. When you deal with the issue of restraints on art, again, there are complex first amendment questions.

I learned of the amendment earlier this afternoon and do not have a total grasp of the issues on this particular display at this particular museum.

This amendment, while it may be offered on this bill, under our rules is not germane to the bill on Labor-HHS. We have decided to accept the matter with no assurance as to how hard we will pursue it in the conference, to put it mildly. But in the interest of moving the bill along, I think the distinguished Senator from New Hampshire has made his point. I do not think it has become the law of the land. In the interest of moving this bill, not contesting it in a long debate and having a rollcall vote, which takes time, we will simply let the matter go through on a voice vote, as Senator SMITH suggested.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have an amendment I would like to send to the desk and ask for its immediate consideration. I understand we may be in virtual agreement on it. I will call for the question after the amendment is read.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, I sent the amendment to the desk and asked for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. SPECTER. Mr. President, there is an objection until we see the amendment by the Senator from California. The issue is now on whether we are going to agree to set aside. I am not prepared to agree to that until we have had an opportunity to study the amendment. We have not seen it until this moment. We need to see what the amendment says. We have no objection to having the clerk report the amendment, but we are not prepared to set aside anything to take up the amendment at this time, but we will do so promptly after we have a chance to look at it.

Mrs. BOXER. It is my understanding that happened an hour ago. We have been waiting to offer it.

Mr. SPECTER. Is the Senator from California saying she thinks we had it an hour ago?

Mrs. BOXER. That is correct.

Mr. SPECTER. As of 5 minutes ago, I was told we didn't have it. We can straighten this out in the course of a few minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. What is the regular order?

The PRESIDING OFFICER. The amendment of Senator REID from Nevada.

Mr. GREGG. I ask unanimous consent the Reid amendment be set aside.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I might speak for up to 3 minutes as in morning business, and that at the conclusion of my remarks the quorum call be reinstated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I rise to the most urgent of matters about which I can be succinct. There has arisen in New York City the question of the propriety of a museum exhibit at the Brooklyn Museum. The city government has contested this, and the museums of the city have, in turn, raised objections.

Floyd Abrams, who is perhaps the most significant first amendment lawyer of our age—I should correct myself to say he is the most significant first amendment lawyer of our age—is taking this case to a Federal district court, urging that a first amendment issue is involved and that the proposed measures of the City of New York are in violation of the first amendment and cannot be allowed to stand.

In that circumstance, I should think any Member of this body ought to defer to the courts before which this issue is now being placed. Clearly this amendment by Senator SMITH will not become law.

In that regard, I ask unanimous consent that an editorial which appeared this morning in the New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 29, 1999]

THE MUSEUM'S COURAGEOUS STAND

The Brooklyn Museum of Art announced yesterday that it will stand by its plans to open the exhibition called "Sensation." It also began litigation to prevent Mayor Rudolph Giuliani from fulfilling his threat to withhold financing and possibly take over the museum board. This is unequivocally the right action, one that deserves the support of all of New York's cultural institutions. The Mayor's retaliatory announcement that the city will immediately end its subsidy of the museum is an authoritarian overreaction that deserves a swift hearing and repudiation by the courts.

Meanwhile, the heads of many of New York City's most important cultural institutions, public and private, have also released a joint letter to Mayor Giuliani. The letter, which "respectfully" urges the Mayor to reconsider his threat, is signed by people whose respect, in this instance, seems partly forced by the financial hammer the Mayor wields and by the aggressive personality that leads them to believe he might use it, on the Brooklyn Museum if not necessarily on their own institutions.

The joint letter makes all the right points. The Mayor's threatened actions, including taking over the board of the Brooklyn Museum, would indeed be a dangerous precedent. Even a mayor who is not busy playing constituent politics in a Senate race, the way Mayor Giuliani is, might find it tempting to intervene in cultural policy from time to time. But one of the cardinal realities of New York City is that this is a place where artistic freedom thrives, where cultural experimentation and transgression are not threats to civility but part of the texture and meaning of daily life. The letter to the Mayor speaks of the chilling effect his actions against the Brooklyn Museum might have. That is an understatement. A threat as blunt and unreasoned as the one the Mayor has leveled at the Brooklyn Museum promises to begin a new Ice Age in New York's cultural affairs, at least until Mr. Giuliani leaves office.

The museum directors who have signed the joint letter have made a politic appeal to Mr. Giuliani. It was not the forum in which to lecture him on the nature of artistic freedom and the subtleties of public financing of the arts. But no matter how you assess the art in "Sensation" or the motives of the Brooklyn Museum or even the fatigue that the thought of another skirmish in the culture war engenders—a rock-hard principle remains. Public financing of the arts cannot be a pretext for government censorship, not on behalf of Roman Catholics or anyone else. The Brooklyn Museum and its lawyer, Floyd Abrams, have found a fittingly aggressive way to make this point in the face of Mr. Giuliani's unremitting attack. Their suit argues that no one can be punished for exercising First Amendment rights. The courts should respond by affirming that those rights belong to the museum and the people of New York no matter how deeply the Mayor is mired in constitutional error.

Mr. MOYNIHAN. Now I request, as I believe I said, the quorum call be reinstated.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr.. President, I ask unanimous consent the Reid amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1809

(Purpose: To increase funds for the 21st century community learning centers program)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES, proposes an amendment numbered 1809.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

Mrs. BOXER. Mr. President, simply put, what we do is we add another $200 million to afterschool programs. We believe it is very important to do this. I have a number of cosponsors.

This would take the funding to the President's requested level of $600 million. It would enable us to take care of another 370,000 children.

I ask that the Senate support this.

AMENDMENT NO. 1810 TO AMENDMENT NO. 1809

(Purpose: To require that certain appropriated funds be used to carry out part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1810 to Amendment No. 1809.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment proposed strike the "." and insert the following: "(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part, in lieu of being used to carry out part I of title X)".

Mr. GREGG. Mr. President, this is a second-degree amendment to the amendment offered by the Senator from California. What this amendment says is, rather than taking the $200 million, which is new money, brand new money, to be advance funded into next year, and therefore it would be a credit against the 2001 budget—rather than taking that money and putting it into a program which the Senator from Pennsylvania has already increased by $200 million, and which has been aggressively funded, before we start out with an additional doubling of that amount, $200 million, that we begin the process of fulfilling our commitment to the special ed funds.

As I have said almost ad nauseam now on this floor, the Federal Government agreed to fund special education, when the bill was originally passed, at 40 percent of the cost of special ed. Unfortunately, as of about 4 years ago, the percentage of the cost of special ed which the Federal Government paid was only 6 percent. Over the last 3 years, as a result of the efforts of the Senator from Pennsylvania, the majority leader, and a number of other Senators, that funding has increased dramatically. In fact, the funding for special education in this bill is up by almost $700 million over the last 4 years. If you include this bill, the funding will be up more than 100 percent over that time period.

But there is still a huge gap between what the Federal Government committed to do in the area of special education and what we are presently doing. Thus, before we begin down the road of a dramatic increase on top of another dramatic increase in funding for the afterschool programs, recognizing there is already $200 million in this bill for afterschool programs, an extremely generous commitment made by the Senator from Pennsylvania and by the majority party, I believe we should take any additional funds that are going to go on top of that $200 million and put them into the special ed accounts, which is where the local schools really need the support.

It may be when the local school districts get this additional $200 million for special ed, which will free up $200 million at the local district, that the local school district may make the decision with their freed up money, which was local tax dollars, to do an afterschool program. That may be very well what they decide to do with that. They also may decide to add a new teacher so they can address the class size issue. Or they may decide to put in a computer lab. Or they may decide to put in a foreign language program. Or they may decide to buy books for the library. But it will be the local school district which will have that flexibility, because they will have had the Federal Government at least add $200 million more into the effort to fulfill the Federal Government's role in special ed.

This is a very important issue. It is one which I have talked about, as I said, innumerable times on this floor and raise again with this second-degree amendment. I think the issue is prioritization.

If we are going to start throwing money or putting a great deal of additional money into the Federal effort in education, my view is the first effort, the first priority is that we fulfill the obligations and commitments which are already on the books which the Federal Government has made to the local school districts. The biggest commitment we made to the local school districts which we presently do not fund is the commitment in special education.

One can go to almost any school district in this country and ask them what the biggest problem is they have in the Federal Government's role in education, and they will tell you the Federal Government refuses to fund its fair share of the cost of the special education child.

The effect of that, of course, is we pit the special education child against parents of children who do not have special education children in an unfair way. It has disadvantaged the parents and the special ed child because they are now competing for local resources which should be used for general education activities because those local resources have to be used to replace the Federal obligation which is not being fulfilled.

This amendment is very simple. It says before we start another $200 million on top of $200 million for a new program, a program which is aggressively funded already under this bill, let's do what we have already put on the books as our commitment, which is fund special ed with any additional money.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair. Mr. President, I commend our friend and colleague from California, Senator BOXER, for advancing this very important amendment. It is obviously an improvement over what the House of Representatives did, and it is an improvement over the Senate bill.

The Senate bill falls short in some important areas in which I believe we should address if we are going to advance academic achievement and accomplishment. We attempted, under the outstanding leadership of Senator MURRAY, to help communities reduce class size and now with Senator BOXER's amendment, we want to help communities expand afterschool programs.

Tomorrow, there will be an effort by Senator HARKIN and Senator ROBB to address school modernization and construction, and to help more communities improve the quality of teachers entering the classroom.

I commend Senator BOXER for her leadership of the issue of after-school programs. The 21st Century Community Learning Center program has been vastly popular. Over 2,000 communities applied, but there was only enough funding to grant 184 awards.

We all have our own experiences with afterschool programs. We have an excellent program in the city of Boston under the leadership of Mayor Menino. It is not only an afterschool program, it is also a tutorial program for children. Most of the afterschool programs have tutors working with children to help them do their homework in the afternoon, so that in the evening time, the children can spend quality time with their parents. That has been enormously important.

Secondly, there have been other programs initiated outside the direct academic programs involved in school such as photography programs and graphic art programs where members of the business community work with children to enhance their interests in a variety of subject matters they might not be exposed to and provide training in specific skills.

What every educator involved in afterschool programs will tell you is, with an effective afterschool program, we find a substantial improvement in the academic achievement and accomplishment of these students.

In Georgia, over 70 percent of students, parents, and teachers agree that children receive helpful tutoring through what they call the 3 o'clock Project, a statewide network of afterschool programs. Over 60 percent of the students, parents, and teachers agree that children completed more of their homework and homework was better prepared because of their participation in the program, and academic achievement and accomplishments have been enhanced.

What we have seen over the course of the day under Senator MURRAY and now under Senator BOXER are amendments to support proven effective programs, programs which have demonstrated that they improve academic achievement and accomplishment. We simply want to target resources to these successful programs. In Manchester, NH, at the Beach Street School, the afterschool program improved reading and math scores of the students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third, 33 percent, in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, students participating in the afterschool program avoid retention in grade or being placed in special education.

There will be those who will say: That is interesting, but they made that decision at the local level to do that. The federal government didn't decide that.

If communities want to take advantage of this program, they can apply and compete for funding. No one is forcing any particular community to take part in this program. No one is demanding that every school district in America accept it. But what we are saying is that there will be additional resources for communities across this country to invest in after-school programs that are improving students' academic achievement and accomplishment.

Afterschool programs also help reduce juvenile crime, juvenile violence, and gang activity, generally preventing adverse behavior of students.

What we see in this chart is that juveniles are most likely to commit violent crimes after school. As this chart shows, which is a Department of Justice chart, the time after school, between 2 p.m. and 8 p.m., is when youth are most likely to commit or be victims of juvenile crime.

If you talk to our Police Commissioner Evans in Massachusetts, he will tell you one of the best ways of dealing with violent juveniles and with the gang problems we have in my city of Boston is effective afterschool programs. We know anywhere between 6 and 9 million children are at home unsupervised every single day, every afternoon between the ages of 9 and 15.

We are trying to offer children opportunities for gainful activities to, one, enhance their academic achievement and accomplishment; and, two, reduce the pressures that so many young people are under that lead to bad and negative behavior.

This amendment, again, is talking about an additional $200 million in a total budget of $1.700 trillion—$1.700 trillion, and we are talking about adding just $200 million. A nation's budget is a reflection of its priorities, and we believe that in after-school programs should get high priority.

Finally, we must do far better than the House bill in after-school programs, where they came in $300 million below the President's request, and in many other education priorities that the House drastically cut. We want to raise the funding levels of the Senate bill so that Members going to conference will be able to report out a strong after school program.

I thank the Senator from California, again, for making such a compelling case for increased investments in after-school programs. She has been involved in this issue for years, and she is our real leader in the Senate on this question. It is a pleasure to be a cosponsor of the amendment. I thank her for her courtesy in permitting me to speak at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, after consulting with the majority leader, if we could come to an agreement on our proceedings for the remainder of the evening and tomorrow morning, I would be in a position to announce, on behalf of the majority leader, that there would be no more votes tonight.

Would the Senator from California and the Senator from New Hampshire be willing to enter into a time agreement to conclude this evening and to have two votes scheduled tomorrow morning, first on the Gregg amendment and then on the Boxer amendment?

If I could have the attention of the Senator from California.

Mrs. BOXER. I was trying to get a full and complete answer for you, I say to my friend. We are hopeful we will have an agreement. We are waiting to see the final form of that agreement.

I would recommend that perhaps the Senator from Massachusetts, Mr. KERRY, could make some comments. And then I have a feeling we will then have reached an agreement. I am sure he would pause in his remarks to accommodate our making such an announcement. I do not think we have a problem. I think we are going to resolve this very well.

Mr. SPECTER. Mr. President, so if I may direct the question through the Chair to the Senator from California, the Senator is not prepared now to enter into a time agreement?

Mrs. BOXER. Correct, because I have not seen the actual time agreement. I am waiting to see it.

Mr. SPECTER. We have not drafted it yet. It is my suggestion we agree to, say, 45 minutes equally divided to conclude the debate on the Gregg amendment and on the Boxer amendment, and to agree to a half hour tomorrow morning, again equally divided, and to vote at 10 o'clock on the Gregg amendment and then on the Boxer amendment.

Mr. GREGG. If the Senator would yield, I am not sure why we would vote on the Boxer amendment if the Gregg amendment survived.

Mrs. BOXER. A Boxer second degree. So we can have a straight up-or-down vote.

Mr. SPECTER. We understand if the Gregg amendment prevails, there would be a second-degree amendment by the Senator from California—another Boxer amendment; the same amendment—with a 2-minute speech, and then have a second vote tomorrow morning shortly after 10, giving the Senator from California a vote on her issue.

Mrs. BOXER. Yes. I would say, with the clear understanding it is a Boxer second degree to Gregg, that is quite acceptable. Two minutes to a side would be good.

Mr. SPECTER. If I may propound the unanimous consent agreement.

I ask unanimous consent that the debate this evening on the Boxer amendment and on the Gregg amendment be concluded in 45 minutes, with the time equally divided, and that tomorrow morning the debate resume at 9:30, again equally divided, until 10 o'clock, when there is to be a vote on the Gregg amendment; and if the Gregg amendment prevails, then the Senator from California can offer a second second-degree amendment—which is her current amendment—with 2 minutes of debate, and the vote to follow shortly after 10 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object.

Mr. GREGG. Reserving the right to object. In fact, I would object to that. I am not sure who else may want to second degree my amendment. I am not sure what the proper order will be for recognition relative to second degreeing my amendment.

Mrs. BOXER. What the Senator is trying to do is reach an agreement. I would reach an agreement if I knew we would have a vote on my second degree. If you object to Senator SPECTER trying to be accommodating, that is your choice.

Mr. GREGG. That is exactly what I am doing at this time. So I suggest we go forward with Senator KERRY and discuss this further.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Would the Senator from New Hampshire repeat the last statement?

Mr. GREGG. I would suggest that we allow Senator KERRY to speak and then we can discuss this.

Mr. SPECTER. Let me make one more effort.

I have since been handed a document in writing. On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday, and immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object to that at this time, until I have a chance to talk to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The Senator from Massachusetts.

Mr. SPECTER. Will the Senator yield?

Mr. KERRY. I will yield.

Mr. SPECTER. For purposes of a unanimous consent request, so we can allow Senators to go home, I think we have a formula worked out.

On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday; that immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Further, I ask unanimous consent that the debate on the pending Gregg and Boxer amendments be concluded within 45 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I want to ask my friend how much more time he will take so I will know how much time I have to speak on this.

Mr. KERRY. Mr. President, I didn't understand there was a time limitation on this component.

Mrs. BOXER. Forty-five minutes.

Mr. KERRY. Reserving the right to object, I reserved the right to object previously when the time limit was in. I had understood with the second offering there was no time limit. I will object to a restraint at this time on the time.

Mrs. BOXER. May I ask my colleague, tell us how much time you need, and then we will adjust accordingly.

Mr. KERRY. If I could say to my good friend from California, I am not speaking from prepared text. I would like to just speak my mind.

Mrs. BOXER. Do you think about 15 minutes would do it?

Mr. KERRY. I am sure I could complete it in that period of time, and I don't want to shortchange the Senator because it is her amendment.

Mrs. BOXER. If I could ask my friend if he will allow us to add a little bit more time and have an hour equally divided, after the Senator finishes?

Mr. SPECTER. I will accept that.

Mr. KERRY. I thank the Senator from California.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in light of that agreement, I am authorized to say on behalf of the majority leader that there will be no further votes this evening. The next votes will occur in back-to-back sequence at 10 a.m. on Thursday. The Senate will reconvene at 9:30 a.m. on Thursday, with an additional 30 minutes for closing debate.

Mr. KERRY. Mr. President, I rise in support of the amendment from the Senator from California. I say to my colleague from Pennsylvania that if at some point in time he needs to proceed forward on a unanimous consent request, I would be happy to accommodate.

Mr. President, the amendment of the Senator from California is an extraordinarily important amendment for a lot of different reasons. I should like to share some thoughts about that with my colleagues in the Senate.

It is perhaps a propitious moment for the Senator from Oregon to assume the chair because he has joined me in an effort to try to change this very debate that we are having right now on the floor of the Senate, where we have already had one series of votes that have been predicated essentially on the same old breakdown of communication with respect to how we are going to deal with education. It was a pretty much party-line vote. It was a vote that reflected an effort to try to block grant money so States could have adequate flexibility to be able to make choices, but on the other hand it did not target it sufficiently and clearly enough for those on the Democrat side, and there was no real meeting of the minds.

So once again, the Senate—on the subject most important to Americans—talked past each other, and we wound up with a fairly rote, very clearly partisan vote that takes us nowhere.

The Presiding Officer, the Senator from Oregon, and I have obviously tried to suggest to our colleagues that there is a different way to approach this question of education, and that, in fact, most of us are not that far off. We are sort of fighting at the margins, when the real fight is in the center over how best our children can be educated.

I do not believe that it is impossible for us, as Members of this great deliberative institution, to be able to come to agreement on things that are best for children.

We are not trying to build a system for adults. We are not trying to perpetuate a system that serves the administrators or just the teachers or just the principals; it is the children this is about. It seems to a lot of us here in the Senate that there are some better ways to come at that.

The specific amendment of the Senator from California is to fund the afterschool programs to the level that the President requested.

I find that there is a great circularity in the arguments of our colleagues on the Senate floor that somehow misses the mark, even when you are talking about this amendment of the Senator from California.

We often hear from colleagues: Well, we want the local communities to be able to do these things and make up their minds about them. The fact is, local communities all across this country have made up their minds about afterschool programs.

I think it is about 95 percent of the local communities in this country that would like to put an afternoon program into their school structures, but they cannot. Here it is: 92 percent of Americans favor afterschool programs. I am saying that I believe if you ask the administrators in any particular school district, they will leap at an afterschool program. Give us an afterschool program. They plead for it. Their teachers plead for it. Why? Because kids are going home from school to apartments or houses where there is no adult. As an alternative to the afterschool program, they turn on the TV, if they are lucky, if they have a TV. Other kids are hanging around in a courtyard with other kids playing various kinds of games, often getting into trouble, sometimes being sucked into gangs or other kinds of activities.

The fact is, most mayors in the country, most school boards in the country are trying to put together afterschool programs. So what is the hangup? The hangup is, far too many urban centers and rural settings in America simply can't afford to put in the programs because their schools are paid for from the property tax. The schools are set up, as schools were originally designed, to essentially follow the old agrarian pattern. You go to school early in the morning; you get out in the afternoon; you work in the fields. That was the original concept.

That is not what happens in America anymore. Every day we turn out 5 million of our children who go back to homes and apartments where there is no adult, sometimes until 6 or 7 in the evening. About 8 or 10 years ago, the Carnegie Foundation told us the hours of 2 to 6 in the evening are the hours when most children get into trouble. They get into trouble with the law or they get into trouble with value systems, when they do things such as having children that children are not supposed to have, age 13, 14, 15. Most of the unwanted pregnancies in this country, according to the Carnegie Foundation study, occur during those hours when parents aren't there. Then we wind up with a whole host of subsidiary problems as a consequence of that.

Our colleagues are absolutely correct, at least in this Senator's judgment. We don't want the Federal Government telling us precisely what to do. We don't need the Federal Government telling us what kind of afterschool program works best. But if in countless numbers of communities they simply can't afford to even do what they want to do, what they think is best, do we not have a fundamental responsibility to try to step up and help to bridge that gap? Hasn't that been a traditional effort of the Federal Government throughout the years in the Federal, State, and local partnership? The answer is resoundingly, yes.

For years, countless lives in the United States of America have been made different and better, and we have fulfilled the promise of opportunity in this country because the Federal Government was prepared to help local communities be able to make ends meet. Countless communities in this country can't do it. Every one of us has a community like that in our State.

We have too many of them in Massachusetts. You can go to Lowell, Lawrence, New Bedford, Fall River, Holyoke, Springfield, countless other cities, old urban centers; they don't have the tax base. They can't raise the property tax. They can't and don't want to properly raise taxes on their citizens. Yet here we are with a surplus, with a $1.7 trillion budget, with no greater priority in our country than raising the standards of education, and we are struggling over $200 million.

Again, we hear from our colleagues on the other side of the aisle: Well, a lot of these problems that the Democrats want to try to cure are problems that families ought to take care of or that responsible children ought to somehow be able to solve by themselves. Once again, that is a circular argument. Every single one of us in this Chamber knows that almost 50 percent of the children of this Nation are being raised in single parent situations. Because we properly passed a tough welfare bill a few years ago that changes the culture in this country about work, we now require parents, single parents, to be working, and we should. But we have to understand the consequences of that.

The other part of the circular argument is that we are always hearing from people on the Senate floor about personal responsibility and the capacity of local communities to solve these problems. If you analyze the reality of that situation, based on what I said about the change in the American family, the requirements of a single parent to be working and the lack of adequate child care, the lack of adequate safety places for children, the fact is the absence of afterschool programs, in fact, winds up costing us a huge amount of money. Children who are unsupervised wind up not having their homework done, getting into trouble, being less capable of learning, maybe repeating grades, certainly some of them entering that zone of chronic capacity for unemployment. In fact, we wind up raising the cost to the taxpayer in the long run for the lack of willingness to invest in the short run.

I guarantee my colleagues that what I said is not rhetoric. We can go to countless afterschool programs in this country and talk to the students who are in those programs. They will tell us the difference it makes in their lives.

Two weeks ago I went to Lawrence, MA, to a program called Accept the Challenge. This is an afterschool program where they go into the high school and interview kids. They find kids who want to accept the challenge of going into this afterschool program, which is tough. It is rigorous.

I will tell you something. I met the brightest group of kids who want to achieve, who want to go to college, who want to live by rules, who are gaining enormously in their educational capacity as a result of their participation in the program.

What was interesting is, I even heard from one kid—a Hispanic child—who said he was always talking Spanish in school because they had a bilingual program. He hung around with his friends, he then went home, they spoke Spanish at home, and he wasn't learning English. But he went into the Accept the Challenge Program, an afterschool program. It required that he speak English, interacting with the other students, learning in English. The result was that he himself said: I am proud now, the way I can speak English, and I am far better equipped in my capacity to go beyond, to college, to take the SATs, and to get a good job.

So there you are—an afterschool program providing the kind of structure that kids need. Ask any child psychologist, or any psychiatrist, or any child interventionist. Every single one of them will tell you, as most wise parents will tell you, children need structure, children need a certain amount of guidance.

We historically have always looked to college as the first moment when kids kind of break away and begin to learn how to live without their kind of structure. Some kids can make it sooner. Some kids can go to college. It is extraordinarily hard in the first moments of college, without the structure, to be able to make ends meet. Some kids flounder in that atmosphere. Some kids go to college with more structure, or less structure.

Why is it, when we know this so well, that we adults allow our school system to institutionalize the lack of structure in children's lives by letting them go home and letting them out of school knowing they are going to come to school the next day without their homework done and without the capacity to be able to meet the standards of the school? I don't understand it. I don't think most Americans understand the reluctance for accountability.

Here we are debating whether or not we are going to put $200 million into afterschool programs that provide structure and guidance and safety for children—safety; I underscore that. An awful lot of kids in this country go back to situations after school where it is chaos; you couldn't do your homework if you were trying to.

We ought to be more concerned about that. We have an opportunity to be. General Colin Powell—there is not a more respected figure in the United States—is struggling trying to make what is called "America's promise" a reality, struggling to try to leverage the private sector's capacity to help make a difference in the lives of our children.

You can go into countless numbers of those efforts, whether it is a boys and girls club, Big Brother, Big Sister, YMCA, YWCA, the City Year programs, or countless numbers of programs, and you will find the kids who are in them are thriving and the kids who are outside of them are generally challenged and having difficulties or where you find the kids who are having difficulties, they tend to be the kids who are outside of it.

In countless numbers of these programs, there are waiting lists that are absolutely mind-boggling, with hundreds of kids waiting to get in with the few kids who are on the inside. And the question is, Why? Are we such a poor country that we don't have the ability to offer sanctuary in afterschool programs to every child who needs it or deserves it?

That ought to be the goal of the Senate. We ought to declare that every single community in this country, with a combination of corporate, local, State, and Federal effort, is going to be able to provide sanctuary, safety, and structure for children in an afterschool setting. That is the great challenge of the Nation.

We are going to have a vote tomorrow morning where we are going to have people come to the floor and kind of play a game. They are going to suggest, gee, we ought to really fully fund IDEA so we take care of that program the Federal Government already mandated, and we are going to strip it away from here.

I agree. We ought to fully fund IDEA. We ought to vote if we are really going to have a first-class education system in this Nation. Frankly, I think we can do both. But the question will be put to the Senate ultimately at some point in time as to whether or not we are prepared to do that or whether we just want to play these games that go back and forth and in the end do not ultimately reform our education system.

Mr. President, in closing, let me say I am convinced there is a capacity to build a bipartisan compromise on education. I think we all have to begin to look for a different way of doing that from that which we have allowed ourselves to embrace over the course of these past years. If all we do is come to the Senate floor and debate whether or not we are going to have vouchers versus school construction or one particular program versus another, then I think we are going to be guilty of perpetuating the crisis of education in America.

If, on the other hand, we try to be holistic—looking at the whole question of the education system, respecting the capacity and desire of local communities to be able to make their decisions, but empowering them to be able to do so by leveraging the specific kinds of things they would like to do by placing large sums of money at their disposal to be able to do it with a strict accountability for the back end—not for the micromanagement of how they go about doing it but to the back end—that we measure at the end whether or not whatever route they choose to undertake is in fact educating their children when measured against the rest of the children in the country, that then we could begin to have accountability in those schools that are failing, I believe we could marry the best programs of what the Republican Party has offered in their "Straight A's" and the business of what the Democrats are trying to achieve in the various proposals we have put forward.

I hope that ultimately the Senate is going to come to recognize that that is the only way we are going to solve this problem.

You could give a voucher to every kid in America. But the bottom line is, they have nowhere to go. Take that voucher. Where are you going to go? There are limited seats at the parochial table. There are limited charter seats. There are clearly limited private seats because a lot of private schools don't want 90 percent of the kids who go to the public school system.

Ultimately, there is only one way to fix the education system of America.

That is to fix the place where 90 percent of America's children go to school; that is, the public school system.

Every time we have something like a voucher program come along, we are basically offering America a kind of "Schindler's List" for schoolchildren. We are saying to them: If you have money, you can buy your way out of your predicament, but we are only going to take so many of you. For the rest of you, you are stuck.

That is what happened. Some may not think the analogy is accurate. But I will tell you, for those kids stuck in some of those schools where they don't have opportunity and they don't have progress, it is a kind of living death because they are condemned to the lower standards of our economy, to the lower opportunities, to the lower pay scales, and in many cases, unfortunately, because of other things that happen to them, to prisons or even sometimes to violent death in the streets of this country.

We can do a lot better than that. It is very clear to me that a country that produced generations that won World War I and World War II, that took us through the remarkable transition of the cold war—most of those leaders coming out of public schools and most of this country's core citizenry coming out of public schools is evidence of what those schools can be. That evidence is everywhere in this Nation. We have great public schools in places where people are lucky enough to have broken out or to have put together the ingredients of that great school.

The Senate needs to embrace those things that have allowed those schools to be what they wanted to be, to adopt the best practices of any other school in the country and to allow them to have the kinds of accountability that will lift the entire system. That is the only debate we ought to be having—not saving part of it but saving all of it.

What the Senator from California is trying to do with this amendment is to recognize one critical component of that, one of the most important components. It is absolutely vital.

There are four critical ingredients of educating. One, we continue to have standards. Mr. President, 49 States have now adopted standards or are about to adopt standards. Those standards will make a difference.

Two, we have to permit our teachers to teach to the standards which require quality of teaching, ongoing teacher professional development, mentoring, higher pay, more teachers, less class size, all of the ingredients of being able to teach to the standards.

Three, we need to provide an opportunity for the children to learn to the standards. That means afterschool programs, the opportunity for remedial work, the opportunity for the kind of teachers and other efforts that make a difference in their education.

Four, we need strict accountability. That means the capacity to be able to fire people who don't perform, to be able to help people to perform, the capacity to be able to improve our ability to attract a broader cross section of people into the great challenge of teaching, and to respect those who are there doing the enormous job they are doing.

I hope we can engage in that larger and real debate sometime over the course of the next few days. I congratulate the Senator from California. This amendment embraces one of the single most important considerations of how we will protect our children to learn and how we will provide schools with the capacity to be able to live up to the standards we all want.

I congratulate the Senator for this fight. I hope our colleagues will join in a vote for the protection of the children of this country.

Mr. SPECTER. Mr. President, the distinguished ranking member of the subcommittee and I have discussed the progress of the bill. It is our hope, perhaps our expectation, that we can finish this bill tomorrow. We have a fair number of amendments listed so far. We think some can be worked out. Others may evaporate, requiring relatively few roll call votes.

After consulting with Senator HARKIN, I ask unanimous consent all amendments be filed no later than 12 noon tomorrow.

Mr. HARKIN. Reserving the right to object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. SPECTER. Mr. President, in light of the objection which has been raised, we will renew this request when the Senate reconvenes tomorrow morning at 9:30 when Senators have an opportunity to consider it. If we are able to proceed to complete the bill by the close of business tomorrow, there are substantial benefits for all Senators—although I can't make any commitment as to what will be scheduled on Friday. We will renew the request tomorrow morning at the start of the consideration of the bill.

Mr. HARKIN. If the Senator will yield, I support the chairman in that.

I understand now because it is late in the day, and evidently it has been hotlined there are no more votes today, Senators have taken off, without knowing that we have a deadline at noon tomorrow. They may not know until tomorrow morning.

Now that I understand that, I guess it is reasonable we hold off until tomorrow when we come in. I think tomorrow when we come back, the chairman is right, that would be the time to again make that motion to have a time certain when we will have all the amendments in.

Mr. SPECTER. Mr. President, how much time remains under the agreement?

The PRESIDING OFFICER. The opponents have 30 minutes and the proponents, 30 minutes; 30 minutes for each side.

Mr. SPECTER. Mr. President, parliamentary inquiry. Did the unanimous consent agreement start to run at the time it was entered into?

The PRESIDING OFFICER. It started after the Senator from Massachusetts completed his remarks.

Mr. SPECTER. I yield such time as the Senator from Georgia desires.

Mr. COVERDELL. Mr. President, I rise to speak on behalf of the Gregg of New Hampshire amendment, the second-degree amendment to the amendment of the distinguished Senator from California.

To put this in context, in 1975, the Congress embraced a very laudable idea to assure the appropriate education of students who had special education needs. It was recognized at the time that this would be a very costly proposal, so the Federal Government agreed to pay 40 percent of the costs, the States were to pay 40 percent, and local jurisdictions were to pay 20 percent.

Guess what. From 1975 to 1999, the Federal Government has essentially reneged on the deal and has forced the local governments to bear the entire costs. Visit any school superintendent, any school board education member, and the first thing they will talk about is the effect of this mandate. It is a handcuff on them in terms of dealing with the multiple requirements of funding education in their local district. They resent, rightfully so, the fact the Federal Government has not fulfilled its promise.

Right now the Federal Government provides 11.7 percent of the Nation's special education costs. That is about 29 percent less than the original deal. It amounts to an impact on local schools of about $10 billion a year.

The essence of the amendment of the Senator from New Hampshire—and he has said this since he has been in the Senate—is that we have to correct this problem and that the funding should have a priority over virtually all new programs. Until we fulfill this agreement, we should not be imposing new program after new program after new program on local governments.

When I visit with my superintendents, they don't ask for new programs. They ask for relief from this huge financial burden that has been impounded upon them by the Federal Government so they can free up resources to do the things they think are important in their school district. They don't call for a new master principal in Washington to tell them what they need to do in their school district. They are saying, do what we promised to do, which will allow them to do the things they need to do.

Since President Clinton came to office in 1993, he has never made this special education funding one of his top priorities. Since the Republicans have been in the majority, we have more than doubled the President's request each year to fulfill this promise. In many years he has not requested any increases that would keep the program in line, even with inflation. Most years, the President has asked for no more than a 5-percent increase. This year, in this budget, he asked for less than 1 percent.

Meanwhile, from the other side, for laudable reasons, it is: Let's add another program. We will just slip that check over on the side and put it in the desk and come with another program. We will just let the local governments work it out on their own.

The real philosophical divide here is that we are saying let's fulfill the Federal promise. It is a huge obligation. If we fulfilled it in its entirety, we would free up $10 billion locally to allow those local school boards and local communities to do the things, as I said a moment ago, they believe are important.

Right now, what we have done is reneged on the promise, choked the funds at the local level, and have just come on, year after year, with either another mandate or another idea from Washington about what is best in a local community. So this debate we are having on the amendment of Senator GREGG from New Hampshire, as a second-degree amendment to that of Senator BOXER from California, is a very crucial and symbolic example of the differences we have been debating here all day.

Earlier it was the Senator from Washington, Senator MURRAY, who was going to mandate that a certain amount of funds be used to hire x number of teachers, and Senator GORTON from Washington was saying no, the funds should be flexible so the local community could decide what is best. It is the same issue on these amendments. We are voting on exactly the same kind of question here.

So I speak loudly as a proponent for Senator GREGG's second-degree amendment, which I expect to prevail. And then I will oppose the forthcoming amendment from Senator BOXER on the grounds we need to free resources at the local level and let local board members decide what is needed in those local districts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I assure my friends I do not intend to take the full time I have allotted to me. That will make the Senator from Pennsylvania very happy. Maybe he might even vote for this amendment if I keep it very brief.

I do thank my friend from Pennsylvania, Senator SPECTER. I may disagree, we did not get enough for after school, but I have to acknowledge, we did get an increase in after school. For that, I am very pleased. But I really do think we need to do more.

I think this chart explains it all. You could not find a simpler chart. All it says is "370,000." I say to my friend, Senator SPECTER from Pennsylvania, and my friends on the other side of the aisle, this represents the number of children who would be served if my amendment were to pass, an additional $200 million which we forward fund in the bill.

I think this is a very important number when you stop and think about what it would mean if 370,000 additional children had the opportunities we are giving at this point to about 1 million—an additional 370,000. That is 370,000 kids who are going to get help with their homework. That is 370,000 kids who will stay out of trouble. That is 370,000 children who may just get really excited about something such as computers because they have them in this afterschool program. That is 370,000 kids who may get excited about becoming a policeman, a fireman, or doctor because the community comes into these programs.

I know the Senator from Pennsylvania agrees that these programs are very laudable. I just hope at the end of the day, tomorrow at least, by 10, we could agree to add this $200 million, forward fund it, and it would bring it up to the level President Clinton requested for this program.

Mr. SPECTER. Will the Senator from California yield for a question?

Mrs. BOXER. Of course. I will be happy to.

Mr. SPECTER. Following the practice I have heard earlier today, I will preface my question with a statement. I do not think anybody will call for regular order.

When the distinguished Senator from California says perhaps if her speech is short enough, I might vote for her amendment, that is entirely possible. If the speech did not exist, which would imply the withdrawal of the amendment, I would support her position.

But the question I have is: We have added $200 million in this bill to afterschool programs.

Mrs. BOXER. Yes.

Mr. SPECTER. Senator HARKIN, the distinguished ranking member, has been very supportive of that. We added that money in on the Juvenile Violence Prevention Program because, as Senator HARKIN has said, the safest place for children is in school. This is one facet on the direction of $851 million to prevent school violence, so we added the $200 million.

The question arises, after we have stretched on this budget to $91.7 billion, which has gotten the concurrence of a very strong pro-education, pro-health care, pro-worker-safety Senator—the ranking member has accepted that as the maximum amount we could get.

When I went to law school, there was a course in legislative process. That course "ain't learning nothing yet" compared to what it is in real life to find a bill that Republicans in the Senate will vote for, that can pass conference, and be acceptable to the President.

I have a feeling, regardless of how much money would have been added, Senator DODD would have come forward with a request for $2 billion more, Senator MURRAY with a request for $200 million more.

The question I have for the Senator from California: If we had included $400 million more for afterschool programs, would the Senator from California have offered an amendment to increase it even more?

Mrs. BOXER. I have strongly supported, for a very long time, the President's request—$600 million—I say to my friend. Not only that, he did join me in an amendment I offered earlier on that point. Six hundred million dollars is where we ought to be now. To answer my friend, this is not a frivolous amendment by any stretch. The $600 million is the amount we believe we need. There is a backlog existing. These are real children waiting in lines to come in.

Let me assure my friend, I do appreciate the fact that we have gone up to $400 million for after school. Believe me, I am very pleased about that. But I do believe, since we all know this is a proven program, and my friend shares enthusiasm for it, since we know 92 percent of the people in the community support it, since we know the crime rate goes up exponentially at 3 o'clock—and the Police Athletic League has told us how important this is; this is just a list of some of the law enforcement organizations that support this—we ought to go to the $600 million level.

That is the reason I am offering this amendment. It is not to be difficult. It is not to be ungrateful.

I want to make a point to my friend. The committee worked very hard. The Senator from Pennsylvania and the Senator from Iowa did. They added $700 million, is my understanding, for IDEA. That is the additional for IDEA—$700 million additional.

Senator GREGG is just putting another $200 million in. It may pass. That would be an additional $900 million for IDEA. I am for it. I am for it. It is important to take care of kids with disabilities who need the help. We promised the local districts. I am for it. We are also for this.

I think it is not out of the question, when we support the money for IDEA, we also support the funding for afterschool programs.

Mr. SPECTER. Will the Senator from California yield for one more question?

Mrs. BOXER. Absolutely.

Mr. SPECTER. When Senator HARKIN and I have taken the principal lead in crafting this bill, 300 programs, making allocations as we have, after a lot of hard staff work and a lot of hard thinking, the Senator from California says if we had added $400 million, she would not have offered this amendment. What is the reason, what is the rationale, for $400 million extra being sufficient?

The Senator from California says there are these children waiting. But even after the $400 million would be added, had we done so, would there not be other children waiting? And wouldn't the nature of the add-on process have led to more?

Essentially, my question is, to focus it specifically, what are the facts that say $400 million will be sufficient to solve the problem——

Mrs. BOXER. Four hundred additional.

Mr. SPECTER. Four hundred additional.

Mrs. BOXER. As I repeat to my friend and colleague, a real leader in this area, this number was not pulled out of a hat. This number comes from the President's request. The President's request has a rationality.

Mr. SPECTER. Where did——

Mrs. BOXER. If I can make my point. I am happy to yield to my friend, noting I am using my valuable time which I promised I would not use up. The fact is, the President, in his budget request, studied the number of applications that were coming in from the districts all across this Nation and looked at the backlog.

It is amazing what we have done. Since my friend has been chairman—I need to compliment him—we went from $40 million for afterschool programs under his leadership and the leadership of the Senator from Iowa and the President to $200 million. Together we went from $40 million to $200 million, and now my friend is suggesting we go to $400 million.

What I am suggesting to my friend is there are culled applications sitting at the Department of Education—Senator KENNEDY pointed them out in his remarks; I refer my friend to his remarks—so we know what the backlog is.

We know that 184 afterschool applications were funded and 2,000 applied. I am not suggesting that every one of those 2,000 is meritorious, but I say to my friend, out of the 2,000 that applied and only 184 were funded, we know there are a lot of good schools in Pennsylvania and California and Iowa and all over the country. What we are saying is, we could probably fund far more than the $600 million, but we believe to ratchet up the program in the right fashion, to get it done right that $600 million would be appropriate. It is supported by Secretary Riley; it is supported by the Clinton administration, in addition to the President himself. I say to my friend, 370,000 more children would have the opportunity to participate in afterschool programs.

Let me one more time show a chart which I showed previously. We see what happens after school. We see exactly what happens after school when kids have no place to go: The crime rate goes through the roof. It is only as the children return home that the crime rate dissipates. That is why the Police Athletic League is one of the strongest supporters of this amendment. We have a letter from them. It is very clear. They say they are working on behalf of the Police Athletic League to endorse and express our support for the afterschool education and anticrime amendment. This one was written when we offered it to the Ed-Flex bill.

I do not need to prolong this debate. Members want to either come to the floor and talk about something else or conclude tonight. I want to close by saying this: I appreciate the fact that the committee, with all the demands on it, did increase this program. I am very pleased to see it at $400 million. However, I truly believe if we are to do right by our children, funding 184 afterschool programs, when 2,000 applied, is not meeting a need.

My friends on the other side of the aisle are continually making the point that we do not want to force this on our local communities. Believe me, we are not forcing this on them at all. What we are essentially saying is it is here for you, and they have overwhelmingly applied for these funds.

When I make my closing argument—I will have 60 seconds tomorrow morning—I am going to show one of my favorite charts, and that is a picture of children, an actual photograph of children in an afterschool situation—the look on their faces, the excitement.

What an incredible thing for them rather than, A, going into an empty house and being alone, not being safe; and, B, going out on the corner to find out who else is standing on the corner. In the old days, kids stood on the corner, and it was not that bad. Today, unfortunately, they get into worse trouble. In the old days, the trouble they got into was not as bad as today.

We do not want our children to have nothing to do after school. We know when they are idle, bad things can happen, such as getting into alcohol problems, getting into drug problems, joining a gang, just because they are lonely.

I look at some of our pages who work so hard and what a good job they do. They sit here, and sometimes it is hard. They are occupied, and they are learning. They listen when we speak. They are picking up things. They are kept busy. Their minds are working.

Every child deserves a chance to get that mind going and keep that mind going in a positive way. Our children are our future. Every one of us gets up and says that day after day. If you mean it, I am giving you an opportunity to vote for an amendment that will allow 370,000 kids—and let's hold that number up one more time—370,000 kids, and I put that number up because it is a huge number—370,000 more kids under the Boxer amendment, under the Clinton administration request, will be taken care of. Think about the range of that number. Think about how many moms and dads will be relieved to know their children were being taken care of.

My hat is off to the ranking member, Senator HARKIN, and the chairman, Senator SPECTER, but I still believe in my heart of hearts that we should move up to the President's request. It is the right thing to do. If Senator JUDD GREGG can find another $200 million for IDEA—terrific—using the same forward-funding approach we are using, then Senator GREGG ought to also support this afterschool amendment. We did a good thing. We want to make it even better.

Mr. President, I yield back the remainder of my time and allow the Senator from Pennsylvania, without interruption, to wind up his argument, and I will see him back on the floor tomorrow morning at 10 o'clock.

The PRESIDING OFFICER. Did I understand the Senator wanted to reserve 1 minute of her time for tomorrow?

Mrs. BOXER. No, just 1 minute in the morning, which I already have.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall not ask unanimous consent so the Senator from California will not interrupt me. The rules permit her to do so, and I do not want to deprive her of that opportunity.

I had posed a question to the Senator from California as to whether any amount would be enough. When the Senator from California cites the statistics of 2,000 applications and 184 were granted, and it may be that some were not meritorious, but in order to have funding of all the applications or most of the applications, all of them would be 11 times the amount. So from $200 million, say, 10 times the amount would be $2 billion.

Mrs. BOXER. I did not say that.

Mr. SPECTER. The Senator from California is saying she did not say that.

Mrs. BOXER. I should have yielded him an opportunity to ask a question. My friend did not hear me finish my point.

Mr. SPECTER. Mr. President, I did not yield for a question, but I will.

Mrs. BOXER. I thank the Senator. He is so kind to me. What I said was, there are many more applications than were funded. I did not suggest that we fund all 2,000.

Mr. SPECTER. Why not?

Mrs. BOXER. What I said was I felt the program should be ratcheted up in a logical fashion, and that we are at the point where the Department of Education, Secretary Riley, has stated that $600 million is what he needs and what he can now handle to ratchet up the program.

Eventually, I hope my friend shares the view that this ought to be a much bigger program than it is now. But we cannot go 1 day from $200 million to $2 billion. No, I do not support that, and I think my friend's attempt to make it look as if I do is simply not correct.

Mr. SPECTER. I thank the Senator from California for that comment. I do understand her point of saying that you cannot go that far, but in extrapolating and projecting where we would be on the total number of applications—as I say, some are not meritorious—one could come up 10 times the figure of $200 million, which we had. Ten times would be $2 billion, or if you project it a little differently on $200 million and $900 million worth of applications were filed, it would be 4½ times that, which would be $900 million.

The point I am making is that regardless of what the committee comes up with, there is going to be an add-on. When this program was started back in 1994, the last year when the Democrats controlled the Congress, and there was an extraordinarily competent chairman of this subcommittee, the figure was $750,000 for afterschool programs.

It could be said that the social climate of the country disintegrated in the intervening time—which was a jocular comment made while we were chatting about this. But from $750,000—the last year the Congress was controlled by the Democrats—the figure then moved to $1 million in 1997, and then to $40 million in 1998, and to $200 million in 1999, and then doubled for the next fiscal year to $400 million.

When the Senator from California said that I had supported her in the past on afterschool programs, she is correct, I have. I think afterschool programs are vital and necessary. But when Senator HARKIN and I constructed a budget of some 300 items—and figured that $91.7 billion was the maximum we could stretch it—we left some money for the National Institutes of Health, for drug-free schools, for worker safety, and for many other programs.

That is why, much as I dislike doing so, I have to oppose the additional $200 million. In the 19 years I have been here, when programs such as this have been offered, by and large, I have supported them. But when this kind of an enormous effort is made to accommodate to the maximum extent possible this important objective of afterschool programs—and it is not enough—I come back to the suggestion I made that no figure we would have reached would have been enough.

I think we are about to see that with the balance of the amendments which are going to be offered, notwithstanding the very large figure Senator HARKIN and I have come up with, more funds will be added in many lines, which will require a lot of very tough votes that I do not like to cast to oppose those amendments.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes 15 seconds.

Mr. SPECTER. How much time?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mr. HARKIN. If the Senator is yielding the floor——

The PRESIDING OFFICER. The Senator from Iowa has 15 minutes 20 seconds.

Mr. HARKIN. Who is controlling the time?

I don't know who is controlling the time. If I am on my side, I will yield myself a couple minutes.

Parliamentary inquiry. Is there time on this side remaining?

The PRESIDING OFFICER. There is time on the amendment. The Senator from California was controlling the 15 minutes 20 seconds remaining. The Senator from Pennsylvania is controlling 18 minutes 2 seconds.

Mr. SPECTER. Parliamentary inquiry. Didn't the Senator from California yield back her time?

The PRESIDING OFFICER. When she concluded, yes, she did yield back the remainder of her time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Then are we under a time constraint right now? The Senator from Pennsylvania has some time left on this amendment.

I ask unanimous consent that I be allowed to speak as in morning business for up to 5 minutes.

Mr. SPECTER. Mr. President, I yield the Senator from Iowa 5 minutes of my time.

Mr. HARKIN. Whatever it takes.

The PRESIDING OFFICER. The Senator from Iowa is recognized on the time of the Senator from Pennsylvania.

Mr. HARKIN. I appreciate that.

I want to take a few minutes, as I do every year when the debate comes up on IDEA, the Individuals with Disabilities Education Act, to set the record straight.

There is hardly anyone left on the floor but my two good friends, the Senator from California and the distinguished chairman, the Senator from Pennsylvania. But I want to make clear that IDEA, the Individuals with Disabilities Education Act, is not a Federal mandate. The Senator from New Hampshire keeps talking about it as a Federal mandate. But saying it does not make it so.

The Individuals with Disabilities Education Act is a civil rights bill. It is a bill that basically helps the States meet their constitutional obligation. In the early 1970s, there were two court cases in which the courts said that if a State chooses to fund public education, then children with disabilities enjoy a constitutional right to a free and appropriate public education. A State, if it wanted to, could say: We are not going to fund any public education, and they could do so.

But if a State provides a free public education to its children, it cannot discriminate on the basis of race or sex or national origin. And as a result of these two cases that came up in the early 1970s, they cannot discriminate on the basis of disability, either.

So as long as a State provides a free public education to its children, it cannot say, yes, for non-disabled students; but no to kids with disabilities. Constitutionally, they have to provide that free, appropriate public education to all kids.

In 1975, the Congress said: Look, this is going to be a burden on the States, so we will help. We will help the States with some funding to meet their constitutional obligations. It is not a Federal mandate. So we set up this law, the Individuals with Disabilities Education Act, and we said: OK, we will provide you some funds to help you out if you do these certain things, meet these certain guidelines.

No State has to take one penny of IDEA money. We do not force it on them. We do not say: You have to take it. We say: Look, because of the court cases, you have to provide a free, appropriate public education to every child with a disability. What we are saying at the Federal level is: We are going to help you do that. But, if you want our help here are the guidelines. Follow them and you get the money. That is the basis of IDEA. It is not a Federal mandate.

We also keep hearing that somehow we guaranteed to help the States meet 40 percent of the cost of educating the kids with disabilities. That is not so.

The maximum award to any State under IDEA would be 40 percent of the national per-pupil expenditure per year for education, not 40 percent of the cost of educating the kids in their State with disabilities. We said the maximum grant would be 40 percent of the national average cost of educating every child. That, right now, if I am not mistaken, is around $6,850. So $6,850 is the national per pupil average that we funded out of the Federal Government in 1998. The IDEA funding formula is 40 percent of the per pupil average or $2,750, give or take a few dollars. I am not going to figure it to the exact dollar. Under the legislation we have right now, it is about 11.7 percent. With the increase, it gets it up to about 15 percent. So we do have a ways to go before we reach the maximum of 40 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask for a couple more minutes, and then I will wrap it up.

Mr. SPECTER. I yield 2 more minutes.

Mr. HARKIN. I want to make it clear, do I support the goal of getting up to 40 percent of the national per pupil expenditure up to $2,750 per student? I do. But I don't believe we ought to do it at the expense of afterschool programs or out of Head Start or anything else. That is what I dislike about the Gregg amendment. If he wants to come up with more money for IDEA, fine. I will be glad to support him. But to take it away from other kids who have needs, I think, is not the way that we ought to proceed. Quite frankly, I don't know anyone in the disability community who would say, yes, take it away from those kids and give it to ours. They would say, look, fund the disability programs, fund IDEA, but fund afterschool programs, fund breakfast programs, fund Head Start programs, because these are all our kids and they all have needs. We ought to appropriately fund all of education.

If this Congress gave the same priority to education as it does for the Pentagon, we wouldn't have to make these types of choices. There would be enough for both.

We added $4 billion to the Pentagon's budget over what they asked for. When will we ever see the day when we would add $4 billion over what the Department of Education requested?

Those were the basic points I wanted to make. IDEA is not a funding mandate. We need afterschool programs. We need IDEA also. I don't agree with stripping funds from one important program to fund another. That is why I believe Senator GREGG's amendment has deficiencies.

With that, I yield the floor.

Mr. SPECTER. Mr. President, it has been a good debate, I think.

I now ask unanimous consent that, notwithstanding the pendency of the Smith amendment No. 1808, the vote on the amendment be reconsidered and tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated September 17, 1999, from me to Senator COCHRAN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 17, 1999.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Subcommittee for Labor, Health and Human Services and Education.

Sincerely,

ARLEN SPECTER.

Mr. LAUTENBERG. Mr. President, let me begin by commending Senator SPECTER and Senator HARKIN for their hard work on this bill. Although it's far from perfect, it's a big improvement over the House version, and I know Senators SPECTER and HARKIN have worked diligently to fund critical education and health priorities within the constraints they have faced.

I intend to support this bill, Mr. President. But I also need to point out that it's apparently part of a broader plan that would lead to using Social Security surpluses. And I think that would be a mistake.

The additional money for this bill has come by shifting allocated funds from the Defense Appropriations bill. But rather than finding savings in military spending, the leadership intends to declare much of the extra spending as an emergency.

What we have here, Mr. President, is a shell game. The Republican plan may succeed in circumventing the discretionary spending caps, as they are trying to do. But it doesn't get around another critical problem. It still leaves us on course toward using Social Security funds to run the government.

Mr. President, for many months now, we've heard our Republican friends declare their commitment to protecting Social Security funds. They've put together a Social Security lock box in an effort to appear committed toward that goal—though, I must add, it's a lock box with a huge loophole, and one that does nothing for Medicare.

But while declaring their commitment to protecting Social Security, Mr. President, the Republicans are actually moving to spend Social Security surpluses. At their current rate, they're going to spend roughly $20 billion in Social Security surpluses. And that total could well go higher.

Mr. President, I know that many people around here privately believe that there's no alternative to spending Social Security surpluses, and we need that money to fund government adequately. But that's just wrong.

There's a better alternative: If we simply ask the tobacco industry to fully compensate taxpayers for the costs of tobacco-related diseases, we almost certainly could avoid spending Social Security surpluses.

Every year, Mr. President, tobacco costs taxpayers more than $20 billion. To its credit, the Justice Department is trying to recoup these costs through civil litigation. But that could take years. Meanwhile, Congress can act now to make taxpayers whole. And we should.

Mr. President, I've heard Republicans argue for months that pursuing more tobacco revenues is just, and the word they usually use is, "unrealistic." It's a clever way to avoid responsibility. It's as if some force outside themselves is preventing Congress from asking anything of the tobacco industry. But that's obviously wrong.

If the Republican leadership simply decided to ask Big Tobacco to compensate taxpayers, they could do it. It's completely realistic, if they just summon the will to do it.

Now, given the close relationship between the Republican Party and the tobacco industry, I realize that's not a politically easy decision for them.

But this is a different world than last year, when the tobacco legislation went down.

Now we have a Republican Congress about to embark on a money grab of Social Security funds. Compared to that, asking the tobacco industry to pay their fair share should be less difficult.

In any case, Mr. President, it seems clear that the real debate this fall is going to be between tobacco and Social Security.

And if we end up using Social Security funds to run the government, it will because the Republican Congress put Big Tobacco first, not Social Security. I think the American people would be outraged at that. And that's why I'm hopeful it won't happen.

So, Mr. President, I urge my colleagues to do the right thing, and choose Social Security over Big Tobacco. Let's end this money grab, reduce youth smoking, and protect Social Security.

Mr. KENNEDY. Mr. President, each year, up to 1 million nurses and other health care workers are accidentally stuck by needles or other sharp instruments contaminated by the blood of the patients they care for. More than 1,000 of these health care workers will contract dangerous and potentially fatal diseases as a result of their injuries. The Reid amendment is very important—it will require hospitals to use safer devices, and it will provide more effective monitoring of needlestick injuries, so that we can take additional steps to deal with this danger.

Karen Daley, of Stoughton, MA, is one of those whose lives have been forever changed by disposing of a used needle.

Karen is a registered nurse and president of the Massachusetts Nurses Association. In July 1998, as an emergency room nurse at the Brigham and Women's Hospital in Boston, she reached into the box used to dispose of a needle, and felt a sharp cut. By the end of the year, Karen had been diagnosed with HIV and Hepatitis C. I would like to read from a statement she recently delivered at the Massachusetts State House, where a bill has been recommended by the relevant committees:

> I have been a practicing nurse for over 25 years. I love clinical nursing and have felt privileged to care directly for thousands of patients over the years. . . . I have developed expertise in my practice over the years that has allowed me to have a significant impact not only on the quality of care my patients receive, but also in the growth and professional development of less experienced colleagues . . . Since January of this year, I have come to terms with the fact that I am infected with not one, but two potentially life-threatening diseases. . . . I have had to have weekly blood tests drawn—over 90 tubes of blood since January. . . . Experience to date is that treating a person infected with both HIV and Hepatitis C is extremely difficult and that each infection makes it more difficult to successfully treat the other.
>
> That one moment in time changed many other things. In addition to the emotional turmoil that it has created for myself, my family, my friends, my peers—it has cost me much more than I can ever describe in words. I am no longer a practicing health care provider—I made the decision to not return to my clinical practice setting where I have worked for over 20 years. In the process, I have abruptly been forced to leave many colleagues with whom I've worked for many years and who are as much family as peers to me. The harder decision for me has been the decision I've made not to return to clinical nursing.
>
> This injury didn't occur because I wasn't observing universal precautions that are designed to reduce health care workers' exposure to blood-borne pathogens. This injury didn't occur because I was careless or distracted or not paying attention to what I was doing. This injury and the life-altering consequences I am now suffering should not have happened . . . and would not have happened if a safer needlebox system had been in place in my work setting.

Karen Daley is now battling against two devastating diseases. And it didn't have to happen. Unfortunately, this scene is repeated more than 1,000 times a year—in communities across the country.

Lynda Arnold, a 30-year-old registered nurse and mother of two adopted children, is now HIV-positive as a result of a needlestick injury she received in an intensive care unit in Lancaster, PA, in 1992. She has started the Campaign for Health Care Worker Safety. Lynda writes,

> I no longer work in a hospital. I no longer involve myself in direct patient care. I do not dream of growing old with my 30-year-old husband or dancing with my son at his wedding.

These cases are tragedies, and there are many more. At least 20 different bloodborne pathogens can be transmitted by needlestick injuries, including HIV, Hepatitis B, and Hepatitis C.

The average cost of followup for a high-risk exposure is almost $3,000 per incident—even when no infection occurs. The American Hospital Association estimates that a case can eventually cost more than $1 million for testing, medical care, lost time, and disability payments.

Up to 80 percent of needlestick injuries could be prevented with the use of safer needle devices currently available. However, fewer than 15 percent of American hospitals use these products. The primary reason for not adopting steps to create a safer workplace is the cost. But the consequences are severe.

Safer needle devices do cost approximately 25 cents more than a conventional syringe. But the net savings from avoiding the excessive costs associated with workplace injuries are also significant. Hospitals and health care facilities in California are expected to achieve annual net savings of more than $100 million after implementing a proposal similar to the one now under consideration.

This is not a partisan issue. The companion bill in the House has almost 140 cosponsors—including more than 20 Republicans from across the political spectrum.

Similar bills have recently passed in California, Texas, Tennessee, and Maryland, and have been introduced in more than 20 other States.

These protections have the strong support of the American Nurses Association, Kaiser Permanente, the American Public Health Association, the Consumer Federation of America, and many, many other groups that represent nurses, doctors, and other health care workers. In addition, the Massachusetts Hospital Association and other State level associations have supported these bills at the State level.

There is no excuse for inaction. Time is of the essence. Every day 3,000 more accidental needlesticks occur. We need to act as soon as possible. We owe prompt action and greater protection to those who devote their careers to caring for others.

Mr. BURNS. Mr. President, in my 11 years in the U.S. Senate I have rarely seen such an opportunity to fight against big Government and defend local decisionmakers like parents and teachers.

The Democrats are signaling their intent to hamstring local schools by commanding them to focus their efforts on issues which are deemed important inside the Capital Beltway, not within their homes and communities. I feel Montanans know what is best for Montana; we don't need Washington to tell us how to teach our children.

Congress should reject a one-size-fits-all approach to education and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children.

For too long, Washington has been part of the problem with education, enacting many well-intentioned programs that result in more redtape and regulation. Though Washington accounts for only seven percent of education funding, it accounts for 50 percent of the paperwork for our teachers and principles. It is time for Washington to lend a helping hand to our states.

Unfortunately, right now many of our Federal education programs are overloaded with so many rules and regulations that states and local schools waste precious time and resources to stay in compliance with the Federal programs. It is obvious that states and local school districts need relief from the administrative bourdons that many federally designated education programs put on States, schools, and educational administrators.

I feel strongly and deeply that Montanans need to be in control of Montana's classrooms. I can not vote for anything that does not have local school control. I will continue to resist the attempts to take away your control of your child's schools.

Our goal on the Federal level is to help States and local school districts provide the best possible first-class education for our children that they can. We need to get the bureaucratic excess out of the face of the local educators so that they can do their jobs more efficiently and effectively.

Mr. President, we need to fix the problem of Federal controls in education. We need to allow the decision-making to be made by the people that we trust to educate our children. That is what really counts.

MORNING BUSINESS

Mr. SPECTER. On behalf of the leader, I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs), adoption assistance, and arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	534,115	544,113
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321,502	304,297

[In millions of dollars]

	Budget authority	Outlays
Total	860,117	882,655
Adjustments:		
General purpose discretionary	+427	+368
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+427	+368
Revised Allocation:		
General purpose discretionary	534,542	544,481
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321,502	304,297
Total	860,544	883,023

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,429,064	1,415,495	−7,413
Adjustments: CDRs, adoption assistance, arrears	+427	+368	−368
Revised Allocation: Budget Resolution	1,429,491	1,415,863	−7,781

FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS CONFERENCE REPORT

Mr. STEVENS. Mr. President, the Energy & Water Appropriations Conference Report for Fiscal Year 2000 passed the Senate by an overwhelming vote of 96–3 yesterday. I thank my friend and colleague, the senior Senator from new Mexico and chairman of the subcommittee, for his excellent work in negotiating this bill and bringing back a very strong conference report. I'd also like to commend our extraordinarily talented and creative staff, Alex Flint, David Gwaltney, and Lashawnda Leftwich without whom we could no have finished this bill.

There are three programs I would like to highlight. First, the conferees have provided $98.7 million for biomass research. Last week, the Subcommittee held a hearing on biomass and heard testimony about a proposal by Sealaska Corporation to produce ethanol using surplus wood. I urge the Secretary to take a careful look at this project and support it within the funds provided.

Second, with respect to the wind program, the conferees funded it at $31.2 million, an increase over the House level. Over the past few years, the Department has supported the Kozebue wind demonstration project, the only wind generation system in my state. According to the National Weather Service, the windiest cities in the country are in Alaska. If the Kotzebue project proves to be cost efficient, wind may become a major source of electrical power in my state where electric rates are as much as ten times the rate in the lower 48: 55 cents per kilowatt hour in Alaska versus 5 cents per kilowatt hour in states like Idaho. I urge the Department to continue its support of the Kotzebue wind project.

Lastly, the managers agreed to language urging the Department of Energy to evaluate nuclear medicine technology known as Positron Emission Technology or PET.

I am pleased that the conference report includes strong language directing the Department of Energy to report back to the committee on what steps it can take to give immediate support to a new laboratory at the University of California—Los Angeles which will develop pioneering new molecular-based treatments for disease.

These new treatments will use genetically engineered mouse models of several human diseases and track progress with a miniaturized version of positron emission tomography (PET) called Micropet.

While scientists and clinicians have been able to diagnose and stage human illnesses, including most types of cancer and other diseases such as Parkinson's and Alzheimers' using pet imaging, the UCLA research promises to expand the examination of the biologic basis of disease into new treatment of the molecular disorders that scientists now believe are the cause of disease.

I understand that the new laboratory at UCLA will need at least $2 million in Federal funds during fiscal year 2000 from the other office at the Department of Energy, and I hope that the Department will make every effort to provide the needed funds to bring this critical project on line at the earliest time it can.

EDUCATION FOR DEMOCRACY ACT

Mr. DODD. Mr. President, I rise today in support of legislation introduced by my colleague, the distinguished Senior Senator from Mississippi, Thad COCHRAN, and myself earlier this week, the Education for Democracy Act, which will continue successful efforts to enhance citizenship among our nation's youth.

Over the last decade, there has been much discussion about the purposes, successes and failures of American schools. We talk about how schools hold in trust our nation's future—the next generation of workers, parents and artists. One of the most important, and perhaps least mentioned, roles that today's students will play tomorrow is as citizens. Yet, in too many schools citizenship education is an afterthought to an American history or government course.

The Education for Democracy Act will reauthorize a highly successful program established by Congress in 1985 that helps meet these needs. The We the People . . . the Citizen and the Constitution program has demonstrated its effectiveness in fostering a reasoned commitment to the fundamental principles and values of our constitutional democracy among elementary and secondary education students. Now in its twelfth year, this program has provided 24 million students with instruction and learning opportunities that enable them to meet the highest standards of achievement in civics and government and that encourages active and responsible participation in government.

Studies have shown students benefit across the board from their exposure to this powerful program. An Educational Testing Service study found that students at upper elementary, middle and high schools levels significantly out performed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of sophomores and juniors in political science courses at a major university. The We the People . . . high school students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at the Clark County School District in Las Vegas, Nevada revealed that 80 percent of the seniors in the program registered to vote compared to a school average among seniors of 37 percent.

Many of us here in this chamber are fortunate to have experienced firsthand the quality of this program. Each spring, outstanding classes of students from the around the country come to Washington to participate in the final round of national competitive hearings on the Constitution and the Bill of Rights. While these students' knowledge of the Constitution is impressive, what is most striking is the students' excitement about the Constitution and their government.

This legislation would assure that students across the nation will continue to have access to this quality program. In addition, it would assure all of us of a stronger foundation for our country's future. I look forward to working with my colleagues to move this legislation forward and would urge others to join us as sponsors of this important measure.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 28, 1999, the Federal debt stood at $5,647,297,448,741.19 (Five trillion, six hundred forty-seven billion, two hundred ninety-seven million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents).

One year ago, September 28, 1998, the Federal debt stood at $5,525,126,000,000 (Five trillion, five hundred twenty-five billion, one hundred twenty-six million).

Five years ago, September 28, 1994, the Federal debt stood at

$4,672,477,000,000 (Four trillion, six hundred seventy-two billion, four hundred seventy-seven million).

Ten years ago, September 28, 1989, the Federal debt stood at $2,844,962,000,000 (Two trillion, eight hundred forty-four billion, nine hundred sixty-two million).

Fifteen years ago, September 28, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,075,031,448,741.19 (Four trillion, seventy-five billion, thirty-one million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents) during the past 15 years.

LILLY ENDOWMENT INC. GRANT TO TRIBAL COLLEGES

Mr. BURNS. Mr. President, I rise today to recognize the Lilly Endowment for their exceptional contributions on behalf of educational opportunities for minorities. In particular, I would like to commend them on their recent announcement awarding $30 million to the American Indian College Fund. These dollars would be used to replace buildings at 30 tribal colleges on reservations in the West and Midwest.

It is important that we continue to support ways to maintain educational opportunities for tribal colleges, who receive a significantly lower level of funding per student than mainstream community colleges. Because of these scarce resources, and the need to maintain and increase academic standards, capital improvements have been forced to the bottom of the priority list.

This private donation from the Lilly Endowment is the largest ever made to a Native American organization. These funds will be used to pay for much needed construction of modern classrooms, labs and libraries. This extraordinary contribution will allow these colleges to give their students the best educational opportunities possible.

It is critical that Tribal colleges have the resources to provide a combination of traditional academics and Native American culture for their students. American Indian students who attend tribal schools are far more likely to succeed at four year institutions. More Native Americans have been attending college, but still at a far lower rate than members of other minority groups. We need to ensure that they are helped to reach their full potential.

As a Senator for a state with 7 tribal colleges, I understand the important role they play in the Tribes' hopes for future generations. Academic success is key to raising the standard of living and quality of life for all tribal members.

Mr. President, I feel we need to do everything in our power until we are successful in addressing the many challenges facing the education needs of our American Indian population. I salute Lilly Endowment's increasingly generous efforts towards this goal.

During my time in the Senate I have fought, and will continue to work to help make education accessible and affordable to all Montanans. Tribal colleges are a priority to me. I will continue to look for ways to increase federal spending at these institutions.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, received during the adjournment of the Senate, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2605. An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled bill and joint resolution (H.J. Res. 68) were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Commerce, Science, and Transportation.

H.R. 417. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution, previously received from the House of Representatives for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5431. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reform of Affirmative Action in Federal Procurement" (DFARS Case 98–D007), received September 24, 1999; to the Committee on Armed Services.

EC–5432. A communication from the Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Navy Regulations" (RIN0703–AA55), received September 27, 1999; to the Committee on Armed Services.

EC–5433. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC–5434. A communication from the Acting General Counsel, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud" (RIN1125–AA17), received September 27, 1999; to the Committee on the Judiciary.

EC–5435. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to over-obligations of appropriation and apportionment of the Food Safety and Inspection Service account for fiscal year 1997; to the Committee on Appropriations.

EC–5436. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99–42, BLS–LIFO Department Store Indexes—August 1999" (Rev. Rul. 99–42), received September 7, 1999; to the Committee on Finance.

EC–5437. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the need for worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC–5438. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of

Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Advance Payments and Lump-Sum Payments of Educational Assistance" (RIN2900–AI31), received September 28, 1999; to the Committee on Veterans' Affairs.

EC–5439. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida, Limiting the Volume of Small Red Seedless Grapefruit" (Docket No. FV99–905–3 IFR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5440. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 51071; 09/21/99", received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5441. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 51070; 09/21/99" (Docket # FEMA–7300), received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5442. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 51067; 09/21/99", received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5443. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines" (RIN1219–AB17), received September 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5444. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to collections received pursuant to the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

EC–5445. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV–082–FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5446. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (SPATS # WY–028–FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5447. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claims Under the General Mining Law; Surface Management" (RIN1004–AB36), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5448. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "43 CFR part 3500—Leasing of Solid Minerals Other than Coal and Oil Shale" (RIN1004–AC49), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5449. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Enhanced Motor Vehicle Inspection and Maintenance" (FRL #6449–2), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5450. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GAS Central and West Heating Plants" (FRL #6448–9), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5451. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Polutants: Tennessee" (FRL #6448–3), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5452. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks; (VSC–24) Revision", received September 27, 1999; to the Committee on Environment and Public Works.

EC–5453. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Industry Codes and Standards; Amended Requirements" (RIN3150–AE26), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5455. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Retention of Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5456. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment—Opens the D Fishing Season for Pollock in Statistical Area 610 of the Gulf of Alaska for 12 Hours", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5457. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-UP", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5458. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound" (RIN0648–AL18), received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations:

Report to accompany the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, ad for other purposes (Rept. No. 106–166).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 560: A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the "Jose V. Toledo United States Post Office and Courthouse."

S. 1567: A bill to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse."

S. 1595: A bill to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse."

S. 1652: A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be a Member of the Chemical Safety and Hazard

Investigation Board for a term of five years. (Reappointment)

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004, vice Shirley Ann Jackson, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 1660. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. Lott):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. Grams, Mrs. Murray, and Mr. Wyden):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. Coverdell):

S. 1663. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. McConnell, Mr. Fitzgerald, and Mr. Helms):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S. 1667. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Mr. Brownback, Mr. Lieberman, Mr. Hutchinson, and Ms. Mikulski):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. Gramm, Mr. Ashcroft, Mr. Kerry, and Mr. Robb):

S. Res. 190. A resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. Conrad, Mr. Moynihan, Mr. Schumer, Mr. Lieberman, Mr. Leahy, Mr. Chafee, Mr. Kennedy, Mr. Feingold, and Mrs. Murray):

S. Res. 191. A resolution expressing the sense of the Senate regarding East Timor and supporting the multinational force for East Timor; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. McCain, Mr. Schumer, Mr. Baucus, Mr. Kerry, Mr. Sarbanes, Mr. Brownback, Mr. Hatch, Mr. Reid, Mr. Durbin, Mr. Feingold, Mr. Nickles, Mr. Lugar, Mr. Kohl, Mr. Levin, Mr. Bond, Mr. Dodd, and Mr. Sessions):

S. Con. Res. 57. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

REMOVAL OF ALBANIA FROM JACKSON-VANIK TRADE RESTRICTIONS

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill authorizing the President to grant permanent Normal Trade Relations status to Albania, overcoming the so-called Jackson-Vanik restrictions in Title IV of the Trade Act. This legislation is urgently needed so that when Albania joins the World Trade Organization later this year, the United States can enter into full WTO relations with this market-oriented country in the Balkans.

Mr. President, I offer this legislation and seek the support of my colleagues for three reasons: First, the Cold Warera Jackson-Vanik restrictions are no longer relevant for Albania. We should free our relations with Albania from restrictions applied to communist countries. The Jackson-Vanik restrictions applied to countries with nonmarket economies which limited emigration. Albania now has a market economy which some may argue needs more regulation. Albanians are now also free to emigrate, sometimes much to the chagrin of Albania's neighbors. The President certified Albania to be in compliance with the Jackson-Vanik requirements in January 1998 and has continued to report that Albania remains in compliance. The certification process is simply a relic of the Cold War.

Second, granting Albania permanent Normal Trade Relations, or NTR, status through the WTO will encourage and support Albania's free-trade orientation and integration into the global trading system. Little more than a decade ago, Albania was closed off from the rest of the world by a severely Stalinist regime. Today, all major political forces in Albania—including the governing Socialist Party and the opposition Democratic Party, which led the first post-Communist government—support democracy, free trade and integration with the West. A delegation from Albania's Parliament made clear the breadth and depth of support for Albania's WTO membership. Albania has enacted virtually all the necessary legislation and implementing regulations necessary to meet WTO standards and will implement the rest prior to its WTO accession. They will not even require a transition period. We should reward this tremendous positive change by welcoming Albania into the WTO and opening our markets to Albanian goods on a fair basis negotiated through the WTO.

Third, this bill will benefit U.S. firms by securing Albania's commitment to WTO standards and giving the United States access to WTO dispute settlement mechanisms with regard to Albania. The annual certification requirement under existing law would require the United States to demur from entering into full WTO relations with Albania when that country becomes a member later this year. Thus, without the enactment of this legislation, we will not have access to WTO dispute settlement mechanisms and will only be able to engage in economic relations with Albania on a bilateral basis.

Mr. President, for the reasons I have outlined—moving beyond the Cold War, supporting development of a market economy and democracy in Albania, and providing WTO protection of market access for American businesses—I hope the Congress will enact this legislation. The United States has been a leading advocate for Albania's accession into the WTO. We should continue that support by passing this legislation. I would ask the Finance Committee and the full Senate to act expeditiously so this bill can be signed into law before Albania becomes a WTO member.

At this point, Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Albania; and

(2) after making a determination under paragraph (1) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

WAKPA SICA RECONCILIATION PLACE ACT

Mr. DASCHLE. Mr. President, at the request of tribal leaders throughout my state, today I am introducing legislation to establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota.

This history of South Dakota is carved with the rich cultural traditions of numerous Sioux tribes who lived on the plains for centuries and inlaid with the stories of immigrants who came during the last two hundred years to settle the towns, plow the earth, shepherd livestock and mine gold. The story of that settlement, and the mingling of Indian and non-Indian people, has not always been a peaceful one, and today in South Dakota we continue to face the challenges of disparate communities of Indians and non-Indians living side-by-side, often imbued with misunderstanding and mistrust. As a result, there is a growing recognition of the need for reconciliation between Indian and non-Indians.

It is my hope that through the establishment of a Reconciliation Place, we can promote a better understanding of the history and culture of the Sioux people and by doing so, achieve better relations between Indian and non-Indian peoples. The Reconciliation Place will provide a home for a center of Sioux law, history, culture, and economic development for the Lakota, Dakota and Nakota tribes of the upper Midwest, and thus will help preserve the strong and unique cultural heritage of the Sioux.

The Reconciliation Place will enhance the knowledge and understanding of the history of the Sioux by displaying and interpreting the history, art, and culture of the tribes of this region. It will also provide an important repository for the Sioux Nation history and the family histories for individual members of the tribes, and other important historical documents. The majority of the historic documents and archives of this region are kept in government facilities that are scattered across the West and are almost inaccessible to the people of this area. The Reconciliation Place will provide a central repository for these important elements of Sioux history, allowing easy access to tribal members interested in exploring their past.

By empowering the Sioux tribes to establish their own Sioux Nation Supreme Court, the bill will help achieve greater social and economic stability in Indian Country. Moreover, the court will bring the legal certainty and predictability to the reservations necessary for businesspeople to have the confidence to make investments in tribal enterprises. This, in turn, will generate the economic infrastructure needed to create more jobs on reservations.

Finally, the legislation establishes a Native American Economic Development Council to assist the Sioux tribes by providing opportunities for economic development and job creation. Specifically, the council will provide expertise and technical support to Indians to help gain access to existing sources of federal assistance, while raising funds from private entities to match federal contributions. Funding obtained by the Council will be used to provide grants, loans, scholarships, and technical assistance to tribes and their members, for business education and job creation.

Mr. President, the need for this Reconciliation Place is clear. It will provide a focal point for public and private organizations to better assist Native Americans to protect their past, strengthen their present, and build a bright economic future. The Reconciliation Place will respect and compliment the government-to-government relationship established between the tribes and the United States. I urge my colleagues to support the establishment of this Reconciliation Place and am hopeful that this legislation can be enacted in the near future. I ask unanimous consent that the text of the bill and a letter of support by tribal leaders from South Dakota, North Dakota and Nebraska to the Wakpa Sica Board of Directors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs; and

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SIOUX NATION.—The term "Sioux Nation" means the Indian tribes comprising the Sioux Nation.

TITLE I—RECONCILIATION CENTER

SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as "Reconciliation Place".

(b) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(c) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $17,258,441, to be used for the grant under this section.

SEC. 102. SIOUX NATION TRIBAL COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux National Tribal Supreme Court, the Attorney General of the United States shall provide such technical and financial assistance to the Sioux Nation as is necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the "Council"). The Council shall be charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the "Board").

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the secretary of the Board. The secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) Certain Interests.—If any current or future interest of a gift under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) Provision of Services.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) Reimbursement.—

(1) In general.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) Continuation of certain assistance.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

SEC. 205. VOLUNTEER STATUS.

(a) In General.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) Incidental Expenses.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) Audits.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) Report.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) Relief With Respect to Certain Council Acts or Failure To Act.—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 207. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.

(a) Grants.—

(1) In general.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) Grant agreements.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) Matching requirements.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) Prohibition on the use of Federal funds for administrative expenses.—Each agreement entered into under paragraph (2) shall specify that no Federal funds made available to the Council (under the grant that is the subject to the agreement or otherwise) may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) Technical Assistance.—

(1) In general.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) Agency heads.—The agency heads listed in this paragraphs are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—There are authorized to be appropriated to the Department of the Interior, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to be used in accordance with section 208.

(b) Additional Authorization.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

March 1998.

To: Wakpa Sica Historical Society; Board of Directors.

Ladies and Gentlemen: In my years of experience as a Tribal Leader, I have encountered few projects that hold as much promise for building understanding between Tribal and non-Tribal people as the Wakpa Sica Reconciliation Center project.

Lakota, Dakota and Nakota Sioux people in North Dakota, South Dakota and Nebraska are the third largest Indian population in the nation and our reservations are within easy driving distance of the Reconciliation Center project site. The Reconciliation Center will include a theater, repatriation area, Tribal court judges' chambers, gift shop, museum area, story circle, educational center, genealogical center, Law library and staff offices.

As Tribal Chairman, I would like to extend my endorsement as a member of the United Sioux Organization.

Tribal Chairman Signatures: We the undersigned elected leadership are representative of our Indian Reservations do hereby support this Wakpa Sica Project.

Charlie Murphy, Chairman, Standing Rock Sioux Reservation; Michael B. Jandreau, Chairman, Lower Brule Sioux Reservation; Norm Wilson, Chairman, Rosebud Sioux Reservation; Steve Cournoyer, Chairman, Yanton Sioux Reservation; Mura Pearson, Chairperson, Spirit Lake Sioux Reservation; John Steele, Chairman, Oglala Sioux Reservation; Richard Allen, Chairman, Flandreau Santee Sioux Reservation; Arthur Denny, Chairman, Santee Sioux Reservation; Duane Big Eagle, Chairman, Crow Creek Sioux Reservation; Andrew Grey, Sr., Chairman, Sisseton Wahpeton Sioux Reservation.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

LOWER YELLOWSTONE IRRIGATION PROJECTS TITLE TRANSFER

● Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that helps a large number of family farms on the border of Montana and North Dakota. The Lower Yellowstone Irrigation Projects Title Transfer moves ownership of these irrigation projects from federal control to local control. Both the Bureau of Reclamation and those relying on the projects for their livelihood agree that there is little value in having the federal government retain ownership.

The history of these projects dates to the early 1900's with the original Lower Yellowstone project being built by the Bureau of Reclamation between 1906 and 1910. Later, the Savage Unit was added in 1947–48. The end result was the creation of fertile, irrigated land to help spur economic development in the area. To this day, agriculture is the number one industry in the area.

The local impact of the projects is measurable in numbers, but the greatest impacts can only be seen by visiting the area. About 500 family farms rely on these projects for economic substance, and the entire area relies on them to create stability in the local economy. In an area that has seen booms and busts in oil, gas, and other commodities, these irrigated lands continued producing and offering a foundation for the businesses in the area.

As we all know, agriculture prices are extremely low right now, but these irrigated lands offer a reasonable return over time and are the foundation for strong communities based upon the ideals that have made this country successful. The 500 families impacted are hard working, honest producers, and I can think of no better people to manage their own irrigation projects.

Everyday, we see an example of where the federal government is taking on a new task. We can debate the merits of those efforts on an individual basis, but I think we can all agree that while the government gets involved in new projects there are many that we can safely pass on to state or local control. The Lower Yellowstone Projects are a prime example of such an opportunity, and I ask my colleagues to join me in seeing this legislation passed as quickly as possible.•

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT OF 1999

• Mrs. HUTCHISON. Mr. President, today, along with Senator LOTT, I am introducing the Environmental Protection Partnership Act of 1999. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What the bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

I believe this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure this protection, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

My bill will ensure that we continue to increase the protection of our environment in the United States through providing incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under the bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and international violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Mr. President, I look forward to working with Senator LOTT, Senator HATCH, chairman of the Judiciary Committee, as well as the rest of my colleagues in the Senate on this bill, which will pave the way to increased environmental compliance.•

By Mr. BAUCUS (for himself, Mr. GRAMS, Mrs. MURRAY, and Mr. WYDEN):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

TARIFFS ON ENVIRONMENTAL GOODS

• Mr. BAUCUS. Mr. President, since the end of the Second World War, the United States has led the world in establishing an open, rule-based trade system. I believe it is very important that we continue to provide this leadership. We can only do this if we maintain a domestic consensus on trade policy.

The United States has also provided strong international leadership on environmental protection. I have long been a strong proponent of both open trade and environmental protection. I have a foot in both camps. So today I am proud to introduce a bill which addresses both trade and the environment. I am joined in this effort by Senators GRAMS, MURRAY, and WYDEN.

I know people in the trade community who assume that anything good for the environment must be bad for business. They believe that protecting the environment means more government restrictions, higher costs, and lower profits. This logic is flawed.

I also know people in the environmental community who assume that anything good for trade must be bad for the environment. They believe that more trade means more growth, and that more growth means more damage to the environment. This logic is flawed, too.

We can take measures which benefit both trade and the environment. I am proposing one such measure today: eliminating import duties on environmental products as part of a multilateral agreement. This enjoys wide support from American environmental technology companies, as well as from members of the environmental community.

Mr. President, let me recall a bit of recent trade history. During the Uruguay Round of trade negotiations, the United States participated in a number of sectoral tariff initiatives. They were known as "zero-for-zero." Countries agreed to reciprocal tariff elimination, saying "I'll put my tariff at zero, if you'll do the same."

The Uruguay Round Act gave the President the authority to eliminate U.S. tariffs in these "zero-for-zero" sectors. But in several sectors, the negotiators did not reach agreement. The President retains tariff authority in these sectors. Examples are products like furniture and paper. Some of these sectors are once again under discussion in the WTO.

In addition to these unfinished Uruguay Round sectors, the United States launched other zero-for-zero initiatives. This work began in the Asia Pacific Economic Cooperation (APEC) forum, and then moved to the WTO. One of the sectors under discussion is environmental goods.

Environmental goods cover a wide range of products made in America to control air, water and noise pollution, as well as solid and hazardous waste. These products include equipment for recycling and for renewable energy. They include technology for remediation and cleanup. Environmental goods also include scientific equipment for monitoring and analysis. All told, U.S. firms sell somewhere between $20 and $40 billion abroad annually. They could sell more if other countries would eliminate trade barriers, including tariffs.

In my home state of Montana, businesses which export environmental equipment could expand their operations if they faced fewer foreign barriers. I have heard from one company, SRS Crisafulli, which is working in Latin America markets. Tariffs on their dredging equipment raise their sales price substantially. The inexorable law of the market is that higher sales prices mean lower sales.

As my colleagues know, the United States maintains the world's most open market. Our tariffs are generally low. They are especially low on environmental goods, where U.S. import duties average less than 2%. This bill I am introducing today would eliminate these small tariffs—nuisance tariffs, really. In return, other countries would abolish their import duties on American-made products. Their tariffs can be three or four times higher than ours. That's a good deal for us, and a good deal for world trade.

It's also a good deal for the environment. The biggest importers of these products are the emerging markets of Asia, Africa and Latin America. Expanding the use of environmental technology will help limit or remedy environmental damage. It will have a positive impact on public health and the quality of life.

Mr. President, the bill I am introducing preserves Congress' constitutional role in foreign trade. It requires the President to consult with us before implementing any environmental tariff cuts. And I would like to put our trade negotiators on notice that we expect them to bring to us a proposal with broad coverage, rapid staging and limited exceptions.

I am particularly concerned about the scope of the agreement now being negotiated. I understand that some of our trading partners in APEC were unwilling to classify certain products as "environmental goods" because they are "dual use." A hydraulic pump, for instance, can be used for either a sewage treatment plant or a microchip plant. We should press other countries to adopt a broad definition of "environmental goods" to encourage dissemination of technology.

Mr. President, ever since environmental tariff elimination surfaced, the U.S. told our trading partners not to worry that the President lacks tariff-cutting authority in the sector. When the time comes, we said, Congress will grant the necessary authority. I believe this effort merits the same kind of support from the Senate that it has gained support among the trade and environmental communities. It is particularly important that we show this support now, as the United States prepares to host the WTO Trade Ministers Meeting in Seattle. I encourage all of my colleagues to provide this support.•

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

RED CLIFFS DESERT RESERVE LAND ACQUISITION LEGISLATION

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

LAND EXCHANGE FACILITATION LEGISLATION

• Mr. BENNETT. Mr. President, I am introducing two bills which address minor technical issues in Washington County, Utah. Given the non-controversial nature of these bills, I am hopeful they will be given quick consideration.

The first bill deals with a land exchange between the city of St. George and the BLM to facilitate a Washington County, Utah habitat conservation plan for the desert tortoise. The parcel of land at issue was once used as a landfill. The BLM is interested in acquiring the land in an exchange, but it is reluctant to accept liability for any unknown toxic materials that may be in the landfill. The bill would leave liability for the landfill in the hands of the city. Both the BLM and the city of St. George are in favor of this legislation.

The next bill deals with an exchange between the State of Utah and a private party. This exchange would facilitate additional protection for the endangered desert tortoise. The parcels of land that the State wants to trade were given to them pursuant to the Recreation and Public Purposes Act and consequently have a BLM reversionary clause clouding title to the property. This bill would remove those reversionary clauses so that the State could pass clear title in the land exchange.

I appreciate once again the leadership of Chairman HANSEN on the House Committee on Resources in taking the lead on these bills in the other body and I look forward to working with my colleagues on the Senate Energy Committee to move these bills quickly.•

By Mr. LUGAR (for himself, Mr. McCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS' RISK MANAGEMENT ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to help our nation's farmers cope with the risks inherent in production agriculture.

My colleagues are familiar with the challenges facing American farmers. Prices are down world-wide. Exports are lower than expected, in large part due to the economic problems in Asia. Weather problems, from droughts to floods, have plagued large portions of our country.

The Senate has passed, and a conference committee is considering, an agricultural appropriations bill that contains emergency provisions to deal with these immediate needs. For the intermediate and long term, the Congressional budget resolution contains $6 billion for use in fiscal years 2001–2004 that can be used as direct payments or to help farmers manage risk. Given these available funds, the question for policymakers is how best to help farmers manage the risks that they face.

Some suggest that the entire $6 billion should be used to alter the subsidy structure of the federal crop insurance program. I believe that risk management is broader than crop insurance alone. To keep U.S. agriculture competitive, farmers will have to consider a variety of practices including: engaging in sophisticated marketing practices; reducing debt; considering alternative crops; and purchasing crop insurance. An approach to risk management that focuses on the crop insurance program's subsidy structure is too narrow to address the many risks faced by farmers.

In crafting my own risk management bill, I was guided by four principles. First, the greatest possible amount of the $6 billion should go directly to farmers. In the crop insurance program, private insurers receive substantial compensation for selling and servicing multi-peril policies on the government's behalf. Overall, the insurance companies receive about one-third of the federal financial support of the program. Farmers get the remaining two-thirds. In my view, farmers should receive more of the new federal spending.

Second, the $6 billion should be provided in such a manner so that it does not distort planting decisions. Leading economists believe that crop insurance encourages the planting of crops on marginal and environmentally challenged acreage. Federal risk management spending should not inadvertently subsidize overproduction when world-wide agricultural stocks are already large. Subsidizing overproduction postpones the day when agricultural prices will rebound.

Third, the $6 billion should be distributed equitably among farmers and among regions. In terms of eligible 1998 acres insured, farmers' participation by state ranges from a low of 4 percent to a high of 93 percent. Clearly, farmers in some parts of the country do not view crop insurance as a useful risk management tool. By spending the bulk of the increased federal assistance on crop insurance, we are denying farmers in some parts of the country risk management help.

Fourth, farmers should be encouraged to pursue a variety of risk management strategies, including, but not limited to, crop insurance. Within broad parameters, farmers should be able to choose the risk management strategy that best meets their needs.

Mr. President, the bill I am introducing today complies with my four principles. First, of the $6 billion in available new spending, over $5 billion is sent directly to farmers. Second, because the money is sent directly to farmers and is based on historical production, it is far less likely to distort planting decisions. Third, because it is not limited only to one form of risk management—crop insurance, it is more equitable among regions. Fourth, in order to better meet farmers' individual needs, it lets farmers choose risk management strategies from a menu of options.

The bill directs the Secretary of Agriculture, for the 2001-2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 of the following risk management practices each applicable year:

1. Purchase Federal or private crop insurance (e.g., private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

A producer's annual risk management payment will be based on his or her Federal Crop Insurance Corporation (FCIC) average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the average APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding crop years.

Let me give a hypothetical example of how this would work at the farm level. Suppose a farmer produces corn, soybeans, and apples for the fresh apple market on a total of 525 acres somewhere, let's say, in the eastern half of the country. Corn and soybeans are federally insurable throughout the country and apples are federally insurable in most areas that have significant apple production. Let's further suppose that this hypothetical producer has never purchased federal crop insurance before.

Under my bill, this grain and apple farmer would be eligible for risk management payments for each of the 2001 through 2004 crops based on his average actual production history for corn, soybeans, and apples for the four crop years covering 1996, 1997, 1998, and 1999. He could document more than four years of production history, but FCIC procedures require a minimum of four consecutive years. Let's suppose the producer's average production is 30,000 bushels of corn based on 250 acres; 10,000 bushels of soybeans based on 250 acres; and 11,548 bushels of apples based on 25 acres. The producer's average APH would be valued at the 1997–1999 average FCIC established price level for each crop. This price is $2.38 per bushel for corn and $5.80 per bushel for soybeans. The apple price varies by region. For this example, I will use a fresh apple price of $4.17 per bushel (42 pounds/bushel) which would be the applicable price for fresh apples in one of the eastern region's major apple-producing states. At these prices, the value of the producer's average APH across all crops (rounded to the nearest dollar) would be $177,554.

The amount of the producer's annual risk management payment would be based on a percentage payment rate determined by the Secretary of Agriculture based on $1.275 billion for each of the 2001 through 2004 crops for a cumulative total of $5.1 billion. Preliminary estimates suggest that the payment rate will be somewhere between 1 percent and 2 percent of production value if 100 percent of the eligible farmers sign up for risk management payments. Thus, a reasonable estimate is that the percentage payment rate will come out at 1.5 percent of production value. If this estimate turns out to be correct, our hypothetical grain and apple farmer's annual risk management payment (rounded to the nearest dollar) would be $2,663. The 2001 payment would be available to the farmer on or after October 1, 2000, approximately one year from today.

In order to qualify for his risk management payment each year, the farmer would have to certify with the Agriculture Department that he had obtained or used 2 of the 8 risk management practices each year. He could do this in a large number of ways. For example, he could qualify by purchasing crop multi-peril crop insurance on his 2001 corn or soybean production and cash forward contract at least 20 percent of the 2001 corn or soybean crop. Alternatively, he could qualify by entering into a marketing contract with a buyer for at least 20 percent of his 2001 apple production and purchase exchange-traded options to hedge price risk on his 2001 corn or soybean crop.

Mr. President, I ask unanimous consent that a section-by-section summary of my bill be printed in the RECORD. I encourage my colleagues to study my bill and to talk it over with farmers in their own states.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FARMERS' RISK MANAGEMENT ACT OF 1999—SECTION BY SECTION SUMMARY

TITLE I—RISK MANAGEMENT PAYMENTS

Section 101. Definitions

Defines terms used in this title.

Section 102. Risk management contract

Subsection (a) Offer and Consideration. Directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 qualifying risk management practices in an applicable year.

A producer's annual risk management payment will based be on his or her FCIC average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding years (1990-1999). A producer may elect to receive a risk management payment directly or have an equivalent amount credited to the premium owed by the producer for Federal crop insurance coverage.

Subsection (b) Qualifying Risk Management Practices. Describes the 8 qualifying risk management practices:

1. Purchase Federal or private crop insurance (e.g. private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

Subsection (c) Determination of Risk Management Payment. The amount that is available for risk management payments for each of the 2001 through 2004 crops is $1.275 billion (a total of $5.1 billion). A producer's risk management payment is calculated (for each Federally insurable commodity of a producer) by multiplying:

(1) the average APH established for the 2000 crop (meaning documented production and acreage history from at least 4 of the 10 immediately preceding years covering 1990–1999) for each Federally insurable commodity of a producer;

(2) the 1997–1999 average of the FCIC price level established for each commodity (i.e., $2.38/bu. for corn, $5.80/bu. for soybeans, $3.60/bu. for wheat, 68 cents/lb. for upland cotton and $9.50/cwt. for rice); and

(3) a payment rate determined by the Secretary in accordance with the total amount available for the year.

Section 103. Administrative provisions

Risk management payments for each of the 2001 through 2004 crops will be paid in one or more amounts as of October 1 of the crop year. A payment for the 2001 crop could be paid as early as October 1, 2000. A producer must certify with the Secretary which qualifying risk management practices were used on the farm by filing a form with the local FSA office. Qualifying risk management practices used for the 2001 crop would have to be reported by April 15, 2002. A producer choosing to receive a credit for a crop insurance premium will receive the benefit at the time payment of the premium is due (after harvest). Should a producer accept a risk management payment but not perform at least 2 qualifying risk management practices in the applicable year, the producer will be required to repay the full amount of the risk management payment with interest.

Section 104. Termination of authority; funding

Terminates the authority and funding for risk management payments and qualifying risk management practices as of September 30, 2004.

TITLE II—CROP INSURANCE

Section 201. Sanctions for program compliance and fraud

A producer who provides false or misleading information about a crop insurance policy may be assessed a $10,000 civil penalty for each violation, or debarred from all USDA financial assistance programs for up to 5 years, depending on the severity of the violation. Agents, loss adjusters, and approved insurance providers who provide false or misleading information about a policy or the administration of a policy or claim under this Act may be subject to civil fines up to $10,000 per violation, or debarred from participating in insurance programs under this Act for up to 5 years, depending on the severity of the violation. The same penalties may apply to agents, loss adjusters, and approved insurance providers who have recurrent compliance problems.

Section 202. Oversight of loss adjustment

Requires the Corporation to develop procedures for annual reviews of loss adjusters by the approved insurance provider, and to consult with the approved insurance provider about each annual evaluation.

Section 203. Revenue insurance pilot program

Extends the authority for certain revenue insurance pilot programs through the 2004 crop.

Section 204. Reduction in CAT underwriting gains and losses

Reduces the potential for underwriting gains or losses associated with catastrophic crop insurance (CAT) policies for the 2001 through 2004 reinsurance years.

Section 205. Whole farm revenue insurance pilot program

Establishes a pilot program for the 2001 through the 2004 reinsurance years that guarantees farm revenue based on the average adjusted gross income of the producer for the previous 5 years. Covers crops and livestock.

Section 206. Product innovation and rate competition pilot program

Establishes a pilot program for the 2001 through 2004 reinsurance years that allows private insurance companies to develop and market innovative insurance products, to compete with other companies regarding rates of premium, and to allow a company that has developed a new insurance product to charge a fee to other companies that want to market the product.

Section 207. Limitation on double insurance

Prohibits purchasing insurance for more than 1 crop for the same acreage in a year, except where there is an established history of double-cropping on the acreage.

TITLE III—REGULATIONS

Section 301. Regulations

Requires the Secretary to promulgate regulations within 180 days of enactment.

By Mr. KERRY (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE RELIGIOUS FREEDOM ACT

• Mr. KERRY. Mr. President, I am introducing today a bipartisan bill, together with Senator BROWNBACK of Kansas. This is the Workplace Religious Freedom Act of 1999.

This bill would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the "Americans with Disabilities Act" and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

I believe this bill should receive bipartisan support. This bill is endorsed by wide range of organizations including the American Jewish Committee, Christian Legal Society, Family Research Council, General Conference of Seventh-day Adventists, National Council of the Churches of Christ in the U.S.A., and the Southern Baptist Convention.

I want to thank Senator BROWNBACK for joining me in this effort. I look forward working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.•

• Mr. BROWNBACK. Mr. President, today I am pleased to stand with concerned colleagues, both Republicans and Democrats, as well as concerned citizens, including Christians, Jews, Muslims, and Sikhs among many other faiths. We come together in support of a simple proposition. America is distinguished internationally as a land of religious freedom. It should be a place where no person is forced to choose between keeping their faith and keeping their job. That is why I am joining with Senators KERRY, HUTCHINSON, LIEBERMAN and MIKULSKI in introducing the Workplace Religious Freedom Act.

This legislation provides a skilled reconciling of religion in the workplace. It recognizes that work and religion can be reconciled without undue hardship. Americans continue to be a religious people, with a deep personal faith commitment. With this commitment comes personal religious standards which govern personal activity. For example, some Americans don't work on Saturdays, while others don't work on Sundays. Not because they're lazy or frivolous, but because their faith convictions call for a Sabbath day, requiring a day to be set aside as holy.

Similarly, some Americans need to wear a skullcap to work, or a head covering, or a turban. As a nation whose great strength rests in diversity, surely we can protect such diverse yet simple and unobtrusive expressions of personal faith. Surely we're still generous enough, and God-respecting enough as a nation, to support others in the genuine expressions of their faith. I am particularly anxious for the religious minorities, for the Muslims and the Jews and the others who are very small in number but great in conviction. In our increasingly secular society, many remain among us who still hold by ancient, heart-felt principles governed by a deep personal belief. I submit to you they deserve the decency of respect which includes our protection in preserving their peaceful religious expressions. This is a core principle which cannot be compromised, because it speaks to the essence of who we are as a people committed to preserving freedom.

In this land of religious freedom, one would hope that employers would spontaneously accommodate the religious needs of their employees whenever reasonable. That is, after all, what we do here in Congress. For example, we don't conduct votes or hearings on certain holidays so that Members and staff can observe their religious holy days. While most private employers also extend this simple but important decency to their workers, others unfortunately do not.

Historically, title VII of the Civil Rights Act was meant to address conflicts between religion and work. On its face it requires employers to "reasonably accommodate" the religious needs of their employees as long as this does not impose an "undue hardship" on the employer. The problem is that our federal courts have essentially read these lines out of the law by ruling that any hardship is an undue hardship. This is not right, nor does it hold with the spirit of this great nation which was founded as a refuge for religious freedom.

Thus, a Maryland trucking company can try to force a devout Christian truck driver to take a Sunday shift. A local sheriff's department in Nevada can tell a Seventh Day Adventist that she must work a Saturday shift if she wants to continue with them.

The Workplace Religious Freedom Act will re-establish the principle that employers must reasonably accommodate the religious needs of employees such as these. This legislation is carefully crafted and strikes an appropriate balance between religious accommodation, while ensuring that an undue burden is not forced upon American businesses. It is flexible and case-oriented on an individual basis. Thus, a smaller business with less resources and personnel would not be asked to accommodate religious employees in exactly the same fashion as would a large manufacturing concern.

I am proud of the fact that this is a bi-partisan effort, I am proud that this legislation is supported by such a broad spectrum of groups ranging from the Christian Legal Society and the Union of Orthodox Jewish Congregations, to the Family Research Council, the National Council of Churches, the North American Council for Muslim Women, and the American Jewish Committee.

America is a great nation because we honor the free exercise of belief, which includes the very precious, fundamental freedom of religion. This liberty, known as the "first freedom," is worthy of our continued vigilance. it properly demands support from all quarters, both the public and private sectors. It properly finds it here in this legislation which re-establishes the right balance between the competing concerns of business and faith.•

• Mr. LIEBERMAN. Mr. President, I am proud to join Senators BROWNBACK, KERRY, and others in introducing this important legislation today. America is a deeply religious nation, and fostering a society in which all Americans can worship according to the dictates of their conscience has been of prominent importance to this country since its beginning. Indeed, the Founders of this great Nation saw preserving Americans' ability to worship freely as so important that they enshrined it in the Bill of Rights' very first amendment.

Unfortunately, a number of Americans today are not able to take full advantage of America's promise of religious freedom. They are instead being forced to make a choice no American should face: one between the dictates of their faith and the demands of their job. Whether by being forced to work on days their religion requires them to refrain from work or by being denied the right to wear clothing their faith mandates they wear, too many Americans of faith are facing an unfair choice between their job and their religion.

This legislation would provide much needed help for those confronted with that choice. It would require employers to provide reasonable accommodations to an employee's religious observance or practice, unless doing so would impose an undue hardship on the employer. The bill would not, it is worth emphasizing, give employees a right to dictate the conditions of their job, because it does not demand that employers accede to unreasonable requests. Instead, it requires only that an employer grant a religiously based request for an accommodation to an employee's religious belief or practice if the accommodation would not impose significant difficulty or expense on the employer.

Mr. President, this legislation is long overdue. I hope that we can see it enacted into law soon.•

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.

285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 486

At the request of Mr. HATCH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 709

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 791

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 909

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ROBB) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1053

At the request of Mr. BOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Nebraska (Mr. KERREY), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1455

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1455, a bill to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1544

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1544, a bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 118, A resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. GRAMM), the Senator from West Virginia (Mr. BYRD), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 179, A resolution designating October 15, 1999, as "National Mammography Day."

SENATE CONCURRENT RESOLUTION 57—CONCURRENT RESOLUTION CONCERNING THE EMANCIPATION OF THE IRANIAN BAHA'I COMMUNITY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. DODD, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 12 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

● Mr. LIEBERMAN. Mr. President, it is with a heavy heart that my esteemed colleagues and I bring to the Senate's attention for the eighth time in 18 years the plight of Iran's Baha'is by submitting today the Baha'i Resolution of 1999.

Since the 1997 election of President Mohammad Khatami, the world has watched Iran with great anticipation of change. Indeed, under Khatami, Iran has witnessed some small, incremental steps toward democratization, transparency, and an attempt to assert the rule of law. As recent demonstrations at Tehran University have shown, the Iranian people are eager for reform, the kinds of changes that would allow Iran to become a member in good standing of the international community.

The Iranian people have suffered much in the last 20 years. A regime desperate to maintain control at all costs has executed hundreds of thousands of Iranians of all religious and political backgrounds. Iran's economy is in shambles, many of its best and brightest have fled, and the government's pursuit of policies supporting terrorism and the development of weapons of mass destruction have made Iran a pariah state in the international community. It is good to remember, as we focus on the plight of specific groups in Iran, that all of Iran's citizens, Shi'a, Sunni, Zoroastrian, Jewish, Christian, and Baha'i, have been victimized by the Iranian regime.

However, today we focus on the group that, man for man and woman for woman, has fared the worst under Iran's revolutionary government—the Baha'is.

Since the Islamic Revolution and consequent seizure of power by the Ayatollah Khomeni, the Baha'is have endured tremendous hardships that continue to this day. Large numbers have been killed and many other have disappeared and are presumed dead. Unlike other religious minorities in Iran such as Christians, Jews and Zoroastrians, the Baha'is are not recognized in the Iranian Constitution and subsequently do not enjoy the rights, minimal though they may be, normally granted Iranian citizens.

The refusal of Iran to protect the rights of the Baha'i community is ironic. The Baha'is do not advocate insurrection, violence, or political partisanship. Their faith requires them peacefully to observe the laws of the country. For the Iranian government to regard the Baha'is as a threat, when all they desire is to be able to live in accordance with their religious beliefs is truly outrageous.

Now, imagine if you will what it would be like to live in a world where you and your children are not recognized as citizens simply because of your religion. Imagine your government seizing your only outlet for a higher education. Imagine fearing arrest simply for adhering to a set of beliefs and a way of life that you and your family hold dear. Unfortunately, this nightmarish scenario is all too real for 300,000 members of the Baha'i religion in Iran who need not expend any effort imagining such a situation, because they have the misfortune of living it.

Even after their signing of the Universal Declaration of Human Rights and the recent election of President Khatami, the Iranian government still shows no sign of easing its subjugation of Iran's largest religious minority. Tehran continues to oppress, persecute, and undermine the Baha'i's way of life. Under such pressure, we fear that an already tragic past can only lead to a bleaker future.

Since 1979 the Baha'i community has been denied the right to assemble officially, conduct religious ceremonies—including the proper burial of their dead—and attend Iranian schools of higher education. Baha'is are denied the same job and pension opportunities as their non-Baha'i neighbors and by law. They cannot even collect on insurance policies.

The denial of access to schools of higher education has been a particular hardship to the Baha'is, who hold as one of the central tenets of their faith the supreme importance of education. In order to educate their youth, the Baha'is have created a network of university level courses, accredited by the University of Indiana and taught in the homes of Baha'i professors. Over 900 Baha'is have enrolled in the Open University and many more have benefited from their programs. In the Fall of 1998, for no other reason than to harass the Baha'i community, Iranian police raided over 500 homes associated with the Open University. Police arrested hundreds of professors and seized massive amounts of classroom and laboratory equipment, computers, and textbooks. To this day, three professors remain in jail. One has been sentenced to a ten year imprisonment and two have received seven year terms all for the 'sin' of involving themselves in teaching Baha'i studies which, according to the Iranian authorities constituted "crimes against national security."

(In recent years, the Iranian government has gradually stepped up its harassment of the Baha'is, as exemplified in the 1998 raids on the Open University. With the raids came the realization that Tehran was not afraid to publicly display its maltreatment of the Baha'is. It was in this same year that Iran executed Mr. Ruhollah Rowhani.)

Mr. Rowhani was accused by the Iranian government of forcibly converting a Muslim woman to the Baha'i faith. Before Mr. Rowhani's hanging in July 1998, the woman totally refuted the charges, stating that she had been raised as a Baha'i, making it impossible and unnecessary for Mr. Rowhani to impress his religion upon her. Mr. Rowhani spent the nine months prior to his execution in solitary confinement, and most telling, no sentence was ever passed. It is in recognition and in memory of the recent one-year anniversary of Mr. Rowhani's execution that we submit this resolution.

The Baha'i Resolution expresses our strong disapproval of the Iranian government's treatment of the Baha'is and reminds Iran that the development of a relationship between our two countries depends greatly on Tehran's record of human rights. Equally important, it is a statement of America's values. It sends a message to perpetrators of persecution everywhere that our eyes will not be averted. And it reassures Iran's Baha'is, indeed all of those persecuted in Iran, that America is with them and will continue to shine sunlight on the abuses of Iran's government while we plead, and pray for change there.●

SENATE RESOLUTION 190—DESIGNATING THE WEEK OF OCTOBER 10, 1999, THROUGH OCTOBER 16, 1999, AS NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 190

Whereas Cystic Fibrosis is the most common fatal genetic disease in the United States, for which there is no known cure;

Whereas Cystic Fibrosis, characterized by digestive disorders and chronic lung infections, has been linked to fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of Cystic Fibrosis;

Whereas 1 out of every 3,900 babies in the United States are born with Cystic Fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, suffer from Cystic Fibrosis;

Whereas the average life-expectancy of an individual with Cystic Fibrosis is age 31;

Whereas prompt, aggressive treatment of the symptoms of Cystic Fibrosis can extend the lives of those who suffer with this disease;

Whereas recent advances in Cystic Fibrosis research have produced promising leads in relation to gene, protein, and drug therapies; and

Whereas education can help inform the public of Cystic Fibrosis symptoms, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week;

(2) commits to increasing the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for Cystic Fibrosis sufferers and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I submit a resolution recognizing October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by my colleagues Senators GRAMM, ASHCROFT, KERRY, and ROBB in submitting this resolution. We are hopeful that greater awareness of cystic fibrosis (CF) will lead to a cure.

Incredibly, CF is the number one genetic killer in the United States. Approximately 30,000 Americans suffer from the life-threatening disease. Today, the average life expectancy for someone with CF is 31 years. We must do what we can to change that.

While there remains no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. For example, my home state of Colorado is one of the first and only states that requires CF screening for newborns, providing a greater quality of life for CF sufferers. And since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. At Children's Hospital of Denver, researchers are participating in the innovative Therapeutics Development Program, a promising venture with the CF Foundation. Designed to aid the development of new therapeutics for CF, researchers in the program are expediting the early phases of clinical trials that evaluate safety and dosing regimens for new drugs. I applaud their efforts.

But while I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. Therefore, I urge my colleagues to act quickly on this resolution so that we can move one step closer to eradicating this disease.

SENATE RESOLUTION 191—EXPRESSING THE SENSE OF THE SENATE REGARDING EAST TIMOR AND SUPPORTING THE MULTINATIONAL FORCE FOR EAST TIMOR

Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr.

CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 191

Whereas on May 5, 1999, the Governments of Portugal and Indonesia and the United Nations signed an agreement that provided for an August 8, 1999, ballot organized by the United Nations on the political status of East Timor;

Whereas the agreement gave the people of East Timor an opportunity to accept a proposed special autonomy for East Timor within the unitary Republic of Indonesia or reject the special autonomy and opt for independence;

Whereas on August 30, 1999, 78.5 percent of the people in East Timor voted for independence;

Whereas after the voting was concluded, the militias in East Timor intensified their ongoing campaign of terror;

Whereas it has been reported that thousands of people have been killed and injured since the violence began in East Timor;

Whereas the United Nations High Commissioner for Refugees (UNHCR) has reported that as many as 200,000 of East Timor's residents have been forced to flee East Timor;

Whereas it has been reported that East Timor militias are controlling the refugee camps in West Timor, intimidating the refugees and denying access to the UNHCR, relief agencies, and other humanitarian nongovernmental organizations;

Whereas it has been reported that a systematic campaign of political assassinations that targeted religious, student, and political leaders, aid workers, and others has taken place;

Whereas the compound of the United Nations Mission in East Timor (UNAMET) was besieged and fired upon, access to food, water, and electricity was intentionally cut off, and UNAMET personnel have been killed, forcing the closure of the UNAMET mission in East Timor;

Whereas Catholic leaders and lay people have been targeted for killing and churches have been burned in East Timor; and

Whereas on September 12, 1999, Indonesian President B.J. Habibie announced that Indonesia would allow a United Nations Security Council authorized multinational force into East Timor: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of East Timor for their heroic vote on August 30, 1999;

(2) commends the United Nations Security Council for passing Resolution 1264 authorizing a multinational force to address the security situation in East Timor;

(3) expresses support for a rapid and effective deployment throughout East Timor by the multinational force;

(4) commends Australia for its readiness to lead the multinational force for East Timor and welcomes the participation of other nations in this force, especially Asian participation;

(5) expresses approval for the United States to assist in this effort in an appropriate manner;

(6) commends the professionalism, determination, and courage of the United Nations Mission in East Timor (UNAMET) personnel;

(7) recognizes the overwhelming expression of the people of East Timor in favor of independence;

(8) condemns the violent efforts of the East Timor militias and elements of the Indonesian military to overturn the results of the August 30, 1999, vote;

(9) notes the failure of the Government of Indonesia, despite repeated assurances to the contrary, to guarantee the security of the people of East Timor and further notes that is the responsibility of the Government of Indonesia to restrain elements of the Indonesian military and paramilitary forces and restore order in East Timor;

(10) calls upon the Government of Indonesia to recognize its responsibilities as a member of the United Nations and a signatory to the Universal Declaration of Human Rights to cooperate with appropriate United Nations authorities in the restoration order in East Timor;

(11) urges the Government of Indonesia to allow unrestricted access to refugees and displaced persons in West Timor by UNHRC and other relief agencies and to guarantee their security; and

(12) calls upon the Government of Indonesia to hold accountable those responsible for the violence, human rights abuses and atrocities and to cooperate with the international community in establishing an international commission of inquiry to investigate human rights abuses in East Timor as a first step in bringing to justice those responsible.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DURBIN AMENDMENT NO. 1803

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

MURRAY (AND OTHERS) AMENDMENT NO. 1804

Mrs. MURRAY (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WELLSTONE, Mr. DURBIN, Mr. TORRICELLI, Ms. MIKULSKI, Mr. KERRY, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSON, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. REED, and Mr. AKAKA) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "$3,086,634,000 of which $1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: *Provided*, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That $1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105–277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early grades to 18 or fewer children can choose to use the funds received under this section for locally designed programs—

"(i) to make further class-size reductions in grades 1 through 3, including special education classes;

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

GORTON (AND LOTT) AMENDMENT NO. 1805

Mr. GORTON (for himself and Mr. LOTT) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 55, line 2, strike all after "*Provided further*," to the period on line 5 and insert the following: "$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i–iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

TORRICELLI AMENDMENT NO. 1806

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

LIMITATION

SEC. . None of the funds appropriated in this Act shall be used by the Bureau of Labor Statistics for the realigning of its New York City Regional Office as part of the reorganization of the Bureau's field management structure.

REID (AND OTHERS) AMENDMENT NO. 1807

Mr. REID (for himself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

TITLE —NEEDLESTICK PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the "Health Care Worker Needlestick Prevention Act".

SEC. 02. REQUIREMENTS.

(a) BLOODBORNE PATHOGENS STANDARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Labor, acting through the Occupational Safety and Health Administration, shall amend the bloodborne pathogens standard to require that—

(A) employers utilize needleless systems and sharps with engineered sharps injury protections in their work sites to prevent the spread of bloodborne pathogens; and

(B) to assist employers in meeting the requirement of subparagraph (A), non-managerial direct care health care workers of employers participate in the identification and evaluation of needleless systems and sharps with engineered sharps injury protections.

(2) EXCEPTION.—The bloodborne pathogens standard requirements of paragraph (1) shall apply to any employer, except where the employer demonstrates, to the Secretary's satisfaction, that—

(A) there are circumstances in the employer's work facility in which the needleless systems and sharps with engineered sharps injury protections do not promote employee safety, interfere with patient safety, or interfere with the success of a medical procedure; or

(B) the needleless systems and sharps with engineered sharps injury protections required are not commercially available to the employer.

(b) STANDARD CONTENT.—For carrying out the requirement of subsection (a)(1) for needleless systems and sharps with engineered sharps injury protections, the amendment required by subsection (a) shall include the following:

(1) EXPOSURE CONTROL PLAN.—The employer shall include in their exposure control plan an effective procedure for identifying and selecting existing needleless systems and sharps with engineered sharps injury protections and other methods of preventing bloodborne pathogens exposure.

(2) SHARPS INJURY LOG.—In addition to the recording of all injuries from contaminated sharps on the OSHA Occupational Injuries and Illnesses 200 log or its equivalent, the employer shall maintain a separate contaminated sharps injury log containing the following information (to the extent such information is known to the employer) with regard to each exposure incident:

(A) Date and time of the exposure incident.

(B) Type and brand of sharp involved in the exposure incident.

(C) Description of the exposure incident which shall include—

(i) job classification of the exposed employee;

(ii) department or work area where the exposure incident occurred;

(iii) the procedure that the exposed employee was performing at the time of the incident;

(iv) how the incident occurred;

(v) the body part involved in the exposure incident;

(vi) if the sharp had engineered sharps injury protections—

(I) whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism, or after activation of the mechanism, if applicable; and

(II) whether the employee received training on how to use the device before use, and a brief description of the training;

(vii) if the sharp had no engineered sharps injury protections, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and

(viii) the employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury as well as the basis for the opinion.

(3) TRAINING.—A requirement that all direct care health care workers shall be provided adequate training on the use of all needleless systems and sharps with engineered sharps injury protections which they may be required to use.

SEC. 03. NATIONAL CLEARINGHOUSE ON SAFER NEEDLE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institute for Occupational Safety and Health shall establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections.

(b) EVALUATION CRITERIA.—The Director shall develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections.

(c) TRAINING.—The Director shall develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and shall (to the extent feasible) provide technical assistance to persons who request such assistance.

(d) MONITORING.—The Director shall establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence. In carrying out its duties under this subsection, the National Institute for Occupational Safety and Health shall have access to information recorded by employers on the sharps injury log as required by section 02(b)(2).

SEC. 04. DEFINITIONS.

For purposes of this title:

(1) BLOODBORNE PATHOGENS.—The term "bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(2) CONTAMINATED.—The term "contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(3) DIRECT CARE HEALTH CARE WORKER.—The term "direct care health care worker" means an employee responsible for direct patient care with potential occupational exposure to sharps related injuries.

(4) EMPLOYER.—The term "employer" means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(5) ENGINEERED SHARPS INJURY PROTECTIONS.—The term "engineered sharps injury protections" means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(6) NEEDLELESS SYSTEM.—The term "needleless system" means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(7) SHARP.—The term "sharp" means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(8) SHARPS INJURY.—The term "sharps injury" means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(9) SHARPS INJURY LOG.—The term "sharps injury log" means a written or electronic record satisfying the requirements of section 02(b)(2).

SEC. 05. APPLICATION TO MEDICARE HOSPITALS.

The Secretary of Health and Human Services shall provide by regulation that, as a condition of participation under the medicare program under title XVIII of the Social Security Act of a hospital that is not otherwise subject to the bloodborne pathogens standard amended under section 02(a) because it is exempt from regulation by the Occupational Safety and Health Administration, the hospital shall comply with the bloodborne pathogen standard amended under section 02(a) with respect to any employees of the hospital, effective at the same time as such amended standard would have applied to the hospital if it had not been so exempt.

SEC. 06. EFFECTIVE DATE.

This title shall become effective upon the date of its enactment, except that the Secretary of Labor shall take the action required by section 02 within 1 year of such date.

SMITH AMENDMENT NO. 1808

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

"SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation,' which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry."

BOXER (AND OTHERS) AMENDMENT NO. 1809

Mrs. BOXER (for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

GREGG AMENDMENT NO. 1810

Mr. GREGG proposed an amendment to amendment No. 1809, proposed by Mrs. BOXER to the bill, S. 1650, supra; as follows:

At the end of the amendment proposed strike the "." and insert the following: "(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part, in lieu of being used to carry out part I of title X)".

BOXER (AND OTHERS) AMENDMENT NO. 1811

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act the following shall apply:

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

HUTCHINSON AMENDMENT NO. 1812

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 30, 1999, in SR–328A at 9 a.m. The purpose of this meeting will be to discuss the administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, September 29, 10 a.m., hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, September 29, 1999, at 9:30 a.m., to hear testimony on the preparations for the upcoming WTO ministerial meeting in Seattle and the objectives for the multilateral negotiations that will follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, at 9:30 a.m., to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 29, 1999, beginning at 9:30 a.m., in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, to markup S. 791, the Women's Business Centers Sustainability Act of 1999, and other pending legislation. The meeting will begin at 9 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE, TRANSPORTATION, AND MERCHANT MARINE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 29, 1999, at 9:30 a.m., on the Motor Carrier Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 29, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to conduct oversight on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE VFW ON ITS 100TH ANNIVERSARY

• Mr. SPECTER. Mr. President, today is the 100th birthday of the Veterans of Foreign Wars (VFW). Yesterday, the Senate approved H.J. Res. 34, a resolution which commemorates that auspicious event. I wish to mark the occasion further by offering my congratulations to the members and families of that fine organization.

In my 19 years as a United States Senator I have been able to count on the VFW to convey the concerns of veterans in a fair and insightful manner. Especially during my tenure as Chairman of the Committee on Veterans' Affairs, I have always been able to rely on the VFW to assist me in ascertaining the quality of health care and benefits provided by the Department of Veterans Affairs (VA). Without the VFW's 2,000,000 strong membership, it would be extremely difficult for the Committee—or the Congress—to operate in the best interest of America's veterans.

Earlier this year, I had the honor of being named the recipient of the VFW Congressional Award. At the award reception, I was struck by the history of the VFW. From the trenches of Verdun to the deserts of Iraq, VFW members have taken their place in America's history, serving to preserve "one Nation, under God, with liberty and justice for all."

The service of VFW members, however, has never been limited to wartime service—as vital as that has been. VFW members also play indispensable roles within their communities—as volunteers in VA hospitals and advocates for veteran claimants and through numerous civic and youth projects in every State and locality. Indeed, America counts VFW members among its model citizens.

For 100 years as honorable citizens and soldiers, the VFW deserves America's gratitude for a job well done. We salute you.●

NORMA SULLIVAN

● Mrs. BOXER. Mr. President, I rise in honor of Norma Sullivan, a great Californian who died on September 22 in San Diego.

Norma Sullivan was a woman of many talents: a champion skier, an accomplished poet, a prolific essayist, a loving mother, and an inspirational teacher. But she was best known to her many friends and admirers as a tireless fighter for the environment. As a writer, activist, and spokesperson for the San Diego Audubon Society, Norma was one of Southern California's most dedicated and effective defenders of the natural world.

San Diego County contains some of the nation's most beautiful landscapes and diverse habitat. The County is home to more endangered species per square mile than any other region in the continental United States. Thanks largely to Norma's prodigious efforts, many of these lands and their inhabitants have been preserved for future generations.

She was instrumental in generating support for parks, establishing habitat conservation programs, and blocking projects that would harm the environment—including the proposal to build Pamo Dam near Ramona, which was withdrawn after Norma alerted the community to its dangers.

One of Norma's greatest achievements was her role in creating a major wildlife refuge in southern San Diego Bay. For ten years she worked tirelessly to build support for the refuge among conservationists, landowners, local governments, community members, and federal wildlife agencies. She never shied away from confrontation, but she was always ready to cooperate. Finally, this spring, her long efforts bore fruit when the South San Diego Bay National Wildlife Refuge was established and dedicated.

This magnificent refuge—and many other pristine tracts of San Diego County—live on as part of Norma Sullivan's legacy. She has also left us a model of what it means to be an engaged citizen: a person who works for the public good with intelligence, humor, and love.●

100TH ANNIVERSARY OF THE AMERICAN ROYAL

● Mr. BOND. Mr. President, I rise today in recognition of the 100th anniversary of the American Royal. The American Royal is an annual Fall event that has contributed much to the Kansas City area over the last century. The Royal features world-class horse and livestock competitions; a top-ten PRCA indoor rodeo; as well as many educational and scholarship programs that foster the development of tomorrow's leaders. The American Royal is truly the Midwest's largest and oldest agricultural extravaganza. From the world's largest Barbecue, to the outstanding parade, music and comedy, to the elegant Concert of Champions, the Royal has something for every member of the family.

Even though the Royal began in the 19th Century, it still plays an integral role in the community by providing a connection to Kansas City's rural roots and by celebrating the value of working in agriculture. For many, being a part of the Royal's livestock shows or rodeo can be the highlight of their career. Not only does the Royal offer agricultural competition, but there are also educational tours of their museum, scholarships and programs for college age youth.

Mr. President, I am truly proud of the contribution the American Royal has made to Kansas City, the state of Missouri, and the entire country over the last 100 years. I wish the Royal well as they continue to be America's best agricultural expose' well into the next millennium.●

WORLD SERIES WINNERS

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Millville Girls All-Star Softball Team, who recently captured the first-ever Babe Ruth Softball World Series. This past year has seen tremendous accomplishments by American female athletes, including the 1999 Women's World Cup Soccer Champions. I am pleased that the state of New Jersey can now boast its own champion's in women's athletics through the Millville team.

The Millville team, comprised of girls 16 years old and younger, defeated several worthy opponents at the Softball World Series. The event, which took place in Kill Devil Hills, North Carolina, was the first Championship of its kind. All of the games were close, particularly the championship game. Millville won this in spectacular fashion, 1–0, on a two-out, ninth-inning-single which scored the winning run. The girls demonstrated outstanding skills and sportsmanship throughout the tournament. From pitching a no-hitter, to numerous diving catches, to clutch hitting; the Millville team proved themselves to be superb players, and model young athletes.

The character and manners displayed by the thirteen girls on the Millville team throughout the Softball World Series should be a source of pride for the Millville community, the Southern New Jersey region, and the State as a whole. The values of the parents, teachers, officials, and volunteers of Millville are clearly reflected in the play and conduct of the World Champions.

I am proud to recognize the accomplishments and contributions of Rachel Barber, Amy Holliday, Jil Conner, Constance DeSalvo, Tara Haines, Colleen Scholl, Rachel Mudry, Danielle Weber, Megan Lore, Adina De Hainaut, Jodi Dick, Christin Carpini, and Debra Vento. I know they will continue to make New Jersey proud for years to come, and I look forward to watching them defend their title next year.●

TRIBUTE TO BILL GREELY

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Bill Greely on the occasion of his retirement. My good friend Bill served as assistant manager and general manager of the Keeneland Association for 14 years, and is now stepping down from his successful 13-year post as the Association's president.

Bill is a true horseman. He grew up in the Keeneland community, and began spending time at the horse track when he was a small child. Bill began taking on responsibilities at the horse track when he was just seven years old, and has worked in almost every aspect of horse racing in tracks around the country—but it is clear that Bill has always been partial to Keeneland. In 1972, after years of moving around the country from track to track, he finally got his chance to return to his hometown, working at the track he loved.

Bill's long-time affiliation with Keeneland and love of horse racing made him an ideal candidate to manage the track and eventually become president. Bill's knowledge of the horse industry prepared him for his leadership role at Keeneland, and enabled him to make Keeneland one of the nation's premiere horse tracks. During his time at Keeneland, Bill updated the track's betting options, improved the grandstands and grounds, and brought Keeneland to a level of growth that will be hard to exceed or even match.

Keeneland would not be what it is today without Bill's leadership and guidance over the last 27 years—and Bill would not be where he is today without the love and support of his family. His wife Norma, and their children Sean, Kevin and Kara, endured numerous moves before they finally settled down in Lexington, and they have helped sustain Bill during his demanding career at Keeneland. A third generation horseman, Bill has seen first-hand what it takes to simultaneously work the track and raise a family—and he has happy, successful children to prove he made it work.

Thank you, Bill, for putting so much of yourself into Keeneland to make it a better place for others. Your hard work and successes have become your legacy, and will continue to impact the entire horse industry for years to come. My colleagues join me in congratulating you on a job well done, and wish you all the best as you enter this new stage in life.●

TRIBUTE TO LEBANON CLOWNS

● Mr. THOMPSON. Mr. President, on June 18, 1999, Tennessee-based Lebanon Clowns celebrated their inaugural reunion at their Baseball Team Roundup in Lebanon. The Negro League baseball team gathered for the first time in over thirty years to reminisce about their youthful baseball exploits. The Clowns were a favorite among Lebanon's African-American community as they played teams from Birmingham, Alabama, Pontiac, Michigan and Nashville and Chattanooga, Tennessee.

The Negro Leagues were an integral part of American baseball history. A product of segregated America, it gave opportunity where opportunity did not exist. The teams were professional, pre-integration black baseball leagues in which the level of play was considered to be the equal of play in major league baseball. The first stable black league was the Negro National League organized in 1920 by Andrew "Rube" Foster. This league, as well as the recognized Negro National League—created by Gus Greenlee in the early 1930s—and the Negro American League, are universally regarded as having offered the highest level of play among African-American players of the day.

During the 1940s the Negro National and Negro American leagues reached their highest point of popularity and financial success. While fans dreamed of watching their stars compete in major league play, the eventual realization of this dream meant the end of both leagues. Some historians contend that the Negro Southern League and Texas Negro League, as well as several of the stronger independent teams during the 1920s and 1930s, offered major league caliber play.

The Negro National League folded under financial pressures at the end of the 1948 season. The Negro American League continued play into the late 1950s, but was no longer a stable circuit. As the talent pool of black baseball was absorbed into the integrated major and minor leagues, Negro League team owners were left without a product of sufficient quality to attract fans to the ballpark.

Baseball history would not be complete without recognizing Negro League teams such as the Philadelphia Stars, Newark Eagles, Bacharach Giants, Nashville Elite Giants, St. Louis Stars, and the Memphis Red Sox. The Negro Leagues brought us such great players as Willie Mays, Henry Aaron, Satchel Paige, Smokey Joe Williams, and Jackie Robinson. The players and teams of the Negro Baseball League have become a fundamental part of American culture and are forever woven into the fabric of professional baseball. The surviving players, some now in their seventies, are still as filled today with pride and love for the game as they were when they were young rookies on dusty sandlots.

So today, I pay tribute to the Negro League by recognizing the deceased and surviving players and managers of the Lebanon Clowns, Negro League baseball team:

John Forris "Bigclue" Griffith; Harry "Hammerhead" Harris, Jr.; Tommy "Redeye" Humes; Robert Earl "Smiley" Smith; Gilbert "Sunny" Oldham; Robert Oldham; Teddy "Mutt" Owens; Claude Britton; Bob "Woods" Oldham; L.D. "Zeak" Ward.

George McGown, Jr.; Jerry "Foots" Oldham, Sr.; Robert L. "Pondwater" McClellan; Betty Lou Oldham; Bob White; Price Logue; Norton Whitley; Roy L. Clark; Kenny Andrews.

James Shannon; Lee R. Rhodes; Carl Gilliam; Lonnie Gilliam; Howard Walker; Eddie Muirhead; Charles Walker; Pot Walker.

Herman Denny; James H. Carter; Walter "Rabbit" Hastings; Robert Pincky; Charlie McAdoo; Jelly Walker; John C. Martin; Junior Donnell; Frank Simpson; Lonnie Neuble.

Buck Hunt; Richard "Boosem" Owens; Elmer Draper; James Turner; Arthur Turner; C.D. Woodmore; Sammy Woodmore; Mose Alexander; James Harrison; Delmes Jackson.

Thomas Tubbs; Honey Johnson; John Dockins; Charlie B. Hill; Thomas Hill; Joe L. Rhodes; Fred Clark; Ramond Roberts.

President: Thelma "Slick" McAdoo.

Secretary: Anna Mae Palmer.

Managers: Roy "Shorty" Catron; Odell Dockins; P.J. Skeens; Tom Walker; Carl "Bowchicken" Rhodes.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 232, 237, 240, 241, 242, 243, and nominations in the Army on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 12203:

To be major general

Brig. Gen. Peter J. Gravett, 1602
Brig. Gen. Walter J. Pudlowski, Jr., 9303
Brig. Gen. Frederic J. Raymond, 7461

To be brigadier general

Col. Lewis E. Brown, 6735
Col. Dan M. Colglazier, 2443
Col. James A. Cozine, 4268
Col. David C. Godwin, 9388
Col. Carl N. Grant, 3245
Col. Herman G. Kirven, Jr., 2827

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

FEDERAL RESERVE SYSTEM

Roger Walton Ferguson, Jr., of Massachusetets, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

DEPARTMENT OF STATE

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Counsel of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assesmbly of the United Nations.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

Army nominations beginning *Eric J. Albertson, and ending *Stanley E. Whitten, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nominations beginning Roger F. Hall, Jr., and ending Paul K. Wohl, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nomination of Robert A. Vigersky, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Michael V. Kostiw, and ending David T. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Robert S. Adams, and ending Jeffrey P. Stolrow, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Jon A. Hinman, and ending *Glenn R. Scheib, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning James E. Cobb, and ending Curtis G. Whiteford, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Herbert J. Andrade, and ending Nathan A. K. Wong, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Richard P. Anderson, and ending Gary F. Wainwright, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning *Rodney H. Allen, and ending *Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER FOR STAR PRINT—S. 1574

Mr. SPECTER. Mr. President, I ask unanimous consent that a star print of S. 1574 be made with the changes that are already at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 287, S. 1051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1051) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting "through 2003" after "1999".

(b) In section 181 (42 U.S.C. 6251), by striking "1999" each place it appears and inserting "2003".

SEC. 2. Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(a) In section 256(h) (41 U.S.C. 6276(h)), by inserting "through 2003" after "1997".

(b) In section 281 (42 U.S.C. 6285), by striking "1999" each place it appears and inserting "2003".

Mr. SPECTER. I ask unanimous consent that the committee substitute be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. SPECTER. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1051), as amended, was read the third time and passed.

AUTHORIZING EXPENDITURES BY SENATE COMMITTEES

Mr. SPECTER. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, S. Res. 189.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) authorizing expenditures by committees of the Senate for the periods of October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I am pleased to support the resolution before the Senate today which authorizes funding for 18 Senate standing committees through the remainder of the biennium ending on February 28, 2001.

This resolution marks another milestone in the development of the biennial funding authority for committees, first authorized in the 100th Congress. Since 1989, the Senate has funded committees on a two-year basis. The two-year budget has given the authorizing committees, and the Rules Committee in its capacity as the oversight committee, a management tool for efficiently operating the Senate committees. The two-year budget process allows for a continuity of funding which provides greater flexibility in allocating committee funds and scheduling committee business. Although the Rules Committee has adjusted the biennial funding authority in the past to provide greater flexibility to committees, the Senate has consistently approved a biennial budget for committee funding in each of the last six Congresses.

In the 106th Congress, changes in the Senate financial management system required to address Y2K issues necessitated a departure from the Senate rules and past practices. In the past, the Rules Committee completed action on the biennial committee funding resolution prior to the beginning of the new biennium on March 1 of the new Congress, as provided for in Rule XXVI of the Senate Rules. Due to the pressing business of the Senate at the beginning of the Congress, and in light of a number of unresolved issues regarding the implementation of the new financial management system in the Senate, the majority and minority staff of the Committee jointly recommended delaying committee action on the biennial budget until later in the year. Consequently, the Committee proposed, and the Senate adopted, S. Res. 38 on February 12 of this year, which authorized the Rules Committee to report a continuing resolution for committee funding for the period of March 1, 1999 through September 30, 1999. Subsequently, the Committee adopted, and the Senate passed, S. Res. 49 which funded 18 standing committees on a continuing basis for this period. In June, the Senate passed S. Res. 122, which required the authorizing committee to report their funding resolution by July 15 of this year and authorized the Rules Committee to report an omnibus funding resolution for the remainder of the biennium, ending on February 28, 2001. S. Res. 189 before us today is the culmination of this process.

This resolution preserves the overall flexibility of a two-year budget while modifying past practices to reflect changes in the Senate's financial management system. At the recommendation of the Senate Disbursing Office, this resolution moves the committee budget year from two equal funding periods, within the overall two-year budget, of March 1 through February 28, to three varying funding periods which track the Senate's fiscal year period. S. Res. 49 provided funding for the first of the three periods, March 1 through September 30, 1999. S. Res. 189 authorizes committee spending during each of the next two periods of the biennium: October 1, 1999 through September 30, 2000, and finally, October 1, 2000 through February 28, 2001. It is anticipated that the biennial funding resolution adopted in the 107th Congress will once again follow Senate Rule XXVI and be adopted prior to March 1, 2001, providing funding for committees for the three fiscal year periods occurring during the biennium ending February 28, 2003.

Most importantly, this resolution continues a practice begun by the Rules Committee in 1993 referred to as the "special reserves." Special reserves result from the overlap in the end of the committee funding year on February 28 and the end of the fiscal year on September 30. The unobligated balances of the authorizing committee budgets which are unspent at the end of the biennium on February 28, but which remain available through the end of the fiscal year on September 30, are reprogrammed into special reserves and made available to the committees to meet their unforseen needs.

The Rules Committee first authorized the use of special reserves in the 103rd Congress in S. Res. 71, section 23. In that resolution, the Senate authorized special reserves to be reprogrammed as carry-over funds for the committees. In the 104th Congress, the Rules Committee reported S. Res. 73, section 22 of which continued the authorization for special reserves, but eliminated the authorization for automatic carry-over and replaced it with a procedure whereby the chairman and ranking member of the authorizing committee could jointly request a draw on the special reserves, subject to the joint approval of the chairman and ranking member of the Rules Committee. This procedure, and the authorization for special reserves, was continued in the 105th Congress in S. Res. 54, section 22. Finally, in the 106th Congress, S. Res. 49, which provided funding for committees on a continuing basis through September 30, 1999, also contained, in section 20, the authority for special reserves. This authority continued the procedure first adopted in the 104th Congress providing that the chair and ranking member of the authorizing committee jointly request a draw on special reserves, subject to the joint approval of the chair and ranking member of the Rules Committee.

Although section 20 of S. Res. 189 continues the authority for special reserves, and the procedure by which such reserves are accessed by committees, this resolution reflects an important change in the calculation of the special reserves amount. Prior to the 106th Congress, special reserves represented a reprogramming of unobligated balances that automatically occurred when the committee funding authorization ended on February 28. With the changes necessitated by the new financial management system, committee funding authorizations now track the fiscal year. Consequently, there is no overlap between the end of the committee funding year and the end of the fiscal year. Therefore, in order to assure that sufficient funds remain available in the appropriations Investigations and Inquiries account to fund the unforseen needs of committees, the Rules Committee specified a funding level for special reserves. That funding level is based on the historic amount that has been available to the Committee for special reserves in the past three Congresses.

I want to commend our chairman, Senator McCONNELL, for shepherding this resolution to the Senate floor. His leadership during this transition year has ensured that the committees have received sufficient funds while allowing the Committee time to adjust to the new financial management system. I especially commend the chairman for continuing the special reserves provision and for the responsible manner in which he has proposed to fund special reserves. This provision ensures that the Rules Committee can continue to hold committee funding to its historic levels, while retaining the flexibility to meet the unforseen needs that may result.

I urge adoption of this resolution.

Mr. SPECTER. I ask unanimous consent that this resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 189) was agreed to, as follows:

S. RES. 189

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of $52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of $22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,118,150, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $903,523, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,796,030, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,568,418, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,160,739, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,348,349, of which amount—

(1) not to exceed $8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,449,315, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,472,442, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,823,318, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,631,426, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,924,935.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.— For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,248,068.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,688,097, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,146,192, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,762,517, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,604,978, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,158,449, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,347,981, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $5,026,582, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,144,819, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,560,792, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,946,026, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,845,263, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,068,258, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,647,719, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $703,526, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,330,794, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $567,472, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,246,174, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $531,794, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,459,827, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $622,709, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,674,687, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,141,189, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,260,534, of which amount not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $537,123, of which amount $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed $1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

ORDERS FOR THURSDAY, SEPTEMBER 30, 1999

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 30. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the pending Gregg amendment to the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, the Senate will reconvene at 9:30 a.m. tomorrow and immediately begin 30 minutes of debate on the Boxer amendment regarding afterschool programs and the Gregg second-degree amendment to the Boxer amendment. At the expiration of that debate, the Senate will proceed to two back-to-back votes at approximately 10 a.m. Further amendments are expected to be offered during tomorrow's session of the Senate. Therefore, Senators may expect votes throughout the day and into the evening. The Senate may also consider any conference reports available for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Thursday, September 30, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1999:

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1999:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARMANDO FALCON, JR., OF TEXAS, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS.

FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ZELL MILLER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2000.

DEPARTMENT OF STATE

EDWARD W. STIMPSON, OF IDAHO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

SIM FARAR, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PETER J. GRAVETT, 1602
BRIG. GEN. WALTER J. PUDLOWSKI, JR., 9303
BRIG. GEN. FREDERIC J. RAYMOND, 7461

To be brigadier general

COL. LEWIS E. BROWN, 6735
COL. DAN M. COLGLAZIER, 2443
COL. JAMES A. COZINE, 4268
COL. DAVID C. GODWIN, 9388
COL. CARL N. GRANT, 3245
COL. HERMAN G. KIRVEN, JR., 2827
COL. ROBERTO MARRERO-CORLETTO, 1485
COL. WILLIAM J. MARSHALL III, 0946
COL. TERRILL MOFFETT, 6766
COL. HAROLD J. NEVIN, JR., 6639
COL. JEFFREY L. PIERSON, 9148
COL. RONALD S. STOKES, 9217
COL. GREGORY J. VADNAIS, 4304

ARMY NOMINATIONS BEGINNING *ERIC J. ALBERTSON, AND ENDING *STANLEY E. WHITTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

ARMY NOMINATIONS BEGINNING ROGER F. HALL, JR., AND ENDING PAUL K. WOHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

THE FOLLOWING NAMED PERSON FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. VIGERSKY, 8894

ARMY NOMINATIONS BEGINNING MICHAEL V. KOSTIW, AND ENDING DAVID T. ULMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING ROBERT S. ADAMS, AND ENDING JEFFREY P. STOLROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JON A. HINMAN, AND ENDING *GLENN R. SCHEIB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JAMES E COBB, AND ENDING CURTIS G. WHITEFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING HERBERT J ANDRADE, AND ENDING NATHAN A.K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING RICHARD P. ANDERSON, AND ENDING GARY F. WAINWRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING *RODNEY H. ALLEN, AND ENDING *CLIFTON E. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on September 29, 1999, withdrawing from further Senate consideration the following nominations:

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.

EXTENSIONS OF REMARKS

CRITICAL STEP FORWARD FOR HMO PATIENTS' RIGHTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Ms. SCHAKOWSKY. Mr. Speaker, the United States Supreme Court will soon hear a case that will have far reaching consequences for millions of health maintenance organization patients. The justices will review an Illinois case about whether patients can sue HMO plans that give doctors bonuses to keep treatment costs down. The issue that the Supreme Court will examine is whether patients can sue HMOs, under federal law, for making medical decisions based on the bottom line.

Millions of Americans already believe that HMOs that limit medical treatment to cut costs and increase profits should be held accountable in a court of law. That is why the Supreme Court decision to review this case is so critical.

That is why it is also vital for Congress to pass meaningful and necessary patient protections that will help give millions of Americans the tools they need to end HMO abuses and hold HMOs accountable.

I wish to attach an article from today's Chicago Sun-Times about the upcoming Supreme Court case.

[From the Chicago Sun Times, Sept. 29, 1999]

Court To Hear HMO Bonuses Case

(By Lyle Denniston)

Washington.—The Supreme Court agreed Tuesday to decide whether it is legal for doctors to cut back on treatment to save money for a health maintenance organization.

The outcome of a case from Illinois may go far to determine how much protection federal law will offer Americans in the face of cost-cutting efforts by managed care plans.

In the case, a federal appeals court ruled that it is illegal under federal law for doctors who make treatment decisions for patients of a medical benefits plan to get bonuses for saving the plan money by providing less expensive care.

The 7th U.S. Circuit Court of Appeals, based in Chicago, decided last year that those who make the key decisions for a benefits plan must do so only to further the interests of the patients.

Anyone in the plan management, including doctors who determine the nature and duration of treatment, is obliged to protect the fund's assets for the patients' benefit, the appeals court said.

The appeals court said it feared that managing care has been replaced by managing costs.

A Downstate Bloomington doctor and her HMO employer took the dispute to the Supreme Court, calling the appeals court ruling "dangerous and disruptive to health care providers and the nation's overall system of health care delivery."

This controversy, the doctor and the HMO contended, "is of profound national importance. Most contemporary welfare benefit plans provide for managed care, through HMOs or other devices." The appeals court ruling, they argued, makes the main type of organization now used for medical care unlawful.

The case arose after a patient, Cynthia Herdrich, went to see the Bloomington doctor for an abdominal pain. In her 1992 lawsuit against Carle Clinic Association, Herdrich contended that the doctor found a small inflamed mass in the abdomen and directed treatment to be done eight days later at an HMO-owned facility 50 miles away rather than at a Bloomington hospital.

During the eight-day wait, the patient claimed, her appendix ruptured. She said this added further to the HMO's costs, so she sued the doctor to recover for the plan the expenses of her added care. Her claim was dismissed in federal court but was reinstated during appeal.

TRIBUTE TO DON KING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to one of America's greatest boxing promoters, Mr. Don King.

Born on August 20, 1931, and raised in the Cleveland housing projects by his mother Hattie, Don beat the odds to become a very successful promoter. His shocking hair style, infectious smile, booming laugh, inimitable vocabulary and his catch phrase "Only in America!" have made Don King universally recognizable.

King's career as a promoter spans three decades and includes more than 500 world championship fights, but it began with a plea to help save a Cleveland hospital. Facing a severe shortage of funds, Forest City Hospital was prepared to shut down. King knew the hospital was vital to poor and working class people. He sought out heavyweight champion Muhammad Ali and asked him to support a benefit to raise money for the hospital. The two men hit it off and the hospital was saved.

Mr. Speaker, Don's promotions have entertained billions around the globe. His life has been devoted to staging the best in world championship boxing, as well as giving back to the people. Don King promotes events that have given the sports and entertainment world some of their most thrilling and memorable moments and have advanced the careers of many African-American and Puerto Rican fighters.

In 1974 King promoted one of history's biggest fights in the former Zaïre (now the Democratic Republic of Congo). Dubbed "The Rumble in the Jungle," the fight featured Muhammad Ali against George Foreman. The first major black promoter, King controlled the heavyweight title from 1978–90 while Larry Holmes and Mike Tyson were champions. He regained control of the heavyweight title in 1994 with wins by Oliver McCall (WBC) and Bruce Seldon (WBA). Other fighters he promoted include Roberto Duran, Julio Cesar Chavez and of course the new WBC welterweight champion, Mr. Felix "Tito" Trinidad.

King's tireless and continuous philanthropic efforts are rarely chronicled, but as he says, "if you do something just to get noticed, then it is not a truly charitable gesture." He established the Don King Foundation, and through it has donated millions of dollars to worthy causes and organizations. As a reminder of the economic hardship he endured growing up, King has gone into neighborhoods every holiday season and personally handed out turkeys to needy families. Don's "Turkey Tour" has given away hundreds of thousands of turkey dinners over the years in cities across the country during the holiday season.

Inducted into the Boxing Hall of Fame in 1997, King was the only boxing promoter named to Sports Illustrated's list of the "40 Most Influential Sports Figures of the Past 40 Years." The New York Times published a list that included Don King among 100 African-Americans who have helped shape this country's history during the last century. The honors and awards he has been given are almost beyond counting.

Don King is married to Henrietta and they have two sons, Carl and Eric, a daughter, Debbie, and five grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying tribute to America's greatest boxing promoter, Mr. Don King.

THE ANNIVERSARY OF SAMARITAN HOUSE—TWENTY-FIVE YEARS OF SERVICE TO SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in expressing heart-felt appreciation to Samaritan House of San Mateo County. As this outstanding nonprofit organization celebrates twenty-five years of service, I want to congratulate and commend Samaritan House and its leaders for distinguished service to San Mateo County.

The Samaritan House has dedicated its energies and efforts to meeting the needs of low-income residents of central San Mateo County. The organization has provided help to over 15,000 individuals each year, and it has made a great contribution to the improvement of our community. The goal of this organization is to provide immediate assistance to those in urgent need, while helping them on the road

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

back to self-sufficiency. This is a truly praiseworthy effort, which has required countless hours of service and dedication from individuals and groups within the community under the leadership of Samaritan House.

Mr. Speaker, the efforts of Samaritan House to assist the disadvantaged began in 1974 and have steadily grown each year since. The organization now provides meals five days a week from two different sites. It also maintains a food pantry which distributes over 325 food boxes each month to area families. Medical attention and emergency shelters are also made available by the group. The Samaritan House offers free tutoring and legal services, as well as clothing and furniture. This type of service, which is urgently needed in our community, has been generously provided by the Samaritan House.

Over 1,200 volunteers work with Samaritan House, and these generous people share their means and contribute their time and effort to assist those in need. They promote self-sufficiency and preserve the dignity and worth of those they help. It is my desire that my Colleagues in the Congress not only pay tribute to Samaritan House but that—in recognition of the quarter century of humanitarian achievement of Samaritan House—we renew our own personal commitment to assist those who are in need.

Mr. Speaker, Samaritan House is an inspiring organization. It has helped people who are in need not only with immediate care and the necessities of life, but it has also helped to provide longer-term help so that people are able to stabilize their lives and move on to self-sufficiency. I am extremely grateful for the caring men, women, and children who have dedicated time and energy to this endeavor. I invite my colleagues to join me in expressing our sincere appreciation and congratulating Samaritan House on its twenty-fifth anniversary.

HONORING WILLIAM E. CHALTRAW

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor William E. Chaltraw for his commitment to the Fresno community and his dedication for his countless hours of volunteer work.

William E. Chaltraw, owner of Chaltraw & Associates, has 23 years of experience as a certified public accountant. His associates include his daughter Kristen, also a certified public accountant, and his wife Agnes, office manager of the family-owned business.

Chaltraw moved to Fresno with his parental family in 1963 from Detroit, Mich. He later graduated summa cum laude from CSUF in 1976 and spent most of his years as a partner at Deloitte & Touche before hanging out a shingle bearing his family name. He also taught individual, partnership and corporate taxation at his alma mater for more than four years.

Chaltraw is a man who seems to consistently take on additional responsibilities. Right now, he is the chairman of Community Medical Foundation's board of trustees and a member of Community Medical Center's corporate affairs committee. As chairman, Chaltraw's duties include overseeing the board's activities, meeting with corporate officers and volunteers and directing the goals the foundation has set.

Community certainly isn't Chaltraw first experience with nonprofit organizations. His experience includes serving as president of the Fresno Metropolitan Rotary Club, past president of the Rotary Storyland/Playland board of trustees, and chairman of the taxation committee for the Fresno chapter of the California Society of Certified Public Accountants. He also serves as treasurer for the Bulldog foundation and set to be president of the foundation in the near future.

Mr. Speaker, it is my pleasure to honor William E. Chaltraw for his extraordinary leadership among local business and community activities. He has provided Fresno community with many years of outstanding commitment and handwork. I urge my colleagues to join me in wishing Chaltraw many more years of continued success.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. BLUMENAUER. Mr. Speaker, since I was elected to Congress, I have been focusing on the issue of livable communities and how we can create better partnerships between the Federal Government, State and local governments and our citizens. As amended this bill will increase input from local communities while preserving important national landmarks.

The 1906 Antiquities Act has served our nation well for almost a century. It has led to the preservation of the Grand Canyon, Death Valley, and Grand Teton National Parks. These sites have great environmental importance, they add to our nation's heritage, and through tourism they are an important part of local economies. This legislation would ensure that the President continues to have the authority to designate monuments, while giving communities a larger voice in the process. I urge my colleagues to support H.R. 1487, the Public Participation in the Declaration of National Monuments Act.

HONORING EFFORTS TO PRESERVE THE SAN JACINTO BATTLEGROUND STATE HISTORICAL PARK

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor the people and the spirit behind efforts to restore and maintain San Jacinto Battleground State Historical Park in the 25th Congressional District. This weekend I will have the honor to join members of the Harris County State Legislative Delegation and other members of the Texas Legislature, including the Speaker of the Texas House of Representatives James E. "Pete" Laney as they tour the battleground site including a boat ride down Buffalo Bayou and the Houston Ship Channel to its confluence with the San Jacinto River where the Battle of San Jacinto took place on April 21, 1836. This site, now State Park and monument along with the San Jacinto Museum of History, is where the Army of the Republic of Texas, under the command of General Sam Houston, surprised and overwhelmed the Mexican Army and forced the surrender by its General Santa Anna leading to the establishment of the Republic of Texas and, nine years later, its entry into the United States.

In Texas, we believe in honoring our ancestors and preserving history for future generations. That's why the old-fashioned boat ride and picnic symbolizes more than a pleasant outing. It is a reenactment of boat trips from a century ago, when the San Jacinto Chapter of the Daughters of the Republic of Texas hosted trips in the 1980s to attempt to persuade State Legislators to purchase and preserve land around the Battlefield.

The Battlefield and surrounding land, now totaling more than 1000 acres, has long been considered a historical treasure by Texas residents, and was dedicated as a State Park in 1907, eventually receiving designation as a National Historic Landmark. In 1939, work was completed on the towering 567-foot San Jacinto Monument. Designated as a National Engineering Landmark, the Monument rises 12 feet higher than the Washington Monument and is the world's tallest monument column. The Museum which is housed in the base of the Monument opened in 1939 and holds hundreds of thousands of artifacts relating to Texas as a part of Spain, Mexico, the Republic of Texas, and early Statehood. Operating in a public/private partnership, the Park is administered by the Texas Parks and Wildlife Department; and the San Jacinto Museum of History, a nonprofit educational organization, operates the Museum.

The goal of the individuals currently working to preserve San Jacinto State Park, the Battlefield, the Monument, and the Museum is just as compelling and challenging today as it was a hundred years ago. This weekend the Trustees of San Jacinto State Park and Museum will do more than launch a boat trip; they will launch the beginning of the effort to return much of the Battleground to its natural appearance at the time of the 1836 battle and to transform the site into a world-class interpretive center and museum. The New Master Plan for the San Jacinto Battleground State Park, which will be outlined for the public and legislators, will eliminate some of the modern additions to the site that lessen the impact of experience for the 1.5 million people who visit the site annually. Restoring the site to its original and natural state will serve to create a better understanding of the sacrifices of those who fought there and the extraordinary historical significance of the battle itself.

Today it is very difficult for visitors to traverse the site and understand the Battle because of so many changes to the Battleground. Since its original designation as a Park, the Battleground has been partially obscured by buildings and monuments; by disposition of dredging soil; by landscaping; by construction of roads, picnic pads and other structures; and by subsidence ranging from eight to ten feet. interpretation of the Battle is further complicated by the presence of the Battleship of Texas and its parking and support facilities. The main goals of the San Jacinto Battleground State Historical Park Master Plan is to give primary emphasis to the Battle and its physical setting in order to enhance interpretation and the visitor experience. After all, the site's national significance is due to the 1836 Battle, and to the extent feasible, the Master Plan focuses on returning the Battleground to its 1836 condition of prairie, marshes and trees so that visitors can visualize and understand the terrain and its influence on the tactics and outcome of the Battle.

A hundred years after the Daughters of the Republic of Texas saw fit to lobby the Legislature, forward-thinking individuals with vision and heart who want to preserve historically significant Texas for our children and grandchildren are again springing into action. Great Texans such as the Trustees and officials of the San Jacinto Museum of History, including Paul Gervais Bell, William P. Conner, and J.C. Martin; the Daughters of the Republic of Texas, including Marian Beckham and Jan de Vault; Representatives for the Harris County Delegation, including Rep. Jessica Farrar and Rep. John Davis, and just some of the people who are once again taking up the cause of Texas history and culture. Also, Sam Houston IV, the great-grandson of General Sam Houston will be present along with Andrew Sansom, Executive Director of the Texas Parks and Wildlife Department.

As a fifth generation Texan I am especially proud that my family has been actively involved in the preservation of battleground and museum. My grandfather, the late Col. William B. Bates, was one of the five founding Trustees of the San Jacinto Museum of History when it was organized in 1938. He was instrumental in helping to establish and maintain the museum's operations and its historically significant collection of Texana and Western Americana. I maintain many volumes of Texas history from his personal library. That enduring love for preserving history and heritage lives on with my mother, Mary Bates Bentsen, who currently serves as a Trustee of the Museum.

In an area now known for petro-chemical production and the activity associated with one of the world's busiest seaports, one can still look out from the battleground site and see the Lynchburg Ferry which ran at the time of the battle and does so today. In his farewell to his troops delivered May 5, 1836, General Houston said of his forces, "Your valor and heroism have proved unrivaled . . . You have countered the odds of two to one and borne yourselves in the onset and conflict of battle in a manner unknown in the manners of modern warfare. (W)hen liberty is firmly established by your patience and your valor, it will be fame enough to say, 'I was a member of the Army of San Jacinto.'"

Mr. Speaker, we Texans believe the Battle of San Jacinto was a defining moment in our history which must be preserved for generations to come. I congratulate the San Jacinto Museum of History's Trustees, the Daughters of the Republic of Texas, and other friends of the Park for continuing the fight to preserve our historical places and culture. All of Harris County, the entire state of Texas, and our future generations are the richer for their noble efforts.

TRAGEDY IN EAST TIMOR

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. GUTIERREZ. Mr. Speaker, on September 4, 1999, U.N. officials announced the results of a U.N.-sponsored referendum of voters in East Timor. 78.5 percent of the voters rejected an indonesian government plan for East Timor to receive a special autonomy arrangement within Indonesia. This result, which effectively called for independence, sparked a rampage of killings and other acts of terror by East Timorese paramilitary groups supported by the Indonesian Army.

One of my constituents, Mr. Michael Rhoades of Chicago, went to East Timor to serve as a United Nations accredited observer of the August 30 referendum. He participated with the International Federation for East Timor (IFET) Observer Project as a photojournalist. I submit a copy of a recent letter from Mr. Rhoades dated September 25, 1999. He was an eyewitness to the horrors that took place in East Timor.

I urge my colleagues to cosponsor H.R. 2809. This bill will impose an immediate suspension of assistance to Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented.

I send this letter out of desperation, writing from Australia where I've been for a few weeks courtesy of an Australian Air Force evacuation flight from Dili, East Timor. Two weeks ago I flew from Darwin (our evac destination) to Sydney, sitting frustrated and sad now as I wait to fly back into Timor. It is difficult to write this because there is so much to say, because these have been some of the most heartbreaking weeks of my life, feeling absolutely powerless as politicians bow and curtsy through shallow condemnations of the Indonesian massacre in East Timor.

I was in East Timor as an election/human rights observer with the International Federation for East Timor's observer project (IFET-OP). We were (I add proudly) the largest observer group in Timor, at one time numbering almost 150 participants with small teams dispersed in villages and cities throughout the country. Our mandate was to document human rights abuses and election rule violations during the August 30 popular consultation, as well as the periods immediately preceding and following.

During my stay in Timor I saw time and again the blurring between ranks of military, police, and militia personnel. I heard stories from refugees sheltering in churches who'd been told that if the vote was for independence their village would be slaughtered. I heard soldiers scream to a family cowering behind the front wall of their home that they'd be back to kill them in the night. I helped try to save a young man (younger than me) dying from machete wounds, ghost-walking bleeding from his shoulder, arms, and gut—bone and intestines pressing through split flesh.

I saw this younger-than-me man wrapped in soaked-through bloody sheets as we helped him into our truck. He remained absolutely silent while his sister and father screamed his pain and part of our team sped him off to the only medical clinic still functioning in Dili. I saw him (in-head) as we dodged military and militia patrols trying to get (quick and nonchalant) back home. I see him as I write this letter, I see him as I remember hearing that he was dead.

I see this younger-than-me man as Indonesia stalls for time and our leaders huff and sigh for the cameras and their respective constituencies. I see this dead boy, and my friends left behind in East Timor.

I fear (am terrified) for the life of Gaspar da Costa whose house we rented in the mountain village of Maubisse, and who went behind that house to quietly cry while we went inside to hurridly pack after telling him we were evacuating, leaving his town for the "safety" of Dili; "and what happens to my family?" he asked as we swapped our integrity for our skins. And I snapped pictures of Gaspar and his brothers and wife and daughters to document in advance the barbarism of the Indonesian government, preferring to photograph the da Costas while still alive, hugging Gaspar with everything in me when we left, feeling (though not wanting to believe) that I was hugging a dead man.

And through the cacophony of U.N. sabre rattling I hear Father Mateus, the priest of Maubisse, who assured me that he was not a hero but who absolutely was. And though the East Timorese soil is wet with the blood of thousands far braver than me, I am particularly in awe of Father Mateus who sheltered refugees in his church and who stood up to the local police and militia heads, saying boldly that he did not trust them because he had been shown time after time that he could not trust them. The last I heard of Father Mateus, his name was at the top of the local militia deathlist. Selfless to the point of bullheadedness Father Mateus declared that there had not yet been a priest martyred for East Timor (because at the time there had not been) and he was prepared to be the first.

I remember the horror in the Maubisse polling center the afternoon of the vote when certain militia members and military officers had whispered to the local Timorese polling staff that they'd kill them all in their homes that night. I remember that they slept in the polling center (Maubisse's schoolhouse) on the floor with no blankets, using deconstructed cardboard voting booths as mats. I remember leaving them there when we went home to dinner and a bed at Gaspar's because we were forbidden by our mandate to stay with them through the night. I remember walking up to the school at sunrise the next morning as we'd promised, to see if all was ok, and finding everyone across the road in the church for morning mass. I remember the terror still sharp in their faces as mass finished and they dragged along on tired-of-it feet back to their refuge in the school. And there were the folks who wound their way round to us between the mass and their refuge and shook our hands because they mistakenly thought that we had made the vote possible when it was them—the East Timorese—coming out to vote in mind-blowing numbers that made the vote. And there was the old woman who came up to us and shook our hands and kissed them and said, "friend."

I remember my friend Meta who shouted my name and came up to hug me when our team walked through the gates of IFET's Dili HQ after we'd evacuated Maubisse. Meta who was so proud to introduce me to his father. Meta my friend, who is running; who went to hide in the hills. Who I hope with every part of me is still alive, as I do Gaspar and his family and Father Mateus and the brothers and refugees in his church . . . and here I feel like I'm being selective and truly I wish that no Timorese were being slaughtered. But that now is an impossibility, estimates put the death toll in the high thousands or tens of thousands and the longer that we U.N. member states stall, the greater the number of East Timorese being massacred or forcibly "relocated" and the greater our collective shame.

When I originally drafted this letter for a few small U.S. newsweeklies, Indonesia had just conceded to allow a U.N. peacekeeping force into East Timor. I, among others, did not trust them. They would stall for time. And in that time there would be more slaughter. It is a week later now and much of this U.N. force is in the region, working with an Indonesian military which continues to be uncooperative and brutal. Airdropped food is providing a minimum of sustenance for hundreds of thousands of refugees slowly starving in the Timorese hills, but the Jakarta-driven massacre continues as stories of mass-killings during the past few weeks come forward through eye-witness testimonials, as refugees forced into West Timorese camps are terrorized and murdered, and as the militia masses its Indonesian-military-backed forces along the western side of the Indonesia-East Timor border (as it now can be called). The Australian media reported that Interfet peacekeepers chased three TNI trucks (TNI being the acronym of the Indonesian military) through the streets of Dili Thursday, TNI trucks which were loaded with troops who fired three bursts from automatic rifles, trying hard to shatter any remnants of the peace which they were tasked with restoring.

Originally this letter was a call to action. Now, I hope, it acts as a call to continue that action. Unflinching vigilance and continued humanitarian action will be absolute necessities in the coming months, not only in East Timor but also for the hundreds of thousands of refugees forced into military convoys or onto boats headed to West Timor and other Indonesian islands. (Recent reports speak of a near total absences of males between the ages of 16 and 50 in the refugee camps and convoys.) And at home in the United States there are bills in both the House and the Senate (HR. 2809 and S. 1568) which would 'lock-in' the temporary bans on military and financial assistance to Indonesia. These bills also set conditions (including a safe and secure environment in East Timor, full humanitarian assistance, and the return of all refugees), which Indonesia must meet before this assistance can resume. I write this letter in the hopes that you will read it and be incensed, that you will read it and want to pressure our government to act, to continue to act. The United States government carries much of the blame for this slaughter in East Timor, as they have sat by for twenty-four years while Indonesia—third largest global market for U.S. weapons and consumer goods; home to a bargain-priced, easily-exploitable labor force; and our viciously anti-Communist Cold War ally—carried out its sadistic policies against the East Timorese population, as they (the U.S. government—and we citizens by extension) turned a blind-eye and an approving nod to the invasion. I write this letter as a plea, an agonized cry from across the Pacific, to ask that you pressure our representatives in Washington to act. Please pressure them to act.

OPPOSITION TO CONFERENCE AGREEMENT ON H.R. 2488

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SANDLIN. Mr. Speaker, I have heard my friends on the Republican side talk about how their budget sets aside $2 trillion of the $3 trillion projected surplus for debt reduction. While this certainly sounds appealing to those of us who have been talking about the importance of paying off the national debt, the facts just don't match the rhetoric.

My Republican friends neglect to point out that they are double-counting the Social Security surplus in order to claim that they are reducing the debt. This body has overwhelmingly voted to exclude Social Security surpluses from budget calculations. These surpluses are essential to meet future obligations to Social Security. Every Member of this body, Republican and Democrat alike, have said that Social Security surpluses should only be used for Social Security, and should not be counted for any other purposes. But despite all of the rhetoric about Social Security lockboxes and taking Social Security off-budget, some folks on the other side of the aisle keep counting the Social Security surpluses when it suits their purposes.

Using the Social Security surplus to reduce debt held by the public simply offsets the increased debt held by the Social Security trust fund. If all we do is save the Social Security surplus, we won't reduce the total national debt by one dime, and we will have done nothing to reduce the burden we leave to our children and grandchildren. In fact, despite all of the rhetoric from the other side of the aisle about saving money for debt reduction, the total national debt will increase by $200 billion over the next five years under the Republican budget.

The truth is, they don't want the American people to know the consequences of their massive tax cuts. They don't want them to find out that, if we want to be fiscally responsible and stay within the spending caps we agreed to in the 1997 budget, passing their tax cut bill will require a 38% reduction in spending on important programs—programs like FEMA, class size reduction, and law enforcement. Both parties agree that defense spending needs to increase if we want to preserve military readiness, but if the Republicans pass their tax cuts, our military will suffer as well. While these important programs that benefit all Americans will have to be cut, two-thirds of the tax cut will benefit only those people who fall in the top income tax bracket.

The fiscal irresponsibility does not stop there. The new trick in Republican accounting books is the "emergency" spending designation being used to bypass the spending caps. They have even resorted to calling the 2000 census an "emergency"—an outrageous claim considering that the Constitution requires a census every ten years! This "emergency" spending comes straight out of the "projected" surplus Republicans want to use to finance their tax cut.

This creative accounting is unacceptable. I am a strong advocate of a sound budget and fiscally responsible tax cuts, but the best tax cut we can give the American people is a promise we will first pay down the national debt by setting aside some of the true surplus—the non-Social Security surplus. The Blue Dogs have put forward a proposal that would lock up half of the true budget surplus to pay down the national debt. This approach will truly reduce the burden on future generations.

I am proud to be an original co-sponsor of this legislation. The Blue Dog's Debt Reduction Lockbox bill would save 100% of the Social Security surplus by requiring that the budget be balanced excluding the Social Security surplus. It also helps ensure a fiscally responsible budget by establishing a point of order against any budget resolution that contains an on-budget deficit or any legislation that would result in an on-budget deficit and would prohibit OMB, CBO and other federal government entities from including the Social Security trust fund as part of budget surplus or deficit calculations.

While the Republican tax cut bill's debt reduction provisions are merely a rhetorical gesture at best, the Blue Dog bill delivers on debt reduction. It places 50% of the projected on-budget surplus over the next five years in a Debt Reduction Lockbox, away from those who would squander it on irresponsible tax cuts.

The Blue Dog bill also delivers on our promise to save Social Security and Medicare by reserving the Debt Reduction Dividend—the savings from lower interest payments on the debt resulting from its reduction—for these two programs. Seventy-five percent of these savings would be reserved for Social Security reform and 25% for Medicare reform.

Mr. Speaker, the fundamental tenet of the Blue Dog proposal—debt reduction—has been recklessly omitted from the Republican bill. Our primary goal as we debate how to divide the projected budget surplus should be to maintain the strong and growing economy that has benefitted millions of Americans. Irresponsible tax cuts, however, are not the means to achieving this end. Using that simple objective as our guide, it is clear that the best course of action this body could take is to use the budget surpluses to start paying off the $5.6 trillion national debt. Reducing the national debt is clearly the best long-term strategy for the U.S. economy.

Economists from across the political spectrum agree that using the surplus to reduce the debt will stimulate economic growth by increasing national savings and boosting domestic investment. Paying down our debt will reduce the tremendous drain that the federal government has placed on the economy by running up a huge national debt. Quite simply, reducing the federal government's $5.6 trillion national debt takes money that is currently tied up in debt and puts it back into the private sector where it can be invested in plants, equipment and other investments that create jobs and economic output.

Federal Reserve Board Chairman, Alan Greenspan, has repeatedly advised Congress that the most important action we could take to maintain a strong and growing economy is to pay down the national debt. Earlier this year, Chairman Greenspan testified before the Ways and Means Committee that debt reduction is a much better use of surpluses than are tax cuts, stating:

> The advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money.

We should follow Chairman Greenspan's advice by making debt reduction the highest priority for any budget surplus.

There has been a lot of discussion here in Washington about a "grand bargain" on the budget that would divide the surplus between tax cuts and higher spending. Our constituents are giving a very different message. I would encourage my colleagues to ignore this inside the beltway speculation, and listen to the American public. Our constituents are telling us to meet our obligations by paying down the national debt.

The folks I represent understand that the conservative thing to do when you have some extra resources is to pay your debts first. They don't understand how we can be talking about grand plans to divide up the budget surplus when we have a $5.6 trillion national debt. They want us to use this opportunity to pay down our debt.

We hear a lot of talk about "giving the American people their money back". I would remind my colleagues that it is the American people who owe the $5.6 trillion national debt we have run up. If we are truly interested in giving the surpluses back to the American people, we should start by paying off the debt we have run up on their credit card.

I would suggest that the best tax cut we could provide for all Americans, and the best thing that we can do to ensure that taxes remain low for our children and grandchildren, is to start paying down our $5.6 trillion national debt. Reducing our national debt will provide a tax cut for millions of Americans by restraining interest rates. Lower interest rates will put money in the pockets of working men and women by saving them money on variable mortgages, new mortgages, auto loans, credit card payments, and other debts. The reduction in interest rates we have had as a result of the fiscal discipline over the last few years has put at least $35 billion into the hands of homeowners through lower mortgage payments. Continuing this fiscal discipline and paying down the debt is the best way to keep putting money into the hands of middle class Americans.

Just as importantly, reducing the national debt will protect future generations from increasing tax burdens to pay for the debts that we have incurred. Today, more than twenty five percent of all individual income taxes go to paying interest on our national debt. The amount of income taxes the government will have to collect just to pay the interest on the debt will continue to increase unless we take action now to pay down the national debt.

Every dollar of lower debt saves more than one dollar for future generations. These savings that can be used for tax cuts, covering the costs of the baby boomers retirement without tax increases or meeting other needs. We should give future generations the flexibility to deal with the challenges they will face, instead of forcing them to pay higher taxes just to pay for the debt we incurred with our consumption today.

I urge my colleagues to vote against reckless spending by voting against the Republican tax cuts—but let's not stop there. Join me in supporting the Blue Dog Debt Reduction Lockbox bill and let's eliminate our debt.

IN CELEBRATION OF NATIONAL UNITY DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. STARK. Mr. Speaker, I rise today in support of the designation of a "National Unity Day" to celebrate our country's diversity as well as promote the need for harmony within our nation.

Presently, my good friend Paul Callens and several of his colleagues are participating in the Unity Walk, a 3,200-mile trek across the United States. This Unity Walk is a means for sending the message to all Americans that we must create racial harmony within our communities at both the local and national levels. The walkers also hope to interest community leaders and local government officials in celebrating a National Unity Day.

Their voyage is scheduled to end in San Francisco on October 10, 1999. The participants hope to engage fellow Americans in worthwhile discussion about the issue of racial harmony. Their ultimate goal, however, is the designation of a National Unity Day commemorating the importance of indivisibility among our diverse group of citizens here in the United States. This would also include an annual National Unity Day celebration to recognize National Unity Day on the second Sunday of October every year.

In our land of great freedom, we must not tolerate racism or prejudice of any kind. We must work together for peace and unity among the citizens of the United States to whom liberty and justice are natural human rights. The Unity Walkers have asked communities to examine their attitudes toward racial differences and make strides toward ending those racial divisions that threaten the soul of our nation.

I ask my colleagues to join with me today in support of the establishment of National Unity Day, as we work to celebrate the differences among us.

CONGRATULATING LION RAISINS GRAND OPENING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Lion Raisins on the Grand Opening of California's newest raisin processing facility. After four generations, Lion Raisins still strives to deliver quality and service beyond their customer's expectations.

In 1903, Alex Lion established one of the first raisin packing facilities in Fresno, California, named Lion Raisins. He packed raisins for the first time, probably Muscats since that was the principal variety at that time. He shipped them by train to Chicago. The price of raisins dropped while they were in route, causing the buyers to reject them. Alex went by train to Chicago and spent several weeks there selling raisins on the streets. His packing career was somewhat sporadic after that, according to his grandson, Al Lion. The first actual packing was done on the farm that the family owned at Kings and Highland. Later they had a packing house on "H" Street, and then in 1923 or 1926 the packinghouse was built at the present site at California Avenue and Second Street.

During this time Alfred Lion, Alex's son, was living in San Francisco and was involved in the selling there. His father called him back to take an active part in the packing operation. He took over the management after his father's death in 1963.

Brother's Herb and Al entered the family business; Herb in 1947 and Al in 1957. For years, until Herb's retirement in 1991, the brothers shared responsibilities, with one managing the business end of the operation, and the other the packing. They alternated responsibilities every year. In recent years, Al's sons, Larry and John, were active in the business for a time. Larry worked from 1970 to 1981. John worked in the plant from 1974–1975. Herb Lion died in July 1995.

Four generations later, Lion Raisins is the largest family owned and operated raisin processing facility in California. For nearly 100 years, the Lion family has been committed to the raisin industry and a vital part of the San Joaquin Valley. Today Lion Raisins processes nearly 50,000 tons of California raisins annually, and distributes them around the world under the Lion brand label. This has led them to be the largest independent raisin packing company in the area in terms of tonnage packed and sold.

Mr. Speaker, it is with great honor that I rise to congratulate Lion Raisins in the grand opening of California's newest raisin processing facility. Lion Raisins has been a model business, after four generations of delivering quality and service beyond customer expectations; through commitment, pride, and integrity. I urge my colleagues to join me in wishing Lion Raisins many more years of continued success.

TRIBUTE TO ALLEN A. PICKENS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Mr. Allen A. Pickens on his very distinguished career and well-earned retirement. Through the years, Al has made great contributions toward the development and economic stability of the island of Guam. He played a significant role in the transformation of Guam from an economy dependent on Federal and local government to its present state as a self-sufficient economic center of the Western Pacific.

As a teenager growing up in Des Moines, Iowa, Al dreamt of being an accountant. In pursuit of this objective, he attended the Central College in Iowa for a year on a basketball scholarship. Forced to drop-out due to an illness, he later enlisted in the United States Air Force. After four years of involvement with Air Force security operations in West Pakistan and Okinawa, Al was able to return to school. He spent the next 3 years finishing his studies at Drake University.

Upon graduation, Al was offered a job in Hawaii with the accounting firm Peat Marwick. It was in Hawaii that he met and married his wife Dianne, who was an office manager and accountant for the state's Catholic Social Services.

Al first came to Guam in 1962, during the island's introduction to international commerce which was made possible by President Kennedy's withdrawal of the island's security clearance requirements. After several years of working and traveling between Guam and Hawaii, Al was assigned to manage the Peat Marwick Guam office in 1969. Less than six years later, he became the youngest partner in the firm. As resident manager and, later, partner, Al guided KPMG Peat Marwick toward great success as a premier accounting firm on Guam. Since the 1994 merger of KPMG Peat Marwick with Deloitte & Touche LLP, Al served as managing partner. As one of the first accountants on the island, he was considered mentor to hundreds of young accountants who have gone through his firm. A large number of his former apprentices now run Guam's top companies.

In time, Al also gained a solid reputation as a business consultant. Local businessmen have come to rely upon his professional advice. Several island businesses would never make a major move without first consulting him. They have come to realize that the value of his advise is worth far beyond any fee that he may charge.

A confessed workaholic, Al usually works 7 days a week taking time off only on Christmas, Thanksgiving and an annual 2-week vacation. Not one to miss a day of work, Al claims never to have had a sick day. He is usually at his desk by seven in the morning.

Although he usually works eleven-hour days, Al is usually home at around six in the evening for his daily run. Begun in 1976 to cure chronic headaches and chest pains, Al's preoccupation with this activity led to the formation of the Guam Running Club. On behalf of the club, he has organized marathons—participating in more than a dozen. Nowadays, he usually participates in 10k's and hill climbs.

Always one to foster community involvement, Al has been a pervading presence in the island's many civic and community organizations. Among others, Al served as charter president of the Guam Society of Certified Public Accountants, member and charter vice-president of the Guam Chapter of the Association of Governmental Accountants, chairman and director of the Guam Chamber of Commerce, charter chairman of the Guam Business Hall of Fame and president of the Rotary Club of Guam, the Air Force Association and the Navy League of Guam. He is also president emeritus of the St. John's School Board of Trustees and founder of Junior Achievement of Guam. For his achievements he merited mention in the 1988 Who's Who in America and in the 1984/1985 Who's Who in the West.

The distinguished professional career and expansive community involvement of Allen A. Pickens has endeared him to the people of Guam. I congratulate him for his outstanding achievements and commend him for all the good work he has done for the local community. I wish him and his family the best for his retirement. On behalf of the people of Guam, a heartfelt "Si Yu'os Ma'ase" to a distinguished business and community leader.

TRIBUTE TO FELIX "TITO" TRINIDAD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Felix "Tito" Trinidad, an outstanding Puerto Rican athlete, and a very successful boxer. On Saturday, September 18, 1999, in the dramatic end to the welterweight showdown nicknamed the "Fight of the Millennium," Trinidad scored with his punishing right hand and won by a majority decision, taking the WBC title from a very talented and worthy opponent, Mr. Oscar De La Hoya. The result was a joyful outpouring in Puerto Rico and in my Bronx Congressional district.

Mr. Speaker, on Monday government workers in Puerto Rico were given the day off to welcome Trinidad, and entire families turned out, with many children kept from school to celebrate. Pounding his heart with this fist, Trinidad stood atop a white truck wearing a floppy hat that read in English "Peace for Vieques."

The success added the WBC welterweight title to the IBF crown Trinidad already holds. Trinidad has now won 36 consecutive professional fights. He has held a world title since 1993, making him the longest-serving currently active world boxing champion.

Through his dedication, discipline, and success in boxing, Mr. Trinidad has served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of sports.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Felix "Tito" Trinidad for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

PERSONAL EXPLANATION

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SANDLIN. Mr. Speaker, unfortunately, due to unforeseen business in my district, I was unable to be present for seven votes regarding H.R. 2684, VA–HUD–Independent Agencies Appropriations for FY 2000. Had I been present, I would have voted in the following manner: Rollcall vote 390: "nay"; rollcall vote 391: "yea"; rollcall vote 392: "nay"; rollcall vote 393: "nay"; rollcall vote 394: "nay"; rollcall vote 395: "yea"; rollcall vote 396: "nay".

COMMEMORATING THE 150TH ANNIVERSARY OF LEXINGTON CEMETERY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. FLETCHER. Mr. Speaker, I rise today to acknowledge the 150th anniversary of the Lexington Cemetery. "The Athens of the West", as Lexington was once known, serves as a resting place for such notable residents as Senator Henry Clay and General John Hunt Morgan. This cemetery has a national reputation as being one of the most beautiful in America and the people of the sixth district of Kentucky are very proud of it.

The Lexington Cemetery, which spans over 170 acres, serves as a memorial to the lives of folks who meant so much to so many people. These grounds tell a story of those who walked the hills of central Kentucky as far back as 1849. However, these grounds also tell us a story of those who came over the years to grieve the loss of a loved one, of the memories they left behind and many contributions made throughout their lives.

It represents the cord that binds families to their roots and connects them to past generations. For 150 years, the Lexington Cemetery has honored those lives whose contribution and value will always be remembered. These hallowed grounds offer a place to preserve the memories of those who have passed on but left behind many who will always mourn their loss.

So, as folks from throughout central Kentucky gather on Saturday to commemorate the beginning of the historical and sacred grounds of Lexington Cemetery, they will experience the beauty this special resting place has offered so many families for the past 150 years. It is an honor to stand before the United States House of Representatives to acknowledge this historic day for the Lexington Cemetery.

THE HILLSDALE UNITED METHODIST CHURCH OF SAN MATEO CELEBRATES ITS FIRST FIFTY YEARS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. LANTOS. Mr. Speaker, in a few days, the Hillsdale United Methodist Church of San Mateo, California, will celebrate fifty years of ministry to the San Mateo community. I would like to take this opportunity to congratulate the Hillsdale United Methodist Church for its outstanding record of service to the people of my congressional district for the past half century.

The Hillsdale United Methodist Church's mission is to "celebrate God's gifts as an accepting community, inviting all people to explore and live out new beginnings and dimensions in faith." The church's devotion to this credo of acceptance is clearly demonstrated by its welcoming attitude and its numerous and active community outreach programs. Some of these many programs include a Tutor Learning Center, the sponsorship of Boy Scout Troop and Cub Pack 27, YANSY (Young and Not So Young—an adult social group with monthly meetings and activities), and Samaritan House, which collects food and monthly donations for low-income residents in the area.

The Hillsdale United Methodist Church has also sponsored two refugee families and, as a service to the immigrant community, holds a Tongan language service every Sunday afternoon. In fact, five years after Hillsdale United Methodist welcomed its first Tongan members in 1966, the Tongan Methodist Church began in the United States at the Hillsdale United Methodist building. In 1993 the Fale Hufanga United Methodist Church began in San Carlos. Hillsdale United Methodist Church's Tongan members are still active in this church and recently resumed a Tongan language service.

I would like to invite my colleagues to join me in extending congratulations for the manifold achievements of the Hillsdale United Methodist Church over the last 50 years. The church's generosity and exemplary civic virtues have favorably impacted the lives of innumerable people in my congressional district—men and women, children and adults, American citizens as well as immigrants and refugees. I would like to express my personal gratitude for the outstanding work of the church, and I anticipate with great pleasure all that the church will accomplish in the new millennium.

RECOGNITION OF FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

HON. FRANK R. WOLF

OF VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. WOLF. Mr. Speaker, my colleague, Mr. DAVIS of Virginia, and I are honored to extend our deepest admiration and sincere thanks to the 92 members of the Fairfax County Urban Search and Rescue Team in their courageous response mission to help the people in Touliu, Taiwan, following the massive earthquake there on September 20.

Fairfax County is one of the few localities in our country which has trained and authorized a search and rescue team that can be deployed at a moment's notice to deal with crisis situations anywhere in the world. Less than an hour after the Office of Foreign Disaster Assistance activated the Fairfax County Fire and Rescue Department's Urban Search and Rescue Team to assist in the international effort, the team was mobilized and ready for deployment; ready to leave their families, friends and loved ones. We understand that this was the team's ninth mission—nine times they have left their families and homes to answer the "International 911" call.

What's most remarkable is that the firefighters on this team volunteered to be part of this specially trained unit, which is on the front lines, working round the clock, going into perilous situations—whether natural disasters or terrorist-inspired—driven by self-sacrifice to help save lives. Each member of this team has shown extraordinary heroism.

We are very proud of each and every member of the Fairfax County Urban Search and Rescue Team. They truly are heroes and deserve to be recognized.

The U.S. Congress and all of America salute the following members of the Fairfax County Urban Search and Rescue Team:

Chris Bastin, James Bernanzani, William Bertone, Greg Bunch, David Conrad, Sean Evans, Thomas Feehan, Tom Griffin, Mark Guditus, Andrew Hubert, Matt Nacy, Clyde Pittard, Mark Plunkett, Scott Smith, Rex Strickland, Jim Walsh, Kent Watts, Robert Zoldos, Daniel Bickham, Edward Brinkley, Clyde Buchanan, John Chabal, James Chinn, Kevin Dabney, Kurt Hoffman, Joseph Kaleda, Joseph Knerr, Randall Leatherman, Evan Lewis, Craig Luecke, Glenn Mason, Joe Meritt, Gary Morin, Gery Morrison, Dewey Perks, Michael Regan, Michael Tamillow, David Taylor, James Tolson, Jack Walmer, Jerome Williams, Barry Anderson, Donald Booth, Gary Bunch, Carlton Burkhammer, Brian Cloyd, Michael Davis, Jeffrey Donaldson, Michael Istvan, Mark Lucas, John Mayers, Rich McKinney, Wayne Reedy, Bill Reedy, Michael Reilly, Charles Ruble, Mike Stone, Ruben Almaguer, Marilyn Arwe, Joe Barbera, William Barker, Tony Beale, Bill Berger, Jack Brown, Jennifer Brown, Mike Canfield, Paul Carlin, Steve Catlin, Carol Chan, Tom Cole, Robert Dube, Garrett Dyer, Dr. French, Sonja Heritage, Brooke Holt, Gerald Jaskulski, Mike Keeler, Anthony MacIntyre, Paul Majarowitz, Chuck Mills, Susan Mingle, Richard Owens, Dean Sherick, Earl Shuggart, Dallas Slemp, Jim Strickland, Nate Smith, Lorenzo Thrower, Dean Tills, Steve Weissman, Steve Willey, John Tung.

HONORING OLIVER BIRCKHEAD ON RECEIVING THE FIRST ANNUAL CINCINNATI BRAIN INJURY ASSOCIATION AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to honor Oliver Birckhead, who will receive the First Annual Cincinnati Brain Injury Association Award. Mr. Birckhead's community leadership on children's issues will be recognized on October 1, 1999, at a dinner that will benefit Cincinnati's Children's Hospital Medical Center.

Traumatic brain injury is the leading cause of acquired disability and death among children. Each year, more than one million children sustain brain injuries, most commonly from sports injuries caused by bicycling, skiing, diving, or playground falls. Brain injury is also the most common cause of mortality in young adult Americans under the age of 45. Depending on the type and severity of the injury, rehabilitation may restore crucial skills that are necessary to lead a more normal life.

Oliver Birckhead is well known for his distinguished career in banking. He was born in Brooklyn, New York, and graduated from Nichols College in Dudley, New Hampshire and Stonier Graduate School of Banking at Rutgers University. Ollie entered the banking business in 1937 with the Peoples National Bank and Trust Company in White Plains, New York. In 1942, Ollie entered the U.S. Army Air Corps, where he served until 1946. He then resumed his career in banking, and was appointed Assistant National Bank Examiner in the Second District of New York by the Comptroller of the Currency. Ollie joined Chemical Bank in 1948, and in 1951, he joined the Central Trust Company, now PNC Bank, in Cincinnati. Ollie rose to the position of Vice Chairman and Director of PNC until he retired from the Board in 1989. He has served as a Board Member of the Union Central Life Insurance Company; the Cincinnati Gas and Electric Company (now CINergy); the Manhattan Life Insurance Company; and the Federal Reserve Bank of Cleveland.

A committed community leader, Ollie has served on the Executive Committee of the Cincinnati Art Museum; as Vice Chairman, Advisory Board member, and Life Member of the Salvation Army; and as a board member of the Cincinnati Council of World Affairs, the Boys Club of Cincinnati, and the Cincinnati Association of the Blind. He also served in leadership positions with United Way of Cincinnati. Along the way, Ollie made many friends, and I am proud to be among them.

We congratulate Qllie Birckhead as he receives this prestigious honor.

HONORING JOANN WARD

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. PETRI. Mr. Speaker, I rise in tribute to JoAnn Ward, executive director of the Fond du Lac, Wisconsin Convention and Visitors Bureau, who will retire this Friday, October 1 after more than 22 years of service.

As Bureau executive, JoAnn's job has included marketing the city of Fond du Lac and its environs as a desirable tourist and convention destination. It is a task she has accomplished so well, and with such creativity and leadership, that it can be said with no exaggeration that her stamp has left a lasting imprint on the character of the community.

The considerable economic impact from tourism and convention dollars on the Fond du Lac area during her tenure is a significant and tangible result of JoAnn Ward's efforts. But perhaps more telling than the bottom-line success story are the personal characteristics that engendered that success—JoAnn's gift for innovative ideas her keen sense of the public's tastes and preferences, and her amazing ability to enlist volunteers to share her vision and accomplish common goals.

Over 20 years ago, her imagination inspired the creation of Walleye Weekend, Fond du Lac's signature festival that draws hundreds of volunteers and tens of thousands of festival goers to the city's Lakeside Park each June. JoAnn has either originated or taken a lead role in developing and enhancing scores of other Fond du Lac area special events and festivals, including the annual Taste of Fond du Lac, the Fond du Lac Jazz Festival and the International Acrobatic Competition, which has been hosted by Fond du Lac the past 29 years.

She has built attractions centered around the natural beauty of the area and the unique assets of its residents, and has helped the many businesses that depend on conventions and tourism to capitalize on their strengths. A tireless worker and consummate promoter of both her community and the state of Wisconsin, JoAnn Ward has never accepted limits on her ability to try out new ideas or strive for new levels of achievement.

JoAnn's influence has extended beyond Fond du Lac to larger metropolitan areas and to national and international organizations. A recipient of the Wisconsin Tourism Federation's Award for Outstanding Contributions, she was appointed by Governor Tommy Thompson to the state's prestigious Sesquicentennial Commission, which over a three-year period organized and oversaw planning for the huge, multifaceted 150th celebration of Wisconsin's statehood in 1998.

In 1995, she served as the Sixth District delegate to the White House Conference on Tourism. And in 1997, JoAnn was inducted into the International Festival & Events Association's Hall of Fame.

But it is at home where her impact has been most keenly felt. JoAnn has succeeded in making my hometown of Fond du Lac not only a desirable travel destination but a better place to live. It is testament to her stature in the Fond du Lac community that her retirement announcement was not only front page news, but the main headline in the daily newspaper. A later editorial stated, "It will take a rare combination of enterprise, persuasiveness, grace and good humor to build a successor for this woman who has done so much for Fond du Lac."

I am proud to call attention to the many accomplishments of my friend, JoAnn Ward, and join the members of the Fond du Lac community in honoring her as she continues to pursue new horizons.

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research:

Mr. BILBRAY. Mr. Chairman, the grant program included in Representative JOHNSON's amendment has broad bipartisan support of over 190 Members of the House, including the chairs, ranking members and other members of subcommittees and committees of jurisdiction—the Commerce, Ways and Means and Appropriations Committees. I am a proud cosponsor of Representative JOHNSON'S related legislation and I look forward to the passage of this amendment.

Children's Hospitals across this Nation, especially Children's Hospital and Health Center in San Diego, are critical to the future of pediatric medicine and therefore to the future health of all children. Because of the inequity in our current federal GME funding structure, our Children's Hospitals are disadvantaged when compared to other teaching facilities. Because GME funds are based on the amount of Medicare patients in each hospital, and Children's Hospitals rarely treat patients that use Medicare funds as payments, these hospitals are treated unfairly compared to other teaching schools that receive funds allocated through the Medicare Program.

The grant program in this amendment would provide $280 million in FY 2000 and $285 million in FY 2001. Since comprehensive GME reform will take more time to develop, this amendment would provide immediate financial assistance through a capped, time-limited authorization of appropriations.

Children's Hospital and Health Center in San Diego is the region's only pediatric medical center, a 220-bed hospital offering comprehensive programs in diagnosis and treatment, research, rehabilitation, medical education, outcomes and community outreach and education. Founded in 1954 to treat polio victims, Children's has continually grown in direct response to the needs of the communities it serves through the San Diego and Imperial regions.

Mr. Chairman, I look forward to working with Representative JOHNSON and my other colleagues on this issue because the education and training programs of these institutions are critical to the future of pediatric medicine and the health of our children.

DR. KATHLEEN C. CRATES NAMED PRINCIPAL OF THE YEAR

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. OXLEY. Mr. Speaker, it is my honor to recognize my former Findlay High School classmate, Dr. Kathleen C. Crates, upon her selection as Ohio's 1999 Principal of the Year.

This award, sponsored by MetLife and given by the National Association of Secondary School Principals (NASSP), acknowledges the achievements of Ohio's most outstanding secondary school principal. Candidates were judged based on their relationships with teaching staff, their ability to promote positive change, and their use of creativity in solving problems. In announcing Dr. Crates's selection, Ohio NASSP Director Steven Raines cited her outstanding leadership skills and her creation of a caring environment at Findlay High School, a facility that serves more than 2,100 students.

Before she was named principal of our alma mater in 1995, Dr. Crates served as principal of Findlay's Donnell Middle School, assistant principal at Findlay High School, and as a teacher of learning disabled students. She completed her undergraduate work at Findlay College, now the University of Findlay, in 1968, and earned her master's and doctoral degrees from nearby Bowling Green State University. Dr. Crates has supplemented her skills through seminars at Harvard, Johns Hopkins, and the University of California.

In her honor, March 12, 1999, was designated "Dr. Kathleen Crates Day" by the students and staff of Findlay High School. Last month, Dr. Crates was further honored as one of six Ohio educators chosen to receive Ohio's first ever Pioneer in Education Awards, presented by the Ohio Department of Education.

Dr. Crates will now compete on the national level with 49 of her peers, as they vie for the title of National Principal of the year.

I am proud to join the chorus of voices saluting Kathy's quarter century of dedication to the young people of Findlay. I congratulate her on a job well done, and wish her the best of luck in the national competition and in all her future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 30, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 5

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether.
SD-406

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings on S.1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

SD–538

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S.758, to establish legal standards and procedures for the fair,prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure.

SD–226

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S.1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

SD–366

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine development assistance to Africa and the implementation of United States foreign policy.

SD–419

OCTOBER 6

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine fiber terrorism on computer infrastructure.

SD–226

Environment and Public Works

To hold hearings on the nomination of Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005; the nomination of Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority; and the nomination of Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board.

SD–406

3 p.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

OCTOBER 7

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

10 a.m.

Judiciary

To resume hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.

SD–226

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S.1183, to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; and S.397, to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

SD–366

OCTOBER 12

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S.311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs; S.497, to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; H.R.592, to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; S.919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R.1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S.1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S.1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreation River on land owned by the New York State; and S.1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System.

SD–366

OCTOBER 13

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings on the force structure impacts on fleet and strategic lift operations.

SR–222

Indian Affairs

To hold hearings on S.1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments.

SR–485

2:30 p.m.

Foreign Relations

To hold hearings on numerous tax treaties and protocols.

SD–419

OCTOBER 19

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S.1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R.834, to extend the authorization for the National Historic Preservation Fund.

SD–366

OCTOBER 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the use of performance enhancing drugs in Olympic competition.

SR–253

Indian Affairs

To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs.

SR–285

OCTOBER 27

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads.

SR–485

SENATE—*Thursday, September 30, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 24 we hear:

The Lord's are the earth and its fullness; the world and those who dwell in it. For He founded it upon the seas and established it upon the rivers. Who can ascend the mountain of the Lord or who may stand in His holy place? He whose hands are sinless, whose heart is clean, who desires not what is vain? He shall receive a blessing from the Lord, a reward from God His savior. Such is the race that seeks for him, that seeks the face of the God of Jacob.

Let us Pray.

All powerful God, You always show mercy toward those who love You and are never far away from those who seek You. Remain with Your sons and daughters who serve in the Senate of the United States and guide their way in accord with Your will. Shelter them with Your protection, and protect also those who guard them; give these servants of Yours the light of Your wisdom, and give Your grace also to their staffs. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will begin at this point 30 minutes of debate on the amendment offered by the Senator from California, Mrs. BOXER, regarding afterschool programs. We had been scheduled to debate the Gregg second-degree amendment. It is my understanding Senator GREGG is now disposed to withdraw the amendment unless there is objection to that. So we will proceed with 30 minutes of debate on the Boxer amendment, with the first vote occurring at 10 a.m.

On behalf of the leader, I am announcing that we will try to complete action on the bill today. Therefore, votes will occur throughout the day and into the evening.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

Pending:

Reid amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Boxer amendment No. 1809, to increase funds for the 21st century community learning centers program.

Gregg amendment No. 1810 (to amendment No. 1809), to require that certain appropriated funds be used to carry out Part B of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, when we concluded yesterday afternoon, the ranking member and I talked about a unanimous-consent agreement for all amendments to be filed. We had talked about 12 noon today, and there was concern that since the announcement was made late in the day, Senators would not have an opportunity to understand that since many had gone home. But it is my expectation that when Senator HARKIN arrives, we will confer and try to pick a time when we will ask unanimous consent that all amendments be filed.

AMENDMENT NO. 1810, WITHDRAWN

On behalf of Senator GREGG, I withdraw the Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1809

Mr. SPECTER. The essential point on the amendment of the Senator from California is to add $200 million to afterschool programs. I believe afterschool programs are very valuable, and I have supported afterschool programs in the past. In fact, in collaboration with Senator HARKIN, we included $200 million in addition to the $200 million now allocated for afterschool programs. This is an enormous increase on a program that just 3 years ago was at $1 million, then increased to $40 million, then to $200 million, and we have doubled it this year to $400 million. It is an integral part of the school violence prevention initiative.

In crafting this bill, which comes in at $91.7 billion, Senator HARKIN and I have made an assessment of priorities among some 300 programs. And while we would like to have more money for afterschool programs—we would like to have more money for many programs—it simply is not possible to do it.

In crafting this bill, which will be passed by the Senate, to get at least 51 votes, there is very considerable concern on my side of the aisle about a bill with $91.7 billion. Then we have to go to conference. Then we have to find a bill which the President will sign. The metaphor is, it is like running between the raindrops in a hurricane. So it is with reluctance I must oppose the Boxer amendment; it is not realistic to do it.

Some have argued that the $200 million advocated yesterday by Senator MURRAY, which was defeated, or the $200 million sought to be added by Senator BOXER would dip into Social Security. I am not going to make that argument because no one really knows that. We are determined to craft a total appropriations package which is within the caps. In order to accomplish that, there has to be advance funding. Of course, the Boxer amendment provides for advance funding as well. But at some point, if there is sufficient advance funding going into the projected $38 billion in surplus for fiscal year 2000, even on the advance funding line, Social Security will not be intact, and I think there is agreement that we have to protect Social Security and Medicare, that our expenditures even on an advance line cannot go beyond.

I note my distinguished colleague from California is ready to present her case, so I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

The amendment I have at the desk is No. 1809? I just want to make sure that is what the clerk has.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I thank the Chair.

I am going to make some very brief remarks and then yield 7 minutes to the Senator from Massachusetts, who is such a leader on education. I will begin just by setting the stage for his remarks.

The amendment we have at the desk—and it is cosponsored by many on my side of the aisle—would allow 370,000 children the opportunity to get into afterschool programs. This is a program that works. I understand both sides agree that it works. The difference is that we on this side want to be a little more bold. We want to really say that if education is a priority, and if our children are a priority, we ought to go up to the President's requested level of $600 million for this program.

The bill goes up to $400 million. That leaves out 370,000 children.

Think of the impact for those children. It doesn't only impact them where they are safe after school. It impacts their parents, their grandparents, their communities, and their neighborhoods.

It is a very simple amendment. We use a technique used all through the bill, which is forward funding. We don't touch Social Security or anything else. We simply forward fund it because the school year starts later, and that kind of funding would work.

I want to share with my colleagues before you hear from Senator KENNEDY that last night the National Association of Police Athletic Leagues was so delighted to hear we had this amendment pending that they got on the phone and called everyone they could in the Senate. I am going to read a little bit from their letter:

> DEAR SENATOR: The National Association of Police Athletic Leagues is endorsing and supporting Senator Boxer's afterschool legislation, and anticrime amendment to the Labor-HHS appropriations bill. It would add $200 million to the 21st century learning center funding. This would total $600 million.

This is what the National Association of Police Athletic Leagues says.

> Our kids need it. They need to be in safe places during nonschool hours. There is no safer place in any community than the school, especially when law enforcement personnel are involved in their activities. This is where PAL plays a part in the afterschool and anticrime amendment. The amendment directly addresses the issue of the juvenile crime rate during nonschool hours by providing productive activities, and improves the academic and social outcome for students.

He goes on to explain how the Police Athletic Leagues is involved in afterschool programs.

We are very delighted to be here this morning. We are pleased Senator GREGG withdrew his amendment because I think it flattened the issue. We are all for IDEA, and that has been taken care of in the bill before us. But afterschool has been shorted.

At this time, I am pleased to yield 7 minutes of time to Senator KENNEDY, who is our leader in the Senate on education issues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California. This has been an ongoing and continuous effort on her part, since the beginning of this program 3 years ago when it started out as an extremely modest program. The reason it has grown to where it currently stands at $200 million, is to a great extent, because of Senator BOXER bringing to the attention of both the administration and the Congress, the impact of this program on children, on families, and also in terms of law enforcement.

I think many of us were heartened earlier this year when the President asked for $600 million. But I think most of us thought, given the amount of the request for that program, that it far exceeded that by two or three times. As with very strong programs, it will get the kind of focus, attention and priority it deserves. I want to express our appreciation to the Appropriations Committee because they have at least added some resources to that.

But, of course, we face a significant decline in terms of the commitment from the House of Representatives. By accepting the Boxer amendment, we will strengthen the commitment that our appropriators have demonstrated in terms of funding this program.

As we come into the second day's debate on this appropriations bill, we are seeing the targeting of scarce resources that we have at the national level in areas of proven achievement and accomplishment.

Yesterday, under the leadership of Senator MURRAY in the area of smaller class size—and the record is very complete—with smaller class size and with better trained teachers, the academic achievement and accomplishment for children are enhanced significantly, and the benefits of those experiences stay with those children. Of course, if they are enhanced later on, they even expand. The afterschool program is a similar program.

If we are able to take both of these programs together—smaller class size and afterschool programs—with the kind of improvement of those afterschool programs, including tutoring, helping children with their homework, and also exposing children in many different instances, as we see in Boston, to a wide variety of other subjects—for example, photography and graphic arts, areas which have awakened enormous interest among children—students may find these are areas where they may concentrate either near school or later as the source of employment.

The bottom line is very clear. The results are in. Every dollar we invest in afterschool programs means that a child will have an enhanced academic achievement and accomplishment, period.

As this country debates, families say: What can we do about education?

This morning many families, as they saw their children going off to school, were saying: I hope my child is going to have a good day in school; that they are going to have good teachers; and that they are going to continue their learning experience.

One of the things we know and that has been demonstrated and proven is that afterschool programs work. They have a positive academic impact in terms of children. This ought to be prioritized. That is what this amendment does.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against afterschool children. Hopefully, we are interested in all children. Disabled children go to afterschool programs. Why try to say to people in local communities: Look, you have to do this, or do that? We ought to do what is necessary in terms of those children who qualify for IDEA, and we ought to do something for the afterschool program. Now we have the opportunity to do something for the afterschool program.

I want to state very quickly some of the results of the afterschool program to date. One is in the student achievement. The second is in decreasing juvenile crime.

The Senator from California has been able to reflect that in the very strong support from law enforcement officials that she mentioned in the RECORD. That has been demonstrated. It was demonstrated in Waco, TX, where many of the students participated in what they called the Lighted Schools Program for afterschool programs. They saw an important and significant reduction in juvenile delinquent behavior over the course of the school year. It produces that result, as we saw, as in some of the presentations we made yesterday about giving the students a youthful, productive, and healthy kind of alternative to using their time in a wasteful way after school. It has the result of reducing juvenile crime.

Finally, the parents support it. In Georgia, over 70 percent of students, parents, and teachers agree that children are receiving helpful tutoring in The Three O'clock Project, a statewide network of afterschool programs. The parents are the ones who have been the strongest supporters of this program.

As we have seen in other programs, there is no requirement and no mandate on this. If the local school and community want to do it, they had better get their applications in because there are going to be scarce resources. We are doing it on the basis of a solid record of achievement, academic improvement, and reduction in crime. They have seen that there have been expanded opportunities for students because of additional learning experiences.

This is a win-win-win. I think the Senate of the United States ought to go on record in supporting what the parents want and what has been demonstrated to be effective in enhancing academic achievement in afterschool programs.

We are glad for what the appropriators have done. But we are talking about a $1.7 trillion budget. We think $200 million more for the afterschool program, which will bring it up to the

$600 million the President had requested, makes a good deal of sense. Again, it is an issue of priority.

Mrs. BOXER. Mr. President, I ask that the Senator have an additional 2 minutes. I will ask him to yield for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think my friend makes a very important point about the priorities when he talks about the overall size of this budget of the United States of America. Comparing that with the $200 million we are asking for in this program would add 370,000 children who are awaiting in line.

I ask my friend another question. Our friend from Pennsylvania is not supporting our amendment and alludes to the fact that, well, we just can't keep spending more. But yet every Republican, as I remember, voted for an enormous tax cut of billions and billions of dollars. Now that is off the table.

I say to my friend, it seems ironic there would be complaints about spending more on education than the bill already provides, when every single one of my Republican friends voted for this huge tax cut to benefit the wealthiest. All we want is to take a relatively small amount of that and put it into afterschool.

Mr. KENNEDY. Mr. President, the Senator is correct. We had a tax cut for $792 billion over the period of the next 10 years. As the Senator remembers, we had the opportunity to fully fund the IDEA program and only reduce the tax cut by one-fifth. That was real money going toward education for the disabled. That was rejected on party lines. Those who are advocating and supporting the Boxer amendment supported it. It was turned down on the other side.

If we were able to have that amount of money that would be used in the tax cut, why not take $200 million of that $792 billion and put it in afterschool programs to service 370,000 children? It makes sense to me.

Mrs. BOXER. I want to give my friend some information. I know he fought this tax battle and a lot of the numbers have perhaps slipped away. The number of dollars that would have been lost in the school year 1999–2000 as a result of the Republican tax cut was $5.273 billion in the first year, this year that we are talking about.

They were willing to give to the wealthiest people in this country $5.273 billion in the school year 1999–2000. All we are asking is to take the latter part of that figure—the $5 billion we are not touching—the $273 million.

When it comes to priorities, I think this vote is very important.

Mr. KENNEDY. The Senator has brought up an enormously important point, one that some Members understand, and hopefully the American people understand.

To move ahead with that tax cut would mean an effective reduction in support of programs that reach out and benefit children in the public schools. That is part of the money they were going to use to fund that tax break, and, of course, the President vetoed it so we are able to at least effectively hold those programs at their current level.

However, the Senator additionally makes the point that we have 447,000 new children going to school this next year, about 300,000 the following year, and 300,000 the next year. Unless we see an important increase, we will not be able to serve all the children in need.

I think the Senator from California's program will move us down that road in an important way.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, the agreement to vote at 10 o'clock is complicated by the withdrawal of the Gregg amendment. For the record, I ask unanimous consent the time restraints outlined in the previous consent agreement apply to the Boxer amendment, with a vote to occur at 10 o'clock. That is our plan 6 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. By way of brief reply to the arguments made by the Senator from California, did I understand the Senator from California to say that no Republican voted against the $792 billion proposed tax cut?

Mrs. BOXER. I thought that was correct. How many did vote against it?

Mr. SPECTER. Quite a few. I wouldn't want to cite an exact number.

Mrs. BOXER. I don't think it was "quite a few." It might have been three.

I stand corrected.

Mr. SPECTER. It might have been more than three; it was some.

Mrs. BOXER. I stand corrected. I apologize. I know my friend did vote against it.

Mr. SPECTER. I can testify to that from direct personal knowledge; I voted against it and others did. There were some Republicans against the tax cut.

Mrs. BOXER. I congratulate the Senator for that.

Mr. SPECTER. We thank the Senator more for the accurate identification than the congratulations. My vote against it was based upon concern of what the surplus would be.

I think it ought to be noted the President has come forward with a proposal for a tax cut of his own. It is not a tax cut of the magnitude passed by the Senate and the House, but he has come forward with a role for a tax cut.

Back to the issue on more money for afterschool programs. I think it is very important to consider this issue in the perspective of what has happened with this program which was created as recently as 1994. For the fiscal year 1995, enacted in 1994, the last year when the Congress was controlled by the Democrats, the afterschool program was $750,000. The next year it was $750,000. In fiscal year 1997, it went to $1 million. In 1998, when I chaired the subcommittee and Senator HARKIN was ranking, we raised it to $40 million. Last year, we raised it to $200 million. This year, we are raising it another $200 million. I believe there has been a real recognition of the value of the afterschool program.

The Senator from California and I had an extended debate yesterday afternoon on the question of whether there would be a request for more money. Had we added $400 million, there would still have been many applications and many meritorious applications. Among the total number—there were some 2,000 applications—only 184 were granted. That brings me to the conclusion that regardless of what we craft in a bill and how much money we add for afterschool programs there will be an effort by someone to up the ante so that no figure is satisfactory.

Someplace the line has to be drawn. The overall education budget, which the subcommittee recommended and the full committee recommended and is now before the Senate, increases educational funding over last year by $2.3 billion—$2.3 billion. It is more than $500 million more than the President's request. When we take education in the aggregate, we have done more than President Clinton has asked. When we go down to some of the specific items, we have not put quite as much as he wants into some programs. He asked for the program on preparing disadvantaged secondary high school students for college, GEAR UP; he asked for an increase from $120 million to $240 million, doubling it. We increased it to $180 million, $60 million over last year's funding level.

However, the Congress has the principal responsibility in the appropriations process under the Constitution. It is true the President has to sign the bill, but we are the baseline appropriators. While we have disagreed on some of the priorities, I believe that Senator HARKIN and I have crafted a bill, which the subcommittee accepted and the full committee accepted, that is a realistic and appropriate allocation of those priorities. It is for that reason, as much as I like afterschool programs, there has to be some limit before we go into Social Security, some limit considering how much we have added to education.

Mrs. BOXER. Will my friend yield for a clarification on a conversation we had a moment ago?

Mr. SPECTER. On the four Republicans who voted against the tax bill?

Mrs. BOXER. No, it is only two, that is what we were told.

Mr. SPECTER. Senators VOINOVICH, COLLINS, SNOWE, and I all voted against the tax bill; it was a 50–49 vote. One Republican was absent, four Republicans voted against it. Forty-five Democrats voted against it, plus four Republicans: VOINOVICH, COLLINS, SNOWE, and SPECTER.

Mrs. BOXER. We have the vote. It shows two voted against.

Mr. SPECTER. You have the first tax bill, the bill out of the Senate, where VOINOVICH and ARLEN SPECTER voted against it. The conference report, which is the tax bill, had four Republicans voting in opposition.

Mrs. BOXER. I was speaking about the vote in the Senate, when the Senate bill came before us. There were two and you were one of the two. I want to make sure the RECORD shows that.

Mr. SPECTER. It is a vote in the Senate on the conference report.

Mrs. BOXER. Fine. Then we could say two voted against it the first time in the Senate and when it came back from the conference, four.

The point I made is very obvious.

Mr. SPECTER. Will the Senator from California agree that some Republicans voted against it?

Mrs. BOXER. I agree that two Republicans out of 55 voted against it in the Senate. I don't know what the point is. I am glad you did, Senator.

The PRESIDING OFFICER (Mr. BUNNING). All time has expired.

Mr. SPECTER. Mr. President, I take that as a concession that some Republicans voted against it.

Mrs. BOXER. Well, don't. I don't mean it as a concession.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

Mr. SPECTER. I move to table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1809.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST—S. 82

Mr. LOTT. Mr. President, we have been working quite some time now to get a final agreement on how to bring up the FAA reauthorization bill. This is important legislation. We have tried to extend the time, and there has been resistance to that. We have tried to direct a conference; there has been resistance to that.

So it is important we have a couple days to have debate relevant amendments and deal with this issue. We are working on both sides of the aisle, and I think we have resolved most of the questions. If there is any one remaining problem, I would like to flesh it out so we can deal with it.

I ask unanimous consent that on Monday, October 4, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be authorized to modify the committee amendments and, further, that only aviation-related amendments and relevant second-degree amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I will object at this point. I do so only because it is my understanding that the junior Senator from New York, Mr. SCHUMER, is still awaiting an answer from the manager of the bill, Senator MCCAIN. They have been negotiating now for several days. The Senator from New York indicated he hopes that in a matter of hours he will hear from Senator MCCAIN's office. As soon as he gets that clarification from Senator MCCAIN, I think he will be more than happy to agree to this unanimous consent request. I will certainly notify the majority leader when that happens. Then it would be my expectation we could agree to this unanimous consent request. We have worked through a number of other problems and issues Senators have raised.

I appreciate the cooperation of all Senators, especially those on my side of the aisle who have worked with us to get to this point. This is an important bill. It needs to be done. I hope it will be done next Monday.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I thank the Democratic leader for that response.

The manager of the bill and the ranking member, Senator MCCAIN and Senator HOLLINGS, are really anxious to go forward with this. There is an understanding on both sides of the aisle that this is very important legislation we have to complete.

We have worked through problems that Senator ROBB had, Senator ABRAHAM, a number of Senators who have amendments, but they will be able to offer those relevant amendments under this agreement.

I hope later on today we can lock in this agreement and be on this bill then next Monday, and after a reasonable time for debate and amendments, surely we can finish it by the close of business on Tuesday.

Also, Mr. President, there had been an indication that some amendment might be offered on the Labor-HHS-Education appropriations bill on an unrelated matter but one with which, frankly, we are prepared to go forward.

UNANIMOUS-CONSENT REQUEST—TREATY DOCUMENT NO. 105–28

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 10 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of treaty document No. 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I further ask consent that at 10 a.m. on Wednesday, the Senate begin consideration of treaty document No. 105–28—this is the Comprehensive Test Ban Treaty—and the treaty be advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader; in other words, there would be two of those.

I further ask that there be a total of 10 hours of debate to be equally divided in the usual form and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order.

I further ask that following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

I also ask consent that following the vote, the motion to reconsider be laid upon the table, the resolution to return to the President be deemed agreed to, and the Senate immediately resume legislative session.

Basically, after consultation on both sides of the aisle, and especially with the chairman of the Foreign Relations Committee, we are asking that we go to a reasonable time for debate and a vote on this Comprehensive Test Ban Treaty.

I think this treaty is bad, bad for the country and dangerous, but if there is demand that we go forward with it, as I have been hearing for 2 years, we are ready to go.

Mr. DASCHLE. Mr. President, I object to this request for three reasons.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. First, 10 hours of debate is totally insufficient for a treaty as important as this. I appreciate very much the majority leader's willingness to respond to the continued requests we have made for consideration of this treaty. He and I hold a different view about the importance of it, but we are certainly willing to have a debate and have the vote.

I appreciate as well his willingness to respond as quickly as he has. In this case, we have been attempting to get to this point for a long period of time. But October 6 is a time that I don't think allows for adequate preparation for a debate of this magnitude.

Keep in mind, no hearings have been held yet on this issue. Unfortunately, as a result of that, I don't think people are fully cognizant of the ramifications of this treaty and the importance of it. I will certainly agree to a time certain if we can extend the length of debate.

I would also be concerned about the language in the unanimous-consent request that assumes this treaty will be defeated. The last paragraph makes an assumption that we are not prepared to make at this point. We don't think it necessarily will be defeated.

We look forward to working with the leader and coming up with a time we can debate it and give it the time it deserves. I hope it will be done sometime this coming month. I look forward to working with the majority leader to make that happen.

Mr. LOTT. Mr. President, three responses: First, if additional time is needed to have a full debate, I think we can work that out. Second, with regard to the leader's objection, I guess to the language in the last paragraph, we can talk about that and probably can work out an agreement to drop that. Third, there have been lots of hearings on this issue over a long period of time and a lot of individual briefings by Members on both sides of the aisle. I think the Senator would be surprised at the amount of knowledge Members have on this subject.

Finally, there is one sure way it will be defeated—that is, not to ever take it up. I would like us to get a time as soon as possible, within the very near future, and have that debate and have a vote.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. Do I have time, Mr. President?

The PRESIDING OFFICER. The Senator has the floor.

Mr. LOTT. Yes, I am glad to yield.

Mr. DORGAN. I appreciate the courtesy of the majority leader. I hope we can find a way by which we are able to debate and vote on this treaty. I don't share the opinion that it is dangerous. I think it is important for the interests of this country that we ratify this treaty. Whatever the agreement, I also think it would be useful to have a hearing in the coming days and have the Joint Chiefs of Staff and others come forward and tell us their views.

Mr. LOTT. One observation, if the Senator will withhold for a second: This agreement doesn't preclude hearings in the appropriate committees either this week or next week.

Mr. DORGAN. I understand it would not preclude it, but would it necessarily include it? Does the majority leader think such hearings will be held? Notwithstanding that, I still think, one way or the other, we ought to get to this treaty, get it to the floor, debate it, and vote on it.

Mr. LOTT. We are ready, Mr. President.

Mr. DORGAN. Does the Senator believe there will be a hearing in the coming days?

Mr. LOTT. I don't know. I assume that could happen. There are at least two chairmen who would probably be willing to do something in that area.

I yield to the distinguished chairman of the Foreign Relations Committee.

Mr. HELMS. Mr. President, I am getting a little weary of this business of saying this is true and that is true when it is not true.

We have held at least nine hearings on this matter. We have invited Senators to come. They didn't want to come. I have done the best I can to have hearings. But if the Senators won't come, and if the news media won't report what we have had, I believe I have discharged my responsibility.

Let's hear no more about "no hearings." There have been hearings; the Senators from the other side just didn't participate.

Mr. LOTT. Mr. President, if it would be appropriate, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am always reluctant to disagree publicly with my friend from North Carolina, the chairman of the full committee, because we get along so well. We have a fundamental disagreement on this issue. But I am unaware of any hearings we have had in the Foreign Relations Committee on this treaty.

We have had hearings on the ABM Treaty. We have had hearings on the ABM Treaty. We have had hearings on the protocol to the ABM Treaty, and the demarcation issue. We have had hearings on the impact of theater missile defense. We have had those hearings. They all implicate the Comprehensive Test Ban Treaty. But we have had, to the best of my knowledge, no hearings on the Comprehensive Test Ban Treaty.

I note for the RECORD one Senator's view. I think it is shared by many.

This is the single most significant issue facing the entire question of proliferation of nuclear weapons, and it holds the key for good or bad, depending on your perspective, on every other aspect of our strategic defenses.

So it is, to me, not reasonable. The chairman has been very straightforward with me—and I respect him for it—in the many urgings I have made to him to have hearings. He said to me: Joe, we will have hearings if the following things occur.

He lays it out. He said: We will have hearings if we first do ABM, if we first do the Kyoto treaty, if we first do other things. He has set priorities. He has been straightforward, honest, and up front about it for the last 2 years. This is the only thing he and I have had a real disagreement on.

But the idea that we have had hearings on this treaty is not true. I am not suggesting that the chairman is intentionally misleading the Senate. He may think in terms of since we have had hearings that implicate other aspects of our strategic defenses and our strategic offensive capability that we have done this, but we haven't.

The Government Affairs Committee, I thought, had some hearings on it relating particularly to the stockpiling issue and the testing of the stockpiling. And I think maybe even the Armed Services Committee may have had hearings on it.

But I want to get something straight. I am going to sound to the public like a typical Washingtonian Senator. The only outfit that has jurisdiction over this is the Foreign Relations Committee—the Foreign Relations Committee. That is one of our principal functions.

With all due respect to my colleagues, we haven't had hearings.

Let me say one word in conclusion.

I am willing and anxious to have an up-or-down vote on this because, as the majority leader said, if we don't vote, the treaty loses anyway. I would rather everybody be counted. I want everybody on the line. I want every Senator voting yes or no on this treaty so we all can put ourselves in line so that, if India and Pakistan end up—while we are pleading with them to ratify this treaty, while we are pleading with them not to deploy—if they end up deploying nuclear weapons, I am going to be on the floor reminding everybody what happened and the sequence of events. I will not be able to prove that is why they did it. But I can sure make a pretty strong case.

I want everybody coming up this next year—everybody from the Presidential candidates to all of our colleagues running for reelection—to be counted on this issue.

That is why I am willing—I am in the minority—to have the vote today. I am willing to go ahead. I am not the leader. But I will tell you, I think this is a critical issue. We have had no hearings.

It makes sense what my friend from North Carolina says—that we should have hearings, and we should do it in an orderly fashion. We should proceed this way. Apparently, we are not going to proceed this way; therefore, we will have to do it in a way in which the committee system was not designed to function. If that is the only way we can get a vote, fine.

I conclude by saying that I don't doubt for a second the intensity with which my friend from North Carolina believes this treaty is against the interests of the United States any more than he doubts for a second my deep-seated belief that it is in the ultimate interest of the United States.

But these are the issues over which people should win and lose. These are the big issues. These are the issues that impact upon the future of the United States and the world. This is the stuff we should be doing instead of niggling over whether or not you know somebody smoked marijuana or did something when they were 15. This is what this body is designed to do. This is our responsibility, and I am anxious to engage it.

If it is 10 hours, 2 hours, or 20 hours, the longer the better to inform the American public. Hearings would be illuminating.

But since that is probably not going to happen, I say to my friend from North Carolina that I am ready to go. I expect he and I will be going toe to toe on what is in the interest of America. I respect his view. I thank God for him. I love him. But he is dead wrong on this. But I still love him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum so I can get my records over here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

The Senator from Georgia.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that the quorum call be suspended, and that at the conclusion of Senator CLELAND's remarks I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object, I ask that I be recognized following the remarks of the Senator from North Carolina.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, my dear friends from the other side of the aisle are refusing to agree to a unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and a vote on October 7, 1999.

Having said that, I ask unanimous consent it be in order for me to request Senator CLELAND be recognized for whatever time he needs and at the conclusion of his remarks I be recognized again.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, Mr. President, the Senator from North Carolina objected to my being recognized following his statement on the floor. The Senator from North Carolina, as I understand, is propounding a unanimous consent request that the Senator from Georgia be recognized, following which he be recognized. I ask consent I be recognized following the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to our colleague from Georgia for purposes of a request and then for purposes of making a unanimous consent request that has to do with establishing my order in the line to offer an amendment relative to the pending legislation.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAHAM. Did the Senator from North Carolina object?

The PRESIDING OFFICER. Yes, he did.

Mr. GRAHAM. Would the Senator from North Carolina object if my motion was to yield to the Senator from Georgia for purposes of the motion he wishes to make?

Mr. HELMS. Mr. President, I think the RECORD will show I already recommended Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I am asking unanimous consent to yield to the Senator from Georgia for the purposes of the motion of the Senator from Georgia; is there objection to that?

Mr. HELMS. I do object.

The PRESIDING OFFICER. The Senator from North Carolina added to that he be recognized immediately after the Senator from Georgia.

Mr. GRAHAM. I accept that if I could be recognized between the Senators from Georgia and North Carolina for purposes of my procedural motion.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, I don't understand the request.

Mr. GRAHAM. The request is, first, that the Senator from Georgia be recognized for the purposes of a motion, and I be recognized for a unanimous consent that will only ask my amendment be taken up as the next Democratic amendment relative to the pending legislation; and then the third step is the Senator from North Carolina would be recognized.

Mr. REID. Reserving the right to object, I say to my friend from Florida, we already have a Democratic amendment that is mine; we are waiting to do that. That is the next one.

Mr. HELMS. We can't have a colloquy.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object to the request of the Senator from Florida.

The PRESIDING OFFICER. The objection is heard. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I want to yield to the Senator from Georgia.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, reserving the right to object, who gets the floor when the Senator from Georgia has finished his remarks?

The PRESIDING OFFICER. The floor is open.

Mr. HELMS. I object unless it is recognized by all that I get the floor.

The PRESIDING OFFICER. Is there an objection?

Mr. DORGAN. Mr. President, reserving the right to object, I don't object to the Senator from Georgia speaking. I don't object to the Senator from North Carolina speaking. I simply ask if the Senator from North Carolina gets consent to be recognized, that I get consent to be recognized following his presentation. As I understand it, he has objected to that; is that the case?

The PRESIDING OFFICER. That is correct. Is there an objection to his request now?

Mr. DORGAN. Whose request?

The PRESIDING OFFICER. Yours.

Mr. DORGAN. I will certainly not object to my request.

The PRESIDING OFFICER. Is there an objection?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

BIRTHDAY GREETINGS TO JIMMY CARTER

Mr. CLELAND. I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 192 introduced earlier by myself and the distinguished senior Senator from Georgia, Mr. COVERDELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S.Res. 192) extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, Henry David Thoreau once said "If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours." I rise before my colleagues today to reflect on the successes of one of our nation's great leaders and to pay tribute on the occasion of his 75th birthday, President Jimmy Carter.

James Earl Carter, Jr. was born October 1, 1924, in Plains, Georgia. Peanut farming, talk of politics, and devotion to the Baptist faith were mainstays of his upbringing. Upon graduation in 1946 from the United States Naval Academy in Annapolis, Maryland, he married Rosalynn Smith. The Carters have three sons, John William (Jack), James Earl III (Chip), Donnel Jeffrey (Jeff), and a daughter, Amy Lynn.

After seven years' service as a naval officer, Jimmy Carter returned to Plains. In 1962 he entered state politics, and eight years later he was elected Governor of Georgia. Among the new young southern governors, he attracted attention by emphasizing the environment, efficiency in government, and the removal of racial barriers. I was pleased to serve in the Georgia State Senate during his Governorship and to support his reform agenda.

Jimmy Carter announced his candidacy for President in December 1974 and began a two-year campaign that quickly gained momentum. At the Democratic National Convention, he was nominated on the first ballot. He campaigned hard, debating President Ford three times, and won the Presidency in 1976 by 56 electoral votes. One of the greatest honors of my life was when President Carter chose me to lead the Veterans' Administration. In fact, I was President Carter's first scheduled appointment—it was not more than a couple hours after the inauguration when he asked me to be a part of his administration. It remains one of my proudest moments.

As President Jimmy Carter worked hard to combat the continuing economic woes of inflation and unemployment by the end of his administration, he could claim an increase of nearly eight million jobs and a decrease in the budget deficit, measured as a percentage of the gross national product. He dealt with the energy shortage by establishing a national energy policy and by decontrolling domestic petroleum prices to stimulate production. He prompted Government efficiency through civil service reform and proceeded with deregulation of the trucking and airline industries.

President Carter also sought to improve the environment in many ways. His expansion of the National Park System included protection of 103 million acres of Alaskan wilderness. To increase human and social services, he created the Department of Education, bolstered the Social Security system, and appointed record numbers of women, African-Americans, and Hispanics to jobs in the Federal Government.

In foreign affairs, Jimmy Carter set his own style. His championing of human rights was coldly received by the Soviet Union and some other nations. In the Middle East, through the Camp David agreement of 1978, he helped bring amity between Egypt and Israel. He succeeded in obtaining ratification of the Panama Canal treaties. Building upon the work of predecessors, he established full diplomatic relations with the People's Republic of China and completed negotiation of the SALT II nuclear limitation treaty with the Soviet Union.

Remarkably fit and compulsively active, President Carter remains a leading figure on the world stage. After leaving the White House, Jimmy Carter returned to Georgia, where in 1982 he founded the nonprofit Carter Center in Atlanta to promote human rights worldwide. The Center has initiated projects in more than 65 countries to resolve conflicts, prevent human rights abuses, build democracy, improve health, and revitalize urban areas.

His invaluable service through his work at the Carter Center has earned him a record that many regard as one of the finest among any American ex-President in history. Jimmy Carter's high-profile, high-stakes diplomatic missions produced a cease-fire in Bosnia and prevented a United States invasion of Haiti. He supervised elections in newly democratic countries and has aided in the release of political prisoners around the world.

Jimmy Carter and his wife, Rosalynn, still reside in Plains, Georgia and enjoy their ever-growing family which now includes 10 grandchildren. I ask my colleagues today to join with Mrs. Carter, Jack, Chip, Jeff, and Amy to honor President Carter on his 75th birthday.

Mr. COVERDELL. Mr. President, I rise today to offer a few comments on the occasion of the 75th birthday of our Nation's 39th President and fellow Georgian, James Earl Carter.

I have known President Carter and his lovely wife Rosalynn since my days in the Georgia State Senate, and I have always known him to be a very gracious, forthright, and effective public official. Jimmy Carter has dedicated his life to his country—graduate of the United States Naval Academy, member of the Georgia State Senate, Governor of Georgia, and of course, President of the United States.

Many former Presidents choose a slower and more relaxed lifestyle once they leave office. But not Jimmy Carter. Since leaving office, he has been a leading advocate for democracy, peace, and human rights throughout the world. The Carter Center, headquartered in Atlanta, is one of the most renowned organizations in the area of promoting health and peace in nations around the globe.

Mr. Carter has also been a leader in our country's struggles to end poverty. In 1991 he launched the Atlanta Project, an initiative aimed at attacking social problems associated with poverty.

Besides the Atlanta Project, Mr. and Mrs. Carter are regular volunteers for Habitat for Humanity, a charitable organization dedicated to ending homelessness throughout the world. As two of Habitat's most well-known volunteers, each year they lead the Jimmy Carter Work Project, a week-long event that brings together volunteers from around the world for this noble effort.

Mr. President, the resolution brought forward by my colleague Mr. CLELAND and myself will express the Senate's best wishes to President Carter on his 75th birthday. I can not think of someone more deserving of this honor. I wish Jimmy and his wife Rosalynn well on this occasion, and encourage my colleagues to do likewise. I thank the Chair.

Mr. CLELAND. I ask unanimous consent the resolution and the preamble be considered and agreed to en bloc, the motion to reconsider be laid upon the table without intervening action, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

Mr. GRAHAM. Mr. President, I ask unanimous consent I be the next Democratic Senator to be recognized for purposes of an amendment after Senator REID of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Mr. President, I said a moment ago, and I repeat for emphasis, I am absolutely astonished our friends across the aisle refuse to agree to the majority leader's unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and vote on October 7.

I think this refusal is significant because of the incessant grandstanding that has been going on by the administration and some Senators and, of course, the liberal media that are not going to tell the facts about the Comprehensive Test Ban Treaty—all clamoring that there is such an urgent need for immediate Senate action on the CTBT. It has been proclaimed constantly that the Senate absolutely must ratify the treaty so the United States can participate in the October 6 through 8 conference in Vienna. Yet when the majority leader offered a unanimous consent agreement to bring the treaty to a vote in time for that conference, the same people clamored for more action, running for the hills and demanding more time and making other demands.

If it were not so pitiful, this behavior would be amusing. I am not going to let Senators have it both ways. The same people who have been criticizing the Foreign Relations Committee for inaction on the CTBT are now refusing to a date certain, and a timely vote on the CTBT.

Of course, some are hiding behind the idea that more hearings are needed for a full Senate vote. Hogwash. For the record, the Committee on Foreign Relations has held in the past 2 years alone 14 hearings in which the CTBT was extensively discussed. Most folks don't show up for the hearings—the train was too late or whatever. This number of 14 does not include an even larger number of hearings held by the Armed Services Committee and the Intelligence Committee on CTBT relevant issues, nor does this include three hearings by the Governmental Affairs Committee on the CTBT and relevant issues.

I ask unanimous consent this list documenting each Foreign Relations Committee hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN RELATIONS COMMITTEE HEARINGS DURING WHICH THE CTBT WAS DISCUSSED

February 10, 1998—(Full Committee/Helms), 1998 Foreign Policy Overview and the President's Fiscal Year 1999 Budget Request. (S. Hrg. 105-443.)

May 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia: India's Nuclear Tests. (S. Hrg. 105-620.)

June 3, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia, Part 2: Pakistan's Nuclear Tests. (S. Hrg. 105-620.)

June 18, 1998—(Subcommittee on East Asian and Pacific Affairs/Thomas), Congressional Views of the U.S.-China Relationship.

July 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), India and Pakistan: What Next? (S. Hrg. 105-620.)

February 24, 1999—(Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal year 2000 Foreign Affairs Budget Request.

March 23, 1999—(Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

April 20, 1999—(Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 27, 1999—(Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

May 5, 1999—(Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 25, 1999—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 26, 1999—(Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

June 28, 1999—(Full Committee/Hagel), Nomination (Holum).

September 28, 1999—(Full Committee/Helms), Facing Saddam's Iraq: Disarray in the International Community.

Mr. HELMS. Mr. President, at least 17 respected witnesses have discussed their views on both sides of the CTBT question in the past 2 years. The administration itself has included this treaty in testimony on five occasions. More than 113 pages of committee transcript text are devoted to this subject. I have a stack of papers here that are CTBT testimony and debate within the committee. A record can be made of how this has been delayed and by whom.

Mr. President, I find it puzzling that some in the Senate are objecting to the unanimous-consent request of the majority leader. The Foreign Relations Committee has thoroughly examined this matter. We have heard from experts on this very treaty. Let me share this with the Senate, the people listening, and the news media—that have not covered hearings on this matter but whose editors have said it is a disgrace that a vote has not been allowed on the CTBT treaty. Here are the people who have discussed the CTBT before the Foreign Relations Committee.

Let me point out, we have hearings fairly early in the morning, maybe too early for some to come. But I look on both sides of the aisle, and I have seen, sometimes, nobody on one side. Anyway, here is a list of the people I recall having discussed the Comprehensive Test Ban Treaty with the Committee on Foreign Relations:

The Honorable Madeleine K. Albright, Secretary of State;

The Honorable Karl F. Inderfurth, Assistant Secretary of State for South Asian Affairs;

Mr. Robert Einhorn, Deputy Assistant Secretary of State for Nonproliferation;

The Honorable R. James Woolsey, Former Director, Central Intelligence Agency;

Dr. Fred Ikle, Former Director, Arms Control and Disarmament Agency;

The Honorable Stephen J. Solarz, Former U.S. Representative from New York;

The Honorable William J. Schneider, Former Under Secretary of State for Security Assistance, Science and Technology;

Dr. Richard Haass, Former Senior Director, Near East and South Asia, National Security Council;

The Honorable Stanely O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs;

The Honorable James R. Schlesinger, Former Secretary of Defense;

> The Honorable Eric D. Newsom, Assistant Secretary of State for Political-Military Affairs;
>
> The Honorable Ronald F. Lehman, Former Director, Arms Control and Disarmament Agency.

Parenthetically, I might say, not one word, as I recall, has been published by the same newspapers that have been piously declaring there must be action on the CTBT.

To continue the list:

> General Eugene Habiger, Former Commander-in-Chief, U.S. Strategic Command;
>
> The Honorable Frank G. Wisner, Vice Chairman, External Affairs, American International Group;
>
> Dr. Stephen Cohen, Senior Fellow, Foreign Policy Studies, The Brookings Institution;
>
> The Honorable Henry A. Kissinger, Former Secretary of State; and
>
> The Honorable Richard Butler, Former Executive Chairman United Nations Special Commission on Iraq (UNSCOM).

I think this record will show—it should—that the Foreign Relations Committee has thoroughly examined this matter. We have pleaded for members of the committee, several of them, to come to a meeting once in a while. I have done everything I could to get this thing orderly presented to the Senate. All I have received are communications from Senators with a veiled threat if I did not proceed in some other way. We have certainly talked about this treaty in more depth than many other treaties, to my knowledge.

Those who are objecting, and objected to the majority leader's proposition this morning, don't want more hearings; what they want is more delay. You see, until a few minutes ago, until the majority leader offered his unanimous consent request, the same people who are now demanding more hearings were ready to dispense with further debate and go to a vote. Let me tell you what I mean.

The American people may recall, if they were watching C-SPAN, that President Clinton, in his State of the Union Address on January 27, 1998, declared: "I ask the Senate to approve it"—the CTBT—and he said "this year" in mournful tones.

In other words, the President was ready for a vote in 1998. Then a year later, the President said:

> I ask the Senate to take this vital step: Approve the Treaty now.

"Approve it now," he said. He did not say approve the CTBT after more hearings.

On July 23, 1998, the Vice President, Mr. GORE, asked the Senate to "act now" on the CTBT, and all the while the New York Times and the Washington Post, et cetera, et cetera, et cetera, have been saying that HELMS is holding up this treaty.

In February, Secretary Albright asked for approval of the CTBT "this session." And in April she said:

> . . . the time has come to ratify the CTBT this year, this session, now.

On January 12, 1999, the National Security Adviser, Sandy Berger, declared:

> . . . it would be a terrible tragedy if our Senate failed to ratify the CTBT this year.

The point I am making is that the list goes on and on.

Mr. President, 45 Democratic Senators wrote to me asking me to allow a vote:

> . . . with sufficient time to allow the United States to actively participate [sic] in the Treaty's inaugural Conference of Ratifying States. . . .

That conference begins next week.

At a recent press conference for the cameras, Senator SPECTER, my friend, declared:

> The Comprehensive Test Ban Treaty was submitted to the Senate months ago, and it is high time the Senate acted on it.

Senator MURRAY called for:

> . . . immediate consideration of the Comprehensive Test Ban Treaty.

Senator DORGAN said that:

> . . . we must get this done at least by the first of October.

I must observe that the distinguished Democratic leader, Senator DASCHLE, also had very strong words on this matter. Just 6 days ago, he proclaimed:

> Senate Republicans have permitted a small number of Members from within their ranks to manipulate Senate rules—

I wonder how we did that when I was not looking. No rules have been manipulated, and I resent the inference. But to continue his quote—

> from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. . . . I would hope we would soon see some leadership on the Republican side of the aisle to break the current impasse and allow the full Senate to act on the CTBT. . . . That effort must begin today.

Mr. President, I hope when we get to the debate, however long it lasts, that we will not have the spectacle of Senator KENNEDY again and again offering his minimum wage amendment. He keeps it in his hip pocket all the time and pulls it out anytime he can stick it up, and he will debate it for an hour or 2. We have to have some understanding about what we are going to debate, when we do debate, and I hope we will debate on the terms the Senator from Mississippi, the majority leader, offered.

I think all this speaks well of the majority leader, and I congratulate him.

I congratulate him for having the will to do this because this has been insulting on many occasions as a political issue, which it is not.

I hope the Senate Democrats will reconsider their refusal to agree to a CTBT vote after having demanded it so often.

Let me go back in time a little bit. I have been waiting for the President of the United States to follow up on his written commitment to me that he will send up the ABM Treaty, and I have been hoping to see a treaty on two or three other things.

I am not in the mood to leave the American people naked against a very possible missile attack, and that has been my problem. The President of the United States has insisted on keeping the ABM Treaty alive when that would forbid anything happening in terms of defending the security of the American people. I was unwilling to do that until he followed through on his written guarantee to me that he would send the ABM Treaty to me and to the Senate.

I trust in the future that the media will, for once, acknowledge some of their statements regarding the CTBT for what they have really said because it is inaccurate and misleading to the American people.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to my colleague from North Carolina, for whom I have great respect, it is not and will never be my intention to prevent him from speaking on the floor. That was not the purpose of the unanimous consent request or the objections.

I have talked to him personally about this issue. He feels very strongly about it, as the Senator from Delaware indicated. The Senator, who is the chairman of the Foreign Relations Committee, has a right to feel very strongly about his position. I respect that very much. This is an issue that is very important to this country and, in my judgment, to the world.

We have a circumstance where 154 countries have become signatories to something called the Comprehensive Nuclear Test Ban Treaty. Forty-seven countries have ratified the Comprehensive Nuclear Test Ban Treaty. This country has not.

Mr. President, 737 days ago or so, this treaty was sent to the Senate by this administration; 737 days later we have not acted on this treaty. Some feel very strongly this treaty is not good for our country. The majority leader made that case. The chairman of the Foreign Relations Committee, the Senator from North Carolina, makes that case. They have strong feelings about it. I respect that. Other people have strong feelings on the other side, including myself.

I believe strongly this country has a moral responsibility in the world to lead on the question of the nonproliferation of nuclear weapons. Not many countries have access to nuclear weapons or possess nuclear weapons. Many would like to. How do we prevent the spread of nuclear weapons in this world, at a time when the shadow of nuclear tests recently made by India and Pakistan suggest there is an appetite for acquisition of nuclear weapons and testing of nuclear weapons? Two countries that do not like each other and share a common border explode nuclear weapons literally under each other's chins. Shouldn't that tell us there are serious challenges ahead with respect to nuclear weapons and the spread of nuclear weapons? I think so.

A unanimous consent request was propounded by the majority leader to bring up the Comprehensive Test Ban Treaty next week. As far as I am concerned, it is all right with me. I have been suggesting it ought to be brought up for a debate. It probably would be better if there was a hearing first and the Chairman of the Joint Chiefs and other respected folks came and set out their views and then, a couple of days later, debate it and vote on it. That would probably be a better course.

Even in the absence of that, as far as I am concerned, bring it up. The Democratic leader said he thought 10 hours was probably not enough time. The majority leader said in response we can perhaps lengthen that. Maybe, based on that discussion, there can be an agreement today. I hope so. This ought to be brought up for a vote. I do not think the objection by the Democratic leader was an objection to say it ought not be brought up. He was concerned about time. It occurred to me from the response of the majority leader that can be worked out. In any event, as far as I am concerned, bring it up next week. Let's have a debate next week and a vote next week.

Twenty-one nations have ratified this treaty since the beginning of this year. Most of our allies have ratified this treaty, but we have not. Some say it is dangerous, as the majority leader alleged today, using the term "dangerous" for this country. Others say it is not in this country's interest, that it will weaken this country, leave us unprotected.

Let me describe some of the support for this treaty, going back to President Eisenhower who pushed very hard in the final term of his Presidency to get a treaty of this type. General Shelton, the Chairman of the Joint Chiefs of Staff, supports this treaty and testified recently again in support of the treaty. Four previous Chairmen of the Joint Chiefs of Staff—General Shalikashvili, Gen. Colin Powell, Admiral Crowe, and Gen. David Jones—also endorse that same position, that the Comprehensive Nuclear Test Ban Treaty is good for this country and ought to be ratified by this Senate.

Does anyone really feel Gen. Colin Powell, General Shalikashvili, and General Shelton would take a position that they think will weaken this country? Are they the extreme left? Are they the folks who, on the extreme of politics in this country, believe we ought to disarm? I do not think so. The Secretary of Defense supports this treaty and believes it ought to be ratified. I would not expect that he and Colin Powell and Admiral Crowe and all of those folks would do so unless they felt very strongly that this treaty is in this country's interest.

A former Member of this body, Senator Hatfield, someone for whom I have the greatest respect, offered some sound advice on this subject. Senator Hatfield, incidentally, was one of the first servicemen to walk in the streets of Hiroshima after the nuclear strike on that city. I want to read what former Senator Hatfield said to us. He said:

> It is clear to me that ratifying this treaty would be in the national interest, and it is equally clear that Senators have a responsibility to the world, to the Nation and their constituents to put partisan politics aside and allow the Senate to consider this treaty.

He, perhaps better than anybody in this body, understands the horror of nuclear weapons, having walked the streets of Hiroshima after the strike on that city.

I quoted the other day Nikita Khrushchev of the Soviet Union who warned that in a nuclear war the living would envy the dead.

The question for this country is, Will we stand and provide world leadership on the issue of the nonproliferation of nuclear weapons or will we decide it is not our country's responsibility; it is someone else's responsibility? Let England do it. Let France do it. Let Germany do it. Let Canada do it.

We are the only country in the world with the capability of providing significant leadership in this area. We must, in my judgment, ratify this treaty.

There are safeguards in this treaty. I will not spend much more time discussing it right now because we are on another piece of legislation, and that is important, too. But I make these comments because the safeguards in this treaty are quite clear.

This is not a case where this country will ratify a treaty that, in effect, disarms us. We are not conducting explosive tests of nuclear weapons now. We have unilaterally decided—7 years ago—we are not exploding nuclear weapons.

What contribution would be made by a test ban treaty? Simply this: If you cannot test your weaponry, you have no notion and no certainty that any weapons you develop are weapons that work. We have known for 30 and 40 years that the ability to suppress the testing of nuclear weapons will be the first step, albeit a moderate step, in halting the spread of nuclear weapons. This, in my judgment, in fact, is not a moderate step—this is a baby step.

If we cannot take this baby step on this important treaty, how on Earth are we going to do the heavy lifting that is necessary following this that will lead to the mutual reduction in the stockpile of nuclear arms? Tens of thousands of nuclear arms—30,000 nuclear weapons between us and Russia alone.

How are we going to reduce the stockpile of nuclear weapons and halt the spread of nuclear weapons to other countries and reduce the threat that comes from the nuclear weapons tests that occurred in Pakistan and India? How on Earth are we going to provide the leadership that is necessary, the tough leadership that is necessary in these areas if we cannot take this small step to ratify a treaty that has been signed by 154 countries now, and that makes so much sense, and that our Joint Chiefs of Staff have said represents this country's interests? How on Earth are we going to do the tough work if we cannot take this first step?

I have a lot more to say on this subject. I have expressed to the chairman of the Foreign Relations Committee, it is not my intention to be an irritant to anybody in this Chamber personally. I do not ever intend to suggest that someone who believes differently than I do is taking that position for any other reason except for the passion they have about this country and the policies they think will strengthen it.

But we have a very significant disagreement about this issue. It is a very significant and important issue. I believe in my heart very strongly this country has a responsibility to lead in the right way on this matter.

My hope is the unanimous consent request propounded by the majority leader—if there is more time needed; and the majority leader indicated that he was agreeable to that—my hope is that before the end of today we will have an agreement on when it will be brought to the floor, and then let's have a robust, aggressive, thoughtful debate so the country can understand what this means. Then let's have a vote and decide whether this country decides to ratify this important treaty that has been discussed for some 40 years—whether this country will take the first step that will help halt the spread of nuclear weapons around the world.

Mr. WARNER. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. WARNER. First, I wish to commend our colleague for the very forthright way in which he has, for some period of time, expressed his strong views, the need for this treaty to be considered by the Senate. I strongly support the request of the majority leader, and I share with you the hope that our leadership can work this out and we can move expeditiously.

I assure my colleague, I have just had the opportunity to speak with my distinguished ranking member, Senator LEVIN. The Armed Services Committee will promptly conduct hearings regarding that area for which we have oversight responsibility.

The point I wish to make to my colleague is, it is going to require the most careful consideration by all Senators to reach this vote. Much of the relative material that convinces this Senator to oppose the treaty simply cannot be disclosed in open. I am going to urge our colleagues, and I am sure with the assistance of our leadership, we can provide more than one opportunity for each Senator to learn the full range of facts regarding this treaty and its implications for this Nation.

Yes, I want to see America lead, but I want to make certain that leadership role that exists today can exist a decade hence, 15 years, 20 years hence. That is the absolute heart of this debate: What steps do we take now to ensure that our country can maintain its position of world leadership in the decades to come?

We shall develop the facts, those of us who are most respectful of your viewpoint, as I am sure you are of mine. It will be a historic vote for this Chamber.

I yield the floor.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from Virginia. One of my deep regrets is that he does not support this treaty because I have great respect for him and have worked with him on a number of matters. He truly knows this area and studies this area. There is room for disagreement.

But I say, again, that Secretary of Defense Bill Cohen, former Chairman of the Joint Chiefs Colin Powell, General Shalikashvili, General Shelton, and so many others have reviewed all of the same material—much of it secret material, secret documents—and have come to a different conclusion, believing that this treaty is very important for this country and that it is very important to ratify this treaty.

But my hope mirrors that of Senator WARNER, that when we have this debate, we will have a debate about ideas and about the kind of public policy that will benefit this country and the world, the kind of public policy that will allow us to continue to be strong, to have the capability to defend our liberty and freedom, but the kind of policy that will also provide leadership so this country can help prevent the spread of nuclear weapons in the years ahead.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I first acknowledge the leadership of my colleague from North Dakota, Senator DORGAN, who has called the attention of this Congress and this Senate to this important issue. I hope his efforts will prevail in bringing this issue to the floor of the Senate.

In my lifetime, it is interesting to look back and reflect on things which were so commonplace and now are so rare. I can recall, as a child in the 1950's, in my classroom when we were being instructed about the need to "duck and cover," the possibility that there might be an attack on the United States of America. That was generated by the fact that the Soviets had detonated a nuclear weapon. We were technically emerging into a cold war, and there was a belief that we had to be prepared for the possibility of an attack.

In my hometown of Springfield, IL, when my wife and I bought a little house, the first house we ever owned—1600 South Lincoln Avenue; an appropriate name in Springfield, IL—we moved into the house and went in the basement and were startled to find a fallout shelter that had been built to specifications. Someone had believed in the 1960s this was an appropriate thing to put in a house in Springfield, IL, because of the possibility that we may face some sort of attack, a nuclear attack on the United States.

You can remember the monthly air raid sirens that used to call our attention to the fact that we had a system to warn all of America of a potential attack. You may remember, not that many years ago, movies on television and long debates about a "nuclear winter," what would happen with a nuclear holocaust.

That conversation was part of daily life in America for decades. Then with the end of the cold war, and the disintegration of the Soviet Union, and the Warsaw Pact nations not only leaving the Soviet domination but gravitating toward the West—with countries such as Poland and Hungary and Czechoslovakia coming to join NATO—many of us have been lulled into a false sense of security that the threat of nuclear weapons is no longer something we should take seriously. In fact, we should.

In fact, we are reminded, from time to time, that the so-called nuclear club—the nations which have nuclear capability—continues to grow. That is why this particular treaty and this debate are so important.

One of the most compelling threats we in this country face today is the proliferation of weapons of mass destruction. Threat assessments regularly warn us of the possibility that North Korea, Iran, Iraq, or some other nation may acquire or develop nuclear weapons. Our most basic interest in relations with Russia today is to see that it controls its nuclear weapons and technology and that Russian scientists do not come to the aid of would-be nuclear proliferators. In other words, in a desperate state of affairs, with the Russian economy, we are concerned that some people will decide they have a marketable idea, that they can go to some rogue nation and sell the idea of developing a nuclear weapon, adding another member to the nuclear club, increasing the instability in this world.

Congress spends millions of dollars to fight nuclear proliferation, to stop the spread of nuclear weapons worldwide, and to support the Nunn-Lugar Cooperative Threat Reduction Program.

For the past several years, I have been involved in an Aspen Institute exchange, which has opened my eyes to the need for our concern in this area. Senator LUGAR is a regular participant as well, and Senator Nunn has been there in the past, when we have met with members of the Russian Duma and leaders from that country and have learned of the very real concern they have of the stockpile of nuclear weapons still sitting in the old Soviet Union, a stockpile of weapons which, unfortunately for us, has to be minded all the time for fear that the surveillance, the inspection, and the safety would degrade to the point that there might be an accidental detonation. Those are the very real problems we face, and we vote on these regularly.

Yet we in the Senate, despite all of these realities, have had languished in the committee one of the most effective tools for fighting nuclear proliferation—the Comprehensive Test Ban Treaty, a treaty which, as the Senator from North Dakota indicated, has been ratified by over 130 nations but not by the United States of America.

The idea of banning nuclear tests is not a new one. It is one of the oldest items on the nuclear arms control agenda. Test bans were called for by both Presidents Eisenhower and Kennedy. Steps were taken toward a ban in the Limited Test Ban Treaty of 1963, but other incremental steps were eschewed in favor of a comprehensive treaty.

The Comprehensive Test Ban Treaty is a key piece of the broader picture of nuclear nonproliferation and arms control. Consider this: When nonnuclear countries—those that don't have nuclear weapons—agree they are not going to have a nuclear arsenal and sign the Nuclear Non-Proliferation Treaty, an essential part of that bargain for the smaller nations, the nonnuclear powers, and those that have it, was that nuclear countries were going to control and reduce the number of nuclear weapons.

An integral part of that effort is this treaty. It is virtually impossible to make qualitative improvements in nuclear weapons or develop them for the first time without testing. Just a few months ago, the Senate overwhelmingly voted to reorganize the Department of Energy because of our deep concern about what secrets may have been stolen from our nuclear labs. The potential damage from this espionage is disturbing.

In the case of China, the entry into force of this treaty could help mitigate the effect of the loss of our nuclear secrets. More than old computer codes and blueprints would be needed to deploy more advanced nuclear weapons. Extensive testing would be required. In the cases of India and Pakistan, U.S. ratification of this treaty would pressure both countries to sign the treaty, as they pledged to do following their nuclear test last year.

In fact, the leadership role of the United States is essential to encourage the ratification of the treaty by many other nations. If the leading nuclear power in the world, the United States of America, fails to ratify this treaty to stop nuclear testing, why should any other country? The United States has a responsibility of moral leadership. Many who take such pride in our Nation and its role and voice in the world tremble when faced with the burden of leadership. The burden of leadership comes down to our facing squarely the need to ratify this treaty.

The United States has declared that its own nuclear testing program has been discontinued, but it is still absolutely in our national interest to be part of a multinational monitoring and verification regime. That way we can shape and benefit from that same regime. The Comprehensive Test Ban Treaty says if the treaty has not been entered into force 3 years after its being open for signing, the states that have ratified it may convene a special conference to decide by consensus what measures consistent with international law can be taken to facilitate its entry into force.

Only those states that have ratified it would be given full voting privileges. The special conference is going to take place this fall. It will set up monitoring and verification of nuclear testing worldwide so the components will be operating by the time the treaty does enter into force. This regime will include the International Data Center and many other elements that are important for success.

The United States should be part of that process, but it will not be, because the Senate has not voted on this treaty. This country certainly conducts its own monitoring for nuclear tests, but if we participate in an international regime, our country can benefit from a comprehensive international system. It is important to recall that if China or Russia were to resume testing, the United States, under this treaty, would have the right to withdraw and resume our own, if that is necessary for our national defense.

If the United States does not ratify the treaty in the first place, however, the Comprehensive Test Ban Treaty may never enter into force. We would be faced with the prospect, once again, of a major nuclear power's resuming nuclear testing. When President Eisenhower and President Kennedy called for a nuclear test ban, a major impetus was the public outcry over environmental damage caused by these tests.

I ask unanimous consent to print in the CONGRESSIONAL RECORD at this point a letter I received from major national environmental organizations supporting the Comprehensive Test Ban Treaty and decrying the environmental damage to both our national security and our planet if the treaty is not ratified.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE TEST BAN TREATY,
Washington, DC, June 30, 1999.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.

Re: Major national environmental organizations' support of Comprehensive Test Ban Treaty

DEAR SENATOR DURBIN: We urge the Senate to give its consent to ratification of the nuclear test ban treaty this year. The timing is critical so that the United States can participate in this fall's special international conference of Treaty ratifiers.

We support the Comprehensive Test Ban Treaty (CTBT) because it is a valuable instrument in stemming the proliferation of nuclear weapons and reducing the environmental and security threats posed by nuclear arms races. Under the CTBT, non-nuclear weapons states will be barred from carrying out the nuclear explosions needed to develop compact, high-yield nuclear warheads for ballistic missiles and confidently certify nuclear explosive performance. The Treaty is therefore vital to preventing the spread of nuclear missile capability to additional states. In addition, the Treaty will limit the ability of the existing nuclear weapons states to build new and destabilizing types of nuclear weapons.

Since 1945, seven nations have conducted over 2,050 nuclear test explosions—an average of one test every 10 days. Atmospheric tests spread dangerous levels of radioactive fallout downwind and into the global atmosphere. Underground nuclear blasts spread highly radioactive material into the earth and each one creates a permanent nuclear waste site. This contamination presents long-term hazards to nearby water sources and surrounding communities. Also, many underground tests have vented radioactive gases into the atmosphere, including some of those conducted by the United States. Of course, the ultimate threat to the environment posed by nuclear testing is the continuing and possibly increasing risk of nuclear war posed by proliferating nuclear arsenals.

In addition to protecting the environment, the CTBT will enhance U.S. security with its extensive monitoring system and short-notice, on-site inspections. These will improve our ability to discourage all states from engaging in the testing of nuclear weapons.

Ending nuclear testing has been a goal of governments, scientists, and ordinary citizens from all walks of life for over forty years. The CTBT has already been ratified by many other nations, including France, the United Kingdom, and Japan. The vast majority of Americans support approval of the CTBT. The effort in this country to stop nuclear testing that began with public outrage about nuclear fallout and has been pursued by American Presidents since Dwight Eisenhower can now be achieved. With U.S. leadership on the CTBT, entry into force is within reach. It is vital that the U.S. set the example on this important environmental and security issue; with your leadership and support, the CTBT can finally be realized.

Yours sincerely,

Rodger Schlickeisen, President, Defenders of Wildlife; Mike Casey, Vice-President for Public Affairs, Environmental Working Group; Matt Petersen, Executive Director, Global Green USA; John Adams, Executive Director, Natural Resources Defense Counsel; Amy Coen, President Population Action International; James K. Wyerman, Executive Director, 20/20 Vision; Brian Dixon, Director of Government Relations, Zero Population Growth; Fred D. Krupp, Executive Director, Environmental Defense Fund; Brent Blackwelder, President, Friends of the Earth; Phil Clapp, President, National Environmental Trust; Robert K. Musil, Executive Director, Physicians for Social Responsibility; Carl Pope, Executive Director, Sierra Club; Bud Ris, Executive Director, Union of Concerned Scientists.

This is a letter that has been circulated and signed by the leaders of at least a dozen major environmental groups. I note in the letter it states that since 1945, the last 54 years, seven nations in this world have conducted 2,050 nuclear test explosions, an average of 1 test every 10 days, leaving nuclear fallout, radioactive gases, in many instances, in our atmosphere. We certainly never want to return to that day again. Unless the United States is a full partner in this international effort to reduce nuclear testing, that is a possibility looming on the horizon.

Senator HELMS, who spoke on the floor earlier, has said he puts this treaty in line behind amendments to the Anti-Ballistic Missile Treaty and the Kyoto Protocol to the U.N. convention on global climate change, both of which the President has not yet submitted to the Senate. My colleague says that ABM changes are essential for the national missile defense to move forward, which is true. But national missile defense does not yet work. We don't have this technology to build an umbrella of protection over the United States so that any nuclear missile fired on us can somehow be stopped in the atmosphere without danger to the people living in this country.

If we decide to deploy such a defense, we will need to negotiate more ABM Treaty changes. That is something in the future. We have time to address that. But we also need to accept the immediate responsibility of ratifying this treaty. Not too many months ago in this Chamber, we passed a resolution which says if the national missile defense system or so-called star wars system should become technologically possible, we will spend whatever it takes to build it. I have to tell you that I voted against it. I thought it was not wise policy.

Quite honestly, the idea that we are somehow going to insulate the United States by building this umbrella and therefore don't have to deal with the world and its problems in nuclear proliferation, in my mind, is the wrong way to go. We should be working diplomatically as well as militarily for the defense of the United States. When we have the support of the commanders of the Nation, of course, and those who are in charge, the Joint Chiefs, time and again for this treaty, it is evidence to me that it is sound military policy.

In short, Mr. President, I conclude by saying, we must not delay any longer. We must ratify the Comprehensive Test Ban Treaty. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I know my colleagues are anxious to get to the business at hand. I assure the floor I will take only 5 minutes. If the clerk will let me know when I am headed towards 5 minutes, I would appreciate it.

I will refrain from responding and speaking to the Test Ban Treaty at length at this moment.

The chairman of the Foreign Relations Committee is not only a colleague, but he is a personal friend. We have strong disagreements on this issue.

I don't mean to nickel and dime this, but we haven't had any hearings on the Comprehensive Test Ban Treaty.

At the outset, I send to the desk a list of all the hearings the Senate Foreign Relations Committee had for the 105th and 106th Congress's since submission of the CTBT.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTIVITIES

January 8, 1999, Informal State Department Briefing on Peacekeeping.

January 27, 1999 (Subcommittee on International Economic Policy, Export, and Trade Promotion/Hagel), IMF Reform and the Global Financial Crisis.

January 29, 1999, Informal State Department Briefing on Peacekeeping.

February 5, 1999, Informal State Department Briefing on Peacekeeping.

February 24, 1999 (Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal Year 2000 Foreign Affairs Budget Request.

February 24, 1999 (Subcommittee on European Affairs/Smith), Anti-Semitism in Russia. (S. Hrg. 106–6.)

February 25, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Asian Trade Barriers to U.S. Soda Ash Exports.

March 2, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), U.S. Relief Efforts In Response to Hurricane Mitch. (S. Hrg. 106–5.)

March 3, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), Commercial Viability of a Caspian Sea Main Export Energy Pipeline.

March 4, 1999 (Subcommittee on International Operations/Grams), FY 2000 Administration of Foreign Affairs Budget.

March 9, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Post Election Cambodia: What Next?

March 9, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq. (S. Hrg. 106–41.)

March 10, 1999 (Full Committee/Helms), Castro's Crackdown in Cuba: Human Rights on Trial. (S. Hrg. 106–52.)

March 11, 1999 (Full Committee/Helms), Embassy Security for a New Millennium.

March 12, 1999, Informal State Department Briefing on Peacekeeping.

March 17, 1999 (Full Committee, jointly with Energy and Natural Resources Committee/Helms and Murkowski), New Proposals to Expand Iraqi Oil for Food: The End of Sanctions? (S. Hrg. 106–86.)

March 17, 1999 (Full Committee/Coverdell), The Convention on Nuclear Safety.

March 17, 1999 (Full Committee/Grams), Nomination (Seiple).

March 18, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Indonesia: Countdown to Elections. (S. Hrg. 106–76.)

March 23, 1999 (Subcommittee on African Affairs/Frist), Sudan's Humanitarian Crisis and the U.S. Response.

March 23, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

March 23, 1999 (Full Committee/Helms), Business Meeting.

March 24, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Colombia: The Threat to U.S. Interests and Regional Security.

March 24, 1999 (Subcommittee on European Affairs/Smith), The European Union: Internal Reform, Enlargement, and the Common Foreign and Security Policy. (S. Hrg. 106–48.)

March 25, 1999 (Full Committee/Helms), U.S. Taiwan Relations: The 20th Anniversary of the Taiwan Relations Act. (S. Hrg. 106–43.)

April 13, 1999 (Full Committee/Helms), Trade vs. Aid: NAFTA Five years Later. (S. Hrg. 106–80.)

April 14, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), The Continuing Crisis in Afghanistan.

April 15, 1999 (Full Committee/Helms), U.S. Vulnerability to Ballistic Missile Attack.

April 16, 1999, Informal State Department Briefing on Peacekeeping.

April 19, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell, closed session), Targeting Assets of Drug Kingpins.

April 20, 1999 (Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 20, 1999 (Full Committee/Helms), The War in Kosovo.

April 21, 1999 (Full Committee/Helms), Markup of Foreign Relations Authorization Act FY 00–01.

April 21, 1999 (Full Committee/Smith), NATO's 50th Anniversary Summit. (S. Hrg. 106–144.)

April 22, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Forgotten Gulag: A Look Inside North Korea's Prison Camps.

April 27, 1999 (Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

April 29, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), International Software Piracy: Impact on the Software Industry and the American Economy.

April 30, 1999 (Full Committee/Helms), Business Meeting. (S.J. Res. 20.)

May 4, 1999 (Full Committee/Helms), Ballistic Missile Defense Technology: Is the United States Ready for a Decision to Deploy?

May 5, 1999 (Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 6, 1999 (Full Committee/Coverdell and Frist, closed session), The Growing Threat of Biological Weapons.

May 7, 1999, Informal State Department Briefing on Peacekeeping.

May 11, 1999 (Full Committee/Ashcroft), U.S. Agriculture Sanctions Policy for the 21st Century.

May 12, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), The State of Democracy and the Rule of Law in the Americas.

May 13, 1999 (Full Committee/Hagel), ABM Treaty, START II and Missile Defense.

May 25, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 25, 1999 (Full Committee/Ashcroft), The Legal Status of the ABM Treaty.

May 26, 1999 (Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

May 27, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Chinese Embassy Bombing and Its Effects on U.S.-China Relations.

May 27, 1999 (Full Committee/Hagel), Nominations (Sandalow and Harrington).

June 8, 1999 (Subcommittee on African Affairs/Frist), The Central African Wars and the Future of U.S.-Africa Policy.

June 9, 1999 (Full Committee/Smith), Nominations (Bandler, Einik, Keyser, Limprecht, Morningstar, Napper, Miller and Pressley).

June 9, 1999 (Full Committee/Coverdell), Nominations (Garza, Almaguer, Hamilton and Bushnell).

June 11, 1999, Informal State Department Briefing on Peacekeeping.

June 16, 1999 (Full Committee/Frist), Nominations (Carson, Dunn, Erwin, Goldthwait, Leader, Metelits and Myrick).

June 17, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 22, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Confronting Threats to Security in the Americas.

June 22, 1999 (Full Committee/Coverdell), Nomination (Clare).

June 22, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 23, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq: Mobilizing the Opposition.

June 23, 1999 (Full Committee/Hagel), Nomination (Sandalow).

June 24, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 24, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), U.S. Satellite Export Controls and the Domestic Production/Launch Capability.

June 28, 1999 (Full Committee/Hagel), Nomination (Holum).

June 30, 1999 (Full Committee/Helms), Business Meeting.

July 1, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy.

July 1, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Hong Kong Two Years After Reversion: Staying the Course, Or Changing Course?

July 16, 1999, Informal State Department Briefing on Peacekeeping.

July 20, 1999 (Full Committee/Thomas), Nominations (Burleigh, Gelbard, Siddique and Stanfield).

July 20, 1999 (Subcommittee on International Operations/Grams, closed session), U.N. International Criminal Court: Prospects for Dramatic Renegotiation.

July 21, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Recent Strains in Taiwan-China Relations.

July 21, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy, Part 2.

July 21, 1999 (Full Committee/Smith), Nominations (Fredericks, Griffiths, Miles, Spielvogel and Taylor).

July 22, 1999 (Subcommittee on Near Eastern and South Asia Affairs/Brownback), Iran: Limits to Rapprochement.

July 22, 1999 (Full Committee/Helms), Nomination (Anderson).

July 23, 1999 (Full Committee/Coverdell), Nomination (Sheehan).

July 26, 1999 (Full Committee/Grams), Nomination (Lieberman).

July 27, 1999 (Subcommittee on African Affairs/Frist), Barriers to Trade and Investment in Africa.

July 28, 1999 (Full Committee/Helms), Business Meeting.

July 28, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Agency for International Development and U.S. Climate Change Policy.

July 29, 1999 (Subcommittee on European Affairs/Smith), Prospects for Democracy in Yugoslavia.

July 30, 1999 (Subcommittee on International Operations/Grams), U.S. Policy Towards Victims of Torture.

August 4, 1999 (Full Committee/Helms), S. 693: The Taiwan Security Enhancement Act.

August 4, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion, jointly with Subcommittee on East Asian and Pacific Affairs/Hagel and Thomas), Economic Reform and Trade Opportunities in Vietnam.

August 5, 1999 (Full Committee/Frist), Nominations (Bader, Brennan, Elam, Johnson, Kaeuper, Kolker, Lewis, Nagy and Owens-Kirkpatrick).

August 6, 1999, Informal State Department Briefing on Peacekeeping.

September 8, 1999 (Full Committee/Helms, closed session), Proliferation Activities of a Certain Russian Company.

September 9, 1999 (Subcommittee on East Asian and Pacific Affairs, jointly with House Subcommittee on Asia and the Pacific/Thomas and Bereuter), The Political Futures of Indonesia and East Timor.

September 10, 1999, Informal State Department Briefing on Peacekeeping.

September 14, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), An Overview of U.S. Counterterrorism Policy and President Clinton's Decision to Grant Clemency to FALN Terrorists.

September 16, 1999 (Full Committee/Helms), Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015.

September 23, 1999 (Full Committee/Helms), Corruption in Russia and Recent U.S. Policy.

September 27, 1999 (Full Committee/Helms), Business Meeting.

September 28, 1999 (Full Committee/Helms), Facing Saddam's Iraq: Disarray in the International Community.

September 28, 1999 (Full Committee/Smith), U.S.-Kosovo Diplomacy: February 1998–March 1999.

September 30, 1999 (Full Committee/Smith), Corruption in Russia and Future U.S. Policy.

September 24, 1997 (Full Committee/Thomas), Nominations (Foley, LaPorta and Bosworth).

September 24, 1997 (Full Committee/Helms), Business Meeting.

September 25, 1997 (Subcommittee on African Affairs/Ashcroft), Religious Persecution in Sudan. (S. Hrg. 105–280.)

September 25, 1997 (Full Committee/Hagel), Maritime Boundaries Treaty with Mexico (EX. F, 96–1); Protocol Amending Migratory Birds Convention with Canada (Treaty Doc. 104–28); and Protocol Amending Migratory Birds and Game Mammals Convention with Mexico (Treaty Doc. 105–26). (Printed in Exec. Rept. 105–5.)

October 1, 1997 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Events in Algeria.

October 7, 1997 (Full Committee/Helms), Strategic Rationale for NATO Enlargement. (S. Hrg. 105–285.)

October 7, 1997 (Full Committee/Hagel), Bilateral Tax Treaties and Protocol (Turkey/TDoc. 104–30; Austria/TDoc. 104–31; Luxembourg/TDoc. 104–33; Thailand/TDoc. 105–2; Switzerland/TDoc. 105–8; South Africa/TDoc. 105–9; Canada/TDoc. 105–29; and Ireland/TDoc. 105–31). (S. Hrg. 105–354.)

October 8, 1997 (Full Committee/Brownback), Proliferation Threats Through the Year 2000. (S. Hrg. 105–359.)

October 8, 1997 (Full Committee/Helms), Business Meeting.

October 9, 1997 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Road to Kyoto: Outlook and Consequences of a New U.N. Climate Change Treaty.

October 9, 1997 (Full Committee/Helms), Pros and Cons of NATO Enlargement. (S. Hrg. 105–285.)

October 10, 1997, Informal State Department Briefing on Peacekeeping.

October 21, 1997 (Full Committee/Thomas), Nomination (Green).

October 21, 1997 (Full Committee/Ashcroft), Nominations (Schermerhorn, Schoonover and Twaddell).

October 22, 1997 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), The Situation in Afghanistan.

October 23, 1997 (Full Committee/Smith), Nominations (Fried, Tufo, Rosapepe, Vershbow, Miller, Johnson and Hall).

October 23, 1997 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), U.S. Economic and Strategic Interests in the Caspian Sea Region: Policies and Implications. (S. Hrg. 105–361.)

October 24, 1997 (Full Committee/Coverdell), Nominations (Ashby, Carney, Curiel, McLelland and Marrero).

October 28, 1997 (Full Committee/Helms), Costs, Benefits, Burdensharing and Military Implications of NATO Enlargement. (S. Hrg. 105–285).

October 28, 1997 (Full Committee/Brownback), Nominations (Celeste, Donnelly, Gabriel, Hume, Kurtzer, Larocco and Walker).

October 29, 1997 (Full Committee/Hagel), Nominations (Babbitt, Bondurant, Brown, Fox and Robertson).

October 29, 1997 (Full Committee/Smith), Nominations (Montgomery, Pifer, Proffitt, Olson, Hormel, Hermelin, Presel, Escudero and Pascoe).

October 29, 1997 (Full Committee & Senate Caucus on International Narcotics Control/Coverdell & Grassley), U.S. and Mexico Counterdrug Efforts Since Certification. (S. Hrg. 105–376.)

October 30, 1997 (Full Committee/Helms), NATO/Russia Relationship, Part 1, (S. Hrg. 105–285.)

October 30, 1997 (Full Committee/Hagel), NATO/Russia Relationship, Part 2, (S. Hrg. 105–285.)

October 31, 1997 (Full Committee/Grams), Nominations (French, King, Moose, Oakley, Rubin and Taft).

November 4, 1997 (Full Committee/Helms), Business Meeting.

November 5, 1997 (Full Committee/Smith), Public Views on NATO Enlargement. (S. Hrg. 105–285.)

November 6, 1997 (Full Committee/Helms), Commercial Activities of China's People's Liberation Army (PLA). (S. Hrg. 105–332.)

November 6, 1997 (Subcommittee on International Operations/ Grams), The United Nations at a Crossroads: Efforts Toward Reform. (S. Hrg. 105–386.)

November 7, 1997, Informal State Department Briefing on Peacekeeping.

December 9, 1997, Informal State Department Briefing on Peacekeeping.

January 9, 1998, Informal State Department Briefing on Peacekeeping.

February 3, 1998 (Full Committee/Helms), the Military Implications of the Ottawa Land Mine Treaty. (Protocol II to Treaty Doc. 105–1.)

February 6, 1998, Informal State Department Briefing on Peacekeeping.

February 10, 1998 (Full Committee/Helms), 1998 Foreign Policy Overview and the President's Fiscal Year 1999 Budget Request. (S. Hrg. 105–443.)

February 11, 1998 (Full Committee/Hagel), Implications of the Kyoto Protocol on climate Change. (S. Hrg. 105–457.)

February 12, 1998 (Full Committee/Helms), International Monetary Fund's Role in the Asia Financial Crisis.

February 24, 1998 (Full Committee/Helms), Administration Views on the Protocols to the North Atlantic Treaty on Accession of Poland, Hungary, and the Czech Republic. (S. Hrg. 105–421.)

February 25, 1998, (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel) Implementation of U.S. Policy on Construction of a Western Caspian Sea Oil Pipeline.

February 25, 1998 (Full Committee/Helms), Nomination (Grey).

February 26, 1998 (Subcommittee on East Asia and Pacific Affairs/Thomas), Are U.S. Unilateral Trade Sanctions an Effective Tool of U.S. Asia Policy?

February 26, 1998 (Subcommittee on Western Hemisphere and Peace Corps Affairs/Coverdell), Drug Trafficking and Certification.

March 2, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Iraq: Can Saddam Be Overthrown? (S. Hrg. 105–444.)

March 3, 1998 (Full Committee/Helms), Business Meeting.

March 4, 1998 (Subcommittee on East Asia and Pacific Affairs/Thomas), The WTO Film Case and Its Ramifications for U.S.-Japan Relations.

March 6, 1998, Informal State Department Briefing on Peacekeeping.

March 10 1998 (Full Committee/Helms), The Plight of the Montagnards. (S. Hrg. 105–465.)

March 11, 1998 (Full Committee/Helms), Business Meeting.

March 11, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Developments in the Middle East.

March 12, 1998 (Full Committee/Helms, closed session), Chinese Nuclear Cooperation with Various Countries.

March 12, 1998 (Subcommittee on African Affairs/Ashcroft), Democracy in Africa: The New Generation of African Leaders. (S. Hrg. 105–559.)

March 18, 1998 (Subcommittee on International Economic Policy and Trade Promotion/Hagel), The Role of the IMF in Supporting U.S. Agricultural Exports to Asia.

March 24, 1998 (Subcommittee on East Asian and Pacific Affaris/Thomas), the Present Economic and Political Turmoil in Indonesia: Causes and Solutions.

March 25, 1998 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), S. 1413, the Enhancement of Trade, Security, and Human Rights Through Sanctions Reform Act.

April 3, 1998, Informal State Department Briefing on Peacekeeping.

May 6, 1998 (Subcommittee on European Affairs/Smith), the Crisis in Kosovo. (S. Hrg. 105–649.)

May 7, 1998 (Full Committee/Brownback), Nominations (Burns and Crocker).

May 7. 1998 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), Oversight of the Overseas Private Investment Corporation.

May 8, 1998, Informal State Department Briefing on Peacekeeping.

May 12, 1998 (Full Committee/Helms), S. 1868, The International Religious Freedom Act of 1998. (S. Hrg. 105–591.)

May 13, 1998 (Full Committee/Hagel), EX. B, 95–1, Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Pertaining to International Carriage by Air; Treaty Doc. 104–17, International Convention for the Protection of New Varieties of Plants; Treaty Doc. 105–4, Grains Trade Convention and Food Aid Convention; Treaty Doc. 104–36, Convention on the International Maritime Organization; and Treaty Doc. 105–35, Trademark Law Treaty. (Hearing on EX. B, 95–1 Printed in Exec. Rept. 105–20.)

May 13, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia: India's Nuclear Tests. (S. Hrg. 105–620.)

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May 18, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas), Present Political in Indonesia.

May 19, 1998 (Full Committee/Helms), Business Meeting.

May 20, 1998 (Subcommittee on European Affairs/Smith), Overview of Russian Foreign Policy and Domestic Policy.

May 20, 1998 (Subcommittee on International Operations/Grams), The Secretary's Certification of a U.N. Reform Budget of $2.533 Billion. (S. Hrg. 105–682.)

May 21, 1998 (Full Committee, jointly with Energy and Natural Resources Committee/Helms and Murkowski), Iraq: Are Sanctions Collapsing? (S. Hrg. 105–650.)

May 21, 1998. (Full Committee/Coverdell), Nomination (Davidow).

June 3, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia, part 2: Pakistan's Nuclear Tests. (S. Hrg. 105–620.)

June 5, 1998 Informal State Department Briefing on Peacekeeping.

June 9, 1998 (Full Committee/Helms), Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Treaty Doc. 105–43). (Printed in Exec. Rept. 105–19.)

June 10, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas) U.S. Policy Strategy on Democracy in Cambodia.

June 11, 1998 (Full Committee/Helms), Chinese Missile Proliferation, (S. Hrg. 105–841.)

June 11, 1998 (Full Committee/Coverdell), Nominations (Crotty, O'Leary and Schechter).

June 16, 1998 (Full Committee/Helms), The Panama Canal and U.S. Interests. (S. Hrg. 105–672)

June 16, 1998 (Full Committee/Ashcroft), Nominations (Barnes, Clarke, Derryck, Haley, Peterson, Stith and Swing).

June 16, 1998 (Full Committee/Smith), Nominations (Cejas, Edelman, Ely-Raphel, Lemmon, Perina, Romero, Schneider and Yalowitz).

June 17. 1998 (Full Committee/Helms), S. 1868, The International Religious Freedom Act: Views from the Religious Community. (S. Hrg. 105–591.)

June 18, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas). Congressional Views of the U.S.-China Relationship.

June 23, 1998 (Full Committee/Helms), Business Meeting.

June 24, 1998 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Asian Financial Crisis: New Dangers Ahead?

June 24, 1998 (Subcommittee on European Affairs/Smith), U.S. Policy in Kosovo. (S. Hrg. 105–649.)

June 25, 1998 (Full Committee/Helms, closed session), Chinese Missile Proliferation.

July 8, 1998 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), Implementation of U.S. Policy on Caspian Sea Oil Exports. (S. Hrg. 105–683.)

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July 14, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas), KEDO and the Korean Agreed Nuclear Framework: Problems and Prospects. (S. Hrg. 105–652.)

July 15, 1998 (Subcommittee on European Affairs/Smith), Estonia, Latvia and Lithuania, and United States Baltic Policy. (S. Hrg. 105–651.)

July 16, 1998 (Full Committee/Hagel), Nominations (Parmer and West).

July 16, 1998 (Full Committee/Brownback), Nominations (Craig, Kattouf, McKune, Satterfield and Milam).

July 16, 1998 (Full Committee/Smith), Nominations (Homes, Mann, Swett and Wells).

July 20, 1998 (Full Committee/Thomas), Nominations (Hecklinger, Kartman and Wiedemann).

July 22, 1998 (Full Committee/Grams), Nominations (Carpenter, Edwards and Spalter).

July 23, 1998 (Subcommittee on International Operations/Grams), Is a U.N. International Criminal Court in the U.S. National Interest? (S. Hrg. 105–724.)

July 23, 1998 (Full Committee/Helms), Business Meeting.

July 23, 1998 (Full Committee/Ashcroft), Nominations (Felder, Ledesma, Melrose, Mu, Perry, Robinson, Staples, Sullivan, Swing and Yates). (S. Hrg. 105–674.)

August 7, 1998 Informal State Department Briefing on Peacekeeping.

September 3, 1998 (Full Committee, jointly with Armed Services Committee/Lugar and Thurmond), U.N. Weapons Inspections in Iraq: UNSCOM At Risk.

September 9, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy in Iraq: Public Diplomacy and Private Policy. (S. Hrg. 105–725.)

September 10, 1998 (Full Committee/Hagel), World Intellectual Property Organization Copyright Treaty and World Intellectual Property Organization Performances and Phonograms Treaty (Treaty Doc. 105–17). (Printed in Exec. Rept. 105–25.)

September 10, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas), Recent Developments Concerning North Korea. (S. Hrg. 105–842.)

September 11, 1998 Informal State Department Briefing on Peacekeeping.

September 15, 1998 (Full Committee/Grams), Extradition, Mutual Legal Assistance and Prisoner Transfer Treaties. (S. Hrg. 105–730.)

September 15, 1998 (Subcommittee on European Affairs/Smith), Crisis in Russia: Policy Options for the United States.

September 16, 1998 (Full Committee, jointly with Caucus on International Narcotics Control/Coverdell and Grassley), U.S. Anti-Drug Interdiction Efforts and the Western Hemisphere Drug Elimination Act. (S. Hrg. 105–844.)

September 17, 1998 (Subcommittee on International Operations, jointly with International Affairs Task Force of the Senate Budget Committee/Grams and Smith), Examination of Major Management and Budget Issues Facing the Department of State. (S. Hrg. 105–806.)

September 23, 1998 (Full Committee/Smith), Nominations (Jones, Finn, Shattuck and Sullivan).

September 25, 1998 (Full Committee/Thomas and Brownback), Nomination (Randolph).

September 25, 1998 (Full Committee/Thomas), Nominations (Pascoe and Watson).

September 25, 1998 Informal State Department Briefing on Peacekeeping.

September 29, 1998 (Full Committee/Coverdell), Nominations (Beers and Ferro).

October 1, 1998 (Full Committee/Helms), United States Responses to International Parental Abduction. (S. Hrg. 105–845.)

October 2, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas), Cambodia: Post Elections and U.S. Policy Options. (S. Hrg. 105–846.)

October 2, 1998 (Full Committee/Helms), Nomination (Johnson).

October 2, 1998 (Full Committee/Hagel), Nomination (Loy).

October 5, 1998 (Full Committee/Helms, closed session), START Treaty Compliance Issues.

October 6, 1998 (Full Committee/Helms), The Ballistic Missile Threat to the United States. (S. Hrg. 105–847.)

October 7, 1998 (Full Committee/Grams), Nominations (Bader, Koh and Welch).

October 8, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Events in Afghanistan.

November 6, 1998 Informal State Department Briefing on Peacekeeping.

December 4, 1998 Informal State Department Briefing on Peacekeeping.

Mr. BIDEN. Mr. President, I can understand why the Senator may think we have had hearings because we have had hearings on other subjects that implicate the Comprehensive Test Ban Treaty. It is mentioned by witnesses. But we have never had a hearing on the Comprehensive Test Ban Treaty—a treaty of great consequence to the United States and the world—conducted in the traditional way. We never had a hearing where we said this is what we are going to talk about. We need a hearing where we bring up the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, or major voices in America who oppose this treaty—fortunately, I think there are not that many—or significant figures and scientists who have spoken and know about this issue. We haven't had one of those hearings at all.

I submit for the RECORD, again, a letter from the chairman of the Foreign Relations Committee sent to the President of the United States on January 21, 1998, with a concluding paragraph, which reads as follows:

> Mr. President, let me be clear. I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had an opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 21, 1998.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As Congress prepares to reconvene shortly, I am convinced that it is important to share with you the Senate Foreign Relations Committee's agenda relating to consideration of treaties during the second year of the 105th Congress.

There are a number of important treaties which the Committee intends to take up during 1998, and we must be assured of your Administration's cooperation in making certain that these treaties receive a comprehensive examination by the Senate.

Mr. President, the Committee's first priority when Congress reconvenes will be to work with you and Secretary Albright to secure Senate ratification of NATO expansion. The expansion of the Atlantic Alliance to include Poland, Hungary and the Czech Republic is of critical importance, and we have come a long way in resolving some of the concerns that I, and other Senators, had raised about various details of this expansion (e.g., ensuring an equitable distribution of costs, limiting Russian influence in NATO decision making, et al.)

While much work remains to be done, I am confident that if we continue to work together, the Senate will vote to approve the expansion of the Atlantic Alliance early this Spring.

Following the vote on NATO expansion, the Committee will turn its attention to several other critical treaties which could affect both the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty, and the Kyoto Protocol to the UN Convention on Climate Change.

Mr. President, I feel obliged to make clear to you my concern that your Administration has been unwisely and unnecessarily engaged in delay in submitting these treaties to the Senate for its advice and consent.

Despite your commitment, made nearly eight months ago, to submit the amendments to the ABM Treaty to the Senate, we have yet to see them. As our current standoff with Iraq clearly demonstrates, the danger posed by rogue states possessing weapons of mass destruction is growing—and, with it, the need for a robust ballistic missile defense.

The Senate has not had an opportunity to consider the rationale behind the ABM Treaty since that treaty was ratified nearly 26 years ago, in the midst of the Cold War. The world has changed a great deal since then. It is vital that the Senate conduct a thorough review of the ABM Treaty this year when it considers and votes on the ABM Multilateralization and Demarcation agreements.

Similarly, the Senate is forced to continue to wait for any indication that your Administration intends to submit the Kyoto Protocol for the Senate's advice and consent. Indeed, I have heard a great deal of discussion from supporters of this treaty indicating that the Administration may attempt to circumvent both the Senate—and the American people—by simply imposing the treaty's requirements on U.S. businesses by executive order. Mr. President, I must respectfully counsel this would be extremely unwise.

This treaty clearly requires the advice and consent of the Senate. further, because the potential impact of the Kyoto Protocol on the American economy is so enormous, we owe it to the American people to let them know sooner, rather than later, whether they will be subject to the terms of this treaty.

Ironically, while the Administration has delayed in submitting these vital treaties to the Senate, some in your Administration have indicated that the White House will press the Senate for swift ratification of the Comprehensive Test Ban Treaty (CTBT) immediately following the vote on NATO expansion.

Such a deliberate confrontation would be exceedingly unwise because, Mr. President, the CTBT is very low on the Committee's list of priorities. The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations—India—has sought to block the CTBT at every step: vetoing it in the Conference on Disarmament so that it could not be submitted as a Conference document. India has opposed it in the United Nations. And, India has declared that it will not even sign the treaty.

By contrast, the issues surrounding the ABM Treaty and the Kyoto Protocol are far more pressing (e.g., the growing threat posed by nuclear, biological, or chemical tipped missiles, and the potential impact of the Kyoto Protocol on the U.S. economy).

Mr. President, let me be clear: I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

When the Administration has submitted these treaties, and when the Senate has completed its consideration of them, then, and only then, will the Foreign Relations Committee consider the CTBT.

Mr. President, please let's work together, beginning with the effort to secure Senate ratification of NATO expansion this Spring, and then with your timely transmittal of these treaties.

Sincerely and respectfully,
JESSE HELMS.

Mr. BIDEN. Mr. President, the chairman has been true to his word. He has had no hearings because that has not been done yet.

I think I understand how the Senator from North Carolina connects the rationale of these treaties, and he thinks the orderly way to do it is to do it only after we do other things, but that makes the point. We have had no hearings on this treaty.

I think the public may be surprised to know this treaty calls for no more nuclear testing by the United States and other nations. We haven't been testing. There is a moratorium on nuclear testing. That occurred in 1992 in the Bush administration.

What we are talking about doing that my friends are talking about is so dangerous and damaging to U.S. interests; that is, to sign a treaty to say we will not test, we are not testing now. The United States made a unilateral decision not to test.

Now we have the rest of the world ready to sign up, and we are saying we are not going to ratify, or up to now we are saying we are not even going to have a hearing on this subject.

Again, I will get into the merits of the treaty later because I am confident the leadership of the Senate will come up now with the proposal as to how to proceed.

But I urge my friend from North Carolina, and I urge my colleagues to urge my friend from North Carolina, to hold hearings. Bring the experts up. Bring the military up.

By the way, one last substantive thing I will say about the treaty is that we are the only nation in the world that has spent billions of dollars and committed billions in the future to a method by which we can take our existing stockpile of nuclear weapons and test them for their continued utility without ever exploding them. I will explain in detail later what I mean by the stockpiling program we have.

We, of all nations in the world, are the one best prepared and best suited for taking the last chance of any nation in the world to promise not to test because we are one of the few nations in the world with certainty that can guarantee that even if we don't test weapons we can test, by exploding them, their continued utility by very complicated, very sophisticated scientific computer models that we have designed. We have committed that we will continue in the future to fund to the tune of billions of dollars this program.

In a strange way, if you went out to the public at large and said: By the way, do you think we should sign a treaty that says we can't test nuclear weapons if the rest of the world signs a treaty that says you can't test nuclear weapons, knowing that we can detect all but those kinds of explosions that will not have any impact on another nuclear capability, when we have already decided not to test unilaterally, and we are the only nation in the world that has the sophistication and capacity to test by means other than exploding our nuclear arsenal; what do you think the public would say?

I conclude by saying this: We have had no hearings. There is a legitimate debate about whether or not we should do this.

This is a thing for which the Senate was conceived—to make big decisions such as this.

This is the reason the founders wrote in a provision in the U.S. Constitution that said a treaty can be negotiated by a President, but it can only come into effect after the Senate has ratified it. It didn't say the House. It didn't say a referendum. It didn't say the American people. It said the Senate. Other than the Supreme Court of the United States, in a decision of who should sit on it, there is no other function that is of greater consequence that the Senate performs than determining whether to ratify or reject a treaty with the United States of America.

It seems to me that when we exercise that function, we should do it responsibly and thoroughly.

We have never done it on a matter of grave consequence without thoroughly investigating it through the hearing process and through one of the oldest committees that exists in the Senate—the Foreign Relations Committee—the unique function of which is to recommend to this body what our bipartisan considered opinion is after hearing the details of the treaty.

I look forward to the debate.

I have urged the President of the United States—I will urge him personally—and have urged the administration, if this date is set, that the President take this case directly to the American people on a nationally televised broadcast and lay out for them what the stakes are.

This is no small decision. This is a vote that I promise you, whether you are for it or against it, your children and your grandchildren and history will know how you cast it. I am not so smart to know exactly what the outcome will be in history's judgment, but I am certain of one thing: You are not going to be in a position where you can say at a later date this was a vote of little consequence.

Mr. President, as folks back home in Delaware say, this is what we get paid the big bucks for. This is why we are here. This is the purpose of our being here.

It is true. The amendments we are going to discuss on legislation that is before us are important. It is true that some of it will affect the lives of hundreds or thousands of Americans. But I can't think of anything we will do in this entire Congress or have done in the previous Congress that has the potential to have as much impact on the fate of the world as this treaty. I cannot think of anything. I defy anyone to tell me, whether they are for or against this treaty, what we could be discussing of greater consequence than how to deal with the prospect of an accidental or intentional nuclear holocaust.

Tell me if there is anything more important to discuss than whether or not over the next days, weeks, months, years, and decades we should make a judgment from both a survival as well as environmental standpoint that we will or will not continue to blow up, in the atmosphere or underground, nuclear weapons. I defy anyone to tell me what is more important to discuss.

That is not to suggest that those who think this treaty is a bad idea are motivated by anything other than good intentions. As my dear mother would say and as the nuns used to make me write on the blackboard after school when I misbehaved: The road to hell is paved with good intentions.

Failure to ratify this treaty, I firmly believe, paves the road to hell—to nuclear hell. I don't know whether it will work, but I am virtually certain in my mind—just JOE BIDEN, my mind—that if we do not ratify this treaty, we virtually lose any ability to control the proliferation of nuclear capability.

They talked about when the Russians detonated their first hydrogen bomb. I am not sure, but I think it was Edward Teller who said: Now we have two scorpions in the bottle. I am here to tell my colleagues what they already know. We have many more than two scorpions in that bottle now. If we do not begin to take a chance, a very small chance, on a treaty that says no more detonation of nuclear weapons, we will have dozens of scorpions in that bottle with not nearly as much to lose as the former Soviet empire and the United States.

There was one advantage when there was a Soviet empire: They had as much to lose as they had to gain. The only person I worry about in a contest of any kind—athletic, political, or as a representative of the Federal Government of the United States of America with another country—I don't like dealing with someone else who has little to lose but has significant capacity to inflict a vast amount of damage.

While I have the floor, I thank my friend from Pennsylvania, Senator SPECTER. My friend from Pennsylvania has been one of the most outspoken proponents of bringing up this treaty. I am sure it will be before the Senate because of his advocacy.

I yield the floor.

Mr. SPECTER. If I may have the attention of the Senator from Delaware, I do believe it is important for the Senate to consider the treaty. I support it. I believe it is very difficult for the United States to use moral suasion on India and Pakistan not to have nuclear tests if we have not moved forward on the ratification process.

However, I ask my colleague from Delaware about the problems of considering the treaty on this state of the record where we have been looking for some expert guidance on some questions which are outstanding as to whether there can be an adequate determination of our preparedness without having tests.

One thing we have to consider very carefully is whether the interests of disarmament will be promoted by pressing to bring the treaty now, which may result without the two-thirds ratification, as opposed to trying to clear up some concerns which some have expressed.

I am prepared to vote in favor of the treaty.

Mr. BIDEN. If I may respond to the Senator, he raised the $64 question. He and I have been discussing how to get this up for a long time, over 2 years. He will recall, last year, I was of the view I did not want to take a chance of having the treaty up for fear it could be defeated before we had the ability to get all the data before the Senate that I believed would persuade Senators to overwhelmingly support the treaty.

I changed my mind. The reason I changed my mind is—I have great respect for my friend from North Carolina, Senator HELMS—I have learned one thing: When he says something ain't going to happen, it ain't going to happen on his watch. He made it very clear, there will be no hearings on this treaty. I have been with him for 27 years. We are truly personal friends. I know when he says it, he means it, which means I have lost any hope that he will be persuaded, or be persuaded by his Republican colleagues in the caucus, to have hearings.

I then reached the second conclusion: We are hurtling toward a disaster on the subcontinent with India and Pakistan, and with Korea. As the Senator knows, if they arm, if they deploy, we will see China making a judgment to increase its nuclear arsenal and we will see the likelihood that Korea will not be able to be leveraged.

Here is the point. I have made the judgment, for me—and I may be wrong—if we don't agree to this proposal, we will get no vote on this treaty for 2 years and the effect will be the same.

I am being very blunt. I believe I am looking for the political God's will to have people have a little bit of an altar call. It is one thing to say privately you are against the treaty or to say you are for it but there is no vote on it. It is another thing to be the man or woman who walks up in that well and casts the 34th vote against the treaty and kills the treaty. They will have on their head—and they may turn out to be right—and they will be determining by their vote the single most significant decision made relative to arms, nuclear arms, that has been made since the ABM Treaty. I think they may begin to see the Lord. If they don't, then I think the American public will make a judgment about it. The next President—whether it be Bush, GORE, or MCCAIN—will be more likely to send back another treaty.

I am at a point where it is time to bring in the sheep. Let's count them, and let's hold people responsible. That is as blunt as I can be with my friend.

Mr. SPECTER. I thank the Senator from Delaware for responding, and I will not ask another question because I want to move on to the next amendment.

Mr. President, it is my hope that whatever technical information is available on some of the outstanding questions will be made available to the Senators before the vote so we can have that determination made with all the facts available.

Mr. KENNEDY. Mr. President, it is appalling that our Republican friends will use any means necessary to kill the Comprehensive Test Ban Treaty. We need time to debate this Treaty in a responsible manner, especially since the Foreign Relations Committee has still not held a single hearing devoted solely to the Comprehensive Test Ban Treaty.

On September 24, 1996, President Clinton became the first world leader to sign the Comprehensive Test Ban Treaty. On that day, President Clinton praised the treaty as the "longest-sought, hardest—fought prize in the history of arms control."

Today, we stand on the verge of losing this valuable prize. For almost two years, the Treaty has languished in the Senate Foreign Relations Committee—with no action, no debate, and no results. Now, with the September 23 already passed, the United States may well forfeit its voice on the treaty if the Senate does not act quickly, and in a responsible way, to ratify it.

We have a unique opportunity in the Senate to help end nuclear testing once and for all. Other nations look to the United States for international leadership. President Clinton has done his part, in signing the Treaty and submitting it to the Senate for ratification, as the Constitution requires. Now the Senate should do its part, and ratify the Treaty. Ratification is the single most important step we can take today to reduce the danger of nuclear war.

Withholding action on this treaty is irresponsible and unacceptable. The Treaty is in the best interest of the United States and the global community. Ratification of this agreement will increase the safety and security of people in the United States, and across the world. But, until the Senate ratifies this treaty, it cannot go into force for any nation, anywhere.

The Comprehensive Test Ban Treaty is in the interest of the American people and it has widespread public support. Recent bipartisan polls found that over 8 out of 10 Americans support its ratification. These statistics cut across party lines and are consistent in all geographic regions. The Treaty also has the strong support of present and past military leaders, including four former Joint Chiefs of Staff—David Jones, William Crowe, Colin Powell, and John Shalikashvili—and the current JCS, Hugh Shelton.

The United States has already stopped testing nuclear weapons. Ensuring that other nations follow suit is critical for our national and international security. Particularly in the wake of recent allegations of Chinese nuclear espionage, it is essential that we act promptly to ratify this agreement. China is a signatory of the Treaty, but like the United States, China has not yet ratified it. Prompt Senate ratification of the Treaty will encourage China to ratify, and discourage China from creating new weapons from stolen nuclear secrets.

In 1963, after President Kennedy had negotiated the landmark Limited Test Ban Treaty with the Soviet Union to ban tests in the atmosphere, he spoke of his vision of a broader treaty in his commencement address at American University that year. As he said:

> The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

In 1999, those words are truer than ever.

I commend President Clinton and my colleagues on both sides of the aisle who have joined together to speak out on this issue, and I urge the Senate to act responsibly on this very important treaty.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in support of prompt Senate consideration of the Comprehensive Nuclear Test Ban Treaty the CTBT.

The issue of arms proliferation is at the heart of our national—and international—security. In the post-cold war world we are no longer faced with a military threat posed by the Soviet Union, but in some ways the world now is a more dangerous place than it was just a decade ago, with many smaller, unpredictable threats taking the place of a single large one. U.S. and international security are now threatened by transfers of nuclear, conventional and non-conventional materials among numerous states. Nuclear testing last year by India and Pakistan, the attempts of other states to obtain nuclear and ballistic missile technology, and the growing threat of weapons of mass destruction reinforce the need for a comprehensive international effort to end nuclear testing and curb the illicit transfer and sale of nuclear, ballistic, and other dangerous technology.

I have been a strong supporter of prompt Senate action on the CTBT since President Clinton submitted the treaty to the Senate for its advice and consent on September 22, 1997—2 years ago last week. As a member of the Senate Committee on Foreign Relations, I continue to feel strongly that the committee should have thorough hearings specifically on this important treaty at the earliest possible date. I know that the chairman of the committee and I do not agree on the importance of the CTBT, but I hope he will agree that the Senate must fulfill its advice and consent obligations with respect to this treaty.

I continue to hear from numerous Wisconsin residents who favor prompt Senate action on—and ratification of—the CTBT.

The CTBT, which has been signed by more than 150 nations, prohibits the explosion of any type of nuclear device, no matter the intended purpose. India and Pakistan's nuclear tests only underscore the importance of the CTBT, and serve as a reminder that we should redouble our efforts to bring the entire community of nations into this treaty. While I am pleased that both of those countries have agreed to sign the treaty, I regret that they did so only after intense international pressure, and only after they conducted the tests they needed to become declared nuclear states.

We must do more to ensure that no further tests take place.

The United States must lead the world in reducing the nuclear threat, and to do that we must become a full participant in the treaty we helped to craft. I am deeply concerned that the third anniversary of the date the CTBT opened for signature, September 24, 1996, passed last week without Senate advice and consent to ratification. This failure to act by the United States Senate means that, according to the treaty's provisions, the United States will not be able to participate actively in the upcoming conference, which is reserved for only those countries who have deposited their instruments of ratification. That conference is currently scheduled to begin on October 6, 1999. Because we cannot participate, the United States will be at a severe disadvantage when it comes to influencing the future of the treaty and encouraging other countries to sign or ratify.

Mr. President, I again urge the Senate to act on this important treaty at the earliest possible date. The credibility and leadership of the United States in the arms control arena is at stake.

I thank the Chair. I yield the floor.

Mr. BINGAMAN. Mr. President, I wish to take a few moments today to offer some remarks on a matter of extreme importance to this Nation and to the world—the matter of preventing the further proliferation of nuclear weapons among the nations of the world through ratification and implementation of the Comprehensive Test Ban Treaty.

Two weeks ago—September 10—was the third anniversary of the United Nation's overwhelming vote to approve a treaty banning the testing of nuclear weapons. The General Assembly voted 158 for to 3 against the treaty, with a handful of abstentions.

Last week, on September 24, the United States observed the third anniversary of signing that treaty and, on September 22, marked the second anniversary of its receipt by the Senate for our advice and consent.

In accordance with article 14 of the treaty, preparations are now underway to convene an international conference of states which have ratified the treaty to negotiate measures to facilitate its implementation. I'm sorry to say, Mr. President, that unless the Senate acts immediately to ratify this treaty, the United States—an original signatory to the treaty and a leader in the global movement to stop the testing of nuclear weapons—will not take part in that conference.

Our absence sends a troubling message to the international community looking for our leadership.

Mr. President, I am very sorry to say that essentially nothing has happened since President Clinton signed the treaty on behalf of the United States on September 24, 1996, and sent it to the Senate for consideration on September 22, 1997.

There have been no hearings, there has been no debate on the Senate floor, there has been no vote on ratification. This is an extremely important treaty that I believe, and the great majority of Americans agree, would help to prevent the proliferation of nuclear weapons during the coming millennium. And yet the Senate has not even begun the debate.

Mr. President, I believe the United States and the nations of the world have come to a historic crossroads—a crossroads that symbolizes America's view of the future and the potential direction of the international system regarding the control and eventual eradication of nuclear weapons.

The Comprehensive Test Ban Treaty lies at the center of the crossroads, and provides us with two basic options.

We could elect to ratify the treaty and seek its broadest implementation in order to prevent the further proliferation of nuclear weapons;

Or, we could elect not to ratify the treaty, having decided as a body that permitting the testing of nuclear weapons by all current and future nuclear powers is in the interest of safety and security of the United States and the world.

If we chose not to ratify the treaty, that choice would permit us to pursue future avenues for nuclear superiority in response to nuclear weapons developed by our real or potential adversaries.

Mr. President, I believe that our Nation has already been down that road. It was called the nuclear arms race. It cost the Nation over a trillion dollars according to a recent study by the Brookings Institution. And that's just money. It doesn't include the opportunity cost of brainpower and skills not used to address other national problems such as medical and environment science or education.

The fact is, Mr. President, that the way things stand, we are not being permitted to make either choice. Despite repeated requests by Members of the Senate to address this vital national and international security issue, the Senate has done nothing to move this treaty forward and debate it.

The Foreign Relations Committee has taken no action with respect to the treaty and is preventing the Senate from debating and voting in this most critical issue to the future of world peace. By his actions, the chairman of the committee is preventing the Senate from carrying out its constitutional duties and obligations to give advice and consent regarding the CTBT.

Mr. President, I support the call to hold hearings and bring this treaty to the floor for a debate and a vote. The American people strongly support this treaty and deserve to have that view represented and debated in the Halls of Congress.

Will the treaty be an effective means to prevent the spread of nuclear weapons? Let's debate the point.

Will the treaty be verifiable? Let's hear from the experts on that crucial issue.

Will the CTBT serve America's national security interest? Let's examine that from every angle.

As I mentioned at the outset of my remarks today, Mr. President, I believe the Nation and the world stand at a historic crossroads with respect to the spread of nuclear weapons. I believe it is our duty and obligation to the American people to choose the proper road to take. The key word, Mr. President, is "Choose." The Senate is currently being prevented from making a choice—and in so doing, a choice is being made for us—by a few individuals seeking to advance an unrelated political agenda.

I'm certain I share an abiding faith in our democratic system with the Members of this body. If that's so, a debate, discussion, and vote on perhaps the most critical security issue facing our Nation today should be placed before the Senate as soon as possible. Failure to permit such a debate and vote suggests to me either a lack of faith in the democratic process or a disdain for its importance or validity.

Mr. President, I strongly urge my colleagues to support efforts to bring the CTBT to the floor.

Mr. HARKIN. Mr. President, I would like to add a few thoughts for today's debate regarding consideration of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or C-T-B-T—is in our Nation's national security interests. But before I discuss my reasons for supporting the treaty, let me first say why the Senate—even those who are unsure of the treaty-should support its consideration by the Senate.

The Senate should hold hearings and consider and debate the treaty. The Senate should vote on the treaty by March of next year.

Let me now mention some history of this issue and mention some of the major milestone along the road to ending nuclear weapons testing. In fact, next month, the month of October, is the anniversary of many important events.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80-14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. It was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end of our above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. "Hot Sports," where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5-16 rads of Iodine-131. The "Hot Spots" included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5-16 rad level is only an average, with many people having been exposed to much higher levels, especially those who were children at the time.

To put that in perspective Federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, above three times more than from the Chernobyl nuclear power plants disaster in the former Soviet Union.

Mr. President, it is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear test is also in our interests.

October also marked some key steps for the Comprehensive Test Ban Treaty. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goals of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear was after the Cold War came to an end and many former Soviet states became our allies Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its "zero—yield" prohibition on nuclear tests would help to halt the development amd development of new nuclear weapons. The treaty would also establish a far reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80% percent of voters supported the CTBT.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the Senate to immediately ratify the CTBT.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000 —Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished manager, Senator HARKIN, and I had talked yesterday about a time limit on sending of amendments. I believe that has been worked out now.

On behalf of Senator LOTT, the majority leader, I ask unanimous consent that all first-degree amendments in order to the Labor-HHS-Education appropriations bill must be filed at the desk by 2 p.m. on Thursday, today, and all second-degree amendments must be relevant to the first-degree amendments they propose, and in addition thereto, each leader may offer one first-degree amendment.

Mr. REID. Mr. President, reserving the right to object, I am not objecting other than to add to the unanimous consent request that in addition to the two leaders, each manager will also have the right to offer an amendment.

Mr. SPECTER. I accept that addendum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I understand the distinguished Senator from Nevada, Mr. REID, has an amendment which he wishes to submit. I have discussed a time limit with Senator REID, and I ask unanimous consent the time limit be 30 minutes equally divided.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. REID. I ask the pending amendment be set aside since it is my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1820

(Purpose: To increase the appropriations for the Corporation for Public Broadcasting)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1820.

On page 66, line 16, strike $350 million and replace with $475 million.

Mr. REID. Mr. President, "Prairie Home Companion": My wife and I have enjoyed many Sunday afternoons listening to this great program on public radio. It lasts 2 hours; there is music, comedy, drama. It is a great program. It comes on public radio.

On public television, we all watched the series on the Civil War. I don't know if there was a more dramatic, a more effective presentation of history ever made on public broadcasting than of the Civil War.

It was tremendous.

Then several years later, the same person who produced the Civil War series produced a magnificent series on baseball, the history of baseball. It had pictures we had never seen, stories we had never heard, all on public broadcasting, all without any type of commercial interruption of any kind.

I watched on public broadcasting, public television, a presentation about the city of New York. I have been to the city of New York numerous times. Never did I see New York as it was shown in that program. I saw parts of New York I would never, ever be able to see. I understand New York better than I would have ever been able to understand New York as a result of that program on public television.

I am a fan of public broadcasting. I think America is a fan of public broadcasting. We can look back to the mid-1990s when Newt Gingrich took control of the House of Representatives and publicly proposed cutting all public broadcasting funds.

There has been an effort by public broadcasters to do all kinds of things to be able to meet the demands of their viewers. One of the things they have done—there is report language in this bill that I think is important, and that is to stand up and say what they have done as far as selling lists of their subscribers is wrong. We have public broadcasting selling lists to Democratic organizations; we have public broadcasting selling lists to Republican organizations. They were put up to bid, in effect, and that is wrong. The report that accompanies this bill says, in very strong terms, that was wrong.

It was wrong. I acknowledge that without any question. But we have to decide whether we want to have a public broadcasting system or not have a public broadcasting system. Either we fund the Corporation for Public Broadcasting so they can exist or we decide to end it. I prefer the former. I prefer that we fund the Corporation for Public Broadcasting. I suggest we increase funding as indicated in this amendment, this year, by $125 million.

I think it is important we talk about public broadcasting, what it does for this Nation. As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds—and certainly they should be—I suspect they will begin to sound more and more like private broadcasting stations.

There was one article in the Washington Post, written by a man named Frank Ahrens, in which there was substantial research about what has happened to public broadcasting. We find there has been a 700-percent increase in corporate funding over just the past few years, since Congressman Gingrich got involved in this. It is not just listeners who are noticing the change. Private stations, which are not tax exempt as are these public broadcasters, are voicing their concern about an increasingly uneven playing field—as well they should.

Why do they do that? They do it because corporate support has shifted radically in the past several years. In fact, at WAMU, which is a station here in Washington, the broadcasts of which we hear all over the country, the station president said it has gone up significantly. That is an understatement.

Bob Edwards, for those of us who listen to public broadcasting—and I listen to it in the morning more than any other time; I listen to the morning edition—he is even more blunt. Bob Edwards says:

> Underwriting has kept us alive.
>
> It has cut into our air time. If you have to read a 30-second underwriter credit, that's less news you can do.

That is an understatement. There is much less news that is done. Underwriting spots sound like commercials, a trend that troubles listeners, and recent surveys show this.

As this article indicates, the public is getting upset about this. In Boston, a radio station called WBUR has aggressively pursued corporate underwriting, as many stations around America have—in fact, they have all done this. It lists 315 corporate sponsors on its web site—1 radio station.

The corporations love to advertise on public radio. They believe demographically they have an audience that listens to their messages, understands their messages; many times they are well-educated, upper-middle-class listeners who have expensive tastes and, some say, the money to indulge them. Moreover, they trust public radio much more than listeners trust, perhaps, commercial radio.

We know on WAMU and other public radio stations, the Nuclear Energy Institute, the lobbying arm for the atomic power industry, has done a lot of advertising. This comes not from the Senator from Nevada but from this article from the Washington Post. With its ads, the Nuclear Energy Institute says, by using their slogan, "Nuclear technology contributes to life in many ways you probably never thought of."

This upset listeners. There was a lot of complaining. As Bob Edwards, the host of the program indicated, there was an e-mail campaign suggesting NPR was in the pocket of the nuclear industry. I personally do not think they are. But when this advertising takes place, people do not have to stretch really far to come to that conclusion.

The same radio station, WAMU, decided several years ago they were going to do a show sponsored by the National Agricultural Chemical Association which advertised its products as safe. People complained because some people do not like these chemicals that are put on crops. Calls came in suggesting the radio station was in the pocket of this chemical company. That is really not true, but people can draw that conclusion because of the advertising that takes place on public radio.

Still, public radio managers are concerned and they are inventing all kinds of ways to get around FCC rules. They are creating promotions with adjectives and lengthy explanations: "the blue-chip company," "18 million customers worldwide," and "converting natural gas to sulfur-free synthetic fuels." These are some of the catchwords they are using to try to get around some of the FCC rules.

In this Congress, earlier this year, Congressman MARKEY from Massachusetts and Congressman TAUZIN from Louisiana drafted a bill that would tighten the FCC rules and also increase spending by as much as 60 percent for the Corporation for Public Broadcasting. They were—I should not say forced; they decided on their own, I am sure, but as a result of all the publicity that was engendered as a result of learning these public broadcasting organizations were selling their subscribers' lists, they backed off this legislation. They said they were going to go forward with it soon. There is a sentiment all over America that we have to have either public broadcasting or commercial broadcasting. This mix is not working because the mix is coming out as commercial broadcasting.

It is not just lawmakers and listeners who are concerned and taking note of this advertising policy, but commercial radio stations are concerned. Public broadcasting is tax free. Commercial broadcasters believe it is unfair that public stations can air essentially the same advertising they do and not have to pay the same taxes. They are competing in a way that is unfair to commercial broadcasters. "It's not an even playing field," says Jim Farley, the vice president for news at WTOP here in Washington.

I listen to WTOP. It is a great news station. I think if we are going to have public broadcasting, it should be public broadcasting. People should not have to guess whether or not it is a commercial station or it is public broadcasting. I agree with Jim Farley. It is not an even playing field.

The increased presence of corporate underwriters has led some listeners and even those within public radio to fear underwriters might influence the news coverage in segments they sponsor. There are not many other conclusions you can reach if, in fact, you are advertising some commercial product.

The reason people can come to that conclusion without a lot of stretch is, for example, "Marketplace," which is a public radio program, aired stories about General Electric being indicted for price fixing but ignored a 1990 boycott of the company by the people who objected to its participation in the nuclear weapons industry.

Why did some people come to that conclusion? Because General Electric provides more than 25 percent of the funding for this program. There was no other conclusion one could reach. The show's general manager now calls the fact they did not run stories about this boycott a lapse, a mistake. I submit, we should not have these problems with public broadcasting.

My amendment simply says if we are going to have public broadcasting, we should have public broadcasting. Even though this money I am suggesting we vote for is not enough to solve all the problems, it is a step in the right direction and will take some of the pressure off public broadcasting.

This is money well spent. It is important we in America feel good about our public broadcasting. I submit that programs such as "Prairie Home Companion," the series on the Civil War and baseball and New York and a multitude of other programs we have all enjoyed should continue without commercial interruption.

I believe we should adequately fund this organization. Whether it is adequate funding or not is something we can all debate, but it is at least a step in the direction of giving public broadcasting a shot in the arm, funding which has been taken from them as a result of the activities of Congress since 1995.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that no second-degree amendment be in order prior to the vote on or in relation to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I oppose the amendment offered and argued by the Senator from Nevada because the subcommittee worked out a very carefully crafted set of priorities, joined in by the Senator from Iowa, Mr. HARKIN, my distinguished ranking member. In structuring a bill of $91.7 billion, we had to take into account many programs, some 300 programs. There is difficulty in having this bill accepted with 51 votes considering the expenditures involved.

We have given priority to items such as education where the bill is $500 million in excess of the President's request. We have given priority to programs for the National Institutes of Health and raised $2 billion. We have had to cut some programs which I, frankly, did not like to see cut. But we have established the priorities.

With respect to the Corporation for Public Broadcasting, we have increased their funding by $10 million, from $340 million to $350 million. This year's allocation of $340 million was an increase from $300 million the year before and an increase from $250 million the year before that. It is true that back in 1992, the Corporation for Public Broadcasting had an allocation of $327 million and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints that we have been reasonably generous with the Corporation for Public Broadcasting.

On another matter I think ought to be commented upon, although it is not the reason for opposing the amendment by the Senator from Nevada, is the finding by the inspector general of the Corporation for Public Broadcasting that 53 of the 591 public broadcasting grantees exchanged donor lists with or rented them to political organizations, which is a matter of some consequence. Earlier this year, the Boston Globe reported that the local public television station in Boston, WGBH, exchanged its donor list with the Democratic Party. There were other media reports about exchanges involving public broadcasting with WNET in New York, WETA in Washington, DC, and WHYY in Philadelphia.

Steps have been taken by the Corporation for Public Broadcasting to stop that practice, but I do think it is a factor which ought to be in the public record and ought to be commented upon at this time.

It would be a curious reward if, in the face of a problem this year of this magnitude, we had a proportionately large increase in the Corporation for Public Broadcasting. These factors were considered very carefully when our bill was crafted. I do listen to public broadcasting myself, and I do concur with Senator REID that it is a very useful instrumentality, given the considerations on commercial broadcasting. But we have gone about as far as we can go in allocating a $10 million increase which brings the corporation up to $350 million.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the manager of this bill and the Senator from Iowa have done a good job in constructing this $91.7 billion bill, and they have included things regarding health and education. There is nothing more educational for the American public than to do a good job for public broadcasting.

As I said earlier, the sales of the donor lists were brought about because of the financial pressure on these institutions. I do not condone that, and I agree with the language of the report which does not condone that.

I suggest this is money well spent out of $91.7 billion. This money is a mere pittance and it would be very important to spend to help the American public.

I ask unanimous consent that the actual vote on this amendment not take place until there is an agreement between the two leaders as to when it should take place.

Mr. SPECTER. I thank the Senator from Nevada for that observation. It is my hope we can stack the votes until late this afternoon. We find that the votes set for 15 minutes with a 5-minute leeway go much longer. We have an amendment lined up by the Senator from Arkansas, Mr. HUTCHINSON, to start in 10 minutes, and behind that—in sequencing we have had two amendments from that side of the aisle, so we are looking for another Republican amendment behind Senator HUTCHINSON. Then we will have Senator GRAHAM of Florida.

We wish to move this bill expeditiously giving ample time with time agreements. So we will be looking to stack the votes very late this afternoon. Then we have lined up an amendment on ergonomics to come late this afternoon. It is anticipated there will be considerable debate on that. But we want to move through the "meat" of the day, so to speak, getting as much done as we can. So I concur with what Senator REID has had to say about stacking the votes later.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I also say, while we are waiting for Senator HUTCHINSON to come to the floor, that we have the 2 o'clock cutoff for the submission of amendments. We hope Members will come forward with amendments as quickly as possible, recognizing we are trying to move this bill along as quickly as we can. So we hope everyone, especially the staffs who are listening, will take that into consideration, as I am sure they are—that consideration will be given to the submission of amendments, working under the time constraints we have.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, while not an enormous matter, while we are waiting for the next amendment to be offered, the issue has arisen as to whether the lists were made available to which political parties. I have been furnished, by staff, with a response by the inspector general of the Corporation for Public Broadcasting to Congressman DINGELL's questions in the House of Representatives.

This is one question:

> When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Answer by the inspector general, as represented to me here:

> Although, none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

I think it advisable, having read from part of these responses, that the full text of the responses to Congressman DINGELL's questions be printed in the RECORD. I ask unanimous consent that the full text of the responses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORPORATION FOR PUBLIC
BROADCASTING,
Washington, DC, September 24, 1999.

Hon. JOHN D. DINGELL,
Ranking Minority Member, Committee on Commerce, Room 2125, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: The Office of Inspector General appreciates the opportunity to clarify any questions Congress has resulting from our recent report on Public Broadcasting Stations exchange or rental of membership/donor names with political organizations. We have accordingly prepared Attachment 1 which contains the office's conclusions regarding the questions raised in your September 20, 1999 letter.

If your staff wishes to discuss these matters further, please have them contact me at (202) 879-9660.

Sincerely

KENNETH A. KONZ,
Inspector General.

ATTACHMENT 1

RESPONSES TO CONGRESSMAN DINGELL'S QUESTIONS

1. Is there any evidence to suggest that any donor list transactions between stations and Democratic organizations were politically motivated?

No. Stations across the country universally denied that any decisions to exchange donor lists or rent names to any outside organization were politically motivated. Additionally, top management officials were not aware that such exchanges were being made. Instead, such exchanges seem to grow from the need to utilize direct mail solicitation as a basis for raising membership revenue for the station. Because dealing with political organizations was such a minor part of their direct mail solicitation process, we concluded that political motivations were not considered.

2. When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Although none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

3. Were any contacts with political organizations initiated directly by station representatives? What role did list brokers/managers play in these transactions?

Based on the responses we got to the survey and our visits to stations, we found that all arrangements with political organizations were made by direct mail consultants or list brokers. Generally, such consultants developed plans for direct mail campaigns. Given the number of solicitations planned, the consultant proposed various lists from which names could be exchanged or acquired based on the demographics of the target audience and success in using, such lists in previous direct mail solicitations. The stations simply saw the names of the proposed lists and were given the opportunity to eliminate those organizations they did not want to exchange with. Therefore, they usually went along with the lists recommended. In cases where political organizations desired exchanges, they would go to the list broker who (in some cases) had authority to exchange names or who, if they did not have authority, would get back to the stations to obtain authorization or rejection.

4. Is there any evidence of a station, or list broker/manager acting on behalf of a station, refusing a request for a list exchange or rental from either a Republican organization or a list broker/manager known to be acting on behalf of a Republican organization?

We saw no indication that exchanges or rentals from Republican organizations were turned down. On the other hand, we saw some exchanges with Democratic organizations were turned down because the stations had a policy of not exchanging with political organizations.

As a general rule, we saw stations looking for names for use in direct mail solicitations. In this regard, in reviewing acquisition of names, stations obtained names not only from apparent Democratic organizations, but also from apparent Republican organizations. For the stations we visited, more than one third of the stations got significant portions (20 percent or more) of such names from apparent Republican organizations. Thus, we have no basis to conclude that exchanges sought by Republican organizations would have received any different consideration from those sought by Democratic ones.

5. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?

Our office did not find clear evidence of any violation of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1934, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in affect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular parties or candidates, we did not identify any violations of existing CPB statutes or regulations.

Our office is not an expert in all the Federal or State laws or regulations which might govern the exchange of rental of membership/donor lists. we have in this instance heard that questions have been raised regarding the possibility that stations may have violated provisions of the Internal Revenue Service (IRS) requirements concerning non profit organizations. We understand the IRS was looking into the situation. They would be the appropriate organization to indicate whether there were any violations to that law.

6. How did stations benefit from list exchanges or rentals with political organizations?

In our opinion, stations did not obtain any extraordinary benefit from exchanges or rentals with political organizations. While on one hand the stations did get names from such organizations, they paid for them just like other exchanges with or rentals from non profit organizations or even commercial entities. In both cases, the cost of direct mail solicitations was reduced when names were acquired through exchanges, rather than rentals.

In evaluating benefits to the station, we noted that successful lists only averaged one contribution or membership for every 100 direct mail solicitations (1 percent). Furthermore, only a small proportion of the names used in direct mail solicitations were derived from political organizations. For the stations we visited names from apparently political organizations, ranged from only .3 percent to 6.4 percent of the names acquired for direct mail solicitations. Thus, we concluded that involvement with political organizations in this process did not provide material benefits to public broadcasting stations.

Mr. SPECTER. I suggest the absence of a quorum.

Mr. REID. Mr. President, if the Senator would withhold.

Mr. SPECTER. I do.

Mr. REID. Mr. President, I did not want to get into a "who did this; who did not do that." I acknowledge, selling the lists was wrong. The fact is, though, that PBS stations made these lists available to both parties. Without getting too partisan, we know the Bush family has made their lists available to groups, also. These groups include the Citizens for a Sound Economy and the Heritage Foundation. These are certainly if not Republican organizations, I would clearly say, Republican-leaning organizations.

I also think it is important to note we are talking about the Corporation for Public Broadcasting. And the Corporation for Public Broadcasting has a policy——

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. REID. Yes. We are not on the Senator's time now. We are waiting for Senator HUTCHINSON to come. I got the floor on my own.

The PRESIDING OFFICER. We have a time agreement on the amendment. There is a current time agreement. If the Senator wishes to——

Mr. SPECTER. I yield time from my side to the Senator from Nevada.

I ask the Senator, how much time would you like?

Mr. REID. Just a few minutes, a couple minutes.

Mr. SPECTER. Two minutes. We only have about 4 minutes left. If you take 2 minutes, I will have 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes 20 seconds remaining.

Mr. SPECTER. Take 3.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, the Corporation for Public Broadcasting now has a policy. We do not need to talk about what has gone on before. We all recognize it was wrong and is wrong.

I again state I approve wholeheartedly with the language in the report that was submitted by the manager and the ranking member of this bill and which I understand had the full committee chairman's undying support; that is, the Senator from Alaska was also upset about the trading of lists, which we all agree is wrong.

I support the present policy. If you want to sell your list to a political party, you are not going to get any funding from the Corporation for Public Broadcasting.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the Senate floor we do not frequently have the quality of evidence which assures authenticity, unlike a courtroom where you have to have witnesses who saw, observed, or documentation which is authenticated.

I have marveled, from time to time, during my tenure in the Senate how many representations of fact are made which have no authentication. We had a little time left over from the debate, so the Senator from Nevada and I have talked a little bit about these lists being made available to political parties.

You have the inspector general's report which will be made a part of the RECORD which says what it says. I have already stated that. I am not going to repeat it. But what we say on this Senate floor is viewed by a lot of people. I am sure the Corporation for Public Broadcasting will be looking very closely at what Senator REID and I have had to say. And other public institutions will be on notice, as well, that when there is public money involved, it is a public trust and not to be partisan for either Democrats or Republicans, and that we will take a look at it.

Again, I repeat that, notwithstanding this concern, we did not seek to have that influence our determination as to what the funding should be. We added $10 million. We know the problem has been rectified, but we want the Corporation for Public Broadcasting, and everyone else, to be on notice that the Congress will not tolerate partisanship or political activity of either party with public money, which is a Federal trust.

Mr. President, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be postponed.

Mr. SPECTER. Mr. President, the hour of 12:30 has arrived. We expect the offerer of the next amendment to be here within a very short period of time. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, in a moment, the next amendment will be offered in the queue by the Senator from Arkansas. I ask unanimous consent that the amendment be awarded one hour of debate, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. A unanimous consent was asked. Was there approval that there be a time limit on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. The time limit is what?

The PRESIDING OFFICER. One hour of debate equally divided with no second-degree amendments.

Mr. HARKIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for himself, Mr. DEWINE, Mr. ALLARD, Mr. THOMAS, Mr. CRAPO, and Mr. HELMS, proposes an amendment numbered 1812.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add Senators DEWINE, ALLARD, THOMAS, CRAPO, and HELMS as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I am pleased to offer this amendment to the appropriations bill on Labor-HHS. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

This would shift $25.472 million from the National Labor Relations Board to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to what is a critical program for underserved areas in health care in this country.

The NLRB requested an increase of $25.472 million in funding for the fiscal year 2000. Their argument is they need that increase in funding to reduce their backlog in cases. However, when one looks at the situation at the NLRB and looks at their own statistics provided by the National Labor Relations Board, justification for an increase is simply not there.

In its annual report, the NLRB stated the number of cases that were pending before the NLRB declined from 37,249 in fiscal year 1997 to 34,664 in fiscal year 1998. The NLRB further reported the number of cases the NLRB is receiving declined from 39,618 in fiscal year 1997 to 36,657 in fiscal year 1998.

From their own statistics, it is clear that the National Labor Relations Board can fulfill its statutory mandate to administer the National Labor Relations Acts without the better than $25 million increase in funding. In fact, the NLRB did not receive an increase last year and was not only able to fulfill their mandate but achieved these results which I have cited in seeing a decrease in the number of cases.

How is that possible? When adjusted for inflation, from 1980 to 1998, while the NLRB budget declined by 21 percent, the number of charges received and processed has declined by 31 percent. While the NLRB can rightly say they have had a declining budget, if you look at the number of charges they have received and processed, it has had an even more dramatic decline.

In his statement before the House Subcommittee on Labor-HHS, on March 25, the NLRB general counsel, Fred Feinstein, stated that the NLRB has adopted a program called Impact Analysis through which the NLRB has moved beyond the first-in-first-out approach in an effort to assure that the cases it gets to first are those that are central to its core mission.

He further stated that the Impact Analysis Program has allowed the NLRB to assure that its backlog consists of lower priority cases. Not only has the backlog decreased but the cases that are in their own system are not of a lower priority.

The NLRB estimates that of the 35,000 total charges filed each year, only approximately one-third—or 10,500—are found to have merit. The NLRB further estimates that of the 10,500 charges each year that are found to be meritorious, 86 percent—or 9,030—are settled.

Therefore, the NLRB adjudicates only approximately 4 percent—or 1,470—of the charges it receives each year. So over 35,000 total charges, less than 4 percent, or about 4 percent, are ever adjudicated. So from the NLRB's own numbers, only 10,500 of the 35,000 charges have merit and 65 percent of all unfair labor practice charges are dismissed or withdrawn.

Let me reiterate. Sixty-five percent of all unfair labor charges are dismissed or withdrawn because they are found to be without merit.

Where does that leave us as a body? How do we justify funding their request at better than a $25 million increase at a time that the number of cases is decreasing and the number of adjudications is down 40 percent? How do we justify that?

I know. I simply can't justify that. I think many of my colleagues will agree.

If a society can be judged by how it treats its less fortunate, if a society is judged by how it treats its most vulnerable members, then we must and the NLRB must make better use of resources and decide that we will tip the scales this time in favor of individuals, particularly children, who need health care.

That is why my amendment will shift $25.472 million from the NLRB to the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in their funding to a critically urgent program, the Consolidated Health Centers.

The Consolidated Health Centers Program is a Federal grant program funded under section 330 of the Public Health Service Act to provide for primary care health services in medically underserved areas throughout the United States.

I suspect that the occupant of the chair, the Senator from Kansas, knows well about these kinds of underserved areas. In my home State of Arkansas—we have many in the Mississippi Delta region—they are desperately in need of these kinds of community health clinics. Specifically, this program makes grants to public and nonprofit private entities for the development and operation of community, migrant, and homeless health centers.

Key to the mission of the Consolidated Health Centers Program is its recognition of the contours of our country and its diverse geography. Health care is needed in areas where economic, geographic, and cultural barriers limit access to primary health care for a substantial portion of the population. It might surprise a lot of folks, but today one-fifth of Americans live in rural areas. And many are in desperate need of health care.

I grew up in a little town of 894. It is now up to 1,300. It is in a rural part of Arkansas. I wouldn't trade that place for growing up for any place in the world. But I know that while we have serenity, we have low crime—we had wide open spaces to run on the farm, and it was a wonderful place to grow up—there are also a lot of amenities most people take for granted which we didn't have. Whether it is in Kansas or Arkansas or Iowa, people living in those rural areas may be willing for the benefits they receive not to have the metro system, not to have a nice theater, not have the grand malls, and some of the things we enjoy so much in the Nation's Capital.

However, the tragedy is not only do they give up those amenities but too often in Iowa, Kansas, Arkansas, across the Mississippi Delta and other rural areas, they also give up opportunities because of the economic deprivation of some of the areas that have good quality health care. Indeed, some don't have adequate health care facilities at all, while we take for granted such areas as the Pentagon City Mall, Tysons Corner, full service hospitals, dental centers, podiatrists, chiropractors, virtually a doctor for every part of your body.

But that does not happen in the Mississippi Delta, rural Kansas, or Iowa. These health centers provide access to basic yet essential health services, including preventive health and dental services, acute and chronic care services, appropriate hospitalization, and specialty referrals. These centers are the safety net providers for those who fall through the cracks in our current health insurance marketplace. We may fight and we may argue on the floor of this Senate as to what we should do about managed care reform, what we should do about providing health care for those uninsured, but we don't need to argue about the need to increase funding for these vital community health centers. They are the ultimate safety net in our society.

Health centers provide health care to people regardless of their ability to pay. By law they serve anyone who walks in through their doors—rich or poor, insured or not. Of the clients received by community health centers, 44 percent are children, 66 percent have incomes below poverty level. That is the issue before the Senate in this amendment: Are we going to fund more bureaucracy at the NLRB at a time they have a declining number of cases or are we going to shift the increase for small rural communities desperately in need of greater health care? In Arkansas alone, 41 health centers currently serve 80,000 Arkansans. Once again, 44 percent are children and two-thirds have incomes below the poverty level.

Last month, during our August recess, I had the opportunity to visit 13 counties in the delta region. They are the poorest of the poor. They don't need a handout, but they need a helping hand, especially in the area of health care. I recently visited a new health clinic in Parkin, AR, made possible through a grant in this program, Consolidated Health Centers Program. I commend all the dedicated public servants and health care professionals at the Parkin Medical Clinic and all of the health centers in Arkansas for the invaluable contributions they make to their communities and commitment to improving public health.

At a time when the number of uninsured in our country is over 40 million and growing, the community health centers play a pivotal role in providing care to those who need it most, the uninsured. By spending $25 million more for the health centers, we will enable them to serve 83,000 more people. That won't cover the expected need, but it is a step in the right direction. They say they need $264 million more to maintain current levels of coverage and care. Last year, we increased funding by $100 million for the health centers. Senator SPECTER—and I applaud his efforts in this appropriations bill—increases funding for the health centers by $99 million in addition. That is a good start, but they say in order to maintain current service they need $264 million.

I believe this is a good investment and it is an easy choice. The choice is funding more bureaucracy at the NLRB at a time caseload is falling or shifting that increase to the communities, to the deprived and neglected communities of this country in which there is a high percentage of uninsured and a high percentage of children who don't have access to health care. We can help that situation and provide tens of thousands of people health care by the simple passage of this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 17 minutes 51 seconds.

Mr. HUTCHINSON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. ENZI. Mr. President, I ask unanimous consent to make a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Reserving the right to object, I didn't hear.

Mr. ENZI. I ask unanimous consent, without it being taken off of the Senator's time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator yield time?

Mr. HUTCHINSON. Mr. President, I am happy to yield to the Senator from Wyoming whatever time he desires.

Mr. ENZI. Mr. President, I rise in support of the amendment by the Senator from Arkansas. I am Chair of the Senate Subcommittee on Employment, Safety and Training. I have worked closely with Senator HUTCHINSON to assure small businesses are treated fairly by the NLRB. I have numbers as well that show there is difficulty with that.

I held a hearing in July that clearly illustrated how small business owners that win against the NLRB on an action against the employer get left with thousands of dollars of legal bills. Aggressive actions continue to be brought against the small business owners with no relief in sight. That has to be solved.

Regarding this movement for community health centers, regardless of how much it takes to take care of the present situation, Wyoming doesn't have a community health center. We have a need for it equally. I hope that is included in the suggestions for where this money will be going. I understand the need to raise enough funds to be able to support the current efforts.

I ask people to take a look at the record of the hearings we held on this subject of the National Labor Relations Board and the unfairness with which they have treated some of the employers, the huge bills employers have been left with, in spite of some of them representing themselves before the committee. Such practices are wrong and need to be stopped.

We shouldn't have additional funds for a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.

Earlier this year at a field hearing about the National Labor Relation Board's treatment of small businesses by the safety subcommittee, a small business employer named Randall Truckenbrodt testifies that in one year alone, over 36 unfair labor practice charges were filed against his company. After a prolonged legal battle, Randall won all 36 charges. The cost of defending himself, however, totaled a whopping $80,000, a sum which he testified, "could have been triple had I not represented myself." As a former small business owner, I shudder to think that such a practice could ever occur—much less to a small business—and I am dumbstruck by reports that what happened to Randall happens all the time. Such practices are more than wrong, they should be stopped. I support this amendment, which would allow NLRB to focus on their existing responsibilities and not allow additional funds for random, meritless claims brought against small businesses by the NLRB—an intimidating bureaucracy that can sometimes strong-arm the little guy who doesn't have the resources to defend himself.

I have great concerns over the actions of the NLRB against small businesses, and before we give it 25 million additional dollars, I think we need to get to the bottom of NLRB's treatment of these smallest of businesses. I support Senator HUTCHINSON's amendment which would transfer the $25.7 million increase for the National Labor Relations Board to Consolidated Health Centers under the Public Health Service Act.

Community health centers play a vital role in providing primary care services to underserved areas. The Labor HHS bill provides a $99 million increase for CHCs—Consolidated Community Health Centers Program—for poor, rural areas. HRSA, however, testified and requested $264 million just to maintain levels of coverage and care.

Health centers serve over 10 million people nationwide, over 4 million of which are uninsured. By spending $25 million more for health centers, health centers estimate that they will be able to serve over 83,000 more people.

Bottom line, this amendment will bring better health care to millions of Americans, rather than harming more small businesses by allowing the NLRB to run wild in filing meritless claims against them, and therefore I rise to strongly support it.

I yield the floor.

Mr. SPECTER. Mr. President, when this bill was crafted with some 300 items, great care was exercised on the establishment of priorities. That is always a difficult matter. Where is the $1.800 trillion in Federal money to be spent? We have a bill of $91.7 billion. We have had a series of amendments to change the allocations and assessments of priorities which the ranking member and I came to initially with staff, and then the subcommittee and then the full committee.

I am inclined to agree with my colleague from Arkansas about the desirability of having more money in the consolidated health centers. He came from a small town, as he recited, of several hundred that has grown to more than 1,000. The town where I went to high school was a big city by comparison. It had several thousand people. Russell, KS, has now 4,998 people. It used to have 5,000 until Dole and I left town.

I appreciate what the Senator from Arkansas has had to say about the virtues of living in a small town. I have appreciated the virtues of living in a small town even more since I moved to a big city. I knew Russell, KS, was a great place to live, but after I moved to Philadelphia I concluded Russell, KS, was a greater place to live.

When the Senator from Arkansas talks about smalltown life and the need for health centers, he is right. They are needed not only in Arkansas but in Pennsylvania, in Kansas, and everywhere.

When we made the allocations, as has already been noted by the Senator from Arkansas, we paid a very substantial increase to consolidated health centers. Consolidated health centers were a little over $900 million and we added $99.3 million to bring them to $1.24 billion. That is, I am advised, $79 million over the President's request.

But, even so, when the Senator from Arkansas says he would like to have more money, I would not disagree with him. But then it is a question of establishing priorities, as to what we do. I listened closely to the statistics which were cited by the Senator from Arkansas on the decrease in the backlog. But even after the backlog has decreased—and I am searching for those exact statistics myself—there still is an enormous backlog which is pending before the National Labor Relations Board.

When the Senator from Arkansas makes a comment about the board establishing priorities, I think that is to the board's credit. They are not going to be able to take all the cases, so they ought to establish priorities. I hope their priorities are not subject to as much challenge as mine are on the floor. I am not really too serious about that, there haven't been too many challenges. But then the day is not over yet, either. We are waiting for all the amendments to be filed by 2 o'clock this afternoon.

But I compliment the National Labor Relations Board for establishing priorities, to take up the most important cases first. The fact that there are a great many unmeritorious claims filed is not surprising. There are sometimes unmeritorious amendments filed—not this one. But there are lots of cases filed in court or any adjudicatory process where there are unmeritorious matters. But I do not think that can be the basis of judgment. My analysis of the caseload of the National Labor Relations Board, and I am going to put these figures into shape during the course of this debate, to be specific and put them into the CONGRESSIONAL RECORD, is that this funding is needed.

The National Labor Relations Board, by word of just a little explanation for those who may be watching on C–SPAN2, is a board created to take into consideration complaints, either by labor or by management, as to what is happening in a labor practice and to identify unfair labor practices and to produce labor peace by having an administrative remedy which would stop people from going into court.

I know there are others who wish to speak who are waiting now, but I think a careful analysis of the backlog, of the procedures of the National Labor Relations Board, and the entire picture, will show that this kind of increase is warranted and certainly in consideration of the significant increase accorded to the consolidated health centers, which I have already noted.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time would my colleague from Iowa like?

Mr. WELLSTONE. Might I ask my colleague from Iowa a question?

Mr. HARKIN. I do not have the floor yet.

Mr. SPECTER. There is a question pending of the Senator from Iowa, how much time does he want?

Mr. HARKIN. Just 5 minutes.

Mr. WELLSTONE. Mr. President, before I leave the floor, might I ask my colleagues from Iowa and Pennsylvania a question? I want to know the parliamentary situation. Do we have an agreement for no second-degree amendments and this would only be debated for an hour? Could I get some information about this?

Mr. SPECTER. If I may respond to the question. I was off the floor for a moment, actually, in the lunchroom. I came back to the floor. A unanimous consent request had been propounded for an hour time agreement, equally divided, with no second-degree amendments. It was later determined that was not really acceptable to the Democratic side of the aisle. I said to the Senator from Iowa, when I came back in: If it causes you heartburn, we will eliminate it.

I now ask unanimous consent that the part as to "no second-degree amendments" be rescinded, but the time as to 1 hour equally divided remain in effect.

Mr. HUTCHINSON. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I could make it clear to the Senator from Iowa, if there is an objection—I thank the Senator from Pennsylvania. I think his unanimous consent request is very much in the spirit of fairness.

I say to my colleagues on the other side of the aisle, if that is not acceptable, kind of sneaking a unanimous consent request in—this is a very important amendment. There ought to be second-degree amendments on every single amendment introduced to this bill forthwith with no time agreement if we are going to play that way. That is just not acceptable. We need much more time and we certainly should have the right to second-degree amendments.

The PRESIDING OFFICER. The Senator from Iowa is recognized. I think he was yielded time.

Mr. HARKIN. I assume I have some of my 5 minutes left—I hope?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. Mr. President, first, I say I thank the Senator from Pennsylvania. He is a true gentleman, I think, in the spirit of comity on the Senate floor, to recognize the unanimous consent request that was proffered earlier was not acceptable to this side. I bear some responsibility for that. I was engaged in a conversation with my staff and did not even hear the unanimous consent request propounded, so I bear some responsibility for that.

As I said, in the spirit of comity and the smooth functioning of the Senate, my friend from Pennsylvania, the chairman of the appropriations subcommittee, came back on the floor and said he would move to vitiate that unanimous consent agreement, which he did, I think, again, in the true spirit of comity and smooth functioning of the Senate. That then was objected to, I guess, by the Senator from Arkansas?

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I will yield the floor back to the Senator.

Mr. SPECTER. Mr. President, when I heard there was a problem—we work together on too many matters over too long a period of time. If it was inadvertently entered into, we are prepared not to hold anybody to it. We have a lot of work to do. If we did not have a lot of work to do, we still would not hold them to it if it was inadvertently entered into.

I have just discussed that with my colleague from Arkansas. I think we can work this out in the course of the next few minutes, if the Senator from Iowa will take his 5 minutes to argue on the merits.

Mr. HARKIN. If I can have another 5 minutes to talk about the amendment itself?

Mr. SPECTER. I allocate 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment propounded by the distinguished Senator from Arkansas really would harm the NLRB drastically. The Senator from Arkansas said the caseload had gone down. That is true, the caseload did go down, I assume because we increased some of the funding and they were able to, then, hire some more staff and decrease the caseload.

If now, however, we cut the funding, they are going to have to release those people and fire people who were hired; therefore we will be right back where we started from.

We keep hearing about the backlog. What is the backlog? The NLRB, at the end of last fiscal year, had 6,198 cases pending at the end of the last fiscal year. I understand some of those were reduced last year, but we are still in the neighborhood of about a 5,500-case backlog. So I do not know how the Senator from Arkansas can argue we are making great progress. We are making a little bit of progress. But to take the $25 million out of the NLRB would put us right back where we were before, and you would see the backlog start going back up again. That may not be his intention, but that is exactly what would happen.

At this funding level, the staffing, I am told, would have to be reduced by at least 100 people below the current level. That would be about a 5-percent reduction. Again, that would mean the backlogs would continue to go up. The time to process the claims would grow significantly, and that would hurt not just the employees but also the employers. Both sides are harmed when they get this kind of backlog at the NLRB. Again, they are most effective when they can get at this in a hurry. Workers who are fired for union organizing must sometimes wait weeks or months for cases to be processed. Then when the remedy does come through it is too late. People have to move on with their lives. They have found other jobs, they get the remedy, but it is too late to make any kind of difference at all.

Employers are hurt because a delay causes back pay to add up until the case is resolved. This creates uncertainty. It destabilizes the workplace. I have had employers who have contacted my office and said: Can't you do something about NLRB? There is a case pending. It is causing us a lot of headaches. So it is not just labor, but it is also management that is hurt when you have this kind of backlog.

If this amendment goes through the funding level right now would put us, as I understand it, below the 1993 inflation-adjusted level for the NLRB. During that period of time, the number of cases has gone up. So you can see the number of cases has gone up. We took a little bit out last year because of some additional staffing we gave them. This budget cut would put us back where we were in 1993.

Of course, not only would the present backlog of cases take more time, we could see actually more cases piling up behind the ones that are there.

Again, there is some thought that the NLRB is a kind of a prolabor organization. The NLRB is effective because it is a nonmanagement, nonlabor, independent board. It promotes stable and productive labor relations. If they are not able to do their job, our whole society breaks down.

Let me get to the point. The Senator from Arkansas wants to take $25 million out of this and put it into community health centers. I take a back seat to no one in supporting community health centers—consolidated health centers I guess they are now called—and have worked over the years with Senator SPECTER, as a matter of fact, to increase funding for our community health centers. They do a great job. In many cases, they are really the only source for a lot of low-income people who have no health care insurance.

We worked very hard—Senator SPECTER, I, and our staffs—to get a $100 million increase. We are up to slightly over $1 billion now for community health centers, and they need the money. But I do not think they need the money at the expense of taking it out of the NLRB. We gave them a $100 million increase. I believe this will be more than sufficient to help get new community health centers started next year and to adequately fund the ones in existence.

While I support community health centers, this is not the way to get money for them, by taking it out of the NLRB and taking it out of the more rapid resolution of the backlog of cases. Many times, the workers who are waiting to get a case heard are the same ones who are low income and need to have their cases resolved so they can get on with their jobs and their lives.

I yield back whatever remaining time I have.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield such time as he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson from the HELP Committee staff and Mark Battaglini, who is a fellow, be granted the privilege of the floor during the debate on S. 1650, the Labor, Health and Human Services, and Education Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I want to respond to some of the numbers used a minute ago in talking about the number of cases filed and the number of cases disposed of in this seemingly inverted pyramid of backlog of cases. It did not happen that way.

In 1997, there were 37,000 cases pending. In 1998, there were 34,000 cases pending. That is a decrease in the number of cases pending. That is not the same as the number of cases filed. There were 39,000 cases filed in 1997; there were 36,000 cases filed in 1998. Both of those numbers show a decrease in cases—a decrease in the number that were pending and a decrease in the number that were filed. The Senator from Iowa mentioned there was a decrease in the backlog, that they were working that down.

Let me tell you how part of that backlog happens. In my previous life, before I came to the Senate, I was an accountant. One of the people I did accounting for received one of these notices of audit from the National Labor Relations Board. They came in—it was about 10 days work for me—and they looked over all of the accounts and decided at the conclusion of that time verbally, not in writing, that there was no violation. We said: Great; we will wait for your letter. It is my understanding they are still waiting for that letter.

As far as they know, that is still a case pending. All of the work was done, a decision was rendered verbally, and that ought to dispose of it. I know for that year it was still a case pending. For an employer, sometimes this gray cloud hangs over, even after they have been assured there is no problem. That shows up in these statistics of the backlog.

The other number presented, the number they worked, actually increased; the number pending evidently was not pending in the next year. So they were working a full 37,000 cases in 1997, plus a few more to work that backlog down.

This agency has been working the cases. They have been eliminating extra cases, some of which I do not think should have been part of the backlog anyway. Now we are talking about significantly increasing the amount of dollars. There would be an appropriate time to do that.

One of the things we talked about in a hearing in the subcommittee was the legal fees these businesses have to put up when cases are brought, and the cases, in some instances, are frivolous. At any rate, the decision ought to be on whether the small business wins or not, and if they win, they ought to get back the costs they have expended on this.

Part of the testimony in that hearing was from some other employers who would never take a case to the NLRB because they know it is going to be more expensive to fight it than to pay it. That is not the way the American Government is supposed to work. Businesses are not supposed to live in fear of expensive litigation by their Federal Government with their tax money.

Perhaps an increase ought to accompany making a change where there is some reimbursement for these small business employers who win—only when they win. But there could be a degree of fairness built in this at the same time there is an increase. Until that happens, the community health centers are the place to put the money.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first I will speak to procedure and then to substance.

I apologize to my friend from Arkansas, for whom I have a lot of respect even though we do not agree on all issues. I used the words "sneak through," and I should not have said that. He is above board, and I know that. However, I do want to make it clear, my very good friend, Senator HARKIN, was talking to someone when that happened and therefore was not fully aware of this agreement.

The fact is, on our side we believe this goes against our understanding of the way we operate. There was no intention of going forward with a unanimous consent agreement that would limit this to 1 hour with no second-degree amendments.

I say one more time, I certainly hope my colleague from Arkansas will understand that. I hope he will understand this is above and beyond the debate. We can always debate issues. This is generating a lot of anger and indignation.

For my own part, I am committed to doing a second-degree amendment on every amendment that comes to the floor forthwith, with no time limit at all, because I believe this should not have gone this way as a unanimous consent agreement.

The reason I feel strongly about the procedure is because of the substance of what this is about. To me, it is a matter of justice delayed is justice denied. I tell you, what is real important in our country is that people have the right to organize and bargain collectively, to earn a decent living, to give their children the care they know they need and deserve.

Frankly, we ought to be doing much more by way of labor law reform. But when you cut into the NLRB's budget, and you are going to reduce staff by an additional 100 women and men, the only thing you are doing is you are making it impossible for many working people to have justice.

I do not even know the figures because I came rushing to the floor when I heard about this, but there are well over 10,000 people who are illegally fired. And quite often——

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. HUTCHINSON. Is the Senator aware that the amendment does not cut the budget for the NLRB, that it only flat-lines, it only eliminates the increase in funding at a time when only 4 percent are being adjudicated and the number of cases is falling?

Mr. WELLSTONE. I say to my colleague from Arkansas, I am well aware that it flat-lines, but it is similar to what we talk about with the veterans' health care budget. When you flat-line, and you do not take into account additional inflation, then basically the effect of it is a reduction.

My understanding is that you have a reduction of about 5 percent. If that is the effect, and if we cut into the man and woman power requirements of the National Labor Relations Board, I am unalterably opposed to this because working people in this country have a right to be able to make an appeal. It should not be profitable for companies to illegally fire people. It should not be easy for companies to break the law. When we try to go after the NLRB, what we are doing is going after the rights of working people.

So I say to my colleagues, an awful lot is at stake here. The National Labor Relations Board is all about a framework of laws we have set up in our country. It is all about making sure working people have certain rights. I think this amendment guts some of those rights by basically stripping away some of our enforcement power.

So I say to my colleague on the other side of the aisle that I do not accept this choice he presents to us. I think my colleague from Iowa probably will be talking about what he has heard from the community health care clinics. But to pit one group of low-income citizens against another group of low- and moderate-income people, working-income people, I think is simply outrageous.

Knowing the people I have met who work at the community health care clinics, I doubt the people who work at our community health care clinics are interested in some additional funding for them if that means taking away from the rights of working people. We are basically talking about the same group of citizens—hard working, not necessarily making a lot of money, hoping that they will get a fair shake, hoping that they will get decent health care, or hoping that their rights will be respected.

I again say to my colleagues that when you flat-line the budget, you effectively cut the budget. You cut into the NLRB's capacity and ability to represent working people. There will be more and more and more delay. As my colleague from Pennsylvania said, justice delayed is justice denied. That is what this amendment is—it is a justice delayed/justice denied amendment as it affects working people in this country.

Therefore, I would like to have the opportunity—we would like to have the opportunity to offer a second-degree amendment. I hope my colleague from Arkansas will reconsider, given the fact that there is, at best, confusion about what happened; and we are hoping we can go on together in good faith. If not, I say, one more time, that for my own part, I will just offer second-degree amendments to every single amendment offered on the other side of the aisle, with no time limit whatsoever.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time does the Senator from Pennsylvania have left?

The PRESIDING OFFICER. Eight minutes 40 seconds.

Mr. HARKIN. If I could have 3 minutes.

Mr. SPECTER. I yield 3 minutes to Senator HARKIN.

Mr. HARKIN. I appreciate the Senator yielding.

I hope I can have the attention of Senators and the Senator from Arkansas, the proponent of the amendment.

I just spoke with the National Association of Community Health Centers on the phone. They said to me that I could say the following things publicly:

No. 1, they did not ask for nor seek this amendment.

No. 2, they are quite happy with the Specter-Harkin increases that came in the appropriations bill and hope that we can keep it in conference—which I publicly assure them and others that we will do everything we can to keep the $100 million increase.

And, No. 3, while they appreciate the intention of the Senator from Arkansas to get more funding for community health centers, they do not want it to happen at the expense of the NLRB.

So I just spoke with the National Association of Community Health Centers. I wanted to make that point; that they would not want this to happen at the expense of the NLRB.

I yield back my time, I guess.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. If I might just respond to the Senator from Iowa.

I do not know who he spoke to at the health centers. I suppose whoever it was is a spokesman for all of them. But the ones I would like to speak for are the 83,000 people who could be served if this amendment were adopted. The $25 million, it is estimated, would allow these health centers to be able to serve 83,000 more people. Those are the ones I am concerned about. I am not so much concerned about whoever in Washington, DC, decided that the NLRB needed a big increase.

The fact is, the NLRB has said with this increased funding they will hire 122 more people, and they will buy an $11 million computer system. So I would say to the Senator from Minnesota, that is the issue. Do you want an $11 million computer system for the NLRB and 122 more employees or do you want to help 83,000 more people to get health care in the delta and the poor areas of this country who are currently not receiving it?

It is a pretty simple issue. We can try to cloud it with parliamentary questions. We can try to cloud it with questions about a UC that was adopted. But there is a very fundamental question in which I believe very strongly.

I oftentimes hear the Senator from Minnesota speak with great passion and the Senator from Iowa speak with great passion as to how they are prepared to create a problem in the Senate in order to further their goals. I admire them. I respect them for their commitment.

I just say, I have a deep belief about those who are being served by these community health centers. I have visited them. I see the good work they do. I see the fact that poor people can walk in and not have to worry about presenting an insurance policy in order to get help. I know the value of helping those little children in the delta when they get preventive health care services now and what that is going to save us down the line, not only in terms of our budget but in terms of the quality of life that they are going to be able to live.

Once again, I reiterate the numbers concerning the NLRB. We have seen, over the last 25 years, their budget cut by 21 percent, while the caseloads have dropped 31 percent. This isn't a new thing. Last year, we flat-lined their budget, and the result was they had fewer cases filed and a smaller backlog with a flat-line budget.

I think anybody who will listen to the arguments and look at the numbers will have a difficult time accepting the logic that they need to hire 122 more people and buy an $11 million computer system, having a $25 million increase in their budget at a time we could be helping poor people get health care around this country.

So it is a very clear question. I think clouding it is not the answer as to how we resolve it.

I reserve the remainder of my time.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I think we have just reached an agreement informally, which I would like to propound now as a unanimous consent request.

The earlier unanimous consent request prohibiting a second-degree amendment is vitiated. We will now proceed to have the Senator from Arkansas offer a second-degree amendment to his first-degree amendment. We will have 30 minutes of debate.

It has now been reduced to writing. I will begin again. I ask unanimous consent that the previous consent agreement relating to the pending Hutchinson amendment be vitiated. I ask consent that prior to a motion to table the second-degree amendment to be presented forthwith by the Senator from Arkansas, the time be limited to 30 minutes equally divided, and following the disposition of the Hutchinson second-degree amendment, Senator WELLSTONE will be recognized to offer a second-degree amendment.

Mr. HUTCHINSON. Reserving the right to object—and I don't intend to object—should the motion on my second degree be a motion to table and the tabling motion failed, would my second degree still be the pending business? I need an up-or-down vote.

Mr. SPECTER. If it fails, then Senator WELLSTONE will be recognized for offering a second degree.

Mr. HUTCHINSON. Should the motion to table fail, I would assume by voice vote my second-degree amendment would be adopted, and then at that point Senator WELLSTONE would be recognized to offer a second degree. Is that the understanding?

Mr. HARKIN. I could not hear all of this.

Mr. HUTCHINSON. My question is, at the end of the 30 minutes of debate on my second-degree amendment, should there be a motion to table my second degree, and if the motion to table were to fail, my assumption is that we would at that point adopt my second degree by voice vote, at which point Senator WELLSTONE would be recognized to offer his second degree. I just wanted that clarified.

Mr. HARKIN. That is right.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, a question to the manager: Wasn't there a time limit agreed to, if there is a Wellstone second degree. I thought we were at 30 or 45 minutes equally divided.

Mr. SPECTER. Will the Senator from Minnesota be willing to stipulate now to a time agreement, if he is to offer a second-degree amendment, say, to 30 minutes equally divided?

Mr. WELLSTONE. Mr. President, let me say, in good faith, that I am not going to make it open-ended. I am now waiting word from other offices as to who will be down here, so I can't agree to a time limit, although I don't intend to extend it for hours. I have to wait and see how many people want to speak. For right now, I think we should leave it as it was and hope my colleagues will trust me that I am not trying to drag it on and on. I can't agree to that right now.

Mr. COVERDELL. Mr. President, a question to the Senator from Minnesota, it is your anticipation that it would be relevant to the first degree?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. SPECTER. No objection to the unanimous-consent agreement which we have propounded with modifications.

The PRESIDING OFFICER. Yes. The request is agreed to.

The Senator from Arkansas.

AMENDMENT NO. 1834 TO AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. Hutchinson] proposes an amendment numbered 1834 to amendment No. 1812.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

"OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

"Sec. . Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b)."

Mr. HUTCHINSON. Mr. President, under the UC, it is my understanding that there is no time limit currently on the second-degree amendment.

The PRESIDING OFFICER. There are 30 minutes under the unanimous consent, equally divided on the Senator's second-degree amendment.

Mr. HUTCHINSON. That is fine.

I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, will the Senator yield me a couple minutes?

Mr. SPECTER. I do.

Mr. HARKIN. I don't mean to take any more time of the Senator from Arkansas. I can't help poking a little bit at him before the vote.

It is interesting that the Senator from Arkansas is trying to take $25 million out of the NLRB for the community health centers. Why didn't the Senator from Arkansas try to take $25 million out of the defense appropriations to help the community health centers? Why didn't he try to take $25 million out of energy and water or all the other 12 appropriations bills that came down here? Why go after the NLRB?

As I pointed out, I just spoke with the Association of Community Health Centers. They said that while they appreciate his intentions of giving them more money, they don't want to do it at the expense of the NLRB. I hope the amendment will be defeated.

Mr. HUTCHINSON. Mr. President, my staff talked to the community health centers, and they clarified that they do not oppose this amendment. In fact, while they may have concerns about how they are getting involved in a political fight before the Senate that may affect their relationship with the appropriators, in fact I think they would very much welcome the additional $25 million for health care in rural areas. That is where their heart is. They want to help people. They are not going to turn away $25 million to help.

The Senator from Iowa is concerned about why I didn't take this from the Department of Defense bill or shift it from something else, and why we chose the NLRB. I think I made that case very convincingly. They have done an excellent job. They ought to be commended for their priorities and their impact analysis system by which the most critical cases are taken first.

They have seen a decrease in the backlog. They have seen a decrease in the number of cases being filed—all the time not seeing an increase in their budget. To increase it by $25 million so they can buy an $11 million computer and hire 122 more people at a time when there are tens of thousands of people in the poor areas of this country being left uninsured and without access to basic health care, I think, is a pretty easy call.

While I think I can make a strong case for why we need to increase defense spending, when we have treatment goals failing in virtually every branch of the military, with the exception of the Marines, and when we see tens of thousands of our men and women in uniform on food stamps, I can tell you why I didn't take it from defense. But the more important question is why NLRB? Because it is a Washington bureaucracy that is going to get bigger under that plan to buy a computer and hire 122 more people at a time when they have seen a decrease in the workload. That is why. It is very simple.

I know there is a need in the community health centers, and I want to help them. This is a little bit of help. It is enough help to provide health care for an additional 83,000 people nationwide. And some of those folks are going to be in the delta of Arkansas.

This is not a difficult amendment to vote for. It is a pretty easy case. I have had to come down and defend a lot of amendments on this floor, but I don't think I have ever had one that I felt more strongly about personally or for which it was easier to make the case.

The budget for the NLRB has been cut over the years. From 1980 to 1998—over that 18-year period—their budget declined 21 percent. That sounds pretty bad until you realize the number of charges received and processed declined 10 percent more than that—31 percent.

To stand on the floor of the Senate and say we are disenfranchising, that we are denying justice by not increasing by $25 million the budget for a Washington bureaucracy, I am sorry; I don't think that sells. And I don't think it is too convincing to those who are going to be denied health care by the defeat of this amendment.

They have done a good job in reducing the backlog. They have done a good job in seeing a fewer number of charges. And they have done so with lower budgets over the last 18 years. It doesn't make any sense now to increase it dramatically by $25 million so they can hire 122 more people and buy an $11 million computer system.

I suggest that money would be better used by people in the poor communities, in the rural areas of this country, to ensure that they can walk in—44 percent of them are children—and not have to worry about presenting insurance documentation when they go into these health centers; that they can get treatment. Eighty-three thousand more people would be served. I ask my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I commented earlier that I would defer to the statistics. I am about to put a detailed chart into the Record. It is true that the backlog went down from about 6,200 to about 5,500 because we added $10 million to the budget. We are now proposing to add approximately $24 million to the budget, which will buy a computer, which is not inexpensive. Computers are expensive. That will enable the NLRB to move part way into the latter part of the 20th century, if not the 21st century.

The projection is that the backlog would then be reduced to about 1,960 cases. If this is not done, there are many employees who are now at the NLRB who would be lost. I think it is plain that for the NLRB to keep up with the backlog and do its job, they need these additional employees.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJOR WORKLOAD AND OUTPUT DATA

	FY 1998 actual	FY 1999 estimate	FY 2000 request
(1) Regional Offices:			
Unfair Labor Practice (ULP) Cases:			
Situations Pending Preliminary Investigation at Start of Year	7,434	6,198	5,487
Case Intake During Year	[1] 30,422	30,200	32,000
Consolidation of Dispositions	[1] 2,327	2,880	2,880
Total ULP Proceedings	29,331	29,831	32,647
Situations Pending Preliminary Investigation at End of Year	6,198	5,487	1,960
Representation Cases:			
Case Intake During Year	[1] 6,215	6,179	6,179
Dispositions	3,091	3,012	3,218
Regional Directors Decisions	769	704	722
(2) Administrative Law Judges:			
Hearings Pending at Start of Year	1,210	1,106	1,046
Hearings Closed	444	521	573
Hearings Pending at End of Year	1,106	1,046	958
Adjustments After Hearings Closed	0	1	1
Decisions Pending at Start of Year	216	134	120
Decisions Issued	528	538	590
Decisions Pending at End of Year	134	120	107
(3) Board Adjudication:			
Contested Board Decisions Issued	426	532	556
Representation Election Cases:			
Decisions Issued	275	237	248
Objection Rulings	214	171	187
(4) General Counsel—Washington:			
Advice Pending at Start of Year	58	129	172
Advice Cases Received During Year	762	716	760
Advice Disposed	691	673	785
Advice Pending at End of Year	129	172	147
Appeals Pending at Start of Year	980	910	1,077
Appeals Received During Year	3,316	3,313	3,401
Appeals Disposed	3,386	3,146	3,828
Appeals Pending at End of Year	910	1,077	650
Enforcement Cases Received During Year	271	287	304
Enforcement Briefs Filed	145	152	161
Enforcement Cases Dropped or Settled	63	64	68

[1] Actual figures for FY 1998 are preliminary and still being reconciled.

Mr. SPECTER. Mr. President, I had announced earlier my hope to stack the votes. But in light of the procedural context that we are in now, I am advised that there will not be an agreement to set this amendment aside. It is my hope that we can vote as promptly as possible.

I move to table the Hutchinson second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I commend the Senator from Arkansas for his amendment.

I have followed the activities of the NLRB for many years—since I came to the Senate, in fact. It is certainly not clear to me that this agency needs a $25 million increase over last year's level—particularly when the subcommittee was forced to be so frugal with a number of other high priority programs.

I support the reallocation of these funds to the Consolidated Health Services account for the Community Health Centers. We have long worried about access to primary health care for low-income families. This amendment is a way that we can provide such care for 83,000 more Americans.

The Senator from Iowa said that he was told the association representing community health centers did not request this amendment. I cam appreciate the rationale of the association. They, of course, recognize the hard work done by the subcommittee in putting together this bill and wish to support that by taking a neutral position on the Hutchinson amendment.

However, let's put the amendment in perspective. The NLRB is getting a $25 million increase—an unprecedented increase—over 10 percent. There has been no justification offered for this increase. The caseload has consistently declined over the decade.

Now, the appropriations committee has provided an increase for the community health centers of $99.3 million. This is badly needed, comparison with the NLRB notwithstanding.

The additional funds provided by the Hutchinson amendment would permit health centers to serve 83,000 more people. That is the most important point, to me.

Mr. President, let's compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 Americans. This is a no brainer for me.

I hope it is for my colleagues as well. I urge Senators to support the Hutchinson amendment.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Illinois.

Mr. DURBIN. Mr. President, is there still time remaining on the Hutchinson amendment?

The PRESIDING OFFICER. There is.

Mr. DURBIN. If that time is allocated to each side, if I might yield to the chairman of the subcommittee at this point, I don't want to delay the proceedings, if he wants to move to a vote. It is my understanding there is time remaining on the debate.

Mr. SPECTER. Mr. President, as manager of the bill, I do wish to move to a vote. I would be delighted to hear how much time the Senator from Illinois wants, to hear his closing argument, and then to proceed to a vote on the tabling motion.

How much time would he like?

Mr. DURBIN. Ten minutes would be more than enough.

Mr. SPECTER. I agree. There is another unanimous consent agreement on top of that. I ask unanimous consent that after the Senator from Illinois speaks for up to 10 minutes, we move to a vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. With 2 minutes for Senator HUTCHINSON to close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.

This is a difficult choice which is offered to us by the Senator from Arkansas in terms of transferring money because hardly any Member of the Senate will argue that community health centers should have more resources. We opened a new one in my hometown. It is very important in many rural areas. In smalltown America, these community health centers provide health care that is not otherwise available. So in that regard I applaud his effort. I only take exception to his source.

The National Labor Relations Board has been a pain in the side of big business for over 60 years because it is a mechanism for dealing with disputes between employers and employees and employees and labor unions.

There has been an effort by those who cannot repeal the law creating this agency to reduce the resources of the agency and make the delays in the backlog so insufferable that the agency virtually was stopped in its tracks. Not that many years ago there was a hard freeze on this agency which resulted in slowing down the process for years.

As I travel around the State of Illinois, and I listen to my colleagues from other parts of the Nation, I find that if you are trying to organize a plant, for example, to bring in a labor union, and there is some dispute about whether both sides are following the law, it is almost impossible to turn to the NLRB and expect a timely decision on violations of the law. As a consequence, the whole effort of collective bargaining, which has been a recognized legal right in this country for decades, is jeopardized because of efforts to strangle this agency.

This is not a voluntary reduction in NLRB funds. This is an effort to stop its mission. Frankly, I think that is a serious mistake because we understand as well that some of the rights that are protected by the National Labor Relations Board were rights that were fought for over the years by many people who gave their blood and their lives to make certain that the concept principle of collective bargaining would be recognized.

Listen to this about the agency backlog currently facing the NLRB. Despite the agency's success in screening out tens of thousands of public inquiries and voluntarily resolving the vast majority of its representation in unfair labor practice, backlogs continue to grow with no concomitant increases in staffing.

I salute the chairman of the subcommittee, the Senator from Pennsylvania, and his counterpart on the Democratic side, the Senator from Iowa. They have recognized it and put $25 million into the NLRB.

When you look to where this money is being spent, it is for things that are absolutely essential—training the people who work there, the attorneys, the hearing officers, and the like to make sure people get a fair chance and their day in court.

The Senator from Arkansas closes out that possibility. He takes the $25 million away.

Some of the funds here are used to modernize computer equipment to deal with the Y2K problem. The Senator from Arkansas, by cutting $25 million, makes that more difficult to achieve. A lot of the money is used for basic administration of the agency, relocating people where they are needed, where the workload is growing. The Senator from Arkansas steps in the path of that. I suggest to those listening to the debate on this amendment, don't just dwell on where the money is going. Look to the source of the money.

The Senator from Pennsylvania very eloquently has presented the fact that the backlogs are still a problem and, if we adopt the approach of the Senator from Arkansas, we are going to be, if not turning out the lights, dimming the lights in a very important agency where justice is part of the agenda; in fact, it is the reason for the existence of the agency.

Looking at what the NLRB has accomplished in a very short period of time, one understands why they need to be in business and fully staffed. Last year, the National Labor Relations Board cases resulted in reinstatement offers to 4,500 American employees who alleged unlawful firing or layoff. They also had cases that resulted in back pay and other monetary recovery to more than 24,000 American workers totaling more than $92 million. They also held nearly 3,800 representation elections affecting a quarter million American workers.

What the Senator from Arkansas does with his amendment is restrict the power of this agency to do its job, to say to America's workers from one coast to the other, they are not going to be able to call this agency and expect it to be there and be responsive.

If you decide in a democratic election by majority vote at your business to bargain collectively and to seek representation of a union, the Senator from Arkansas makes sure your telephone call goes unanswered at NLRB when you need a helping hand to resolve a dispute between employer and employee. If you are someone fired and fired illegally or unlawfully, who turns to the Federal legal network, the National Labor Relations Board, and says, I was discriminated against, I was unlawfully fired, the Senator from Arkansas makes certain your telephone call is not likely to be answered.

Mr. President, $25 million is taken out of the agency, including money for computer modernization. On the whole question of whether or not you are going to have union representation in a free and democratic process and whether you have the National Labor Relations Board to make sure both sides follow the rules, the Senator from Arkansas, with his amendment, takes the $25 million out of this agency which is necessary for them to keep up with their workload.

I say those who oppose the National Labor Relations Board and want to close it down should do it in a clean vote. Put your amendment on the floor to close it down, have it up or down, and decide whether American workers will have this forum for protection or not. But to bleed off from this agency $25 million they need to protect workers across the United States in the name of helping community health centers is a tactic that should be exposed for what it is. It is an effort to take away from a very important agency the resources they need to respond to the requests of American workers across the Nation.

I might add for those who think this is another labor amendment or antilabor amendment, those who dispute the treatment under their labor agreements, employees who believe labor organizations are not treating them fairly, have the National Labor Relations Board to turn to as well; it is not just the private sector companies.

American workers' rights are at stake here. This is not just a question of health care in rural areas, which I support; it is a question of whether or not we will protect the hard-fought-for rights of American workers across the Nation.

I urge my colleagues to support the efforts of the Senator from Pennsylvania, Mr. SPECTER, to table this motion, to stand by this subcommittee, and make sure the National Labor Relations Board has the resources it needs to do the job that is very important to American workers.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I regret that the Senator from Illinois implies that I deny the employees of this country their right under the National Labor Relations Act. I certainly would not imply by his position that he supports denying 83,000 Americans health care served under the $25 million added to the budget of the health centers. I wouldn't make such a suggestion. I regret he made such a suggestion before the Senate.

If we were denying justice for employees, I would not offer this amendment. The reality is, we are not cutting a dime from the NLRB. We are only eliminating the $25 million increase so they can hire 122 more employees and a computer system at a time when the caseload is decreasing. Mr. President, a 31-percent decrease in caseload I don't think justifies a $25 million increase in funding.

It is not hard to understand. Make that case to the American people. I will go out and say this is what we should do, flat-line their budget at a time they have decreasing workload and put more money into community health centers. That is what this amendment does.

If Members want to vote against community health centers and vote for more bureaucracy, Members have their opportunity. I want to serve those 83,000 people who will receive health care because of this $25 million infusion into this very worthwhile program. It is bureaucrats at the NLRB—122 more employees—or serving people who need health care, primarily children.

I ask my colleagues to support the children of this country, not the bureaucrats in Washington.

The PRESIDING OFFICER. All time has expired.

Under a previous order, the question is on agreeing to the motion to table amendment No. 1834. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
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Coverdell
Craig
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Domenici
Enzi
Frist
Gorton
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Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1812

The PRESIDING OFFICER. The question is on agreeing to the underlying first-degree amendment.

The amendment (No. 1812) was rejected.

Mr. HARKIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under our sequencing arrangement, Mr. ENZI, the Senator from Wyoming, is next on the list. We are then going to move to the Senator from Florida, Mr. GRAHAM. We are trying to get time agreements here to move the bill along. We have a long list of proposed amendments which were filed as of 2 o'clock which we are going to try to window here.

Mr. WELLSTONE. Could we have order in the Chamber, please.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. May I yield to the Senator from Wyoming for a brief statement as to his amendment? He has already stated a willingness to have 30 minutes equally divided. Let's see if we can get a time agreement.

Mr. REID. We object. We have objections on our side. There is no chance for a time agreement. This deals with OSHA? Objection.

Mr. ENZI. If I could briefly comment, this is a change in the OSHA budget. But what it does is allocate a portion of the——

Mr. HARKIN. Regular order, please.

The PRESIDING OFFICER. Please, the Senate will come to order.

Mr. HARKIN. Mr. President, the Senate is not in order. I also ask for the regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania was last recognized.

Mr. SPECTER. May I just suggest then that the Senator from Wyoming send his amendment to the desk and proceed since we have had an indication of the unwillingness to have a time agreement.

AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. ENZI. Mr. President, I call up amendment No. 1846.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 1846.

Mr. ENZI. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 14, insert after "1970;" the following: "*Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);".

Mr. ENZI. I ask unanimous consent to have a technical correction from what the legislative service drafters had, to change "line 18" to "line 14."

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I would like to object until I look at the change in the language.

The wrong page number. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, today as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. All of us on the Labor Committee have worked very hard to make sure those numbers come down—not go up. We do not want an increase; we want a dramatic decrease in deaths. We want a dramatic decrease in the number who are injured. I repeat: 17 working Americans will not be returning home tonight because they will die on the job.

As chairman of the Worker Safety Subcommittee, I feel responsible to those families for making sure we are doing all we can to prevent those horrible accidents from occurring in the first place. I feel responsible for finding solutions that will help protect more workers from harm.

The Occupational Safety and Health Administration, OSHA, is the Government agency responsible for regulating safety laws in America. The way OSHA is supposed to work is that it should be providing helpful assistance to the overwhelming number of employers who are actively pursuing safer workplaces. And I can tell you that according to OSHA:

> . . . 95 percent of the employers do their level best to try to voluntarily comply with OSHA.

"Voluntarily comply with OSHA"—that was stated by Frank Strasheim, the Deputy Assistant Secretary of OSHA.

Simultaneously, OSHA should be effectively targeting those employers who are willfully disregarding safety laws. They should be inspecting them. They should be fining them. And they should follow up to ensure the bad practices are stopped before accidents occur.

But everyone knows that is not what is actually happening. What is happening is that OSHA lumps all employers together—both the good and the bad—treats them the same, and tries to inspect and fine them all, no matter how small or ridiculous the violation. Meanwhile, serious and potentially deadly practices go uninspected and unstopped. The result is disastrous and, unfortunately, often fatal.

I am not trying to decrease any funding for OSHA. What this amendment does is shift the emphasis so that there is some money being spent on consultation. We have had a lot of hearings. We have had a lot of discussion. We have said that prevention is where we want to be, prevention of an accident, not persecution after a death. That is not how this is supposed to work.

As reported in the Associated Press, three-quarters of the worksites in the United States that had serious accidents in 1994 and 1995 had never been inspected by OSHA during this decade. The report also showed that even OSHA officials acknowledge that their inspectors do not get to a lion's share of lethal sites until after accidents occur because it takes OSHA, according to the AFL–CIO, over 167 years to reach every worksite in this country. We want them to be able to serve everyone, but 167 years? That means the budget would have to be increased 167 times to do that. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with the safety laws, nor effectively deters bad employers from breaking the law.

How long does it take to get an inspection? That varies quite a bit by State. Those that are State plan States get a little bit more frequent visits than those that are not State plan States. So the Federal ones, some of them, it will be more than 200 years that they have the odds of not getting an inspection.

This point is so important, I will say again, because it takes OSHA over 167 years to reach every worksite in this country. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with safety laws, nor effectively deters bad employers from breaking the law. OSHA's response has been to ask Congress for more and more enforcement dollars. I say that response is no response. I say that response only begs the question. Using OSHA's framework, the scenario would be as follows: Since it takes 167 years for OSHA to investigate every worksite in the country, we would need to increase OSHA's enforcement budget 167 times in order for OSHA to inspect every worksite every year. It doesn't take as long when they are doing consultation, and it reduces accidents.

Increasing it 167 times would be a reckless, unrealistic suggestion that doesn't even get to the heart of the problem. That is not even the worst part. The worst part is what OSHA's response for more enforcement dollars says to those 95 percent of employers who are doing their level best to comply. It says: Hey, Mr. Good-Faith Employer, we know you are trying to comply, but you are out of luck because even if you are trying to be safe, if you don't know what you are doing, or if you make a wrong interpretation of the statute, we are going to fine you. We are going to fine you big.

Here are the facts: Employers have to read through, try to understand and interpret, and implement over 1,200 pages of highly technical safety regulations—1,200 pages. That is what I have right here. Do you know how big numbers like that are in Washington? I want to make this clear as possible so I brought a little show and tell.

Before I do that, I yield to the Senator from Georgia.

AMENDMENT NO. 1885 TO AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1885 to amendment No. 1846.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the first word and insert the following: "That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);".

Mr. COVERDELL. I yield the floor.

Mr. ENZI. Mr. President, I was mentioning these regulations, these 1,200 pages of regulations. That is what we expect the businessman to know, understand, and implement. Just imagine, Dodd's Bootery in Laramie or Corral West Ranchware in Cheyenne or Bubba's Barbeque in Jackson. They are supposed to have understood all five of these huge volumes. There are more pages in these OSHA regulations than "Gone with the Wind" or "The Canterbury Tales" or even the Old Testament and the New Testament combined. Adding insult to injury, in many cases OSHA's regulations are so complicated and so complex that even if you read through it all, deciding one correct interpretation of a rule is nearly impossible.

Take OSHA's draft safety and health rule, for example. This is the draft one. This is one I have a lot of concern about. What this draft rule would require is for almost all employers, regardless of their size or type, to put in place a written safety plan. Now, I am in favor of safety plans. I know that safety plans make a difference in safety in the workplace. I have watched that. But this is a draft rule. It sounds right. This is not only mandatory, but the elements of the rule are completely subjective to human nature.

For example, the rule requires the program, and I quote, to be "appropriate" to conditions in the workplace and an employer to evaluate the effectiveness of the program. He is supposed to evaluate the effectiveness as often as necessary, and where appropriate, to initiate corrective action. So I throw out this question to the Senate: How often is as often as necessary? Is it once a month? Once a week? Every day? I can envision 1,000 different responses from 1,000 different angles. So how on Earth do we expect small businesses to cope, not only with reading these five volumes but also to understand what is meant by them, how OSHA would interpret them, and then to draw up a safety plan?

That, however, is exactly what the draft rule expects every small business in this country to do. The safety subcommittee, which I chair, has had two hearings examining the effects of OSHA. The first was a hearing to highlight how so many good-faith employers want safe workplaces but are drowning in these 1,200 pages of highly technical safety regulations. Every single one of the employers who came to the hearing agreed that they were left to their own to comply with every one of the thousands of rules without helpful assistance from OSHA.

The second hearing we held was about the flip side of that coin, how OSHA is not deterring the bad employers from willfully violating safety laws either. The subcommittee heard from family members who lost loved ones in workplace accidents and how OSHA neither helped prevent those accidents from occurring nor adequately responded after the accidents took place.

To those people who have told me that the new OSHA is on the right track and that "if it ain't broke, don't fix it," I ask them to read through our hearing transcript and see if it will change their minds. Since I don't have much time, I would like to tell my colleagues about one of the witnesses who testified before our subcommittee whose name is Ron Hayes.

In 1993, Ron and his family didn't know much about OSHA and were not all that active in the worker safety scene. But in 1993, Ron's 19-year-old son, Patrick, was killed at his job in a grain elevator in Florida after being pulled under the grain and suffocated. Losing his son changed Ron's entire life. Since that time, Ron has worked day in and day out to get answers about how to make employees safer and healthier.

Ron and his wife, Dot, struggled to understand why more hadn't been done on behalf of their son and what could be done in the future to change the tide of workers' injuries and deaths.

Ron and Dot founded Families In Grief Holding Together, called FIGHT. It is a project to help other families enact changes in the arena of workplace safety and to work through grief. Ron Hayes is one of the most courageous and honest people I have ever met in my life, not to mention the fact that he has become one of the most proficient OSHA experts in the country. His story continues to inspire me and push me forward.

Reading an excerpt from Ron's testimony:

> Each year over 10,000 people are killed on the job. In 1993, one of those who died was our beloved son, Patrick Hayes. I did not come here today to rebuke or chastise anyone. I am simply here to plead—no, to beg you great statesmen to work together to come up with positive solutions for a better agency. No one wants to get rid of OSHA, we just want the agency to do its job, protect workers, help train and support business. I ask you great statesmen to lay down your party affiliations and work toward a common goal.
>
> I often wonder why the good businesses in our country continue to stay safe. Sometimes they are at a disadvantage by their own good deeds. These good businesses build into their product or bids safety measures and are sometimes undercut or underbid by other uncaring business owners, so under our present OSHA system, where is their benefit? The bad companies know OSHA is ineffective and because of the length of time it will take OSHA to inspect every work site or get around to inspecting them, the odds are on their side and even if caught, they know OSHA will not do much.
>
> OSHA's reactive enforcement methodology has not and is not working. Letting OSHA continue in this manner and giving them more and more money each year for enforcement and getting less and less each year is just crazy. Someone has to take a stand and make some hard decisions for our very future.

Ron's strong, unwavering stand is that OSHA consultation, rather than reactive "find and fine" enforcement, is the answer that will save workers like Patrick from being killed on the job.

I agree with Ron. That is why I am here today with this amendment.

The amendment isn't to decrease the enforcement of OSHA. The amendment is to make sure there is an increase in consultation, an increase in the people who go to the places to look for the problem, interpret the problem, suggest the solution, and also make it a bigger penalty if they come back later and it hasn't been solved.

My amendment is simple. It puts half of the $33 million increase into OSHA's budget, into a consultation group program that helps employers know how to comply. The other half is still an increase directed towards OSHA enforcement.

What is OSHA consultation? OSHA consultation is the effective alternative to OSHA enforcement. It is what is currently working well and is highly praised by employees and employers. It is praised by the agency, and it has been praised by this Congress.

It allows employers to call OSHA and ask them to come in and help them read through the five volumes of OSHA regulations to see what applies to them and how to turn the regulations into tangible safety solutions. It allows employers to ask questions, to get help from the inside, and partner with the agency, all without threat of fines or citations. It makes it a little safer for them to ask OSHA questions. That can be as intimidating as it would be for a person to ask the IRS questions. But the consultation function gives them that opportunity. They are expected to fix what is found.

Consultation works. The fact is that you cannot force an employer to comply with regulations he doesn't understand or does not know how to implement. It doesn't do any good to threaten employers to comply when they do not know how. If an employer isn't getting the help he needs, an inspection won't make the difference. The key is helping employers to understand what the regulations mean and how they work.

Consultation is the answer because it puts the emphasis on partnership, cooperation, and information sharing. And if, as OSHA estimates, 95 percent of American employers are trying to do the right thing, spending money on consultation is money well spent because the vast majority of employers will take OSHA's suggestions to heart and become safer without the threat of fines and coercion.

That allows OSHA to concentrate on the bad employers, to put some special emphasis there, to go after the people who don't make the correction, the people who aren't interested in safety and are relying on getting away on that 167-year inspection schedule.

You don't have to take my word for it. Look at what Vice President GORE has said about the virtues of consultation:

> No army of federal auditors descends upon American businesses to audit their books; the Government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

In his Report on Reinventing Government, the Vice President concluded that employers should be encouraged by OSHA to use private safety professionals as a way to vastly improve the health and safety of American workers "without bankrupting the federal treasury." Such an approach would "ensure that all workplaces are regularly inspected, without hiring thousands of new employees." By establishing incentives designed to encourage workplaces to comply, "[w]orksites with good health, safety, and compliance records would be allowed to report less frequently to the Labor Department, to undergo fewer audits, and to submit to less paperwork." He concluded by saying that "No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America."

I agree with the Vice President's praise for consultation. This amendment simply puts the money where our mouths are.

A few final remarks to remind everyone what a balanced approach this amendment really is. Does this amendment tie OSHA's hands on the enforcement front? No. It gives OSHA a 50 percent increase over its 1999 budget to use for enforcement. That is a lot of additional people to hire and train. Does this amendment strip OSHA's ability to go after that thin layer of bad work sites? No. They have more money to go after those work sites than they did last year. What it does do is help those 95 percent of employers who OSHA estimates are doing their best to comply with OSHA and to find safety solutions that work.

It helps them out, too.

This amendment is more of a statement than it is an actual change within the department. Oversight capability of seeing where the money really winds up is pretty limited, but our ability to assign it there in the first place is not.

I am pleased that there is an increase in the budget for OSHA. I am disappointed they didn't designate part of that for consultation as well. Beefing up OSHA's proactive consultation approach empowers both OSHA and the employer to achieve safer worksites.

I have seen these consultation programs work. I have seen people clamoring to have the consultation, and I have seen them get in long waiting lines for it. These are the people who want to comply, who understand that there are 1,200 pages, and who want to do the right thing. But there isn't enough consultation money out there to help them get the consultation in a timely fashion. All we are doing is saying, please earmark some of that money for consultation; don't put all of it into enforcement and persecution.

By voting in favor of this amendment, OSHA's own consultation programs will be extended to even more employers who are seeking safety and health solutions. The result will mean vastly improved safety for America's worksites.

This is something I have been talking about to all of the Members on the committee since I came to Washington. This is an approach that needs to be stated in our appropriations as well. Again, it is not an elimination of safety and not an elimination of inspection but a 50-percent increase in the money going to enforcement. That is what we need to have. But we also need to be sure the consultation programs are improving and increasing and are more accessible in a timely manner. If people have to wait a year for a consultation, accidents can happen. They are interested in doing it. They are ready to budget the money to fix it because if they don't, it doesn't do them any good.

This is an amendment that just places some priority. It doesn't say all we are going to do is enforce and that all we are going to do is find and beat you up and fine you. It says if you will ask the questions, if you are serious about safety, if you want to help, we are going to help.

I hope you will support me on this allocation of money to consultation as well as an increase in enforcement.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, let me point out to all of my colleagues that I think the approach we want to take here if we want to have more funding for consultation is to just simply advance that by the $9 million. But the last thing in the world I want to do is take resources away from enforcement, which is the backbone of worker safety. That is really a flaw of this amendment introduced by my colleague from Wyoming.

As a matter of fact, at our March 4 hearing, a majority of witnesses were asked why more small businesses do not take advantage of free consultation services available in all 50 States. The majority of the witnesses said—this is not a direct quote, but I will paraphrase—that many small businesses don't think they will get inspected, so it is not economical for them to take advantage of these consultations. They feel no need to. The two are interrelated. When businesses really worry about this and know that in fact there are some enforcement laws we can implement, then they are more likely to go to a consultative service.

Again, I really do not understand. It is a little bit similar to the amendment we just had where, on the one hand, you say you have more money for the community health centers and you will take it out of NLRB, which has everything to do with workers' rights to organize, and making sure equally that people who are fired are going to be able to have their day in court and make their appeal, and there isn't going to be a long delay. In that case, justice delayed is justice denied.

In this case we have an amendment introduced by my colleague from Wyoming that basically takes resources away from enforcement. Standards and regulations are no more than suggestions. They don't mean anything for working people in this country if there is not sufficient enforcement to back them up. Let me repeat that we can have standards and regulations but it is empty, it doesn't mean anything to someone if they can't be backed up through enforcement.

Even with the additions to the President's budget request, OSHA's Federal enforcement funding will fall $3 million below the level it was in 1995. By contrast, during the same period, 1995 to 2000, OSHA's State consultation program has grown from $31.5 million to $40.9 million, an increase of 30 percent.

So I question the priorities of this amendment. The very area where we have not kept up and have not made adequate investment in inspection is the very area from which my colleague from Wyoming takes funds and puts them into the consultation program where we have been making the investment.

Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year. The other 9,500 will go uninspected unless there is a fatality or catastrophic accident. We need more enforcement resources, not less. I will repeat, we need more enforcement resources, not less.

If my colleagues think about the number of people who are killed at the workplace because of an unsafe workplace and the number of people who work with carcinogenic substances which take years off their life or the number of workers who go deaf or suffer other disabling injuries because of an unsafe workplace, I find it almost impossible to believe they are going to take funding away from enforcement.

I hope I don't get myself in trouble for saying this, but this is in some ways a class issue. This is in many ways a class issue. Actually, we are not talking about us and we are probably not talking about most of our sons and daughters. But we are talking about blue-collar workers. We are talking about working-class people. The whole idea of OSHA and the whole idea of NIOSH was to make sure that we followed through on our commitment for a safe workplace. The way to make sure that happens is to make sure we have the enforcement resources—not to have less.

Let me point out that in 1995 and 1996, when OSHA's inspection activity declined dramatically, so did requests for consultation services. Business for private safety consultants also fell and even vendor sales of safety and health equipment declined as well.

I go back again to our hearing that we had March 4. My colleague from Wyoming conducted that hearing where the majority of witnesses said one of the reasons small businesses don't take advantage of the free consultation services is because small businesses don't think they will get inspected.

As I hear my colleague speak about inspection, I hear him making the argument that it takes too long. In fact, I agree with him. But if my colleagues are worried about the delay in inspection, the last thing they want to do is cut the budget that deals with inspection. That is illogical. If colleagues are worried about the delay, the last thing in the world they want to do is reduce enforcement resources.

I point out to my colleagues this is an important vote. Think about the people you represent in your States: 55 percent of all OSHA inspections are in construction, which continues to be extremely dangerous. In 1998, 1,171 construction workers died on the job. Construction workers are about 6 percent of the workforce, but they comprise about 19 percent of workplace deaths. If we think that is too many workers dying on the job, and if the evidence is overwhelming there are still too many unsafe workplaces, and if Members are concerned about workplace safety, then I do not believe Senators can vote to reduce the resources for OSHA inspectors.

Again, I say to both of my colleagues, including my colleague from Arkansas, I don't know why we make this a zero sum game. Why don't we say, yes, let's do even better for consultation.

The second-degree amendment I will introduce will say we don't cut enforcement. I don't think we should. I think that just means we will have fewer inspectors, less inspections, and more workers will die. I don't think we should do that. What we could do is maintain the funding for the inspection, which is so key to worker safety, and add the additional money, forward fund the additional money or advance fund the additional money, it is only $9 million, for consultation. Why continue to play off one good idea versus another or help some business or some workers over here but end up hurting other workers over here?

I don't understand the premise of this amendment. I think it is flawed. I think enforcement is the backbone of worker safety, and this amendment which takes resources away from enforcement also means there will be less safety for workers. That is why I am opposed to this amendment. That is why I hope this amendment will be defeated.

I yield the floor.

Mr. SPECTER. Parliamentary inquiry as to how many more speakers the Senator anticipates on his side.

Mr. WELLSTONE. Mr. President, I think Senator KENNEDY may want to speak. I am not sure that we will have anyone else. I don't know that we will need to spend a lot more time. I think the Senator will be back soon. I have not heard from other Senators.

Mr. SPECTER. Mr. President, would it be in order to entertain a request for a consent agreement? Talk to your colleagues to see if we could fix a time. We have a great number of other amendments pending. We want to move to the Graham of Florida amendment. Senator DODD has an amendment, and we have amendments here. If we could make an agreement to 30 more minutes.

Mr. WELLSTONE. I am pleased to do so; I will let the Senator know.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment. I compliment the Senator. He has been a tireless worker and leader in the area of OSHA reform. I think on both sides of the aisle no one would dispute Senator ENZI has been the foremost student of OSHA, the way it works, where its failings are. The legislation he has brought forward and his efforts to reform this agency deserve the praise and the appreciation of the American people. I appreciate very much his willingness to offer this amendment.

I think a few things need to be clarified. It does not cut enforcement. The Senator from Minnesota said this cuts enforcement. No, it doesn't. It takes the $33 million increased spending and says half of that will be used for compliance. Over last year's level, there is no cut in what will be available for enforcement. In fact, half of the $33 million increase will continue to go into the enforcement area.

The Senator from Minnesota said the amendment was flawed. It is not this amendment that is flawed. It is the "find and fine" approach of OSHA that is flawed and that needs reform. This is a small step, but a significant step that the Senator from Wyoming has offered that will help move away from the "find and fine" approach, the enforcement-only approach, the punitive approach to a program and a system that will assist small businesspeople who want to do the right thing, who want to have a healthy workplace, who want a safe workplace and want to comply with OSHA but they need help. Anybody who has ever worked with OSHA, anyone who has ever looked at the OSHA regulation book, knows a small businessman, if he is to comply, needs assistance. So I think this is a very well thought out and a very important amendment.

The Senator from Minnesota, as so many others do, likes to put everything in terms of class warfare. This is not a class issue. It is not in any way an inference that blue-collar workers should not have protection and should not be assured they are going to work in a healthy workplace and a safe workplace. It is a difference on what is the best approach, on how we best achieve that common goal. It is not a class issue. It is not a class warfare issue, as some would like to make it.

OSHA itself has estimated that 95 percent of small businesses—95 percent of the workplace, employers—want to comply, that they are good actors who want to be in compliance. It is among those 95 percent so many accidents are happening and that is where this kind of amendment increasing employer assistance is going to help. It is going to assist that small businessperson who wants to comply with OSHA but needs help in doing so. It is going to assure them that they are going to have the resources to be good actors and to have a safe workplace.

I do not know what the experience of the Senator from Minnesota has been, or that of others who may be voting on this, but I do know my experience. I was a small businessperson. I know it is unconstitutional, but I almost wish it were a requirement, before serving in the Senate, to be an employer; that you had to deal with Federal agencies and you had to deal with this Tax Code and you had to deal with the regulatory agencies like OSHA. My brother and I owned a radio station and we did just that.

From my experience, let me tell you, we wanted to comply with every OSHA rule, all 1,275 pages. We wanted to comply. But we were a small business that had just a handful of employees, less than a dozen. Frankly, we did not understand. We understood radio, but we did not understand every minute, highly technical safety regulation that OSHA put forward. That is where this amendment would help. It doesn't cut OSHA's funding; it just says let's put half of the increase into compliance, into consultation service for small businesspeople.

It is hard for me to imagine why anybody would oppose this. The Senator from Wyoming has hit upon something. It is very logical. It is very much common sense. The American people out there understand this amendment. Those who may have the opportunity to see this debate and hear this debate, they will understand the difficulty that good actors, people who want to be in compliance, law-abiding businesspeople have in complying with an OSHA regulation book over 1,200 pages long.

We are not saying decrease enforcement. But I will tell you this: OSHA could send an army, we could quadruple the enforcement budget, let OSHA send an army of inspectors out across this country; they still could not get into every workplace in the country. That is simply the wrong approach if we want a safe workplace. The right approach is to put more into consultation services, work with the 95 percent of businesspeople who want to have a good workplace, assist them in ensuring they have it, and we will do more to save lives than under the "find and fine," punitive, enforcement-oriented approach that OSHA has had in the past.

Again, I commend Senator ENZI for remarkable leadership, leadership that has been praised on both sides of the aisle in his tireless efforts to improve the way OSHA operates. I commend him and am glad to be supportive of his amendment today.

I have a chart I will just point to briefly. It shows 61.5 percent of the current budget is going to enforcement; less than a quarter of their budget going to compliance assistance. Senator ENZI has taken the approach that at least half of what we are putting into OSHA's budget ought to go into assistance, not taking a hammer and beating up on the small businessperson who is trying to comply with OSHA's thousands of regulations.

Once again, I am glad to be a supporter of this amendment and ask my colleagues to support Senator ENZI and his continued efforts to make OSHA a better agency and to make the workplace in this country a safer place for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, acknowledge the strong interest that my friend and colleague from Wyoming has in the whole area of OSHA. He spends a great deal of time on this issue. Although I have areas of difference with him, he is someone who has involved himself in this issue to a very significant extent. We certainly take note of his longstanding and continuing and ongoing interest in trying to make the workplace safer.

Having said that, I do hope his position will not be sustained on this particular issue this afternoon. I hope eventually we will have the opportunity to support the Wellstone amendment that, instead of taking the money from inspections for consultation, would just add additional funding for consultations rather than denying the money for inspections.

The way that would ordinarily be done is Senator ENZI would have offered his amendment to transfer, and then Senator WELLSTONE would have come on and offered a second-degree amendment and said: All right, let us have the increased money from forward funding for the $9 million for compliance. We would have gone to the Senate, I think, with the support of the Senator from Wyoming. I think we would have resolved this issue and we would be further down the road in moving ahead on the whole question of the appropriation.

But we will go through, I guess, the vote on Coverdell, which is basically a repeat of the Enzi amendment. The Senator is entitled to offer that, to effectively cut off, at least at this time, the Wellstone amendment. Then we will have to come back in on top of that, after the Senate makes a resolution of that particular question.

Just to put the facts straight, there are very few of us—I do not know any of us—who do not believe there should be an expansion of both: Consultation, and I think there has to be a very extensive inspection program. They go hand in hand. Why do we say they go hand in hand? We have some very direct and powerful evidence. In 1995 and 1996, when the Congress cut dramatically the funding for inspections, then the number of consultations went down correspondingly, dramatically. The reason for that has been very clear from the record. If there is a reduction in inspections, and there is a sense the companies are not going to be inspected, there is less of an incentive to move ahead with consultations.

So these have gone hand in hand. What the Senator from Wyoming wants to do is put a greater emphasis on consultation and reduce the number of inspections. I do not think that is wise, given the fact that we have seen the dramatic increase in the workforce. We have 15 million more people working now than we had 6 years ago, as we saw, as Mr. Ralph Nader, interestingly, reminded us last Labor Day, indicating that and indicting the OSHA department for not having enough inspections in order to provide the kinds of protections for an expanded workforce.

Under the amendment of the Senator from Wyoming, he wants to reduce them further. It will be about a 10-percent reduction in the number of inspections. We have about 88,000 or so inspections. This would amount to about a 10-percent reduction in the total number of inspections, which is not insignificant.

It is particularly important in the areas of the construction trades, as my friend and colleague has pointed out, the Senator from Minnesota. Even though those in construction are only about 6 percent of the workforce, we find close to 20 percent of all the deaths in the workplace are in construction. This is a dangerous, dangerous industry to work in. We are fortunate in this country to have dramatic escalations of construction projects. We have them in our own city of Boston, and we have them all over this country, dramatic escalation in construction. We find these attendant accidents which happen, and also deaths which occur as well.

So if we look at the history, we find very important and powerful evidence.

We can represent what we think will happen. We can say what we would like to happen. But the fact is, in this particular situation, we know on the basis of evidence what does happen, and that is, reduction in inspections is reduction in consultations.

With all respect to my friend from Wyoming, if we want to see an expansion of the consultations, we ought to increase the number of inspections instead of reducing them. But that is not where we are this afternoon.

Finally, the administration and the Congress have seen a significant increase in consultations over the last 4 years, about a 30-percent increase. There has been important work done in the area of consultation. We certainly support—I do—that program and think it is very important.

It is interesting that the association which represents those who are involved in consultation is resisting this amendment, and the reason they are resisting this amendment is for the reason I have identified. They understand with the reduction of inspections, there is going to be a reduction in consultations.

One would think they would say: Wow, amen, let's get behind them; they are going to put more money into consultations and, therefore, we are going to get more of it.

But no, they do not. That ought to say something to us because they understand as well.

As I mentioned, I have great respect and affection for my friend and colleague from Wyoming, particularly in this area of OSHA, but in this very important area where we are talking about people's lives, what is the real purpose of this? The real purpose is the protection of workers' lives.

We have seen since the time OSHA has gone into effect a dramatic reduction—50-, 60-percent reduction—in the loss of lives on the construction site. OSHA is faced with additional problems of occupational health. It is faced with additional issues with these new toxic substances and a wide range of challenges for the new workplace they are trying to deal with and that also pose a significant and serious threat to workers. What we are basically saying with OSHA is that we in the United States want to make sure we are going to have as safe a workplace as possible for working men and women.

We believe with the increased funding provided for OSHA in this appropriations, as compared to the undermining of OSHA, as we saw in the House Appropriations Committee, we will meet that responsibility and OSHA can meet it.

Let us not put at risk what is tried and tested policy conclusions: We have strong inspections and strong consultations. That works. That is the position Senator WELLSTONE and I and others support.

I hope as a result of these votes that is where we will come out; that we will come out so there will be a modest increase which the good Senator has mentioned in terms of consultation; that we will come out and add those additional funds for the outyears but not take away from the extremely important inspection.

Finally, we can pass various pieces of legislation, but unless we are going to have enforcement, a right without a remedy does not go very far. That is true in just about every area of public policy. We learn that every single day. What we need to have is accountability. We hear a great deal of talk about accountability. This is accountability. The question of inspections is a part of accountability to protect workers. If we cut off and reduce inspections, we are denying the important accountability that is necessary to protect workers in this country, and that is an important and serious mistake.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the kind remarks of my colleagues. I appreciate the comments they have made. We all have a tremendous interest in seeing there are safer workplaces, and there is a long way to go on that yet. But what we are having a little trouble agreeing on is the mechanism for getting there. There are some philosophical differences on how to go about safety.

I do not think they are across that big of a chasm, but if we had the opportunity to spend some time to sit down and talk about them, we could come up with some things that will help the safety of the workplace in this country. We can throw out all the misconceptions and previous solutions and work from there. That is not what is happening. What is happening is this appropriations bill.

We mentioned a record of safety and how it has been increasing. I have been very curious about that record of safety because a lot of people said when OSHA went into effect, there was a huge jump in safety in this country and it has been continuing; since OSHA went into effect, there has been a decrease in the number of deaths and accidents in this country.

I went back another 20 years beyond that and looked at the number of accidents in this country. Business had been bringing that down before OSHA went into effect. They were doing that because they knew if they were going to have a good business, they had to take care of the employee. There has been an ever-increasing awareness of that, and there has been an ever-increasing improvement in that.

My colleagues from across the aisle say consultation and enforcement have to go hand in hand. Yes, they do have to go hand in hand, and I am not suggesting any other thing. I am saying that half the money we are putting in increases ought to go for the other hand of the hand in hand. We ought to do 50 percent for each. We are already doing a whole lot more enforcement than we are consultation. I am not trying to even that up. I am trying to take part of what we are doing this year and putting it in there.

They say: Whoa, rather than do that, take another $33 million and stick it in there and that will show a real commitment to safety. Let me tell you what that would show. It would show my stupidity on management. We are doing a drastic increase on that budget. We are expecting them to take a huge increase of funds, find the people, train the people and put them out there doing enforcement.

I have faith in the people who are in that Department, and I believe they can do that, but they have a better chance not only of being able to train the people but also to get effective use out of them by putting half the money into consultation so half the people being trained are going to go out there and answer questions.

They are going to be the good guys. They are going to be the ones who say: I know you do not understand these 1,200 pages, but just let me go through your business, show you what is wrong and, by golly, you fix it. If you fix it, you have no problem. If you don't fix it, my buddy over here is going to be on your tail; this other 50 percent of the money is going to be on you.

There is a limit to how much increase you can do in a given year.

There is room for training improvement. We have looked at what kind of training there is. I have also looked at the number of inspections that are being done by the people who are there. I am not sure there is enough management over the inspections that are being done.

My colleague from Minnesota mentioned that out of those very bad employers, they were only able to inspect 3,000. That is terrible. That is rotten. That is not the way it is supposed to happen.

We have 2,500 Federal inspectors. They are not doing the State-plan States. They are only doing the Federal inspections. If they did one more inspection a year, they would double the number of inspections on those bad businesses. But we are not going to have that if we just throw a whole bunch more people into the mix. They are not going to be capable of going out and looking at the bad employers and finding those bad problems.

It takes more than a few months to train the people, and you cannot do it if you have thousands coming into the workforce at one time.

There have to be some limits. This is a reasonable approach to being sure there is an increase in enforcement, and it is accompanied by an increase in consultation.

If you look at the numbers of people who are waiting out there in non-State plan States—the State-plan States are doing pretty good with this, the ones that have said they will do the work themselves. They are doing pretty good. The non-State-plan States are having a terrible time getting to the backlog on consultations. So we need some consultation money.

I have a bill that may be the wrong approach to doing safety. I put a lot of hours into it. I sat down with everybody individually, and I talked to them about it. It is the SAFE Act, and it calls for hiring some private consultation. I have run into opposition on that. What I have heard in the way of opposition is: You cannot let the businesses hire people to do inspections. Even though those inspections would result in things being found, things stopped, things improved, you cannot do it that way. It has to be done federally or that there be some kind of a mechanism for the Federal Government to have the inspectors involved.

So I have listened. I have said OK. Under this program, the Federal Government hires the inspectors, the Federal Government hires the consultation people; it is the Federal Government that is coming in to do these consultations—totally independent, totally under the direction of OSHA.

I have been trying to listen to what is being said on all of this. This is one of the solutions that can be provided. I hope you will support increasing the funds to OSHA. I know that is a tough stand for a lot of people over here, but I want you to do that. I want you to increase the amount of money that is going to the enforcement of OSHA, but at the same time what I want you to do is take half of that money and assure that it is going to consultation.

As I said before, there is no way we can assure that it is going to consultation. Once it gets in that department budget, even though it is under a line item, there is not much of a way, even with oversight, to see if those people who are supposed to be under consultation are doing any enforcement, and vice versa.

So it is a statement that we are making that, yes, consultation ought to go hand in hand with enforcement. It is a statement. How they use that budget, we will never know. Maybe we will know through increased enforcement. Maybe we will know with a decrease in the amount of waiting time people have to have for these inspections.

But we have a chance to do the right thing and to do it in a responsible manner that can be handled, giving the increases and making sure that to the small businessman out there who wants to understand those 1,275 pages as they apply to his business—and it isn't optional for him to do that; it is mandatory he do that—we are saying we are going to reach out and give you a little bit of a hand. We are going to come into your business. We are going to show you what is wrong, and you have to clean it up because we are hiring more enforcement people who are going to be here to check on you if you do not.

That is all we are asking. I think it is a reasonable amendment. I was hoping that it would be accepted. I am still hoping it will be accepted.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. WELLSTONE. My understanding is that the Senator from Pennsylvania is going to try to propound a unanimous consent request.

Let me, in 2 minutes, summarize. I appreciate the amendment by my colleagues in Wyoming and Georgia. I think this is an unfortunate tradeoff. I think it is a profound mistake. I think enforcement is the backbone of worker safety.

The second-degree amendment we will offer later on would essentially say: We can do better for consultative services, and we can advance some funds there, but we are certainly not going to take it out of enforcement.

My colleague from Massachusetts has spoken about this at great length; I have as well. I will not recite the statistics again as to the number of unsafe workplaces and the need for strong inspection. I simply say that the promise of OSHA—not yet realized—is we are going to make a commitment to working people, and we are going to make a commitment that people have a safe workplace.

We are not doing as well as we should. We should do much better. But I think it would be a serious mistake for Democrats or Republicans to vote to reduce enforcement. That is a huge mistake. For all who care about worker safety, do not vote to reduce enforcement, to reduce inspection. The laws and the rules and regulations do not mean a thing unless we have the enforcement. That is why I think this amendment is flawed. That is why I hope it will be voted down.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Just a few comments about the merits of the pending amendment; then I will move on to a unanimous-consent request.

I believe that in the bill, as it is currently drafted, there is an appropriate balance between consultation and enforcement. I agree with the Senator from Wyoming that this consultation is very important, and there are many places where consultation will work. I think there are some areas where enforcement is necessary.

I saw in my line of work as district attorney of Philadelphia, under somewhat different circumstances, what enforcement does and what deterrence does and what the prospects of penalties may do.

We have crafted this bill as carefully as we can. I think it has about the right mix, although I welcome the suggestions from the Senator from Wyoming and the spirited debate which we have had.

As I take a look at the figures, in the period from 1995 to 1999, the enforcement funding falls $3 million this year below the 1995 level; $145 million to $142 million.

By contrast, in the same period, fiscal year 1995 to fiscal year 2000, OSHA's consultation program has grown from $31.5 million to almost $41 million; an increase of about 30 percent.

Even at the level that we have here, there are 7 million workplaces in the United States but only about 2,300 OSHA inspectors. Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year; so 9,500 will not be inspected. The enforcement shows that there is an average decline of some 22 percent in the 3 years following inspections.

So when I take a look at the entire picture, I think we have it about right in the current bill.

Therefore, I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I am now going to propound a unanimous-consent agreement on the pending matter.

I have been asked to pause for a minute so that other Senators may consider the unanimous-consent agreement.

What we propose to do by way of schedule today to move ahead is to set the vote aside, then move to an amendment by Senator GRAHAM of Florida. I hope we can work out a time agreement on that which is not yet agreed to. Then we would go to an amendment by Senator DODD for 30 minutes, equally divided, and then come back, perhaps, to Senator GREGG, and then move to an amendment which may be contentious on ergonomics, to be offered by Senators BOND and NICKLES. We would plan to have the votes before the ergonomics amendment, which may take some considerable time and move into the evening.

We are still working as fast as we can through a long list of amendments to try to see when we can bring this bill to a conclusion at the earliest moment.

May I inquire of the Senator from Minnesota if he is prepared for me to propound the unanimous consent request?

Mr. WELLSTONE. I say to my colleague from Pennsylvania, we are looking at it right now. If we can have another moment, we will be ready to respond.

Mr. SPECTER. Mr. President, I ask consent that a vote occur on or in relation to the pending second-degree amendment after 15 minutes of debate to be equally divided in the usual form, and if a motion to table is made and defeated, then the Senate immediately proceed to a vote on the pending second-degree amendment.

I further ask consent that following the disposition of the second-degree amendment, only if agreed to, Senator WELLSTONE be recognized to offer a second-degree amendment under the same terms as outlined above.

Finally, I ask consent that following the disposition of the first second-degree amendment, if tabled, the first-degree amendment be withdrawn.

I further ask consent that if the second second-degree amendment is offered, following its disposition, the Senate proceed to vote on the first-degree amendment, as amended, if amended, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think that is miraculous. I hardly understand much of what I just read, although it was carefully drafted and I am sure will provide a roadmap to the future.

I ask unanimous consent that we now proceed to the amendment offered by the Senator from Florida, Mr. GRAHAM. I inquire of Senator GRAHAM if he will be prepared to enter into a time agreement.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of moving forward. This amendment is going to raise some very fundamental issues not only for a major social program but also for the relationship between the Federal Government and the States and the relationship between the appropriations process and the committees that have jurisdiction for authorization and the administration of the mandatory spending program.

I do not believe at this time I can indicate how long it will take to fully articulate those issues to have the kind of debate which this amendment clearly justifies.

Mr. SPECTER. Might I suggest an hour for the Senator's position and a half hour for this side or perhaps even an hour and a half for the Senator's position and a half hour for this side. I am anxious to try to get some parameters so we know what to do with the remainder of the amendments and voting.

Mr. GRAHAM. I suggest, in deference to the effective use of time, it would be preferable if we got started with this amendment and then saw, as we were into it, what might be a reasonable time.

Mr. SPECTER. Mr. President, I ask consent to yield back the time on the Enzi amendment and ask that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. Mr. President, I ask that amendment No. 1821 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, and Mr. ROCKEFELLER, proposes an amendment numbered 1821.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

Mr. GRAHAM. Mr. President, this amendment, in which I am joined by Senators WELLSTONE, ROCKEFELLER, and DODD, will have the effect of reversing a decision made by the appropriations subcommittee to cut by more than 50 percent the funding in title 20 of the Social Security Act for social services block grants.

This amendment will restore the program to the level that was authorized by the Finance Committee, which is $2.38 billion. This program, title 20 of Social Security, allocates funds to the States in block grant form, allowing them to provide services to vulnerable, low-income children and elderly, disabled people. The purpose of this program is to assist in maintaining the well-being of those Americans who, but for these types of services, might become direct, individual recipients of Social Security funds, whether they fell into such because of a disability, because of their circumstances in terms of losing the support of an adult, or because of the aging process.

I can tell the Senate, as a former Governor of Florida, the State which has the highest percentage of persons over 65 in the Nation, and now, as a member of the Finance Committee, which has responsibility for the authorization of this program, I am aware of the positive contribution this program has made to the well-being of millions of Americans and to the fiscal well-being of the Social Security program. I am particularly concerned about the draconian cuts that have been made and the fact that they have been made with almost no discussion or attention to the very serious policy implications.

My Finance Committee colleagues and I, joined by colleagues from the House Ways and Means Committee, have agreed that this program should be funded at the level of $2.38 billion for the fiscal year 2000. In fact, the two committees of responsibility, the Senate Finance Committee and the House Ways and Means Committee, made a commitment to the States that the social services block grant would be guaranteed at the level of $2.38 billion until welfare reform is reauthorized in the year 2002.

However, the Senate appropriators, rather than simply appropriating the statutory funding level for the fiscal year 2000 at $2.38 billion, have slashed the social services block grant to $1.05 billion for the fiscal year 2000. This harsh, unauthorized reduction would be on top of a 15-percent reduction made to title 20 in the 1996 welfare law.

These enormous reductions will have adverse consequences for substantial numbers of frail elderly persons, disabled individuals, and children and their families. In my State of Florida, critical programs will be at serious risk if these cuts are made.

For example, these reductions will affect services that protect children from child abuse and that enable poor elderly and disabled persons to remain in their homes rather than being placed prematurely in nursing homes or other institutions.

Our State was one of the first to start a program called Community Care for the elderly, begun over 20 years ago. It had as its objective to allow older Americans to live the life they wanted to live, a life of maximum independence in their homes, in their communities, not to be forced prematurely into an institution. That program was funded both by State funds and by the use of some of these social service block grant programs. That program has had not only enormous positive benefits in terms of the quality of life of the beneficiaries—and, I might say, has now become a program that has been identified for substantial expansion by our current Governor, Governor Bush—but it also has been a program that has saved both Medicare and Medicaid substantial funds by maintaining the best possible state of health for many frail elderly and avoiding the extreme costs that are entailed when an individual has to be placed in a nursing home.

We heard at a luncheon earlier today from a program that has shown great promise in terms of providing a successful educational environment for our youngest students. One of the primary keystones of that success is appropriate early intervention with children before they become public school students, while they are still in the infant and toddler ages, if they have physical or other disabilities, to begin to deal with them at the earliest stages, to give them an appropriate learning environment in preschool.

Again, those are precisely the programs that are funded through title 20 of the Social Security Act. Those are precisely the programs that are going to be eviscerated if we adopt this budget with this over 50-percent cut.

To add to all of that, I direct the attention of the Senate to page 212 of the conference report which has been issued on the Labor-HHS appropriations bill. In that conference report, there is an explanation of why this cut is being recommended. The report states:

> The committee recommends an appropriations of $1.50 billion for the Social Services Block Grant. The recommendation is $1.330 billion below the budget request (read the recommendation of the House Ways and Means Committee and the Senate Finance Committee) and $859 million below the 1999 enacted level. The committee has reduced funding for the block grant because of extremely tight budget constraints.

I would like for the Presiding Officer and my colleagues to listen to this particular part.

> The committee believes that the States can supplement the block grant account with funds received through the recent settlements with the tobacco companies.

So the subcommittee's rationale for this particular reduction is that the States can now be directed to use their tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

Mr. President, I fervently object to this outrageous, irresponsible and, I would say, nonsensical rationale.

As you will recall, this spring we had a fervent debate about the question of whether the Federal Government should reach in and mandate how all or a portion of the States' tobacco settlements should be spent. We fought that out for weeks in the Senate.

I thought after a series of rejections of exactly this proposition that the States could now with some comfort step back and say the Federal Government has decided, properly so, that we were the entities which secured these tobacco settlements; that the Federal Government would be saying we have the respect of the States that they have the good judgment to decide what is in the best interests of their citizens in the methods of spending these tobacco settlement funds; that the States could breathe easy; that they no longer were faced with the threat that the Federal Government would want to play big father and tell them how to spend their money.

It was only in March of this year that the Senate overwhelmingly by a margin of approximately 71 to 29 defeated an amendment that would have required the States to spend part of their tobacco settlement according to a Federal list of priorities. In June, the entire Congress voted for the Federal Government to stand back, to keep its hands off the tobacco settlement, which the States had with such effort and commitment achieved; that the Federal Government was saying to the State: We respect you, and we put our confidence in your decisions as to how to spend this money.

Now we have a few months later this language saying that it is one of the most important social programs we in Washington are going to effectively, by withdrawing Federal funds, direct how the States are going to spend their tobacco settlement.

It is outrageous.

The commitment that we made for hands off was a binding commitment, just as our commitment to fund the title XX program that we made to the States to fund it at its current level to the year 2002 in order to play a role in the successful completion of the welfare-to-work law was also a binding commitment, commitments that we are now about to breach.

Today, many of the same individuals who voted to allow the States to use these funds as they saw most appropriate for their citizens are about to tell the States that they need to reallocate tobacco settlement dollars in order to pick up the Federal social services block grant which we are going to slash by over 50 percent. That is blatant hypocrisy.

The argument that the tobacco funds should be used to fill a $1.33 billion cut in title XX is quite simply—no pun intended—a smoke-and-mirrors tactic that does not address the issue at hand. Senate appropriators have no valid argument in defense of their drastic cuts in this critical program.

Have no doubt that the ultimate loser in this exercise is the child—the child who is currently receiving child care in a title XX funded center. The loser is that other American who has sought refuge from abuse through adult protective services, the disabled woman who receives treatment through a title XX funded center. Perhaps the reason our appropriators believe that they can get away with this raid on the social services block grant is that the American people are unclear about the services that this program provides.

So I would like to take this opportunity to enlighten my Senate colleagues and the American people on what are the programs funded under title XX of the Social Security Act.

The social services block grant was established in 1975. So it is now about to celebrate its 25th year of an important part of the safety net that helps those persons who might otherwise have to rely on expanded Social Security funds.

It provides States with funds to address the social service needs as the States determine to be of the greatest priority. States have broad flexibility in determining which services to provide, who should deliver services, and which families and individuals to serve.

I know our Presiding Officer had a distinguished career of service in his State before being elected to the Senate. So he has no doubt dealt with some of the programs that are funded under title XX of the Social Security Act.

Adoption, case management, congregate meals, counseling services, adult day care, day care for children, education and training services, employment services, foster care services, health-related services, home-based services, home-delivered meals, housing services, independent living services for youth, legal services, child and adult protective services, recreation services, residential treatment, special services for youth at risk, and the disabled—these are some of the services that are provided under title XX.

As you can see, many of the SSBG-funded services focus on children and youth.

In fiscal year 1996, some 15 percent of the SSBG funds supported programs providing child care for low-income children. An additional 21 percent was spent on services to protect children from abuse and provide foster care for children.

SSBG funds programs for nearly half a million people with mental retardation and other physical and mental disability, including transportation, adult day care, early intervention, crisis intervention, respite care, employment, and independent living services. These services help such individuals remain at home and out of expensive and often inappropriate institutions. These services also help people with disabilities to work, to the extent it is possible for them to do so.

These programs drew the support of the House Ways and Means Committee and the Senate Finance Committee, the two committees with responsibility for Social Security, to support the level of funding which is in the amendment currently pending.

For those who have suggested this more than 50-percent slash in this program, what is it they know about this program that the House Ways and Means Committee and the Senate Finance Committee did not know or did not take into proper account? What we should be doing is not slashing this program but, if anything, we should be increasing this funding in order to assist particularly in this important time of transition from welfare to work.

It should be noted that the Senate Labor-HHS-Education appropriations bill appears to reduce the percentage of a State's Federal TANF block grant, another of the programs that will be critical to the transfer from welfare to work, will reduce the percentage of a State's Federal TANF block grant that can be transferred to the social services block grant from 10 percent to 4.25 percent for fiscal year 2000. Not only are the States facing a draconian reduction in the social services block grant but also a limit in the flexibility of those funds. The 4.25-percent ceiling further limits States' abilities to compensate for the impact of the overall social services block grant funding.

One might ask, should the States also use tobacco money to fill the hole for this further cut, as well? Should the States perhaps be called upon to use tobacco funds to supplement all Federal funds for social programs?

It is critical we keep the national commitments to the most vulnerable members of our society. That commitment cannot be fulfilled by slashing title 20 funds by over 50 percent. The President has said he would veto this bill in its current form. He cited the deep cuts in title 20 as a key reason for doing so. I applaud the President if it were to be necessary—and I hope desperately it will not be necessary—to exercise that veto because of these unwise cuts in title 20 and the attempt to direct the manner in which the States will spend their tobacco settlement funds.

There has been a cascade of opposition to this recommendation. The National Governors' Association, the National Council of State Legislatures, and the National Association of Counties have spoken out against this cut. They are joined by over 600 Federal, State, and local groups that understand the importance of these title 20 programs.

I ask immediately after my remarks a series of letters from groups across America be printed in the RECORD expressing their objection to this proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the social services block grant cut of the magnitude reflected in this bill would substantially reduce a State's ability to provide services to vulnerable children, elderly, and disabled people. Because of the dimensions of such a cut, as well as the fact that most 1999 State legislative sessions have already adjourned, most States would not be able to offset this loss with additional State funds, tobacco or otherwise. That is the real point of this debate. This debate is not about tobacco money nor is it about what States do with their dollars. This debate is about the cutting of a program that was designed to help the most vulnerable Americans to live better lives and the devastating impact such a cut will have on their lives and our communities.

As I come to a close, a word of caution: The raiding of title 20 programs could serve as an example of what will happen when a program is block granted. In the eleventh hour of last year's budget debate, a budget bind had developed and the means of escaping from that bind was to use title XX funds, if you will believe it, to fund road and highway spending. Today we are again sacrificing the same social services block grant on the altar of budgetary expediency.

This year it is not highway funds but let's tell the States how to spend their tobacco settlement. These experiences should serve as a big red flag as we structure our social services funding. Thus far, we seem willing to use Meals on Wheels' funds to continue the illusion we are not breaking the budget caps. Will we ever fund the census from moneys from our children's educational future? If the answer to this question is yes, can similar cuts to Social Security and Medicare and other social programs critical to the well-being of millions of Americans be far behind?

The implications of this action this afternoon are ominous. They are odious. We have the opportunity to avoid them.

EXHIBIT 1

INTERGOVERNMENTAL RELATIONS,
Milwaukee, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of Milwaukee County to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Milwaukee County.

In addition, Milwaukee County urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Milwaukee County also utilizes SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and outpatient treatment for individuals with mental health issues.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, Milwaukee County strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
Milwaukee County
Washington Representative.

WISCONSIN COUNTIES ASSOCIATION,
Monona, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the Wisconsin Counties Association (WCA) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Wisconsin's counties.

In addition, WCA urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Wisconsin's counties also utilize SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and child abuse prevention and intervention services.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, WCA strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
WCA Washington Representative.

JULY 13, 1999.

Hon. TED STEVENS,
Senate Appropriations Committee, Washington, DC.

DEAR SENATOR STEVENS: The Board of Directors of Generations United urge you to fund Title XX, the Social Services Block Grant (SSBG) at its present entitlement level of $2.38 billion included in the Personal Responsibility and Work Opportunity Act of 1996.

We are pleased that the Clinton Administration has requested restoration of this program to the fully authorized level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the administration of the importance of this block grant and we hope you will endorse this recommendation. We do however continue to have concerns about reducing the states ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to ensure that state flexibility remains.

SSBG is an important source of intergenerational support providing flexible federal dollars that helps states respond to their most pressing human service needs. SSBG has a proven record of addressing dependent care needs across the generations. Essential programs supported by SSBG include:

FOR CHILDREN

Services that support the success of the Adoption and Safe Families Act. For example, in 1997, States reported using 2.2 percent of SSBG funds for adoption foster care and child protection services.

SSBG is also an important source of support for Child Care.

OLDER ADULTS

SSBG are essential for keeping older adults independent and out of institutions.

In 1997, an estimated 318 million was used for adult day care and home-based services.

Forty-five states reported using the funds to provide home-based services to the elderly, 38 for elderly case management and 46 for child protection.

Generations United is the only national organization that promotes intergenerational policies, programs, and strategies. We represent more than 100 national organizations and millions of individuals who support reciprocity between the generations and the social compact that calls for using the strengths of one generation to meet the needs of the other. We believe a health society should not have to choose between its most vulnerable members—children, youth and the elderly—but instead should support the basic needs of each generation.

We urge you to fund Title XX, the Social Service Block Grant at its fully authorized level of 2.38 billion.

Sincerely,

The Board of Generations United.

National Network for Youth,
Washington, DC, September 30, 1999.

Dear Senator: The National Network for Youth is a 24 year-old non-profit membership-based organization committed to advancing its mission to ensure that young people can be safe and grow up to lead healthy and productive lives. Representing hundreds of non-profit, community-based youth-serving organizations, youth workers and young people from around the nation, the National Network for Youth urges Congress to support the amendment offered by Senators Graham, Wellstone, and Rockfeller to restore funding for the Social Services Block Grant so states can continue to provide children and youth in high-risk situations and their families the services they need.

Established under Title XX of the Social Security Act, the Social Services Block Grant provides funding critical to states' ability to offer services to vulnerable children, youth and families. In 1997, 5% of the funding available was designated for vulnerable youth. Over 200,000 youth received SSBG services including temporary housing, residential treatment, counseling, therapy, support and training to live independently, vocational training, and case management. Without the support of state and local services, vulnerable youth have a high risk of homelessness, teen pregnancy, poverty, and entering the criminal justice system.

The homeless youth population is estimated to be approximately 300,000 young people each year. Physical and sexual abuse and neglect are among the key causal factors for runaway behavior. States and local governments have the primary responsibility for protecting children from abuse and neglect, and preventing youth at high risk from entering the criminal justice system. In Fiscal Year 1997 more than 2.3 million children were protected from abuse and neglect through services funded by the Social Security Block Grant, supplementing other federal programs offering aid to state and local programs protecting children and youth.

Funding for the Social Security Block Grant was reduced from $2.8 billion in 1995 to $2.38 billion in 1996. The Social Security Block Grant has since faced repeated cuts and is currently funded at $1.9 billion. Additional funding cuts to the Social Services Block Grant could weaken those services critical to the aid of vulnerable youth and other at-risk populations. The National Network for Youth urges Congress to support the amendment offered by Sens. Graham, Wellstone, and Rockefeller to restore funding for the Social Security Block Grant in FY2000.

Sincerely,

Della M. Hughes,
Executive Director.
Miriam A. Rollin,
Director of Public Policy.

California State
Association of Counties,
Sacramento, CA, September 30, 1999.
Hon. Bob Graham,
Washington, DC.

Dear Senator Graham: I am writing to you on behalf of the California State Association of Counties (CSAC) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to California's counties.

In addition, CSAC urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

The SSBG is a major source of human service funding for California, and repeated federal cuts will impair services for vulnerable populations. Our state is one of the largest recipients of SSBG funds, and due to last year's $471 million reduction in the block grant, California lost over $56 million in funding. Two of the major services California funds with SSBG are In-Home Supportive Services (IHSS) at $116.2 million, and Development Disability Services for kids in CWS at $111 million.

The SSBG is a cost-effective program that has been slashed by close to one billion dollars over the past five years. The SSBG funds services that allow people to remain in their homes, a much more desirable solution than the costly alternative of institutionalization. According to HHS data, in FY 1997 the SSBG funded home-based services that allowed over 60,000 elderly Californians to remain in the community. Overall, the SSBG funded services for 1,665,349 Californians, including 191,000 disabled and 87,195 elderly that same year. In addition, in 1998, California transferred $183 million from TANF to the SSBG to fund child care services.

Again, CSAC strong supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support to Title XX.

Sincerely,

Joe Krahn,
CSAC Washington Representative.

American Humane Association,
Washington, DC.
Hon. Bob Graham,
Washington, DC, September 28, 1999.

Dear Senator Graham: I am contacting you to commend your amendment to fund Title XX, the Social Service Block Grant at its present entitlement level of $2.38 billion for the FY 2000 budget. Title XX is one of the few programs available to support lower-income working families. This block grant has also been a significant funding source for programs that protect abused and neglected children.

Founded in 1877, the American Humane Association (AHA) is a nationwide association of child welfare professionals, public and private social services, medical and mental health professional, as well as educators, researchers, judicial and law enforcement professionals and child advocates. AHA's Children's Division continues to be a voice dedicated to the protection of children.

AHA strongly believes that Title XX deserves to be placed high on the list of priorities. This block grant allows states the flexibility to provide much needed services for vulnerable children and families in near crisis situations and has helped support reforms in state foster care systems.

AHA is pleased that the Clinton administration has requested restoration of this vital program to the full entitlement level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the Administration of the vital importance of this block grant and we hope you will endorse this recommendation. We do, however, continue to hold great concerns with regard to the administration's proposal to reduce the states' ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to work closely with you, as well as the Administration, to ensure that state flexibility is retained.

By helping to keep people in the community, the Social Services Block Grant actually saves the federal government and the nation's taxpayers the cost of expensive institutional care. Therefore, we strongly urge you to fund the Social Services block Grant at its fully authorized level of $2.38 billion.

Thank you for your hard work and attention to this issue. If you have any questions or concerns, please do not hesitate to contact us at (202) 543-7780.

Sincerely,

Adele Douglass,
Director, Washington DC Office.

AMENDMENT NO. 1886 TO AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. I send to the desk a second-degree amendment to the amendment currently pending.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. Graham], for himself, Mr. Wellstone, Mr. Rockefeller, Mr. Dodd, and Mr. Kennedy, proposes an amendment numbered 1886 to amendment No. 1821.

Mr. GRAHAM. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Strike all after the first word and insert the following:

"Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.''

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to follow the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the arguments by the Senator from Florida I can understand his interest in adding funds to what the committee mark is. I have no disagreement with the importance of the funds which are at issue.

I am constrained to oppose the amendment because in constructing this overall bill for $91.7 billion, in collaboration with the ranking Democrat on the subcommittee, we have juggled some 300 programs. If we are going to add a very substantial amount of additional funding to education, which we have some $2.3 billion over last year, and if we are to add $2 billion for the National Institutes of Health, and to have an initiative against juvenile violence, it is a matter of the allocation of priorities.

The comment has been made about the use of the tobacco funds. Those are very substantial sums of money, some $203 billion over a number of years.

I fought on the Senate floor to try to bring some of those tobacco funds to the Federal Government so we would have more moneys available. It is an obvious suggestion, when the States are the recipients of so much of that funding, that some of it be used where other Federal funds had been made available. This is another illustration, along with the request for additional funds for after school, $200 million more, or for class size, for the Corporation for Public Broadcasting—all of those are items which, under normal circumstances, I would say are very good programs, they are very good approaches, we would like to see them. But when it comes to assessing priorities, it is my sense, after working through very carefully with staff and then with the Democratic staff, the full subcommittee and the full committee, that this is an appropriate assessment of priorities.

Therefore, even though I have sympathy for what the Senator from Florida has had to say and think these are good programs, on a priority basis I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President. I am pleased to join with the Senator from Florida, Mr. GRAHAM, on his amendment.

I want to respond to my colleague from Pennsylvania. I will start out with Minnesota, and then I will go to the country at large. Actually, in Minnesota, for reasons I will explain, these social service programs and funding are passed directly to counties. The State cannot replace the money with tobacco money or anything else, and certainly not for next year, which is a bonding legislature. But above and beyond that, in any case, the tobacco money has already been spent for other programs.

The point is, we do not know what will happen. This is what my colleague concluded. We do not know what will happen with these programs that are so important to poor people, to vulnerable people, elderly people, people with disabilities. To cut the social service programs by 50 percent and then say States have tobacco money so we will count on them to do it is an abandonment of our commitment. It is an abandonment of our commitment.

What we have done is cut the social services block grant program by more than half. What my colleague from Florida has done—and I am pleased to join him in this amendment—is to restore the funding to the full formula amount of $2.38 billion. We are talking about programs that are so important to the lives of the most vulnerable citizens in our country: The elderly, the very young, the poor, and the disabled.

The question is, What is this SSBG fund? Are we talking about something important?

Yes, we are talking about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for the disabled and transportation services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

I respect my colleague from Pennsylvania. He has done the very best, given the budget caps under which he has worked. But I do not believe a good argument against the amendment we have introduced is: Well, there is tobacco money out there and the States can use that money.

Some States do not have that money to use. Some States can't use that money. In any case, whatever happened to our commitment at the Federal level to try to fund some services that would help the most vulnerable citizens in our country? That is my question.

Let me talk a little about some of these programs and then go further with the argument I want to make. Let me take Meals on Wheels. Why do we not think about this in personal terms? I think, I say to Senator GRAHAM, we are going to get support for this amendment. I believe we can pass this amendment. Are Senators going to vote to cut funding for the Meals on Wheels program? That is a program for people, many of them elderly, many of them disabled. Both my parents, for example, had Parkinson's disease. They might not even be able to get to congregate dining, which is a great program. They might not even be able to get into town; they cannot drive. Quite often there is not the transportation. In Minnesota it is cold; it is wintry weather. Maybe during the winter they cannot get out and freely move around. So you have the Meals on Wheels program where you deliver a hot lunch, a nutritious meal, to elderly citizens. And we are going to cut this program?

Let me repeat that. We are going to cut this program? We can do better. We can do much better.

Talk about independent and transitional living services; here we have some services—I will talk about this in some detail—that would enable an elderly person or someone with a disability to live at home in as near normal circumstances as possible, with dignity. It is a range of support services. It might be nursing services, community health outreach services, making sure those people are able, with a little help, to stay at home. We are going to cut this program, potentially by half? We are going to cut services that enable people to live at home with dignity as opposed to being put into a nursing home? We cannot do that. We cannot do that.

According to the Title XX Coalition, in fiscal year 1997 more than 1.1 million elderly people and over 740,000 people with disabilities benefited from the social services program. State and local prevention and treatment services reached over 2.3 million children and their families. I thought we cared so much about the elderly. I thought we cared so much about the children. I thought we cared so much about making sure at least there is an investment in some resources that will enable people with disabilities to live lives with independence and dignity. That is what the disabilities movement is all about. We cannot say that if we cut these services, if we cut these programs by over 50 percent.

In my home State of Minnesota, SSBG funds are used, in some counties, to augment child care for single women and their families. We talk about the importance of moving from welfare to work, but if a mother works and cannot find child care or cannot afford child care, how is she going to do it? Or if you have working poor people and they work 52 weeks a year and they work 40 hours a week and one of them is working or both of them are working, affordable child care is a hugely important issue for them. There are not Senators in this Chamber who would not want to make sure their children were able to get good child care. And we are cutting into services for child care?

Many Minnesota counties use SSBG money for home care services for the elderly. We are talking about funds to pay for a care giver to go to a vulnerable elderly person's home and help them with "home chore services," such as taking their medicine on time and in the right doses, keeping their homes clean and safe, helping people take a bath, making sure there is food in the refrigerator.

I am sorry, I am not going to get worked up, but I do not understand how in the world we can justify cutting those services for elderly people. I do not understand that. That is exactly what we went through with my mother and father in Northfield, MN. That is exactly the struggle we had in trying to help them stay at home. We did all we could among Sheila, myself, and our children.

Sometimes one needs some help. At the county level, if there is a public health outreach program, somebody can help elderly people to make sure they take their drugs, to make sure they take the right dosage, to help someone like my dad who had Parkinson's disease and his body shook and my mother was not able to help him take a bath, to help people live at home, help people keep their independence. This is mean-spirited to cut these programs.

We cannot say: Well, but there is the tobacco money and States can use tobacco money. We do not know whether all States can. We do not know whether all States will and, in any case, this is a commitment that we have made in the Senate. We are a national community. Can we not as a national community, represented by the Senate, Democrats and Republicans alike, at least make a commitment to fund these services that are so important for vulnerable people?

I was speaking with Marien Brandt, the human services director in Sibley County, MN, a rural county, who told me her county spends SSBG funds primarily to serve vulnerable populations who are not eligible for assistance under other funding programs. She suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds.

She gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child.

The vulnerable adults they help with SSBG money tend to be elderly people, seniors, disabled people who get home health care services, people they help stay at home, the very people about whom I talked.

If we are talking also about counseling services for parents and for children at risk, what in the world are we doing cutting those services? Marien told me that in Sibley County, SSBG money is used especially in the rural areas to fund transportation for the elderly and the disabled so they can go to the doctor, so they can buy groceries, so they are simply not isolated.

Let me point out what we are doing. All too often we say SSBG and people do not know what we are talking about. And we throw the money around: increase $1.2 billion, subtract $1.3 billion. I will translate it into personal services. Here is an example of one of many counties—I could take hours on this—where we use this money to provide transportation. Sometimes it is not the big buses. Sometimes it is smaller, a dial-a-bus so an elderly person can go to the doctor, people can go to the grocery store, they can go to congregate dining, they can go places and they are not isolated. What in the world are we doing cutting this funding by 50 percent?

This SSBG money, I say to my colleague from Florida, is used to fund services for people who otherwise would fall through the cracks. This money is used to provide services for the most vulnerable citizens in our country.

I do not understand exactly—I understand what my colleague from Pennsylvania said. He cares a lot about these budgets as they affect people. But I really do not know how we got to the point where we cut these social service programs by 50 percent. I do not understand that. I am afraid one of the things I think happens is that quite often, when we work under these caps—I do not know if my colleague from Florida will be angry with me for saying this, so therefore maybe I will not, now that I think about it.

We put ourselves into fictional politics. These caps do not work, and everybody seems to be locked in with these caps. We are engaged in mutual deception. Nobody wants to talk about breaking the caps. That is not what this amendment does, although advance funding, whatever, we all know we need to spend more.

In my opinion, this amendment goes to the heart of what this debate is all about. We ought not, I say to the Presiding Officer—a good Senator—to be cutting these kinds of programs. These programs are for the most vulnerable citizens in our country. We ought not to be cutting programs that enable someone to get Meals on Wheels, that enable someone to go to congregate dining, that provide home health care services so people can stay at home rather than being institutionalized, that provide child care, help for families so they can afford child care. We ought not to be cutting these kinds of services by 50 percent. I fear one of the reasons we end up doing it is that these are the citizens who do not have the clout. It is just too easy to make cuts based upon the path of least political resistance. It is just too easy to cut services for the very poor and the most vulnerable. This is wrong.

This amendment goes to the heart and soul, I hope, of the Senate.

I will not go over reports from many counties, but I want to talk briefly about how my own State is going to be impacted.

Minnesota communities currently receive $41.6 million annually. If these proposed cuts are enacted, Minnesota is going to lose $23.2 million in funding. We will receive only $18.3 million in fiscal year 2000.

We are unique, I will concede that point, because by law the SSBG funds bypass the Governor and flow directly to the local level. The State cannot touch the money. We cannot add or subtract funds from the block grant.

Minnesota law further requires local level programs to run balanced books, which means they cannot carry any budget surplus from one year to the next. What this means, if these cuts to the SSBG go through, the State will not be able to offset any of the lost funds with funds from other sources. The local level programs will have no budget surpluses to fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

So when I come to the floor and speak about this with some sense of urgency, it is because we could lose senior congregate dining. We could lose Meals on Wheels. We could lose a host of other local community-based programs that are so important to our citizens.

It would also mean cuts in health and substance abuse programs. Minnesota is one of only seven States in the country that relies more heavily on title XX grants than its SAMHSA grant to fund mental health services. We are going to see draconian cuts in mental health services as well.

Furthermore, next year, in my State it will be a "bonding legislature," one in which they will not be able to consider policy issues. So the Minnesota Legislature is not going to be able—I think my colleague from Florida was alluding to this in other States—to take up any legislation to change the law governing the flow of SSBG funds in 2001.

I will tell you, I give the example of Minnesota because this is one hugely important issue in my State. But I also want to say to my colleagues that Senator GRAHAM has done a good job of talking about how this is going to affect all of the States. In a report that was put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut 87 percent since 1977 in inflation-adjusted terms—87 percent. An SSBG cut of the magnitude proposed in this bill will substantially reduce our State's ability to provide services to vulnerable children, to elderly, and disabled people.

This amendment, that I am proud to cosponsor with Senator GRAHAM, is an effort to say to the Senate that we have to do the right thing and that we must restore full funding for the title XX social services block grant program.

I will wait to hear if there is debate on the other side. I have many more examples to present from many counties in my State, both rural and urban. But I will repeat it one more time. As far as I am concerned, the fundamental core question for us to address, the issue for us to debate, is whether or not we in the Senate want to cut the social services programs that are so important to the most vulnerable citizens in our States—important to elderly people so they can have transportation and not be so isolated; important to people like my parents, who are no longer alive, so someone can come to their apartment and help them live at home when they have a disabling disease; important to a family where the single parent is working and she wants to make sure there is affordable child care; important to the person with disabilities so he or she can live at home with dignity; important for people who are not well enough and cannot even physically be able to go to congregate dining, who need Meals on Wheels, so someone can come and deliver them a nutritious meal.

By the way, the Meals on Wheels program is inadequately funded right now. We cannot cut these critically important programs and services that make life better for vulnerable citizens in our country. We cannot do this.

The States have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency. The law also allows the money to be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based noninstitutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the elderly and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX of the Social Security Act specifies that $2.38 billion is to be provided to the States for fiscal year 2000. The Senate Labor-HHS appropriations bill, though, slashes funding for this block grant to only $1.05 billion. This cut comes on top of a 15 percent cut to the block grant made as part of the 1996 welfare reform law, a cut that the states reluctantly accepted only with a commitment from Congress that we would provide stable funding for the block grant in the future. I am pretty sure that a 50-percent cut doesn't qualify as stable funding by anyone's definition.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, "these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in administering social programs." SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposes slashing these funds, we send a clear, and I believe extremely damaging, message to the States. I think we are telling them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we do go back on our word and break our commitment to the States—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

According to the Title XX Coalition, in fiscal year 1997, more than 1.1 million elderly people and over 740,000 people with disabilities benefited from SSBG. State and local prevention and treatment services reached over 2.3 million children and their families. The SSBG also reached 1.5 million individuals and families by supporting their physical and mental well-being, and by helping them overcome barriers to employment and economic self-sufficiency. And child care-related services were provided to over 2.3 million children through SSBG.

In my home State of Minnesota, SSBG funds are used in some counties to augment child care for low-income single women and families. Even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut the title XX funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who has just gotten off welfare and is trying to make ends meet while she starts working at her new job, loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic "home chore" services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money.

I was speaking with Marien Brandt, the Human Services Director in Sibley County, Minnesota who told me that her county spends SSBG funds primarily to serve vulnerable populations who aren't eligible for assistance under other funding programs, and she suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds. Marien gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child. The vulnerable adults they help with SSBG money tend to be elderly people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they are supposed to. Oftentimes these people are not eligible for medical assistance, so there is not another source of funding available to them when they are living in the community. What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care.

Marien told me that in Sibley County, SSBG money is also used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they are not so isolated in their home (a ride to the senior center, perhaps). There is no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling.

The way Marien explained it to me, her county basically counts on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota told me a similar story. She explained that her county also counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and "chore services"—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who other wise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG in half.

Dave Haley, from the Ramsey County Department of Human Services also told me about his county spends SSBG money. The first example he gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than 50 percent.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Currently, Ramsey County receives $5 million in SSBG funding. If this were reduced by half, it would affect far more than what I have briefly mentioned. SSBG money also supports chemical dependency prevention efforts, homemaker and other support services for seniors to prevent nursing home placement, and support efforts for families with a child with developmental disabilities to enable the family to stay together and avoid or delay out of home placement, to name only a few. If these funds are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? What difference does it make if someone goes to bed hungry, or homeless, or just plain afraid that they won't make it through tomorrow? We have a budget cap to maintain, after all. And that is what this Congress has defined as really important here, right? Not helping our constituents, or keeping our commitments to the States, because I certainly don't see how anyone in Congress could argue differently when I see an effort like this to eliminate one-half of the SSBG funding.

In my own State of Minnesota, these cuts will have an immediate and deeply felt effect. Minnesota communities currently receive $41.6 million annually. If the proposed cuts are enacted, Minnesota will lose $23.2 million in funding, receiving only $18.3 million in FY 2000.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add nor subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books. Which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, Meals on Wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMHSA grant to fund mental health services. Furthermore, because next year will be a "bonding legislature," one in which they will not be considering policy issues, the Minnesota legislature will not be able to take up legislation to change the law governing the flow of SSBG funds until 2001.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes. Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds. But right now, seven states—Delaware, Illinois, Indiana, Massachusetts, Missouri, Nevada, Oregon—currently have no unobligated TANF funds. And if the House gets its way, 3 billion dollars in TANF surpluses will be rescinded from the states. This will leave another 12 states—Alabama, Connecticut, Kansas, Kentucky, Maine, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Utah, and Vermont—who if they used every single cent of their remaining TANF surplus still won't have enough money to cover the lost SSBG funds. That's a total of 19 States, more than a third of all states, that won't have the social service funds available to offset the SSBG funding cuts proposed in this bill.

I have here a letter from a group called "Fight Crime, Invest in Kids," which is an organization made up of over 500 police chiefs, sheriffs, prosecutors, victims of violence, and violence prevention scholars, written in support of this amendment. They write to explain that recent cuts in SSBG have short changed child care, child abuse prevention, removal and placement of abused children, drug treatment, and other critical crime prevention investments.

As they point out in this letter, one of the Government's most fundamental responsibilities is to protect the public safety. To meet that responsibility, Congress must close the crime-prevention gap—the gaping shortfall we ought to be making to help our Nation's children get the right start.

The Graham-Wellstone amendment to restore funding to the SSBG would provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear that these services can have an important crime prevention impact. The amendment would also provide $300 million to support child care in 47 states. A study by the High Scope Foundation showed that quality child care can dramatically reduce the chances of children becoming criminals. It is clear that we must continue to provide the funds for these programs, and we can only do that by restoring the title XX grant to its full formula amount.

In a report they put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut by 87 percent since 1977 in inflation-adjusted terms. An SSBG cut of the magnitude proposed in this Senate bill will substantially reduce the States' ability to provide services to vulnerable children, elderly, and disabled people. Please, do the right thing and restore the SSBG money by supporting the Graham-Wellstone amendment to restore full funding for the Title XX Social Services Block Grant.

If the Senate does not support this Graham amendment, then, in my view, the Senate does not have a soul. If the Senate does not support this Graham amendment, then, in my honest to God opinion, the Senate does not have a soul.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am ready to make a motion, if the other side does not wish to use the remainder of their time. If there is something further they have to say, I do not want to cut that off.

Mr. GRAHAM. Mr. President, it is my understanding we are not operating under a time agreement, so there is not a clock ticking on this issue.

I see one of the cosponsors of the amendment, the Senator from Connecticut, is on the floor. I do not know if he desires to speak on this issue or not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate that. I am very impressed with the level of my colleagues' debate. I commend my colleague from Florida, Senator GRAHAM, and my colleague from Minnesota, Senator WELLSTONE, for articulating what I think the rationale and support for this amendment means to make a huge difference in our States and localities and to underserved Americans.

I have an amendment that I will be offering shortly on behalf of Senator JEFFORDS and myself, Senator SNOWE, and others, on child care. I am prepared to offer that, but I do not want to in any way cut into the debate of my colleague from Florida or others who may want to continue with regard to his particular amendment.

Again, I commend him for it. I am delighted to be a cosponsor of it. I think it makes a significant contribution. I point out, in my State alone—I represent the most affluent State in America, something of which I am proud. I also tell you I am not so proud of the fact that the largest increase in child poverty in the country occurred in my State over the last several years—a 60-percent increase in child poverty.

So here is a small State, Connecticut, with 3.5 million people, enjoying unprecedented prosperity. Yet in the midst of this small State, we are also finding an unprecedented hardship on the part of a lot of people, particularly young people. One out of every five children in my State is growing up in poverty.

What the Senator from Florida and the Senator from Minnesota have offered is some relief for people in that category, to see to it that they might also enjoy the prosperity of our country.

Meals on Wheels, adult day care, foster care—there is a wide variety of other issues. But as my colleagues know, I have tried to focus my attention, over the years, particularly on children and their needs; and hence the amendment I will offer with Senator JEFFORDS in a moment on child care and afterschool care.

But I realize this amendment being offered by the Senator from Florida covers more than just children. For example, it covers adult day care. Three generations living under the same roof—we find that a more frequent occurrence in our society. The wonderful advances in medicine allow people to live longer, more fruitful lives, but it also creates generational burdens in many ways.

So this is not an unreasonable request for a nation of almost 280 million people to see to it that those who are the least well off—carrying some of the most significant burdens—can also share in the prosperity we are enjoying. That is what I think we would all like to think of when we talk about America: a nation where there is equal opportunity.

What this amendment does is create opportunity. It does not guarantee success, but it gives people a chance to maximize their potential. For those reasons, I strongly urge the adoption of the amendment, and again I am pleased to be a cosponsor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to reserve time to close. If there are any speakers in opposition to the amendment, I would defer to them and then I would like to close.

Mr. COVERDELL. Mr. President, we are prepared to move to the close on behalf of the distinguished Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. The arguments in favor of this amendment are numerous. The Federal Government made a commitment to the States as part of the welfare-to-work legislation that it would maintain funding for this program at the level of $2.38 billion each year. That commitment was made out of a recognition of the importance of the programs funded through title XX of the Social Security Act toward achieving the results, the goals of welfare to work. We are about to breach that commitment—not just to breach it, we are about to obliterate that commitment.

Second, the proposal directs the States to spend a portion of their tobacco settlement to replace these Federal funds, the funds we have committed to make available to the States.

We have voted in this Senate on numerous occasions, by margins of 70 to 30 or more, against that specific proposition, against the attempt of the Federal Government to play big father and direct the States as to how they should use their tobacco settlement money. Now, having beaten back the efforts at the front door, we see this effort coming in through the back door saying: Well, we are not going to tell you that you have to spend your money. We are just going to cut over half of a critical Federal partnership program with the States, a program we committed to as part of the States entering into the Welfare-to-Work Program. We are just going to suggest. And, by the way, you ought to spend your tobacco money to fund it. Outrageous.

Third, this is not just a matter of what is in our heart; this is also what is in our mind. The reason Congress adopted this program in 1975—which, if I recall, was under the administration of President Ford—was the recognition that expenditure of Federal funds on programs that kept older Americans out of nursing homes, expenditure of Federal funds on programs that alleviated the suffering and the potential for further suffering of the disabled, saved the Federal Government money, programs that kept families together, that helped children in need, saved the Federal Government money. With almost no consideration, we are about to turn the clock back on this accomplishment of President Ford and 25 years of demonstrated success of this program in both helping people and saving the Federal Government money.

Most important, we are about to pick out the most vulnerable people among us and say: It is upon your back that we are going to attempt to reduce the imbalance in our budget accounts. We are going to turn to the weakest to say: You should carry the fullest load.

I don't want to just speak these closing remarks in my words. I will use the words of a few of the many organizations across America which, in the short period of time since the alert went out that this ridiculous action was even being considered by the most deliberative body in the world, have responded with their assessment of what this would mean. Let me mention a few of them.

The National Governors' Association had this to say:

> Over the past few years, the [social services block grant] has taken more than its share of cuts in federal funding. As part of the 1996 welfare reform deal, Congress made a commitment to Governors that the SSBG would be level funded at $2.38 billion each year.

Congress made a commitment to the States that this funding would be maintained. Now we are about to cut that funding by more than 50 percent, according to the National Governors' Association.

The Fight Crime Invest in Kids Coalition, an organization that represents over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations and violence prevention scholars, had this to say about this proposal:

> The GRAHAM-WELLSTONE amendment to restore funding of $2.38 billion for the Title XX Social Services Block Grant would:
>
> Provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear these services can have an important crime prevention impact.
>
> Provide $300 million to support child care in 47 States. The High/Scope Foundation study showed that quality child care can dramatically reduce the chances of children becoming criminals.

That is what 500 chiefs of police and sheriffs and other leaders in the criminal justice community have said about the importance of this amendment.

Catholic Charities USA said this in its letter:

> Cutting funds to services that keep people independent and in their communities is short sighted and will lead to unnecessary suffering and increases in other federal programs.

This is what the Girl Scouts said about this proposal:

> The further cuts to this program which have been proposed by the Senate will no doubt negatively impact our communities, most of which are already struggling with limited resources for much needed services.

Finally, the National Conference of State Legislatures in their letter stated:

> The current proposal in the Senate Labor, Health and Human Services and Education appropriations legislation will jeopardize services to the elderly, disabled and children and families. It also represents a retreat from Federal commitments made during the enactment of welfare reform legislation.

For all of those reasons, as well as the fact that Senators KENNEDY and CLELAND have asked to be added as additional cosponsors to this amendment, I urge my colleagues to step back from the precipice of irresponsibility and repudiation of commitment, to step back from the cliff that would have us, through the back door of this ill-considered proposal, breach our commitments to the States to keep our hands off their State-won tobacco settlement, and particularly so we can look in the eyes of the American people who would be most affected by this—the children, the disabled, and the frail elderly—and say: You are not the forgotten Americans.

I urge the adoption of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to voice my displeasure at the severe reduction this year's Labor-Health and Human Services appropriations bill includes for the Social Services Block Grant. This program was established under Title XX of the Social Security Act to help people who are least able to help themselves; the elderly, the disabled, and children of low income families. The money is put to good use in some two dozen areas such as foster care services, day care, intervention and prevention for at-risk families, and special services for the disabled. The Labor-HHS Subcommittee has produced a bill that cuts SSBG funds from $1.9 billion to $1 billion. Just short of cutting it in half. The committee report cites tight budget constraints and suggests that states can make up the difference with proceeds from the tobacco settlement. Mr. President, money from the tobacco settlement should be used for anti-smoking programs and other health programs. The basis of that litigation was that smoking caused health problems which the states had paid for. So health care programs that were deprived of funds in the past should be the beneficiaries of the tobacco money, as should anti-smoking programs. We should not tell the states that we're pulling the rug out from under the SSBG and it is up to them to make up the difference if they choose to. Some states have already passed legislation that allocates the tobacco money.

The Social Services Block Grant program is an entirely egalitarian program. The formula could scarcely be simpler. The proportion of the money each state gets is the proportion of the national population it has. New York has seven percent of the population. It gets seven percent of the funds. So this draconian cut affects states evenly. Everyone should be concerned about it.

One further point. This is a block grant. It allows the states to decide how best to spend money on a range of similar needs. The alternative would be a handful of categorical programs to which the states would apply individually. From time to time Senate debate centers on the merits of block grants versus categorical programs. Education comes to mind, for example. The opponents of block grants frequently say that once you block grant a group of existing programs, it becomes significantly easier to cut their funding. If this $900 million reduction is allowed to stand, the opponents of block grants will have a shining new example of the damage that can be done to a block grant and the proponents of block grants will have a more difficult time gaining their objectives in the future.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the Graham amendment to restore funding for Title XX, the Social Services Block Grant. This program is critical to the ability of our states to meet the needs of our most vulnerable citizens—children, the elderly and the disabled.

The present Senate Labor-HHS-Education appropriations bill contains a provision to cut funding for the Social Services Block Grant by more than half, from $2.38 billion to $1.05 billion. This program has been under attack for years. In 1996, Title XX was cut by 15%. In 1998, the highway bill used cuts in Title XX to pay for the out years of highway spending in 2001. While I understand the importance of roads for economic development, should we pay for it by cutting basic funding for needy children, disabled Americans, or senior citizens?

In the last few years this Congress has sent a message to the states. We have said, "We trust you to know how to take care of your own people. We want to support you, and help you, and at the same time, give you the flexibility to design your own programs." This was one of the clear messages of welfare reform.

As one of the members on this side of the aisle who voted for the 1996 welfare law, I have to say that I truly believe that these Title XX cuts will weaken welfare efforts in our states. The Social Services Block Grant is used to provide many important support services that help complement the efforts of welfare reform in helping individuals go to work and continue working—education and training services, employment services, transportation, and child care are all among the important programs supported by this block grant. Indeed, as part of the welfare reform package that I agreed to, we promised the states that we would maintain funding for Title XX at the $2.38 billion level until reauthorization in 2002. How can we take back that promise now?

You know, one of the greatest features of the Social Services Block Grant is its flexibility. States, and even communities, can determine how to best serve their poor, their elderly, their children and their disabled citizens. My state provides an excellent example of this. While nationally states used an average of 14% of the Title XX block grant for foster care program for abused and neglected children, in West Virginia we use over 30% of our block grant for foster care and 34% for protective services for abused and neglected children. West Virginia cannot afford such a drastic cut in Title XX. It will undermine our State's commitment to abused and neglected children just when tough, new federal time lines are being enforced to move more children from foster care into safe, permanent homes faster.

If we cut this funding by more than half, my state will face enormous challenges in its efforts to keep children safe and stable in their homes and communities. This is intolerable.

Nationally, 12% of the Title XX block grant is spent on services for the elderly, including protective services for seniors who are victims of abuse and neglect. In West Virginia, 10% of our block grant—a little over $1.6 million—is spent on these services for seniors. This not only provides them with support and protection, it helps them remain in their own homes, rather than being placed in nursing homes or other institutions.

What message are we sending to our poor, elderly neighbors, if we cut these services in half?

As a former Governor, I understand why Governors want the flexibility of block grants. But the history of Congress is to push for block grants in the name of "flexibility" but then to slowly but surely cut the funding of block grants, leaving states and families in the lurch. As a member who cares deeply about poor children, disabled Americans and needy families, I am worried about how such cuts will effect the small communities and our most vulnerable families.

We should not cut these vital funds. There is a unique and strong coalition fighting to protect this vital investment ranging from government groups like the National Governors Association and National Association of Counties, to dedicated service providers like Catholic Charities and the United Way. If we believe in community programs and the importance of non-profit charities, how can we justify cuts to Title XX which will hinder their partnership projects?

The Social Services Block Grant is not just good for people, it is also good policy. It gives the states flexibility. It helps communities to be innovative in taking care of their own by supporting local partnerships. It makes sense.

These funding cuts undermine many of our priorities. We cannot say we want to invest in children and families, then cut the Title XX Social Services Block Grant. This is worse than many of the budget gimmicks in this legislation because cutting Title XX hurts vulnerable families in communities across America. We should not cut this program.

Mrs. HUTCHISON. I would like to briefly discuss with my colleague, Senator GRAHAM, some language that appeared in the Appropriations Committee Report for the fiscal year 2000 Labor, HHS, and Education Appropriations bill. Senator GRAHAM, I understand that the Report states, with regard to the funding reduction in Social Services Block Grant program, that "the States can supplement the block grant amount funds received through the recent settlements with tobacco companies." Senator GRAHAM, I understand you have seen this language?

Mr. GRAHAM. Yes I have, and I thank my colleague from Texas. I must say I was very surprised by this report language, particularly considering the fact that the Senate only this year voted several times and decisively to prevent the federal government from seizing the money the States earned as part of their tobacco settlements. Legislation that you and I offered in the Senate passed overwhelmingly, and amendments to that language to force the states to spend their settlement funds according to a specified formula were soundly rejected.

Mrs. HUTCHISON. That is an excellent point. In fact, I think it should be pointed out for the RECORD that, on March 18 of this year, the Senate voted 71 to 29 to protect our States' settlement funds by defeating an amendment that would have directed that states spend at least half of their settlements according to whatever specific list of programs the Secretary of Health and Human Services designated during any given year. Thus, the Senate rejected the notion that the federal government should have an annual veto over more than $140 billion of state funds. I think it is also worth noting that the Hutchison/Graham legislation we introduced this year to protect these state funds from federal seizure had 47 cosponsors, including substantial bipartisan support. The legislation was signed into law by the President on May 21, 1999.

Mr. GRAHAM. I thank the Senator for that clarification. Our effort certainly struck an unmistakable blow for states' rights, and I am pleased and proud that our states and others are now free to use their funds for children's health, health research, smoking control, and the many other health, education, and public welfare programs that they are pursuing.

Mrs. HUTCHISON. In fact, I would like to point out that, of the roughly $1.8 billion that Texas is spending during the present budget biennium, virtually every dollar is going toward health care. For example, the state is allocating over $200 million for a permanent endowment for children's cancer research; $200 million for smoking control and research activities; $100 million for emergency and trauma care; $180 million to expand health insurance for low income children; and over $1 billion in various permanent endowments for many of our state's public and teaching hospitals. I am proud of what Texas is doing, and I am proud that you and I and so many of our colleagues had the courage to stand-up for the right of our states to pursue those priorities and programs that best meet the needs of their residents.

Mr. GRAHAM. I thank my colleague for her statement, and for her leadership in this important area.

Mrs. HUTCHISON. I thank the gentleman for his leadership as well, and I am glad we had the opportunity to clarify the intent and the will of the Senate in this regard. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on behalf of the manager, I move to table the amendment by the Senator from Florida, Mr. GRAHAM, and the Senator from Minnesota, Mr. WELLSTONE, and I ask for the yeas and nays.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. COVERDELL. I am referring to the amendment by Senator GRAHAM of Florida.

The PRESIDING OFFICER. The second-degree amendment or the first-degree amendment?

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. To clarify the motion, I apologize, I did not realize it was a second degree. The motion I have just made would be to the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, I am about to propound a unanimous consent that will explain what the remainder of the evening will be. We are waiting for the other side to sign off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order for Senator DODD of Connecticut to offer his amendment and that no second-degree amendments be in order to the Dodd amendment prior to a vote on a motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. If the Senator will pause for one moment, I think what we are close to doing is having about four votes that would occur at around 5:15. So Senators can be on notice. We need to get one more sign off on that matter before we officially announce it. But that is the intent of the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1813

(Purpose: To increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990)

Mr. DODD. Mr. President, I thank the manager of the bill.

I call up amendment No. 1813

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. KENNEDY, Mr. LEVIN, and Mrs. MURRAY, proposes an amendment numbered 1813.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the matter under the heading "PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT" in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$1,182,672,000" and insert "$2,000,000,000".

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator KENNEDY, Senator MURRAY, Senator LEVIN, and others.

Let me begin these remarks by apologizing to my colleagues who, once again, are being asked to vote on a child care amendment. The obvious question raised is, Why am I voting on this for the third or fourth time? The simple reason is—and I appreciate the votes. We have had good votes in the Senate, and strong bipartisan votes on this issue. But for a variety of reasons, which I will not take the time of this body to go into, the matter has been dropped in conference, or bills have died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

Again, Senator JEFFORDS, myself, and Senator SNOWE are proposing this amendment. It is somewhat different than the other ones in this regard only. Earlier, amendments dealing with the child care proposal actually had mandatory spending in them. This is discretionary spending. In fact, the amendment I am offering—properly the credit goes to Senator CHAFEE of Rhode Island, who has been a champion on child care issues. This amendment is basically the Chafee amendment on child care that we think is deserving of our support on a bipartisan basis.

By increasing margins, as I have indicated, this body has supported additional funding for the child care block grant. The first vote we had was 57–43, the second vote was 60–33, and by the third vote it was unanimously adopted.

I apologize again at the outset for asking my colleagues, once again, to cast a child care vote since you think you have done so, and already you have. But basically our opportunity to provide some additional funding is still the same. The arguments have not changed. The bill hasn't changed, except this is discretionary and not mandatory, and obviously the need across our country has not changed over the last number of months.

I will take a few minutes. We have a very short time agreement on this amendment. We have debated it extensively over the past year. I don't want to take any more of this Chamber's time than is necessary on this amendment.

But the amendment would increase child care assistance to working families by doubling the discretionary fund in the child care development block grant from $1 billion to $2 billion.

I continue to believe the best place for a child to be is with their parents. That is the best place—no question about it. But when both parents are working—as many do in this country, trying to put food on the table, a roof over their children's heads—that is difficult. When there is only one parent—regretfully, that happens too often in our society—you can imagine the burdens on a single parent who has to work and also has young children and trying to provide for child care needs.

So the reality is that good, affordable child care is a necessity. In the absence of parental care, we try to do the best we can to approximate the kind of care that parents would give.

That is what this amendment is all about.

The child care block grant is almost a decade old. My good friend and colleague from Utah, Senator HATCH, and I authored the child care block grant almost a decade ago. It won support and the signature of President Bush who signed the legislation into law, and it has provided a lot of decent assistance to people over the years.

It provides direct financial assistance to help families pay for child care and does not dictate where that care must be provided. Parents across this country can choose a child care center as the child care provider. They can choose a home-based provider, a neighbor, a church, a relative, or whatever they think is best for that child. We leave that entirely up to the parents to make that decision.

This block grant is also the largest source of Federal funding for critical afterschool programs.

Again, we all appreciate, I think, the growing need for afterschool care.

I point out to my colleagues that 30 percent of the child care block grant is used by parents to pay for care to school-age children. That translates into almost $1 billion a year.

That is a major, major source of assistance to parents who worry about who is watching their children after school in State after State across our country.

The only downside to this now almost decade-old program is that it has been underfunded because of the lack of resources. The Child Care and Development Block Grant Act is available only to 1 in 10 eligible families in America today.

Despite all the efforts over the years—and I appreciate the votes and the support we have received—still only one 1 in 10 eligible families get any assistance under this program.

Because of a lack of resources States have been getting under the block grant—it goes to the States—States have had to severely ration child care assistance to families in need.

So what States have done is they create a threshold, a dollar threshold, an income threshold. They say that anybody above that threshold cannot get the child care development block grant assistance. They have lowered the threshold—that is all the time—because the scarce dollars mean that they can only provide it to some families.

Let me explain what I mean.

Two-thirds of all of the States in the United States have cut this child care assistance to families earning under $25,000 a year—two-thirds of all the States. Fourteen of those States have cut off all assistance to families earning over $20,000 a year, and eight States even ration the funds more stringently.

In the States of Wyoming, Alabama, Missouri, Kentucky, Iowa South Carolina, and West Virginia, if you are a family earning in excess of $17,000, you get no child care assistance.

I don't know how a family making $17,000 a year trying to work—this is a working family; I am not talking about somebody getting welfare. These are working people. If you are a working mother, and you have a $17,000-a-year income, you have two children, you do not have child care. I am sorry. You don't. You may be lucky and have a grandmother, aunt, or next-door neighbor, and probably juggling it every day. But if you are in those eight States, even in one of those 22 States, and make $20,000 or less, I don't know how people do it.

That is because we have underfunded for the block grant. I am not going to be able to take care of everybody. Senator JEFFORDS, Senator SNOWE, I, and others who have supported these amendments know we are not going to make a difference for every family. But if we can get a little more money by doubling this amendment from $1 billion to $2 billion in this discretionary program, maybe these States—we think they will—will raise those threshold levels, and as a result, more families in these States will get that kind of good child care assistance that they need.

Let me tell you how bad this problem is. Even with these stringent income eligibility requirements that I have just enumerated, consider the waiting list that exists across America. I will not recite all 50 States.

Let me tell you for almost every State that we have, the numbers are high.

In California, there are 200,000 children waiting for a child care slot, even with the income levels as low as they are.

So even when you have an income level of $17,000 or lower to get child care, or $20,000 or lower, there are 200,000 children in those States whose parents qualify financially. They are earning less than $20,000. But because there are so few funds, 200,000 are on a waiting list.

Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

The list goes on.

These are families that are meeting those income criteria. But even with the income criteria, there are not enough dollars to go around to provide child care to these families.

There is a waiting list even with these low-income levels.

Other States ration their limited child care dollars by paying child care providers poverty level wages.

That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

What a great irony. I don't think anyone argues we probably ought to have the best prepared teachers for the most vulnerable of our society—kids. A case could be made, I suppose, that someone in a higher education institution needed less care. But imagine a 6-month-old baby and the person who watches that 6-month-old, 1-year-old child is one of the lowest paid workers.

I am urging my colleagues to adopt this amendment so we can raise some of the income levels, we can get a few more dollars to the child care providers who are so necessary, and we can also see if we cannot help our Governors raise some of the income levels.

We have voted on this now three times. I am deeply apologetic to my colleagues. I have had unanimous support for this amendment as recently as a few months ago. Because of bills dying or being dropped in conference, we are back at it again. I apologize for taking the time of my colleagues on this amendment that Senator JEFFORDS and I have offered. We cannot let this issue go away. It is too important to too many families.

I thank publicly Senator ABRAHAM of Michigan, Senator CAMPBELL of Colorado, Senator CHAFEE, Senator COLLINS, Senator DEWINE, Senator FRIST, Senator HATCH, Senator JEFFORDS, Senator ROBERTS, Senator SNOWE, Senator SPECTER, Senator WARNER, and more. I will not read the entire list of Republican colleagues who have been supportive of this amendment. The Senators have made a difference voting for this. I thank the Senators for their support.

The votes I had then were for the mandatory program. This is discretionary funding. It is substantially different. Some in the past may have said vote for this, it is mandatory; this is a discretionary program. Obviously, we are dealing with Senator SPECTER's bill. It is different in that regard, probably less of a problem politically for some.

I am deeply grateful for the strong bipartisan support and I am confident we will have support again this afternoon on this issue which has developed strong bipartisan interest in this body.

My principal cosponsor from Vermont is here. I want to make sure he has some time to talk about this.

Mr. SPECTER. Mr. President, I ask unanimous consent a time agreement be entered into, with 10 additional minutes for the proponents of the amendment, and 15 minutes for myself and whomever I designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join my good friend from Connecticut. We have been working for years to draw the attention of the public to the essential need that we pay more attention and provide help in the child care area. Each year we get the support of our Members. Each year we have successfully gotten agreements for billions of dollars of the budget, but the time is now to do something real. That is why we are here, to make sure we make a commitment, not only make a commitment but provide the funds to enable our society to be able to take advantage of all that can be done to make sure our children have an opportunity to participate in the best possible way in our society.

This amendment will almost double the funds that provide low-income working families with the help they need. The amendment increases funding for the child care and development block grant from about $1.83 billion to $2 billion. This block grant has always been forward funded so no offset will be required. States are struggling to meet the escalating child care needs of low-income families, and they are transitioning off of welfare. States have already transferred $1.2 billion in TANF funds into the child development block grant; other States use TANF dollars directly to pay for child care costs; while still others have spent all of their TANF funds and have nothing left to transfer.

Still this is not enough. States have waiting lists for child care subsidies provided under the CCDBG. In addition, many States provide subsidies so low-income families are forced into the cheapest and in many cases the poorest quality child care.

There are more than 12 million children under the age of 5, including half of all infants under 1 year of age, who spend at least part of the day being cared for by someone other than their parents. There are millions more school-age children under the age of 12 who are in some form of child care at the beginning or end of the school day as well as during school holidays and vacation. More 6-to-12-year-olds who are latchkey kids return home from school to no supervision because parents are working and there are few, if any, alternatives.

While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas with school-age children or infants and for lower income families. The cost of child care for lower middle-income families can rival the cost of housing and the cost of food. The most critical growth spurt is between birth and 10 years of age, precisely the time when nonparental child care is most frequently utilized.

A Time magazine special report on "How a Child Brain Develops" from February 3, 1997, said it best:

> Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation.

The Senate has voted on and passed similar amendments three times this year. There were two votes on the budget resolution, and a modified version of the amendments was included in the conference report. Again, in July, Senator DODD and I introduced a similar amendment through the tax bill which was subsequently dropped in conference. Hopefully, this fourth time will be the charm and the Senate will pass this amendment and retain it in conference.

I ask my colleagues to vote for this amendment which is so critical for low-income working families and their children.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague and I thank so many of our Republican friends who worked with us on a bipartisan basis. I thank the manager, my good friend from Pennsylvania. We have been together many years. We both first arrived in this Chamber and we worked so closely together back 20 years ago, in 1981, on a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

Senator JOHNSON desires to be added as a cosponsor.

I know my colleague from Pennsylvania wants to be heard on this. I thank my colleague from Vermont and I thank my colleague from Maine. I thank Senator CHAFEE who has been a champion on this issue.

The mandatory bill is gone and we are down to the discretionary bill. I apologize, I say to the manager. I know Members think we vote on this issue every other day, but each time we have been dropped in conference despite unanimous votes in the Senate on this issue. I hope, as the Senator from Vermont has said, the fourth time may be a charm and we will be able to provide some additional funds on a very worthwhile and needed program.

I, again, thank my colleague for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the discussion of the amendment on the merits, I would like to announce to my colleagues we will shortly begin voting on four stacked votes: the Reid amendment, Graham amendment, Dodd amendment, and the Coverdell second-degree amendment to the Enzi amendment.

I ask unanimous consent we begin voting on these matters at 5:10.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding there will be 1 minute on each side to explain the amendments.

Mr. SPECTER. Fine.

Mr. REID. Two minutes, equally divided.

Mr. SPECTER. I incorporate that into the unanimous consent request.

Mr. REID. And the Reid amendment will be the first amendment we will vote on?

Mr. SPECTER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Has all time elapsed for Senator DODD?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. SPECTER. The Senator from Connecticut has 10 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. The unanimous consent agreement gave him 10 minutes total. Since that time, Senator JEFFORDS has spoken and Senator DODD has spoken.

Mr. DODD. If my colleague yields, we will yield back whatever time we have. I realize he is trying to move things along.

Mr. SPECTER. I am trying to find out what is happening with the time.

The PRESIDING OFFICER. The time of the Senator from Vermont was charged to him, and he yielded back his time to the Senator from Connecticut.

Mr. SPECTER. Is the remaining time between now and 5:10 on my side?

The PRESIDING OFFICER. There are presently 8 minutes 35 seconds remaining for the Senator from Pennsylvania.

Mr. SPECTER. And the other time has been yielded back?

The PRESIDING OFFICER. And 10 minutes remaining——

Mr. DODD. I yield back all time except 1 minute to sum up.

Mr. SPECTER. Mr. President, I find it extremely difficult to speak to and vote on this amendment because I have supported this amendment on so many occasions. Senator DODD accurately relates, when we were elected in 1980, we cochaired the Children's Caucus. Then, in 1987, after we were reelected, we were cosponsors of the first parental leave program which had just begun. We have been soldiers in the field. I have voted for this amendment again and again and again. But I am deeply concerned if we agree to this amendment at this time and add another $900 million to the current bill of $91.7 billion, we are not going to have any bill at all. We are not going to get 51 votes in this Chamber to pass this bill and to go to conference. I say that because of the deep-seated concerns which have been expressed by so many Senators about where we are.

We have a bill at $91.7 billion which is within the budget caps. We have to go to conference with the House. We have to present a bill which the President will sign. I do not believe we will be able to do that if we add $900 million more.

I can count the number of cosponsors which the persuasive Senator DODD has. It may be he will have enough sponsors to defeat a tabling motion. I think next Tuesday, when Republican Senators return, on the vote on the underlying merits it may be different, although I very much would like to support him. We have been very concerned about children in this bill. We increased the child care block grant $182 million for fiscal year 2000, which brings it to $1.182 billion. Senator DODD would like to have it added to $2 billion, and so would I, if I thought we could get that bill passed. This $1.182 billion is in addition to the child care entitlement which was increased $200 million, to $2.367 billion next year. So we have on child care more than $3.5 billion.

In addition, States can transfer up to 30 percent, or $4.8 billion, of their temporary assistance to needy families, the so-called TANF block grants, to the child care block grant. At the end of the first quarter of fiscal year 1999, States had $4.220 billion in unobligated TANF balances.

So there have been very substantial allocations for children. I might say, this is an especially tough vote for me because earlier today, my daughter-in-law, Tracey Specter, took the lead in establishing a child care center in Philadelphia where she and her husband, my son, Shanin Specter, have made a very generous contribution for child care. I know of the importance of child care so working mothers can provide needed assistance for their families in an era of two-wage-earner families and in an era of single mothers. I know how vital child care is. But this is going to be the log that breaks the camel's back. I think the camel now is burdened so that a straw would break the camel's back, but this is not a straw, this is a log.

I do not know quite where we are going to be when final passage comes on this bill and we do not have 51 votes. So it is a longstanding partnership I have with the Senator from Connecticut, elected on the same day to this body, worked hand in glove, almost as longstanding a relationship as with Senator JEFFORDS. Usually Senator JEFFORDS says, "Jump," and I say, "How high?" on matters which he has in mind. But it is with the greatest reluctance that I say I cannot support this amendment, much as I would like to, for the reasons I have given.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 3 minutes 20 seconds.

Mr. SPECTER. Let me yield a minute or so to Senator DODD.

Mr. DODD. I appreciate my colleague's very gracious comments on this, and I appreciate the burden he is under. It is not easy to be the chairman of a committee. You have responsibilities to meet and you have a lot of good requests that come your way.

I would make the case to my colleagues, I think there has been a strong indication this is a matter in which we have been able to come together. We were so divided on so many issues, but on child care we found common ground three times already in the last 7 or 8 months, the three votes that have been cast on this issue. In fact, the previous ones were on mandatory spending. This one is discretionary, so it ought to be somewhat more palatable for people.

I appreciate the comments of the Senator from Pennsylvania on how much is already committed. But, of course, I still make the case it still only serves 1 in 10 families—I know he knows—and there are a lot of people on waiting lists, thousands in each State, even with the income levels down. As I said, in 8 States it is $17,000 less; in 14 States, it is $20,000 less. I don't know how a family earning $20,000 a year with all the other financial burdens they have also can meet a child care expense they may have.

So while I am deeply appreciative of the quandary he is in, I make a case this strengthens the likelihood we might get 51 votes for the bill. It is the kind of bipartisan proposal that has enjoyed so much support. It was unanimously adopted only a few weeks ago, so that it might, in fact, bring some people who would feel otherwise disinclined to support the legislation, but doing something, as he properly points out, for working families—it is all working folks now—trying to make ends meet, hold their families together. I know he knows this. I know he cares about it deeply.

I hope in the coming minutes before the vote occurs on this, while people may have voted one way on a variety of different bills, on this one, this amendment, they might say: On this one, we ought to, with forward funding, find that extra $900 million so we can make a difference for these families.

I am deeply appreciative of his kind words and his continuing efforts and fight. I was going to facetiously suggest, since his wonderful daughter-in-law and son went into the business, maybe the chairman might have to recuse himself on the vote since he may be compelled to vote to table. I say that only facetiously.

I am delighted his daughter-in-law and son have felt the need to be involved in the issue, and I am not surprised, knowing the Senator and his spouse, that their children would want to carry on this terrific tradition they have started.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Connecticut for those generous comments. He is almost pervasive enough to get me to change my mind, but passage of this bill is more important.

Mr. President, I ask unanimous consent that after the first rollcall vote, which is 15 minutes in accordance with our practice, with a 5-minute leeway, that the subsequent votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with great reluctance, I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1820

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated "Prairie Home Companion," the great work of Ken Burns' "Civil War," "Baseball"—and now he is doing a new one on Susan B. Anthony and Liz Stanton dealing with the women's movement—and if they have enjoyed with their children "Sesame Street," which is Big Bird and Elmo, then every person in the Senate should support my amendment.

We want to keep public broadcasting public and not commercial broadcasting. We do not want it, like most everything else in America, to be commercialized. Our children and the rest of America at least deserve this much from their Congress.

This amendment cries out for support. This is an education and labor bill, and I underline education. There is nothing more important as it relates to education than having a sound public broadcasting function of our Government.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is with reluctance, again, that I am compelled to oppose the Reid amendment. I like public broadcasting, but this bill has been crafted with some 300 programs. Public broadcasting is getting a $10 million increase. This is in the face of some very substantial problems which were raised with public broadcasting on the sale of lists to political organizations. Public broadcasting is very important, and with tight budget constraints, I think $350 million is an adequate allocation.

I must say, as the Senator from Nevada mentioned "Sesame Street," again, it is a family matter. My three granddaughters are mad about "Sesame Street." On goes the television, and their behavior is a model.

This budget can only stretch so far. It is crafted for more than 300 programs. The better course is to take the $10 million increase, and $350 million is sufficient.

Parliamentary inquiry: Is there a tabling motion pending?

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1820. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhodes Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards

Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—5

Chafee
DeWine
Mack
McCain
Thomas

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Graham amendment.

Who seeks recognition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, our staff tells me that we now have 62 amendments pending to this bill. That means we are going to be here an awful long time on this bill. I think I am going to request that the leader initiate a weekend session if we are going to get this bill passed.

We had this bill out of committee with the hopes that we could get it passed today at the end of the fiscal year so we could once again get back to the habit of passing all the bills in the Senate that come from the Appropriations Committee by the end of the fiscal year at least.

I hope Senators will tell us seriously how many of these amendments they intend to call up. There are 41 on that side of the aisle and 21 on this side of the aisle. Most of them are riders, and if you put them on the bill, we will drop them in conference anyway. Beyond that, those amendments that take money, you have to take money from some other Senator to get them passed.

Let's not play games with this bill. It is the last bill. It is the biggest bill. This is the largest bill. Two-thirds of this bill is not even subject to our control. Two-thirds of the bill is entitlements. I hope we will start watching those entitlement bills and understand it is a very hard bill to put together.

I congratulate the Senator from Pennsylvania and the Senator from Iowa for their handling of the bill. But I plead with you to tell us which of these amendments you really want to call up.

I see my good friend from Nevada. He doesn't have on the right tie today. But he is a man who believes, as I do, that bills should move forward as rapidly as we can move them. I hope I have his help in urging Senators to tell us which of these amendments you really want considered by the Senate and give us a time agreement on them so we know how long it will take before we finish this bill.

Does the Senator wish the floor?

Mr. REID. Mr. President, I say to my friend from Alaska that the managers of the bill on our side have suggested maybe we should drop your amendments and our amendments. Would the Senator be willing to do that?

Mr. STEVENS. I would be happy to move to table them all and go to conference tonight.

Mr. REID. That is something we were talking about over here.

I say to the chairman of the full committee that we have already looked at these amendments. A number of Members on this side are waiting to see what amendments are being offered on the other side. There are a couple of amendments that are going to cause this bill a really slow ride through these Halls. One is on ergonomics, which is a real problem; we have a dozen or so Senators who want to speak in relation to that amendment.

So I think a lot depends on what amendments are offered on the majority side to see how we can weed out some of these amendments over here.

Mr. STEVENS. Mr. President, I ask the Parliamentarian to look at all of the amendments and see which of them are subject to rule XVI. I intend to raise rule XVI against any amendment I can raise it against.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Florida.

AMENDMENT NO. 1821

Mr. GRAHAM. Mr. President, we are talking about one of those entitlement issues Senator STEVENS just described.

The Finance Committee of the Senate and the Ways and Means Committee of the House established the funding level for title XX of the SSBG of their bill at $2.38 billion. The appropriators have reduced that amount to $1.50 billion, a cut of over 50 percent. This violates a commitment the Congress made with the Governors in 1996 as part of the welfare-to-work legislation. Therefore, the Governors are opposing the position the committee has taken.

This is a backdoor violation of the commitment that 71 Senators made when we voted against having the Federal Government direct how the States' tobacco settlement was spent.

Why is this? Because the way in which the subcommittee recommends we make up this difference is to direct the States to use their tobacco money to fill this gap. Seventy-one Members of the Senate—48 Republicans and 23 Democrats—voted in March of this year to do exactly the opposite of what we are now being asked to do.

Mr. President, this is a matter of honor of the Senate and our commitment to our partners in the Federal system, the States.

I urge that this motion to table be defeated.

Mr. SPECTER. Mr. President, as much as I have always favored the social services block grant program, the funding level in this bill is established as a matter of priority.

If we want to add to education $2.3 billion, significant additions to the National Institutes of Health, and crafting some 300 programs, this is the level which is appropriate. The States can transfer up to 5 percent of their temporary assistance to needy families in this program through these block grants, which amounts to $16.5 billion. Mr. President, $825 million are available there.

At the close of the first quarter of fiscal year 1999 States had $4.22 billion, so it can be made up. People may not want to consider the tobacco funds, but the States have about $203 billion which has been given to them, where the argument was it should have come to the Federal Government to support these block grant programs.

If we are to pass this bill, if we are to get 51 votes, $91.7 billion, we can't add additional funds with this amendment.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired. The question is on agreeing to table the amendment No. 1821. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—39

Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Gregg
Hagel
Helms
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner

NAYS—57

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Grassley
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed

Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—4

Chafee
Mack
McCain
Thomas

The motion was rejected.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I ask that the underlying amendment, as amended, be voice voted.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. I would like to dispose of this matter now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided on the Dodd amendment.

Mr. GRAHAM. Mr. President, I think I had asked for the yeas and nays on the underlying amendment, as amended.

The PRESIDING OFFICER. A sufficient second has not been obtained. Is there a sufficient second?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, regular order.

AMENDMENT NO. 1813

The PRESIDING OFFICER. The regular order is there are now 2 minutes equally divided on the Dodd amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that this amendment violates the Budget Act in that it exceeds the 302(b) allocations of the subcommittee.

The PRESIDING OFFICER. The point of order is against the Dodd amendment?

Mr. STEVENS. The Dodd amendment would increase the amount under this child care development block grant. This bill is at its ceiling now. There is no additional money. I was told at first that it was written so it would apply to 2001. That is not the case.

The amendment is not subject to amendment, as I understand it, under the procedure we are under right now and cannot be cured, and I make the point of order that it violates the Budget Act.

The PRESIDING OFFICER. Under the rule, the point of order is not in order until the time is expired—the motion to table has been made—and been disposed of. The regular order calls for 2 minutes equally divided.

Mr. STEVENS. Parliamentary inquiry. When I came in, I understood one of the sponsors had urged the adoption of this amendment; isn't that so?

The PRESIDING OFFICER. The question is on the motion to table and that takes priority over the point of order. The point of order will be in order when the debate on the motion to table has expired and the vote has taken place.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, this is an amendment we have voted on—this is the fourth time in the last 7 months. I thank my colleagues for the bipartisan support that the Dodd-Jeffords-Snowe and others amendment has been given. Unfortunately, it has been dropped in conference in the past so it has not been adopted.

It was adopted unanimously by this body only a few weeks ago. Prior to that, it was a 66–33 vote. Unlike the previous votes, this is discretionary funding, not mandatory funding. It tries to deal with the issue of child care, something about which we all care.

We now know today that 1 in 10 families is struggling to make ends meet. They are the poorest families in America and are working every day and not on public assistance. Today, in 25 States, if you earn more than $20,000, you do not qualify for child care assistance.

I don't know how a family of four, earning $20,000 a year, with young children—where the parents are working, where they need to place these children in a safe place during the day—can afford that without some help.

For 10 years now, since Senator HATCH and I sponsored the child care development block grant that was adopted, this Congress has supported a child care program.

Today, we want to serve more than just the 1 in 10 that is being served. This amendment does that. My colleagues have voted for it in the past. I urge my colleagues to do so again.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in order to save time, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor, under the regular order, for 1 minute.

Mr. GRAMM. Would the Senator from Pennsylvania yield?

Mr. SPECTER. Yes.

Mr. GRAMM. We will be voting on the motion to table. At that point, the point of order will lie. All we are going to do is cost every Senator 15 or 20 minutes. It will not change anything.

Mr. DODD. I say to my colleague, there is obviously a different vote count on the tabling motion than there is on a point of order. I would argue the point of order, but I am hoping——

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. SPECTER. Mr. President, reluctantly, I am opposed to the amendment, which would add some $900 million to this bill. There have been substantial increases on child care and on child care entitlement. If we have $900 million added to this bill—which is now at $91.7 billion—it is the log that breaks the camel's back. I think it is a very good program, but in establishing priorities, we have already allocated very substantial funds to this line. Therefore, I am opposed to the amendment and I move to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent that I be allowed just 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. I wish to correct my statement. This does amend a section in this bill, which is advance funding, and it is, therefore, not subject to the point of order I would have made.

The PRESIDING OFFICER. The regular order is on agreeing to the motion to table amendment No. 1813. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—41

Allard
Ashcroft
Brownback
Bunning
Burns
Byrd
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott

Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thompson
Thurmond
Voinovich

NAYS—54

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Campbell
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—5

Bond
Chafee
Mack
McCain
Thomas

The motion was rejected.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1886

Mr. GRAHAM. Mr. President, I ask unanimous consent to return to my second amendment for purposes of a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree Graham amendment.

The amendment (No. 1886) was agreed to.

Mr. DODD. Mr. President, point of order: Is the question now on the Dodd amendment?

AMENDMENT NO. 1821

The PRESIDING OFFICER. The question now is on agreeing to the first-degree Graham amendment, as amended.

The amendment (No. 1821), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1813

Mr. DODD. Mr. President, may I inquire, do we move now to the Dodd amendment?

The PRESIDING OFFICER. The Dodd amendment has not been agreed to. The motion to table failed. The Dodd amendment has not been agreed to.

Mr. DODD. Regular order. I ask unanimous consent to have a voice vote on the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1813) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1885

The PRESIDING OFFICER. The Senate will be in order.

The regular order is now on the motion to table the Coverdell amendment. Two minutes are equally divided. The yeas and nays have been ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I inquire. I asked the Parliamentarian for a list of those amendments that violated rule XVI that have been offered by various tenders. May I inquire, when will it be in order for me to make my points of order against those amendments that violate rule XVI?

The PRESIDING OFFICER. The amendments would have to be pending before the point of order would be in order.

Mr. STEVENS. Mr. President, I will leave on the desk a list of the amendments that have been found to violate rule XVI.

May I make a further parliamentary inquiry. Under the new rule XVI, the Parliamentarian's rule cannot be waived; is that correct?

The PRESIDING OFFICER. There is no provision to waive rule XVI.

Mr. STEVENS. I would like to leave this on my desk and ask Members to see if their amendments are within this category. If they wish to withdraw them, of course, I will not make a motion to table them. I think that would be the easiest way to dispose of them—to have Members withdraw their amendments. But I do intend to make a point of order under rule XVI against some 23 amendments before the evening is over.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, on this amendment on which we are about to vote, we have given an increase to OSHA for the work they do. What I am asking is that we continue to recognize there are parts of those that go in hand in hand. One of the parts is enforcement. The other is consultation.

There are 1,275 pages of OSHA that every business has to follow. They need the consultation to be able to wade through that. They need somebody they can ask to be able to get answers.

I have taken the increase in OSHA and given some recognition that consultation ought to be a part of that. Consultation will help. I don't know that they will spend it that way. We don't have any really good oversight to see that. But it is the trend we have to follow. Sixty-six percent of their money goes to enforcement and 30 percent goes to consultation. I am asking you to split this money in recognition between the two so that kind of an emphasis will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the bill in its present form has the appropriate balance between conciliation and enforcement. In the last 5 years, enforcement has declined $3 million, from $145 million to $142 million; conciliation has grown from $31.5 million to almost $41 million, an increase of 30 percent.

I think the bill as written is proper. I might add that it does not unduly prejudice the case on the merits, and if the Enzi amendment is not tabled under the unanimous consent agreement, Senator WELLSTONE has leave to file a second-degree amendment with 15 minutes to argue it, to be followed by another rollcall vote.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to table amendment No. 1885. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Campbell
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McConnell

Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Chafee
Kennedy
Mack
McCain
Thomas

The motion to table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, on the desk of the clerk and on the desk of the two managers of the bill is a list of the amendments that, in the opinion of the Parliamentarian, violate rule XVI.

I ask I be notified by the Chair at any time any one of those amendments is called up. I ask unanimous consent I be notified if any of those amendments on the list at the desk are called up.

Mr. REID. Reserving the right to object, Mr. President, would the chairman mind if somebody else initiated the point of order? He would not have to be here if somebody else did it.

Mr. STEVENS. I assure the distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusive right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, what is the unanimous consent request?

The PRESIDING OFFICER. The request is the Senator be notified if any of those amendments are called up that violate rule XVI.

Mr. HARKIN. I don't mind that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Enzi amendment.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1885) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, for the information of my colleague, I was so overwhelmed with this past vote, I was so moved by this past vote to give me an opportunity to speak even more on the floor of the Senate, that I am now going to vitiate that part of the unanimous consent agreement to have a vote on this second-degree amendment so colleagues could leave.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDING OFFICER. The question is on agreeing to the first-degree amendment.

The amendment (No. 1846) was agreed to.

• Mr. McCAIN. Mr. President, I commend both Senator SPECTER and Senator HARKIN for their dedicated work on this legislation which provides federal funding for the Departments of Labor, Health and Human Services (HHS), and Education. This appropriations bill provides funding for many critical programs directly helping American families and providing important assistance to our most important resource, our children.

One of the most important components in this bill is its vital support for education. We owe it to each and every child to ensure that they have access to a high quality education. This is why I am pleased that this bill increases funding for Department of Education to almost $38 billion, including nearly $6 billion for educating children with special needs and $5.2 billion for the Head Start program.

I am also pleased to note that this bill prohibits federally funded national education standards. It continues to be my strong belief that our nation must have higher learning expectations for our children but academic standards must be controlled by state and local authorities, not the bureaucrats in Washington.

This bill contains important resources for helping make college and continuing education more affordable for all Americans. Under this bill, the maximum loan amount for post-secondary education would be the highest level in the program's history—$3,325 per student. In addition, this legislation provides $1.4 billion for higher education opportunities, including $180 million for GEAR UP which assists under-privileged children and $5 million to provide access to affordable child care for parents struggling to complete their college education while raising their children.

I am particularly pleased that this bill provides significant funding for medical research at the National Institutes of Health, NIH, $17.6 billion, which is an increase of $2 billion from last year. I am sure that my colleagues share my support for this 13 percent increase in funding for vital research which could lead to important scientific breakthroughs which will improve the health of our citizens. Finally, I am encouraged to note that this bill took an important step towards meeting the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, by beginning to fund the Ricky Ray Act as authorized by Congress last year.

Furthermore, I was pleased to learn that the sections allocating funding for Labor, HHS and Education were free of direct earmarks, set asides or unauthorized appropriations. However, my initial enthusiasm was dampened somewhat upon reviewing the report language. While the Committee made a concerted effort to not include any specific earmarking in those Departments' budgets, the report contains an exorbitant amount of directive language that is clearly intended to have the same effect as an earmark. By this, I mean the use of words like "encourage", "urge", and "recommend" in connection with references to particular institutions, projects, or proposals that the Committee would obviously like the relevant agencies to fund.

These are not direct earmarks, but I am sure the programs which the Committee "encourages" or "urges" the agencies to support will receive special consideration. While the Committee avoided providing a line item for funding specific projects, it stated its strong preference for the funding or continued funding of many specific projects which would clearly bypass the competitive funding process.

I will highlight a few examples of report language that contain a multitude of expressions of support, short of earmarks, for particular projects. These include:

The Committee urges the Department of Labor to give full and fair consideration to funding requests submitted by the Commonwealth of Pennsylvania to retrain incumbent workers.

The Committee encourages the Department of Labor to support agricultural training for dislocated sugarcane workers in Hawaii.

The Committee recommends continued support by the Department of Labor for the Alaska Federation of Natives Foundation to develop and train Alaska native workers for year-round employment within the petroleum industry.

The Committee encourages the agency to contribute technical assistance to the University of Nevada at Reno and Las Vegas toward the establishment of educational channels for a school of pharmacy.

The Committee stated its awareness of the San Bernardino County Medical Center proposal to create a "hospital without walls." In addition, the Committee notes that the Santa Rosa Memorial Hospital is proposing the creation and implementation of a Northern California Telemedicine Network.

The Committee is aware of a proposal by the Montana State University-Billings to develop in collaboration with medical facilities in the area a telemedicine program to provide preventive medicine and support services to the large elderly population in Billings and eastern Montana.

The Committee continues to be supportive of the work being conducted by the Low Country Health Care Systems.

The Committee encourages priority be given to the University of Hawaii at Hilo Native Language College when allocating funds for native Hawaiian education.

The Committee is concerned about the absence of technology integration in the north central communities of Pennsylvania. The committee notes the efforts of the Lock Haven University of Pennsylvania for its development of two regional networks to link these rural communities.

Mr. President, I could continue listing the specific projects, which the report highlights and for which the Committee provides encouragement for continued or new funding, but I will not waste the Senate's valuable time. Due to its length, the list I compiled of objectionable provisions included in the Senate report cannot be printed in the RECORD. This list will be available on my Senate website.

It is simply inappropriate that the committee is attempting to influence the open, competitive funding process, thereby limiting the funds available to workers, schools, hospitals, and communities around the country which are not fortunate enough to live in a State with a Senator on the Appropriations Committee.●

Mr. ASHCROFT. Mr. President, I rise to speak on a very important subject. I am referring to teen smoking.

Currently, teen smoking rates are far too high and they continue to rise. Since I left the Missouri Governor's office, teen smoking in Missouri has increased from 32.6% to 40.3%—almost a 24% increase! In fact, today, Missouri ranks sixth in the nation in teen smoking.

While there is disagreement in this body on where teen smoking policies should be set—at the federal or state level—we all agree that it must be addressed.

Seven years ago, in an attempt to tackle this problem, the United States Congress passed what is now known as the Synar Amendment. This amendment required the states to meet specified targets in reducing teen access to cigarettes. It did not tell the States how to meet the targets but just that they had to meet them.

I believe, as I argued during the debate on the Federal tobacco tax legislation, that States are in the best position to tackle the serious problem of teen smoking. Governors, state legislatures, mayors, and city councils know how to target their programs. They know how to tailor educational programs for the local schools and communities. They have better access to convenience store owners and other retail establishments where teens buy cigarettes.

With that in mind, I am deeply troubled about our current situation.

Mr. President. Today, there are seven states and the District of Columbia who failed to meet their targets to reduce teen access to cigarettes. They have failed the state's teens and their parents. In addition, since their failure triggered a cut in federal block grant funds of 40%, they have failed those who need treatment for drug abuse and addiction under the Substance Abuse and Mental Health Services Administration (SAMHSA).

I guess we could be optimists and focus on the fact that 43 states did meet their targets. Forty-three states that made it a priority to cut teen smoking have succeeded. Forty-three states worked with local communities and found a way to reduce teen smoking. Therefore, 86% of the states met their goals—shouldn't we be pleased by that?

Unfortunately I cannot be an optimist today. For one of those seven states who failed to meet the target was the State of Missouri. This is an important issue to me. As Governor of the State of Missouri, I signed the law that now makes it illegal to sell minors tobacco.

Under the federal law, the State of Missouri had to make sure that no more than 28% of teens who attempted to purchase cigarettes were successful. That seems reasonable—however, the actual success rate was 33%. That means that in one out of every three minors attempting to buy cigarettes was successful. One out of Three!

Due to this failure, the State of Missouri is set to lose $9.6 million to be used for drug addiction treatment. That is $9.6 million to be used to help drug addicted pregnant women, to reduce teen drug use, and to provide treatment to those whose lives have been destroyed by a lifetime of drug use.

In this discussion, it is important to recognize that we have given the states the tools they need to fight teen smoking. We rejected the mammoth—bureaucracy and tax laden—tobacco bill. I led the fight against that bill. By defeating that bill, we made sure the tobacco money went to the states for tobacco prevention programs—and was not wasted on federal bureaucracy—on the 17 new boards, commissions, and agencies established in the bill.

By defeating that bill, the states got the money rather than Washington. In fact, by killing that bill the State of Missouri received $6.7 billion from the tobacco settlement. That money is more than a third more resources than they would have received under the federal legislation. In addition to money, the states won clear limits from the tobacco companies on marketing techniques aimed at young people.

With this Settlement in mind, it is even more disappointing that today we are left with this tough choice. We either respect the federal law and penalize those who are in need of drug treatment programs—or we bail out these states who have failed our nation's teens.

In trying to determine the best course of action, we listened to the experts. Barry McCaffrey, the President's Drug Czar, stated that by withholding these funds ". . . some heroin addicts might be forced back on the streets to return to a criminal life." He says: "[w]e agree that the carrot-and-stick approach of the law can serve a purpose of pushing compliance, but we must not throw the baby out with the bathwater by increasing drug addiction and crime." It is a tough choice, but we must protect Americans from the scourge of drug use.

In addition, I can't let those in the State of Missouri suffer due to the State's ineffective enforcement program. I am pleased to have worked with Senator BOND, the Senior Senator from Missouri, and other members whose states did not meet their targets in finding a solution to this problem.

There is no question that the agreement does not contain everything I believe it should—such as creating penalties for teens who purchase, use and possess cigarettes. I continue to believe that if we really want to reduce youth smoking, we must place some responsibility on teens.

However, I am relieved we have found a solution. These states will be forced to devote new money to anti-teen smoking programs. Based on that commitment, they will receive their SAMHSA money.

I hope we do not find ourselves in this same position next year. This should be a wake up call to these states to step up their enforcement and pass tough teen smoking laws. The increase in teen smoking rates is unacceptable.

Mr. LOTT. Mr. President, we will be doing wrapup momentarily.

The PRESIDING OFFICER. The majority leader will withhold.

The majority leader.

Mr. LOTT. I would like to notify the Members that there will be some more time taken on the bill itself, but that will be the final recorded vote for tonight, the last vote for tonight. There will be at least one vote tomorrow. I am still working on both sides to make a final determination on Monday. It is anticipated we will have at least one vote, maybe more, on Monday. But we have not locked that in yet. We will notify you of that officially tomorrow.

I ask unanimous consent Senator COLLINS be recognized at 9 a.m. on Friday to call up her amendment, No. 1824, there be 30 minutes of debate equally divided in the usual form, and a vote to occur immediately on conclusion or yielding back of time and no second-degree amendments in order. That would mean the vote tomorrow would be at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. The next vote will occur at 9:30 in the morning.

UNANIMOUS-CONSENT AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely.

I ask unanimous consent on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify the committee amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the loophole-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been repeatedly assured in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman MCCAIN had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the Death on the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that at the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield under his reservation, first, I thank Senator WYDEN for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is on the committee. I know he will continue to work on it. I know he and Senator MCCAIN will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is what is in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement, this will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up that very important issue.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators probably as many as two-thirds or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator DASCHLE may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that.

We have not agreed on a time. You may wind up objecting to it, but I think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.

Mr. LOTT. I believe they probably could be offered to that bill. I do not particularly relish the idea, but I think they probably could be.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, will the majority leader yield? He made reference to a couple of matters which ought to be addressed briefly.

First, with regard to nuclear waste, I know of nobody on this side of the aisle who wishes to filibuster the bill, and I will be happy to clarify that with the majority leader. I think there is an interest, however, in amending the bill. We would love to have the bill come to the Senate floor under normal Senate order, regular order, and if the bill were brought up under regular order, we would be in support of moving the bill and voting in favor of the motion to proceed. I will be happy to work with the majority leader to schedule that, if we could accommodate Senators who wish to offer amendments.

With regard to the FAA debate, this was one of the more difficult agreements. I appreciate the ability of many of our colleagues to allow us the opportunity to have this debate on Monday. But I must say that, once again, this is a unanimous consent request to limit debate and limit amendments. We are agreeing to this only because we believe the FAA bill is a matter of great national security and of import not only for safety and health of aviation but because we believe we have already taken too long to reauthorize this legislation.

So because of the expiration of the authorizing legislation, because of the safety and health matters, we share the view that this legislation ought to come up and be debated and that we ought to limit ourselves to relevant amendments.

But again I say that we have not had a bill before the Senate under regular Senate order since last May. We have gone through June, July, August, and now September—4 months—and we are simply saying: Let's bring bills to the floor under regular order. Let's have a good debate, and let's have amendments offered. I am hopeful that we can work through the rest of the agenda with that in mind.

So we are not going to object to this bill being brought up, again, under abnormal Senate order and rule. But I think there is a growing concern that too many bills are coming to the floor without the opportunity for a full debate.

So whether it is nuclear waste or whether it is an array of other bills that could come to the floor, we are ready to debate them. We are ready to have a good amount of time dedicated to whatever piece of legislation ought to be considered. But we want the right to offer amendments. We will forego that right under FAA, but there are not many bills that fit into that category, if any, for the rest of the year.

I thank the majority leader for yielding.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will not object, I want to take this moment to thank both the majority leader and the minority leader, the Senator from Arizona, and the Senator from South Carolina, for their patience because we did have a problem that affected my area that has been worked out.

I ask the majority leader one little question. I want to confirm that the language we have talked about seems to meet the agreement of all sides. I want to get the attention of the majority leader. I was thanking him and the minority leader and others, and I just want to clarify the language we have talked about seems to meet the agreement of all the major players in solving that problem.

Mr. LOTT. I have not had an opportunity to talk personally, directly, to the Senator from Arizona, but I am informed by his senior aide that he is committed to living with the language that the Senator from New York is familiar with, and that also the Senator from South Carolina, the ranking Democrat, has indicated he will comply with that. And based on the assurance I received, then I would work to make sure that understanding was lived up to. Whether you agree with the final result or not, I will make sure that what your understanding is on the part I have been involved in would be honored.

Mr. SCHUMER. I thank the Senator and thank again the Members of the body for their indulgence on this issue.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Earlier, the majority leader made inquiry about the position on the nuclear waste bill. I want to put the majority leader on notice the Senators from Nevada are not prepared to surrender any of the procedural rights on this issue. This, as you know, is an issue——

Mr. LOTT. Will the Senator yield?

Mr. BRYAN. I am happy to.

Mr. LOTT. You mean you are not ready to go to final passage on this bill at this point?

Mr. BRYAN. The Senator from Mississippi, with his characteristic insight, has hit the nail right on the head.

Mr. LOTT. Let me assure the Chair and my colleagues that we know the very passionate feelings of the Senator from Nevada. We know he is going to make them heard, and in every way he can. And he will be entitled to all the rules of the Senate in that effort. We understand that and appreciate it.

Mr. BRYAN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. SPECTER. Mr. President, will the Senator from Nevada, Mr. REID, give me his attention? We have a sense-of-the-Senate resolution to be offered by Senator INHOFE; and then we have 10 minutes for an amendment to be offered and then withdrawn. We need consent to set aside your amendment. Or perhaps you are ready to withdraw that amendment?

AMENDMENT NO. 1807, WITHDRAWN

Mr. REID. I say to the manager of the bill, I have not received assurance yet that I will have a hearing. To expedite matters, I will agree to withdraw my amendment. But I want everyone to understand there is an amendment pending, a sense-of-the-Senate resolution, on the same issue. Rule XVI does not apply, of course, against my sense of the Senate. But in order to expedite matters, I withdraw my amendment. I will bring up, whenever we get back to this bill, my sense-of-the-Senate resolution on the exact same material.

Mr. SPECTER. I thank the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. SPECTER. Then in our sequence, we have an amendment by the Senator from Oklahoma.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1816

(Purpose: To express the sense of the Senate regarding payments under the prospective payment system for hospital outpatient department services under the medicare program)

Mr. INHOFE. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1816.

Mr. INHOFE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)); and

(2) eliminate the unintended 5.7 percent across the board reduction in payments under such system.

AMENDMENT NO. 1816, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment in accordance with the modification at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

Mr. INHOFE. Mr. President, when the Balanced Budget Act of 1997 was passed, there was a misinterpretation by the Health Care Financing Administration of this bill—while it should have been revenue neutral—to have regular reductions in the amount of reimbursement that goes to hospitals, specifically a 5.7-percent reduction to reimbursement that would take place in July of the year 2000. This was not the intent of the Members of the Senate.

I have a letter that has 77 signatures on it, including those of each Senator who is in the Chamber right now, stating that was not the intent. This is a sense-of-the-Senate resolution saying that was not the intent so we would not be having that 5.7-percent reduction in July of the year 2000.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oklahoma for the sense-of-the-Senate resolution. I think it is meritorious. It has been cleared by the ranking member on the Democratic side.

Mr. REID. We have not had a chance to clear this with our leader. I apologize to the manager of the bill. We have not cleared this with the leader, so I can't agree to it.

Mr. INHOFE. Mr. President, if the Senator from Pennsylvania would yield?

Mr. SPECTER. I do.

Mr. INHOFE. I suggest to the Senator from Pennsylvania, both Senator DASCHLE and Senator REID have signed the letter asking for this same thing we have in the sense of the Senate.

Mr. REID. It is pretty persuasive.

Mr. SPECTER. Do you want to check?

Mr. REID. I withdraw our objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1816), as modified, was agreed to.

Mr. REID. If I could have the floor for a second.

I say to my friend from Oklahoma, that was one of the most persuasive arguments I have heard on the Senate floor.

Mr. SPECTER. Mr. President, the final order of business this evening on the pending bill is an amendment to be offered by the Senator from Kansas, Mr. BROWNBACK, for purposes of 10 minutes of discussion, and then it will be withdrawn. So I leave the floor in the hands of Senator BROWNBACK for that 10-minute presentation and withdrawal.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1833

(Purpose: To establish a task force of the Senate to address the societal crisis facing America)

Mr. BROWNBACK. I call up an amendment at the desk numbered 1833 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1833.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

TITLE —TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC 01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the "task force").

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. 02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. 03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. 04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. 05. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

Mr. BROWNBACK. Mr. President, I appreciate the Senator from Pennsylvania accommodating our desires tonight. The reason we offer this amendment is to discuss it briefly and then withdraw it as being subject to a point of order on this particular bill.

I rise to explain the amendment.

What this amendment regards is the establishment of a 1-year, actually less than 1-year, Senate task force to study the state of American society. There has been a lot of discussion going on about this. I want to spend a little bit of time discussing what this is and what it isn't because I think both are important.

We are proposing this task force, Senator LIEBERMAN, Senator MOYNIHAN, and myself, the Presiding Officer, a number of others, because we believe there is a deep and pressing need to examine in a manner that is bipartisan, intellectual, rigorous, dispassionate, and publicly accessible, the cultural and social health of our society.

It is a simple and undeniable fact that our families and children, schools, and communities have been subjected to seismic shifts over the last 30 years. These changes have had consequences—consequences which deeply impact the public, including the formation of public policy, which deserve a public forum in which to study and address them.

First, if we take a quick look at what is happening across America, in the last 2 years, we have seen one school shooting after another: Conyers, GA; Littleton, CO; Richmond, VA; Paducah, KY; Springfield, OR; Edinboro, PA; Pearl, MS; and Jonesboro, AR. Unfortunately, the list goes tragically on. We just wonder where next.

There are other warning signs. The number and percentages of the children who live in broken homes continues to increase, regrettably. Reports of domestic abuse and child abuse are at shocking levels.

One of our colleagues and cosponsors of this bill, Senator MOYNIHAN, once coined a memorable phrase. He talked about our society in terms of "defining deviancy down." What he meant—and, Senator MOYNIHAN, correct me, if I am incorrect—is that when behavior that was once considered deviant or outrageous becomes more ordinary and commonplace, societies tend to redefine deviancy.

This is such a classic and clear example. For example, in 1929, four gangsters killed seven unarmed bootleggers. The slaughter was considered so horrific that the event was dubbed the "St. Valentine's Day Massacre." Remember that one? It was 1929; seven unarmed bootleggers were slaughtered. It was so horrifying it got its own name, shows, everything, and made news around the world. It so shocked and horrified the Nation that it has become a well-known historical event. It is even in most encyclopedias—seven people, 1929.

In sharp contrast, let's look to just 2 weeks ago, when a gunman strode into a church in Fort Worth, TX, puffing a cigarette, and slaughtered six defenseless people, including several children, before turning the gun on himself—just as many people, one less, killed in that Fort Worth church as in the St. Valentine's Day Massacre. Yet that story, so far from making it into an encyclopedia, didn't even get a headline in the Washington Post. Why? Why is it that we no longer consider outrageous what is truly outrageous? Perhaps it has become too commonplace. It has become common on our streets and airwaves. It is both the reality in which many live, and it makes up the entertainment into which many escape.

Over the past 30 years, there are many ways we have made progress as a country and as a people. Our economy has grown tremendously. Technological advances have been unprecedented. New doors of opportunity have been opened to people previously denied access. The opportunities available to women and minorities have increased, and they need to increase even further. But in the midst of unprecedented prosperity, there is a widespread belief that we live in a mean society where families are breaking down, children are more prone to crime, violence, alienation, drug use and suicide, and our civic fabric is fraying. In fact, not only does the United States lead the world in material wealth, it also leads the industrialized world in rates of murder, violent juvenile crime, abortion, divorce, cocaine consumption, pornography production, and consumption of pornography. These facts have not been lost on the American people—far from it. Poll after poll shows they recognize it.

I draw the attention of the body to some of the polls that have recently come out. Here is one: What poses the greatest threat to the United States? You can look through here: recession at 30-plus percent; decline of moral values, much higher; military, don't know. That was October 30 of last year.

Here is one from May 3 of this year: Where does the country face the most serious problems today? Moral values area, 56 percent; next closest, environment at 12 percent. Fifty-six percent of the public considering that. That was by a different research group than did the last one.

Here is one done by the Princeton Survey Research Group, July 22 of this year: What priority should be given to dealing with the moral breakdown of the United States? Fifty-five percent say top priority should be given.

My only point in showing these polls is that this is something the American public considers important, indeed, vital for us to be considering. We need to address it in this body. This is not to say that all societal changes have been negative. Far from it.

As I noted earlier, there are many causes for hope, even celebration. But there are causes for concern taking place as well. Even where our challenges remain stark, I am personally optimistic. I believe for every problem in America, there is a solution already in place, usually by an individual or family or community with the heart to make it happen.

I hope this task force will encourage the replication of those solutions, but first and foremost, my hope is that by working together we can begin to better understand where we are as a society and where we are headed.

Senator MOYNIHAN, again, made a point that I think is true: You can't change a problem until you can figure out how to measure it. You need to be able to measure to know when you are making progress on what is happening. That is the stage at which we find ourselves. We know something is happening in our society, but we don't know yet how to accurately measure it. We are still struggling with asking the right questions.

My hope and intention is that this task force would begin the important and necessary work of measuring these issues and asking the right questions.

I want to talk about some of the specifics of the task force, what it is and what it isn't.

There have been a lot of rumors spreading around about this. First, this task force will conduct the important business of investigating and analyzing and examining the state of our culture the causes and consequences of our societal difficulties, and possible solutions. It will hold hearings on such topics as civic participation, the state of the family structure, the impact of popular culture on young people, the causes of youth violence, and innovative and effective initiatives that have reduced various social problems that we have.

It will look at these issues in a holistic and a broad manner and—let me emphasize this—a bipartisan manner. It will not hold legislative jurisdiction. It will not report out or mark up legislation. It will not intrude on people's personal lives or seek to impose a set of values on anyone. It aims to achieve a better description of what is going on in our society, not a prescription of morals. It seeks to inform and investigate, rather than to legislate.

I know there were concerns among some of my colleagues about provisions regarding subpoena power. Let me assure all of them, those have been taken out. This endeavor will be a task force of concerned Members working together to get a better sense of the condition of our society. The task force is bipartisan in purpose, process, and structure, as bipartisan as possible. It is composed of eight members: four Republicans, four Democrats. You can't get much more bipartisan than that.

Together, I hope we can take a good look at what is going on in our society, at the state of the cultural environment in which we currently reside. While these are not legislative issues, they are important public issues with profound consequences, both in terms of public policy and in our daily lives.

This is an important task. I look forward to the counsel and support of my colleagues in getting to this important work. We have tried to bend over backwards to work in a bipartisan way to get this moving forward. We are still working to get this pulled together. I hope my colleagues will continue to talk with us about this, about how we can do this and how we can work together to address this very important problem.

AMENDMENT NO. 1833, WITHDRAWN

Mr. President, as I stated at the outset, as the Senator from Pennsylvania noted, I realize this will be subjected to a point of order. I wanted to bring it up and discuss it.

With this discussion, I withdraw my amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1833) was withdrawn.

Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR GENERAL BRUCE SCOTT, CHIEF OF ARMY LEGISLATIVE LIAISON

Mr. THURMOND. Mr. President, I rise today to pay tribute to Maj. Gen. Bruce Scott, who will soon depart his position as Chief of Army Legislative Liaison to assume command of the United States Army Security Assistance Command in Alexandria, VA.

I imagine that the impression most people have of someone who is a general is that of an officer who is in charge of troops, such as a person leading an Infantry division. Few realize that there are more generals who are administrators than troop leaders, and probably even fewer realize one of the most critical jobs any general in the United States Army could hold as far as preparing that service to protect the people, borders, and interests of the nation is the position which General Scott has held for the past two years. Though he might not have been wearing BDU's or eating MRE's for the past twenty-four months, General Scott has had the extremely important responsibility of serving as the head of liaison efforts between the Congress and the Army. In that role, he has led the efforts to make sure that our soldiers have the resources they require to accomplish their mission and dominate any battlefield, anytime, anywhere.

General Scott is well qualified to represent the Army to the Legislative Branch. Every position he has held since beginning his Army career in 1968 as a Cadet at the United States Military Academy at West Point has given him a unique insight into what it is like to be a soldier at every level of the service. Thanks to his assignments to Infantry and Armored divisions, he understands what is involved in serving in a combat arms unit; as a result of his service as a Commanding General and Division Engineer, he understands what general officers require to do their jobs; a veteran of the White House Fellows program, he was exposed at an early stage to the relationship between the legislative and executive branches of government, as well as to the notion of civilian control of the military; and as a former Deputy Director of Strategy, Plans and Policy, Office of the Deputy Chief of Staff for Operations and plans, he has an appreciation of the strategic, or "bigger", picture. All in all, General Scott came to this job with the credentials and experience that was required of him

During his command as the Chief of Army Legislative Liaison, General Scott put his rich background to work for him and the Army, working hard to represent the interests of the service to the Senate and House of Representatives, as well as working to make sure that the Army was responsive to our requests and interests. Over the past two-years, General Scott helped to shepherd through the Congress major initiatives on Army modernization and digitization. He has been a forceful and effective advocate for the Army's "Force XXI" and its "Force After Next"; and, during my tenure as Chairman of the Senate Armed Services Committee, we worked together to build even stronger ties between the Army and the Senate Armed Services Committee.

I have always believed that hard work will be rewarded, and after what I am certain at times was an agonizing, if not occasionally exasperating, experience of working with Congress, General Scott will soon take the reins of the United States Army Security Assistance Command. This is an important assignment, especially in this day and age when building or re-reinforcing coalitions and friendships with other nations is as important to the security of the United States as maintaining a well equipped, well trained fighting force. In his new job, General Scott will in many ways be carrying out the duties of an ambassador, he will certainly be making an important contribution to the diplomatic efforts of the United States as he will be required to work with approximately 120 different nations and multinational organizations in promoting international security by assuring our allies have access to modern and effective equipment and systems. I have every confidence that he will discharge the duties of his new job with the same ability, dedication, and professionalism as he has done throughout his career, and especially as he did as Chief of Army Legislative Liaison.

I am certain that my colleagues on the Senate Armed Services Committee and throughout the Senate join me in applauding the work of General Scott and in thanking him for his tireless efforts in working with us for the benefit of our Army and soldiers. I look forward to continuing to monitor the career of General Scott, and I predict that he will continue to achieve great things for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 29, 1999, the Federal debt stood at $5,645,399,491,050.88 (Five trillion, six hundred forty-five billion, three hundred ninety-nine million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

One year ago, September 29, 1998, the Federal debt stood at $5,523,786,000,000 (Five trillion, five hundred twenty-three billion, seven hundred eighty-six million).

Five years ago, September 29, 1994, the Federal debt stood at $4,669,823,000,000 (Four trillion, six hundred sixty-nine billion, eight hundred twenty-three million).

Ten years ago, September 29, 1989, the Federal debt stood at $2,857,431,000,000 (Two trillion, eight hundred fifty-seven billion, four hundred thirty-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,787,968,491,050.88 (Two trillion, seven hundred eighty-seven billion, nine hundred sixty-eight million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents) during the past 10 years.

MESSAGE FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Committee on Health, Education, Labor, and Pensions was discharge from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 30, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5459. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report entitled "Plan for Health Care Services for Gulf War Veterans"; to the Committee on Veteran's Affairs.

EC–5460. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting a report relative to the proposed "Air Transportation Improvement Act"; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the tar, nicotine, and carbon monoxide content of the smoke of domestic cigarettes sold in 1996 and 1997; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Enforcement in Group and Individual Health Insurance Markets (HCFA-2019–IFC)" (RIN0938–AJ48), received September 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5463. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice—Labeling of Hard Cider; Treasury Decision—Hard Cider: Postponement of Labeling Compliance Date" (RIN1512–AB71), received September 28, 1999; to the Committee on Finance.

EC–5464. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled

"Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans" (RIN1010–AC42), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5465. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Notice of EPA Policy Regarding Certain Grants to Intertribal Consortia", received September 27, 1999; to the Committee on Environment and Public Works.

EC–5466. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubezuron; Pesticide Tolerances for Emergency Exemptions" (FRL #6382–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5467. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pymetrozine; Pesticide Tolerance" (FRL #6385–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5468. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Pesticide Tolerance" (FRL #6383–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

H.R. 858. A bill to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia (Rept. No. 106–167).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes (Rept. No. 106–168).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Robert Raben, of Florida, to be an Assistant Attorney General, vice Andrew Fois, resigned.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John Hollingsworth Sinclair, of Vermont to be United States Marshal for the District of Vermont for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. LOTT for Mr. McCain, for the Committee on Commerce, Science, and Transportation:

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, vice Steven O. Palmer.

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David S. Belz, 7006
Rear Adm. (lh) James S. Carmichael, 7926
Rear Adm. (lh) Roy J. Casto, 8656
Rear Adm. (lh) James A. Kinghorn, Jr., 8699
Rear Adm. (lh) Erroll M. Brown, 1778

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 9691

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under Title 10, United States Code, Section 12203:

To be rear admiral

Rear Adm. (lh) Carlton D. Moore, 0938

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 3535

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 8559

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 9704

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 2213

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 8189

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 7892

Mr. LOTT for Mr. McCain. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the Records on the dates indicated at the end of the days Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

National Oceanic and Atmospheric Administration 83 nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999

Coast Guard 42 nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 1670. A bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DeWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school dropout prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. Res. 192. A resolution extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday; considered and agreed to.

By Mr. DODD:

S. Res. 193. A resolution to reauthorize the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. Con. Res. 58. A concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple and discriminatory taxation of electronic commerce; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

THE PEANUT LABELING ACT OF 1999

Mr. CLELAND. Mr. President, I am coming to the floor today to introduce the Peanut Labeling Act of 1999. This bill will require country of origin labeling for all peanut and peanut products sold in the United States; specifically it will require that consumers be notified whether the peanuts are grown in the United States or in another country. The main purpose of this bill is to provide American consumers with information about where the peanuts they purchase are grown. This bill will allow consumers to make informed food choices and support American farmers. And, with the labeling requirement, should a health concern be raised about a specific country's products, such as the Mexican strawberry scare we witnessed a few year's back, consumers would have the information they need to make their own choices about the products they buy at the market.

Family farmers in America are facing dire circumstances. Farmers' ability to grow and sell their products have been severely affected by bad weather conditions, poor market prices, and trade restrictions. This bill allows consumers to help American farmers in the best way that they can—with their food dollar. Consumers are provided with information about the country of origin of a wide range of products, including clothes, appliances and automobiles. It only seems appropriate and fair that consumers should receive the same information about agricultural products, specifically peanuts. In fact, because consumers purchase agricultural products, including peanuts, based on the quality and safety of these items for their families, it seems even more important to provide them with this basic information.

By providing country of origin labels, consumers can determine if peanuts are from a country that has had pesticide or other problems which may be harmful to their health. This is true particularly during a period when food imports are increasing, and will continue to increase in the wake of new trade agreements such as the WTO and GATT. As I previously mentioned, recent outbreaks linked to strawberries in Mexico, and European beef related to "mad cow disease" have raised the public's awareness of imported foods and their potential health impacts. Consumers should not have to wait for the same thing to happen with peanuts before they have the information they need to make wise food choices. With the labeling requirement, should such an outbreak occur, consumers would have the information to not only avoid harmful products, but to continue to purchase unaffected ones.

The growth of biotechnology in the food arena necessitates more information in the marketplace. Research is being conducted today on new peanut varieties. These research efforts include seeds that might deter peanut allergies, tolerate more drought, and be more resistant to disease. As various countries use differing technologies, consumers need to be made aware of the source of the product they are purchasing. GAO recently pointed out that FDA only inspected 1.7 percent of 2.7 million shipments of fruit, vegetables, seafood and processed foods under its jurisdiction. Inspections for peanuts can be assumed to be in this range or less. This lack of inspection does not provide consumers of these products with a great deal of assurance.

Another purpose of this bill is to provide consumers with the ability to gain benefit from the investments of their hard earned taxes paid to the U.S. government. The federal government spends a large sum of money on peanut research infrastructure that is by far the most advanced in the world. This research not only increases the productivity of peanut growers, but provides growers with vital information about best management practices, including pesticide and water usage. It assists growers in their efforts to more effectively and efficiently grow a more superior and safer product for American consumers. Consumers should be able to receive a return on this investment by being able to purchase U.S. peanuts.

Polls have shown that consumers in America want to know the origin of the products they buy. And, contrary to the arguments given by opponents of labeling measures that such requirements would drive prices up, consumers have indicated that they would be willing to pay extra for easy access to such information. I believe that this is a pro-consumer bill that will have wide support.

I am also very pleased that peanut growers in America strongly support my proposal. I have endorsement letters for my bill from the Georgia Peanut Commission, the National Peanut Growers Group, the Southern Peanut Farmers Federation, the Alabama Peanut Producers Association, and the Florida Peanut Producers Association.

In conclusion, as my colleagues know, we live in a global economy which creates an international marketplace for our food products. I strongly believe that by providing country of origin labeling for agricultural products, such as peanuts, we not only provide consumers with information they need to make informed choices about the quality of food being served to their family but we also allow American farmers to showcase the time and effort they put into producing the safest and finest food products in the world. I believe this bill represents these principles and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peanut Labeling Act of 1999".

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF PEANUTS AND PEANUT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) PEANUT PRODUCT.—The term "peanut product" means any product more than 3 percent of the retail value of which is derived from peanuts contained in the product.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (2), a retailer of peanuts or peanut products produced in, or imported into, the United States (including any peanut product that contains peanuts that are not produced in the United States) shall inform consumers, at the final point of sale to consumers, of the country of origin of the peanuts or peanut products.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) to a retailer of peanuts or peanut products if the retailer demonstrates to the Secretary it is impracticable for the retailer to determine the country of origin of the peanuts or peanut products.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the peanuts or peanut products or on the package, display, holding unit, or bin containing the peanuts or peanut products at the final point of sale to consumers.

(2) EXISTING LABELING.—If the peanuts or peanut products are already labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information in order to comply with this section.

(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of peanuts or peanut products as required by subsection (b), the Secretary may impose a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the violation continues.

(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICATION.—This section shall apply with respect to peanuts and peanut products produced in, or imported into, the United States after the date that is 180 days after the date of enactment of this Act.

GEORGIA AGRICULTURAL COMMODITY
COMMISSION FOR PEANUTS,
Tifton, GA, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Building,
Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Georgia Peanut Commission, I strongly support your efforts to introduce the "Peanut Labeling Act of 1999." Origin labeling of peanuts and peanut products is extremely important to our peanut industry in Georgia. It will not only benefit our Georgia growers, but it will be an asset for growers across our nation.

Requiring an origin of label allows our consumers the choice to buy American products. Because our quality and safety standards are among the best, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

We support and appreciate your efforts.

Sincerely,

BILLY GRIGGS,
Chairman, Georgia Peanut Commission.

NATIONAL PEANUT GROWERS GROUP,
Gorman, TX, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building,
Washington, DC.

DEAR SENATOR CLELAND: The National Peanut Growers Group endorses the "Peanut Labeling Act of 1999." Our group, which consists of grower representation from our peanut producing regions across the nation, fully supports your efforts to introduce this legislation. We believe origin labeling of peanuts and peanut products is vital to our industry's survival. Because our quality and safety standards are the best in the world, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

Thank you for your support. We appreciate your efforts to strengthen our peanut industry.

Sincerely,

WILBUR GAMBLE,
Chairman.

SOUTHERN PEANUT
FARMERS FEDERATION,
September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building,
Washington, DC.

DEAR SENATOR CLELAND: The Southern Peanut Farmers Federation, an alliance of Alabama Peanut Producers Association, Georgia Peanut Commission, and Florida Peanut Producers Association, strongly supports the "Peanut Labeling Act of 1999." We appreciate the opportunity to review the bill, and we believe its enactment will strengthen our peanut industry.

This bill is very important to us for several reasons. First, we believe that like most products made in America, peanuts and peanut products should have a label of origin. Secondly, we believe that by giving American consumers this information, it allows them to buy American products. The numbers of imported peanuts and peanut products continue to rise each year. We believe that by labeling our products, our growers will have a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would alleviate the numbers of peanuts and peanut products coming into the country illegally. Many products are imported into our country without trade restrictions, due to NAFTA, and sold to our American consumer. Yet, some of those peanut products originated from our domestic growers. With a labeling requirement, we would be able to identify whether our exported products are returned to our domestic market. Alleviating this problem would keep our peanut market from being saturated.

The "Peanut Labeling Act" is a tremendous step in the right direction for our industry. It is a vital tool that will allow our industry to compete in the future as our country's trade policy is expanded.

Sincerely,

BILLY GRIGGS,
Georgia Peanut Commission.
CARL SANDERS,
Florida Peanut Producers Association.
GREGG HALL,
Alabama Peanut Producers Association.

FLORIDA PEANUT
PRODUCERS ASSOCIATION,
Marianna, FL, September 21, 1999.

Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The Florida Peanut Producers Association Board of Directors, representing 1,100 peanut farmers in Florida, without reservations, endorse your "Peanut Labeling Act of 1999". Mr. Bob Redding of the Redding Firm in Washington has kept our board informed on the language and movement of this bill. We feel strongly that a Peanut Labeling Bill will once again give the American peanut farmer the edge to compete with imported competition. We are convinced the safety and quality of American grown will always be the choice of our consumers, if given a choice by origin labeling.

We appreciate your efforts concerning this issue, as well as your over-all interest in Southern agriculture.

Sincerely,

GREG HALL,
President.
JEFF CRAWFORD, Jr.,
Executive Director.

ALABAMA PEANUT
PRODUCERS ASSOCIATION,
Dothan, AL, September 22, 1999.

To: Senator Max Cleland.
From: H. Randall Griggs.

On behalf of the peanut producers in Alabama, we appreciate your efforts to introduce labeling legislation pertaining to peanuts and peanut products. As the marketplace becomes more globalized, the U.S. industry should be allowed to differentiate itself from other origins. Also, consumers should have the information necessary to choose and know where their food products originate.

Again, we support and appreciate your efforts.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

• Mr. ALLARD. Mr. President, the Senate is again considering campaign finance reform. The problem is that almost every Senator has a different definition of—and goal for—reform. Today I am introducing the "Campaign Finance Integrity Act." I believe this bill can actually be agreed upon by a majority of this body that would want to ensure that we improve the campaign finance system (a nearly universally acknowledged goal) without being unconstitutional and attempting measures that fly in the face of the First Amendment.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that you can't have both. But fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court are on our side. They believe, and I believe, that we can have both.

I would hope that celebrating the value of the First Amendment on the floor of the United States Senate is preaching to the choir, as the expression goes, but let me go ahead and do it anyway. Thomas Jefferson repeatedly stated the importance of the First Amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly described its significance back in 1798 with, "One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others." Again in 1808, he stated that "The liberty of speaking and writing guards our other liberties." And in 1823, Jefferson stated, "The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to." Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all Citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the First Amendment. Since the post-Watergate changes to the campaign finance system began, 24 Congressional actions have been declared unconstitutional, with 9 rejections based on the First Amendment. Out of those nine, 4 dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley vs. Valeo, the Court states that, "The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign."

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all First Amendment rights.

Also, supporters of some of the campaign finance reform bills believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. The Supreme Court agrees and is again very clear in its intent on campaign spending. The Buckley decision says, ". . . the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending. . . ."

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The "distribution of the humblest handbill" to the "expensive modes of communication" are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the First Amendment, while providing important provisions to open the campaign finances of candidates up to the scrutiny of the American people. I believe the Campaign Finance Integrity Act does that.

My bill would:

Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running.

Equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1000 to $2500 and reducing the PAC limit from $5000 to $2500.

Index individual and PAC contribution limits for inflation.

Reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5000.

Require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders.

Prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported.

Encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt.

Ban the use of taxpayer financed mass mailings.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions. It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved by the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of other campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate subsidies, then there would be less reason for influence-buying donations.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the First Amendment is more difficult for me. I want campaign finance reform but not at the expense of the First Amendment. My legislation does this. Not everyone will agree with the Campaign Finance Integrity Act, and many of us still disagree on this issue, but the First Amendment is the reason we can disagree and it must be honored here rather than just the Courts.•

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

• Mr. DEWINE. Mr. President, today I rise to speak on behalf of unborn children who are the victims of violence. I am here to be their voice; I am here to fight for their rights.

We live in a violent world, Mr. President. Sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman, Gregory Robbins, and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt (to reduce the chance that he would inflict visible injuries) and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute the Airman for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case currently is pending appeal, and we do hope that justice will prevail.

Mr. President, if it weren't for the Ohio law that is already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. We need a federal remedy to avoid having to bootstrap state laws and to provide recourse when a violent act occurs during the commission of a federal crime—especially in cases when the state in which the crime occurs does not have a fetal protection law in place. A federal remedy will ensure that crimes against unborn victims are punished.

There are other sickening examples of violence against innocent unborn children, Mr. President. An incident occurred in Arkansas just a few short weeks ago. Nearly nine months pregnant, Shawana Pace of Little Rock was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric Bullock wanted the baby to die. So, he hired three thugs to beat Shawana so badly that she would lose the unborn baby.

During the vicious assault against mother and child, one of the hired hitmen allegedly said: "Your baby is going to die tonight." Shawana's baby did die that night. She named the baby Heaven. Mr. President, I am saddened and sickened by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law, which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. As in the case of Baby Jasmine's death in Ohio, but for the Arkansas state law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

In the Oklahoma City and World Trade Center bombings—here too—federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers—but not to their unborn babies. Again, federal law currently only criminalizes crimes against born humans. There are no federal provisions for the unborn.

This is wrong.

It is wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even murder.

We, as a civilized society, should not—with good conscience—stand for that.

So, today, I am introducing legislation, along with my distinguished colleagues, Senator TIM HUTCHINSON and Senator ABRAHAM, to provide justice for America's unborn victims of violence. Our bill, the Unborn Victims of Violence Act, would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing federal crimes.

The Unborn Victims of Violence Act would create a separate offense for unborn children—it would acknowledge them as individual victims. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least twenty-four (24) states already have criminalized harm to unborn victims, and another seven (7) states criminalize the termination of pregnancy.

Mr. President, in November of 1996, a baby, just three months from full-term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct which terminates a pregnancy of a child in utero, prosecutors successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence like this a federal crime. It would be a simple step, but one with a dramatic effect.

Mr. President, we purposely have drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action (legal or illegal) in regard to her unborn child. This legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And, the bill would not allow for the imposition of the death penalty under this Act.

Mr. President, it is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The federal penalty should fit the crime. I strongly urge my colleagues to join me in support of this legislation. We have an obligation to our unborn children.•

By Mr. BINGAMAN:

S 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

SMALL, SAFE SCHOOLS ACT

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school drop out prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL DROPOUT PREVENTION ACT OF 1999

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL IMPROVEMENT ACCOUNTABILITY ACT

• Mr. BINGAMAN. Mr. President, last week I introduced two education bills related to raising standards and ensuring accountability for the teachers in our schools. Today, I am pleased to introduce three bills that relate to raising standards and ensuring accountability for the performance of our schools—the Small, Safe Schools Act, the National Dropout Prevention Act and the School Improvement Accountability Act. Next week, I will introduce two bills which relate to raising standards and ensuring accountability for student achievement. All of these bills, which I hope to incorporate into the reauthorization of the Elementary and Secondary Education Act, form the foundation for a comprehensive plan to improve the quality of our public education system. The three bills that I am introducing today focus on improving school performance.

The Small, Safe Schools Act would help to ensure that children have a sense of belonging in their school by providing incentives for the construction of smaller schools and providing resources to create smaller learning communities in existing larger schools. In this way, we can create school environments that keep our children safe and make it easier for them to meet high standards for achievement. Research demonstrates that small schools outperform large schools on every measure of school success.

In the wake of the tragedy at Columbine High School, one of the most important concerns regarding school quality is school safety. Issues of school safety can be effectively addressed by creating smaller schools or smaller learning communities within larger schools. Behavorial problems, including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are all more common in larger schools. Teachers in small schools learn of disagreements between students and can resolve problems before problems become severe. Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well.

School size also can have a critical impact on learning. Small school size improves students grades and test scores. This impact is even greater for ethnic minority and low income students. Small institutional size has been found to be one of the most important factors in creating positive educational outcomes. Studies on school dropout rates show a decrease in the rates as schools get smaller. Students and staff at smaller schools have a stronger sense of personal efficacy, and students take more of the responsibility for their own learning, which includes more individualized and experimental learning relevant to the world outside of school.

Small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support. More importantly, additional bureaucracy translates into less flexibility and innovation. In addition, because small schools have higher graduation rates, costs per graduate are lower than costs per graduate in large schools.

The Small, Safe Schools Act would establish three programs designed to promote and support smaller schools and smaller learning communities within large schools. Schools or LEAs could apply for funds to help develop smaller learning communities within larger schools. The bill also authorizes the Secretary to provide technical assistance to LEAs and schools seeking to create smaller learning communities. In addition, the bill would provide funding for construction and renovation of schools designed to accommodate no more than 350 students in an elementary school, 400 students in a middle school, and 800 students in a high school.

On behalf of myself and Senator REID, I also offer the National Dropout Prevention Act, which is a bill designed to reduce the dropout rate in our nation's schools. While much progress has been made in encouraging more students to complete high school, the nation remains far from its goal of a 90 percent graduation rate for students by 2000. In fact, none of the states with large and diverse student populations have yet come close to this goal, and dropout rates approaching 50 percent are commonplace in some of the most disadvantaged communities during the period from ninth grade to senior year. The bill is based on many of the findings of the National Hispanic Dropout Project, a group of nationally recognized experts assembled during 1996–97 to help find solutions to the high dropout rate among Hispanic and other at-risk students. In addition to widespread misconceptions about why so many students drop out of school and lack of familiarity with proven, dropout prevention programs, one of the main factors contributing to the lack of progress in this area is that there is currently no concerted federal effort to provide or coordinate effective and proven dropout prevention programs for at-risk children. In fact, there is currently no federal agency or office that is responsible for the multitude of programs that include dropout prevention as a component.

The Act makes lowering the dropout rate a national priority. Efforts to prevent students from dropping out would be coordinated on the nation level by an Office of Dropout Prevention and Program Completion in the Department of Education. The Office would disseminate best practices and models for effective dropout programs through a national clearinghouse and provide support and recognition to schools engaged in dropout prevention efforts. In addition, this bill provides funds to pay the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs. Funds could be used to implement comprehensive school-wide reforms, create alternative school programs or smaller learning communities. Grant recipients could contract with community-based organizations to assist in implementing necessary services.

The School Improvement Accountability Act, the third bill I am introducing today, sets more rigorous standards for States and LEAs receiving Title I funds by strengthening the accountability provisions in Title I. The Title I program provides supplemental services to disadvantaged students and schools with high concentrations of disadvantaged students. These students and these schools are often shortchanged by our educational system. The bill seeks to ensure that all schools are often short-changed by our educational system. The bill seeks to ensure that all schools receiving Title I funding achieve realistic goals for student achievement and that all students reach those goals, narrowing existing achievement gaps. Recipients will be required to set goals for student achievement which will result in all students (in Title I schools) passing state tests at a "proficiency" standard within 10 years of reauthorization. The bill also requires States, LEAs and schools to focus on elimination of the achievement gap between LEP, disabled & low-income students and other students and to ensure inclusion of all students in state assessments.

The bill also modifies the corrective action section of the bill, which is the section that is triggered when schools identified as being in need of improvement, have not made sufficient gains towards the goals set out in the schools Title I plan. The School Improvement Accountability act would require schools failing to meet standards must take one of three actions affecting personnel and/or management of the schools: (1) decreasing decision-making authority at the school level; (2) reconstituting the school staff; or (3) eliminating the use of noncredentialed staff. Students in failing schools also would have a right to transfer to a school which is not failing.

In order to ensure equal educational opportunities for all our children, we must ensure that schools are safe, welcoming places. We also must ensure that students in danger of dropping out of school are not lost, but instead graduate high school with the skills that they need to be productive members of our society. We must provide special support to students with greater obstacles to learning, such as disadvantaged students, students whose first language is not English, and disabled students. We must ensure that schools serving these students can provide high quality educational programs and that those schools are held accountable for the success of all students. The bills I offer today will do much to achieve these goals. I hope that my colleagues will support these efforts.●

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CENTERED PROGRAM ESTABLISHMENT LEGISLATION

● Mr. GREGG. Mr. President, today I am joined with Senator HAGEL in introducing a bill to allow States and schools districts to switch Title I of the Elementary and Secondary Education from a school-based to a child-based program.

We will soon take up the reauthorization of the Elementary and Secondary Education Act. The centerpiece of which is Title I which was created in 1965 to provide extra educational assistance to low-income students. Since its inception, Title I has grown into the largest federal education program for elementary and secondary school students with funding, in this year alone, at $7.7 billion.

Unfortunately, after more than 30 years and expenditures of $118 billion, national evaluations indicate that Title I has failed to achieve its primary aim of reducing the achievement gap between advantaged and disadvantaged students.

Reading scores in 1998 showed that only 6 States made progress in narrowing the gap between White and African American students and just 3 made progress narrowing the gap between White and Hispanic students. While the gap actually grew in 16 States. In math, nine year olds in high poverty schools remain 2 grade levels behind students in low-poverty schools.

In reading, nine year old students in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools. Seventy percent of children in high poverty schools score below even the most basic level of reading. Two out of every three African American and Hispanic 4th graders can barely read.

It is time to take a fresh look at this important program to ensure that our neediest students are receiving the services they need. We must provide enough flexibility in Title I for students to receive high quality supplemental educational services, wherever those services are offered.

In order to enable needy students to access high quality supplemental services, States and school districts should be given the opportunity to transform Title I from a school-based program to a child-centered program. Which is exactly what my bill does. Let me explain.

Currently, Title I dollars are sent to States, then distributed to school districts, and ultimately to schools—this is known as a school-based program. Aid goes to the school, rather than directly to the eligible child.

This process of sending dollars to districts and schools rather than students has a serious unintended consequence—millions of eligible children never receive the educational services promised to them by this program.

To make matters worse, even schools which have been identified by their States and communities as chronic poor performers continue to receive Title I dollars, despite that fact that well over one-third of eligible children (about 4 million children) receive no services.

Today, 4 million children generate Title I revenue for their school district, but never receive Title I services; despite the fact that the school district received federal funds to provide supplemental educational services to those very children.

We should not continue the practice of sustaining failed schools at the expense of our nation's children.

The very serious problem of under serving our neediest students can be alleviated by giving States and school districts the ability to focus their efforts by directly serving Title I eligible students through a child-centered program.

This bill permits interested States and school districts to use Title I dollars to create a child-centered program.

Here is how it would work. Interested states and school districts could use their Title I dollars to establish a per pupil amount for each eligible child—any child between the ages of 5–17 from a family at or below the poverty line. The per pupil amount would then follow the child to the school they attend. The per pupil amount would be used to provide supplemental educational ("add-on" or "extra") services to meet the individual educational needs of children participating in the program.

Since some schools continue to fail to provide high quality educational services to their neediest students, students could use their per-pupil amount to receive supplemental educational ("add-on") services from either their school or a tutorial assistance provider, be that a Sylvan learning center, a charter school or a private school. The idea behind this provision is to allow parents to use their per-pupil amount to purchase extra tutorial assistance for before or after school.

There are numerous benefits to turning Title I into a child-centered program. It increases the number of disadvantaged children served by Title I. It ensures that federal dollars generated by a particular student actually benefit that student. It rewards good schools and penalizes failing schools, as children would have the option to go the schools that best meet their needs and take their Title I money with them. A child-centered program decreases the practice of financially rewarding schools that consistently fail to provide a high quality education to their students. And, it ensures that students who are stuck in a bad school have access to educational services outside the school, by permitting parents to use their child's per-pupil allotment for tutorial assistance.

In short, this bill creates a much-needed market for change in that it gives families the ability to take their federal dollars out of a school that is not using them effectively and purchase services somewhere else. Families are empowered and schools are compelled to improve in order to keep their students.

I urge my colleagues to cosponsor this bill. Turning Title I into a child-centered program puts Title I back on the right track, focusing on what is best for the child first and foremost.

I ask that it be printed in the RECORD.

The bill follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Centered Program

"SEC. 1131. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) is eligible to be counted under section 1124(c); or

"(B)(i) the State or participating local educational agency elects to serve under this subpart; and

"(ii) is a child eligible to be served under this part pursuant to section 1115(b).

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

"(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

"(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

"(A) to meet the individual educational needs of eligible children; and

"(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

"(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

"(A) has a record of effectiveness in providing tutorial assistance to school children; or

"(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

"(a) FUNDING.—Notwithstanding any other provision of law, each State or participating local educational agency may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

"(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

"(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

"(c) INCENTIVE GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under section 1134, to enable the State or participating local educational agency to carry out the child centered program.

“(2) Amount.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

“(3) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

“SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

“(a) Uses.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

“(1) the State or participating local educational agency establishes a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

“(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

“(A) variations in the cost of providing supplemental education services in different parts of the State or the school district served by the participating local educational agency;

“(B) the cost of providing services to pupils with different educational needs; or

“(C) the desirability of placing priority on selected grades; and

“(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

“(A) subject to subparagraph (B), provided by the school directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

“(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, another public school, or a private school, selected by the parent or guardian.

“(b) Schoolwide Programs.—

“(1) In general.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

“(2) Plan.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for reforming the entire educational program of the public school that—

“(A) incorporates—

“(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

“(ii) instruction by highly qualified staff;

“(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

“(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

“(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

“(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

“(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

“(E) describes how and where the school will obtain technical assistance services and a description of such services.

“(3) Special rule.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under this section from statutory or regulatory requirements of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.

“(c) Private School Children.—A State or participating local educational agency carrying out a child centered program under this subpart for eligible children at a private school shall ensure that eligible children who are enrolled in the private school receive supplemental education services that are comparable to services for eligible children enrolled in public schools provided under this subpart. The supplemental education services, including materials and equipment, shall be secular, neutral, and nonideological.

“(d) Open Enrollment.—

“(1) In general.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

“(2) Waiver.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

“(A) have sufficient options to enroll their child in multiple public schools; or

“(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

“(e) Parent Involvement.—

“(1) In general.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to use the per pupil amount described in subsection (a) to purchase supplemental education services from a tutorial assistance provider, another public school or a private school.

“(2) Information.—Any public school receiving funds under this subpart shall provide to parents a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet.

“SEC. 1134. APPLICATION.

“(a) In General.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

“(1) a detailed description of the program to be assisted, including an assurance that—

“(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent or guardian's choice;

“(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

“(C) parents have the option to use the per pupil amount to purchase supplemental education services for their children from a wide variety of tutorial assistance providers and schools;

“(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

“(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, limited English proficiency, and gender, if such disaggregation can be performed in a statistically sound manner; and

“(B) such other information as the State or participating local educational agency may require;

“(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results disaggregated by race, family income, limited English proficiency, and gender, for schools in the State or in the school district of the participating local educational agency;

"(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

"(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

"(6) a description of the process by which the State or participating local educational agency will measure progress in meeting the objectives;

"(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (e) of section 1111 as applied to activities assisted under this subpart; and

"(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (e) of such section; and

"(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

"SEC. 1135. ADMINISTRATIVE PROVISIONS.

"(a) PROGRAM DURATION.—A State or participating local educational agency shall carry out a child centered program under this subpart for a period of 5 years.

"(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center under part A of title XIII, or by another entity with experience in helping schools improve student achievement.

"(c) REPORTS.—

"(1) ANNUAL REPORTS.—

"(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

"(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, limited English proficiency, and gender, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

"(C) DATA ASSURANCES.—Each annual report shall include—

"(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

"(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

"(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

"(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

"(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

"SEC. 1136. EVALUATION.

"(a) ANNUAL EVALUATION.—

"(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

"(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

"(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

"(1) the implementation of each child centered program under this subpart;

"(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

"(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

"SEC. 1137. REPORTS.

"(a) REPORTS BY COMPTROLLER GENERAL.—

"(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

"(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).".

"SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed—

"(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

"(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.".●

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mr. GORTON), the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. REID), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1606

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1606, a bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1661

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1661, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 24, a bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats.

AMENDMENT NO. 1812

At the request of Mr. HUTCHINSON the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. ALLARD), the Senator from Wyoming (Mr. THOMAS), the Senator from Idaho (Mr. CRAPO), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of amendment No. 1812 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 58—URGING THE UNITED STATES TO SEEK A GLOBAL CONSENSUS SUPPORTING A MORATORIUM ON TARIFFS AND ON SPECIAL, MULTIPLE, AND DISCRIMINATORY TAXATION OF ELECTRONIC COMMERCE

Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 58

Whereas electronic commerce is not bound by geography and its borders are not easily discernible;

Whereas transmissions over the Internet are made through packet-switching, making it impossible to determine with any degree of certainty the precise geographic route or endpoints of specific Internet transmissions and infeasible to separate interstate from interstate, and domestic from foreign, Internet transmissions;

Whereas inconsistent and inadministrable taxes imposed on Internet activity by subnational and national governments threaten not only to subject consumers, businesses and other users engaged in interstate and foreign commerce to multiple, confusing and burdensome taxation, but also to restrict the growth and continued technological maturation of the Internet itself;

Whereas the complexity of the issue of domestic taxation of electronic commerce is compounded when considered at the global level of almost 200 separate national governments;

Whereas the First Annual Report of the United States Government Working Group on Electronic Commerce found that fewer than 10 million people worldwide were using the Internet in 1995, that more than 140 million people worldwide were using the Internet in 1998 and that more than one billion people worldwide will be using the Internet in the first decade of the next Century;

Whereas information technology industries have accounted for more than one-third of real growth in United States Gross Domestic Product over the past 3 years;

Whereas information technology industries employ more than seven million people in the United States, and by 2006, more than one-half of the United States workforce is expected to be employed in industries that are either major producers or intensive users of information technology products and services;

Whereas electronic commerce among businesses worldwide is expected to grow from $43 billion in 1998 to more than $1.3 trillion by 2003, and electronic retail sales to consumers worldwide are expected to grow from $8 billion in 1998 to more than $108 billion by 2003;

Whereas the Internet Tax Freedom Act of 1998 enacted a policy of technological neutrality and non-discrimination toward taxation of electronic commerce, and stated that United States policy should be to seek bilateral, regional and multilateral agreements to remove barriers to global electronic commerce;

Whereas the World Trade Organization, at its May 1998 Ministerial Conference, adopted a declaration that all 132 member countries "will continue their current practice of not imposing customs duties on electronic transmissions";

Whereas the Organization for Economic Cooperation and Development and industry groups issued a joint declaration at its October 1998 Ministerial meeting on Global Electronic Commerce supporting the principles of technological neutrality and non-discrimination and opposing discriminatory taxation imposed on the Internet and electronic commerce;

Whereas the Committee on Fiscal Affairs of the Organization for Economic Cooperation and Development has stated that neutrality, efficiency, certainty and simplicity, effectiveness and fairness, and flexibility are the broad taxation principles that should be applied to electronic commerce;

Whereas the United States has issued joint statements on electronic commerce with Australia, the European Union, France, Ireland, Japan, and Korea providing that any taxation of electronic commerce should be neutral and nondiscriminatory; and

Whereas a July 1999 United Nations Report on Human Development urged world governments to impose "bit taxes" on electronic transmissions; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) urges the President to seek a global consensus supporting—

(A) a permanent international moratorium on tariffs on electronic commerce; and

(B) an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet;

(2) urges the President to instruct the United States delegation to the November 1999 World Trade Organization ministerial in Seattle to seek to make permanent and binding the moratorium on tariffs on electronic transmissions adopted by the World Trade Organization in May 1998;

(3) urges the President to seek adoption by the Organization for Economic Cooperation and Development and implementation by the group's 29 member countries of an international ban on special, multiple, or discriminatory taxation of electronic commerce and the Internet; and

(4) urges the President to oppose any proposal by any country, the United Nations, or any other multilateral organization to establish a bit tax on electronic transmissions.

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on tariffs and on special, multiple and discriminatory taxes on electronic commerce and the Internet. Representative COX, with whom I have collaborated in the past on Internet-related matters, is introducing a companion resolution in the House of Representatives.

The resolution urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet. The resolution urges the President to pursue the ban on tariffs through the World Trade Organization—particularly at the WTO Ministerial meeting that will be held in Seattle this November, and to pursue the moratorium on discriminatory, special, and multiple taxes on global e-commerce through the Organization for Economic Cooperation and Development. These positions reinforce the efforts of the U.S. Trade Representative at the WTO and of the U.S. negotiators at the OECD.

In the Internet Tax Freedom Act, enacted during the last Congress, we challenged the concept of 30,000 U.S. tax jurisdictions swamping online consumers and entrepreneurs with a crazy quilt of discriminatory taxes. But this problem is small potatoes compared to the prospect of thousands of additional discriminatory tax regimes Americans might face in nearly 200 countries around the world.

We are not going to sit by while the booming, global e-market becomes a tasty feast for overly hungry tax collectors from Bonn to Beijing and Manila to Milan.

The same questions we dealt with in the United States become vastly more complex at the international level. For example, during the course of the debate about the Internet Tax Freedom Act last year, I asked what happens when Aunt Millie in Iowa uses America Online in Virginia to order Harry and David's pears from Medford, Oregon, pays for them with a bankcard in California and ships them to her old friend in Florida?

In the global arena, we have to ask what happens when a tax collector in Germany tries to collect a Value Added Tax on a U.S. e-entrepreneur from Coos Bay, Oregon with no physical presence in Europe? This is a very real threat because not long ago, the tax chief of a key European nation called trade over the Internet "a threat to all government tax revenue—a very serious threat."

In addition, we have heard about the possibility of discriminatory bit taxes, which are taxes levied on the volume of e-mail that passes over the Net. And we have recently learned that the European Union is discussing something known as "blocking and takedown." This is not a rugby term, but if established, it would allow the EU to bar the use of an American entrepreneur's website in Europe if he or she was unwilling to participate in an EU tax registration scheme.

Moreover, some countries are blurring the line between services and products in an effort to impose still more special, targeted tariffs and taxes on global e-commerce. At present, some digital delivery—for example, downloading a CD or software program—is not taxed, but there's considerable support for turning this service into a product that could be the subject of discriminatory taxes.

Developing fair ground rules for the global digital economy is not a job for the faint hearted. That is why strong U.S. leadership is imperative in key multinational groups that are beginning to consider how to update old laws and regulations to apply in the global electronic marketplace.

That is the point of the resolution we are introducing today. Again, the resolution does two things: it urges the President to seek a global consensus supporting a global moratorium on tariffs on electronic commerce at the upcoming WTO ministerial meeting in Seattle, and second, it urges the President to seek through the OECD a global moratorium on discriminatory, multiple and special taxes on electronic commerce and the Internet.

This resolution builds upon the good work we accomplished in the 1998 Internet Tax Freedom Act. It is time to take the effort to stop discriminatory taxes on electronic commerce to the international level. I urge my colleagues to join us in supporting the resolution.•

• Mr. LEAHY. Mr. President, I am pleased to join Senator WYDEN in support of this resolution to urge the

United States to seek a global consensus supporting a moratorium on tariffs and discriminatory taxation of electronic commerce. I thank Senator WYDEN and Congressman Cox for their leadership in keeping the Internet free of discriminatory taxes in the United States and around the world.

The Internet allows businesses to sell their goods all over the world in the blink of an eye. This unique power also presents a unique challenge. That challenge facing the United States and the world is developing tax policies to nurture this exciting new market. That is why I am pleased to cosponsor this resolution to urge the President to seek a global moratorium on discriminatory taxes and tariffs on electronic commerce.

The growth of electronic commerce is everywhere, including my home state of Vermont. Today hundreds of Vermont businesses are doing business on the Internet, ranging from the Vermont Teddy Bear Company to Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont businesses are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of ex-hippies who sell great ice cream. But what Vermont online sellers do have in common is the fact that Internet commerce lets them erase the geographic barriers that historically have limited our access to markets where our products can thrive. Cyberselling is paying off for Vermont and the rest of the United States.

As electronic commerce continues to grow, the United States must take the lead in fostering sound international tax policies. The United States was the incubator of the Internet, and the world closely watches the Internet policies that we debate and propose. Our leadership is critical to the continued growth of commerce on the Internet. Our resolution advances the leadership role of the United States by urging the administration to secure a global moratorium on discriminatory e-commerce taxes.

With more than 190 nations around the world able to levy discriminatory taxes on electronic commerce, we need this resolution to contribute to the stability necessary for electronic commerce to flourish. We are not asking for a tax-free zone on the Internet; if sales taxes and other taxes would apply to traditional sales and services, then those taxes would also apply to Internet sales under our resolution. But our resolution would urge a global ban on any taxes applied only to Internet sales in a discriminatory manner. Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of multiple international taxation.

Today, there are more than 700,000 businesses selling their sales and services on the World Wide Web around the world. Estimates predict that the number of e-business Web sites will top 1 million by 2003. This explosion in Web growth has led to thousands of new and exciting opportunities for businesses from Main Street to Wall Street.

The International Internet Tax Freedom Resolution will help ensure that these businesses and many others will continue to reap the rewards of electronic commerce.●

SENATE RESOLUTION 192—EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO JIMMY CARTER IN RECOGNITION OF HIS 75TH BIRTHDAY

Mr. CLELAND (for himself and Mr. COVERDELL) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

SENATE RESOLUTION 193—TO REAUTHORIZE THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Resolution".

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the "program") is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the "Foundation") shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the "Secretary") is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DODD (AND OTHERS) AMENDMENT NO. 1813

Mr. DODD (for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. LEVIN, Mrs. MURRAY, and Mr. JOHNSON) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

In the matter under the heading "PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT" in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$1,182,672,000" and insert "$2,000,000,000".

HUTCHISON (AND BINGAMAN) AMENDMENT NO. 1814

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

"Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission."; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting "; and";

(B) in paragraph (2)(B), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

ASHCROFT AMENDMENT NO. 1815

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

To amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Safe Deposit Box Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(A) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending.

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the Social Security surpluses;

(4) the Congress has chosen to allocate in this Act all Social Security surpluses toward saving Social Security and Medicare;

(5) amounts so allocated are even greater than those reserved for Social Security and Medicare in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until Social Security and Medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save Social Security and Medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of Social Security surpluses for any purpose other than reforming Social Security and Medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

"(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation or Medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

"(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance trust Fund, combined, established by title II of the Social Security Act;".

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surpluses or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(4) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of the Social Security reform legislation and Medicare reform legislation.

(c) DEFINITION—

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term "Social Security reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation.".

(2) The term "Medicare reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Medicare reform legislation.".

INHOFE AMENDMENT NO. 1816

Mr. INHOFE proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

DURBIN (AND DEWINE) AMENDMENT NO. 1817

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $50,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

HUTCHISON AMENDMENT NO. 1818

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

Insert at the appropriate place the following new section.

SEC. . The Secretary of Education shall recompute the fiscal year 1996 cohort default rate under section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) for purposes of determining the eligibility for program participation during academic year 1999–2000 under title IV of such Act of Jacksonville College of Jacksonville, Texas, on the basis of the most recent data provided to the Department of Education by such College.

KENNEDY (AND OTHERS) AMENDMENT NO. 1819

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. DURBIN, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

On page 60, line 10, before the period, insert the following ": *Provided further*, That in addition to any other amounts appropriated under this heading an additional $223,000,000 is appropriated to carry out title II of the Higher Education Act of 1965, and a total of $300,000,000 shall be available to carry out such title, of which $300,000,000 shall become available on October 1, 2000".

REID AMENDMENT NO. 1820

Mr. REID proposed an amendment to the bill, S. 1650, supra; as follows:

On page 66, line 16, strike $350 million and replace with $475 million.

GRAHAM (AND OTHERS) AMENDMENT NO. 1821

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY, and Mr. CLELAND) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

INOUYE AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF ARLEN SPECTER NATIONAL LIBRARY OF MEDICINE.

(a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the "Arlen Specter National Library of Medicine".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

KENNEDY AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 59, line 25, strike "$1,404,631,000," and insert "$1,464,631,000, of which $60,000,000 shall be available on October 1, 2000, and".

On page 60, line 10, before the period, insert the following: ": *Provided further*, That from amounts appropriated under this heading $240,000,000 shall be made available to carry out the Gear up program under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965".

COLLINS (AND OTHERS) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. ——. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the "epidemic of our time".

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that "many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers".

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

BOND AMENDMENT NO. 1825

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as "OSHA") plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of "work related musculoskeletal disorders of the neck, upper extremity, and low back" showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

(3) An August 1998 workshop on "work related musculoskeletal injuries" held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding ergonomics prior to September 29, 2000.

LEVIN AMENDMENT NO. 1826

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONSIDERATION OF AN APPLICATION BY A CERTAIN ENTITY FOR MEDICARE CERTIFICATION AS AN APPLICATION BY A NEW PROVIDER.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall consider an application (or a reapplication) for certification of a long-term care facility under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that is, or was, submitted after January 1, 1994, by a subsidiary of a not-for-profit, municipally-owned, and medicare-certified hospital, where such long-term care facility has had a change of management from the previous owner prior to acquisition by such subsidiary, as an application by a prospective provider.

MURRAY AMENDMENT NO. 1827

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Access to obstetrical and gynecological care."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) In General.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) Construction.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(d) Offset.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

COVERDELL (AND OTHERS) AMENDMENT NO. 1828

Mr. COVERDELL (for himself, Mr. ABRAHAM, Mr. GRASSLEY, and Mr. ASHCROFT) proposed an amendment to the bill, supra; as follows:

On page 80, strike lines 1 through 8, and insert the following:

Sec.   . Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

COVERDELL AMENDMENTS NOS. 1829–1830

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

Amendment No. 1829

At the end of title III, insert the following:

SEC.   . PROHIBITION REGARDING DAVIS-BACON ACT REQUIREMENTS.

None of the funds appropriated under this title for construction shall be expended in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), or any other law requiring the payment of wages in accordance with or based on determinations under such Act.

Amendment No. 1830

At the end, add the following:

SEC.   . PROHIBITION.

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

ABRAHAM AMENDMENT NO. 1831

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of the bill add the following:

TITLE XX—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC.   01. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC.   02. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,859,500,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC.   03. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of the Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2),".

SEC. XX04. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following—

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of

1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE: This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public,' 'social security surplus' after 'outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,618,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,488,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,349,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,045,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,698,000,000,000;

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,301,000,000,000;

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $125,000,000,000;

"(B) for fiscal year 2000, $147,000,000,000;

"(C) for fiscal year 2001, $155,000,000,000;

"(D) for fiscal year 2002, $163,000,000,000;

"(E) for fiscal year 2003, $172,000,000,000;

"(F) for fiscal year 2004, $181,000,000,000;

"(G) for fiscal year 2005, $195,000,000,000;

"(H) for fiscal year 2006, $205,000,000,000;

"(I) for fiscal year 2007, $217,000,000,000;

"(J) for fiscal year 2008, $228,000,000,000; and

"(K) for fiscal year 2009, $235,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT: The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluded the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year though fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(f) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means legislation that—

"(A) implements structural social security reform and significantly extends the solvency of the Social Security Trust Fund; and

"(B) includes a provision stating the following: 'For purposes of the Social Security Surplus Preservation and Debt Reduction Act of 1999, this Act constitutes social security reform legislation'.

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.".

SEC. 05. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 06. SENSE OF THE SENATE ON MEDICARE RESERVE FUND.

(A) FINDINGS: The Senate finds that—

(1) the Congressional budget plan has $505,000,000,000 over ten years in unallocated budget surpluses that could be used for long-term medicare reform, other priorities, or debt reduction;

(2) the Congressional budget resolution for fiscal year 2000 already has set aside $90,000,000,000 over ten years through a reserve fund for long-term medicare reform including prescription drug coverage;

(3) the President estimates that his medicare proposal will cost $46,000,000,000 over 10 years; and

(4) thus the Congressional budget resolution provides more than adequate resources for medicare reform, including prescription drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget resolution for fiscal year 2000 provides a sound framework for allocating resources to medicare to modernize medicare benefits, improve the solvency of the program, and improve coverage of prescription drugs.

SEC. 07. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

MURRAY AMENDMENT NO. 1832

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Access to obstetrical and gynecological care."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(d) OFFSET.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

BROWNBACK AMENDMENT NO. 1833

Mr. BROWNBACK proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the bill insert the following:

TITLE —TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC 01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the "task force").

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child wellbeing; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. 02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. 03. AUTHORITY OF TASK FORCE.

(a) In General.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) Other Committee Staff.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. 04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. 05. FUNDING.

(a) In General.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) Payment of Expenses.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

HUTCHINSON AMENDMENT NO. 1834

Mr. HUTCHINSON proposed an amendment to amendment No. 1812 proposed by him to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following:

"OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

Sec. . Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

HUTCHISON AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the end, add the following:

SEC. . SINGLE SEX EDUCATION.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (8), by striking "and" after the semicolon;

(2) in paragraph (9), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(10) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.".

BOND (AND OTHERS) AMENDMENT NO. 1836

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. Harkin, Mr. Ashcroft, Mr. Grassley, Mr. Chafee, Mr. Biden, Mr. Wellstone, and Mr. Smith of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

Sec. . (a) In General.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) Amount of State Funds.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance above block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) Supplement not Supplant.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(D) The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (A) as late as July 31, 2000.

COVERDELL AMENDMENT NO. 1837

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 54, line 19, strike "$1,151,550,000" and insert "$1,126,550,000".

On page 55, line 8, strike "$65,000,000" and insert "$90,000,000".

At the end, insert the following:

SEC. . FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000;

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

WELLSTONE AMENDMENTS NOS. 1838–1842

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

Amendment No. 1838

At the appropriate place, insert the following:

SEC. . EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) Additional Measures of State Performance.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) In general.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period; and

(3) by adding at the end the following:

"(ii) Formula criteria.—The grants awarded under this paragraph shall be based on the following:

"(I) Employment-related measures.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) Measures of changes in income or number of children below half of poverty.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) Food stamps measures.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

"(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

"(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

"(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

"(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

"(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

"(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

"(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

"(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

"(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

"(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

"(i) employment status;

"(ii) job retention;

"(iii) changes in income or resources;

"(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

"(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

"(vi) accessibility of child care and child care cost;

"(vii) the percentage of families in poverty receiving child care subsidies;

"(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

"(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

"(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

"(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

"(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

"(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.".

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1839

In the matter under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act," and insert "$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,".

AMENDMENT NO. 1840

At the end of title III, insert the following:

SEC. . ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1841

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1842

At the appropriate place add the following:

SEC. . It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SMITH AMENDMENTS NOS. 1843–1844

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1843

At the appropriate place, insert the following:

DISABLED VETERANS' OUTREACH PROGRAMS

SEC. . Notwithstanding any other provision of this Act, $10,000,000 of the amounts appropriated in this Act for the Corporation for Public Broadcasting shall be transferred and utilized to carry out disabled veterans' outreach programs under section 4103A of title 38, United States Code.

AMENDMENT NO. 1844

At the appropriate place, insert the following:

SEC. . No funds appropriated under this Act may be used to enforce the provisions of the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) in any area that has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

HARKIN (AND ROBB) AMENDMENT NO. 1845

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL INFRASTRUCTURE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life threatening safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct affect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities.

ENZI AMENDMENT NO. 1846

Mr. ENZI proposed an amendment to the bill, S. 1650, supra; as follows:

On page 13, line 14, insert after "1970;" the following: "*Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);".

DEWINE AMENDMENT NO. 1847

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end, insert the following:

SEC. . FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part C of title VIII of the Higher Education Amendments of 1998 shall be $2,000,000;

(2) the total amount made available under this Act to carry out section 428K of the Higher Education Act of 1965 shall be $2,000,000;

(3) the total amount made available under the heading "SALARIES AND EXPENSES", under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION", under title I, for salaries and expenses for the Occupational Safety and Health Administration shall be $96,755,000; and

(4) the total amount made available under the heading "SALARIES AND EXPENSES", under the heading "DEPARTMENTAL MANAGEMENT", under title I, for salaries and expenses at the Department of Labor shall be $245,001,000.

GREGG AMENDMENTS NOS. 1848–1849

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1848

In the matter under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS", in the matter under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION", in title I, insert before the period at the end of the first sentence the following: ": *Provided*, That funds appropriated for activities carried out under title V of such Act if allocated to private nonprofit organizations, shall only be allocated to such private nonprofit organizations (for use by such organizations, affiliates of such organizations, or successors in interest of such organizations), if such organizations administer not more than 10 percent of the projects carried out by such organizations with such funds through subcontracts with entities that are not directly associated or affiliated with such organizations."

AMENDMENT NO. 1849

In the matter under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS", in the matter under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION", in title I, insert before the period at the end of the first sentence the following: ": *Provided*, That funds appropriated to carry out title V of such Act shall not be allocated to a public agency or a public or private nonprofit organization, affiliate of such an agency or organization, or successors in interest of such an agency or organization, if it has been determined that there has been fraud or criminal activity within such agency or organization, or that there are substantial and persistent administrative deficiencies involving such agency or organization, or that such agency or organization, for the period of 1993 through 1996, had disallowed costs in excess of 3 percent of funds that were awarded over such period to carry out title V of such Act, as found in independent audits conducted by the Office of Inspector General or by final determinations by the Secretary".

NICKLES AMENDMENTS NOS. 1850–1851

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1850

At the appropriate place, insert the following:

"SEC. . PROTECTION OF THE SOCIAL SECURITY TRUST FUND.

"(a) Section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"'(b) EXCESS DEFICIT.—The excess deficit is, if greater than zero, the estimated on-budget deficit for the budget year, excluding any surplus in the old-age, survivors, and disability insurance program established under title II of the Social Security Act.'.

"(b) Section 253(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.".

AMENDMENT NO. 1851

At the appropriate place, insert the following:

"SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

REID AMENDMENT NO. 1852

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

SARBANES AMENDMENT NO. 1853

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

SEC. . (a) Section 1905(u)(2)(B) of the Social Security Act (42 U.S.C. 1395d(u)(2)(B)) is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) for purposes of clause (i), a child is not considered to qualify for medical assistance under the State plan if the child qualified for such assistance only under a demonstration that—

"(I) was approved under section 1115(a);

"(II) was implemented on or before March 31, 1997; and

"(III) did not include hospital services as a covered benefit.".

(b) Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under title II of this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by subsection (a).

WELLSTONE AMENDMENTS NOS. 1854–1859

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1854

At the end of title III, insert the following:

SEC. . ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1855

In the matter under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act," and insert "$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,".

AMENDMENT NO. 1856

At the appropriate place add the following:

SEC. . It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

AMENDMENT NO. 1857

At the appropriate place, insert the following:

SEC. . EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period: and

(3) by adding at the end the following:

"(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

"(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

"(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

"(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

"(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

"(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

"(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

"(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

"(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

"(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

"(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

"(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

"(i) employment status;

"(ii) job retention;

"(iii) changes in income or resources;

"(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

"(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

"(vi) accessibility of child care and child care cost;

"(vii) the percentage of families in poverty receiving child care subsidies;

"(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

"(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

"(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

"(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

"(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

"(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.",

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1858

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1859

At the end of title III, insert the following:

SEC. . ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

COCHRAN AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place in the bill, insert the following: "*Provided further*, That $2,000,000 shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health."

BINGAMAN (AND OTHERS) AMENDMENT NO. 1861

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On pages 52, line 8, after "section 1124A", insert the following: "*Provided further*, That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965."

REED AMENDMENTS NOS. 1862–1863

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1862

In title I, under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", strike the second proviso.

AMENDMENT NO. 1863

At the appropriate place, insert the following:

SEC. . INVESTIGATIONS AND REPORTS CONCERNING EMPLOYEE DEATHS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee described in subsection (b) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.

(b) EMPLOYEE.—An employee described in this section is an employee who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees.

REED (AND OTHERS) AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. REED (for himself, Ms. COLLINS, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407E of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000.

(b) REDUCTION.—The total discretionary amount appropriated by this Act shall be reduced by $50,000,000. Such reduction shall be made through a uniform percentage reduction in the amounts made available for expenses and program management to agencies funded under titles I through IV of this Act.

REED (AND OTHERS) AMENDMENT NO. 1865

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

OFFICE OF POSTSECONDARY EDUCATION

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,548,000, which shall remain available through September 30, 2001.

REED AMENDMENTS NOS. 1866–1868

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, S 1650, supra; as follows:

AMENDMENT NO. 1866

In title I, under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", insert before the colon at the end of the second proviso the following: ", except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee (who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report".

AMENDMENT NO. 1867

At the end of title I, add the following:

SEC. . None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

"(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

"(1) the individual who filed the claim is eligible to do so under subsection (b) or is a person who filed the claim on behalf of such an individual;

"(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

"(3) the claim—

"(A) was filed under section 8121 of title 5, United States Code, on or before the date of the enactment of this Act; or

"(B) is filed under such section within one year after that date.

"(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

"(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

"(2) developed a disease specified in subsection (c) after the exposure.

"(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

"(1) In the case of an individual who was exposed to a sulfur mustard agent:

"(A) Chronic conjunctivitis.

"(B) Chronic keratitis.

"(C) Chronic corneal opacities.

"(D) Formation of scars.

"(E) Nasopharyngeal cancer.

"(F) Laryngeal cancer.

"(G) Lung cancer, other than mesothelioma.

"(H) Squamous cell carcinoma of the skin.

"(I) Chronic laryngitis.

"(J) Chronic bronchitis.

"(K) Chronic emphysema.

"(L) Chronic asthma.

"(M) Chronic obstructive pulmonary disease.

"(2) In the case of an individual who was exposed to a nitrogen mustard agent:

"(A) Any disease or condition specified in paragraph (1).

"(B) Acute nonlymphocytic leukemia.

"(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

"(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.".

AMENDMENT NO. 1868

At the end of title I, add the following:

SEC. . None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

"(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

"(1) the individual who filed the claim was eligible to do so under subsection (b) or was a person who filed the claim on behalf of such an individual;

"(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

"(3) the claim was filed under section 8121 of title 5, United States Code, not later than March 10, 1994.

"(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

"(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

"(2) developed a disease specified in subsection (c) after the exposure.

"(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

"(1) In the case of an individual who was exposed to a sulfur mustard agent:

"(A) Chronic conjunctivitis.

"(B) Chronic keratitis.

"(C) Chronic corneal opacities.

"(D) Formation of scars.

"(E) Nasopharyngeal cancer.

"(F) Laryngeal cancer.

"(G) Lung cancer, other than mesothelioma.

"(H) Squamous cell carcinoma of the skin.

"(I) Chronic laryngitis.

"(J) Chronic bronchitis.

"(K) Chronic emphysema.

"(L) Chronic asthma.

"(M) Chronic obstructive pulmonary disease.

"(2) In the case of an individual who was exposed to a nitrogen mustard agent:

"(A) Any disease or condition specified in paragraph (1).

"(B) Acute nonlymphocytic leukemia.

"(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

"(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.".

REED (AND OTHERS) AMENDMENT NO. 1869

(Ordered to the lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407 of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000, and these additional funds shall become available on October 1, 2000.

WYDEN (AND OTHERS) AMENDMENT NO. 1870

(Ordered to the lie on the table.)

Mr. WYDEN (for himself, Mr. GRAHAM, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 19, line 8, insert before the period the following: ": *Provided further*, That funds made available under this heading shall be used to report to Congress, pursuant to Public Law 85-67 (29 U.S.C. 5630 with options that will ensure a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary".

DOMENICI AMENDMENTS NOS. 1871–1872

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1871

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

AMENDMENT NO. 1872

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

BINGAMAN AMENDMENTS NOS. 1873–1874

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1873

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1874

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

BINGAMAN (AND OTHERS) AMENDMENT NO. 1875

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 52, line 8, after "section 1124A", insert the following: "*Provided further*, That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965."

BINGAMAN AMENDMENTS NOS. 1876–1878

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1876

At the end of title II, add the following:

SEC. 216. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural states, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

AMENDMENT NO. 1877

At the end of title II, add the following:

DENTAL SEALANT DEMONSTRATION PROGRAM

SEC. . From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

AMENDMENT NO. 1878

At the end of title II, add the following:

SEC. 216. REVISION OF GEOGRAPHIC ADJUSTMENT FACTOR USED IN MAKING MEDICARE PAYMENTS FOR PHYSICIANS' SERVICES IN NEW MEXICO.

(a) IN GENERAL.—Notwithstanding section 1848 of the Social Security Act (42 U.S.C. 1395w–4), in the case of physicians' services provided in New Mexico, the geographic adjustment factor (determined under subsection (e)(2) of such section) used in determining the amount of payment for such services shall be equal to the national average of such factors.

(b) EFFECTIVE DATE.—This section shall apply to services provided on or after January 1, 2000.

BINGAMAN (AND MURRAY) AMENDMENT NO. 1879

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III add the following:

ADVANCED PLACEMENT INCENTIVE PROGRAM

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title to carry out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965 programs shall be increased to $2,888,634,000: *Provided*, That $2,000,000 of which shall become available on October 1, 2000, shall remain available through September 30, 2001, and shall be made available for grants to States to enable the States to establish pilot programs for Internet-based advanced placement courses in rural parts of the United States where students would not have access to advanced placement instruction without the assistance provided under this section.

WELLSTONE AMENDMENTS NOS. 1880–1881

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1880

On page 31, line 9, strike "2,750,700,000" and insert "$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and".

AMENDMENT NO. 1881

On page 31, line 9, strike "$2,750,700,000" and insert "$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and".

KERRY (AND SMITH) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers do not meet state certification requirements; each year more than 50,000 under-prepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(4) Public school choice is a driving force behind reform and is vital to increasing accountability and improving low-performing schools.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should support state and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals:

(A) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(B) that training and development for principals and teachers should be a priority;

(C) that public school choice should be encouraged to increase options for students; and

(D) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(E) School boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system and corrective action in underachieving schools must be taken.

BINGAMAN (AND HUTCHISON) AMENDMENT NO. 1883

(Ordfered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. ESTABLISHMENT OF BORDER HEALTH COMMISSION.

"Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission."; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting "; and";

(B) in paragraph (2)(B), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

BROWNBACK AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place insert the following:

The Senate finds the following:

Earlier this year, the House of Representatives passed a Social Security lockbox designed to protect the Social Security surplus by an overwhelming vote of 416 to 12;

Bipartisan efforts over the past few years have eliminated the budget deficit and created a projected combined Social Security and non-Social Security surplus of $2,896,000,000,000 over the next ten years;

This surplus is largely due to the collection of the Social Security taxes and interest on already collected receipts in the trust fund;

The President and the Congress have not reached an agreement to use any of the non-Social Security surplus on providing tax relief; and

Any unspent portion of the projected surplus will have the effect of reducing the debt held by the public; Now, therefore,

It is the sense of the Senate that the Senate—

(1) Should not consider legislation that would spend any of the Social Security surplus; and

(2) Should continue to pursue efforts to continue to reduce the $3,618,000,000,000 in debt held by the public.

COVERDELL AMENDMENT NO. 1885

Mr. COVERDELL proposed an amendment to amendment No. 1846 proposed by Mr. ENZI to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: "That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);".

GRAHAM (AND OTHERS) AMENDMENT NO. 1886

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY) proposed an amendment to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

ALLARD AMENDMENT NO. 1887

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1671) to reform the financing of Federal elections; as follows:

At the end of the bill, add the following:

SEC. . DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and inserting after section 221 the following new section:

"SEC. 222. POLITICAL CONTRIBUTIONS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

"(1) the aggregate amount of contributions made to any candidate during the taxable year, or

"(2) $100 ($200 in the case of a joint return).

"(b) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section, the terms 'candidate' and 'contribution' have the meaning given those terms in section 301 of the Federal Election Campaign Act of 1971."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) POLITICAL CONTRIBUTION.—The deduction allowed by section 222."

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 222. Political contribution.

"Sec. 223. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

LEGISLATION TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

GRASSLEY AMENDMENT NO. 1888

Mr. SESSIONS (for Mr. GRASSLEY) proposed an amendment to the bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: "To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Energy and Natural Resources Committee.

The purpose of the hearing is to receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

The hearing will take place on Tuesday, October 26, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant or Colleen Deegan, Counsel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, September 30, 1999. The purpose of this meeting will be to discuss the administration's Agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 30, 1999, at 10:30 to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 30, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 30, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 30, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Consumer Affairs Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 30, 1999, at 9:30 a.m. on the Motor Vehicle Rental Fairness Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 30, for purposes of conducting a Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on S. 1457, the Forest Resources for the Environment and the Economy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ADMIRAL CHAMBERLIN

• Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Rear Admiral Bob Chamberlin, on his retirement from the United States Navy after 33 years of distinguished and dedicated service to the nation.

Rear Admiral Chamberlin is a native of Massachusetts. He graduated from high school in Westwood and went on to earn his bachelor's degree at the University of Wisconsin, where he distinguished himself as a first-tier ROTC graduate. Shortly after receiving his commission in 1966, he was assigned to the U.S.S. *Hisseem* in Pearl Harbor. From there he went on to serve in Vietnam, gaining the respect of all who shared duty with him and earning numerous decorations and awards, including the Navy Commendation Medal with Combat V, the Vietnamese Medal of Honor First Class, and the Combat Action Ribbon.

Following his Vietnam tour, he came home to Massachusetts and earned an MBA degree from Harvard. He went on to serve in a variety of supply and financial management assignments, ashore and afloat. He was soon regarded by his superiors as a tireless and innovative logistician. Ten years after attending the Naval Supply Corps School in Athens, Georgia, he returned to the school as an instructor and course developer.

In 1987, after serving as director of stock control at the Aviation Supply Office in Philadelphia and as supply officer on the U.S.S. *Nimetz*, he was promoted to captain and was assigned to the Naval Supply Systems Command in Washington, D.C., where he served as the project officer on a major supply-system modernization initiative. Later, he was appointed to be the Command's vice commander.

In July 1993, he was promoted to rear admiral, and for the past two years, he has served as the principal deputy director of the Defense Logistics Agency—America's combat support agency. His vision and leadership have been vital to the agency's award-winning business-process initiatives to ensure that the nation's armed forces receive the supplies and equipment they need, and in a way that offers the best possible return to the American taxpayer.

Admiral Chamberlin has been in the forefront of the ongoing advances in military logistics. His exemplary military career comes to a close this month, but his contributions and achievements will continue to be felt throughout the Navy and the Department of Defense.

Bob Chamberlin has served his country with great ability, valor, loyalty, and integrity. On the occasion of his retirement from the United States Navy, I commend him for his outstanding service. He is Massachusetts' finest, and I wish him well in the years ahead.•

VIRGINIA ANNE HOLSFORD

• Mr. COCHRAN. Mr. President, tomorrow a good friend of mine is retiring after 24 years of faithful and exemplary service as primary assistant for two federal judges in my state. Virginia Anne Holtsford served first as secretary and primary assistant to Judge Orma Smith, who was United States District Judge for the Northern District of Mississippi. Upon his death she became the secretary and primary assistant to United States Fifth Circuit Appeals Court Judge E. Grady Jolly of Jackson, Mississippi. She has been with Judge Jolly from his first day on the bench, more than seventeen year ago. She is retiring to move back to her hometown of Iuka, Mississippi, to be with her mother.

This is how Judge Jolly described Ms. Holtsford to me: "Anne Holtsford has a very special way of dealing with folks that has endeared her to hundreds of people who transact business with the federal courts in Mississippi and, indeed, throughout the Fifth Circuit. I believe there is no more popular and better-liked secretary in the Fifth Circuit."

All of us who have had the good fortune to know Anne Holtsford appreciate her dedicated, friendly and professional service. We will miss her very much, but certainly she deserves a wonderful retirement.

I join all of her many friends in commending her for a job well done and wishing her much happiness in the years ahead.•

AMBASSADOR VANDEN HEUVEL'S TRIBUTE TO SENATOR KENNEDY

• Mr. FEINGOLD. Mr. President, I rise today to congratulate the Honorable EDWARD KENNEDY, who received the Franklin Delano Roosevelt Freedom Medal in early May of this year. I ask that Ambassador William J. vanden Heuvel's remarks honoring Senator KENNEDY be printed in the RECORD following this statement.

The remarks follow.

THE FOUR FREEDOMS: A GATEWAY TO THE NEW MILLENNIUM

An Address by William J. vanden Heuvel, President of the Franklin & Eleanor Roosevelt Institute—Hyde Park, New York—May 7, 1999

Today, midst the renewal of life that Spring represents, we come to the valley of the Hudson River that Franklin Delano Roosevelt loved so very much. The President parents and four children of Franklin and Eleanor Roosevelt are buried in this country churchyard. We remember that three sovereigns of the Netherlands—Wilhelmina, Juliana and Beatrix came to this church to worship accompanied by it Senior Warden who was also the President of the United States. We welcome the Queen's High Commissioner. Wim van Gelder, and the delegation from Zeeland where the Roosevelt Study Center has established itself as a preeminent place of study of the American presidency.

Winston Churchill described Franklin Roosevelt as the greatest man he had ever known. President Roosevelt's life, Churchill said, "must be regarded as one of the commanding events in human destiny." We listen once more to the words the President spoke to the Congress on January 6, 1941, as he defined the fundamental charter of democracy: [The voice of President Roosevelt as he spoke to the Congress of the United States on January 6, 1941]

"In the future days, which we seek to make secure we look forward to a world founded upon four essential freedoms. The first is Freedom of Speech and Expression—everywhere in the world. The second is Freedom of every person to worship God in his own way—everywhere in the world. The third is Freedom from Want—which, translated into world terms, means economic understanding which will secure to every nation a healthy peacetime life for its inhabitants—, everywhere in the world. The fourth is Freedom from Fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world."

Freedom of Speech and Expression
Freedom of Worship
Freedom from Want
Freedom from Fear

For ourselves, for our nations, for our world. Those are the reasons why we fought the most terrible war in human history—to secure those freedoms for our children and generations to come, to make possible for them the well-ordered society that only Democracy can assure, a community established by the consent of the governed, where the rule of law prevails, where freedom means respect for each other, and where fairness and decency and tolerance are the cherished values, where government protects the powerless while encouraging everyone to nourish the spirit and substance of our land.

Franklin Roosevelt was the voice of the people of the United States during the most difficult crises of the century. He led America out of the despair of the Great Depression. He led us to victory in the Great War. Four times he was elected President of the United States. By temperament and talent, by energy and instinct, Franklin Roosevelt came to the presidency, ready for the challenges that confronted him. He was a breath of fresh air in our political life—so vital, so confident and optimistic, so warm and good humored. He was a man of incomparable personal courage. At the age of 39, he was stricken with infantile paralysis. He would never walk or stand again unassisted. We can feel the pain of his struggle—learning to move again, to stand, to rely upon the physical support of others—never giving into despair, to self-pity, to discouragement. Just twelve years after he was stricken, he was elected President of a country itself paralyzed by the most fearful economic depression of its history. He lifted America from its knees and led us to our fateful rendezvous with history. The majesty of that triumph can never be dimmed.

He transformed our government into an active instrument of social justice. He made America the arsenal of democracy. He was Commander-in-Chief of the greatest military force in history. He crafted the victorious alliance that won the war. He was the father of the nuclear age. He inspired and guided the blueprint for the world that was to follow. The vision of the United Nations, the commitment to collective security, the determination to end colonialism, the opportunity of peace and prosperity for all people—everywhere in the world. Such was the legacy of Franklin Roosevelt.

President Roosevelt spoke in simple terms that everyone understood. Civilization needs a police force, he said, just as every one of our communities look to their local police for security and protection against the lawless. Adolf Hitler and his Nazi hoodlums brought the world to the precipice of destruction. Franklin Roosevelt was the first among the world's leaders to denounce and confront the savagery of the Nazis. The tin horn dictators who trample democratic values today when they carry out ethnic cleansing and murder innocent people, destroying their children and their hopes, are in the same gangster tradition. It is Franklin Roosevelt's legacy to nullify their power by collective action. If the freedoms, which are the essence of civilization, are only rhetoric unworthy of defense and sacrifice, they will not prosper. They will perish.

The America that President Roosevelt left us was prepared for the challenge of the New Frontier. Despite the trouble and turbulence of the 20th century, there is much of which we can be proud. We have a nation based upon the consent of the governed. We must cause it once again to be respectful of the opinions of Mankind. We have amassed wealth that has never been equaled. We have brought together all of the world's races and creeds and shown that we can live together in peace and common purpose. We have spent our treasure and spilled our blood to prevent tyrants from destroying the possibilities of freedom and liberty.

Neither President Roosevelt nor we who share his vision are projecting a Utopia, a place liberated of all human trouble, where no one shall want for anything. No, the Four Freedoms are not a vision of a distant millennium, but rather the basis of a world attainable in our own time and generation.

It is the purpose of this day to honor five laureates whose lives and achievements give us hope that our cherished freedoms will endure as our Republic will endure.

It is my privilege and honor to bestow the Franklin Delano Roosevelt Four Freedoms Medals.

AWARD OF THE FRANKLIN DELANO ROOSEVELT FREEDOM MEDAL TO EDWARD MOORE KENNEDY

"We look forward," President Roosevelt told Congress and an embattled world on January 6, 1941, "to a world founded upon four essential freedoms"—Freedom of Speech and Expression, Freedom of Worship, Freedom from Want, Freedom from Fear.

On this 7th day of May, 1999, the Franklin Delano Roosevelt Freedom Medal is awarded to Edward Moore Kennedy whose commitment to peace and social justice and whose brilliant command of the parliamentary process have made him the most influential Senator of his era, esteemed by his colleagues, and respected and admired throughout the world.

Six times the voters of Massachusetts have elected you to the Senate of the United States. Like the great leaders of this century, you have been the target of doubt, derision, ridicule and hatred, but to your enemies' everlasting disappointment, you have endured and prevailed, fortified by an inner strength that caused each fateful assault to leave you stronger, more determined, and more effective.

You have been much more than the heir to a great political dynasty. You have been the executor of its legacy, a pioneer forever advancing the new frontiers of equal opportunity and American purpose. Born into a family of wealth and influence, you created an independent career that has profoundly enriched the Kennedy saga and given voice and power precisely to those who, lacking wealth and influence, have been denied the opportunity of the American dream.

In the struggle for civil rights, your eloquence has been the trumpet of our leadership. You are the inexhaustible champion of racial justice and minority rights, of better schools, of the protection of the environment, of care and concern for the casualties of a market society—of those left out of America's historic prosperity. No one has done more to provide healthcare for all Americans. You have built extraordinary coalitions—and when necessary you have stood alone—in extending insurance coverage, in controlling costs, in protecting the vulnerable, in advancing medical research. You have fought for a social security system that truly assures security. You have led the fight for the minimum wage and the rights of labor, for equal opportunity for women, for the protection of children and for all those caught in the web of poverty. What the New Deal established, you advanced. You are the defender of past social gains and the designer of new social opportunities. Your capacity for friendship, your graciousness and good humor, your willingness to do the tedious homework that makes you a master of legislative detail has enabled you to overcome partisan divisions. You have achieved extraordinary results without compromising principle.

In world affairs, you are a champion of peace and international understanding. Northern Ireland has the hope of peace today in large part because of your outspoken opposition to violence and terrorism and your untiring support of those on the front line working for justice and reconciliation. The developing nations of the world know you as their friend, and the United Nations esteems you as an American leader who is determined to see our country fulfill its responsibilities of leadership.

Your life has not been absent adversity and pain but that has not lessened your determination to strive, to seek, to find and never yield in the quest for a better world. In 1980 bringing your campaign to an end, you said: ". . . But for all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die." You have been faithful to that promise. Those words define our purpose with this award. You have understood and enhanced the great message of the Four freedoms as Franklin Delano Roosevelt meant them. Therefore, in his name, we honor—and we thank you.●

CLOSING OF FORT McCLELLAN

Mr. SESSIONS. Mr. President, this is an important day for the United States and for Alabama in the community of Anniston, Calhoun County.

Fort McClellan closed today. It was a casualty of the 1995 BRAC process. There was a great institution and a great installation. Thousands and hundreds of thousands of Americans served in that community. It was given to the military in the early 1900s by the people of that area in order to found this base.

I would like to read part of an article by Rose Livingston, writing for the Birmingham News, captioned "Taps for Fort McClellan as final door closes."

> The barracks are boarded up, and barricades block their driveways. Flags have been furled and stored as mementos. Soldiers have packed up and shipped out.
>
> Fort McClellan is no more.
>
> The 82-year-old Army training base in Anniston finally shut its gates Thursday. It was given birth in 1917 by a community that chipped in to buy the land and donated it to their government. Its demise came at the hands of federal bean-counters, who decided in 1995 that Fort McClellan was surplus.
>
> No bugle sounded, no cannon fired for the final shutdown. Those symbols were quieted after a closing ceremony in August, when soldiers were still around to march in it. Most are long gone. All that remains now is a skeleton crew to manage the base's transition from a bustling military post to a profit-generating private enterprise.

Indeed, we will be looking for reuse of that facility. The community has a joint power reuse authority: The Chamber of Commerce, the city of Anniston are all working to do what they can to create the kind of activity in a different way than what existed there.

I am pleased we had the support of this Senate to create the Center for Domestic Preparedness at Fort McClellan because Fort McClellan was a chemical training school, among other things, and we have to be able to be prepared in this Nation for the use of weapons of mass destruction.

So this base at least will be a small part of some of the chemical testing facilities, some of the training facilities, and training of teachers. They will be able to teach firemen and police how to respond if they are faced with a chemical or biological weapons attack in their towns and cities.

The people of Anniston, the people of Fort McClellan, and the people of Calhoun County are patriotic Americans. They gave the land that became Ft. McClellan, and now they will receive the land back. But they will lose a great deal of income and support.

The people of Anniston fought for their fort, but took the loss gracefully. They believed that chemical weapons would remain a major threat and that we ought not to close this base. I think they made a lot of good arguments. But the Commission decided otherwise, and with good grace, fortitude, and determination, they accepted it and made a determination to move to the future. I believe they will be successful in that.

I know time is late. We need to move on to other matters. But I did not want this day to pass before we had an opportunity to pause and recognize the extraordinary contribution of over 2,000 men and women soldiers and over 2,000 civilians who have served at that base.

STATE OF SOCIETY

Mr. SESSIONS. Mr. President. I thank the Senator from Kansas for the remarks he made earlier and his commitment to revitalizing the moral fiber of this Nation.

I think the polls he showed that the American people consider the threat of decline in values as the greatest threat facing our country are correct. If we lose our commitment to honesty, truth, discipline, hard work, and faith, if we lose those values, our Nation could be jeopardized. I thank the Senator from Kansas for raising those points because in many ways they transcend all the other issues we are facing.

I know Senator BROWNBACK, the Presiding Officer tonight, was watching closely Sunday night when we had the "Touched By An Angel" show. They talked about a Senator who was given a challenge to go out to Sudan and see for themselves what it was like. The show could have been done about the Presiding Officer tonight because Senator BROWNBACK did that months ago. He personally went to Sudan and observed the terrible conditions there. He observed men being abused and killed. He observed women being taken into slavery and abused sexually—being bought and sold nearly into the 21st century. He was appalled by it. He has come back here and done something about that.

I know Dr. BILL FRIST, another Member of this body, had been there himself, to this poor, dangerous country, and helped serve with medical skills he possesses.

I just want to say congratulations to you, and thank you for that. I think that film could well have been written about either of you. You felt a calling to respond to the less fortunate and have done so. I believe something good is going to come out of that.

Thank you, Mr. President.

TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 281, S. 1606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title XI United States Code, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1888

(Purpose: To extend for 9 additional months the period for which chapter 12 of title XI, United States Code, is reenacted)

Mr. SESSIONS. Mr. President, Senator GRASSLEY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. GRASSLEY, proposes an amendment numbered 1888.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: "To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.".

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1888) was agreed to.

The bill (S. 1606), as amended, was passed, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. Res. 180 be discharged from the Rules Committee and, further that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) reauthorizing the John Heinz Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The resolution is as follows:

S. RES. 180

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking sections 2 through 6 and inserting the following:

"SEC. 2. FINDINGS.

"The Senate makes the following findings:

"(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

"(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

"(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of Congress in order to advance the development of public policy in issues that affect senior citizens.

"SEC. 3. FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

"(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the Secretary of the Senate, is authorized to select Senate fellowship participants.

"(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

"(1) publicize the availability of the fellowship program;

"(2) develop and administer an application process for Senate fellowships;

"(3) conduct a screening of applicants for the fellowship program; and

"(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.

"SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

"(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this resolution for a period determined by the Secretary.

"(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this resolution shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate.

"(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

"SEC. 5. FUNDS.

"The funds necessary to compensate eligible participants under this resolution for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, $71,000. There are authorized to be appropriated $71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this resolution.".

REREFERRAL OF S. 1515

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 1515 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZING THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193 introduced earlier today by Senator DODD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) to reauthorize the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today I am introducing a Senate resolution to reauthorize the Jacob K. Javits Senate Fellowship Program. This program was created in 1985 to honor the life work of our former colleague, Senator Jacob K. Javits, who served the people of New York with distinction and legislative acumen for many years. The Senate expanded this program and reauthorized it for 5 years in 1988 and reauthorized the program again in 1993 for another 5 years. The resolution I am introducing today will reauthorize this outstanding program for another 5 years through September 30, 2004.

The Javits Fellowship Program authorizes up to 10 fellowship participants each year to be placed by the Secretary of the Senate, in consultation with the Majority Leader and Minority Leader, in positions in the Senate. To the extent practical, such positions should be supportive of the fellowship participants' academic programs. My office has been the beneficiary of this program and found the Javits fellows to be talented, energetic, and of great assistance to the work of the Senate.

I thank my colleague, the chairman of the Rules Committee, Senator MCCONNELL, for his assistance in moving this resolution. I urge its adoption.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be considered and agreed to, en bloc, the motion to reconsider be laid upon the table without any intervening action, and that any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Resolution".

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the "program") is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the "Foundation") shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the "Secretary") is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

EXTENDING THE ENERGY POLICY AND CONSERVATION ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2981, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2981) was read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations to the Executive Calendar: 169, 229, 230, and 234.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel James III, 8248.

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Thomas J. Fiscus, 5444.

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bernard J. Pieczynski, 7222.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, OCTOBER 1, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, October 1. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9 a.m. tomorrow and immediately begin 30 minutes of debate on the Collins amendment regarding diabetes. At the expiration of that debate, the Senate will proceed to a vote on the amendment. Therefore, Senators may expect the first vote at approximately 9:30 a.m. Further consideration of the Labor-HHS bill is expected during tomorrow's session of the Senate, to be followed by a period of morning business.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Friday, October 1, 1999, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1999:

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL JAMES, III, 8248.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037.

To be major general

BRIG. GEN. THOMAS J. FISCUS, 5444.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BERNARD J. PIECZYNSKI, 7222.

HOUSE OF REPRESENTATIVES—*Thursday, September 30, 1999*

The House met at 10 a.m.

The Reverend Darrell Darling, United Methodist Church, Santa Cruz, California, offered the following prayer:

I offer this prayer in the Spirit of God, that spirit which was in our son, brother and colleague, Adam.

Gracious God, Father Creator, Mother Sustainer, as my universe grows infinitely larger, may my loyalty to beloved friends grow dearer. As the world becomes exponentially complex, may my passion for the truth fathom its extremities. As the pursuit of peace grows costly and elusive, steel my resolve.

Temper my candor with kindness, my directness with humor. Guard me from the temptation to substitute personal devotion for the simple truth and save me from sacrificing the life or character of one friend or foe for abstract principle or selfish ambition. Make me at home with prime ministers and farm workers alike in order that power may be less arrogant and the humble may know the power of their true worth.

May I take no notice of another's deliberate smallness, nor make one decision from fear, nor withhold my resources in stinginess. In defeat liberate me in expansive faithfulness, and in victory deliver me from devaluing large principles by personal meanness.

Let me spurn public accolades that I may be truly honorable. And, in the end, may I be swept away in the infinite, fierce tenderness of Your true love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GREEN of Wisconsin. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GREEN of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. FRANK) come forward and lead the House in the Pledge of Allegiance.

Mr. FRANK of Massachusetts led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced a bill of the following title in which concurrence of the House is requested:

S. 1051. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentleman from California (Mr. FARR), who wishes to introduce the guest Chaplain, and then the Chair will entertain 15 one minutes on each side.

WELCOMING REVEREND DARRELL DARLING, UNITED METHODIST CHURCH, SANTA CRUZ, CALIFORNIA

Mr. FARR of California. Mr. Speaker, I have known the Reverend Darling for many years. He is a friend, he is a counselor, he is a confidante. His family is not new to this Chamber. Reverend Darling and his wife, Karen, are the parents of Adam Darling, who we all know died in the ill-fated crash with Secretary Ron Brown on a mountain in Croatia.

Reverend Darling is a long-time resident of Santa Cruz, California. Known locally as Darrell Darling, he is a man known for his spirit, for pursuit of civil rights, peace, and justice.

In his ministry, Reverend Darling has taken seriously the admonition and invitation to feed the hungry, shelter the strange, forgive the enemy, and visit the prisoner. He is someone who lives what he preaches, and the community is made stronger for it.

Mr. Speaker, I am proud to host Reverend Darling. He brings with him today a message of peace, a message of tolerance, a message of hope. I commend him to my colleagues and hope that you will hear his words, read his words, and take them to heart.

EMPLOYER LIABILITY IN HEALTH CARE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Congress will soon consider the issue of employer liability in the concern with healthcare. As a small business owner myself with 200 employees, the decision is simple. If faced with the slimmest possibility of being sued for voluntarily providing health care to my employees, I will stop providing such benefits and give them the cash equivalent.

I will not be alone. Recently a poll of small business owners found that 57 percent of small businesses would drop health care coverage for employees if employer liability was increased. This potentially could lead to the end of employer-based health care and leave tens of millions of people without health care coverage.

H.R. 2926, the CARE Act, would ensure patients' rights without exposing employers to lawsuits for voluntarily providing health care and benefits to their employees. The CARE Act also allows small employers to band together to provide health care benefits for their employees by pooling their purchasing power in a new association health plan. This provision would create affordable access to health care for millions.

Let small business and employers continue to provide health care benefits to the American workforce. Vote for 2926.

A STARK CONTRAST BETWEEN RHETORIC AND REALITY

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, the House has turned the Edmond Morris Ronald Reagan biography controversy on its head. Mr. Morris has been criticized for claiming to be present when he was not.

The pattern here in the House is the opposite. Members are essentially claiming not to have been present

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

when they were. Indeed, they are trying to disclaim responsibility for things they themselves did.

Most frequently that has happened with the 1997 Budget Act, which cut Medicare and imposed unrealistic caps, and which a lot of Members are now acting as if they stumbled across this somewhere in a room and have no idea how it got here.

But now we have a new version of this, the Republican pledge that we will not spend any of the Social Security surplus, which they vigorously express while they are simultaneously bringing out appropriations bills which spend the Social Security surplus. That reached a new height the other day when we passed a resolution which was a memorandum from the House to the House pledging not to do what we were in fact in the process of doing.

Claiming that we will never spend the Social Security surplus this year, while we are, according to the Congressional Budget Office in fact doing exactly that, is about the starkest contrast between rhetoric and reality in recent times.

AMERICA'S CHOICE ON SOCIAL SECURITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the American public and the American people deserve to hear the truth about who will better protect Social Security and America's future. Under the Democratic-controlled Congress, Congress raided the Social Security trust fund in every year, in every budget, for nearly three decades. Why? So they could pay for bigger, more wasteful government bureaucracy.

Now this Congress, for the first time, has a chance to stop this incredulous thief of big-government spending, the one who steals from the future of Social Security.

Since the Republicans have taken control of Congress, we have slowed the runaway government spending of our colleagues over here on the left and begun balancing the budget for the first time in nearly 40 years and will do this without dipping into Social Security surpluses.

The American public needs to tell the tax-and-spend Democrats and the President to quit raiding Social Security and work with the Republicans to better protect Social Security and America's future.

Americans have a clear choice, support a strong Republican principle of saving Social Security and securing America's future, or support the Democrat's expanding, expensive new government and their tax-and-spend bureaucracy.

Mr. Speaker, it is America's choice.

BE HONEST WITH THE AMERICAN PEOPLE REGARDING SOCIAL SECURITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Social Security is in trouble, and I am not going to blame either party. There is enough blame to go around on everybody. Congress has tried Gramm-Rudman, budget caps, lockboxes, and now some in Congress even want to create a zodiac ploy of a 13th month. Beam me up, Mr. Speaker.

Let us be honest. As long as Social Security money is there, available to be spent, it will be spent, by both parties. I say it is time for a constitutional amendment that says Social Security money can only be used for Social Security and Medicare. Let us be honest with the American people.

I yield back all the good intentions of Congress that have not worked and will not work about Social Security.

CBO STATES REPUBLICAN SPENDING PLAN WILL NOT USE PROJECTED SOCIAL SECURITY SURPLUS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, during August the ranking member on the Committee on the Budget tried to write a Republican budget, and he made certain assumptions that the Republicans are not going to do. He sent a letter to the Congressional Budget Office asking if we would spend the Social Security surplus under his Democrat-written Republican budget.

Well, of course the CBO wrote back that under that budget, the Social Security surplus would be spent. They cannot even write a Republican budget.

The budget that we sent to the CBO that we are actually going to pass in this House and send to the President was sent to the CBO yesterday, and here is the letter back to the Speaker, Mr. Speaker, that says, "CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000."

So, media, listen up. Why do you not get it right? At least comment on the plan that the Republicans are putting before the House and the Senate and the CBO numbers that reflect that plan.

□ 1015

THE EARNED INCOME TAX CREDIT FOR LOW- AND MODERATE-INCOME WORKING AMERICANS SHOULD NOT BE DELAYED

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, it appears that our Republican colleagues, the Republican Party leadership, have a real dilemma on their hands. After forcing through Congress a budget resolution that we already knew was simply unrealistic and that in order to implement it it would require disastrous reductions in programs for the needy and others, they are desperate to find some additional funds to finish the appropriations process so they can limp out of town.

Well, what to do when one needs to come up with a quick eight or nine billion dollars? According to the Republican leadership, the plan goes like this: Their plan is to find the money and pass the appropriations bills by delaying payment of the earned income tax credit to 20 million low- and moderate-income working American families. That is right. They want to delay payment of the earned income tax credit to 20 million low- and moderate-income working Americans. That means that the only Americans who would bear the burden of delaying the tax refunds are those whose earnings permit them a refund so they can afford to commute to work, for their jobs to keep clothes on the children and to feed their families.

Is there anyone who really believes that the most intelligent way to raise money to cover the shortfalls called for in the failed Republican budget is to make more money from low- to moderate-income taxpayers? I truly hope not.

LIBERAL BIG SPENDERS THREATEN SOCIAL SECURITY

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, let me see if I have this right. As a result of balancing the Federal budget for the first time in a generation, the Republican Congress has created a record-breaking budget surplus. President Clinton, who opposed spending restraints every step of the way, now takes credit for that surplus. At the same time, and apparently with a straight face, the President calls for billions and billions of dollars in new spending programs, threatens to veto legislation because it does not spend enough, and calls for tax increases on the American people to pay for yet more Washington spending. Joined by his liberal allies in the Congress, he intends to raid the Social Security trust fund yet once again.

Mr. Speaker, we have been entrusted by the American people to protect their Social Security program. Let us not allow President Clinton and his big spending friends to betray that trust. Let us hold the line on runaway spending. Let us protect the taxpayers. Let us ensure the solvency of our Social Security system. Stop the raid, Mr. President. Stop the raid.

AT LEAST ONE ABUSIVE TAX SHELTER COULD HAVE BEEN CUT INSTEAD OF THE EARNED INCOME TAX CREDIT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, of course the raid on Social Security is the one our Republican friends have already incurred through this year, but what I would like to focus on are the millions of Americans that are out there right now preparing our lunch at a fast food restaurant, caring for seniors at a nursing home or for our children at a child care center, a young police officer who is putting his or her life on the line, a young teacher trying to assure educational opportunity; all of these folks working at low-paid jobs, as they work, receive an earned income tax credit as an incentive to work, to contribute, to pay their taxes.

It is to this group of working American families that this Republican majority has turned at this very hour to finance their fiscal irresponsibility. They could have closed at least one abusive corporate tax shelter. They could have ended a tax loophole, but instead they turned to working Americans in what one executive at H&R Block says would "cause confusion and disrupt the personal lives of hard-working American families" by delaying their tax refund. This is wrong. This tactic must be rejected.

GREEN BAY, WISCONSIN: THE ALL-AMERICAN CITY

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, on a lighter topic, in my district last weekend we received formal recognition of what we from Green Bay have known for a long time, our area is one of the best places in America to live.

Thanks to the National Civic League and Allstate Insurance, who sponsored this wonderful program, Green Bay was named an All-American City. Our area does indeed represent the very best of grass-root citizen involvement, creative community effort, and collaborative problem solving the three key qualities embodied by this award.

I am proud to say that Green Bay is on the march, taking aggressive steps to meet its challenges in the most innovative ways we can. Those who live in Green Bay want to put the rest of the Nation on notice, there is another key quality of character we hold dear: The relentless pursuit of excellence. The All-American City award is not the end of a journey but merely another milepost in a longer journey to make sure that our area is the greatest place in the world to live, and we will not rest until we get there.

THE REPUBLICANS NEED TO GET THEIR HEADS OUT OF THE SAND

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, yesterday the Republicans launched a new ad campaign accusing the Democrats of dipping into the Social Security surplus.

In these ads, Republicans vowed to draw a line in the sand. It is time for the Republicans to get their heads out of the sand. Their own spending plan for next year takes $18 billion out of the Social Security surplus. Instead of running attack ads, it is time we start working together to pass a budget that addresses the needs of the American people.

The American people, working families, seniors, and children, are waiting for this Congress to stand up and do something. The truth will set us free. The truth will liberate us all. It is time for us all to put our cards on the table. It is time for the Republicans to tell the truth. Speak the truth to the American people. That is what the American people deserve. That is what they need and that is what they want.

WHERE IS THE OUTRAGE WHEN A DEMOCRATIC MAYOR HONORS COMMUNIST RULE IN THE PEOPLE'S REPUBLIC OF CHINA?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, 223 years ago, the Declaration of Independence was signed in Philadelphia, but just 5 days ago there was a different sort of revolt on the steps of Philadelphia's city hall. A crowd of citizens gathered there to protest a far more pernicious kind of tyranny than that which confronted the Founders themselves. It seems that the city's mayor, Ed Rendell, convened a, quote, celebration to honor and commemorate 50 years of Communist rule in the People's Republic of China; that, according to the Philadelphia Enquirer.

Now, Mayor Rendell is a Democrat; in fact, he is a prominent one. Do we think other Democrats denounced Rendell's celebration of Communist rule? Did they reprimand him for praising the very regime which today points 13 nuclear missiles at his country? Did they cry out about the communist destruction of human dignity and human rights? No.

Last week, Democrats made Rendell chairman of their party, head of the Democratic National Committee.

I am not making this up, Mr. Speaker.

What is next? Will Chairman Rendell print his party's platform in little red books?

REPUBLICANS CANNOT HAVE IT ALL

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, crafting a responsible budget is about choices. It is about priorities. We Democrats want to use the surplus to save Social Security and Medicare, pay down the debt, and educate our kids; but Republicans want to use the surplus to fund their risky $800 billion tax giveaway.

Now we Democrats stand by our priorities because we know that they are the priorities of the American people, but Republicans cannot seem to figure out what they stand for. One minute they are for a huge tax cut for the wealthy. Then they claim their number one priority is saving Social Security. Then they are the party of education. Then it is paying down the debt. Republicans have yet to accept the responsibility of leadership because they cannot have it all.

Right now, their own Congressional Budget Office says their plan breaks the spending caps. It busts the budget. If we are going to save Social Security and Medicare and pay down our debt, then they cannot have an $800 billion tax giveaway. Democrats know that. The President knows that, and the American people know that.

Apparently, with one day left in the fiscal year, Republicans have their heads buried in the sand and their priorities all mixed up.

WOMEN AND CHILDREN'S RESOURCES ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, according to the Alan Guttmacher Institute, the

Planned Parenthood research arm, over 10,000 women in the United States begin to deal with an unplanned pregnancy every day.

Mr. Speaker, thousands of small crisis pregnancy centers, maternity homes and adoption services are available to these women in crisis, but often women do not know that they have such choices. That is why the Women and Children's Resources Act, a bill that the gentlewoman from California (Mrs. BONO) and I introduced last week, is so important.

The Women and Children's Resources Act would provide a fee-for-service program for providing services to women like pregnancy tests, maternity home stays, baby clothes, prenatal and postpartum health care, even adoption services and referrals for vocational training and health care.

This solution-based bill builds a bridge between pro-life and pro-choice to offer compassionate solutions to women on common ground. If today's women need choices, we must offer them real choices. Many women would choose not to have an abortion if only they knew that other options were available to them. I urge my colleagues to make this a reality. Support and cosponsor the Women and Children's Resources Act.

IT IS TIME TO GROW UP, SIT DOWN, AND COME UP WITH A BUDGET

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, for days I have stood here on the floor also sitting and watching on C-SPAN my Republican colleagues attack the President's budget and attack Democrats for spending Social Security dollars, and I knew they were playing fast and loose with their own spending plans.

First, they declare the census to be an emergency so it does not come under the budget. Then they pass a tax cut bill that they promised but they cannot deliver on over the next 10 years. Then they float the idea that, well, we cannot do it so let us add a 13th month; some of the most ludicrous things we have ever heard. Now they finally are finding out that what they have been saying and the height of cynicism for our government is that they are spending the Social Security surplus, $18 billion. It is reported in today's Washington Post and we can see it here but I am sure it will be in all of our local newspapers. It is just in the national media and our local media, $18 billion in Social Security trust funds they are going to use. Yet they have been accusing the President and the Democrats of doing it.

Why do my colleagues not grow up, and we will sit down and work this out between us instead of trying to make hype out of it? Why do we not just pass a bill that will take the trust funds out of the unified Federal budget?

THE PRESIDENT'S MESSAGE: TOBACCO BAD, MARIJUANA GOOD

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, Washington is nothing if not a city of contradictions. Within one week, we have seen the Department of Justice launch a multibillion dollar lawsuit against tobacco, and then 2 days ago we saw the President veto the D.C. appropriations spending bill because it contained a provision which would stop the District of Columbia from legalizing marijuana.

What is the President's message? Tobacco bad, marijuana good.

Mr. Speaker, recently this House passed a provision in the D.C. appropriations bill that reminded the District of Columbia that it remains part of the Union, part of America, subject to our laws and subject to our Constitution, prohibiting them from taking steps to legalize mind-altering controlled substances.

While the President will not hold the line on this and encourages the use of marijuana in the District of Columbia, we must in this body hold the line and prohibit D.C. from legalizing controlled substances.

IMPLEMENTATION OF THE EARNED INCOME TAX CREDIT SHOULD NOT BE DELAYED

Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I was stunned by this headline in the New York Times today. It said that the Republicans plan to delay the earned income tax credit for the working poor. This program, Ronald Reagan said, was absolutely the best one ever devised to help the working poor, and the answer here today is that we are going to delay its implementation.

n this institution we would never dream of delaying an income tax refund to the wealthiest Americans. We would never dream of delaying oil incentives or mining incentives; or, heaven forbid, we would never dream of cutting back on the ethanol subsidy. But the answer today is that we should delay granting the working poor the earned income tax credit to get past this budget impasse that we currently see.

It makes no sense to harm the working poor with this issue. We should be coming to their assistance. If one works, one should not be poor. This idea makes no sense whatsoever, and it is being used as a gimmick to get around this budget impasse. We should proceed with granting the working poor this opportunity.

UNBORN VICTIMS OF VIOLENCE ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today this House will consider a bill that will be critical to families and particularly to the women of our country. H.R. 2436, the Unborn Victims of Violence Act, will recognize an unborn child who is injured or killed while in the mother's womb as a victim of a Federal crime.

Already, 24 States in our Nation have implemented laws that explicitly recognize injured, unborn children as victims of criminal acts.

☐ 1030

Under this bill, the penalty for the harm committed against an unborn baby would be the same as the penalty for the harm committed against the mother.

As responsible legislators, we must ensure that criminals be held accountable for their violent crimes that result in death or injury. This should apply regardless of who the victim is, whether it be the mother or the unborn child.

I hope that today our colleagues will honor the many women who have lost babies due to a crime. I hope that they will acknowledge the suffering that these women have endured because of senseless crimes and remember that they will never receive justice unless this legislation is not enacted.

This afternoon, I hope that our colleagues vote "yes" on the Unborn Victims of Violence Act.

REPUBLICANS WANT TO ELIMINATE THE EARNED INCOME TAX REFUND

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the August work recess, when I visited with constituents in my district in Houston, Texas, a city that I might say is doing considerably well and individuals are quite pleased with the state of the economy, but when I discuss with them the $792 billion tax cut, they were in complete horror at the thought that we would misuse the people's money for a tax cut for golf courses and various other extracurricular-type programs.

But what is more horrific is the fact that I also met with working families with young children, many of whom receive the earned income tax credit, something that has been vital to thousands of families in my district, and to realize that, when I came back after this work recess, that I would be facing the Republicans slowing down or eliminating the earned income tax refund to working families. In fact, one of their very own said, "I have a real problem with delaying payments to poor people."

Mr. Speaker, this is an outrage. This is something that should not happen.

CBO SAYS SPENDING PLAN WILL NOT USE SOCIAL SECURITY SURPLUS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I am going to depart from my prepared remarks to try and set the record straight. We had a number of representatives from the other side of the aisle who have gotten up to say that our Republican spending plan would spend Social Security money. They have even shown newspaper articles to bolster their contention. The newspaper articles are wrong. They are wrong.

Let me read again from a letter from the Congressional Budget Office dated September 30, that is today, to the Speaker.

"Dear Mr. Speaker: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion." That is the Republican spending plan. "CBO estimates that this spending plan will not use any of the projected Social Security surplus in the year 2000."

Being a teacher, I know that repetition is the soul of learning, so let me say it again to my colleagues on the other side of the aisle: "CBO estimates that this spending plan will not use any of the projected Social Security surplus in the fiscal year 2000." Do my colleagues get it?

MEANING OF MINIMUM WAGE STATE FLEXIBILITY

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, let us talk about the meaning of minimum wage State flexibility.

State flexibility means admitting that we in Washington do not always know what is best. It means trusting our local leaders to govern their own citizens and protect their own workers.

State flexibility means giving our local leaders the freedom to make wage policies that are specifically tailored to help those individuals find jobs who are still struggling on welfare.

State flexibility means giving our State officials the tools they need to meet their welfare-to-work goals so they can continue to receive Federal funds that help them train the most disadvantaged citizens in our community.

State flexibility means creating laws that protect the wages of a waiter in Hollywood, California, and also create new employment opportunities for a cashier in Union, South Carolina.

I urge my colleagues to support State flexibility so that we can continue to secure the future for all Americans by returning dollars, decisions, and freedoms back home.

REMEMBER THE FACTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it was with great interest that I listened to the wailing and gnashing of teeth from my friends on the left this morning.

I thought it might be important to offer a few historical notes to put this House in perspective and to help the American people in the process.

Mr. Speaker, one of the reasons I left private life to run for public office is because a previous liberal majority in this House, with the complicity of the President of the United States, raided 100 percent of the Social Security surplus for the upcoming fiscal year, even as they gave us the largest tax increase in American history and drove us still further into debt.

Now, Mr. Speaker, I welcome this new-found accountability for fiscal responsibility; and to that extent, I welcome my friends from the left.

But when it comes to false letters based on false assumptions sent to produce false newspaper articles, there I must draw the line. Mr. Speaker, because the left has told us what? Medicare was going to go away. School lunches were going to go away. None of that happened. Remember the facts.

STOP THE RAID ON SOCIAL SECURITY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, stop the raid. Stop the raid on Social Security. That is our simple message, and that is what Republicans are now fighting with Democrats over as we finalize our work on the national budget.

Since 1967, Democrats have been using the Social Security Trust Fund as a slush fund, but now Republicans want to put an end to this bizarre practice. Many seniors I talk to in my congressional district tell me that the Federal Government has been doing this for all these years, and it is wrong.

Why has it been done? It has been done simply because liberal Democratic politicians in Washington were able to get away with it. For 40 years, Democrats controlled this body, and they never put one thin dime of the Social Security Trust Fund aside.

Republicans now, with a slim majority, have been able to convince the President of the United States of the virtue and the goodness of the Social Security lockbox provisions which will put an end to this raid on the Social Security Trust Fund. Let us stop the raid. Let us pass our Republican budget.

END SLAVERY IN SUDAN

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, the reprehensible practice of slavery in Sudan entered American homes on Sunday evening. Touched By An Angel, a television series, performed an important service by broadcasting the ugly reality of slavery in that country to millions of Americans.

Slavery is just one ugly aspect of the rule of Sudan's National Islamic Front Regime, which overthrew a democratically elected government. This regime has given support to international terrorists like Osama Bin Laden, who masterminded the cowardly bombing of our embassies in Tanzania and Kenya. The countries bordering Sudan are also under attack from Sudan-supported terrorists.

Many of my colleagues have committed themselves to spotlighting slavery and religious persecution in Sudan. This Congress has passed a resolution condemning the genocide in Sudan. We need to do more. It is important that the U.S. and its allies keep up the pressure on this repressive and dangerous regime.

REAPPOINTMENT AS MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, and pursuant to section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, and upon the recommendation of the Minority Leader, the Chair announces the Speaker's reappointment of the following Member on the part of the House to the Social Security Advisory Board for a 6-year term:

Ms. Martha Keys of Virginia.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2910, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 312 is an open rule, and I am proud to be part of the Committee on Rules under the leadership of the gentleman from California (Chairman DREIER) who is pursuing and succeeding in a policy of bringing forward an almost unprecedented percentage of open rules.

□ 1045

This one provides for the consideration of H.R. 2910, the National Transportation Safety Board, NTSB, Amendments Act of 1999. The purpose of the legislation is to reauthorize the NTSB for fiscal years 2000, 2001 and 2002.

House Resolution 312 provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendment printed in the Committee on Rules report accompanying the resolution. The bill will be open for amendment by section.

Further, the Chair is authorized to grant priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, if otherwise consistent with House rules.

In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question, if a vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the NTSB, which was last authorized in 1996, is an independent agency that is charged with determining the probable causes of transportation accidents and with promoting transportation safety.

Many of my distinguished colleagues will recall the NTSB's involvement in the investigation of the tragic ValuJet crash in the Everglades and the TWA Flight 800 tragedy.

And in addition to investigating aviation, marine and major highway accidents, the NTSB conducts safety studies, evaluates the effectiveness of other government agencies' programs for prevention of transportation accidents, and coordinates all Federal assistance for families of victims of catastrophic accidents. It is truly an important, a fundamental, and indispensable Federal agency.

So, Mr. Speaker, this Resolution 312, this rule, is a fair rule. It is a completely open rule and permits any Member of the body to bring forth any germane amendment, and I certainly would urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, I support the rule and the underlying bill, H.R. 2910, the National Transportation Safety Board Amendments Act of 1999.

This is an open rule, providing for 1 hour of debate equally divided between the chair and ranking minority member of the Committee on Transportation and Infrastructure. We thank the members of the committee who bring this bill before us this morning for their very important work.

The bill authorizes the National Transportation Safety Board at slightly increased levels for the next three fiscal years, increases which are necessary for the NTSB to continue its important work.

This is a Nation on the move. Whether in the skies, on the ground, or across our waterways, the lifeblood of our economy pulses through our transportation system. That same system helps people bridge the miles which separate friends and family.

But, tragically, accidents which claim lives and threaten public safety are a part of that equation. The NTSB has, since 1974, worked diligently to analyze and investigate the causes of such tragedies, and that knowledge which has been gained and applied has helped us to make travel for business and for pleasure more safe.

When the question is public safety, there is no room for complacency, which is why this bill is so important. This bill was forwarded to the House by a voice vote, and no opposition to its consideration has been noticed on either side of the aisle. Therefore, I am pleased to support the rule and the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIAZ-BALART. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote, followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 460]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Chenoweth
Cubin
Danner
Engel
Hooley
Houghton
Jefferson
McKeon
Meeks (NY)
Scarborough
Weldon (PA)
Wu

□ 1114

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VITTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 52, answered "present" 1, not voting 18, as follows:

[Roll No. 461]

YEAS—362

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf

Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—52

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Capuano
Clay
Costello
Crane
Dickey
English
Fattah
Filner
Ford
Gibbons
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Hoyer
Johnson, E. B.
Klink
Kucinich
LoBiondo
McDermott
McNulty
Miller, George
Moore
Moran (KS)
Oberstar
Peterson (MN)
Pickett
Ramstad
Sabo
Sawyer
Schaffer
Stark
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—18

Becerra
Bonior
Chenoweth
Collins
Cubin
Danner
DeFazio
DeLay
Gephardt
Hooley
Houghton
Jefferson
McKeon
Meeks (NY)
Paul
Scarborough
Weldon (PA)
Wu

□ 1122

So the Journal was approved.

The result of the vote was announced as above recorded.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2910.

□ 1123

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

This bill before us today reauthorizes the National Transportation Safety Board, the NTSB, for 3 years. The House needs to move forward with this legislation because the Board's authorization expires at the end of this fiscal year.

We are all familiar with the work of the Safety Board. It investigates all aviation accidents as well as accidents in other modes of transportation. The problems it uncovers and the recommendations it makes often lead to changes that make travel safer for us all.

The bill before the House now would increase the authorized funding levels for the Safety Board. Currently, the agency is receiving $54 million per year. This bill would increase that amount to $57 million in fiscal year 2000, $65 million in 2001, and $72 million in 2002. These are substantial increases in the second and third years, but the funding levels in these last 2 years are much less than the Board had sought. They seem to be necessary to provide the Board with the employees and the training to keep up with rapidly changing technology.

Also, as the agency's budget increases, it is becoming more important that it be subject to the proper level of oversight. Therefore, for the first time this bill will give the Inspector General the authority to review the business and financial management of the NTSB. With this provision, we do not mean to imply that there is anything improper going on. We are merely treating the NTSB the same as other agencies which are subject to Inspector General review.

There are several other provisions in this bill worth noting. The first makes clear that the NTSB's jurisdiction over accidents on the navigable waters and territorial sea of the United States extends 12 miles from the coast. This is consistent with Presidential Proclamation 5928 and with the Coast Guard's jurisdiction.

The second change authorizes the NTSB to enter into agreements with foreign governments for the provision of technical assistance and to be reimbursed for those services which the NTSB provides. The NTSB requested that this be clarified.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investigation. These employees sometimes are called unexpectedly to work in difficult conditions during nights and weekends. This provision would fairly compensate them for that. Employees in the private sector usually receive time-and-a-half when they work overtime. However, I know that overtime provisions have been abused at other agencies. Therefore, the overtime provision in this bill is subject to two limitations to ensure that such abuse does not occur at the Safety Board, and it should be done in other agencies. These limitations are that an employee cannot get more than 15 percent of his base yearly salary in any year, and the NTSB cannot pay more than $570,000, or 1 percent of their authorized amount, per year total under this section. Moreover, overtime pay would be subject to an annual reporting requirement to ensure the committee's continued oversight of this issue. The NTSB had requested even more authority in the personnel area but indicated that it was the overtime issue addressed here that it is most interested in.

Another important provision, Mr. Chairman, in this bill is the section that ensures confidentiality of video recorders on aircraft and of voice and video recorders on surface vehicles. The NTSB requested this change in case these new technologies are installed in the future. We take no position on whether these recorders should be installed. We merely want to make sure that if recorders are installed, the information on them is used only for safety purposes and not generally released for sensational purposes or to invade the privacy of the operators.

The bill once again makes clear that the NTSB safety investigation takes priority over other investigations of the same accident. However, there is a carefully negotiated procedure in the bill for the NTSB to turn over its investigation to the FBI when the FBI notifies the Board that the accident may have been caused by a criminal act.

Finally, the bill directs the FAA to install a terminal Doppler weather radar at the former Coast Guard station in Brooklyn, New York. The FAA has already decided that this is needed for the safety of all air travelers but we want to make sure that nothing else holds this up. The need for this provision arose out of our hearing on aviation and weather accidents in July.

□ 1130

There it was revealed that the Park Service was objecting to the nto the next century. I urge the House to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 is a bipartisan bill that reauthorizes the NTSB for 3 years so it can continue to play a critical role in ensuring the safety of our Nation's transportation system.

The NTSB is an independent agency that investigates transportation accidents and promotes safety for transportation. It investigates accidents in all of transportation's various modes: Aviation, highway, transit, maritime, railroad, and pipeline and hazardous material transportation and makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more than 7,000 accidents and issued 57 major reports. The board has also issued more than 1100 safety recommendations. These recommendations, many of which have been adopted, have greatly increased the safety of each mode of transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the National Transportation Safety Board has the resources necessary to handle increasingly complex incident investigations. H.R. 2910 ensures that by increasing the National Transportation Safety Board's funding steadily and sensibly over the next 3 years, $57 million in fiscal year 2000, 65 million in fiscal year 2001, and 72 million in fiscal year 2002. This funding will be used to permit the NTSB to hire more technical experts as well as to provide better training for its current work force. Dramatic changes in technology demand such an investment.

The bill also addresses the issues of coordination among investigative agencies. As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, State, and Federal investigators, agencies on the scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination among these various investigative agencies is extremely important.

This bill reaffirms the National Transportation Safety Board's priority over an accident scene unless the attorney general, in consultation with the NTSB chairman, determines that the accident may have been caused by a criminal act. In that case the National Transportation Safety Board would relinquish its primary investigative authority over the scene.

I strongly support H.R. 2910, and I urge my colleagues to vote in favor of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I have no other speakers at this time, so I simply reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the National Transportation Safety Board is the Nation's premier safety agency. Our highways are safer, our airways are safer, our railroads are safer, our maritime commerce is safer because of the work of the National Transportation Safety Board year in and year out, going back as far as 1926 when the Air Commerce Act vested in the Department of Commerce the authority to investigate aircraft accidents, an initiative, I might add, spearheaded by a leader in government who later was known or best known for other things that happened in the country. Herbert Hoover, as an Assistant Secretary of Commerce, championed aviation but also realized that if we did not act as a government to set national standards to make aviation safe and reliable, that there could not be commercial growth in this new mode of transportation. And he was the champion for aviation safety. The Nation owes him a debt of gratitude for that leadership.

Since those years and on to the creation of the Department of Transportation in 1966, the role of overseeing safety was lodged largely within the various modes of transportation. In 1966, Congress acted to create a Department of Transportation, and I was a member of the staff of the chairman, the Honorable John Blatnik, who was chairman of the Executive Branch Reorganization subcommittee that created the Department of Transportation and crafted an independent safety board but left it within the Department.

We realized 6 months after the Department had been created, that this was not going to work, that it would create the appearance of the Department and its several modal administrations investigating themselves. So we separated out from the Department of Transportation the Safety Board, created a National Transportation Safety Board, and in 1974 further strengthened that board, giving it greater independence.

The true significance of this board is that its investigations are independent. They are conducted by a staff of highly-trained, skilled, gifted, talented, hard-working professionals. The findings and the conclusions of the board stand above reapproach. Their recommendations to the modal administrations are normative, not burdened by cost-benefit analysis. Their obligation is simply to recommend as improvements in safety what the board in its judgment, in the judgment of its professional staff and its board members, believe to be in the highest best interests of safety. It is then up to the rulemaking process of the modal administration to sort out the costs and the benefits, and that is why the board stands in such high regard throughout all modes of transportation within the United States, with the traveling public and with other countries.

Since its establishment in 1966, the board has investigated over 100,000 aviation accidents and 10,000 surface transportation accidents and hundreds more railroad and maritime issues. The work of this board deserves the support that we give it in this legislation with additional funding, with increased staffing, with authority to pay overtime, with support in the legislation to strengthen the agreement between NTSB and the Inspector General of the Department of Transportation. Yes, even the NTSB needs oversight of its financial management and business operations and long ago concluded an agreement with the I.G. to undertake such activity. The authority we provide in this legislation will ensure that the money we invest in the board is well spent and that potential for fraud and abuse is reduced or eliminated.

Mr. Chairman, there are a number of other items that I would like to address, and in order to save time I ask unanimous consent to revise and extend. I would like to concentrate on just one issue and that is Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. The Coast Guard had just inspected the vessel, had ordered the owner to install bilge alarms, but it failed to ensure that the vessel owner had indeed complied with the Coast Guard order. Despite this apparent conflict of interest, the Coast Guard led the investigation of that accident. Under no circumstances should the Coast Guard or any Federal Government agency unilaterally decide when it has a conflict of interest and when it should investigate its own decision and its own actions. We do not allow this in aviation; we do not allow it in any other mode of transportation; and we should not allow it here.

I am concerned about the process of the Coast Guard in conducting accident investigations. The NTSB has told us that when the Coast Guard convenes a formal board of investigation, it is very difficult for the board to obtain information that the board can verify as accurate. The open nature of the formal Coast Guard board can also affect witness testimony or recollection of events because such proceedings allow witnesses to hear each others' testimony.

After discussing these concerns with Admiral Loy, the Commandant of the U.S. Coast Guard, we reached an understanding these issues could be addressed administratively without specific legislative change. Language included in the committee report to accompany H.R. 2910 is intended to provide guidance for both the Coast Guard and the NTSB to address these concerns. In short, we mean for them to get together and resolve the issue of primacy in an investigation and timing. If that issue is not resolved between the two, I assure both parties this committee will come back and address it legislatively.

All in all this is an excellent piece of legislation, it moves the cause of safety significantly ahead; it strengthens the role of the NTSB. I commend the gentleman from Tennessee (Mr. DUNCAN) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Illinois (Mr. LIPINSKI) for the diligent effort that he has invested in the formulation of the legislation.

Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 reauthorizes the NTSB for three years so it can continue to play a critical role in ensuring the safety of the United States transportation system.

This agency's roots stem as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress reestablished the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American travelling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued 57 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, to measures to prevent runway incursions, to countermeasures against operator fatigue in all modes of transportation. In addition, the NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents.

Despite a small workforce of approximately 370 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations in foreign countries. The demand upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization. In addition, according to a preliminary analysis by the RAND Corporation, new technological advances in all modes of transportation—from glass cockpits in aviation to sophisticated electronic alerting devices in the railroad industry—will require more extensive training for NTSB investigators.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. H.R. 2910 ensures that by increasing NTSB's funding steadily and sensibly over the next three years: $57 million in FY 2000; $65 million in FY 2001; and $72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce. Dramatic changes in technology demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. H.R. 2910 vests the DOT's Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, H.R. 2910 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida everglades or the chilly waters off the Atlantic ocean—side-by-side with other federal agency investigators—many of whom are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause—but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. H.R. 2910 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene—but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

One issue of concern to me is the NTSB's ability to investigate major marine casualties. Currently, both the NTSB and the Coast Guard have joint authority to conduct investigations of major marine casualties. I have two concerns about the current process. First, under the existing regulations and the Memorandum of Understanding, the Coast Guard must agree to allow the NTSB to have the lead in casualties that involve significant safety issues relating to Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. Although the Coast Guard had just inspected the vessel and ordered the owner to install bilge alarms, it failed to ensure that the vessel owner complied with its order. Despite this apparent conflict of interest, the Coast Guard led the investigation. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow this in aviation or any other transportation safety investigation and should not allow it here.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. According to the NTSB, once the Coast Guard convenes a formal board of investigation, it is very difficult to obtain information that you can be sure is accurate. The open nature of the formal board can affect witness testimony or recollection of events because such proceedings allow for witnesses to hear each other's testimony.

After discussing these concerns with Admiral Loy, the Commandant of the Coast Guard, it was agreed that both of these issues could be addressed administratively without a specific legislative change. Language included in the Committee Report to H.R. 2910 is intended to provide guidance to both Coast Guard and the NTSB to address these concerns.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American travelling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman SHUSTER, Chairman DUNCAN and Ranking Member LIPINSKI for their efforts.

Mr. LIPINSKI. Mr. Chairman I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman for listening to the concerns that I have with respect to a series of incidences that have occurred actually in my district.

First of all, I want to associate myself with the supporters of this legislation. As I listened to the remarks of the gentleman from Minnesota (Mr. OBERSTAR), I am reminded of when the tragedies of any kind of transportation incident or accident occurs, you sort of look to the NTSB, the board, to come in like the Red Cross or those angels of assistance to clarify what happened and particularly if there is loss of life, and we always hear the news as they come in and there is a sigh of relief from the respective communities because, as my colleagues know, this group of experts will be assisting in determining the true facts of what occurred.

I would almost hope that I did not have to rise today, Mr. Chairman, but it has been enormously difficult for my community. I represent an urban community with a number of interstate routes that go throughout it, and particularly in my minority community.

I was to offer, or was intending to offer, an amendment today that would have asked that we look at or should include the National Transportation Safety Board's recommendation that I understand they had offered regarding recording devices in trucks.

□ 1145

That kind of device, similar to a black box in airplanes, could provide a tamper-proof mechanism that could be used or can be used for accident investigation and to enforce the hours of service regulation.

Mr. Chairman, I would like to speak to the issue of the accident aspect of that technology and would hope that maybe if it is not today, since I hope to be working with the members of this committee, that maybe we can look at the motor carrier bill and be able to include language on this particular issue.

Mr. Chairman, let me share with you a headline. "Jurors left in tears at wreck trial. Widow describes freeway horror," in my district. "In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp."

Mr. Chairman, it was a family made in heaven, if you will. Having picked up her husband from the airport, probably hearing the discussions of his travel, happily going home, and a truck turns a curve on an interstate freeway, falls over, the woman is expelled from the truck, and she has to watch her three young babies and her husband burn to death.

"Trucks-cars prove to be a deadly mix on freeways." Another one that happened on Interstate 45. A tanker truck veered into oncoming traffic and drivers across the city shuddered as a tragedy resulted in that accident as well.

I have had about 10 of these back to back during the summer. "Tanker rig flips, trucker perishes in fiery crash." This was an overpass that, in addition to the tragic loss of the trucker, as a witness said, "All I saw was the cab of the truck bounce and the whole thing rolled over." An eyewitness said the truck flipped and then burst into flames almost instantly. It is not only the terrible loss of the trucker's life, but the shutdown of that freeway for many, many, many months, thereby denying access of transportation to many of my constituents and the citizens of Houston.

Tanker truck firm sued in crash that killed infant and father, whose 5 year old son died in collision. It talks about the negligence. The collision killed 9-month-old Lisa Patrice Pete and half brother Jerry Andrew Morino.

I can only say, Mr. Chairman, that I think as we all acknowledge the importance of the National Transportation Safety Board and the importance, if you will, of its work in these amendments, I would hope that we also will look to some of the recommendations that they have made with respect to the technology of a recording device. It is important that we note whether or not in determining the accident as well, whether or not a trucker has been driving too long, whether or not there has been any falsification of records. I am going off on other issues that may have an impact on tragic accidents like this.

But the one thing I can tell you is when these trucks go through crowded urban areas, when they are going through cities, and I realize they have deadlines and responsibilities, Mr. Chairman, I would simply say to you that we must look to the protection of those residents that live in that area.

I hope this language that I would have offered could be language that we could consider. I understand it was a recommendation by the board. I would inquire of the gentleman from Illinois (Mr. LIPINSKI) about the opportunity to work with him to protect our communities.

Mr. Chairman, I rise to discuss my proposed amendment to H.R. 2910. Nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife was the only survivor of the crash, testified in criminal proceedings against the driver last week stating "I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming, 'My life is over! All of my children are dead!'"

In Galveston, a 5-year-old boy (Jerry Moreno and his 9-month old sister, (Lisa) were killed in an accident when the vehicle driven by their father was struck by an oncoming truck.

These are only a few examples of the thousand of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

My amendment/resolution would require that data recorders similar to the black boxes found on airliners be carried in trucks. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Mr. Chairman, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put pocket before safety? Ask your selves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have a good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Chairman, there is no good reason that we should not adhere the advice of the NTSB and require these recorders on the trucks that navigate our highways. Putting our pockets before safety is simply foolish when the technology exits today which could save the lives of the constituents we represent.

Mr. Chairman, let us vote today to put action behind our discussion.

[From the Houston Chronicle, March, 18, 1999]

TRUCKS, CARS, PROVE TO BE A DEADLY MIX ON FREEWAYS

Big truck, little cars, nowhere to go.

It happened again Tuesday when three people died on Interstate 45-North. A tanker truck veered into oncoming traffic and drivers across the city shuddered.

Some were upset because of the mix of trucks and cars on area roadways. Others were mad because the stretch of freeway where the accident happened is notorious for crashes.

The collision is the latest in a string of well-publicized accidents involving trucks, such as the Feb. 12 Gulf Freeway crash that killed four.

Large trucks drive less than 5 percent of the vehicle-miles on Harris County roadways, according to the Houston-Galveston Area Council.

At fault or not, they are involved in 9 percent of the fatal collisions, according to the Texas Department of Public Safety statistics for 1995–97.

By comparison, passenger cars drive 70 percent of local miles traveled but were involved in only 63 percent of fatal collisions.

Several experts said that every accident is unique in terms of who deserves the blame. Cars have many more accidents per mile driven than trucks, but trucks cause more deaths when they do crash, because of their size and weight.

While the crash victims Tuesday couldn't escape the out-of-control truck, the experts said one thing often found in car-truck accidents is lack of understanding by car drivers of how much space a truck needs.

"The commercial driver is a trained driver. The person in a passenger car may know how his car handles, but he has no idea how a truck handles," said Pasadena police Sgt. Loni Robinson, who runs the city's truck inspection program.

An 18-wheeler cannot see tailgating drivers. At 55 mph, a fully loaded truck needs the length of a football field to make an emergency stop—twice as long as a passenger car going the same speed.

In Houston, when a responsible truck driver tries to leave extra room in front of his rig, several cars likely will zip in front of him and close up the space.

Even the best trucker will be forced to give up and drive too closely to a vehicle ahead, said B.L. Manry, safety director at Palletized Trucking of Houston and a national board member of the American Trucking Association's Safety Management Council.

Manry stressed that he is not an industry apologist. "Let's face it, there's a lot of outlaws out there," he said.

[From the Houston Chronicle, Sept. 29, 1999]

Jurors Left in Tears at Wrecktrial/ Widow Describes Freeway Horror

(By Steve Brewer)

In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.

"I saw that there was a whole 18-wheeler on top of our car . . . I remember standing there and screaming 'My life is over! All of my children are dead!'" Lisa Groten told jurors.

By the time the window finished testifying, many in the packed courtroom were sobbing. Tears welled in the eyes of at least two jurors.

Hers was the first testimony in the trial of Jose Coronado Martinez, 35, who is charged with four counts of intoxicated manslaughter in the deaths of Kurt David Groten, 38, and his children, David, 6, Madeleine, 4, and 11-month-old Adam.

If convicted, Martinez, a native of El Salvador, could get four consecutive 20-year sentences.

Lisa Groten has just picked her husband up at Hobby Airport the night of June 29, and had brought their children along, clad in their pajamas.

"I remember thinking, 'It's a pretty night out and there's no need to hurry home. We'll put the kids to bed when we get home,'" she testified.

Kurt Groten had been in Austin on a business trip. Lisa, after a busy day of swimming lessons reading and playing with the children, put them in the family's Ford Expedition to pick him up because they all wanted to see him so badly.

The couple married in 1987 and their first two children were the result of vitro fertilization and artificial insemination. Adam was conceived naturally.

Prosecutor Warren Diepraam said in his opening remarks that Kurt Groten had offered to take a taxi home that night, but his wife and the kids decided to pick him up instead.

The children had eaten at their favorite restaurant and were ready for bed when their father got behind the wheel at Hobby. Things got quiet after talk of the trip died down and Lisa Groten said she was looking forward to a quiet evening.

As they headed up an entrance ramp to U.S. 59, Lisa Groten looked at her husband.

"He had both hands on the wheel and I was watching his face," she said, "We were talking and I saw something through the windshield and I didn't know what it was . . . I felt the impact. It was like a crushing impact. I believe Kurt cried out. I remember saying, 'Kurt, we need to pray.'"

The impact was Martinez's truck falling into their Ford Expedition. Testimony later showed Martinez has swerved into Groten's lane, then swerved back into his own, causing the rig's load of office supplies to shift and tipping it over.

Breath tests later showed that Martinez, who was not hurt, had a blood-alcohol level of 0.12 exceeding the then-legal limit of 0.10.

Lisa Groten remembers saying again and again that the family must pray. Because her section of the Expedition was not completely crushed, Houston police Sgt. John Norwood was able to help her get out.

But her husband was hopelessly pinned. Lisa said she looked at the back of the car, but couldn't see her children, only the crumpled roof.

As the vehicle started to catch fire, she went back to the vehicle to be with her injured husband. She held his hand while be begged Norwood and others to rescue his children.

"He just kept saying, 'Jesus, please take me to heaven. Jesus, please take me to heaven,'" Lisa Groten said.

She was finally pulled away as the flames, fueled by the office supplies, kicked up and the smoke got dense. She said she didn't want to leave because her place was with her husband.

"It was so surreal. It shouldn't happen to anybody," she said. "I just kept thinking my husband and all my children died, just so fast like that," she testified. "It was just beyond my comprehension. It still is."

Despite the efforts of the police, tow truck drivers, passers-by, firefighters, and paramedics, Kurt Groten and the children couldn't be extracted from the burning vehicle in time.

Diepraam told jurors that Kurt Groten had died of smoke inhalation.

Postal worker Walter Wilson, who saw the accident and stopped to help, wept as he told jurors of hearing the children's cries and Kurt Groten's pleas for help.

"He was telling me to get his kids out," Wilson said.

But an explosion of flames stopped all those efforts, he said, and the children were quiet after a few seconds.

Testimony continues today in state District Judge Ted Poe's court. In opening arguments, Martinez's attorney, Jon A. Jaworski, said the crash was just a tragic accident and that police botched the investigation.

[From the Houston Chronicle, Sept. 27, 1999]

Trial Begins for Driver in Fiery Crash/ Lawyer, 3 Children Died in 18-Wheeler Accident

(By Steve Brewer)

Jury selection starts today in the trial of an accused drunken driver whose 18-wheeler killed a Houston lawyer and his three small children on June 29 when it crushed their sport utility vehicle.

Testimony in the case of Jose Coronado Martinez, 35, could start by Tuesday in state District Judge Ted Poe's court. Prosecutors are seeking a maximum of 80 years in prison for the native of El Salvador.

Both sides are expected to give jurors vastly different views of the fiery crash that shattered a local family in what has shaped up to be a complex, high-profile case.

Defense attorney Jon A. Jaworski said he will prove the tragedy was an unfortunate accident, that police botched the investigation and that his client is a scapegoat in a political game of revenge to get even with truckers who are often involved in freeway accidents.

Prosecutor Warren Diepraam scoffed at that and said he's sure jurors will find Martinez guilty of the four charges of intoxicated manslaughter that he faces.

"Their case is still, 'I'm the victim and I didn't do anything wrong.' We'll give him a chance to put up or shut up," Diepraam said. "I think the evidence is going to show to a rational jury who the real person at fault is and who the real victim is. It ain't Jose Martinez."

Martinez's truck, which was carrying a load of office supplies, crushed the Ford Expedition carrying the Groten family on an entrance ramp to U.S. 59.

Killed were Kurt David Groten, 38, and his children, David, 5, Madeleine, 3, and Adam, 1.

Kurt Groten's wife, Lisa Kay Groten, 36, was the only survivor. Diepraam said she will testify in the trial.

Lisa Groten had picked her husband up at Hobby Airport, and the family was en route home on the Gulf Freeway when the fatal crash occurred.

Police said Martinez's truck and the Grotens' vehicle were side-by-side on the ramp.

Martinez was going too fast, lost control and his rig hit a guardrail, causing it to lift, police have said. As his tires came down, Martinez swerved and Kurt Groten honked at him.

But the swerve apparently caused Martinez's load to shift, making his truck tilt, all but crushing the Expedition, police said. Passers-by tried in vain to fight the ensuing blaze and pull the family from the burning wreckage.

Diepraam said Kurt Groten was yelling for them to save his children and that Martinez staggered from his truck and was arrested after an officer smelled alcohol on him.

Two breath tests conducted later showed that Martinez's blood-alcohol level was 0.11 and 0.12 percent. At the time, a driver was considered legally drunk in Texas at 0.10.

The law has since changed and the standard is now 0.08. But in this case, the old mark will be used.

Jaworski said the official version of events has been obscured and that his client has been unfairly demonized.

"I think this is basically a case where they want to make an example of truck drivers that are causing accidents," Jaworski said. "This accident could have happened to anyone, whether there was alcohol involved or not . . . Unfortunately, the Grotens were just in the wrong place at the wrong time."

Jaworski said his client was not speeding and that he was cut off by an unidentified driver who fled the scene. He said Martinez told that to a witness at the scene minutes after the accident.

Also, the machine used to conduct the breath tests was not working properly, Jaworski said, and police lied about Martinez's conduct after the crash.

Houston police also didn't follow proper procedure by not getting a blood sample from the defendant, said Jaworski, who acknowledged that his client had a "couple of beers" earlier that day.

Jaworski said Martinez tried to help the family, but was told to stay back by officers at the scene.

Martinez's truck and the trailer he was pulling was also in bad mechanical condition, Jaworski said. The trailer was loaded improperly and needed repair, and so did Martinez's rig.

Jaworski said he will rely on expert testimony to show the bad condition of the truck and he added that Martinez himself might even take the stand.

In addition to Groten's testimony and accounts from officers at the scene and others, Diepraam could also rely on expert testimony.

As for Jaworski's claims that the police lied or didn't follow proper procedure in the case, Diepraam said: "We'll have evidence to show that everything was working just fine, that there were no problems with the police investigation, the Intoxilyzer or the police officers, and that the only person who has a motive to lie is the defendant."

Diepraam also said he believes that any problems with the truck don't matter.

"If the truck was in perfect condition or wasn't working at all, he's the driver and he's responsible," Diepraam said. "That's what common sense says and that's what the law says."

If he's convicted, Martinez could get two to 20 years in prison and a $10,000 fine for each charge. Because of the nature of the charges, Poe could make the terms run consecutively, in which case Martinez could be looking at a maximum total of 80 years in prison.

Diepraam has already filed a motion asking Poe to "stack" the sentences if Martinez is convicted.

If the jury makes an additional finding that Martinez's truck was used as a deadly weapon then that means he will have to serve half of the combined terms before being eligible for parole. For example, if he gets 80 years then it will be 40 years before he's eligible for parole.

That's the equivalent of a life sentence in a capital murder case.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first of all like to hear from the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation, in regard to this matter.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have had a discussion with the gentlewoman from Texas (Ms. JACKSON-LEE) about her concerns. I want to assure the gentlewoman that from our side that we certainly will work with her in every way possible, because all of us, I think on both sides of this House, want to do everything possible to improve truck safety, and especially in regard to trucks that are moving through heavily populated urban areas. So certainly we will try to do everything we can.

Mr. LIPINSKI. Mr. Chairman, reclaiming my time, I want to echo the statement of the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Chairman DUNCAN). I too will work and our staff will work very closely with the gentlewoman to see if we cannot work something out that is beneficial in the next bill we are going to be dealing with in regards to the Committee on Transportation and Infrastructure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield further, I am most grateful. I thank the chairman and the gentleman from Illinois, and my community thanks you very much.

Mr. LIPINSKI. Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time. Let me just say I understand the gentleman from New York (Mr. WEINER) is going to offer an amendment, and we are going to agree to this amendment concerning the installation of a doppler weather radar system in Brooklyn, New York. This provision was placed in this legislation because there was a dispute between the FAA and the Department of Interior, the Park Service, on the installation of this system.

We have been told that the Park Service and the FAA have now reached an agreement to go ahead and install this system. The staff had included this in the legislation just because of some uncertainty regarding a pending Federal lawsuit on this issue.

I will simply say this: we feel it is the intent of the Congress that this system should be installed there, and we will remove this provision at this time, reserving the right to revisit this issue if necessary in a conference with the Senate or at some later point if for some reason this agreement is not carried out.

With that said, Mr. Chairman, that we will agree to that change, we do have a good bill, a necessary bill, and I urge the support of the entire body for this reauthorization of the National Transportation Safety Board.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. I want to commend Aviation Subcommittee Chairman DUNCAN and Ranking Member LIPINSKI for the excellent work they have done in crafting this excellent piece of legislation. Having spent the better part of a year working with the National Transportation Safety Board on my own review of the TWA Flight 800 tragedy, I am familiar with the challenges facing the board.

H.R. 2910 includes a number of important provisions that will improve the NTSB's ability to deal with major airline accidents and work more efficiently with federal law enforcement agencies. The bill also clarifies that the board has the authority to enter into agreements with foreign governments to provide technical assistance and other services. I am also pleased that the committee report to accompany this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other parties in a major airline investigation.

I helped craft this language and hope to continue working with the NTSB to ensure that it has the resources it needs to do its job, and that it makes the best possible use of the specialized expertise that exists at companies like Boeing and Pratt Witney. I would also like to thank the former chairman of the committee, Congressman Norm Mineta, for his assistance in this area. The commission that he chaired made a number of recommendations on how to improve the party system. The report language echoes the findings of the Mineta Commission.

Mr. Chairman, as I have several times in the past, I want to salute the dedicated professionals at the NTSB. Day in and day out, year after year, these remarkable public servants work long hours under trying conditions. Often their work is frustrating and extremely stressful. But because of their professionalism, commitment and talent, thousands of lives have been saved. For example, even though the Board has yet to determine the cause of the Flight 800 crash, the work that Board investigators have done on that accident investigation has forced the FAA and airline industry to make substantive changes, especially in the area of aircraft wiring and aircraft wiring inspection. These changes will make our skies safer.

Every American who flies owes the NTSB a debt of gratitude. I, for one, deeply appreciate the excellent work they have done and continue to do.

I urge approval of the bill.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 106–347 shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the "National Transportation Safety Board Amendments Act of 1999".

(b) References.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

"§ 1101. Definitions

"Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) In General.—Section 1113(b)(1)(I) is amended to read as follows:

"(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board.".

(b) Deposit of Amounts.—Section 1114(a) is amended—

(1) by inserting "(1)" before "Except"; and

(2) by adding at the end the following:

"(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts.".

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

"(g) Overtime Pay.—

"(1) In general.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

"(2) Limitation on overtime pay to an employee.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

"(3) Limitation on total amount of overtime pay.—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds $570,000.

"(4) Basic pay defined.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

"(5) Annual report.—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2).".

The CHAIRMAN. Are there any amendments to section 4?

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. RECORDERS.

(a) Cockpit Video Recordings.—Section 1114(c) is amended—

(1) in the subsection heading by striking "Voice";

(2) in paragraphs (1) and (2) by striking "cockpit voice recorder" and inserting "cockpit voice or video recorder"; and

(3) in the second sentence of paragraph (1) by inserting "or any written depiction of visual information" after "transcript".

(b) Surface Vehicle Recordings and Transcripts.—

(1) In general.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d) Surface Vehicle Recordings and Transcripts.—

"(1) Confidentiality of recordings.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

"(2) References to information in making safety recommendations.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.".

(2) Conforming amendment.—The first sentence of section 1114(a) is amended by striking "and (e)" and inserting "(d), and (f)".

(c) Discovery and Use of Cockpit and Surface Vehicle Recordings and Transcripts.—

(1) In general.—Section 1154 is amended—

*(A) in the section heading by striking "**COCKPIT VOICE AND OTHER MATERIAL**" and inserting "**COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS**";*

(B) in subsection (a)—

(i) by striking "cockpit voice recorder" each place it appears and inserting "cockpit or surface vehicle recorder";

(ii) by striking "section 1114(c)" each place it appears and inserting "section 1114(c) or 1114(d)"; and

(iii) by adding at the end the following:

"(6) In this subsection—

"(A) the term 'recorder' means a voice or video recorder; and

"(B) the term 'transcript' includes any written depiction of visual information obtained from a video recorder.".

(2) Conforming amendment.—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

"1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.".

(d) Requirements for Installation and Use of Recording Devices.—Section 329 is amended by adding at the end the following:

"(e) Requirements for Installation and Use of Recording Devices.—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

"(1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

"(2) does not place a periodic reporting burden on any person; and

"(3) does not necessitate the collection and preservation of data separate from the device.".

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) In General.—Section 1131(a)(2) is amended—

(1) by striking "(2) An investigation" and inserting "(2)(A) Subject to the requirements of this paragraph, an investigation"; and

(2) by adding at the end the following:

"(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the

Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

"(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A)–(D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.".

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking "1134(b)(2)" and inserting "1134(a), (b), (d), and (f)".

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

"§1137. Authority of the Inspector General

"(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

"(b) DUTIES.—In carrying out this section, the Inspector General shall—

"(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

"(2) issue findings and recommendations for actions to address such problems; and

"(3) report periodically to Congress on any progress made in implementing actions to address such problems.

"(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following:

"1137. Authority of the Inspector General.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002. Such sums remain available until expended.".

SEC. 10. TERMINAL DOPPLER WEATHER RADAR.

If the Administrator of the Federal Aviation Administration determines that it would enhance aviation safety, the Administrator shall install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field in King's County, New York.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Strike section 10 of the bill, relating to terminal doppler weather radar.

Mr. WEINER. Mr. Chairman, I first want to thank the chairman of the Subcommittee on Aviation and ranking member for the fine work that they have done on this bill. This is a piece of legislation that doubtlessly will not earn front page notice in our newspapers around the country, but the fine work that has been done by the subcommittee in ensuring the safety of travelers around the country should not go unnoticed, and this bill is indeed worthy of the full House's support.

Mr. Chairman, I will not take my full time. I just want to thank the chairman for his previous statement and for his understanding of the situation. This is an instance where the drafting of the bill had been overtaken by events on what is admittedly a controversial issue.

I agree 100 percent that there should be a terminal doppler radar installed to serve the New York City area, the Kennedy and LaGuardia Airports. That is something that I think my constituents and all New Yorkers and travelers around the world support. I am hopeful and confident that the way has been cleared for a way to install that doppler radar in a quick and expeditious fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between Interior and the FAA that was mediated by the Council on Environmental Quality.

Again, I want to thank very much the chairman of the subcommittee and the ranking member for their understanding in this matter.

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I stated earlier, we feel this system should be installed to enhance the safety of the traveling public, particularly into Kennedy and LaGuardia Airports. We agree to this amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to simply state that from our side of the aisle, we also agree that we will accept this amendment. I spoke to the gentleman from Tennessee (Chairman DUNCAN) about this amendment. I appreciate very much his cooperation in removing this language from the bill by accepting the amendment.

I want to say also, as the gentleman from Tennessee (Chairman DUNCAN) mentioned, and I concur with him, in the event that everything does not develop the way we anticipate it developing pertaining to this doppler weather system, we do reserve the right to revisit this issue when we get to conference or some other time before the bill actually comes back to be passed into law.

Based upon my observance over here, I do not think we have any further amendments coming forth, and I think we are very close to passing this bill. So in getting to that point, I want to say that it is always a pleasure working with the gentleman from Tennessee (Chairman DUNCAN). He and I get along very well together. He is very cooperative.

I appreciate also the cooperation of the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and, once again, the staff of the Subcommittee on Aviation, I believe, has done an outstanding job; and I want to express my personal appreciation to each one of them for everything that they have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having resumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 4, not voting 9, as follows:

[Roll No. 462]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Coburn
Paul
Sanford

NOT VOTING—9

Becerra
Boyd
Burton
Hooley
Jefferson
Meeks (NY)
Scarborough
Wise
Wu

□ 1223

Mr. GREEN of Texas and Mr. STEARNS changed their vote from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 313

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 2436, the Unborn Victims of Violence Act. The rule waives points of order against consideration of the bill for failure to comply with 3(b) of rule XIII, requiring the inclusion in the report of any record votes on a motion to report, or on any amendment to a bill reported from committee.

The rule provides 2 hours of general debate equally divided among the chairman and ranking minority Member of the Committee on Judiciary.

The rule makes in order the Committee on Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, shall not be subject to the demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule which will permit thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of the Democrat substitute amendment, we will be more than ready to vote on H.R. 2436. This is not a complex issue.

Mr. Speaker, on September 12, 1996 Gregory Robbins, an Air Force enlisted man wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus.

To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn.

□ 1230

A criminal can beat a pregnant woman in her stomach to kill the baby and the law ignores her pregnancy. This is wrong and it has to be stopped.

Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends and husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would apply only in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend, the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress, whether they are pro-life, such as myself, or pro-choice. We should all agree to protect young women from forced, cruel, and painful abortions.

All we have to do is ask the woman who just lost her child after a violent attack. It is not the same thing as a simple assault. Clearly, it is more serious and more emotionally jarring, and it should be treated accordingly.

Just a few months ago, in Charlotte, North Carolina, we had a man murder his pregnant wife in a child custody dispute. The incident would not have been covered by H.R. 2436, it would be covered by the State law, but it is a reminder that we are talking about a real problem here that is increasingly happening more and more.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time, and I yield myself such time as I may consume.

I strongly oppose the modified closed rule on H.R. 2436. On an issue as important as this, we should hear the voice of every Member of the House without the limitations imposed by the majority on the committee. During consideration of the rule yesterday, a motion was made for an open rule, but it was defeated.

Mr. Speaker, I rise in strong opposition to the underlying bill, the so-called Unborn Victims of Violence Act. This dangerous legislation would establish penalties for those who harm or terminate a pregnancy at any stage of development, either knowingly or unknowingly, while committing a Federal crime. This bill would create the first Federal law that recognizes a fertilized egg an independent victim of a crime and gives it the same legal right as people who are born.

The bill marks a major departure from existing Federal law and threatens to erode the foundations of the right to choose as recognized in the 1973 Roe versus Wade decision. Indeed, Mr. Speaker, should the Senate take up this bill, which is most unlikely, it will be vetoed.

Under H.R. 2436, the fetus has the same or more legal status as the pregnant woman. Recognizing the fetus as having the same legal rights independent of the pregnant woman makes it possible to use those rights against her. This bill would put the woman and the fetus in conflict and could place the health, worth, and dignity of women on a lower level.

The supporters suggest that they are advancing this bill in an effort to combat domestic violence. If that is true, it is at best an awkward and at worst a dangerous effort. If the supporters of this legislation are so interested in stopping violence against women, I stand ready to join them in a vigorous effort to bring to the floor the Violence Against Women Act and Violence Against Women Act II. Yesterday, at the Committee on Rules, I made such a motion, but it was defeated.

The supporters of the bill insist that H.R. 2436 has nothing to do with the abortion debate and was crafted to protect women against violence. Why then, one is left to wonder, was this bill referred not to the Subcommittee on Crime but, instead, to the Subcommittee on the Constitution of the Committee on the Judiciary?

It is the Constitution which provides the foundation for a woman's protection of her right to choose. And despite what we hear to the contrary, this bill is the hammer striking a chisel against that foundation.

Are we sickened and outraged by attacks on pregnant women that cause harm or miscarriage? To the depths of our souls. Situations such as the one in Arkansas, where a husband hired three youths to beat his wife so she would miscarry, deserve the contempt of our society and the full measure of justice our legal system can muster. But this can be done by prosecuting a defendant for an assault on the woman, provisions that might be addressed in the Violence Against Women Act.

Members of the Committee on the Judiciary are working courageously to thwart this attack. My friends and colleagues, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute which makes it a Federal crime to assault a pregnant woman. If it is violence against women, including pregnant women, which we are trying to stop, then the Lofgren substitute is the only reasonable alternative before us today.

Otherwise, the underlying bill is nothing more than another scheme to advance the Christian Coalition and National Right to Life's agenda to destroy Roe versus Wade and, in fact, they boast as much on their net as to how they drafted the bill.

This measure aims to chip away at a woman's reproductive freedom under the guise of fighting crime. I will continue to fight the leadership's efforts to turn back the clock on women's rights and reproductive health.

Mr. Speaker, as I said before, the Department of Justice opposes this bill, and it will be vetoed.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Not to be repetitious, but I do want to emphasize what she said in her opening statement; that this is certainly a bill that, I believe regardless of whether we might be pro-choice or pro-life, we can support. Because what we are talking about here in the underlying bill, and certainly I support this rule that we are talking about right now, is a law that would protect not only the mother of the child but also that unborn child.

Just imagine, my colleagues, the horrible scene where a woman, who might be 4 or 5 months pregnant, is attacked by her husband, and who shot her five times as she sat in the car, killing both the mother and the unborn child in this particular instance. That gruesome scene actually happened to a woman in Charlotte, North Carolina. I think there has already been reference to her, but there are countless other stories with the same ending.

It is a sad commentary on our society when someone takes the life of a pregnant woman as well as her unborn child and does not face any type of retribution or punishment or even deterrent for taking the life of that unborn child. That is because under current laws this type of crime does not protect the life of the unborn child, even if the mother survives.

This bill is especially important for those women who suffer from domestic abuse and the amount of violence they endure despite carrying a child. This bill addresses those issues and protects the unborn child. The legislation holds these violent criminals liable for any injuries and harm forced upon the child during the incident involving a Federal crime committed against the mother.

Members of this Congress, this is a common-sense bill. This is a way to create a separate law to protect an unborn child from any physical harm or some act of violence which causes permanent damage or death. The bill would also follow the lead of so many States already who have adopted laws which give legal protection to those children. Criminal convictions in these States have been upheld, and none of these statutes have been found to be unconstitutional.

While looking at this particular bill, keep in mind that there are Federal statutes concerning the killing or injuring of endangered plants and animals. If this argument against this legislation is centered around the issue of viability of the fetus and whether a child would have the capability to live outside the womb, then we should look at this issue of endangered species. Do we consider the viability, in that case of a plant or animal? Or even in the case of an American eagle, do we consider the viability of that egg, or whatever it might be, under the endangered species, which itself, the endangered species law, provides a punishment of up to $50,000. We have a criminal fine for the destruction of plants and animals, and we do not talk about viability there. Yet that will be a distinction that is made today when we are talking about an unborn child.

If I might say, the other unfortunate part of this issue that will be raised in opposition to the bill is that some might argue that it will be unconstitutional. As I said earlier, there have been a number of States who have passed similar bills where the constitutionality has not been overruled.

I even think about other issues in this Congress where, even as recently as 2 weeks ago, when we talked about campaign finance reform, the argument was made by some who opposed that, that it might be unconstitutional. I think we heard some of those same people say that that does not matter that we need to pass this bill and get campaign reform. I think we will hear today some of those same people say that this is not constitutional. So it is certainly an inconsistent argument on their part.

I would simply close by again urging my colleagues to put aside what might become the rhetoric of a pro-life, pro-choice vote, what might try to be cast as an abortion vote, and look at the realities of this and the absolute need at the Federal level to establish legislation, which, in addition to protecting a person from these types of violent crimes, also protects the unborn child in that person's womb. We need to add additional punishment for that, to have a separate offense for that; and, in that way, we might deter. And all criminal laws are designed to do just that, in addition to punishment. They are designed to deter that type of conduct which everybody in this House disagrees with and does not support.

So I urge all my colleagues to set aside the rhetoric of abortion and pro-life and pro-choice and do what is right in this instance.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and I rise to say that I recognize the dilemma my colleagues on the other side of the aisle face. The dilemma is that Roe versus Wade is the law of the land.

No doubt, having listened to testimony yesterday in the reauthorization of the Violence Against Women Act, there is no lack of sympathy and understanding and empathy for the outrageous violence that occurs against women almost daily and, in fact, by the minute: violence against women in the workplace, sexual violence, and domestic violence. I am outraged, and I think all women have a great deal of empathy for the unchecked or unfettered violence that occurs even with the very unanimously supported legislation like the Violence Against Women Act.

But this particular legislation, Mr. Speaker, finds many of us at odds with the intent of the proponents. And it is not because we are not empathetic and sympathetic to the crisis and the tragedy that occurs when a pregnant woman is attacked, and not because we do not want to find relief, but because this bill, unfortunately, wants to be a side bar or a back-door response to some of our colleagues' opposition to Roe versus Wade.

This bill undermines a woman's right to choose by recognizing for the first time under Federal law that an embryo or fetus is a person, with rights separate and equal to that of a woman and worthy of legal protection. And the bill does not establish the time frame. The Supreme Court has held that fetuses are not persons within the meaning of the 14th Amendment. If enacted, H.R. 2436 will improperly inject debates about abortion into Federal and military criminal prosecutions across the country.

Now, the sponsors claim that this is a moderate crime bill that has nothing to do with abortion because it exempts from prosecution legal abortion, medical treatment, and the conduct of women. However, when pressed during the Committee on the Judiciary debate, the bill's proponents candidly admitted that their purpose is to recognize the existence of a separate legal person where none currently exists.

Their argument also goes against most of the forward thinking prosecutors in our Nation who have been able to find and substantiate claims of those who have assaulted women who happen to be pregnant and who have done the heinous and ugly attack of specifically attacking the pregnant woman in order to eliminate the life of the fetus.

□ 1245

So I would say to the Speaker, we are dithering around on this bill and I would hope that we did not even have to have this bill on the floor of the House. Because I, too, want to stop the violence against women and, by necessity, the violence against a pregnant woman. I, too, promote life and the sanctity of life in terms of the view of the importance of that pregnancy that that woman is carrying. But this is on dangerous ground.

Constituents of mine have written me to urge in opposition because this bill, which is quickly working its will through the House, said one constituent from Houston, will create a new separate criminal offense. It is an unprecedented attempt to grant the same legal status to all stages of the prenatal development as that of a woman. This is anything but a moderate bill.

By setting up the fetus as a separate legal entity, the sponsors of the bill are setting up the foundation to dismantle and undermine Roe versus Wade. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women, such as the hate crimes legislation, on which my colleagues will not even move, Mr. Speaker, because that has added gender to the provisions of hate crime.

I had one member of the Committee on the Judiciary say, why do we not want to do that? Would that not be something against the drunken husband who comes home and beats up the wife, he would be considered a hate crime proponent? All excuses not to pass the hate crimes. That letter, by the way, is by Ken Roberts of Houston, Texas.

The National Coalition Against Domestic Violence argues vigorously against this legislation. The Professional Association of Business Women, likewise, I think reasonable constituencies, who themselves understand when we are truly supporting legislation that is in opposition to the violence against women.

In conclusion, Mr. Speaker, let me simply say this is a bad bill. I wish it was not here. Procedurally it is bad. But more importantly, it is attempting, through a back-door way, of undermining Roe versus Wade.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to express my opposition to the rule of this bill, the "Unborn Victims of Crime Act." This rule closes all needed debate amongst the concerned members of this House and is a veiled attempt to move forward with the creation of a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. If the proponents are serious about protecting the fetus and the mother, they will support the Democratic substitute, which is not a blatant attack against Roe versus Wade.

Although I believe that the cosponsors of this bill may have had good intentions when it was introduced, the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. I, too, abhor the results of a brutalized woman suffering the loss of her pregenacy—but let's fight this by fighting violence against women.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

A new status of "human-ness" extended to the unborn fetus of a pregnant woman creates a situation of constitutional uneasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

I urge my Colleagues to vote against the rule. We need an informed debate on this bill that would provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

TEXAS FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.,
Corpus Christi, TX, September 29, 1999.

Re H.R. 2436, the Unborn Victims of Violence Act.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LEE: As the legislation chair for the approximately 3000 members of BPW/Texas (The Texas Federation of Business and Professional Women's Clubs, Inc.), I am writing to you to urge you to oppose H.R. 2436, the "Unborn Victims of Violence Act." This bill which is quickly working its way through the House, would create a new separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. The bill is designed to chip away at the foundation of a woman's right to choose as set forth in Roe v. Wade.

Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While we fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, we believe that the sponsors of this legislation are not trying to protect women. Instead, we believe that the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the foundation to dismantle Roe v. Wade. Our members support reproductive choice and this bill establishes the foundation to limit woman's reproductive choices. Furthermore, this bill fails to address the very real need for strong federal legislation to prevent and punish violent crimes against women.

We urge you to vote against H.R. 2436, the "Unborn Victims of Violence Act."

Sincerely,

ANNETTE DUVALL,
BPW/Texas Legislation Chair.

HOUSTON, TX.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: I am writing to urge you to oppose H.R. 2436, the "Unborn Victims of Violence Act." This bill, which is quickly working its way through the House, would create a new, separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While I fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, I believe that the sponsors of this legislation are not trying to protect women. Instead, I believe the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the foundation to dismantle Roe v. Wade. Furthermore, this bill fails to address the very real need fore strong federal legislation to prevent and punish violent crimes against women.

Sincerely,

KEN ROBERTS.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend, colleague and neighbor from the Ninth District of North Carolina (Mrs. MYRICK), for yielding me the time.

Mr. Speaker, in all due respect to my friend and colleague from Texas, there is no dilemma here. There is no dilemma at all. We either care about children or we do not care about children. This bill is about additional protection for children.

Now, we are not talking about carrying pregnancies. We are not talking about fetuses. We are talking about a good rule that protects children. Born and unborn children merit and deserve protection.

The consensus is clear, life begins at conception. This rule and this bill are not about in any way Roe v. Wade. These are simply protections for mothers and children.

I support the rule. I support the bill. I want to help educate the Members of the House today about this piece of legislation. Confusion is being created about the issue at stake. What is at stake is prosecution for a criminal injuring a pregnant woman. The Unborn Victims of Violence Act will create stringent Federal penalties to protect mothers and children.

The law states that an unborn child who during the commission of a violent Federal crime suffers bodily injury or death is considered a victim apart and in addition to harm being done to the mother. It grants the same Federal protection to unborn children against violence that already exists for all Americans.

I am having a hard time believing the argument from the other side. They do not want to pass this bill because it designates the unborn child as a person. I want to ask them what do they want to happen to these criminals who knowingly abuse a pregnant woman and who know that by causing harm to the mother they will ultimately cause harm to the child? We cannot treat the child as a nonentity.

I would ask the mothers here in Congress on both sides of the aisle, can they accept that? This legislation supports many of our States who are passing similar legislation in their State legislatures.

In my home State of North Carolina it is a felony to injure a pregnant woman and cause her to undergo a miscarriage or stillbirth. Let us send a message to our State legislatures that we support prosecution of violent criminals. This legislation is common sense. Let us protect mothers. But most of all, let us protect our children, born and unborn, from harm.

Support the rule. Support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, I have to say that I agree with the ostensible purpose of the bill that we will be considering today. If the idea is to have additional penalties when a woman is harmed who is carrying a child because that person is more vulnerable, because the harm to them is greater, I agree. That is why I am supporting the Lofgren substitute.

But let us be very honest here. There is a true purpose and, frankly, the sponsors of the legislation stated that true purpose in committee and that is to undermine Roe versus Wade.

The previous speaker articulately pointed out that we should be protecting children. Well, I am not sure he has actually had an opportunity to read who it is that we are protecting in this bill. We are protecting "a member in any stage of development who is carried in the womb."

But frankly, I would like to address my remarks to not those who have already a position on whether they believe Roe versus Wade should or should not be undermined. If they believe that there should be increased penalties for people who commit this type of crime to a woman, then they can vote for the Lofgren substitute. The Lofgren substitute, frankly, has the exact same penalty in total years as the base bill. If they want someone to go away for life, the Lofgren substitute will do that.

And the sponsors, frankly, agreed in questioning during markup that their objective was not that. I pointedly asked the sponsor, I said, listen, if they have the same exact crime and the penalty meted out by the courts is life in prison without the opportunity for parole in both cases, would they be satisfied with the Lofgren substitute? And the answer was no. Because the true intention is to establish this new subterfuge to undermine Roe versus Wade.

But for those of us in this House who want to ease prosecution, I would tell them definitely do not support the base bill, support the Lofgren substitute. Can my colleagues imagine any prosecutor in this Nation who is going to want the choice-of-life debate getting in the way of deliberations on a murder in an assault case, having that float over these debates? Well, that is what will happen if the base bill becomes law and not the Lofgren substitute.

For all of my colleagues who want to protect women, let us do it, let us really protect women. Let us try to strike a blow for the nearly one in three women in this country who are victims of domestic violence. We should pass laws that focus on that crime. The Lofgren substitute is one. Violence against women is one. The hate crimes bill is one. These are things that seek to strike a blow to protect women.

Let us do that. Let us reject this base bill. Support the common sense Lofgren substitute and support this rule which allows that to happen.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time.

It is hard for me to understand the preciseness of this debate between the majority bill and the minority offering because we really do not have a disagreement about domestic violence and abuse of women. We should definitely be focusing on that in this Congress, and in fact we do on a number of bills.

In fact, there is no question we should be focusing on hate crimes, as we do frequently not only against kind of the traditional categories where we have had hate crimes in America and homosexuals and members of racial minorities, but also the religious persecution that we see occurring in a number of cases in this country; and legislation has been introduced in the other body relating to this.

I think we all need to speak out against all sorts of different types of crimes. But this is a very particular type of crime. It is not an appendix or a liver we are talking about here. We can argue whether we believe it is a human being, as I do, from the moment of conception or whether it is a developing human being. But it is, at the very minimum, a developing human being inside another person, which puts the mother more at risk; and this bill addresses that, but it also puts the developing human being, or the baby, as I believe, at tremendous risk.

In this body, we have not been consistent nor have we been in laws around the country consistent with how to handle this big dilemma. We talk about fetal alcohol syndrome and how babies are destroyed by mothers who become alcoholics and who are alcoholics or abuse alcohol during the time they are pregnant. We have multimillion-dollar media campaigns about fetal alcohol syndrome. We have portions of the population, subgroups who are devastated in many cases by this problem.

When we say that the mother when she drinks a bottle of alcohol has that compounded because of the weight of the baby and then turn around and say, oh, but that is not really anything to do with life afterwards, it is silly. When we talk about crack babies and the problems when a parent abuses drugs while they have a baby, or developing baby, at the very minimum, inside their womb, we are acknowledging that there is a difference here that needs protection.

Part of this legislation arose because a courageous attorney general in South Carolina pursued this subject there regarding crack babies and whether there was an accountability for a second, at the very least, developing baby, but baby as I believe. It is not an appendix. Otherwise, if it was an appendix, we would not have to have its life thereafter outside the body affected by the behavior of the mother or the behavior, in this case, of others who would do damage outside to the mother.

Because it is not the question. It is part of the question of additional risks of the mother, but it is also the long-term either termination of life or damages to the developing baby or, as I believe, the human being inside the womb who can be affected because of the callousness, carelessness, meanness, aggressiveness of other people.

We are really, in fact, worrying about two different problems here simultaneously. One, the higher risk to the mother, and also to the developing and the little human being inside who will be forever impacted by the behavior of others.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill and in support of the Democratic Lofgren substitute. It sounds reasonable to punish someone for harming a pregnant woman. There are many things that we could do to protect women from violence, but it is quite clear that that is not the intent of this bill at all. This bill is not about protecting women. It is about granting legal status to a fetus and undermining Roe v. Wade.

I would like to put this vote in perspective. This is the 129th vote against choice since the beginning of the 104th Congress. I have documented each of these votes in a choice report, which is available on my Web site or by contacting my office.

Congress has acted again and again to eliminate a woman's right to choose procedure by procedure, restriction by restriction. And, unfortunately, in some cases they are succeeding. This time they found a brand new way of chipping away at a woman's right to choose.

Violence against women is a very real problem, a problem that needs action. But this bill is not about protecting women from violence. This bill is about advancing the political agenda of the anti-choice movement.

It is a tragedy when a pregnant woman is victimized and her pregnancy ends. No one could disagree with that. But why cannot my colleagues in this Congress focus on preventing women from being victimized in the first place?

This bill, however, does not focus on the women victimized by violence. Instead, the legislation draws our attention away from the woman and focuses only on her pregnancy.

I intend to vote for the Lofgren substitute, which will establish additional punishments for assaulting a pregnant woman while committing a crime. Granting legal status to a fetus is not necessary to accomplish this goal. So I urge a "no" vote on the rule and on the bill and urge my colleagues on the other side of the aisle to do something that would actually help pregnant women. If we want to help pregnant women, let us ensure direct access to OB–GYNs, let us fund the WIC program, let us support and strengthen the Pregnancy Discrimination Act or enact a folic acid campaign.

If we want to help pregnant women, let us ensure comprehensive prenatal care for all pregnant women. If we want to help pregnant women, let us make sure every pregnancy is a wanted pregnancy by supplying a full range of contraceptive options for women. We could also strengthen the day-care system. This does not help. And we can pass the Violence Against Women Act. Please vote no.

□ 1300

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Roe versus Wade does give a woman the right to have an abortion. This bill does not change that right at all. But this bill does protect women from forced abortions. That is all we are trying to do here.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 313 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2436.

□ 1302

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. CANADY) and the gentlewoman from California (Ms. LOFGREN) each will control 60 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes to the gentleman from South Carolina (Mr. GRAHAM), the sponsor of this legislation.

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an important debate. It is going to be an emotional debate. All I ask is that the Members look long and hard at what the statute does, not what people are trying to claim it does but actually read it. Take some time to read it, to think about it. If Members have any questions, I will be glad to try and answer them the best I can.

Let us start with an example of what the intent and purpose of this bill is trying to do. We will start with an Arkansas case that happened about a month or two ago. The case involved a man who had a girlfriend, a former girlfriend, and he tried to persuade her to have an abortion and she said no, I do not want to have an abortion, and she decided to carry the child to term. This person, this man, did not want to be responsible for this child, so when she was in her ninth month in Arkansas, he allegedly hired three people to go and beat her and kill her baby, with the express purpose of beating her to the point that she would lose her child.

Well, they did that. Allegedly they grabbed this woman, took her away and beat her. She was on the floor begging for her baby's life. She was not saying, "Don't terminate my pregnancy, please don't kill my baby." And the allegation goes that one of the assailants said, "You don't get it, bitch. Your baby dies tonight."

There was a CNN program yesterday where the woman was interviewed and she was talking about how she could hear the heartbeat fade away and how that affected her. This was a seven-pound baby girl. This cries out not just for some action, it cries out for severe punishment. What they are allowed to do in Arkansas, they can now charge these three people and the man involved who hired them with the crime of murder, because 6 weeks before this event, Arkansas passed a law making it a separate offense for a criminal to cause the death or injury of an unborn child. And because of that law, these three thugs and the man that hired them are facing capital murder charges, not just an additional penalty for assaulting the woman.

This is not just a loss to the woman. She was not begging, "Don't lose something for me," she was begging, "Don't take my baby away," something she understood to be separate and apart from her. Without that law, the three people that were hired to beat her and cause her to lose her child would never have been prosecuted for what they intended to do, which was to kill the baby.

Now, what are we trying to do in this statute? We are trying to do what 24 States have already done in some fashion. Federal law is silent on this question. This bill only applies to Federal statutes that already exist. In this bill, if a woman is covered by a Federal statute and happens to be pregnant and she is assaulted and her baby is injured or killed, under this statute the Federal prosecutor can bring an additional charge, that being the loss or the injury to the child in addition to the assault to the mother. It does not change any State law, it only applies where Federal law already is in existence by adding an additional charge like States do, recognizing the entity, the child, the unborn child, being a separate victim. That is the scope. That is the purpose.

California has had a similar statute since 1970. There are a lot of statutes throughout our States that deal with this issue in varying ways. One thing this bill does, it allows the prosecution to occur at the moment the embryo is attached to the womb like 11 States. There is no requirement for viability to be had before the criminal can be prosecuted. Many States take that tack. Missouri is one of them. Their statute has been upheld by the Supreme Court as being constitutional because it did not infringe on Roe versus Wade rights, it only applied to third-party criminals who assault pregnant women and destroy the unborn child, recognizing that they could be prosecuted.

This statute is legally sound, and I think it brings Americans together in this fashion: When the term "abortion" is brought up, we divide as a country. That is not going to change any time soon. There is a genuine debate and heartfelt views about that. But I believe most Americans in the Arkansas case would want the criminals prosecuted for killing that baby. I think most Americans would want the person who shot the woman five times with a baby inside of her, her child, to be prosecuted for the two events, assaulting the woman and killing the child. I think, regardless of pro-life or pro-choice feelings, that most Americans want to protect the unborn from violence against criminals, and when a woman chooses to have her child, a criminal should not take that away from her. It is not just a loss from sentencing enhancement, it is the taking away of a life.

If Members have got any doubt about Federal law and the unborn, I am going to read something to them. I hope every Member of Congress will sit down and think for a moment. The implementation of the death penalty at the Federal level is covered by section 3596. It talks about how the death penalty is imposed at the Federal level and under what manner it can be imposed, but it has a section. Listen to this. Section 3596, Federal law, section B, Pregnant Women. "A sentence of death shall not be carried out upon a woman while she is pregnant." Why? Why do we not execute women while they are pregnant if it is just a mere loss to the woman? She is going to lose her life, why not just go ahead and do it? Federal law understands that we are not going to kill an unborn child because of the crimes of her mother.

I would suggest to Members that 99.9 percent of Americans agree with that concept, and if you tried to execute a woman who was pregnant, there would be a hue and cry throughout this Nation like you have not seen or heard ever before. What I am trying to do in this bill is fill a gap in the Federal law and say this: If the State cannot kill the unborn child for the crimes of the mother, a criminal who destroys or injures an unborn child should be prosecuted to the fullest extent of the law because it is more than a loss to the woman. That is all I am saying.

Roe versus Wade clearly says that when it comes to the woman choosing about her pregnancy, that is her decision in the first trimester. This bill expressly exempts consensual abortions because it is the law of the land, that that is the right of the woman to choose as to her own body. This bill does not allow a prosecution of the woman if she takes drugs or does damage to her own baby. I did not go down that road. The woman under no circumstances can be prosecuted, nor can medical personnel. All I am saying is if a pregnant woman is assaulted where Federal jurisdiction exists already and her baby is destroyed or injured, the criminal is going to pay a separate debt to society.

So if one of your constituents comes to Capitol Hill and visits you and while up here, unimaginable things happen, terrible things happen, they are assaulted and they happen to be pregnant and lose their child, because this is an exclusive Federal jurisdiction area, this statute would kick in to allow a prosecution of that criminal who took their baby away from them when they chose to have it.

I hope that rationality will prevail and that Members will actually read the statute. We are going to divide the pro-choice and pro-abortion people today, because abortion has taken a fervor among some Members that they have lost the view of what is right, fair and common sense. Let us bring ourselves together and do some good.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume. I oppose this bill, and I would urge my colleagues in the House, who believe that Roe versus Wade should be upheld and honored because it protects the reproductive choice of women in America, to vote against this bill.

I will offer later today a substitute to the underlying bill that will accomplish what the author of this bill says he wants to do. Obviously, I believe that it is wrong to assault women. If the assault causes a miscarriage, that is a grievous harm and deserves to be punished. What the underlying bill does, however, is to create an unprecedented right for the fetus that is not permissible under Roe versus Wade. Indeed, it flies in the face of Roe's holding. More than that, as one speaker during the discussion of the rule pointed out, should this bill ever become law, it will be almost impossible for a prosecutor to actually use this bill in any effort to go after someone who might engage in the unbelievably odious behavior contemplated by the bill, namely, assaulting a woman and causing her to miscarry.

I want my colleagues to understand the obvious, that those of us who oppose the underlying bill do not condone violence against women. To the contrary, the ranking member the gentleman from Michigan (Mr. CONYERS) asked permission of the Committee on Rules to offer a reauthorization of the Violence Against Women Act and was denied that request.

I regret in so many ways that we are once again here divided on the issue of reproductive choice in America. I believe very strongly that it is the woman who should make this decision about whether or not to have a family, and not the U.S. Congress.

I recognize that there are people on the other side of this issue who have enormously strong religious beliefs that Congress should make that decision and outlaw reproductive choice.

What bothers me, and what I think is really very sad, is that we would bring this dispute about reproductive choice that is so heartfelt into this issue of violence against women. It is unnecessary to do so, and I am hopeful that as Members listen to the debate today, they can take a look at the substitute that the Ranking Member and I will offer so that we can come together for once—instead of continuing to divide over this very emotional issue. I look forward to outlining in some detail at a later time in this debate the substitute that I will offer.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time.

What we are talking about here should not be controversial. This legislation is long overdue, a Federal law that simply holds violent criminals liable for conduct that injures or kills an unborn child.

I would like to cite one particularly disturbing example of a homicide of an unborn child that occurred in my hometown of Cincinnati back in 1997. On the day before Thanksgiving, 1997, in a classic case of road rage, a woman forced the car of Rene Andrews that she was driving off the road and into a parked truck. Mrs. Andrews was seriously injured, and tragically the baby she was carrying died as a result of that accident. Mrs. Andrews has never recovered fully from the crash. The simple explanation offered by the perpetrator of this heinous act was that Mrs. Andrews had allegedly cut off the woman in traffic.

□ 1315

Just 2 months earlier, at Wright-Patterson Air Force Base an airman assaulted his wife who was 8 months pregnant with her daughter, Jasmine. He covered his fist with a tee shirt and beat her in the face and abdomen. As a result of this beating, the woman's uterus ruptured and expelled Jasmine into her abdominal cavity. Baby Jasmine died before taking her first breath outside the womb.

Both of these cases are tragic, Mr. Chairman, but they have another important factor in common. Both deaths were successfully prosecuted under Ohio's unborn victims law. The Cincinnati woman was convicted of aggravated vehicular homicide, and the man was convicted of involuntary manslaughter for the death of his child. I am proud that my home State of Ohio recognizes the aggravated death of an unborn child as a crime separate and apart from the one committed against the mother.

Mr. Chairman, it is time for Congress to do the same, and I want to thank very much personally all those who have brought this to the attention of Congress, and I would urge passage of this very important legislation.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I am delighted to be here today, and I compliment the authors of the bill and the leadership on the Committee on the Judiciary on the Republican side for their calm and deliberate temperaments, their civil attitudes, but we have here a problem that the New York Times has pointed out is a very important part of the abortion bill debate. We are now going to make a criminal act out of nonconsensual termination of a pregnancy even if the person that terminates the pregnancy did not even know that the woman was pregnant. This will be the first criminal law in which intent will be irrelevant. It will be murder, Mr. Chairman, but they did not know they were committing murder.

So I, as a crime fighter myself, am reluctant to oppose the Unborn Victims of Violence Act, but it is another abortion bill that is being sold to us as an important criminal law in the making. On its face, the bill appears to be a tool for protecting pregnant women from assault and the nonconsensual termination of pregnancy, but on closer examination, we are chipping away at Roe versus Wade, another stage is being set for an assault on Roe versus Wade. How? By treating the fetus and all other stages of gestational development, Mr. Chairman, as a person with rights and interests distinct from the mother.

That is why I recommend to my colleagues the Lofgren-Conyers substitute that will come shortly afterward, and I thank the Committee on Rules for granting it.

So this bill raises profound constitutional issues in that it implicates a foundational premise of Roe v. Wade. This bill identifies a fetus as a separate and distinct victim of crime which is unprecedented as a matter of Federal statute and plunges the Federal Government into the most difficult and complex issues of religious matters, of scientific consideration, and into the midst of how a variety of State approaches already exist in handling the matter. So there simply can be no argument by anyone that a pregnant woman and her fetus should be protected from criminal attack through aggressive use of our criminal laws, and that is what we propose.

So let us admit it, Republican members and supporters of the bill. Let us confess that we are taking another little few baby steps forward to eat away at the fundamental premises of Roe versus Wade; and if that is the case, then this bill does not deserve to be called an exercise of our criminal jurisdiction in the Committee on the Judiciary.

I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill attempts to cloak yet another abortion bill as a legitimate exercise of our Federal criminal jurisdiction.

On its face, this bill appears to be a tool for protecting pregnant women from assault and the non-consensual termination of a pregnancy. On closer examination, however, the bill sets the stage for an assault on Roe versus Wade through the legislative process by treating the fetus, and all other stages of gestational development, as a person, with rights and interests distinct from the mother.

This bill raises profound constitutional issues in that it implicates a foundational premise of Roe versus Wade. H.R. 2436's identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of federal statute and plunges the federal government into one of the most—if not the most-difficult and complex issues of religious and scientific consideration and into the midst of a variety of State approaches to handling these issues.

There simply can be no argument by anyone that a pregnant women and her fetus should be protected from criminal attack through the aggressive use of our criminal laws. For that reason, a majority of states have statues or court decisions that allow criminal prosecution and sentencing enhancement for causing death or injury to a developing pregnancy.

However, despite the fact that a fetus cannot be injured without inflicting harm to the mother, this bill ignores the interests of the pregnant women. H.R. 2436 switches our attention from an overt attack on a women to the impact of the crime on the pregnancy—diverting attention from the issue of domestic violence. The vast majority of attacks on women that harm pregnancies arise in the context of domestic violence, as the majority has supplied in amply reference.

If the majority were truly concerned about protecting pregnant women and preventing harm to developing pregnancies, they would reauthorize the Violence Against Women Act of 1994 ("VAWA"), or mark up the "Violence Against Women Act of 1999" (H.R. 357) which expands protections for women against callous acts of violence regardless of their pregnancy status.

Recognizing the fetus as an entity with legal rights independent of the pregnant woman makes it possible to create future fetal rights that could be used against the pregnant woman.

This is not some idle fear. We already seen some of these measures introduced at the state level. If this trend continues, pregnant women would live in constant fear that any accident or "error" in judgment could be deemed "unacceptable" and become the basis for a criminal prosecution by the state or a civil suit by a disenchanted husband or relative.

Perhaps the most foreboding aspect of allowing increased state involvement in pregnant women's lives in the name of the fetus is that the state may impose direct injunctive regulation of women's actions. Absent an increased awareness of the costs to women's autonomy, these intrusive fetal rights provisions will almost certainly continue to expand.

This bill stands as yet another transparent attempt to score points in the perennial abortion debate. If you care about protecting a fetus, you must care about protecting the mother. This bill does not enhance the welfare of mothers; it creates a climate of intrusive government intervention on their bodies, and their reproductive choice.

We should vote no and stop wasting time on regressive, rhetorical measures like H.R.

2436. Rather than seeking to score points, we invite the majority to join us in crafting legislation that protects woman and mothers from violence that threatens all those under their care.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER), a member of the Committee on the Judiciary.

Mr. VITTER. Mr. Chairman, today I rise in strong support for the Unborn Victims of Violence Act of 1999 and to commend my friend and colleague from South Carolina for introducing this important legislation. This legislation, Mr. Chairman, is simply designed to narrow the gap in the law by providing that an individual who injures or kills an unborn child during the commission of federal crimes of violence will be guilty of a separate offense.

Now my friends on the other side of the aisle raise a couple of arguments; number one, that there are constitutional problems with this. Clearly this is not the case. This is virtually proven by the fact that there are numerous State laws in this regard, none of which have been seriously challenged or struck down, and they also suggest that this somehow impacts abortion rights. Clearly that is not the case. This does not, in fact, impact any current abortion rights.

So these opponents do not make valid points on either of these two issues. I think in trying to, they only underscore, in my view, their own extremist position on the issue because the bottom line in this legislation is about combating violence against pregnant women, violence against the unborn, and it is about holding violent criminals accountable for the crimes they commit.

Mr. Chairman, in my view, to oppose this is wrong and is extremist, so I urge my colleagues to vote in favor of the Unborn Victims of Violence Act.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I would like to apprise my colleagues of the communication just received from the Office of the President, a statement of administration policy. "The Administration," and I quote "strongly opposes enactment of H.R. 2436 which would make it a separate Federal offense to cause 'death or bodily injury' to a 'child in utero'," and those phrases are in quotes, "in the course of committing certain specified federal crimes. If H.R. 2436 were presented to the President, his senior advisers would recommend that he veto the bill."

The statement continues as follows:

"The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act, which passed with the bipartisan support of Congress in 1994, marked a critical turning point in our national effort to address domestic violence and sexual assault. The Violence Against Women Act for the first time created Federal domestic violence offenses with strong penalties to hold violent offenders accountable. To date, the Department of Justice has brought 179 Violence Against Women Act and Violence Against Women Act related federal indictments and awarded over $700 million in grants to communities to assist in combating violence against women.

"Unfortunately, H.R. 2436 is not designed to respond to violence against women. The Administration has significant public policy concerns with the legislation, as was described by the Department of Justice's letter to the House Committee on the Judiciary on September 9, 1999. For example, H.R. 2436 would: (1) trigger an excessive increase in the length of sentence as compared with the sentence that would otherwise be imposed for injury to a woman who is not pregnant; (2) depart from the traditional rule that criminal punishment should correspond to the knowledge and intent of the defendants; and, this is the more serious problem, (3) identify a fetus as a separate and distinct victim of a crime, which is unprecedented as a matter of Federal statute, and unnecessary to achieve the goal of increasing the punishment for violence against pregnant women.

"H.R. 2436 is, in fact, careful to recognize that abortion-related conduct is constitutionally protected; however, this does not remove all doubt about the bill's constitutionality, as explained by the Department of Justice letter to the House Committee on the Judiciary on September 9, 1999."

The Administration strongly opposes this bill, H.R. 2436. They recognize, and so state, that I will "offer an alternative that," in the Administrations opinion, "appropriately focuses on increasing the punishment for violence against pregnant women without identifying the fetus as a separate and distinct victim of a crime."

I am hopeful that my colleagues in the House will listen carefully to this Statement of the Administration's policy and come together to support the substitute that the gentleman from Michigan (Mr. CONYERS) and I will offer that will allow for tough sentences, that will deter violence against women, that will allow up to a life sentence to punish those who would commit the odious crime of assaulting a woman and causing her to miscarry, and that we do this together instead of continuing to divide this Congress and this Nation over the very emotional issue of reproductive choice.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise today in support of H.R. 2436. I appreciate the author that introduced the legislation that would make it a federal law to protect unborn children. Mr. Speaker, the bill to me simply states that, and I quote, an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. H.R. 2436 does not attempt to overturn Roe vs. Wade. It would not offend me if it did, but it does not, nor infringe on the rights of a woman to have an abortion. The bill applies after conception and before delivery.

Opponents of the bill have said that this bill is a back door to eliminating a woman's right to choose, but this bill is about choice, Mr. Chairman, but it is about choice after the choice favoring life has been made. It is about protecting women's right to make certain choices. If a woman chooses to bring a new life into the world, H.R. 2436 will allow under federal law for the prosecutions of those who callously disregard that choice.

I urge my colleagues to vote for H.R. 2436 and make criminals accountable for their malicious acts against a pregnant woman and her unborn child.

Ms. LOFGREN. Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I want to compliment the gentleman from South Carolina (Mr. GRAHAM) for bringing this bill forward. It is much needed and fills a gap in our criminal law, and to those who lament the fact that Roe versus Wade might be somehow or other impacted or questioned, I can only say because an issue is difficult and creates heartburn on all sides is no reason we should not address it because Roe versus Wade, which in my opinion ranks right up there with Dred Scott as an outrageous decision in our Supreme Court's history deserves to be discussed and not surrendered to.

There are two aspects to this debate. The first one is the concept of punishing somebody for damaging or killing a fetus. That is about as clinical a term as we can get, fetus.

□ 1330

There are others, embryo, blastocyst, zygote. My favorite is "products of conception." Anything to dehumanize that little baby. That little child, needing time and nourishment to be a little boy, a little girl, time and nourishment to be an old man or an old woman, that little child with immense potential, that little child in the woman growing, is rendered a nullity, a cipher, a zero.

The gentlewoman from California repeatedly repeats how she does not agree with violence against women. I do not know anybody who does. But what about the unborn? Why is that forgotten in your calculus?

What about when the obstetrician treats a pregnant woman, the fact that he treats two patients? What about the fact that the little unborn can have a different gender than the mother, can have a different blood type than the mother? The little unborn is a separate and distinct patient, and the obstetrician treats both of them.

So the dehumanizing, the desensitizing, the depersonalizing of this little entity known as the unborn is an essential aspect of the other side's argument, because otherwise they have to confront the fact that abortion kills a tiny member of the human family.

Now, nobody, no decent person would kill another person, except in self-defense or for some other legitimate reason. So then when you support abortion you have to have recourse to some semantic gymnastics. You have to define the little victim as less than human, subhuman, expendable.

You cannot throw away a human being, but you can throw away a fetus, if you define it as utterly without value or possessing secondary value to the woman.

So this dilemma the pro-choicers are in is well known. They cannot admit any humanity to the unborn. But that is clinically primitive. The unborn is there. It has a little heartbeat, it has brain waves, it is a member of the human family, and to deny that, in my opinion, is self-deception, terribly serious self-deception.

So this bill recognizes that when a pregnant woman is assaulted, it is a more serious condition than when a woman who is not pregnant is assaulted, considering the same force used in the assault. That second little victim deserves recognition. You obliterate the second little victim. You will not give credit for the membership in the human family, and that is sad.

I know why you do it, because otherwise you are confronted with the fact that you are aborting a human being, and that just cannot be. So define them out of existence, that is what you do.

So I am pleased and proud that this bill has been offered by the gentleman from South Carolina (Mr. GRAHAM). Logically to reject this bill or accept the gentlewoman's substitute is to deny the truth and the facts, the reality, that that little child in the womb is a member of the human family and ought to be loved and nourished and cherished and recognized, not obliterated and rendered a zero.

Why is it the party of compassion, why is it Members who pride themselves on caring for the little guy, the one that is left out, have no room in their moral imagination for the unborn?

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I had not intended to speak, but I must make an observation that concerns me.

It seems to me that there comes now a pattern among our pro-life colleagues here in the House. They begin by defining a legitimate concern. The last 4 years the concern was about late-term abortions. But then they come up with a solution, a law, almost written for the purpose of being defeated, knowing that the bill is going to be vetoed, with no intention of working with the administration to pass a solvable law that can deal with the problem that they claim concerns them so greatly.

Just as we could have had a partial-birth late-term abortion bill signed into law prohibiting frivolous late-term abortions 4 years ago if our pro-life colleagues had been willing to sit down in good faith and deal with their concerns, now today we find ourselves with another legitimate concern, the concern that no one, no one in this House, man or woman, wants to condone anyone harming a woman or her fetus at any stage in her pregnancy.

Yet, once again, like they did for the last 4 years, they wrote a law without consulting with the administration, without considering how can we actually solve this problem together, how can we protect pregnant women by working together. Instead, it seems to me the greater goal in developing this legislation was to make a point, that a fertilized egg a second after conception is a human being. We could have solved this problem they talk about today; but it seems to me, once again, as with the other legislation, that was not the ultimate goal.

Finally, I must raise the question if in this bill you define a child as a fertilized egg, then how can you philosophically be consistent in saying it is okay to allow abortion in cases of rape and incest? How can you say in this bill itself that it is okay for a woman to take drugs, it is okay for a woman to do something that might end up terminating her pregnancy.

It seems to me if you accept the definition of a child as being conception, then you are saying okay, it is okay to have murder in some cases, but not in other cases.

My primary point is, is it not time we stop this political posturing and sit down on a bipartisan basis with the administration? Whether it is the issue of late-term abortions or harming pregnant women, let us work together to find a solution that can be passed into law and actually do some good.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to agree with the gentleman. There is no logic or consistency for tolerating abortion as a result of rape or incest. The little victim has committed no wrong or no crime. The gentleman is absolutely right, and it saddens me that that is in our law. Unfortunately, it recognizes the political reality, and we are saving some children, if not all that we should save.

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman's philosophical consistency. I respect that. Unfortunately, many of the others supporting the bill saying life begins at conception are not being consistent, are not being straightforward. I respect the gentleman greatly for being consistent. Even though I might disagree with the conclusion of his beliefs, the gentleman is consistent.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, first of all I want to thank the authors for this bill. My home State has a bill that protects unborn children in the case of the death of the mother.

I have been involved in delivering five babies to dead women, five. Three of them died, one of them is essentially going to be totally dependent all the rest of her life, and one is a bright, alive, awake child.

Four of those deliveries happened before Oklahoma had a law. There was nothing that happened to the person that killed the mother, ultimately, or the child. So what we are attempting to do here is a right thing; it is not a wrong thing.

We ought to talk about half-truths. The gentleman from Texas said that all we had to do was agree with the President on partial-birth abortion, that the health of the woman as an exception, and he would have signed it, which totally renders that bill useless. What it says is if you want to abort a late-term baby, you can; and you can just rationalize and say it is for the health of the mother, because she does not want the baby.

So I understand the gentleman's quest for consistency, but before we ask for a quest for consistency, we ought to ask for a quest for the fullness of all the facts before we make the statements.

The life, there is no question about it. There is no question about it genetically that life begins at conception. Based with the knowledge we have now in our country, we define death as the absence of brain waves and the absence of heartbeat. Before most women ever recognize the signs and symptoms of their pregnancy, their baby has those two things, a heartbeat and brain waves, and when our technology catches up with our hearts, then we will be able to prove scientifically that in fact a baby at conception is a human being.

I will grant, we cannot prove that now, but we certainly can at 41 days post-last menstrual period. We can prove that scientifically, just by using our definition of death.

So, again, I want to thank the gentleman for bringing this bill to the floor. It is way too late, it is way too late for all those children whose opportunity for life is going to be taken away in this next year, but maybe incrementally, and maybe when we have somebody of conscience that will sign the bills of conscience, we will have saved the lives we should be saving.

Ms. LOFGREN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill, and I thank my colleagues for their hard work on this issue.

We can all agree on one thing: that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely. However, this bill is not the way to achieve this goal.

This bill misses the point because it completely ignores the injury to the woman and instead it attempts to give new legal protections to the fetus as a way of undermining a woman's right to choose.

We are here debating a bill that will not provide any significant enhancement of our ability to prosecute criminals who harm pregnant women, because it only applies to cases prosecuted in the Federal court. Criminal acts of this type are almost never prosecuted in a Federal criminal court.

Before the Subcommittee on the Constitution of the Committee on the Judiciary a former special counsel to the U.S. Sentencing Commission testified that "this bill is unnecessary and current Federal law already provides sufficient authority for the punishment of criminals who hurt fetuses."

If we are serious about protecting women and their pregnancies from harm, we should be passing legislation that addresses the real world, common sense of these crimes.

What we need to be talking about today is the all-too-frequent occurrence of domestic violence. Sadly, in this country nearly one in three adult women experiences at least one physical assault by a partner during adulthood. Why are we not here debating the Violence against Women Act reauthorization to provide grants for law enforcement to crack down on sexual assault, domestic violence, and child abuse? We could be providing training for law enforcement to help them address domestic violence, counseling for women who have been attacked or abused, and funding for battered women's shelters.

I would be pleased to work with my colleagues on the other side of the aisle to pass a bill that addresses these deplorable acts against women and provides a strong and decisive tool for punishing those criminals who commit these horrific acts.

I am happy to support the substitute offered by the gentlewoman from California (Ms. LOFGREN), which establishes a sentencing enhancement of up to life in prison for an offense against a woman which results in the loss of her pregnancy. Rather than debating a back door attempt at undermining a woman's constitutional right to choose, we should be working together hand in hand to pass legislation that addresses the real nature of violence against women in this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I must say I am a little confused about this debate. I do not understand why it is so difficult to understand. Now, admittedly, Mr. Chairman, I stand before you a man. Pretty obviously, I have never been pregnant, and I never will be. It will be said, therefore, I cannot understand.

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I must say, Mr. Chairman, I have been in close association with women who have been pregnant: My wife with our own babies, my beautiful daughter-in-law when pregnant with my grandson, friends who were pregnant with their babies.

What I have seen in my association with these lovely ladies in their pregnancy is one consistent pattern. Almost immediately upon learning they are pregnant, they begin and do put the baby first. They change their own patterns of behavior. They change their eating habits. They change many other patterns of behavior. They do so to protect that baby during that pregnancy. They have prenatal medical experiences that are elaborate, thorough and consistent.

I have heard it said by many people in the health profession and by many women in their pregnancies, there is no time, no time in that child's life, where their medical experience is more critical than when that child is receiving prenatal care.

We quite rightly observe that need, honor that need, and attend to that need while always putting the baby first.

We protect that child from illness during that time when the child is so fragile, and now we have brought before this body a piece of legislation that says that same child, in that same time, should be protected from violence. That baby should be protected from acts of violence.

How can somebody argue against that? It is perfectly possible for a pregnant woman to be assaulted and while being assaulted viciously suffer harm while her baby loses its life. Certainly we want that person that would assault that woman, whether pregnant or not, to be subject to the most stiff of punishments, and we have attended to that in this body and we do attend to it; but now we are saying that the baby must be attended to, too.

The baby is a life. That baby has a right.

I see people down here arguing against that protection for that baby who I have seen myself and heard with my own ears, in other times, in other venues, stand in this same room and argue most vociferously for the need for prenatal care, most eloquently.

I am confused, Mr. Chairman. How can the baby's need for prenatal care be recognized and then reject the baby's right to protection from violence?

I have heard arguments here that might be construed that this bill was written about or is written about or is perhaps wrong because it fails to be about the mother. The legislation was written for the baby.

Do we now have a situation where in this body we fail to honor the mother's sacrifice for the baby? Do we now fail in all the bills that come through this body to say that it is right, proper, necessary, indeed urgent, that in this bill, at this time, we do what every mother I have ever known does during this pregnancy, we put the rights of the baby first and foremost out there?

Mr. Chairman, I am proud of telling people that the first time I saw a picture of my baby grandson, Chris, he was only 5 months old, and when I saw that sonogram I knew he had his grandpa's eyes. Chris was entitled, at the time that picture was taken, to every bit of care he could get through the advances of modern medicine, and he was entitled to every bit of protection under the law that this Congress can afford him.

I will be absolutely heartbroken to believe that there can be anybody in this body that is given the high privilege of serving in this body that could find it in their heart to vote against that baby's right for protection. I just cannot believe anyone could be that cruel, heartless, and selfish.

Ms. LOFGREN. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this misguided bill, as a mother of three, as a grandmother of five, because once again we are faced with a decent idea but, in my judgment, it has gone horribly awry.

The proponents of this bill have taken an important principle, the constitutional right of a woman to have control over her own pregnancy, and hijacked it, unfortunately, into the divisive world of abortion politics.

I want to make something absolutely clear from the outset. The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. As a mother and a grandmother, I cannot imagine a greater pain, frankly. Those who injure or kill a pregnant woman and her fetus should be severely punished and families should have appropriate redress for their loss.

Because we believe strongly that families should have the legal tools to have their loss recognized, we will offer a substitute that does just that, and I believe that the Lofgren substitute will demonstrate very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attempt to chip away at a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I, for the first time in Federal law, the first time. Instead of addressing the real issue at hand, the horrible pain for a woman who loses a pregnancy to a cowardly, violent act, this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a human life amendment. In fact, the National Right to Life Committee admits that it participated in drafting the bill and, according to the committee web site, the bill challenges that pro-choice ideology by recognizing the unborn child as a human victim, distinct from the mother.

If anti-choice Members of this House want to recognize the fetus as a person, I respect that. Do that. Bring a human life amendment to the floor and let us debate it and let us vote on it. But let us not tell pregnant women in this country that my colleagues are trying to protect them with this bill when there are existing Federal laws to do just that, and when we are willing to join my colleagues in addressing the tragic but rare cases where pregnant women are attacked.

The American people are smarter than they are being given credit for. They know my colleagues are proposing a political statement today, not a real solution. Let us not insult their intelligence this way. If my colleagues really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends without the overtly political means.

If my colleagues are serious about protecting women in this country from violence, why do we not bring up the Violence Against Women Act for floor consideration? It has 174 cosponsors, almost double the number of cosponsors of the Unborn Victims of Violence Act. Where is it?

Reauthorizing VAWA is critical to effectively combatting violence against women. Every year, over 2 million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country, and one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act, unfortunately, Mr. Chairman, will not do anything for these women, but the Violence Against Women Act will make all the difference in the world.

Mr. Chairman, the Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. It is yet another anti-choice attempt to undermine a woman's right to choose.

Time and time again I have stood on the House Floor and asked my colleagues to work with me, to help women improve their health, plan their pregnancies, have healthier children. It is tragic that every day over 400 babies are born to mothers who receive little or no prenatal care. Every minute a baby is born to a teen mother and three babies die every hour. It is tragic that one of three women will experience domestic violence in her adulthood.

Instead of finding ways to visit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education, violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies.

I see my good friend, the gentleman from Illinois (Mr. HYDE). We have worked together on legislation to try and help women have healthy babies. I would love to continue to work with my good friend to do just that. Let us focus on that, but I would hope we would vote no on H.R. 2436.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, as my colleagues know, I have never participated in a pro-life or pro-choice debate on the floor of this House. I am usually the one sitting in the back of the room carefully reading the text, trying to decide what the right thing to do is, but I came here today because I think this one is so clear.

I do not understand why we spend so much time arguing about how many angels dance on the head of a pin instead of trying to look at what is right and what is wrong. One can be the most pro-choice person in this body and vote in favor of this bill with enthusiasm because it is not about the unwanted pregnancies; it is about the wanted ones.

Most of the women in this House have been blessed with being moms. Those are the children that we prayed for, we waited for, we read books to, we sang to. If someone deprives us of our choice to bring that child into the world, it is wrong; and it should be a crime to do so.

We talk about taking attention away from the problem of domestic violence and my colleague, the gentlewoman from New York (Mrs. LOWEY), knows that I am cosponsoring many of those pieces of legislation that she is so strongly in favor of, but it does not make any sense to me to say that caring about the lost child somehow demeans that child's mother.

If there are children in this room and something goes wrong, all of us do what is natural and what is also good. We protect the children. We protect the children. It is both natural and admirable and I commend the gentleman for bringing forward this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

MR. NADLER. Mr. Chairman, I thank the gentlewoman from New York (Ms. LOFGREN) for yielding time.

Mr. Chairman, we have a large problem in this country with violence against women, and it is obviously a great tragedy if a physical assault against a woman results in damage to the fetus she carries and damage to the baby when it is born or, God forbid, in a miscarriage.

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Such an assault should clearly be punished more severely than an assault on her that does not harm the fetus. Both the bill before us and the Lofgren substitute would accomplish this end.

Both provide for penalties up to life in prison. Both suffer from the fact that they amend only Federal law. Of course, most cases of violence against women are prosecuted in State courts, and so it would be unaffected by either the bill or the substitute.

If we really want to protect women and their unborn children, we should pass the Violence Against Women Act, too. But that is not, that is not, I repeat, the real purpose of this bill. If it were the real purpose, the sponsors would agree to the Lofgren substitute, which provides for enhanced sentences up to life imprisonment for people who, while assaulting the woman, injure or kill the fetus.

But they will not accept the substitute. Why not? Because the real purpose of the bill is, as the distinguished chairman the gentleman from Illinois (Mr. HYDE) and the gentleman from South Carolina (Mr. GRAHAM), the sponsor of the bill, have admitted is not to protect the mother or the fetus, but to establish the status of the fetus or the embryo or even the zygote as a legally separate person, and thus to undermine the Roe v. Wade decision, legalizing a woman's right to choose an abortion.

Neither the Congress nor the Federal courts have ever recognized the fetus as a separate person. The gentleman from Illinois (Mr. HYDE) was eloquent in his description of the separate personhood of the fetus. That of course is the central question in the abortion debate. If an embryo or fetus is, in fact, a separate person, then abortion is murder.

Now, some people may think that. A majority of the Americans may not agree. But the gentleman from Illinois (Mr. HYDE), the gentleman from South Carolina (Mr. GRAHAM), and others are entitled to their opinion. They are entitled to introduce a constitutional amendment to try to overturn Roe v. Wade and to send desperate women back to the back alley coat hanger abortionists. We would fight that, but at least we would have an honest debate on the real issue.

But do not ask us to vote for a bill to undermine a woman's right to choose an abortion disguised as a bill to protect victims of violence. Be honest with us and with the American people. Be direct.

If my colleagues' interest is to protect the mother and the fetus, then they should support the Lofgren substitute, because it does exactly that up to life imprisonment.

But if my colleagues' intent is to establish the legal status of a fetus as a separate person, then they support this bill. That is a totally new concept in Federal law. Congress and the courts have never agreed with that. It undermines Roe v. Wade. It undermines a woman's right to choose. That is the real purpose of this bill.

It also establishes another novel legal concept that we should punish somebody specifically when there is no intent. That is undermining the general intent of the criminal law.

So the real question is not protecting women. We can protect women. Support the Lofgren substitute. Bring up for a vote the Violence Against Women Act. Bring that to the floor.

Do not pretend that this is what this is. This is simply an assault on abortion. As the gentlewoman from New York (Mrs. LOWEY) said, it is a disguised human-life amendment. That is its purpose. I do not believe we should act on this floor with subterfuge.

If that is my colleagues' purpose, say so. The gentleman from Illinois (Mr. HYDE) was honest about it. But we should have a direct bill to do that and not try to disguise it under assaults against women, which this is.

I would hope that we would adopt the Lofgren substitute so that we can protect women so that we do express our horror and give additional heavier penalties to someone who assaults a woman and harms and kills the fetus and causes a miscarriage, but not get involved in the other debate, which we should debate in a different time, rather, on the issue of whether we want to ban abortions and send women back to the back alley coat hanger abortions.

A vote for this bill and against the Lofgren substitute is exactly a vote to do that, to say to desperate women they have no right to choose and we want to undermine abortion. Those who say it is not because we exempt it in the bill are not recognizing the real intent and the purpose and effect of the bill.

So I urge a vote for the Lofgren substitute.

Mr. CANADY of Florida. Mr. Chairman, I would inquire of the Chair concerning the amount of time remaining on both sides.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 34 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 33½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, the recent cover of a Newsweek Magazine featured the image of a preborn child. The article went on to discuss the latest scientific findings that what happens to the preborn in the gestation period will affect the health and the life of that person for the rest of their life.

Now, Newsweek is not a publication that has probably been sympathetic to the cause of the preborn. But this article reinforces something that we have all known intuitively; and that is, what happens to the preborn is important, and it will have lasting impact on their life.

Now, Congress has noted this in the past, because Congress has supported nutrition programs and prenatal programs. But, ironically, under current Federal law, a person who assaults a woman and who kills or injures that unborn child faces no criminal, none whatsoever, no consequence, no criminal action for the death or injury to that child.

This bill seeks to change that. It simply says that violent criminals are going to be held responsible and accountable for the violence that they incur.

There is some irony, Mr. Chairman, that one of the great achievements I think of this century, when history looks back on it, has been the fight for the civil rights of minorities. I believe that one of the greatest tragedies of this generation has been its failure to extend those basic civil rights to the preborn, civil rights that we take for granted: the rights of due process and equal protection and the basic right to life.

The great irony is that, in this great deliberative body, that there are so many who have benefited so much by the civil rights movement stand so firmly against extending those basic human rights, the right to be protected against violence to the most innocent and the most fragile in our society, the preborn.

I urge support of this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. According to its sponsors, the legislative intent is to protect pregnant women from violence. Instead of protecting pregnant women, this legislation focuses on giving legal protection to any "member of the species Homo sapiens," and I quote, "at all stages of development." This includes the zygote, a blastocyst, and an embryo or fetus.

Instead of protecting pregnant women from violence, this legislation would impose the same sentence for attacking an unborn fetus which the Supreme Court has ruled is not a person as is imposed for attacking the victim, the pregnant woman, a recognized person under law.

The true legislative intent of this piece of legislation is to bestow upon the fetus the legal standing of a person.

The United States Supreme Court has already ruled an unborn is not a person and does not receive legal rights. Even Justice Antonin Scalia, a staunch opponent of Roe v. Wade agrees with this position.

I rise to speak for a moment about some of the legal aspects of this bill, since it seems, so far, we have only been caught up in a discussion of things that pull on the heart strings of the American public.

Not a person who stands on the floor today would say that it is unfortunate, it is a terrible incidence that a pregnant woman would be caused to lose her baby or even lose her own life.

I quote the Justice Department, as follows: "The Justice Department strongly objects to H.R. 2436 as a matter of public policy and also believes that in specific circumstances, illustrated below, the bill may raise a constitutional concern. The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, has been a critical turning point in our national effort to address" the issue. "VAWA, for the first time, created Federal domestic violence offenses with strong penalties to hold violent offenders accountable."

H.R. 2436 expressly provides that the defendant need not know or have reason to know that the victim is pregnant. The bill thus makes a potentially dramatic increase in penalty turn on an element for which liability is strict.

As a consequence, for example, if a police officer uses a slight amount of excessive force to subdue a female suspect, without knowing or having any reason to believe that she was pregnant, and she later miscarries, the officer could be subject to mandatory life imprisonment without possibility of parole, even though the maximum sentence for such use of force on a nonpregnant woman would be 10 years. This approach is an unwarranted departure from the ordinary rule that punishment should correspond to culpability.

As a former prosecutor, I was always alarmed when I saw Congress moving to legislate a new crime solely for the purpose of political leverage and attention, instead of looking to the real impact such legislation could have. I believe this is the case here.

If this Congress was truly interested in protecting pregnant women, we would have passed gun control and gun safety legislation, because, as a result of domestic violence, guns are in our homes, and they are used against women who are pregnant or not pregnant. In light of the fact that it is a major target, domestic violence is a major target of Violence Against Women's Act, we need to address the many ways women are attacked at home.

I would think that, if we were talking about doing something to assist pregnant women and protect unborn children, we would be talking about other issues on this floor instead of wasting our time talking about a piece of legislation that has, in fact, nothing but a political remedy to it.

The gentleman from Illinois (Mr. HYDE) says "moral imagination." The women in this House do not have to have moral imagination. Many of them have had children. Many of them may have, in fact, suffered from miscarriages or other incidents where they have lost their children. But it does not rise to the level where we want to change or put into effect a law that is unconstitutional.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, it is amazing to me what length me people will go to sustain a myth, believe the unbelievable, and aggressively market a collective sense of denial concerning a profound truth.

Mr. Chairman, at a time when we know more and understand more about the magnificent life of an unborn child than ever before in history, at a time when doctors can diagnose and treat serious anomalies that afflict these smallest of patients, at a time when ultrasound imaging has become a window to the womb, revealing the child in utero, sucking his or her thumb or doing somersaults or even little karate kicks, along comes the pro-choice lobby, outraged, angry, fuming, that anyone dare challenge their big lie and suggest that unborn children have innate value, worth, and dignity.

At all costs, abortion advocates must cling to the self-serving fiction that unborn babies are something other than human and alive. By systematically debasing the value of these children, it has become easier for adults to procure the violent deaths of these little ones if they happen to be unwanted, unplanned, or imperfect.

But the inherent violence of abortion is not what is addressed by this bill. As a matter of fact, abortion is expressly outside the scope of this legislation. I say to my colleagues, read the bill.

So for now at least, I say to the advocates of abortion, go ahead, pat yourselves on the back. You have won for now. As a result of Roe versus Wade and its prodigy and 26 years of congressional acquiescence, 40 million unborn babies in America have been dismembered or chemically poisoned or have had their brains sucked out by what some euphemistically call choice.

But that should not mean that murderers, muggers, and rapists should also have that same unfettered ability to maim or kill an unborn child without consequence.

The Unborn Victims of Violence Act is designed to deter and, if that fails, to punish the perpetrators of violence against unborn children in the commission of a Federal offense.

The bill, as we know, would apply to some 65 laws that establish Federal crimes, including violence. H.R. 2436 does not diminish existing law concerning violence against women in any way, shape, or form, but adds new penalties and seeks justice for the harm or death suffered by the child.

Thus, if this legislation is enacted into law, our laws against violence will be stronger, tougher, and more comprehensive. H.R. 2436 merely adds new penalties to existing ones and tracks existing statutes currently in force in approximately 24 States.

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This initiative adds layers of deterrence and punishment so that violent offenders can be held to account for all of the damage and injury or death and heartbreak they have inflicted on innocent victims.

The Unborn Victims of Violence Act, Mr. Chairman, recognizes in law the self-evident truth that an assault on a pregnant woman is an attack on two victims. Both lives are precious; both lives deserve protection.

This is truly a humane and necessary legislative initiative, and I congratulate the gentleman from South Carolina (Mr. GRAHAM) for his wisdom and courage in authoring this bill and the skill and tenacity of the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution; and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, in shepherding this legislation to the floor.

I urge all my colleagues to vote "yes" and against the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I wish we could come together in this country on the very difficult question of abortion. I think there are people of good will on both sides of this issue.

I know that in my own life I have tried my best to reach out. I have had a long dialogue with a pastor in my district to see if there is not some middle ground, something we can take as a position that all reasonable people would agree with. There is some hope in that regard. For example, to emphasize adoption rather than abortion; to emphasize personal responsibility and try to teach family planning.

Today's bill, I am afraid, is a step in the opposite way, and that is why I am opposed to it. The bill states something that many people of very sincere faith hold dear: namely that a person begins at the earliest possible moment of conception. That is what the bill says. It does not use the word conception, but it says, "a member of the species Homo sapiens from the earliest possible point of development."

I know people of good will believe that. But the truth is that there are other people of good will who do not. And there are people of good will who do not know exactly when life begins and who recognize that it is a process that certainly has a start at conception and certainly has a very significant point at birth and somewhere in between we might say miracle life, human life.

But are we prepared today to say that we know for certain, for everybody in a Federal Congress, through the criminal law, that life begins at conception? I do not think so, not in a government that is explicitly respectful of differences of religious belief. Because it is fundamentally a religious question. When does life begin is a religious question.

If our purpose today is to punish people who harm a pregnant woman, we can do that. What we should have is an enhanced penalty for causing a miscarriage. I would vote for that in a second.

And if the purpose were to deter the attacks on a woman who is pregnant, then the statute should be written so that if the pregnancy of the woman would be evident. Instead, the statute is written so that even if the defendant does not know, and does not have any way to know that the woman is pregnant, the law applies. So that, quite literally, a murder statute would be applicable against an individual who pushes a woman in an altercation leading to a miscarriage, even in the very first, earliest part of her pregnancy.

I wonder if that is really what we intend to do today. If we intend to protect a pregnant woman against attacks, then we ought to say where the individual should have known or did know that the woman was pregnant. Obviously, that is how we would deter wrongful conduct.

These points are simple, but they are from my heart. I would love to bring this country together. What we are doing today, instead, is that people of very good will, driven by faith, for which I have the greatest respect, are, despite that good faith, imposing their religious opinion on those who do not share it. And I do not believe that is right, and I do not believe it is consistent with our constitution and with our obligation as Members of this House.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I just want to remind my good friend, the gentleman from California (Mr. CAMPBELL), of the doctrine of transferred intent, which I am sure, as a law professor, he is very familiar with. For example, if an individual is driving the get-away car in a bank robbery and, meanwhile, unbeknownst to that driver, a murder occurs and the guard is killed, the driver of the get-away car is guilty, even though he did not know.

Now, if someone assaults a woman and injures her and she is pregnant, that person intended the crime and they must intend the consequences.

I feel very awkward lecturing a professor.

I have one more thing to say. If an individual does not know when life begins, but they want to kill it, where do we give the benefit of the doubt?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. CAMPBELL. The benefit of the doubt should be to respect the individual conscientious judgment of people who have faiths that may not be identical to our own.

Mr. HYDE. Mr. Chairman, reclaiming my time, I am sorry, but I do not agree. I think we have to protect the little innocent life.

Mr. CAMPBELL. Mr. Chairman, if the gentleman will continue to yield, I would like to respond to the doctrine of transferred intent.

The difference here is that there is a punishment for hurting the woman. Every act that this statute would reach could be punished because the woman is hurt, and that is not the case in the gentleman's bank robbery example.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise today in support of the Unborn Victims of Violence Act. Surprisingly enough, when a pregnant woman is the victim of a Federal crime, any resulting injury to her unborn child goes unpunished. This measure is long overdue.

H.R. 2436 establishes that if an unborn child is injured or killed during the commission of a Federal crime of violence, then the assailant could be charged with a second offense on behalf of the second victim, the unborn child.

Twenty-four States already have laws that explicitly recognize unborn children as victims of criminal acts, 11 of these throughout the period of their in utero development. It is high time that we have the same protection provided for unborn children at the Federal level.

Now, extremist defenders of the abortion industry will try to make this bill look like it is taking away the right of a woman to abort her child. This is not true. H.R. 2436 does not permit the prosecution of any woman who has consented to have an abortion, nor does it permit the prosecution of the woman for any action in regard to her unborn child.

What this bill does, however, is protect unborn children whose mothers are physically assaulted, beaten, maimed, or murdered. What we are saying in this bill is that if someone's wife or sister or daughter or friend loses her unborn baby because the child died in the uterus when the mother was being beaten or killed, the perpetrator of the crime should be held responsible.

Our country desperately needs this Federal law. Last month in Little Rock, a woman who was 9 months pregnant was severely beaten by thugs allegedly hired by her boyfriend. Sadly, they accomplished their goal and the baby was killed. Under Federal law, the crime would be against the woman only. There is no accountability for the killing of the child who was 3 days away from being born.

Yet another example. Ruth Croston was 5 months pregnant when, on April 21, 1999, she was killed by her husband. She and her unborn daughter died after being shot at least five times. The husband was prosecuted in Federal Court for domestic violence and using a firearm in the commission of a violent crime, but no charges, no charges were brought for the killing of the unborn baby girl, and this brutal act goes unpunished.

The absence of Federal protection of these unborn children is nothing short of a tragedy. The list of tragic stories goes on and on and on. This is exactly why we need this bill to be passed in the House today and signed into law by the President.

H.R. 2436 enables the Federal Government to recognize that when a pregnant woman is assaulted or killed within its jurisdiction, and her unborn child is harmed or killed as a result of the crime, there are two victims, the woman and the child.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume to note that neither the bill nor the substitute would apply to the instances of violence just referenced, because those are State offenses and there is no Federal predicate.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, there is no mistake about this, the loss of a pregnancy through violence to a woman is a major, major tragedy for the woman and her family. It is absolutely necessary that we punish any violent crime committed against a pregnant woman who miscarries due to a crime against her. But, Mr. Chairman, we have to hear the words from the other side of the aisle. This bill is not about punishing criminals, it is about taking reproductive rights away from women. It is about abortion.

The Lofgren substitute, however, recognizes that when harm comes to a pregnancy, it happens to the pregnant woman; and, yes, the violator must be punished. The underlying bill, however, is a sneak attack on Roe v. Wade and would threaten a woman's reproductive rights.

Support for the Lofgren-Conyers substitute shows true concern about violence for women, and it must be passed. But let us not stop there. Let us take real steps to make our government work for women, for their families, and for their children in many other ways. Let us protect them against violence in the first place. Let us give them paid family leave, let us prepare them for the 21st century work force, and provide safe, affordable child care.

But we can start, Mr. Chairman, by voting for the Lofgren substitute, which shows that we care what happens to women when they have been violated in any crime that would hurt them and their unborn child.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, on this floor we debate and deal with many issues that are very complex. This is not one of them. I truly believe in my heart that my colleagues can be the most pro-choice Members of this body and vote for this legislation. In fact, I find it unconscionable that anybody could not support this issue.

Medical technology today is amazing. I remember when my wife and I were having four children of our own. We could go into the doctor, and we looked forward to the day when we could go in and listen to the child's heartbeat. Today couples can see the child through the sonograms and all the technology that we have today.

The real issue that this bill deals with is loss. The question is, and I think it is the fundamental question that this bill addresses: is there a loss? If we were to go to that young soon-to-be-father or mother and ask them, when they have been victims of violence and they have lost that child that they have seen and possibly even named, that they know the sex of, that they can see sucking its thumb, kicking, so on and so forth, if we ask them, has there been a loss, the answer is yes.

Support H.R. 2436.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. My colleagues, the hypocrisy is incredible to me, just to hear the gentleman from Oklahoma (Mr. LARGENT) talk about the sanctity of the human life and how any pro-choice person in this body ought to be able to vote for this bill. How in the world can they honestly say that they are for the sanctity of life and then gladly and proudly come out and say that this bill would not affect a woman's right to choose and have an abortion?

I am just astounded by those who are so pure on this side of the aisle; that they get up, like the gentleman from Florida (Mr. WELDON), who got up and was so pure about relieving our consciences of the fact that this would not, please, no one mistake the fact that this is going to undermine Roe v. Wade. It is not going to undermine Roe v. Wade. Women are still going to be able to have an abortion. That is what the gentleman from Florida (Mr. WELDON) was saying; that is what the gentleman from Oklahoma was saying. They are saying to pro-choice people like myself that we can vote for this because our constituents will still have the right to a safe, legal abortion.

I mean, it is just so incongruous that the very people who are saying that they believe so much in the sanctity of life are now proposing a bill that they willingly admit does not protect the very people they think need to be protected.

Now, in addition to being intellectually dishonest, this bill is a farce. It talks about the unborn victims of violence. What about the born victims of violence? What about the 13 and 14 kids that are killed every day in this country by guns that this leadership fails to bring up on the floor because they are in bed with the gun lobby? What about the fact that we have members who want to get up on the floor and talk all about the sanctity of human life and spreading those civil rights that they say that we stand so much for and then saying we ought to be for the unborn child?

☐ 1430

What about for the born child? What about for the child that is already here? Have my colleagues ever looked at the indices for spending that this Republican budget spends on inner-city kids from minority families who are on the WIC program, who are trying to get Headstart? And those people pretend that they are for the human life?

Do they not value the human life of one in four kids in this country who are in poverty? And they want to cut the earned income tax credit?

This is a farce. I do not need to say any more. This is a farce.

. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to respond to the gentleman from Rhode Island (Mr. KENNEDY). Of course we should be concerned about our children. I think that we are in this body. But this issue that we are addressing today is to protect a woman who wants to carry a child all the way to term and to have that child, and that is what we speak of in the right to choose.

If someone decides to have an abortion, that is protected under the Constitution. It is not inconsistent because we might be pro-life and we cannot change that, and so we look at this law as an opportunity to protect the mother's right to have a child when she makes that decision. Surely someone that believes in the right to abort a child would concede that if a woman makes a decision to carry a child to term that that decision should be respected.

Then the gentleman from New York previously said, well, why pass this law because it does not cover State law and that is where most of the assaults against women occur? Well, obviously, that is true. And many of the States are addressing that. But it is important that we do what we can in this body to protect women. Our responsibility is to look at the Federal law, and that is what this bill does.

Then there are those that argue, well, present law is sufficient. Well, under the present law, under the Federal system, a perpetrator of violence against a woman can only be charged for assault and battery. This brings it to another level so that, if the unborn child is killed, then it can be actually a homicide case. The present law is not adequate. There are those that argue that sentence enhancements is sufficient. Well, it is not.

Let me tell my colleagues about the case from Arkansas that has already been referenced. In Arkansas, we did not have a fetal protection law until the last session of the legislature, where the legislature wisely adopted a law that would protect that unborn child in the event of assault upon a woman. This year it came into play when Shiwana Pace was assaulted brutally by three assailants who were hired by the father of the child.

The father of the child says, I do not want this child to live. So he hired three hit men to go and to beat that child. And while they were beating the woman in the stomach, they said, today your child dies. And the nine-month-old pregnancy was ended and the unborn child died.

Under the old law, they could only be prosecuted for assault and battery upon the woman. But because Arkansas adopted the fetal protection law, an actual murder case was able to be lodged by the prosecutor to protect the woman and to really reflect the loss that she suffered because she wanted to have that child.

The old law was not sufficient. Sentence enhancement was not sufficient. It was Arkansas' new law that really brought the criminal justice system to bear on the true loss to that woman who decided that she wanted to carry that child in her womb all the way to birth. And so, a Federal law is needed, as well, to accomplish the same thing, to protect the woman fully.

Ms. LOFGREN. Mr. Chairman, I would like to quote some of the editorial that ran in the New York Times on September 14. The editorial is entitled "On a Dangerous Path to Fetal Rights."

The New York Times points out: "Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. Called the 'Unborn Victims of Violence Act,' . . . the measure aims 'to chip away at women's reproductive freedom by granting new legal status to 'unborn children'—under the deceptively benign guise of fighting crime. . . .

"No one would quarrel that an attack on a pregnant woman that results in a miscarriage or prevents normal fetal development is a tragedy. Extra severe penalties in such cases may be appropriate. But that can be done by prosecuting a defendant for assaulting the pregnant woman. The pending bill, however, treats the woman as a different entity from the fetus—in essence raising the status of a fetus to that of a person for law enforcement purposes—a longtime goal of the right-to-life movement.

"The bill contains exceptions for medical treatment and legal abortions. That has allowed the bill's sponsors to assert that the measure has nothing to do with the abortion issue. But that view is disingenuous. By creating a separate legal status for fetuses, the bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinnings of the Supreme Court's ruling in Roe v. Wade. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or to deter crime."

I could not agree with that more.

Mr. Chairman, I yield 3 minutes to my colleague, the gentlewoman from Maryland (Mrs. MORELLA.)

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in opposition to the Unborn Victims of Violence Act. For the past 12 years, 13 years really, as a Member of this House, I have worked to secure health care for women and children, to fight against domestic violence, and to protect a woman's right to choose. I believe that this legislation would reverse our triumphs and our progress over the decades.

I believe that the true intention of this legislation is to ultimately redefine when life begins and reverse the Supreme Court ruling of Roe v. Wade. No one here should think that this is not a debate on abortion.

H.R. 2436 is said to be protection for pregnant women against a violent crime. But the words "mother," "women," or "pregnant women" are just not mentioned in the language of the bill.

I would proudly support a bill to prevent and punish the violent crimes against pregnant women within our society, but this bill ignores where and when these crimes most often occur.

The Unborn Victims of Violence Act lists Federal crimes, such as "damage to religious property" and "transaction involving nuclear materials" and situations where a "Homo sapien in any stage of development within the womb" would receive protection.

How is this bill helping the 37 percent of women who need to receive emergency help because of their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State?

If we want to protect women and their children from violence, let us debate funding for shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

Fundamentally, the Unborn Victims of Violence Act is legislation that seeks to redefine when life begins. I support the landmark decision of Roe v. Wade in 1973 that established a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

Thirty-nine States have strengthened laws to protect either a pregnant woman or her pregnancy with specific determinations of personhood and in cases of violent crime. Any new Federal law should protect a pregnant woman without threatening a woman's right to choose.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 2436.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 20 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act, a bill that brings justice against a criminal for harm done to two victims, not just one. Both lives are precious. Both lives deserve protection.

Many States do already recognize unborn children as victims of such crimes. For instance, my home State of Pennsylvania, like more than 20 others, does have such a law. It is called the Fetal Homicide law. This law, I might add, receives support from both pro-choice and pro-life legislators. Why, then, can we not take what are protections in many of our States to protections in Federal crimes?

The Unborn Victims of Violence Act was designed to address a flaw in our law which says right now that there is no punishment for the injury or harm to an unborn child during a Federal crime. Should we ignore the violence that women and their unborn children undergo from violent criminals, characterizing the injury or even death of the child as "an interruption in the normal course of pregnancy"?

I submit that it is much more than that. If such a Federal law were in place, we could punish some of these criminals for their terrible actions and incidents ranging from the tragic story of the woman in Arkansas whose near-term infant was beaten to death inside her body to incidents with which we are all familiar where pregnant women and their unborn children are killed, like the bombing of the World Trade Center or even the Oklahoma City bombing.

Do not let such criminals go unpunished for the lives they have devastated and ruined. Let us make those criminals pay for the lives they seek to destroy and, in many cases, successfully do so.

This bill is not about abortion or abortion politics, as the opponents have alleged. It is about providing justice for both victims in the crime. Vote for the Unborn Victims Violence Act.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, the arguments made by the supporters tug at the heart strings of the Nation. Yet we, as legislators, know better. We know that the American people want us to do justice, not just pontificate, or what makes a great sound byte, or as a shelter for the lack of work we have done in other areas.

I have to compliment my colleague, the gentlewoman from New Mexico (Mrs. WILSON), for such an elegant and heartwrenching speech and presentation. Yet she missed the point. It is possible to address the issues of H.R. 2436 without trespassing on the reproductive rights of women in this country.

None of the opponents of this bill have argued that abortion can be prosecuted under this bill. They keep saying that we are saying that we do not want abortion dealt with so we are opponents of the bill. We have not argued that, because we see clearly in the bill it deals with setting aside abortion as a possible offense.

But what we are arguing is that the bill is an effort to erode a woman's right to choose. And it is. They said it. They know it. The paper knows it. Everybody knows it. They are trying to erode Roe v. Wade.

Now, the other thing that must be made clear is, in the Arkansas situation that was argued, in the North Carolina situation that was argued, those were State offenses and there were no underlying predicate acts. In fact, in this legislation that is being presented today on the floor, there is no underlying predicate act in this bill.

State law can be prosecuted without any further Federal legislation. What we are saying is, if this is a State law and this is a State issue, let it be dealt with in the State court. We do not need to pass any more legislation that is dealt with in State legislate.

In fact, let us think about it like this. I think that is the argument that the gun proponents made when we were talking about passing the Brady bill. State law already handles it so why pass Federal legislation.

In fact, I think that is the argument we made just the other day when we wanted more gun control, we do not prosecute enough gun control laws right now. Why pass any more?

Same thing here, let us not pass any more laws that we do not need. State law deals with this.

□ 1445

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from South Carolina (Mr. GRAHAM) for his very thoughtful and diligent work on this important and carefully constructed legislation that will help close an unfortunate gap in

Federal law. Since the gentleman from South Carolina has so ably and thoughtfully explained the legislation earlier in the debate, I would just like to take a few minutes to address several of the legal issues that have been raised regarding H.R. 2436.

First, questions have been raised about the constitutional authority to enact this legislation. That is something that we heard quite a bit about when the bill was debated in the Committee on the Judiciary. I submit to the House that the challenge to the bill on this ground is totally without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 2436 merely provides an additional offense and punishment for those who injure or kill an unborn child during the course of the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is more properly directed to the constitutionality of the predicate offenses that are already established in the Federal law and not to H.R. 2436 itself.

Opponents of the legislation have also argued that it somehow violates the decision of the Supreme Court in Roe v. Wade which was decided in 1973. There are variations on this argument, this argument is framed in different ways, but that is what it boils down to. They are saying there is an inconsistency between this statute and the decision of the Supreme Court in Roe v. Wade. Once again, I submit to the House that this argument simply makes no sense.

To begin with, H.R. 2436 does not apply to abortion. It is very important to understand that. It was acknowledged just a minute ago, but I think there are some people who have made arguments against this bill who do not really understand that. I would direct the Members' attention to pages 4 and 6 of the Union Calendar version of this bill where prosecution is explicitly precluded for abortion-related conduct. It is right there in the bill, an exemption for abortion-related conduct. The act also does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or of any woman with respect to her unborn child. So it is very clear in the bill. There should be no doubt about these provisions of the bill.

Let me go on to say that there is nothing in Roe v. Wade that prevents Congress from giving legal recognition to the lives of unborn children outside the parameters of the right to abortion marked off in that case. In establishing a woman's right to terminate her pregnancy, the Roe Court explicitly stated that it was not resolving the difficult question of when life begins, and that is the terminology that the Court specifically used. They said they were not resolving that. They said they were not resolving the difficult question of when life begins, because the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer. That is what the Supreme Court said. What the Court did hold was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting one theory of when life begins. The focus there was on the right of the pregnant woman. I think anyone who understands Roe and the cases that follow that understand that that is what the focus was. That is undoubted. That is unquestioned. Anyone that is not aware of that should read the case.

Courts addressing the constitutionality of State laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe v. Wade and as a result have consistently upheld those laws. This is important to understand. This is not a question of first impression here in this House. This is not a matter of doubt or uncertainty. Laws similar to the law under consideration here today have been adopted in a range of States across the country. Those laws were challenged in court and the courts consistently upheld them.

Let me give my colleagues some examples. In Smith v. Newsome, which was decided in 1987, the 11th Circuit Court of Appeals held that Roe v. Wade was, and I quote, "immaterial to whether a State can prohibit the destruction of a fetus by a third party." That is what the 11th Circuit said.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill holding that, and once again I quote, "Roe v. Wade protects the woman's right of choice; it does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus."

In 1994, the California Supreme Court held in People v. Davis that "Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent." That is what the California Supreme Court had to say. I do not think anyone would accuse them of being soft on the issue of abortion rights.

In State v. Coleman which was decided in 1997, the Ohio Court of Appeals stated that "Roe protects a woman's constitutional right. It does not protect a third party's unilateral destruction of a fetus."

Opponents of this legislation have also argued that the use of the term "unborn child" is "designed to inflame." They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, and I quote them, "result in a major collision between the rights of the mother and the rights of" the unborn. That is what the real objection to this bill is about. It is about the use of the term "unborn child" in this bill. I think the opponents of this bill, if they are candid, will acknowledge that. That is the focus of their objection. They do not like the use of that terminology. Let me say that this objection, in fact, reflects nothing more than the semantical preferences of radical abortion advocates, and is based on an apparent lack of knowledge of the widespread use of the term "unborn child" in the decisions of the United States Supreme Court and the United States Courts of Appeals, as well as in State statutes and court decisions, and even in the legal writings of abortion advocates.

The use of the term "unborn child" by the Supreme Court can be illustrated by reference to Roe v. Wade itself, in which Justice Blackmun used the term "unborn children" as synonymous with "fetuses." Justice Blackmun also used the term "unborn child" in Doe v. Bolton, the companion case to Roe in which the Court struck down the Georgia abortion statute.

Let me also bring the attention of the Members to a 1975 case, a case decided not long after the Roe decision. This is the case of Burns v. Alcala, where the Court held that unborn children were not dependent children for purposes of obtaining aid under the Aid to Families With Dependent Children program, commonly known as the AFDC welfare program. Not only did Justice Powell use the term "unborn child" in the majority opinion in Burns, but Justice Thurgood Marshall dissented in the case and argued that unborn children, and I quote, "unborn children," those were his words in his dissent, should be covered as dependent children under AFDC.

Now, would the opponents of H.R. 2436 seriously contend that Justice Marshall was undermining the legal structure of abortion rights by arguing that unborn children should be recognized under a Federal statute? Do they seriously contend that that was the impact of what Justice Marshall said in his opinion? As we all know, Justice Marshall was a vigorous proponent of abortion rights. I would encourage the Members to read his opinion.

He starts off in his dissent saying, "When it passed the Social Security Act in 1935, Congress gave no indication that it meant to include or exclude unborn children from the definition of 'dependent child.' Nor has it shed any further light on the question other than to consider, and fail to pass, legislation that would indisputably have excluded unborn children from coverage." That is right there in Justice Marshall's dissent in 1975. He goes on and talks about unborn children time after time. He ends up his opinion dissenting from the judgment of the Court in this case by saying, "I cannot agree that the act, in its present form, should be read to exclude the unborn from eligibility." That was Justice Thurgood Marshall.

Subsequent Supreme Court decisions have also used the term "unborn child" as synonymous with "fetus." These cases include City of Akron v. Akron Center for Reproductive Health, decided in 1983; Webster v. Reproductive Health Services, decided in 1989; and International Union v. Johnson Controls, decided in 1991. There are so many decisions of the U.S. Courts of Appeals using the term "unborn child" that it would be too time consuming to go through them all. I would use up the rest of the time in the debate simply going through those decisions of the Courts of Appeals where the term "unborn child" was used. There are also at least 19 State criminal statutes similar to H.R. 2436 that currently use the term "unborn child" to refer to a fetus. These statutes have been consistently upheld by the courts as I have already explained.

We have these cases of the Supreme Court. We have these State laws. We have the other Court opinions that use this term "unborn child." That is part of the fabric of the law in this country. The structure of abortion rights has not come tumbling down because the Court has used that term. I think the argument that is being made here simply does not make sense.

Even feminist abortion rights advocates such as Catherine MacKinnon have used the term "unborn child" as synonymous with "fetus." In an article that was published in the Yale Law Journal entitled "Reflections on Sex Equality Under the Law," Professor MacKinnon conceded that, and I quote, "a fetus is a human form of life that is alive." That is what Professor MacKinnon said, and I do not think she would take second place to anyone in her support for abortion rights. In her defense of abortion rights, Professor MacKinnon expressed her view that, and again I quote, "Many women have abortions as a desperate act of love for their unborn children." I think the argument of the opponents of this bill that focuses on their view about the harm that will be caused by the use of the term "unborn child" is simply not supported by the facts and is more a fantasy than anything else.

Finally, opponents of H.R. 2436 have argued that the bill lacks the necessary mens rea requirement for a valid criminal law and is therefore unconstitutional. I just want to point out briefly that this argument ignores the well-established doctrine of "transferred intent" in the criminal law. Anyone who knows anything about the criminal law has to know something about transferred intent. This is not some secret, dark mystery of the criminal law. This is a well-established doctrine.

Under H.R. 2436, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence, with criminal intent, upon a pregnant woman, thereby injuring or killing her unborn child. Under the doctrine of transferred intent, the law considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child who is the victim of the violence as well.

This transferred intent doctrine was recognized in England as early as 1576 and was adopted by American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in language that is remarkably similar to the language and operation of this legislation:

"Under the common law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim." H.R. 2436 operates on these basic and well-settled principles of the criminal law.

In summary, let me say that none of the legal challenges to this bill can withstand serious scrutiny. All the opposition to the bill in fact stems from an objection to the very concept of "unborn children." That is what it boils down to, as I said earlier. The opponents insist that a concept that is well-recognized in the law is somehow dangerous and subversive, a concept that has been recognized by judges such as Thurgood Marshall in his opinions on the Court. The opponents have a great deal, I would suggest, invested in the illusion that the unborn are entirely alien to the human family. Indeed, I have come reluctantly to the conclusion that for the opponents of this bill, it is a chief article of faith with them that the unborn are not human.

□ 1500

It is their credo that the unborn are nothings, nonentities; as the gentleman from Illinois (Mr. HYDE) said, ciphers. They dogmatically adhere to the doctrine that the recognition for any purposes of the value of life in the womb is forbidden by the Constitution of the United States. Thus, they mount their opposition to this very reasonable effort to protect the innocent unborn from brutal acts of criminal violence.

Now I would humbly suggest that those who would embrace principles that would drive them to oppose eminently reasonable legislation such as this legislation proposed by the gentleman from South Carolina should reexamine the principles they have embraced. And, regardless of what we may think of the wisdom and justice of the Supreme Court's decision on abortion rights, we should be able to understand that the views expressed in opposition to this bill are views that have never been embraced by the Supreme Court of the United States. These views go far beyond anything the Supreme Court has ever said.

We must recognize this:

These views do violence to the reality of the pain and suffering that is experienced when a criminal attacks a pregnant woman and injures or kills the child in her womb. We have heard the tragic stories of these cases, and I humbly submit that the arguments made against this bill show an inadequate sensitivity to the reality of that pain and suffering.

Mr. Chairman, the opponents of this bill have once again set off on a flight from reality. I would appeal to the Members of this House to reject their fallacious arguments. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and their unborn children. I urge the Members to vote in favor of H.R. 2436.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill claims to protect fetuses from assault and harm, but its goal is clearly to undercut the legal foundations of a woman's right to choose. H.R. 2436 gives a fetus at any stage of development from the time of fertilization the status of a person under the law with interests and rights distinct from those of the pregnant woman. This is in direct conflict with Roe v. Wade which held that at no stage of development are fetuses persons under the law.

Mr. Chairman, we are deeply concerned about violence against women and agree that harm to a woman which results in injury or harm to her pregnancy deserves enhanced punishment. But H.R. 2436 is not the way to accomplish this goal, and I regret that the previous speaker, the gentleman from Florida (Mr. CANADY) seemed to suggest that those of us who oppose this legislation have no sense of feeling or compassion or hurt or tragic feelings about women who find themselves in such a situation.

That is far from the truth. We understand the pain and suffering that occur to these women when they are attacked and criminal violence is done to them, but the criminal violence done to them should be treated in ways that do not do violence to the fundamental constitutional rights of all women.

I, therefore, strongly support the Lofgren substitute, the Motherhood Protection Act of 1999 which recognizes that when harm comes to a pregnancy, it happens to the woman who is pregnant. The Motherhood Protection Act would establish a new Federal crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy with punishments ranging from 20 years to life imprisonment. The Lofgren substitute accomplishes the stated goal of H.R. 2436 and should be adopted by this House if we have the intent of protecting women who are pregnant.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina (Mr. WATT), my colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I wanted to just bring to the attention of my colleagues a concern that I have about this bill that is a little bit different than the concern that has been expressed during the primary debate on the bill, and I bring this to the attention of my colleagues not to diminish the value of the debate that has occurred.

It is very important that this bill not undercut the right to choose either directly or indirectly or by implication. But there is another concern about this bill that I think we have lost sight of and that my colleagues who came riding into Congress on the States rights horse have lost sight of. Unfortunately, when they start to talk about abortion issues and issues of this kind, they lose sight of the fact that we operate in a Federal form of government under which certain rights are reserved to the States, and for the Federal Government to exercise jurisdiction in a particular area, there has to be some particular Federal nexus involved.

Under this bill my colleagues would have us believe that because the Federal law and the Federal Government has an interest in protecting, for example, Federal law enforcement officials, that that same interest would expand to protecting a fetus or an unborn child in the womb of that Federal law enforcement official. The nexus for protecting Federal law enforcement officials is the fact that they are Federal law enforcement officials, and we as a Federal Government, therefore, have a vested interest and a constitutional right to protect them. We cannot take that same constitutional right that the Federal Government has and take it to the next level.

So in this case that has been talked about over and over and over in North Carolina, they would have us believe that because the mother was protected under Federal law when she was driving down the street in North Carolina, the child of the mother should have the same Federal protection. In fact, it is the State law that we have to look to to protect the interests of the unborn child or the child in that case just as we could not extend Federal law to protect a born child or a passenger in that car with the mother. We do not have the right in our Federal system to extend Federal law willy nilly, and there is simply no basis in a lot of the instances that this bill covers under Federal law for exercising jurisdiction.

Mr. Chairman, I would encourage my colleagues to oppose the bill for that reason.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

I rise in strong opposition to H.R. 2436 and in strong support of the substitute bill. H.R. 2436 would make it a Federal crime to knowingly damage a fertilized egg during an assault against a pregnant mother.

Now I absolutely agree that it is a tragedy for a woman to lose a pregnancy during a crime, and I strongly support the approach that many States have taken to toughen penalties for an assault against a pregnant woman, and that is, in fact, the approach that my colleague is taking in her substitute. However, Mr. Chairman, H.R. 2436 would do nothing to protect the woman further, but instead would create for the first time a legal definition that a fertilized egg is entitled to protection under the law as a person.

This bill is indeed breathtaking in its scope. While the examples used are drawn from criminal assaults of women in advanced stages of pregnancy, its real concern reaches to the impact of the violence on the embryo. Roe v. Wade makes a distinction between the embryo in the first trimester and the post viability embryo, and that is the distinction that State laws honor.

This bill makes no such distinction because it deals with the fertilized eggs at all stages of development; and, therefore, it opens the opportunity that if a woman is assaulted in sort of a routine assault and battery case and 3 weeks later has a miscarriage, that miscarriage can up the assault and battery charges to murder though she did not know she was pregnant at the time and neither did the assaultant.

So this bill goes way beyond what it appears to do, and while I certainly think that a woman in an advanced stage of pregnancy who is assaulted and the fetus killed, that assaultant deserves a punishment that is far more severe than if he had not been attacking a pregnant woman. I think this bill goes way beyond that by dealing with a fertilized egg and opening up the kinds of possibilities I cite, and the next step, which is not contained in this bill, but it is the only logical next step, is to disregard the intent of the assaultant. Why, if it is a criminal assault, should it be seen as a crime? When it is simply the destruction of the fetus, it should not be seen as a crime?

Mr. Chairman, that is why those of us who support a woman's right to abortion are deeply concerned about this legislation. It does clearly in its language exclude abortion, but the only difference between an abortion and a criminal attack is the criminality of the attacker and the criminal intent. But the effect on the fetus is the same, and all my colleagues focus on in this bill is the fetal effect, and they define "fetus" as fertilized egg even before the woman knows she is pregnant.

So I urge opposition to the bill and support for the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

As my colleagues know, why do we think this bill is fundamentally an attack on choice? Because if the real effort is to protect women, we can do that in other ways, and we must do that in other ways, but if we really want to do that, we should pass the Violence Against Women's Act. This bill has not come up before on the floor of this House, but if we really want to protect women, pass the Violence Against Women Act. If we really want to protect or if we really want to provide more sincere and serious punishment should an assault on a woman result in the loss or damage to a pregnancy, we can do that by passing the Lofgren amendment.

We can do those things, and we should do those things, but here is where I believe this bill is fundamentally disingenuous: As my colleagues know, a couple years ago I visited a women's shelter where they took women in after being victims of domestic or other violence. That women's shelter turned away 1,200 women a year because they did not have adequate funding, 1,200 women who had been the victims or believe they were about to be the victims of violence were turned away because that shelter did not have adequate funding.

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If we really care about women, if we really care about the well-being of children, we will pass the Violence Against Women Act, we will fully fund programs like women's shelters, we will fund programs to help children, to promote safe and secure births for children.

But this act fundamentally is an assault on the constitutional right to choose. That is what it is about, make no mistake about it. If you support the right to a safe, legal abortion, you should reject this act, and you should support the Lofgren substitute, which is what I will surely do, and I encourage my colleagues to do as well.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, neither Congress nor the United States Supreme Court has ever afforded legal status to an unborn child, and it is undisputed, I think, that H.R. 436 would be the first such congressional recognition. Similarly, there is no precedent in the history of the Supreme Court for such a rule.

In the 26 years since Roe v. Wade, the United States Supreme Court has never recognized an unborn child as having legal status. Outside of the abortion context, the Court has been asked only twice to uphold a State's determination that an unborn child should be afforded the protection of the law, and those two cases, Burns v. Alcala and Webster v. Reproductive Health Services, are the only two cases in the 26 years since Roe, in which the Supreme Court has been asked to recognize the "unborn child" as having legal status. In both cases, the Supreme Court refused to do so.

Those of us who are here today standing up for the personal right of a woman to determine her own reproductive future are very concerned and very opposed to this bill.

I have heard the chairman of the Subcommittee on the Constitution go on at some length about how this really would not disturb Roe v. Wade, and I do not agree. But I would also like to point out that the chairman and the gentleman from Illinois (Mr. HYDE), the chairman of the committee, opposed Roe v. Wade. That is their right to do so. The gentleman from Illinois (Chairman HYDE) said today earlier that he opposed abortion in all cases, including cases of rape and incest. I do not agree with him, but I respect that that is his position. In fact, if it were up to the chairman, he would repeal Roe v. Wade, and I think this is part of the strategy to go down that road.

We do not see it the same way, and I wish that we could have that debate in a different context, not in the context of violence against women, because, in fact, after we have finished debate on this bill, I will be offering a substitute with the gentleman from Michigan (Mr. CONYERS) that would achieve the goal that is allegedly being sought here today, which is protection of women who are pregnant against assault that might impair or damage their pregnancy. We can do that together, if that is in fact our goal. I think that goal is a worthy one.

I would urge that we do so and that we reserve the debate over reproductive choice for another time, another day, a different vehicle, and that we be very open about what the dispute is about. If opponents of reproductive choice for American women want to bring this issue to a conclusion, they ought to bring a pro-life constitutional amendment to this floor.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM).

The CHAIRMAN. The gentleman from South Carolina is recognized for 1 minute.

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I spent days, hours, a lot of time with a lot of people to draft in bill for an express purpose, not to have an abortion debate, but we will have it. This is a free and open House. You can talk about what you want to.

My goal is to have a statute that will put people in jail when they do harm. When they do bad things, they suffer bad consequences.

California has a statute very similar to this that has been in existence for 29 years. Go open up a phone book and see if you can have an abortion in California. You can. There are 24 states that have made it a crime to destroy an unborn child by a third party, and a woman can still get a legal abortion.

This bill exempts consensual abortions because it is about criminals, not abortions. Sometime, somewhere, unfortunately, given human nature, there will be a woman assaulted where Federal jurisdiction exists and she will lose her baby, and I want to make sure that person goes to jail for taking her baby away from her when she chooses to have it. I hope you will help me do it.

Ms. LEE. Mr. Chairman, today in this chamber we rise yet another time to protect a women's right to choose. As one of 37 pro-choice women in the Congress, this is an issue for which we must stand and speak time and time again. Anti-choice Republicans continue to take every possible opportunity to raise legislation aimed at undermining a woman's right to choose. Since the beginning of the 104th Congress, the House has taken over 100 votes on family planning and choice—a phenomenal number. From the move to override President Clinton's veto of the partial birth abortion ban, to the so-called "Child Custody Protection Act," to requiring parental consent to access Title X services, the "Unborn Victims of Violence Act" that we address today is yet another example.

I deplore acts of violence against women, and stand as the strongest of advocates against domestic violence and domestic abuse; however while this legislation purports to protect pregnant women, the reality is that it undermines a woman's right to choose. The bill would criminalize death or injury that occurs at any stage of development, from conception to birth. H.R. 2436 would recognize the fetus as a person, with the same legal standing as the woman's—a status long sought by the conservative movement to attack the Supreme Courts' ruling in Roe v Wade.

In order to protect women from violence, this Congress should be passing H.R. 357, the Violence Against Women Act of 1999. In order to ensure healthy pregnancies for both mothers and babies, this Congress should be passing legislation to increase access to prenatal care. In order to support healthly children, this Congress should be passing legislation to support and strengthen WIC nutrition and food stamp programs. But instead we are debating yet another piece of anti-choice legislation.

I urge my colleagues to recognize this bill for what it is: a misguided initiative, dangerous and harmful to women's rights. I urge a "no" vote on H.R. 2436.

Mrs. TAUSCHER. Mr. Chairman, I rise today in opposition to H.R. 2436, the so-called "Unborn Victims of Violence Act." While I whole-heartedly agree that acts of violence against a pregnant woman deserve severe punishment, this bill does absolutely nothing to further that goal. Ironically, these pregnant women are not mentioned in the actual legislative text. Instead, this bill goes so far as to redefine the fetus as a fully-independent person separate from the mother. This is a definition that even Supreme Court Justice Antonin Scalia, a staunch opponent of Roe v. Wade, opposed.

Instead, I believe we must do more to protect pregnant mothers, and am therefore supporting the "Motherhood Protection Act," introduced by Representative LOFGREN. This measure provides increased penalties for crimes against pregnant women. This common-sense legislation would provide true protections for pregnant women without undermining the Constitutionally-protected right to choose or attempting to change the definitions of "personhood" under the 14th Amendment to the Constitution. This measure makes sense, and achieves the stated goals of the underlying bill. I urge my colleagues to vote for the Lofgren substitute and vote against H.R. 2436.

Mr. WU. Mr. Chairman, I rise today to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This legislation is clearly another attempt to take away a woman's right to choose.

Under this bill, a person can be prosecuted for harming a fetus, regardless of whether the person is prosecuted for harming the mother. No knowledge of the pregnancy or intent to cause harm is necessary for prosecution. That means that even without determining intent, one could receive the full punishment normally associated with intentional murder. As the father of two beautiful children, my daughter Sarah less than a week old, I feel strongly that any crime that intentionally causes harm to a mother and her unborn child is despicable and must be punished. This legislation, however, is not the way to achieve that. Granting independent legal status to a fetus does not help to stop violence against women.

Let's work together to protect all women and their children from violence rather than using this veiled legislation to restrict a woman's right to choose.

Ms. DEGETTE. Mr. Chairman, I remain baffled at this body's ability to undermine a woman's fundamental right to choose. What's more, I am disturbed at the latest trend of crafting vague, amorphous legislative language that flies in the face of the proper intent of legislation by those who seek to limit or abolish this right.

The majority of Americans are pro-choice and know that we must protect a woman's right to choose to have an abortion while at the same time working to make abortion rare. The other side chooses to ignore this majority. They have determined that the best way to do this is to craft vague, and purportedly narrow, legislative language that undercuts this fundamental right by creating vast legal loopholes and ambiguously worded statutes that result in the near elimination of abortions.

Last Friday, the Eighth Circuit Court of Appeals struck down three such vaguely worded statutes from Iowa, Nebraska and Arkansas that posed as legislation to prohibit one form of late-term abortion. The Court recognized the backdoor attempt to ban abortions completely and the stifling affect such broad language would have on the health and safety of women in these states.

There is not a single member of the House of Representatives who does not think that criminals who brutally attack a pregnant woman should not be held accountable for their actions and punished to the full extent of the law. But if you expect us to naively believe that protecting pregnant women is the only intent of this legislation, you are sadly mistaken. This legislation fails to address many of the very real needs to protect women from violence in its backdoor attempt to undermine the essence of Roe v. Wade.

If we are addressing violence to a fetus in utero, the one very large, glaring omission from the legislation we are debating today is the woman carrying that pregnancy. As worded, this legislation turns the woman in to a mere vessel and ignores the simple truth that the abhorrent violent acts we have heard so much about on the floor today are happening to a woman.

We should punish people who harm a pregnant woman—but unfortunately we are not debating that fact today because the woman is missing from this legislation. I welcome the opportunity to discuss legislation that would enhance penalties for criminals who commit violent, deplorable crimes against a pregnant woman, particularly if that crime results in the loss of the pregnancy. But the fact that the violent act against the woman is ignored by this legislation, reveals its true intent. This legislation seeks to do one thing—create a separate legal status for a fetus, embryo, blastocyst or zygote to lay the groundwork for a fresh assault on Roe v. Wade.

If this Congress wants to protect women, and promote healthy pregnancies, then it should reauthorize the Violence Against Women Act. But, both the Department of Justice and the National Coalition Against Domestic Violence have said that this bill fails to help women victims of violence and yet again, diverts attention away from the true victim of the crime, the woman.

You cannot toss aside the health and safety of millions of women with legislation that masquerades as an effort to protect them.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong support of the Lofgren-Conyers amendment to H.R. 2436, the Unborn Victims of Violence Act. The bill is unfortunately flawed and needs to be modified because it fails to address the underlying issue—violence against women—pregnant or not. The majority of crimes against women occur during domestic violence and drunk driving incidents. I supported the Violence Against Women Act [VAWA] when it first became law in 1994. VAWA set up a national domestic violence hotline, grants for law enforcement, prosecution, and battered women shelters to combat violence and sexual assault. This Congress, I am a proud cosponsor of VAWA II which reauthorizes the original VAWA 1994 Act and has other provisions to further help protect women from violence. For example, the bill addresses sexual assault prevention and combating violence in the workplace.

When we create laws that affect women, we cannot take the woman out of the equation which is what H.R. 2436 does. The woman is the victim of the crime and one of the best ways to protect a woman is to have VAWA II passed. I think everyone agrees that crimes against women are horrible. It's especially tragic when the woman is pregnant and that needs to be appropriately addressed which is why I am supporting the Lofgren-Conyers substitute, the Motherhood Protection Act of 1999.

The Lofgren-Conyers substitute creates a federal criminal offense for harm to a pregnant woman and recognizes that the pregnant woman is the victim of a crime causing termination or harm during a pregnancy. The substitute provides for a maximum 20-year sentence for injury to a pregnant woman and a maximum life sentence for the termination of a pregnancy due to the assault. By focusing on the harm to the pregnant woman, it provides a deterrent against violence against women. I encourage my colleagues to support the Lofgren-Conyers substitute.

Mr. HANSEN. Mr. Chairman, I rise today in support of H.R. 2436, and commend my friend from South Carolina for bringing it to the floor.

Mr. Chairman, this bill has evoked the usual complaints from liberals in this country who refuse to accept any restrictions on when, how, or why an unborn child is killed. Until today, they had only defended the "right" of any woman to "choose" to kill her unborn child. How, however, it seems that they are willing to extend that protection to criminals who kill an unborn child while committing a crime for which they will be punished under federal law.

Now, before abortion rights activists paint this debate as one about a woman's 'right to choose,' let's examine a scenario that would be covered by this bill. First of all, if a woman is pregnant, and has not taken steps to end the pregnancy, it is probably safe to assume that she has chosen to bring her child into the world. When an individual, while committing a crime, harms that woman, and kills her unborn child, her choice to have her baby has been taken away, and it is that action which this bill and its sponsor seek to punish. If anything, this bill is the epitome of protecting the right to choose.

Free societies such as ours are based on giving up certain freedoms in exchange for security. Congress has, in the past, passed obscenity laws, which reasonably restrict the First Amendment. We have also made it illegal for known felons to purchase firearms, a restriction on the Second Amendment. All freedoms have reasonable limitations, yet abortion rights advocates in this nation, and specifically in this body, refuse to accept any limitations on the right to kill an unborn child. We have seen many of those individuals come before this body, listing the names of children killed by gun violence. Is it any less tragic when an unborn child is killed, simply because it has not been given a name yet? The opposition to this bill shines the spotlight of truth on abortion rights activists' belief that the death of an unborn child, under any circumstances, is all right with them. Quite frankly, Mr. Chairman, that attitude sickens me, and I would hope that it sickens the rest of our society.

I urge all of my colleagues to support decency, support human life, and support the choice of pregnant women to give birth to their children, by supporting this bill.

Mr. PAUL. Mr. Chairman, pro-life Members of Congress are ecstatic over the Unborn Victims of Violence Act, touting it as a good step toward restoring respect for life, and once again criminalizing abortion. This optimism and current effort must be seriously challenged.

As a pro-life obstetrician-gynecologist, I strongly condemn the events of the last third of the 20th century in which we have seen the casual acceptance of abortion on demand.

The law's failure to protect the weakest, smallest and most innocent of all the whole human race has undermined our respect for all life, and therefore for all liberty. As we have seen, once life is no longer unequivocally protected, the loss of personal liberty quickly follows.

The Roe v. Wade ruling will in time prove to be the most significantly flawed Supreme Court ruling of the 20th century. Not only for its codification, through an unconstitutional court action, of a social consensus that glorified promiscuity and abortion of convenience and for birth control, but for flaunting as well the constitutional system that requires laws of this sort be left to the prerogative of the states alone. A single "Roe v. Wade" ruling by one state would be far less harmful than a Supreme Court ruling that nullifies all state laws protecting the unborn.

Achieving the goal of dehumanizing all human life, by permitting the casting aside all pre-born life, any time prior to birth, including partially born human beings, Roe v. Wade represents a huge change in attitudes toward all life and liberty. Now pro-life Members are engaged in a similar process of writing more national laws in hopes of balancing the court's error. This current legislative effort is just as flawed.

Traditionally, throughout our history, except for the three constitutional provisions, all crimes of violence have been—and should remain—state matters. Yet this legislation only further undermines the principle of state jurisdiction, and our system of law enforcement, which has served us well for most of our history.

Getting rid of Roe v. Wade through a new court ruling or by limiting federal jurisdiction would return this complex issue to the states.

Making the killing of an unborn infant a federal crime, as this bill does, further institutionalizes the process of allowing federal courts to destroy the constitutional jurisdiction of the states. But more importantly, the measure continues the practice of only protecting some life, by allowing unborn children to be killed by anyone with an "M.D." after his name.

By protecting the abortionist, this legislation carves out a niche in the law that further ingrains in the system the notion that the willful killing of an innocent human being is not deserving of our attention. With more than a million children a year dying at the hands of abortionists, it is unwise that we ignore these acts for the sake of political expediency.

Pro-abortion opponents of this legislation are needlessly concerned regarding its long-term meaning, and supporters are naively hoping that unintended consequences will not occur.

State laws have already established clearly that a fetus is a human being deserving protection; for example, inheritance laws acknowledge that the unborn child does enjoy the estate of his father. Numerous states already have laws that correctly punishes those committing acts of murder against a fetus.

Although this legislation is motivated by the best of intentions of those who strongly defend the inalienable rights of the unborn, it is seriously flawed, and will not achieve its intended purpose. For that reason I shall vote against the bill and for the sanctity of life and the rights of the states, and against the selected protection of abortionists.

Mr. Chairman, today Congress will vote to further instill and codify the ill-advised Roe versus Wade decision. While it is the independent duty of each branch of the federal government to act Constitutionally, Congress will likely ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 1999, H.R. 2436, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) federal murder and assault statutes apply, the federal government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our federal government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom federal murder and assault statutes apply—it further entrenches and seemingly concurs with the Roe versus Wade decision (the Court's intrusion into rights of states and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not a federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (The bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status.) It is becoming more and more difficult for Congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In this first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said "the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our federal system." Rehnquist further criticized Congress for yielding to the political pressure to "appear responsive to every highly publicized societal ill or sensational crime."

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). "Concurrent" jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of a police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments become too oppressive with their criminal laws, citizens can vote with their feet to a "competing" jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the states' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous states have adequately protected the unborn against assault and murder and done so prior to the federal government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 2436 ignores the danger of further federalizing that which is properly reserved to state governments and, in so doing, throws legal philosophy, the Constitution, the bill of rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater. For these reasons, I must oppose H.R. 2436, The Unborn Victims of Violence Act of 1999.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2436, the Unborn Victims of Violence Act. Under current federal law, an individual who commits a federal crime of violence against a pregnant women receives no additional punishment for killing or injuring the fetus. I think this is wrong and should be changed.

An incident that occurred in my district illustrates why this law is so desperately needed. in 1996, a man enlisted in the Air Force and stationed at Wright-Patterson Air Force Base—a jurisdiction which is governed by federal military law—severely beat his wife who was 34 weeks pregnant at the time. Although the women survived the attack, her uterus split open, expelling the baby into her mother's abdominal cavity, where the baby died.

The man was arrested and charged with several criminal offenses for the attack. However, Air Force prosecutors concluded that they could not charge him with a separate offense for killing the baby because, although Ohio law recognizes an unborn child as a victim, federal law does not.

In 1998, that judgment was concurred in the U.S. Air Force Court of Criminal Appeals ruling on that case. The court said, "Federal homicide statutes reach only the killing of a born human being . . . (Congress) has not spoken with regard to the protection of an unborn person."

Mr. Chairman, I believe it is time that Congress speaks on this issue by passing H.R. 2436. Many states, like Ohio, have passed laws to recognize unborn children as human victims of violent crimes. However, these laws do not apply on federal property. I think they should and therefore would urge my colleagues to pass the Unborn Victims of Violence Act.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill would give pregnancy from beginning to birth the same legal standing under federal law that we currently give a person. This legislation would establish a separate offense and punishment for federal crimes committed when death or bodily injury to the fetus occurs. Likewise, the bill establishes the same penalty for a violation under federal law if the injury or death occurred to the unborn fetus' mother.

This bill is designed for one purpose: to undermine the decision in Roe v. Wade. This legislation is an effort to endow legal rights to fetuses—in fact a backdoor way of elevating the legal status of a fetus—which has been the cornerstone of the conservative anti-choice agenda. This is just another way of writing a Human Life Amendment, a decades-long effort to expand the meaning of the word "person" under the constitution to include unborn offspring at every state of their biological development. Anti-choice Members of Congress know that they are trying to fool the American people.

They would also have us believe in their crusade to protect unborn victims of violence—but what about the born victims of violence?

Every day in America, 13 children and youth under age 20 die from firearms. If this Congress is so concerned with the safety of children, why has it not passed the gun control provisions approved by the Senate that would eliminate gun show loopholes and require mandatory safety locks with firearms sales? The conference committee on H.R. 1501 and the Senate gun legislation has met only once publicly—and that was before we adjourned for the August recess—to read their opening statements.

Every day in America, 1,353 babies are born without health insurance and 2,162 babies are born into poverty as a result of welfare reform legislation passed by many who remain in the majority of this Congress today. We know now that children are losing critical benefits like Medicaid and food stamps. The Urban Institute cites falling welfare rolls as the "primary reason" that an estimated 500,000 fewer adults and children nationwide participated in Medicaid in 1996 than in 1995. Loss of Medicaid and the absence of employer-sponsored health insurance coverage make it extremely difficult for former recipients to obtain health care for themselves and their children.

In addition, the Children's Defense Fund's study entitled "Welfare to What?" cites troubling findings by NETWORK, a coalition of Catholic organizations, on 455 children in California, Florida, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Texas during late 1997. The study found that 36% of children in families who had recently lost cash assistance were "eating less or skipping meals due to cost." The bottom line is that families who lose welfare often lose food stamps, making it impossible to buy sufficient food.

The same disregard for our children is evident in Congress' refusal to hold states accountable for maintaining high levels of quality in our child care centers. Today in America, more than 80% of child care services in the U.S. is thought to be of poor or average quality. Still, Congress turns its head and allocate billions of child care dollars a year with very little assurance of quality, allowing our children to be placed in substandard conditions.

The crimes of domestic violence is a horrendous one, and should be punished, but this blatant attempt to placate the radical right belittles the severity of domestic violence by using women and their pregnancies as tools to elevate the legal status of a fetus. It is cowardly, and it dishonors the lives of women who have survived, and those who have succumbed to the terrible tragedy of domestic violence.

Mr. RYUN of Kansas. Mr. Chairman, as the Declaration of Independence declares, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

I believe that one thing that makes America great is our defense of those incapable of defending themselves. Proverbs admonishes us to "Speak up for those who cannot speak for themselves" (31:8). It still is our duty to stand up for the weaker members of our society.

Tragically, under current federal law there are no consequences for injury or death to an unborn child. Where is the justice for the smallest and most helpless members of our society?

The intentional attack on a mother and her baby requires that justice be served. Our justice system is based on the protection of the innocent and the punishment of the guilty. The attacker must take responsibility for his actions and make restitution to his victims.

The Unborn Victims of Violence Act would make the offense to the baby a separate crime because it's a separate person. In this situation there are two victims and both of their lives should receive equal recompense under federal law.

Twenty-four states already have laws that recognize the unborn child as a victim. It is time that we agree with nearly half the states and provide grieving parents recognition of their loss.

Mr. Chairman, with the passage of the Unborn Victims of Violence Act we will be able to proudly say we are "one nation, under God, with liberty and justice for 'all".

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 1999''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.

''1841. Protection of unborn children.

"§ 1841. Protection of unborn children

''(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or

bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are the following:

"(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

"(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

"(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

"(c) Nothing in this section shall be construed to permit the prosecution—

"(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

"90A. Protection of unborn children ... 1841".

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

"§919a. Art. 119a. Protection of unborn children

"(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2) The punishment for that separate offense is the same as the punishment provided for that conduct under this chapter had the injury or death occurred to the unborn child's mother, except that the death penalty shall not be imposed.

"(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

"(c) Subsection (a) does not permit prosecution—

"(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section, the term 'unborn child' means a child in utero.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

"919a. 119a. Protection of unborn children.".

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in House Report 106–348. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for a time specified in the report, equally divided and controlled by the proponent and an opponent, shall be not subject to amendment, and shall not be subject to a demand for division of the question.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider Amendment No. 1 printed in House Report 106–348.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CANADY of Florida:

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert ", instead of being punished under subparagraph (A)," after "shall"; and

(2) in subsection (c)(1)—

(A) insert ", or a person authorized by law to act on her behalf," after "woman"; and

(B) strike "in a medical emergency".

Strike section 3 and insert the following:

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

"§919a. Art. 119a. Protection of unborn children

"(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

"(c) Nothing in this section shall be construed to permit the prosecution—

"(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

"(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

"919a. 119a. Protection of unborn children.".

The CHAIRMAN. Pursuant to House Resolution 313, the gentleman from Florida, Mr. CANADY and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida, Mr. CANADY.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple, straightforward amendment that will accomplish two important things. First, the amendment will bring the Uniform Code of Military Justice provisions of the bill which are found in section 3 into conformity with the portion of the bill that was reported by the Committee on the Judiciary with an amendment.

Section 3 of the bill was referred to the Committee on Armed Services, but the Committee on Armed Services has waived jurisdiction over the bill. This amendment, which the chairman of the Committee on Armed Services has approved, will simply make the two sections of the bill operate in the same manner.

Second, the amendment will make two minor changes to clarify points raised by opponents of the legislation. The amendment will clarify that the punishment authorized under the bill for intentionally killing or attempting to kill an unborn child is in lieu of, not in addition to, the punishment otherwise provided under the bill. The amendment will also clarify that the exemption for abortion-related conduct includes situations in which a surrogate decision maker acts on behalf of the pregnant woman.

These technical changes reflect the intent of the drafters and do not effect substantive changes in the bill. I urge my colleagues to support this conforming and technical amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that this is a technical amendment. It is not. It is a very substantive amendment, and we should be aware of that.

The chairman of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that the Committee on Armed Services waived jurisdiction over this bill because it thought it was an uncontroversial bill. The truth of the matter is that there is a whole section of this bill which has never, ever, been debated in any committee of this House.

The bill came to the Committee on the Judiciary. We had a debate on a part of the bill that was under the Committee on the Judiciary's jurisdiction. We exercised our rights to debate that part.

We tried to offer amendments to the part of the bill that was under the jurisdiction of the Committee on Armed Services. We were denied that right in the Committee on the Judiciary on the parliamentary ruling that we did not have jurisdiction over that part of the bill.

Now, on the floor of the House, after the Committee on Armed Services has decided not to take jurisdiction over the bill and consider amendments in the committee, we are here on the floor of the House making major substantive changes to this bill.

Now, what does this amendment do? It says an offense under this section does not require proof that, one, the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant. That means if you kill an unborn fetus, you do not even have to know there was a fetus in the womb. You do not have to have any kind of intent. There is no criminal law in this country that ought to be passed that gives that right.

If we are going to pass it in this House, at least we ought to have jurisdiction in a committee; and a committee ought to take up the bill and debate it in the committee. We ought not use the processes of the House to our advantage and say, well, this is a parliamentary ruling, we cannot deal with it in the Committee on the Judiciary, and then tell the Committee on Armed Services, well, we do not want you to deal with it over there, and then try to accomplish the same thing that should have been done in committee on the floor of the House.

Mr. Chairman, this is just patently wrong. The proper thing to do would be to send this bill back to one of these two committees, and if we are going to make substantive changes to the bill, major policy changes, I might add, to make those changes in the committee.

Now, there are some people from the Committee on Armed Services I am sure that are getting ready to jump up and say, yes, we support this. But what about the other people on the Committee on Armed Services?

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman is absolutely correct. I did come to the floor. I chair the Subcommittee on Military Personnel with jurisdiction over the Uniform Code of Military Justice and the military legal system. We watched the Committee on the Judiciary in its debate and the bill was reported out. I recommended to the chairman that we waive sequential referral and the bill came to the floor. I support the manager's amendment.

Once this bill was reported, it is fitting that the Uniform Code of Justice be compatible with the Federal statute, and that is why we procedurally waived jurisdiction.

The need for the manager's amendment and the request for support by this body is illustrated by the case of United States versus Robbins. In that case, Gregory Robbins, an airman, and his wife, who was over 8 months pregnant with a daughter that they had named Jasmine, resided at Wright-Patterson Air Force Base, Ohio, an area of exclusive Federal jurisdiction.

On September 12, 1996, Mr. Robbins wrapped his fist in a T-shirt to reduce the chance that it would inflict visible bruises, and he badly beat his wife by striking her repeatedly in the face and abdomen with his fist. Mrs. Robbins survived the attack with a severely battered eye, a broken nose and a ruptured uterus. She was taken to the emergency room, but medical personnel could not detect the baby's heartbeat.

Now, some may refer to that baby as a fetal mass, but that was a viable fetus. They could not detect a heartbeat, and the doctors performed emergency surgery on Mrs. Robbins and found Jasmine laying sideways, dead, in Mrs. Robbins' abdominal cavity.

As a result of Mrs. Robbins' repeated blows, it ruptured her uterus, the placenta was torn from the inner uterine wall, which expelled Jasmine into the abdominal cavity.

Air Force prosecutors recognized that the Federal homicide statutes reach only the killing of a born human being, and that Congress has not spoken with regard to the protection of the unborn person. As a result, the prosecutors attempted to prosecute Mr. Robbins for Jasmine's death under Ohio's fetal homicide law, using Article 134 of the Uniform Code of Military Justice.

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Article 134 incorporates by reference all Federal crimes, criminal statutes and those State laws made Federal law via, quote, the Assimilated Crimes Act.

Mr. Robbins pled guilty to involuntary manslaughter for Jasmine's death, but the legality of assimilating Ohio's Federal homicide law through article 134 is now the subject of Mr. Robbins' appeal to the Court of Appeals for the Armed Services.

If the Court of Appeals agrees with Mr. Robbins that the assimilation of Ohio's law was improper, he will receive no additional punishment for the killing of the baby, Jasmine. Moreover, had Mr. Robbins battered his wife in a State that had no fetal homicide law, he could have been charged with only battery for the beating of his eight-month pregnant wife and there would be no legal consequence for the killing of their unborn child. That is the purpose of the manager's amendment, to make it compatible.

The CHAIRMAN. The gentleman from North Carolina (Mr. WATT) has the right to close debate, and each gentleman has 1 minute remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my good friend, the gentleman from North Carolina (Mr. WATT), made a reference to my comments with respect to the Committee on Armed Services. I think he misunderstood what I said. I know he did not intend to misrepresent what I said.

I said nothing about the purpose of the committee and waiving jurisdiction. I simply reported what they had done. I did not say that they viewed it as noncontroversial. The gentleman may have misunderstood that, but I wanted to make that clear. The Members of the Committee on Armed Services can speak for themselves.

The truth of the matter is that in this amendment we are simply conforming the provisions of the bill that were within the jurisdiction of the Committee on Armed Services with the changes in the structure of the bill that were made in the Committee on the Judiciary on the parts that we had jurisdiction over.

This is a conforming amendment. I can understand that the gentleman is opposed to the bill but this simply makes the bill internally consistent, and I say that it should not be controversial. It is truly a conforming and technical amendment.

Mr. WATT of North Carolina. Mr. Chairman, as masterful as the chairman who spoke on behalf of the Committee on Armed Services is, he cannot speak for the Committee on Armed Services.

We bring a major substantive change to this bill to the floor, give it 10 minutes of debate, 5 minutes per side; never has been in the Committee on Armed Services. The chairman of the committee comes out and says I am here to speak for the committee. What about all the other people on the Committee on Armed Services? When are they going to have an opportunity to weigh in on this major substantive provision to this bill?

That is what I am talking about when I say we have subverted the processes of this House using parliamentary procedures.

Basically, what we have done is deprive the minority of the Committee on Armed Services of the right to weigh in on this important issue. The chairman waived jurisdiction. They did not bring it into the committee, and they did not do anything. There are 60 Members. Fifty-nine of them have not spoken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment offered by the gentleman from Florida (Mr. CANADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 106–348.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motherhood Protection Act of 1999".

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be the such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The CHAIRMAN. Pursuant to House Resolution 313, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. CANADY) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2436 creates a separate Federal criminal offense for harm to, quote, an unborn child, with the legal status separate from that of the woman. The Lofgren-Conyers substitute creates a separate Federal criminal offense for harm to a pregnant woman.

The underlying bill recognizes, quote, a member of the species Homo sapiens at all stages of development as a victim of crime, from conception to birth. This affords even an embryo legal rights equal to and separate from those of the woman.

The Lofgren-Conyers substitute recognizes the pregnant woman as the primary victim of a crime. The substitute creates an offense that protects women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a woman's pregnancy and up to a life sentence for termination of a woman's pregnancy.

It requires a conviction for the underlying criminal offense and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment is simple. Offered by the ranking member and myself, it recognizes that there are existing crimes in Federal law that protect women from violence such as violent assault. This amendment recognizes that when such crimes not only hurt the woman but also cause her to miscarry, there is additional harm to that woman. This amendment enhances the sentence one can receive for causing this additional harm to up to a life sentence.

Why is it important for us to pass this amendment for this crime and to impose this penalty? What can compare to giving birth to a child long awaited and then raising that child through all the challenges humankind face?

Those of us who are mothers know that it is the most important thing in our lives, and those of us who have suffered a miscarriage know the incredible trauma and the overwhelming sense of loss that is involved. An assailant who hurts a woman in this way deserves to be severely punished, but the bill before us, let us be clear, was not really about that. It was simply another attempt to cut away at the rights of women to determine their own reproductive choices.

The men who have promoted the underlying bill are, I believe, sincere in their zealotry on behalf of their cause, namely that the government makes the choice of whether or not a woman gives birth, not the woman.

Now I do not agree with that position, but I do recognize that that is what their bill is about. That is why anti-choice activists are calling Members of the House to urge a yes vote on the underlying bill and a no vote on this substitute. That is why, although dressed up as a crime bill, the underlying bill was never reviewed by the Subcommittee on Crime. No, it was a product of the Subcommittee on the Constitution.

The underlying bill advances the political cause while overlooking what really matters to the mothers of America. Indeed, if someone violently assaults a pregnant woman and that woman miscarries and loses the child she so much desires, that is indeed a great offense. That is why I offer this substitute to the bill of the gentleman from Florida (Mr. CANADY).

Assaults that cause a woman to miscarry, that cause the suffering that other women and I personally have felt, that destroy the hope that that pregnant woman has, are offenses of such dire consequence that they must be considered extraordinary. A wanted and hoped-for child lost to miscarriage, whether through violence or fate, is an injury to the woman who would be a mother that is monumental and everlasting.

If the goal in criminal law is ever properly vengeance, then this loss calls out for vengeance. If the goal is justice, then contrast the proposed penalty for this grievous injury to a woman with other offenses deemed worthy of up to a maximum sentence of life. The accused may be sentenced up to life for exploiting children, for drug trafficking, for aggravated sexual assault of an under age child and for many other crimes.

I offer this substitute that would recognize the crime and impose this penalty for anyone who would assault a pregnant woman if that assault interrupts her pregnancy or causes her to miscarry. Assault is already a crime but the loss to someone who is carrying and expecting a child is a significant difference and should be acknowledged at law.

The substitute focuses on what is real for American women. Oppose violence against women. Do not use that violence as an excuse to eliminate personal choice about reproduction for American women. Women in America need protection against violence. They may also need protection against those in the majority of this Congress who want to tell them what to do with their lives and who think it is acceptable to use the tragedy of miscarriage to advance the political goal of repealing reproductive rights.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM), who is the sponsor of this legislation.

Mr. GRAHAM. Mr. Chairman, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, I just ask the Members who have been following the debate, just keep their eye on the ball.

Before I became a Member of Congress, like many of my colleagues, I lived my life in the law. I was a prosecutor. I was a defense attorney. I practiced law in the military. I was a member of the Judge Advocate General Corps for 6½ years and served as a prosecutor and a defense attorney in that capacity. I enjoyed my profession. I enjoyed the law. I particularly enjoyed the criminal law because I think it has a simplicity and a common sense to it that really is unique in the world in the sense of the way we have designed it here in America.

I have never been around a debate that distorted so many simple and long-held legal concepts as this debate.

I urge Members to vote against this substitute because it destroys the bill. It is fatally defective. When I designed this bill, it came about as a result of some information being passed to me from military colleagues who talked about the Robbins case and without the Ohio statute the person would have gotten away with the crime of murder, of destroying that 8-month-old baby. So there is a need out there at the Federal level to do something about problems like this.

What I did is I looked at State law and I found a definition of unborn that we adopted from a State whose statute has been constitutionally challenged and upheld. I just did not make it up. I thought like a lawyer. I went to what was true and tested, and the language in this bill has been true and tested in court. It withstands legal scrutiny.

These are not words we make up for political reasons. These are words we use to make sure people go to jail who deserve to stay in jail. The substitute is sentence enhancement and it uses the term, termination, interruption of pregnancy but it has no definition of what that means.

If one is concerned about zygotes being subject to the criminal law, then they have a real concern about the substitute. My bill defines "unborn" as when it attaches to the womb. Zygotes are not covered, but there is no definitional section in the substitute and it would not withstand scrutiny.

The loss, who is the loss here? Is it just merely the loss to the woman when an unborn child is killed by a third party or injured by a third party criminal? No. It is not just a loss to the woman. It is a loss to society.

In 1994, the Democratic Congress passed legislation that prevented a pregnant woman from being sentenced to death while she is pregnant. If it is just a loss to the woman, they would go ahead and execute her, but my colleagues understood in 1994 they are not going to execute a pregnant woman because they do not want to kill an unborn child because of the crimes of the mother.

This statute focuses on criminal behavior like 24 other States. This statute will allow a separate prosecution for people who attack pregnant women, and injure or kill their unborn child, in a constitutional manner.

The substitute claims to bring an additional charge to bear. Mr. Chairman, that cannot be done. Sentence enhancement is one theory. That means the sentence is elevated against the charge that would be levied against the assault against the mother.

In the Arkansas case, where 3 people were hired to beat the woman up with the express purpose of killing the baby, if sentence enhancement was the law in Arkansas all that could be done was enhance the charge that would be brought against attacking the mother and the murder of the child would go unpunished.

There is a huge legal difference between the charge of murder and sentence enhancement for a simple assault or an aggravated assault.

This substitute destroys the legal effect of the bill. It would not withstand scrutiny. They have just literally thrown this thing together. There is no definition or guidance in it. It is internally inconsistent.

I would challenge anybody to be able to bring two separate accounts: One, a crime against the mother, Mrs. Jones; two a separate charge for terminating her pregnancy. One cannot find somebody guilty of that charge. One has to have a victim. Her sentence could be enchanced but that allows people to get away with what I believe to be murder, like in Arkansas.

Please reject this substitute and understand we spent a lot of time and effort looking at tested law and this is something I hope Members of this body can agree on. Third party criminals who attack women and destroy or injure children ought to go to jail for what they have done.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

☐ 1545

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California for her leadership in this very sensitive discussion.

Mr. Chairman, I would just like to point out to the gentleman from South Carolina (Mr. GRAHAM), the previous speaker, a good friend of mine on the Committee on the Judiciary, that we all want to punish people who attack women who are pregnant. That is not the question. There is no one in the

House that does not want to add punishment.

The only difference is that our substitute applies to acts which cause the interruption in the normal course of the pregnancy, thereby avoiding the entire controversy concerning independent fetal rights. Now, that is really what the substitute and the whole bill is about.

I thank the gentleman from Illinois (Mr. HYDE), the chairman of the committee, for making it clear that that is what it is about. I mean, he makes it clear. That is what he talks about. He gave his usual speech about abortion, against it, and what the people mean and think and how bad choice is. The gentleman from Illinois has made it clear.

The gentleman from Florida (Mr. CANADY), the leader and manager of this bill, my good friend, has done everything in his power to conceal the fact that that is what we are doing. We are making incursions on Roe versus Wade.

The New York Times has figured it out in a very good way. The bill sponsors assert the measure has nothing to do with the abortion issue. Can my colleagues imagine that? That is all we have talked about is the abortion issue. But that view is disingenuous.

By creating a separate legal status for fetuses, the bill supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinning of Roe. We all know that. That is why we offer a substitute for those who want to punish people who attack women who are pregnant.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am not an attorney, and I am not a constitutional scholar. I do not know of the implications that have been referred to up to this point in time with regard to this bill's impact on Roe versus Wade, and I do not care. It is not the reason why I support the bill.

It has been mentioned by the previous speaker that everybody in the body wanted to protect the rights of women when they were carrying a child. It is certainly true that that is a desire on my part. But I certainly go beyond that. I not only wish to protect her rights, I wish to protect the rights of the child she is carrying.

Justice is what we seek, of course. Who is worthy of receiving justice when a violent crime is carried out against the will of people? This legislation, the underlying legislation, not the substitute, will bring unborn children under the protection of Federal law and finally acknowledge the separate crime that takes place when an unborn child is either harmed or killed during a criminal act.

It actually amazes me that current Federal law treats an assault on a pregnant woman in which the unborn child is killed the same way as if it were an assault on a woman who was not pregnant. There is a difference. Amazing it is for some people to believe and understand, there is a difference. It is far time that the Congress of the United States recognize that fact.

This is a life that has been cut short by a criminal event and by a criminal act before that life can even begin. We cannot not stand by when an unlawful killing of a fetus takes place and do nothing. We must follow suit, as 11 States has already done, in criminalizing such activities to include any stage of prenatal development.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise strongly in support of her substitute.

Mr. Chairman, violence against women and, even more horribly, violence against pregnant women deserves the attention of both Federal and State law enforcement authorities. Perpetrators should be dealt with swiftly and harshly. But I do not really believe, unless my colleagues support this amendment, that that is the issue before the House of Representatives today.

There are a number of highly respected organizations nationally in my own State, and locally in some of my communities, who are concerned with violence against women and violence against women who are pregnant, violence against women and their children, violence within the families, yet, they are notably absent in their support or even having been consulted by the authors of this legislation.

There are other groups in this country who are principally concerned, obsessively concerned with overturning the decision Roe versus Wade, a woman's right to choice. They are prominently involved in the drafting of the underlying legislation and in the endorsement of that and in the opposition to this amendment.

This amendment, if my colleagues are concerned about violence against women, violence against pregnant women, violence against pregnant women that harms the fetus, then there is no reason to oppose this amendment.

It would say we are going to have harsh Federal penalties for the few cases that are brought in Federal court. Remember, few of these are brought in Federal court. But if they are, if they rise to that level, harsh penalties just for the violence against women. If it causes any harm to the fetus, 20 years in Federal prison. No parole. If it causes the death of the fetus, it could lead to a life sentence without parole in Federal prison.

Now, those are pretty darn harsh penalties. How can you oppose that? Unless the reason my colleagues are really here is a back-door attempt to repeal Roe versus Wade.

Let us just be honest about it. Bring a constitutional amendment to the floor to repeal Roe versus Wade. The only problem with them doing that that honestly is that they know a majority of the American people do not support that.

So, instead, under the guise of something that it is very difficult for anybody to oppose on the floor of the House, they are bringing forward this high-sounding argument that, well, there are these technical legal concerns about whether or not these people who could cause the death of a fetus will be adequately punished. Under this amendment, they will be dealt with harshly. Support the Lofgren amendment.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this act said we ought to vote against this act because, and let me quote, "because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse the two."

In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she says, the result is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy that this Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, we can try someone for assaulting her or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try those? Would we try them, as that person who opposes it said, we ought to try that case in the State court? Of course not. That is ludicrous.

The final thing, which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

Ms. LOFGREN. Mr. Chairman, may I inquire how much time remains.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 19½ minutes remaining. The gentleman from Florida (Mr. CANADY) has 20½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I object to this whole process, first of all on the basis of the public process by which we arrive at it. This is a parliament. This is no longer a Congress. It is a parliament where one party rams things through without having hearings on the implications of what they are passing. If they have got the votes, they get it.

The only thing missing from this being a parliament is that we do not have a vote of confidence or they would be gone. Because they cannot bring a budget out here and pass it and get out of here, so they bring out these wedge issues.

Now, I am a physician, and it is very clear to me from reading this that they did not think about what the implications of this are. What about a spontaneous abortion? All the time, women get pregnant; and then for reasons we do not understand, their body rejects this child. Oh, now, if somebody has pushed them on that day when that happens, this puts them in jail for the rest of their life. How is one going to prove that it was caused by the action?

The second issue is the whole question of intent. For my colleagues to just brush over this business of intent, acts of violence against women are not very well thought through in about 99.9 percent of the cases. They occur when people are angry. They occur when people are drunk. They occur in all kinds of circumstances. For my colleagues not to deal with that issue simply means they want to establish a basis to overturn Roe v. Wade.

Now, I worked in New York before we had Roe v. Wade in the Buffalo General Hospital, and I stood by the bedside of people who died getting illegal abortions.

What my colleagues want is a wedge to go back in the Federal court. They will not leave the State legislatures to decide this issue. They want to put it up in the Federal courts where the Senate, the other body, does not even provide enough judges so they can deal with these cases. My colleagues want to make it up here because they want to be able to go to the Supreme Court for an overturning of Roe v. Wade.

My view is that it is nothing, as the New York Times says, but a direct assault on Roe v. Wade. My colleagues can clothe it and act like anybody who is against it is against any protection for women who have had violence committed against them. That is totally untrue. If my colleagues are serious, put the money for the Violence Against Women Act in and pass it.

□ 1600

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume to respond to a couple of the points the gentleman made on the issue that he raised about how we would prove these things, and how we would prove that the harm occurs because of the misconduct of the defendant.

Well, there is a very simple answer to that. The burden of proof is on the government, and the government must prove beyond a reasonable doubt that the misconduct, in fact, caused the injury and caused the harm. That is the answer to that question. In the kind of case the gentleman is raising, they could not prove it. If there is a spontaneous abortion that occurred, they would be unable to establish that the defendant was responsible for that taking place. The answer to the gentleman's question is obvious.

Now, the gentleman asserts the same argument we have heard over and over again, that this is somehow a basis for overturning Roe v. Wade. But the gentleman seems to be unaware that laws similar to this have been enacted in a number of States, more than 20 States. The courts have upheld those laws time after time. And the courts have specifically said that the challenge to those laws was not well-founded and that the principles in Roe are not relevant to cases that deal with conduct of a third-party assailant on a pregnant woman.

Now, I do not know what could be clearer in the law. I think there is a fantasy here that somehow the whole structure of abortion rights is going to come crumbling down because of this bill. That is just not so. That is not the case. If that were going to happen, it would already be trembling and shaking because of the laws that have been enacted in the States and upheld, but I do not think that is the case.

Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the chairman of the Subcommittee on the Constitution for yielding me this time, and I rise in support of H.R. 2436, the Unborn Victims of Violence Act, that preserves the rights of all women, both born and unborn.

In the famous book Animal Farm, the elitist pigs state, "All animals are equal, some are just more equal than others." Unfortunately, this doctrine has been applied in our laws for too long, especially in regards to the unborn and their legal status before the law.

H.R. 2436, the Unborn Victims of Violence Act, gives unborn victims of violent Federal crimes equal legal status and protection just like any other victim. The bill says a person, no matter the stage of development, should receive equal protection of the law. It is that simple: Equal protection under the law. This echoes the principles that lay at the very foundation of our constitutional government: That is that all of us are equal.

Those opposed to this bill say, "No, not in this case. We cannot provide equal protection to an unborn person in the womb, because they may not be a person." Well, we have already heard the tragic story of Jasmine Robbins. The law can punish the criminal for beating of the woman but not for the death of the unborn child in her womb. This is not fair. This is not right.

Some have concluded that since the Supreme Court has determined that, "fetuses are not persons within the meaning of the 14th Amendment," that the case is closed. However, we are a government of laws, not the arbitrary decisions of men.

Twenty years ago, the Supreme Court made that fateful statement. Then, 10 years ago, the Supreme Court refused to invalidate a Missouri statute that declares, "The life of each human being begins at conception." Furthermore, we are a government where even the smallest in our society is allowed to rise and say the majority is wrong. The smallest in this case are the preborn children in their mother's womb.

Let us not turn our backs on these principles. Let us do our jobs by stating that the laws apply to all people, all women, born and unborn.

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, as a mother of five children, I know the joys associated with motherhood. Also, as an advocate for women's issues, I am well aware of the dangers that women face as it relates to domestic violence. Acts of violence against women, especially pregnant women, are tragic and should be punished appropriately. However, H.R. 2436 is not the best way to achieve this goal.

H.R. 2436 is not designed to persecute these crimes and prevent violence against women but to undermine a woman's right to choose by criminalizing death or injury that occurs at any stage of development from conception to birth. H.R. 2436 does not recognize the harm to the woman. In fact, it does not even mention the woman.

We should not be fooled by rhetoric of the supporters of H.R. 2436. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. To deter crimes against women, and to punish those who assault or murder pregnant women, Congress should pursue other avenues that focus on the harm to the woman and the promotion of healthy pregnancies.

Elevating the status of a fetus to a person flies in the face of the Roe v. Wade decision on the definition of a person and also erodes a woman's right to choose. This is the beginning of a very slippery slope, and I am not about to slide on that slope.

The Lofgren substitute creates a separate Federal criminal offense for harm to a pregnant woman. We are against the bill because it does nothing, that is H.R. 2436, to protect the pregnant mother. I urge my colleagues to vote "no" on H.R. 2436, this Unborn Victims of Violence Act, and support the Lofgren-Conyers substitute, the Motherhood Protection Act, because H.R. 2436 is a direct assault on Roe v. Wade. I ask for a "yes" vote for the Lofgren-Conyers substitute.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 16 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has the right to close.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding me this time, I commend the gentleman from South Carolina for his authorship of this very important legislation, and I rise in support of the gentleman's legislation and in opposition to the substitute.

I am proud to cosponsor the Unborn Victims of Violence Act, which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current Federal law an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the States, including my home State of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our Federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for the intentional harm done to an unborn child. This discrepancy in the law is appalling and must be corrected.

Regardless of whether we are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions. When a mother is bringing a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it and so should we.

I urge my colleagues to join me in voting for the Unborn Victims of Violence Act, and I commend my colleagues for their efforts in this matter.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time and also for sponsoring this amendment, and I rise in support of the Lofgren amendment.

What it would do is establish a Federal crime for any violent conduct against a pregnant woman that interrupts or terminates her pregnancy. That makes sense. In its current form, the Unborn Victims of Violence Act obscures women's rights while claiming to champion them. We are forced to ignore that in order to harm a "Homo sapien in any stage of development," as it reads, there is a woman who has been victimized by violence. This legislation switches our attention to the crime on a pregnancy at any stage while ignoring the woman who is pregnant.

The Lofgren substitute would create a Federal criminal offense for harm to a pregnant woman, recognizing that the pregnant woman is the primary victim of a crime causing termination of a pregnancy. The substitute provides for a maximum of a 20-year sentence for injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy.

For each of the past several years, domestic violence has victimized an estimated 1 million women over age 12, and the number increases each year. There are approximately 200 Federal cases of women who were harmed last year, and we cannot say how many were pregnant at the time. If supporters of the Unborn Victims of Violence Act truly intend on increasing the penalties for Federal crimes that harm a pregnancy, they will focus on increased penalties where they would be best served in these circumstances: On the devastating loss or injury to the woman when her pregnancy is compromised.

Many States recognize this and have strengthened laws to punish such crimes against pregnant women, and I urge my colleagues to do the same by voting against the bill and by supporting strongly the Lofgren substitute.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would submit to the Members of the House who are considering this substitute amendment that the substitute amendment is so poorly drafted and ambiguous that it will place any prosecution for violence against the unborn in great jeopardy. The substitute amendment also diminishes the injuries inflicted by violent criminals on the unborn, transforming those injuries into mere abstractions.

Let me also note that it is somewhat ironic that the substitute amendment is subject to some of the very same criticisms that have been made so vociferously against the bill.

We have heard that the underlying bill is fundamentally flawed and unconstitutional because it does not have a requirement that there be a specific intent to kill or injure the unborn child. The opponents of the bill claim that the doctrine of transferred intent is not sufficient and that it must be the specific intent to kill or injure the unborn child.

As I read this amendment in the nature of a substitute, I do not see any specific intent requirement. I do not see that there must be a specific intent to cause the interruption or termination of the pregnancy. I would be happy to yield to anyone who can point to the provision in here that has such a specific intent provision. I do not think it is there. As a matter of fact, I know it is not there. I have read it, and it is absent.

So it is quite ironic that after hearing that sort of criticism of the underlying bill, the opponents of the bill come forward with a substitute amendment that is subject to the same criticism.

And that is not the only thing. They have complained that the underlying bill provides protection for the unborn in the early stages of pregnancy. They say that that goes too far, to provide that protection in the early stages of pregnancy. Well, once again I believe that this amendment, this substitute, is subject to the very same criticism. So I am puzzled by the arguments that are made against the underlying bill.

□ 1615

Ordinarily, when an argument is made against an underlying bill by the proponents of a substitute, their substitute will not be subject to the same criticism. I just find it is very strange that the proponents of the substitute have crafted this, if that is the right word, to have it subject to the same criticisms.

I would suggest that any Member contemplating voting for this amendment should take pause and consider the flaws that are in the amendment that I am going to discuss.

First, the terminology in the substitute amendment is virtually incomprehensible and, if adopted, it will almost certainly jeopardize any prosecution from injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides for enhanced penalty for the "interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy." The amendment then authorizes greater punishment for an interruption that terminates the pregnancy than it does for a mere interruption of the pregnancy.

But what exactly is the difference between an interruption of a pregnancy and an interruption that terminates a pregnancy? I would like some explanation of that. Does not any interruption of a pregnancy necessarily result in a termination of a pregnancy? The plain meaning of "interruption" requires that interpretation. If "interruption" does not mean that, what does it mean?

I have looked at this. I have tried to make sense of it. But I will suggest to the Members of the House that is a task that is extraordinarily difficult.

What does the phrase "termination of pregnancy" mean? Does it mean only that the unborn child died, or could it also mean that the child was merely born prematurely, even without suffering any injuries?

Interpreting the term according to its plain meaning requires that we understand that a pregnancy may be terminated in different ways and with different results.

I would suggest to the Members of the House that these ambiguities make this substitute amendment impossible to comprehend in any coherent way with any certainty.

Now, second, subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection A, suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing of an unborn child result in the conviction of the person so engaging. Now, does this mean that a conviction must first be obtained before a defendant may be charged with a violation of subsection 2(a), or does it mean that the additional punishment may be imposed at the trial for a predicate offense so long as it is imposed after the jury convicts the predicate offense?

Is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply does not answer these critical questions. Prosecuting violent criminals under it will, therefore, be virtually impossible.

Unlike the current language of the bill, the Lofgren-Conyers substitute also contains no exemptions for abortion-related conduct, for conduct of the mother, or for medical treatment of the pregnant woman or her unborn child. This omission leaves a substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves and their unborn children or doctors who kill or injure unborn children during the provision of medical treatment.

For that reason, the substitute amendment would certainly be subjected to a constitutional challenge. I would guarantee my colleagues if the underlying bill had not had such an exemption in it, we would have heard no end of that flaw in the underlying bill. But that provision is omitted from the substitute. Perhaps the supporters of the substitute see that not as a flaw in the amendment but as a desirable feature.

I am quite frankly puzzled by the omission of such a provision from the substitute, and I would leave it to the supporters of the substitute to explain the reason for the omission.

The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes the death of or bodily injury to a child who is in utero at the time the conduct takes place.

Although the actual language of the substitute amendment is hopelessly unclear, it appears that the supporters of the substitute intend to transform the death of the unborn child into the abstraction "terminating a pregnancy." Bodily injury inflicted upon the unborn child appears to become prenatal injury. Both injuries are apparently intended to be described as resulting from an "interruption in the normal course of the pregnancy."

Again, I submit to the Members of this House that these abstractions ignore the reality of what is truly at issue when a criminal violently snuffs out the life of an unborn child or injures a child in the womb. These abstractions that are embodied in the substitute amendment obscure the real nature of the harm that is done and the loss that is suffered when an unborn child is killed or injured.

Consider this: if an assault is committed upon a Member of Congress and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a pregnancy. That is not an injury to the pregnancy. That is an injury to an unborn child. There is no other way to understand it and make sense of the reality of what is taking place. It is an injury to a human being.

The Graham bill recognizes that reality. The Lofgren-Conyers substitute simply chooses to ignore it and attempts to hide it. The Lofgren-Conyers substitute is radically flawed and should be rejected for the reasons I have explained. The substitute is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will almost be impossible. It attempts to deal with the crimes in question in a way that is divorced from the reality of the harm and loss that is actually suffered. It deals with these crimes in a way that is simply not consistent with the real human experience of the mothers and fathers of those unborn children who are the victims.

It is for all these reasons I urge my colleagues to reject the Lofgren-Conyers substitute and to support the Graham bill.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am happy to discuss our substitute amendment and I appreciate the questions of the gentleman. In some cases he has misread the amendment, and in other cases he is exactly right.

Let me first deal with the issue of exempting abortion from our bill. We do not need to exempt abortion from the substitute. Because in order to fall within the penumbra number of the amendment, one must have been convicted of one of the enumerated crimes that are listed within the bill. And abortion, thank goodness, is not a crime in America, although some in this body would wish it were so. So there is no need to do that.

Secondarily, really the amendment and the discussion is about choice. Let me discuss it in this way: if she is a pregnant woman and she wants desperately to have a child and she is assaulted and, as a consequence, she miscarries, she has been denied her choice to have a child. And that is an injury and it is a separate offense in the substitute amendment. The gentleman is correct. It is a separate and severable offense that is punishable by up to life imprisonment, as it should be.

There is another potential harm that could be done to a woman who is hoping to have a child, and that is assault that would result in a prenatal injury to that wanted child. I do thank the parliamentarian for his assistance yesterday in helping to craft the language on lines 10 and 11 of page 1 of the substitute.

The interruption of a normal pregnancy through the imposition of a prenatal injury because of an assault or one of the other crimes listed on page 2 of the amendment is also a punishable offense, as it should be.

So, yes, we do not need a separate intent provision in the substitute. The gentleman is correct in that regard. But we do need a conviction for the predicate offense, which in almost every case would also require a finding of intent beyond a reasonable doubt.

Now, I have just a little bit of time left under the rule, and I do know that my colleague and cosponsor of the amendment, the gentleman from Michigan (Mr. CONYERS), the ranking member, did also want to make a few comments on this entire issue.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time for the purpose of closing.

Ms. LOFGREN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 8 minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I would begin the close of our comments by observing that my friend, the gentleman from Florida (Mr. CANADY), at least recently, has not denied as I have listened to the remarks of the gentleman from Illinois (Mr. HYDE) in particular, the chairman of the Committee on the Judiciary, that the problem that we have with the bill is not whether we can understand the language or whether it is incomprehensible or not, but whether or not it is a back-door attack on Roe.

I mean, that is the question. Is the major bill that has caused us to create a substitute a back-door attack on Roe v. Wade?

We think that it is, for the following reasons: until recently, the law did not recognize the existence of the fetus except for a very few specific purposes. As stated by the Supreme Court in Roe: "The unborn have never been recognized in the law as persons in the whole sense." That is a quote. And the law that has been reluctant to afford any legal rights to fetuses quote "except in narrowly defined situations and except when the rights are contingent upon live birth."

So Roe specifically rejected the suggestion that a theory of life that grants personhood to the fetus and that the law may override the rights of the pregnant woman that are at stake.

So what I am suggesting is that the issue is not really the language of the substitute, but it is really the deeper problem of whether an unborn child should be entitled to legal status that is unprecedented in the Federal system. I hope to gain the attention of the learned attorney from South Carolina, and that is that in the 26 years following Roe v. Wade, the Supreme Court has never recognized an unborn child as having legal status.

In State courts and State law, yes, and many times it has not been challenged. But on the two occasions that this came before the United States Supreme Court, they have never recognized an unborn child as having legal status. The two cases that I would suggest are the Burns case in 1975 and the Webster v. Reproductive Health Services in 1989. These are the only two cases since Roe in which the Supreme Court has been asked to recognize the unborn child as having legal status, and in both cases the Supreme Court refused to do so.

□ 1630

Now, what does the substitute do? The substitute accomplishes the same thing that the major bill does without reaching a conclusion contrary to Roe v. Wade that has never recognized the unborn child as having legal status. That is precisely the difference. Punishment, the same. Objective, the same. Abhorrence of pregnant women having their pregnancy terminated involuntarily, the same. But the difference in the substitute is that our substitute keeps Roe v. Wade intact in that it maintains that the recognition of an unborn child as being entitled to legal status has never yet occurred in the law, and the Congress this evening is about to attempt to change that.

That is why we say, gentlemen of the Republican persuasion, this is a back-door attack on Roe v. Wade. And what we are trying to do is accomplish the same objective as the major bill without interrupting the status of Roe v. Wade.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, we have spent this afternoon talking about H.R. 2436, the pros and the cons. I have listened to my colleagues support H.R. 2436. If they can support H.R. 2436, they can support the Lofgren substitute, because it protects pregnant women. If they can support H.R. 2436, they can support the Lofgren substitute because it recognizes pregnant women as the primary victim of a crime causing the termination of a pregnancy without impacting Roe v. Wade or a woman's right to choose. If they can support H.R. 2436, they can support the substitute, because it creates a defense that protects women and punishes violence resulting in injury or termination of a pregnancy. If they can support H.R. 2436, they can support the Lofgren substitute because it provides for a significant penalty for a violation wherein a pregnant woman is harmed.

Fifthly, if they can support H.R. 2436, they can support the Lofgren substitute because it requires a conviction for the underlying criminal offense.

Ms. LOFGREN. Mr. Chairman, I yield myself the balance of my time.

In conclusion of this debate, I am hopeful that this Lofgren-Conyers substitute is in fact adopted by this body.

Now, there are some who argue that up to a life sentence is too harsh for the perpetrator of violence on a woman who would then miscarry, but I know that that is not the case.

When one miscarries and loses a wanted opportunity to become a mother, that is something you remember your whole life. That is something that is a grievous harm and a terrible blow. It seems to me that someone who would perpetrate that violence and that harm on a woman ought to face that kind of harsh penalty. So I urge those who have qualms about the severity of the penalty included in the substitute, to look at it from the woman's point of view and to understand that while we believe that a woman's right to reproductive freedom includes her right not to have a child, choice also means the right to have a child, and if you are pregnant and you want that child, those who would assault you and who would either engage in a prenatal injury or cause you to miscarry have interfered with your choice, your right to become a parent and to enjoy all the things that those of us who are mothers do enjoy, which is to watch our children grow and to help them become ever more responsible citizens.

I urge a "yes" vote on the substitute and a "no" vote on the Canady bill.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM) who is the sponsor of the bill.

The CHAIRMAN. The gentleman from South Carolina (Mr. GRAHAM) is recognized for 4 minutes.

Mr. GRAHAM. Mr. Chairman, very quickly, I will hit this head-on the best that I know how. That if you are saying here today that Roe v. Wade is a "get out of jail free" card for criminals who assault pregnant women and destroy their unborn children, you are not reading the same ruling that I am reading. Roe v. Wade never said that third-party criminals have open season on unborn children. Roe v. Wade said that women can terminate their own pregnancy in certain conditions in the first trimester. The Supreme Court has not said you cannot pass a statute holding criminals liable for attacking pregnant women.

For 29 years, California, the gentlewoman's home State, has had a statute that makes it a crime for a third-party criminal to kill a nonviable, in medical terms, fetus and there are people sitting in California in jail right now, and all over this country in States that have these statutes, and they are not going to get out of jail because of Roe v. Wade. They are serving their time because the statute that sent them to jail is constitutional. That is why they are in jail and they are not going to get out.

Mr. Chairman, we have the authority if we so choose to make it a Federal offense to attack a pregnant woman and destroy her unborn child and to charge her separately. This is an opportunity to do what a lot of Americans wish we would do, regardless of how you feel about abortion.

The substitute, Mr. Chairman, that destroys the purpose of this bill is inartfully written and the gentleman from Michigan (Mr. CONYERS) said, "We are not really worried about the words, we are worried about Roe v. Wade." I am worried about the words because when I prosecuted people in the past as a prosecutor, the words mattered. It has to be written right. The words in the substitute will allow criminals to get away with killing unborn children, what most Americans, I believe, would not want to happen.

Mr. Chairman, it comes down to this. When a criminal becomes the judge, the jury and the executioner of an unborn child that was wanted by the woman, let us act. Let us stand up and give Federal prosecutors the right to hold them fully accountable for what they have done, taking a life that was wanted, that was being nurtured. This is a chance to do something that is necessary in the law and unfortunately is going to happen somewhere, sometime, some thug is going to attack a pregnant woman where Federal jurisdiction exists and they are going to take her baby away and they are going to kill that baby. We have got a chance to put them in jail if they can prove the case. Let us give them the tools, a good statute to do what justice demands.

You cannot under Federal law execute a woman who is pregnant. A Democratic Congress made that illegal. The reason they did that is because they know that most Americans would not want to execute a pregnant woman because they would not want the unborn child to die for the crimes of the mother. Let us make sure that criminals are also barred from taking that unborn child, and if they do, they go to jail.

I thank my colleagues very much for paying attention to an important debate. Vote "no" to the substitute. Give prosecutors the tool they need to prosecute criminals who want to take babies away from women who have chosen to have them. Pass this bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 313, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Florida (Mr. CANADY); and amendment No. 2 in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. CANADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 463]

AYES—269

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—158

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)

Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella

Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—6

Chenoweth
Hooley

Jefferson
Meeks (NY)

Scarborough
Wu

☐ 1705

Mr. UDALL of Colorado. Mr. FRELINGHUYSEN and Mrs. MEEK of Florida changed their vote from "aye" to "no."

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 463, I inadvertently pressed the "aye" button. I meant to press the "no" button.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 8, as follows:

[Roll No. 464]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen

Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink

Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia

Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry

Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)

Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof

Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McDermott
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman

Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Chenoweth
Herger
Hooley

Jefferson
Meeks (NY)
Scarborough

Weller
Wu

☐ 1714

Mr. MOAKLEY, Mr. KUCINICH and Mr. SKELTON changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1715

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2346) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, pursuant to House Resolution 313, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 172, not voting 7, as follows:

[Roll No. 465]

YEAS—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
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Gordon
Goss
Graham
Granger
Green (WI)
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Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
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Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
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Pitts
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Pomeroy
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Pryce (OH)
Quinn
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Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
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Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
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Sherwood
Shimkus
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Simpson
Skeen
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Smith (MI)
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Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bono
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Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
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Cardin
Carson
Clay
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Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
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Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—7

Chenoweth
Ford
Hooley
Jefferson
Meeks (NY)
Scarborough
Wu

□ 1734

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on September 30, 1999, I missed several rollcall votes in order to attend my October 2, 1999 wedding. Had I been present, I would have voted "yea" on rollcall vote 463 (Mr. CANADY's manager's amendment to H.R. 2336), "nay" on rollcall vote 464 (Ms. LOFGREN's amendment in the nature of a substitute to H.R. 2436), and "yea" on rollcall vote 465 (on passage of H.R. 2436).

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, a dear friend of some thirty years underwent brain surgery in Oregon this week. Because I desired to be in Oregon to support friends and family, I was unable to vote on several items today, September 30.

Had I been present, I would have voted: "yea" on rollcall No. 460; "yea" on rollcall No. 461; "yea" on rollcall No. 462; "no" on rollcall No. 463; "yea" on rollcall No. 464; and "no" on rollcall No. 465.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill, H.R. 2436.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1760

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1760.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

EXTENDING ENERGY CONSERVATION PROGRAMS UNDER ENERGY POLICY AND CONSERVATION ACT THROUGH MARCH 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

he Clerk read the bill, as follows:

H.R. 2981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1999" both places it appears and inserting in lieu thereof "March 31, 2000"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1999" both places it appears and inserting in lieu thereof "March 31, 2000".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUDGET TIME MEANS "MEDISCARE" TIME

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Mr. Speaker, it is budget time, so it is "Mediscare" time. We have the age-old tactics that, when one does not have the facts, start scaring people. Who is the easiest of the population to scare? The seniors, beating up on Grandma and Grandpa. That appears to be what the White House is already doing with the Republican budget by saying that the Republican budget takes money out of Social Security.

I have a letter in my hand from the director of the Congressional Budget Office, the head guru. He says in short, there is nothing in our budget that takes any money out of Social Security. I will submit this for the RECORD. It is available for anybody who wants a copy of it. We will distribute it to our misguided liberal friends on the other side.

But the fact is, let us have an honest debate. When the President vetoes the appropriations bills, and we have spent up against the budget caps, then the only question remaining is: Mr. President, do you want to spend more money? It comes out of Social Security. Is that what you want to do? At that point, Mr. President, what will you tell Grandma?

Mr. Speaker, the letter I referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

Sincerely,
DAN L. CRIPPEN,
Director.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RIGHT TO SUE AN ERISA HMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, Members on both sides of this aisle have joined together to address one of the most egregious violations of the individual rights upon which our Nation was founded, the right to due process in court.

Since 1974, federally governed managed care insurance plans have enjoyed a near total immunity from any legal accountability for injuring and killing the citizens of this country for monetary gain. No thinking, feeling American can agree to let that stand. I tell my colleagues today, Mr. Speaker, that will not stand.

But, Mr. Speaker, the industry lobbyists who have profited behind the skirts of ERISA are now engaged in a last-ditch fight to deceive the Members of this body and the American public concerning the truth of what we seek. So, tonight, Mr. Speaker, I want to set the record straight.

The bipartisan Consensus Managed Care Improvement Act that I have cosponsored with the gentleman from Michigan (Mr. DINGELL) provides full relief from the travesty of current law while providing full protection for employers and decent insurers against frivolous and vicarious lawsuits.

The managed care lobby has told us that employers could be sued for simply offering a health plan to their employees, they are actually going around saying that, or could be sued just by choosing a particular plan.

Mr. Speaker, read page 60 of the bill beginning on line 33. The bill says, "Does not authorize any cause of action against an employer, or other plan sponsor maintaining the group health plan, or against an employee of such an employer."

One cannot be any clearer than that. Employers cannot be sued for offering health insurance in our bill or choosing any particular specific plan. Now, the HMO argues that lawyers could find a way around that protection. But the United States Supreme Court has held that "plain meaning" interpretations would prevail. Who do you believe, the lobbyists or the Supreme Court?

There is only one way under this bill that employers can be sued. If an employer decides to do more than offer health insurance, by trying to practice medicine, yes, then they can be sued. If an employer decides to weigh in on a decision of medical necessity, they will be held responsible for that decision, as they should be. But if that employer chooses to stay out of the dispute and leaves the decision up to medically trained professionals, they remain shielded from any type of liability, as they should be.

Read the bill. Page 61, beginning on line 13, an employer can only be sued if, and I quote out of the bill, Mr. Speaker, "The employer's . . . exercise of discretionary authority to make a decision on a claim for benefits covered under the plan . . . resulted in personal injury or wrongful death."

Would a Member of this body like to argue that anyone should be able to wrongfully cause the death of a human being and then be shielded from that responsibility? Let us have that debate. I think they will not argue that.

Under this bill, an employer is free to buy any health plan on the market for their employees and face no liability whatsoever for having done so. If the employer is asked to step into the middle of the dispute between the employee and the health plan, they simply should refuse, leave the matter up to the doctors, and face no liability whatsoever.

The managed care lobby has told us that this bill opens the door for unlimited punitive damages against health plans, with jury awards soaring into the hundreds of millions of dollars.

Read the bill. We have left a way for insurance companies to remain shielded from any punitive damages, not one nickel.

Read the bill. Page 60, beginning on line 13, and I quote again, Mr. Speaker, "The plan is not liable for any punitive, exemplary, or similar damages . . . if the plan or issuer complied with the determination of the external appeal entity." It cannot be any simpler than that.

There is only one option left the HMO lobby to defeat the legislation: Distort the issue, scare the employers into believing it. We know it, and they know it.

I believe that truth and justice will prevail during next week's vote on this issue. No amount of lies, Mr. Speaker, no amount of threats will deter the Members of this body who know the truth from moving forward on this issue.

Mr. Speaker, I ask my fellow Members who support this bill to spread the truth to those who may not know it yet. This evil cannot be allowed to stand.

Mr. Speaker, I look forward to seeing my colleagues next week on the floor of this House when the truth will come forward as to what is happening to health care in the United States of America.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Michigan.

□ 1745

IN AGREEMENT WITH RIGHT TO SUE AN ERISA HMO

Mr. DINGELL. Mr. Speaker, I first want to say that I have worked in this place for a long time, and I have worked with a lot of people. None have been more steadfast, courageous, harder working, more able or more dedicated on the matters upon which we work, and I want to commend the gentleman from Georgia and thank him.

I want to make the observation that I hope my colleagues will have listened to the gentleman from Georgia, because what he is talking about is people who are desperately in need of the protection he and I seek to provide. I want to point out that what he is seeking to do here is to assure that employers who do not intrude into the every day management of the particular fund that is set up for the health care and for the procurement of health care are absolutely protected against liability. The gentleman is totally correct in that. And the only time that an employer would incur a liability under this legislation is if he had actively intervened against the beneficiary.

And so I want to first commend the gentleman. Second of all, I want to urge my colleagues to listen to him. He has been speaking great wisdom. He has also been speaking of justice and decency and something that the health care industry has not always been providing to the recipients of health care. It is an extremely important point in this legislation.

Honest and decent employers have nothing to fear, and HMOs which have been denying people the health care to which they are entitled under the contract do have something to fear. And, indeed, they should. They are the folks that I happen to be after.

IMPORTANCE OF GOVERNMENT FUNDING OF SCIENCE IN TODAY'S WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have been giving a series of comments in special orders about the importance of science in today's world, and also the importance of government funding of science, because the question often asked is why should the Federal Government be spending good taxpayers money to conduct scientific research.

One very obvious reason: Over half of the economic growth of this country comes from the scientific research which we have funded in the past. I can give numerous examples, and I have given some in the past, but let me just point out a few tonight.

When computers were first developed, one of the difficulties was how computers could talk to each other. That was resolved fairly readily. But then some bright individuals in the Defense Advance Research Project Agency began wondering how can we network a large number of computers. And then, beyond that, how can we connect the networks so that we have what is really an internet, a connection or a network of networks. That was not easily resolved, but it has had far-reaching implications when it was solved.

The basic method is to create what is called a packet of information that travels along the telephone lines from one computer to another. There is a certain protocol of what is in that packet, what is at the lead, what is in the middle, what is at the end, so that you can keep track of these. After that was developed, the interest of the Defense Advance Research Project Agency was to tie together all the military laboratories in the United States. That eventually came to include other laboratories. And then the NSF got involved and developed what was called the NSF net, which broadened it to all universities. And that was the basis from which the Internet was developed.

Now, who can question the value of the Internet today? So many people use it for so many purposes, we have trillions of dollars flowing on the Internet every day, indicating the commerce we have between banks and other places. If an individual's check is deposited by electronic fund transfer, that money was probably transferred over the Internet.

I have been told, and I have not had a chance to check this for myself to be certain it is true, but I have been told that there is more money transferred electronically over the Internet each day than we have in the entire Federal budget for a year. That illustrates some of the importance of the Internet for this and for various other purposes.

One little sidelight that might be interesting to my colleagues. As we developed these packets to go on the Internet, someone got the bright idea why not do the same thing with telephone information. In other words, treat voice information just as we treat computer information. So today, when we place a telephone call, our voices are chopped up and put in all these little packets, they travel over telephone lines by various routes, and when they reach their destination they are unscrambled, and no one on either end knows that this has happened. That has greatly increased the capacity of our telephone lines for carrying voice and data transmissions.

Mr. Speaker, I now yield some time to my scientific colleague, the gentleman from New Jersey (Mr. HOLT), who is a fellow physicist. We often work on science issues together. This is obviously a bipartisan issue, and I am pleased to yield to him.

Mr. HOLT. Mr. Speaker, I thank my friend from Michigan. It is a great pleasure to talk about these things. We do not have occasion to talk about them enough here on the floor of the House.

First, I would like to recognize how much the gentleman does in support of science and science education. We all appreciate it.

I would like to just add two comments to what the gentleman talked about. One is the importance of research that we do not necessarily recognize the value of at first. Many of our colleagues here in this chamber, many of our family members have had MRIs, magnetic resonance imaging. Most people do not realize this came out of studies on nuclear magnetic resonance, on which I believe the gentleman has worked in the past. This was once regarded as pure research but has turned out to be of very practical value.

The return on investment in science is enormous.

AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, before I begin my special order on prescription drugs, I yield to the gentleman from New Jersey (Mr. HOLT) if he would like to finish his thought.

Mr. HOLT. Mr. Speaker, I thank my friend and just say that the point I wanted to make was that economists argue about what is the yield on research, the economic yield on dollars spent on research, but they argue about whether it is 20 percent or 30 percent, not whether it is 2 or 3 percent. And it is a sound investment.

Mr. BROWN of Ohio. Reclaiming my time, Mr. Speaker, 2 weeks ago the Office of Personnel Management announced that premiums for the Federal Employees Health Benefit Plan would increase by 9 percent next year, the third straight year of large increases. Last month, final figures were in for the number of seniors that will be dropped from their Medicare managed care plan come January 1: 395,000 elderly Americans. Last year, 400,000 were dropped. Most of the remaining plans are curtailing or eliminating prescription drug benefits.

Those are the numbers. Here are the stories. Last month, I received a letter from a 71-year-old widow in Sheffield Lake, Ohio, who had taken a part-time job to help pay for her prescription drugs. Until United Health Care pulled out of her county and left her without a health plan, she had some drug coverage, but just one of her medications, lipitor, absorbed the entire benefit.

I spoke with a woman recently in Elyria, Ohio, who spends $350 out of her $808 monthly Social Security check on prescription drugs.

What is the common thread here? The high cost of prescription drugs. Prescription drug spending in the U.S. increased 84 percent between 1993 and 1998. The American public is right to wonder why we are not doing something about that in this Congress. The truth is, what has held us back is a threat. The drug industry says if we do not leave drug prices alone, they will not produce any new drugs.

I believe it is time we use market forces, and by that I mean good old-fashioned competition, to challenge that threat. We can introduce more competition in the prescription drug market and still foster medical innovation.

We need information to examine the industry's claims that U.S. prices are where they need to be. I introduced last week a bill, the Affordable Prescription Drug Act, that addresses these issues head on. Drawing from intellectual property laws already in place in the United States for other products in which access is an issue, such as pollution control devices under the Clean Air Act, my bill would establish product licensing for prescription drugs.

If, based on criteria by the Department of Commerce, a drug price is so outrageously high that it bears no resemblance to pricing norms for other industries, the Federal Government could require drug companies to license their patent to generic drug companies. The generic companies could sell competing products before the brand name patent expires, paying the patent holder royalties for that right. The patent holder would still be amply rewarded for being first in the market, and Americans would benefit from competitively driven prices. Drug prices would then come down.

The bill would require drug companies to provide audited, detailed information on drug company expenses. And given that these companies are asking us to accept the status quo, in terms of high drug prices, the status quo that has bankrupted seniors and ignited health care inflation, they have kept us guessing about their true cost for all too long.

This is not some brand new untried proposal. Product licensing works in England. It works in France. It works in Israel. It works in Germany; it has worked in Canada. But there is another part of this issue. Through the National Institutes of Health, American taxpayers finance 42 percent of the research and development that generates new drugs. Private foundations, State and local governments, and other non-industry sources kick in another 11 percent. So the drug industry funds less than half of the research and development of new drugs.

In addition, the dollars that the drug companies do spend on research, the U.S. Congress has bestowed generous tax breaks on those dollars for the drug companies. At the same time, drug prices in the United States are twice or three times or four times what they are in every other country in the world.

So get this. Half the cost of prescription drug research and development is borne by U.S. taxpayers. U.S. taxpayers then give tax breaks for the money that they do spend for the research on prescription drugs by the drug companies. And American taxpayers are then rewarded by the drug companies by being charged the highest prices in the world, double, triple, four times what those prices are.

Mr. Speaker, it is time this Congress pass the Affordable Prescription Drug Act.

ENHANCING INFRASTRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, citizens chronically complain about the state of America's public capital, about the dilapidated school buildings, condemned highway bridges, contaminated water supplies, and other shortcomings of the public infrastructure. In addition to inflicting inconvenience and endangering health, the inadequacy of the public infrastructure adversely affects productivity and the growth of the economy. Public investment, private investment, and productivity are intimately linked.

For more than two decades, Washington has retreated from public investment as costs of entitlements and of the interest payable on rapidly rising debt have mounted dramatically. State and local governments, albeit to a lesser extent, have also slowed investment. Their taxpayers became more frequently reluctant to approve bond issues to finance infrastructure. Whereas in the early 1970s, nondefense public investment accounted for 3.2 percent of the GDP, it now accounts for only 2.5 percent.

Widespread neglect of maintenance has contributed substantially to the failure of the stock of public capital assets to keep pace with the Nation's needs.

☐ 1800

For instance, the real nondefense public capital stock expanded in the past decades by a pace only half that set in the earlier postwar World War II period.

Evidence of failures to maintain and improve infrastructure is seen every day in such problems as unsafe bridges, urban decay, dilapidated and overcrowded schools, and inadequate airports.

The General Accounting Office study finds that education is seriously handicapped by deteriorating school buildings and that an investment of $110 billion is needed to bring them up to minimally accepted conditions. These problems take a toil in less visible and perhaps even more important ways, in unsatisfactory gains in private sector productivity, and a diminished rise in real income for the Nation at large, seemingly endless traffic jams, disruption to commuter rail service, and backed-up airport runways. And that is everyday experiences for Americans. They spell waste and inefficiency for the economy at large.

Congestion on the Nation's highways alone cost the Nation some $100 billion a year. Let me repeat that. Congestion on the Nation's highways alone cost the Nation some $100 billion a year according to a Competitiveness Policy Council estimate in 1993. And that was 1993. It does not include the cost of added pollution and wear and tear on the vehicles.

That is the bad news. Now the good news. There is help on the way in the form of legislation directly targeted for infrastructure renewal. This legislation is designed to help the Nation take a significant step toward overcoming its infrastructure deficit and promoting the productivity needed to meet the competitive challenges of the 21st century. The plan is fiscally sound. It follows the best accounting procedures of the private sector and is designed to recognize the statutes that mandate a balanced Federal budget.

In salient ways it advances sound fiscal operation. The plan would provide $50 billion a year for mortgage loans to State and local governments for capital investments in types of projects specified by Congress and the President. These mortgage loans would be at zero interest. They would thereby cut the overall costs to local governments of the projects at least in half, depending on the prevailing interest rate for local and State taxpayers.

The principals of these loans would be paid in annual installments. Repayment would depend upon the type of project, but no mortgage would be for a period of more than 30 years. The simple fact is that the Nation is falling behind. Infrastructure improvements will enhance our economy, provide new jobs, increase safety for citizens, and help us compete in the global marketplace. This bill is necessary now to begin to rebuild our vital infrastructure as soon as possible.

TECHNOLOGY AND AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I am here this afternoon to say a few words about why research and technology is important to America. For me, it is a simple story. Technology gives people the tools to live better lives, beginning with the discovery of fire on a winter night somewhere back in history. Technology creates jobs, raises standards of living, and allows people to live longer and fuller lives.

My home, in the Ninth District of Texas, has really three prime examples of the power of new technologies to spur growth and create opportunities: petroleum, space, and medicine.

In my hometown of Beaumont, in 1901, an era began when oil drillers hit the Lucas Gusher in Spindletop. By the end of that year, Spindletop's production exceeded all the rest of the world combined. The technologies that unfolded in the following decade in the use of automobiles, aircraft, petroleum refining totally changed the shape of our world, making mobility a commonplace rather than a luxury for the wealthy, allowing average Americans to enjoy the personal freedom to travel, to work, to shop, just to have fun, for pleasure.

Almost a hundred years later, technology continues to find new uses for our hydrocarbon resources and to make transportation more safe and more compatible with the environment. Beaumont and East Texas still have a major share of America's petroleum refining and petrochemical manufacturing capacity. And what keeps the industry a vigorous source of employment everyone recognizes is research and technological innovation.

Energy, oil, and chemicals are increasingly international industries. They have to compete successfully with industries worldwide in the field of efficiency and innovation, and they need to find new ways to minimize their impact on the environment. The road to those goals is paved by research.

A few miles southwest of Spindletop is the Johnson Space Center, one of the major centers of America's space program. As the Lucas Gusher celebrated the beginning of the 20th century, the International Space Station, managed by the Johnson Space Center, will mark the beginning of the 21st century. This is the largest space project in the history and a collaboration between the United States, Canada, the member states of the European Space Agency, Japan, Russia, and Brazil to build a laboratory in permanent orbit around the Earth.

Where will this step lead us? Space station research and medicine and biomedical technologies will help open the door to new advances in health care, research, and physical sciences and engineering; will enable development of a new generation of materials for optical computing, technologies for increased efficiencies engines, and a host of other advances that we cannot even predict.

The Space Station will be advancing knowledge in the basic sciences across the spectrum and providing opportunity for commercial research and development opportunity as well. And on the Space Station we will also be developing a whole spectrum of space technologies that will enable a tremendous expansion of our capabilities for commerce and exploration.

The course of human space exploration is not set today, but I believe that humans will over the course of the next century make the trip to Mars if not a routine, then at least a regular, event. America should lead that chapter in the history of humanity.

One of the things that we can predict about the 21st century is that our citizens will increasingly find themselves in competition with labor from around the world. This competition does not have to be a zero-sum game where they can get richer by making any neighbor poorer. The 21st century can be a win-win game if advances in research and technology give our workers the knowledge and the tools needed to continue to lead the growth of prosperity in the global economy.

It is obvious to me that research is not a luxury. It is a necessity. We have to make the investments necessary to make sure that the economic opportunity made possible by technology-led growth are available to our children's generation and to make sure that we can maintain our standard of living and to improve our stewardship of the environment, to make sure that our longer lives are healthier, richer, and less expensive medically, to manage the continued growth of the world's population, and to open the universe to the continuing epic of human discovery.

Finally, Mr. Speaker, I ask that as we proceed through the next few weeks to negotiate our final appropriations decisions for fiscal 2000 that we remember the importance of research and the importance of agencies like NASA, the National Science Foundation, and the National Institutes of Health to our country's future.

CLEAN POWER PLANT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise today to introduce the Clean Power Plant Act of 1999, a bill to set uniform emissions standards for all electric generating units operating in the United States.

I am pleased to be joined by 18 original cosponsors of both parties and from throughout the country. As we approach the 30-year anniversary of the Clean Air Act, we should take stock of all that it has accomplished to clean our air, improve public health and create a better environment.

We must also, however, recognize that the clean air act and its amendments have not fully solved the problem of the air pollution in this country. In my home State of Maine we routinely see unhealthy levels of smog during the summer ozone season. We still suffer the effects of acid rain and mercury pollution in our rivers, lakes, and streams; and we are only beginning to understand the effect of greenhouse gases which have helped make the 1990's the hottest decade on record.

When we look at the sources of air pollution in America today, one sector stands out as a glaring problem, eclipsing virtually every other source of pollution in the Nation. It is the electric generating sector which for nearly 30 years has evaded the full regulations of the Clean Air Act.

More than three out of every four power plants in the U.S. are grandfathered from having to comply with the act's emission standards and legally pollute at four to 10 times the rates allowed for new plants. When Congress passed the clean air act, it assumed that these grandfathered plants would soon become obsolete, retiring to make way for new plants that would be covered by clean air regulations.

Unfortunately, dirty power is often cheap power, and the economic advantage enjoyed by grandfathered plants has allowed them to survive much longer than Congress ever expected. Most of the power plants in the U.S. began operation in the 1960s or before. The operating cost for grandfathered plants are often half that of new clean generators.

With the U.S. moving toward a deregulated electricity market, it is now time to remove the economic advantage of dirty power. If we do not close the grandfather loophole and level the playing field for new clean generation, clean energy will be disadvantaged.

The Clean Power Plant Act of 1999 sets uniform emissions standards for all plants regardless of when they began operation. It addresses the four major pollutants that come from utilities and closes several loopholes that allow the electric generating industry to pollute at higher rates than other industries. This bill, however, also recognizes the importance of fuel diversity for electricity generation and the need to make a smooth transition to cleaner technology.

The bill sets an overall cap of 1.914 billion tons of carbon dioxide emissions from the utility sector. This cap is consistent with the Rio Treaty on global climate change which was signed by the Bush administration and ratified by the Senate. It requires EPA to distribute emissions allowances to power plants based on a generation performance standard.

Because the effects of carbon emissions are global rather than local in nature, the bill allows the trading of extra emissions allowances between utilities. For nitrogen oxides and sulfur dioxides, the bill sets both a maximum emissions rate and a per-unit cap on total annual emissions. The emissions rates of 1.5 pounds per megawatt hour for nitrogen oxides and 3 pounds per megawatt hour for sulfur dioxides will ensure that all plants must meet standards similar to those required for new generators.

The bill does not allow dirty plants to purchase emissions credits to meet these requirements. While capping total emissions and allowing plants to trade pollution credits will limit overall pollution, it may not protect upwind States from downwind emissions or protect communities around older plants from the local effects of ozone smog or acid rain.

The bill also sets a total per-unit cap on emissions based on the amount of electricity generate by each unit during the period from 1996 to 1998. This provision ensures that if energy demand increases, older plants will not simply run longer at lower emissions rate resulting in no net reduction in pollution. Instead, new energy demands will be met with new clean more efficient energy sources that are subject to all new source emissions standards.

My bill also sets strict standards for mercury emissions, which under current law are left unregulated. The bill calls for a 70 percent reduction in the more than 50 tons of mercury that are emitted from power plants each year. This 70 percent level is what EPA in a March 1999 report estimated is the level of reduction that plants could achieve with currently available technology.

This level is a floor, however, so that EPA can require greater reductions as technology improves.

The bill does not simply address emissions of mercury, however. It also closes a loophole in the Solid Waste Disposal Act that allows utilities to dispose of waste that contains mercury without consideration of mercury's severe environmental and health effects. My bill ensures that all mercury waste, including the solid waste created in the combustion process and the mercury that is captured by smoke stack scrubbers, must be disposed of in a way that ensures the mercury will not find its way back into the environment. This makes my bill the most stringent proposal to reducing the amount of mercury released by power plants.

Finally, my bill closes a loophole that allows utilities to escape regulations on hazardous air pollutants. Currently, utilities are not required to use technology that removes heavy metals and volatile organic compounds from their emissions. These pollutants, which include many carcinogens, can cause severe damage to human health and the environment. My bill ends the exemption for utilities and will require them to implement the maximum available technology to limit emissions of hazardous air pollutants.

This bill is not simply crafted to cut emissions, however, without regard for the economic effects of shifting away from fossil fuels. Instead, it recognizes that, to make clean energy economically as well as environmentally successful, we must ease the transition from old technology to new. The bill contains grants for communities and workers who are affected by changes in fuel consumption. It also authorizes grants for property tax relief for towns that derive a large amount of their tax base from older power plants that will be replaced by cleaner technology.

Mr. Speaker, quality of our air is not just an environmental problem. It is an economic and public health issue as well. Whatever the initial costs of switching to new, clean generating technology, it pales compared to the cost of cleaning up mercury pollution, the cost of treating smog related illnesses, or the costs of a rapid rise in global temperature. I hope my colleagues will join me in this effort to level the playing field for clean energy and fulfill the promise of the Clean Air Act.

H.R. 2982, A BILL CALLING FOR THE HIRING OF 100,000 RESOURCE STAFF FOR STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a very important piece of legislation, H.R. 2982.

This bill will provide $15 billion over a five year period specifically for states to hire resource staff in our public schools to help students cope with the stress and anxieties of adolescence.

Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado—all of these towns should conjure up images of small-town American life—quiet neighborhoods, friendly faces, and good, safe schools. However, today these towns bring to mind radically different images—children with guns, students fleeing schools in terror, and kids killing their classmates.

It is hard to forget the images of Columbine High School. Not because this shooting spree was more tragic than any of the others—all of these incidents have been undeniably jarring—but because the attackers were so calculated and so ruthless in their killings. Why did this happen? What could make children from seemingly typical upbringings turn so violent? And what can we do to ensure that our children will be safe at school?

I don't know if we will ever find all of the answers, and I am not suggesting that Washington is necessarily the place to look for them—I think that, ultimately, we must look to our culture and within our own families to find the answers—but I do know that this Congress owes it to our children to work on policies that can bring about change.

First, we must look to substantive preventive measures. Security guards, metal detectors, and expelling violent students—all have their place in addressing this problem, but they do nothing to prevent tragedies from occurring. Ultimately, we must work with children to ensure they can handle their anger and emotions without resorting to violence. Many of our children enter school with emotional, physical, and interpersonal barriers to learning. We need more school counselors in our schools, not only to help identify these troubled youth, but to work on developmental skill building.

The fact is today we have no real infrastructure of support for our kids when it comes to mental health services in our schools. We currently have only 90,000 school counselors for approximately 41.4 million students in our public schools. That is, on average, roughly 1 counselor for every 513 students. For many schools the ratio is even worse. In Hawaii, for instance, we have only 1 counselor for every 525 students. In California, there is only 1 counselor for more than 1,000 students. That is simply not enough.

With current school counselors responsible for such large numbers of students, they are unable to address the students' personal needs. Instead, their role is more often administrative, scheduling, and job and college counseling. The child is forfeited for different goals.

My legislation will put 100,000 new resource staff in our schools to focus on the mental health needs of students. Like the President's

100,000 new teacher initiative, this will make it easier for children to get the attention they need.

This resource staff assigned to work for and with students will be hired to address the personal, family, peer level, emotional, and developmental needs of students. By focusing on these personal needs, these staff members will pick up early warning signs of troubled youth. They will improve student interaction and school safety. In short, they can save kids' lives.

These resource staff can also provide consultation with teachers and parents about student learning, behavior and emotional problems. They can develop and implement prevention programs. They can deal with substance abuse. They can set up peer mediation, and they can enhance problem solving in schools. Resource staff will provide important support services to students, and to parents and teachers on behalf of the students.

By no means is this the only thing that needs to be addressed to prevent youth violence. This should be the cornerstone of a much larger proposal. We must also look at the media's impact on violence and the easy accessibility of guns. We must strengthen our programs for families and early childhood development, and we must develop character education programs.

If we are really serious about addressing school violence, we must address prevention. My bill does that, and I urge all of my colleagues to support this legislation.

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CONGRESSIONAL BLACK CAUCUS INITIATIVES DOMESTICALLY AND GLOBALLY REGARDING HIV/AIDS

The SPEAKER pro tempore (Mr. FLETCHER). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise this evening to speak about the initiatives of the Congressional Black Caucus in the fight against the HIV and AIDS epidemic.

I first want to thank the gentlewoman from California (Ms. WATERS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their leadership in this effort. This epidemic is killing our community in unprecedented, terrifying numbers. Within our own country among African Americans and among Africans on the continent of Africa, the disproportionate infection rates of people of African descent are staggering.

In my district, which includes Oakland, California, the AIDS case rate for African Americans is five times that of whites. While the county has experienced a decline in the number of AIDS cases since 1994, African-American diagnoses have risen by 20 percent.

I wish that I could say that these frightening and disproportionate statistics are rare in our Nation, but unfortunately they are pervasive. We know that across our country, African Americans have the highest death rate from AIDS and chronic illnesses, higher than all other minority communities combined. African Americans who account for 13 percent of our Nation's population account for 56 percent of all newly reported HIV cases and 68 percent of new cases among adolescents.

What we have seen over the past several years has been the emergence of a crisis, and the failure on the part of our government to target resources where the disease is the greatest void has really compromised our ability to work effectively to decrease the number of HIV infections, to create strong prevention programs and to provide adequate services and care. We are now thankful, though, that the current funding is significantly higher. However, it remains grossly inadequate.

Last year, under the bold leadership of the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus mobilized to call upon Secretary Donna Shalala to declare a state of emergency for HIV/AIDS in the African-American community. It is with determination that we as a caucus have taken the lead on this issue. And with pride I can also say that on a local level in my area, Alameda County has declared a public health emergency on HIV and AIDS in the African-American community, the first jurisdiction in the Nation to do so.

This week, the Congressional Black Caucus has taken the next step to put forth a $340 million emergency public health initiative on HIV and AIDS which will be distributed proportionately among African Americans and other communities of color. The plan is the next, necessary step to allow the continuation of initiatives within HHS and NIH and CDC that were created from fiscal year 1999 funding and to address new emergency needs. The Black Caucus has also been focused to bring to bear the resources so that African Americans also experience a decline in, and eventual end to, the HIV infection.

Furthermore, let me just mention how it is disproportionately devastating countries in the developing world, most drastically on the continent of Africa. UNAIDS reports that of the 33.4 million people living with HIV/AIDS in the world, 22.5 million, or 67 percent, are in sub-Saharan Africa; 7.8 million are children who have been orphaned with their parents who have died of AIDS. It is anticipated that this number will reach 40 million orphans by the year 2010. That is why I, along with 47 cosponsors, have introduced H.R. 2765, a bill to provide assistance for HIV/AIDS research, education, treatment and prevention in Africa.

Mr. Speaker, I ask my colleagues to recognize the demoralizing reality of HIV and AIDS, both in this country and throughout the world. We must not falsely and dangerously assume that because new combinations of therapies have improved the quality of life and extended the survival of some with HIV that the HIV/AIDS epidemic is now under control. The battle is far from over. I urge support for the Congressional Black Caucus' emergency public health initiative to combat this epidemic domestically and I urge support for the AIDS Marshall Plan to combat in a substantial way the AIDS epidemic globally.

COMBATTING HIV/AIDS IN THE BLACK COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I join with the gentlewoman from California (Ms. LEE) and others who are attempting to work at doing something about the problem of HIV/AIDS in the black community. Mr. Speaker, we have spent over a year working in a very concentrated way on trying to garner the resources and redirect them to communities that are highly at risk but have not had the resources follow the crisis.

Under my leadership as Chair of the Congressional Black Caucus last year, we organized an initiative where we were able to identify tremendous resources to begin to do what needed to be done. We discovered a number of things, Mr. Speaker. We discovered that the resources of government were not following the AIDS crisis because the face of the new AIDS had not been unveiled sufficiently in this Nation. Most people still think of AIDS as a white gay disease. It is not. It is not a white gay disease. If there is anything that I can share with you today, it is that the gay community has done a wonderful job in, number one, doing outreach, education and prevention and getting people involved in the new therapies that are causing them to have a better quality of life and being able to go back into the workplace. We need to follow that example. It certainly can be done.

What do we find when we look at the African-American community? We find, of course, that it is the leading cause of death for African Americans between the ages of 25 and 44. What do we find when we look at African-American women? We find that in the new AIDS cases, we are 30 percent of that population. We also find that we are infected 16 times more than white women. And so we see this increase, we see this crisis, we see this emergency, and we are trying to get everyone to understand that it is indeed an emergency, it is indeed an emergency that we can do something about. And we need to continue to get the dollars to flow into outreach and education and research and therapy, all of those things that will help our community to do what can be done to stop the escalation of HIV and AIDS infection.

And so we got the $156 million and the RFPs went out and the responses came back and now we have community groups accessing dollars to do the kind of work that they so desperately have wanted to do that we have not given them the support for. They are saying to us, we have got to build and expand capacity, we have got to get more providers, we have got to make sure that we are doing the kind of creative outreach and education to get with that young population out there who we still have not been able to infiltrate. And so they are beginning to see that they can do these things and they can do them better.

Let us not stop now. Let us take the initiative that has been put together by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and others who are leading us in the Congressional Black Caucus to keep the resources moving. Let us take this opportunity to be on top of and in front of this funding so that we do not find ourselves having gotten $156 million, having the proposals responded to and people beginning to do the work and all of a sudden cut off because more money is not following. I think we can do that.

I am here today to add my voice to the efforts of the gentlewoman from California (Ms. LEE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and others who are working so hard to garner these resources.

Let me just say that the gentlewoman from Oakland, CA (Ms. LEE) got her county to declare the emergency that exists there. My county in Los Angeles was slow but they finally did it. They finally looked at the data, the statistics, and they finally understood that they should have done this a long time ago, that in Los Angeles County we have not done what could have been done. And so we have got a lot to straighten out in Los Angeles County. We have got to redo the entire process. We have got to make sure that our organization with its task forces and its RFP responsibilities, all of that, are done in such a way that the resources will get to where they must go.

Mr. Speaker, we will be back to talk a lot more about what must be done.

ADDRESSING HIV/AIDS PUBLIC HEALTH EMERGENCY IN MINORITY COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE) who are members of the health brain trust of the Congressional Black Caucus for joining me here this evening.

Mr. Speaker, I rise to once again register our dissatisfaction with the funding that the committee is proposing to provide for the HIV/AIDS public health emergency in African-American communities and other communities of color. Mr. Speaker, people of color are represented in the AIDS epidemic in numbers that far exceed our representation in the general population. African Americans and Hispanics are the most severely affected groups, representing well over 60 percent of all AIDS cases in the United States. Of the estimated 40,000 new HIV infections each year, almost 50 percent are in African Americans, and 20 percent are in Hispanics. African Americans were 49 percent of new HIV infections in 1998 and Latinos were 11 percent.

In 1998, African Americans accounted for 45 percent of all total AIDS cases; 40 percent of all cases in men, 62 percent of all cases in women, and 62 percent of all cases in children. In 1998, the AIDS incidence rate among African Americans was eight times that of whites, and for Latinos the incidence rate was 3.8 times that of whites.

Mr. Speaker, if this does not represent an emergency in our community, I do not know what does. This is further compounded by the disparities that exist in all communities of color with respect to heart disease, cancer, diabetes and infant mortality among other diseases. But in all of these, African-American communities experience disparities that far exceed all other groups combined. We need to change these dire statistics. They are a blight on this great country. And we need to provide access to health care for all on a level that is equal to the majority population.

The CBC initiative seeks to do this by empowering communities with the resources they need to be agents of change themselves for better health. Yesterday, I spoke about the need to fund the offices of minority health within the agencies of the Department of Health and Human Services and the importance of elevating the office of minority health research at NIH to a center. Today, I just want to say a few words about the need to address this issue in our correctional facilities.

There are some statistics that we just cannot ignore. In 1995, over 1.5 million adult arrests and over 3 million juvenile arrests were made in the United States. The U.S. prison population increased threefold between 1980 and 1996. Today, there are approximately 1.7 million persons housed in correctional facilities, jails and prisons, in this country. That is the second largest incarcerated population in the developed world, behind only Russia. All told, there are more than 6 million people under some form of the criminal justice supervision, under some form of juvenile justice supervision in the United States on any given day. The majority of these individuals are arrested in, and returned to, urban, low-income communities.

Rates of HIV, STDs, sexually transmitted diseases, and tuberculosis are disproportionately high among the U.S. incarcerated population compared to the U.S. population at large. This presents challenges as well as opportunities. In addition to high rates of infectious diseases, the inmate population is also plagued by a number of chronic diseases such as diabetes, heart disease and substance abuse. In 1996, 63 percent of jail inmates belonged to racial or ethnic minorities, up slightly from 61 percent in 1989. 41.6 percent were white, and 41.1 percent were African American. Among Federal prisoners, 58.6 percent were white and 38.2 percent were African American.

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Looking specifically at HIV, correctional populations have the highest rates of HIV infection of any public institution. A 1995 report by the Bureau of Justice Statistics shows that the AIDS case rate in prisons is six times higher than the overall U.S. AIDS case rate. In fact, 23 percent of all State and Federal prison inmates were reported to be infected with HIV. In State prisons, 4 percent of female prisoners were HIV positive compared to 2.3 percent of male prisoners.

We must bring the needed funds to develop and implement strategies related to surveillance and reporting in correctional facilities. We must develop continuity of care programs and provide technical assistance to jails and communities dealing with these issues. We hope that this House will recognize the wide disparities in health care that exist for people of color in this country and the challenge it presents for us as we prepare to enter the 21st century.

Mr. Speaker, we ask that our colleagues join us in facing this challenge and addressing it successfully.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, before we start I yield to the gentleman from Pennsylvania (Mr. BRADY).

CALLING FOR RECTIFICATION OF STATEMENTS MADE EARLIER TODAY ABOUT ED RENDELL, MAYOR OF PHILADELPHIA

Mr. BRADY. Mr. Speaker, I stand here tonight to clarify the RECORD. One of my colleagues, the gentleman from Colorado (Mr. SCHAFFER), spoke this morning concerning my mayor and the mayor of the City of Philadelphia, and he alluded to the fact that our mayor was out there celebrating Chinese rule, Communist rule with Chinese Americans, and then because of that he became elected chairman of the National Democratic Committee. That is the furthest from the truth that there ever could be.

Mr. Speaker, our mayor is out there celebrating the heritage of Chinese Philadelphians, and he was there not to make a political statement, and I think that that should be rectified and cleared, that the person that made that derogatory statement today must be a little nervous because we do have, without question, one of the best people, one of the best Americans I know, that I know of for a fact, that can head and be Chairman of the National Democratic Committee.

Mr. Speaker, I rise to honor a great American, my mayor, Mayor Ed Rendell. We have been blessed to have Ed Rendell serve as mayor of the City of Philadelphia for the last 7½ years. In fact, he is the best argument that I can think of against term limits.

Mr. Speaker, we now have to share Ed because America's mayor was recently elected and was elected prior to the alleged demonstration that my colleague alluded to. He was elected chairman of America's Party, the National Democratic Party. They could not have made a better choice.

Mr. Speaker, I wish him well, I wish him all the best. He will not need any luck because he works as hard and as tenaciously as anybody that I know. Luck will follow him.

From one chairman to another, You go, boy.

Mr. ETHERIDGE. Mr. Speaker, I want to thank my colleagues who have joined me tonight to talk about a very important issue, and that is education in America.

Today marks the close of fiscal year 1999. All year my Democratic colleagues and I have been working to help pass legislation to strengthen our public schools, but this Congress has utterly failed to achieve that important goal in my opinion. We are at the end of the year; we have no appropriations bills for education. We have not passed the reauthorization of the Secondary School Act, and so many opportunities have been missed.

Rather than answer the call of the American people to pass legislation to improve education for our children, Republican leadership has spent the whole year doing a whole lot of other things and, in the end, moving to cut education funding. With 29 days left before the targeted adjournment date that they set themselves; we did not set it, Mr. Speaker, they set it for this Congress to adjourn; we have a lot of educational issues yet to be addressed.

Mr. Speaker, throughout the month of August, I visited many schools in my district and went into every county and every school district. I met with students, teachers, parents, staff. We talked about the tremendous challenges that they face today, and teachers are doing a wonderful job under some tough circumstances. We talked about school construction, we talked about school safety, teacher training; we talked about the need for more technology in the classroom, we talked about encouraging and enticing more African American students, more minority students, more female students, into math and science and into the technology area. Tremendous needs out there, and Congress can help with that.

I want to now recognize my colleague from California (Ms. WOOLSEY) who has been working on this area all year in the Committee on Science where we serve and on education. She has a deep interest in making sure that all these groups get an opportunity, and she has worked on legislation, and I would yield to her at this time.

Ms. WOOLSEY. I thank the gentleman from North Carolina very much for organizing this special order tonight. It is a particularly important issue when we talk about our children and their education, and believe me, you are a big voice in this country, having been the Superintendent of Schools for North Carolina. You know as much as anybody in the House of Representatives what we need to be doing to get our children ready for the 21st century.

I ask you, Mr. Speaker, what is wrong with this picture. Females make up slightly more than 50 percent of this country's population, yet less than 30 percent of America's scientists are women. Even fewer engineers are women, in fact, less than 10 percent. In 1994, there were 209 tenured faculty at the Massachusetts Institute of Technology; and only 15 of those 209 were female.

Of course, these figures are not surprising when we learn that in 1985 women earned less than 30 percent of the bachelors degrees in the physical sciences and less than 10 percent of the bachelors degrees in engineering. Colleagues will not even want to hear the percentage of Ph.D.'s in science- and mathematics-based fields that are earned by women; it is too depressing.

Just to give my colleagues an example:

About 8 percent of the Ph.D.'s in physics in 1988 were awarded to women.

My colleagues may be asking themselves: So what? Is this some national problem? And that was years ago, WOOLSEY.

Yes, well, this is a big problem; and in some fields, the numbers are worse today than they were 11 years ago. In fact, this is a big problem for employers, a big problem for women as future wage earners and a big problem for our Nation as we compete in the global marketplace.

The Bureau of Labor Statistics projects that between 1994 and the year 2005 the number of women in the labor force will grow twice as quickly as men. A recent study of school-to-work projects found 90 percent of the girls clustered in five traditionally female occupations. That has not changed over the last years. These occupations that are chosen by young women are elementary school teacher, nurse, retail sales, travel, hospitality service, and service industries.

My colleagues do not need me to tell them that careers in traditionally female occupations pay far less than careers in science, math, and technology. For example, Mr. Speaker, a data analyst can expect to make $45,000 a year while a licensed practical nurse earns less than $25,000 a year and a kindergarten teacher earns only $18,000 a year.

The National Science Foundation reports that today the jobs facing workers require higher skill levels in science, math, and technology than ever before. The NSF report is verified by a letter I received from the American Electronic Association, and I hereby introduce that letter into the RECORD:

AMERICAN ELECTRONICS ASSOCIATION,
April 27, 1999.

Hon. LYNN WOOLSEY,
439 Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOOLSEY: The American Electronics Association (AEA) is the nation's largest high-tech trade group, representing more than 3,000 U.S.-based high-technology companies. I am writing to inform you of the high-tech industry's growing concern about our nation's education system.

The U.S. high-tech industry has created 1 million new jobs since 1993, paying an average annual wage of more than $53,000. Recruiting skilled professionals is becoming increasingly difficult for most high-tech companies since the current unemployment rates for many key technology occupations are less than 2%. For instance, the unemployment for engineers is 1.6%; for computer scientists, 1.2%; and for computer programmers, 1.4%. Given the high salaries, rapid employment growth, and low unemployment, it would follow that more students should be entering these fields of study. Instead, the opposite is occurring.

The high-tech industry is facing a critical shortage of skilled workers. Simply put, our nation's educational system is not graduating enough students to fill the workforce needs of the high-tech industry. Further, we are not producing enough students that are prepared to meet the challenges of a technology-driven economy. This week, AEA released a new report—CyberEducation: U.S. Education and the High-Technology Workforce—that provides a comprehensive overview of the education trends that affect the high-tech industry. The report provides a baseline for comparing high-tech education in each state. Key CyberEducation findings include:

The number of degrees awarded in computer science, engineering, mathematics and physics has declined since 1990. Workers with these degrees perform critical research, design and develop new products, and create new jobs for the high-tech industry.

Foreign nationals are earning a large percentage of high-tech degrees: 32% of all master's degrees and 45% of all doctoral degrees are awarded to foreign nationals.

Although the test scores of American students in math and science are improving, American high school seniors ranked 19th in math and 16th in science and when compared to students from 21 countries.

If these educational trends continue, the growth of the high-tech industry cannot be sustained. Congress has an opportunity to address the shortcomings in our nation's education system with the reauthorization of the Elementary and Secondary Education Act. AEA is currently developing a series of specific education improvement proposals focused on K–12 math and science and the use of technology in the classroom, which we will share with Congress in the near future. AEA and its high-tech member companies are prepared to work with Congress to improve our nation's education system.

Sincerely,

WILLIAM T. ARCHEY,
President and CEO.

AEA wrote to tell me that today the high-tech industry is facing a critical shortage of skilled workers and the future is even looking worse than it was in the past. Additionally, seven high-tech firms including Autodesk, Hewlett-Packard, and Microsoft sent a similar letter to all of the members of the Committee on Education, and I introduce that letter into the RECORD also, Mr. Speaker:

September 24, 1999.

Hon. WILLIAM L. CLAY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CLAY: Research has shown that the earlier girls are introduced to mathematics and science, the more likely they are to enter information technology (IT) careers. As such, we are writing to express our strong support for H.R. 2387, "The Getting Our Girls Ready for the 21st Century Act (GO GIRL!)," introduced by Rep. Lynn Woolsey (D–CA). The bill seeks to encourage young female students' interest in mathematics and science, and ultimately, into high technology careers.

While the IT industry is thriving and continues to drive U.S. economic growth, we are in the midst of a critical high technology worker shortage. At the same time, 50% of the U.S. population is female yet women currently make up just 8% of the engineering workforce. Moreover, only 3 percent of top executive positions at Fortune 500 companies were held by women. Clearly, we are letting a valuable national resource go untapped. We need to work together to encourage more of our country's women to pursue carriers in technology.

The GO GIRL! Proposal establishes a program that works with girls beginning in the fourth grade and stays with them through high school. It funds mentors, tutors and events to encourage their interest in technology.

We support proposals that encourage young girls to be exposed to role models and develop an interest and self-confidence in mathematics and science as numerous empirical studies have suggested that girls tend to develop negative attitudes towards the "hard sciences" in middle school. While several of our companies employ a variety of mentoring, recruiting and training programs to encourage women to enter high technology fields, we strongly support federal initiatives that strike at the root of this issue in the formative years.

In your consideration of the Elementary and Secondary Education Act (ESEA), the high technology industry strongly encourages you to consider proposals that not only strengthen math and science education broadly but that aim to target women, minorities and other underrpresented groups to pursue these courses of study. We urge you to consider co-sponsoring Rep. Woolsey's proposal by calling Lynda Theil at 5–5161 and appreciate your consideration.

Sincerely,

Apple Computer, Inc., Autodesk, Inc., Compaq Computer Corporation, Hewlett-Packard Company, Intel Corporation, Microsoft Corporation, Motorola, Inc.

In their letter these companies told committee members that without measures like Go Girl we will be jeopardizing the success of Americans' thriving technology industry by letting a valuable national resource go untapped. Quite clearly there is no way that America will have technically competent work force if the majority of students, females, stay away from science, math and technology.

That is why I have introduced a bill to help schools encourage girls to pursue careers in science, math and technology. Although my bill is formally titled: Getting our Girls Ready for the 21st Century, it is known as Go Girl. Go Girl will create a bold new work force of energized young women in these technical fields. Go Girl is modeled on the TRIO program which has successfully encouraged 2 million low-income students whose parents never attended college, and these students now are attending and graduating from college.

Similarly, the lack of female role models hampers female interest in studying math, science, and technology. Girls and their parents first must be able to envision a career in these fields for themselves and for their daughters. Then they need practical advice on what to study and how to achieve the necessary academic requirements. Go Girl follows girls from the 4th Grade, the grade in which girls typically begin to fall behind boys in math and science, through high school. To encourage girls' interest in math, science, and technology in the early grades girls will participate in events and activities that increase their awareness of careers in these fields, and they will meet female role models.

Go Girl participants benefit from tutoring and mentoring, including programs using the Internet which is built on a program started by Carol Bartz, the President of Autodesk Software Company in my district. We can hardly turn on a TV or pick up a newspaper these days without hearing about the importance of Y2K preparations, but what good will Y2K preparation be if we do not invest in our future workers? And we have to ensure that all of our workers are ready for the 21st century.

American girls are close to 50 percent of America's future work force. If they turn away from careers in science, math and technology, we will be shortchanging our employers, and our young women will be shortchanged as well.

I hope that my colleagues will join me in sending a message to the Committee on Education that our young girls and young women must have careers in science, math, and technology. Say to these young women and young men: Go, girl. Go to a career in science, a career in math, a career in technology, and earn a livable wage so you will be able to raise your family comfortably.

So, Mr. Speaker, that is my speech for today because where we are undervaluing all children in our education system by not passing the reauthorization of elementary secondary acts for this Nation, we are particularly undervaluing our young women.

Mr. ETHERIDGE. Well there is no question that all children in our public schools have to be reached out to. We have to encourage them, and certainly today with the number of youngsters, the females of all ethnic backgrounds as well as those who are not represented in the technological areas, if we do not encourage them and get them into those areas, all of us will lose because they are the future workers of tomorrow, and you are absolute true, and as we think about that, this whole digital divide that we have, we also have to have a place to put them.

☐ 1845

We need buildings in our communities. In the communities throughout my district, and I think this is true all across America, we see student enrollment continuing to grow at alarming rates. They are outstripping the local governments' abilities to keep up with the needs of quality schools.

This Congress has an opportunity to act and must act to help these communities cope with these very urgent problems. I have introduced legislation, many of you have signed it, we have something like 93 Members having signed it, and the Republican leadership refuses to bring it to the floor or bring it up in committee so we can take action on it.

I yield to the gentlewoman from California (Ms. LEE) for her comments, because really she has really been a hard worker and been on this floor and worked in committee to make sure that education is held high, recognizing that the bulk of the money for education really comes from the state and local level. But we have a major responsibility at the Federal level to provide that kind of leadership.

Ms. LEE. I thank the gentleman for yielding. I just want to thank you once again for your leadership and your commitment to education to all of our children in this country and also for conducting this special order.

Mr. Speaker, I rise to talk about our national concerns about education. It is heartening to know that most people in this country want our budget surplus spent sensibly on preserving Social Security and securing our future by educating our children.

Think about it. Rather than getting an insignificant tax cut, which is what the majority of taxpayers would have received with the Republican tax bill that President Clinton just vetoed, they would rather have this money spent on improving our schools. I am very heartened by this. The American people have spoken. They want our educational system improved.

We recognize that as a result of over two decades of neglecting our schools, especially in communities of color and low-income communities, that they are in deplorable conditions. We know that solving these educational problems is not only having enough money, but that the money be spent to support programs that have clear objectives, that have curriculums that are suitable for a highly technical and competitive society, that have capable administrators and well-trained and well-paid teachers, that have basic support staff, like nurses, counselors, attendance clerks, and school secretaries that can call parents. The schools must have up-to-date textbooks, adequate laboratories, and computer technology, and that the physical structure, the schoolhouse, be decent, clean, and safe. Yes, provide an environment that is conducive to study and learning. Schools must be safe havens for our children, free from drugs and weapons.

What I have described is a basic educational package that is centered around the school. The American public school is one of the most powerful engines for uplift in this country.

We know that a strong educational system provides systems with the necessary background and training to survive in and to lead in this world. One significant aspect, however, of a successful school system is that it is also a powerful crime prevention tool.

We know that education is the best form of crime prevention. A California-based think tank recently released a study showing that crime prevention is the most cost effective way of making sure that we do not build prisons. Of all crime prevention methods, education is the most cost effective, not to mention that our children deserve to benefit from a good education rather than to be set up for a lifetime in and out of jail. Yet, rather than invest in education, some would have us funnel more money into prisons to fuel the prison construction industry, putting money into constructing new prisons and building new juvenile detention facilities, as if we are to prepare for the inevitable incarceration of our children.

This is wrong. In fact, the lack of investment in education actually contributes to the rise in incarceration rates. Nineteen percent of adult inmates are completely illiterate, and 40 percent are functionally illiterate. Nationwide, over 70 percent of all people entering State correctional facilities have not completed high school. In our juvenile justice system, youth at a median age of 15 read, on average, at the same level as most 9 year olds.

So it is imperative that we begin to refocus on education and prevention instead of constructing prisons. With children attending classes in trailers, being subjected to unheated and sometimes unsafe buildings or packed together 35 in a classroom, it is no wonder that too many students are not learning and receiving sound healthy starts that they need to succeed in a competitive, fast-paced working world.

My continued experience of working with the youth in my district gives me real hope in the knowledge that students have the vitality, knowledge, and intellect; and they have the wish to learn and succeed and to be good citizens in a healthy, supportive society. They have the will and the ambition to achieve.

Let me give you an example. At the beginning of this month, 2,000 students from different communities in my district coalesced to celebrate a "Week of Unity: One Land, One People." These students are members of the Youth Together Project, a multiracial violence prevention and social justice project which operates in each of five schools to unite students of all races to promote unity and peace on school campuses.

To achieve their goal, they have drafted teachers, parents, and community leaders as allies in their effort. I am so proud that the students of Youth Together understand that Native Americans, African-Americans, Latinos, Asian Pacific Americans and Whites, all members of our rainbow culture, can work together for peace and justice in our schools and communities.

The children, the youth, will do their part, as will the local communities. It is now up to us in the Federal Government to step up to the plate. We must support the President's initiative to reduce class size by placing 100,000 extra teachers in our classroom. We must support our Democratic education agenda by supporting the School Modernization Initiative bill, H.R. 1660, and provide our children with essential counseling at critical times of their education by supporting H.R. 2567, which will bring counselors to the schools. Our teachers need to be freed up to do what they do best, and that is to teach. The children are doing their part, our teachers are doing their part, now we must do our part.

Mr. ETHERIDGE. I thank the gentlewoman from California for her comments and thank her for her efforts, her hard work on education and for the children of this country, and recognizing that she really is a leader in that area. We appreciate that.

As we talk about these issues this coming year, in the current school year we are in we have more school children in our classrooms than at any time in America's history, more than we had during the time that we talk about the baby-boom after World War II. It is only going to get worse.

Tonight, I can report that officials from the U.S. Department of Education have conducted a study, and the documentation of that study talks about the tremendous explosion we are having in our public schools all across this country. And we are going to experience it for the next decade. It is going to continue to come, and then fairly level out. We will not have a dip. They have confirmed the earlier estimates of what is called the baby-boom echo which has created a crisis in our schools, and it is certainly reflected in my State, one of the fastest growing states in the country.

I am disappointed that the Republican leadership has failed to meet what I think is its most basic responsibility, to pass the annual legislation needed to fund government and has ignored the needs in our community to help with school construction.

That same leadership has refused to act on my school modernization bill, but they have also failed to act on one that Congressman RANGEL has put in that the administration is working with. My Democratic colleagues, along with me, have signed a discharge petition, and for those folks we need to remind each other what a discharge petition is. If we cannot get a bill out of committee, we march up here and sign a petition. If we get 218 signatures on it, we can get the bill out. Hopefully we can get that done.

But as we think of that, we need that to make sure children have a place to learn, but we also need it to have a place to put the technology that is needed in those classrooms for children to be ready for the 21st Century, because if we do not put the computers and technology in the classroom, there is going to be a tremendous digital divide for all of our children.

I want to thank my friend from Connecticut (Mr. LARSON) who has worked so hard in this area. He has worked on it in the Committee on Science where we served, and he worked on it on the floor and other committee. He has taken it as a mission. I thank you for your leadership in this area.

I yield to the gentleman for his comments on this really important issue of the digital divide.

Mr. LARSON. Thank you very much, Representative ETHERIDGE, and thank you for your leadership and again for putting forward this very important hour to discuss this issue.

As you have already recognized, school buildings across this Nation represent about a $2 trillion investment in brick and mortar, and it is an asset we cannot overlook. While I am as disappointed as several are that we have not been able to address fundamentally the issues of education in this session, I believe that this issue is going to be driven forward, ironically not by the Congress, ironically not by educators, but by businessmen.

It is the Commerce Department that most recently issued a report, a very startling report, called "falling through the net." In that report, what they found is that the gap, the so-called digital divide, is increasingly growing worse along the lines of race, gender, geography and wealth.

What that means in this Nation is that at a time when the economy is surging and roaring forward, that there is not the pipeline of well-trained, well-educated individuals to come forward and fill the jobs that will continue to fuel this great economic growth that we are experiencing. So we fundamentally have got to address issues.

As was pointed out by the gentleman from North Carolina (Mr. ETHERIDGE), there are important things that have to be done with respect to modernizing our schools. But as we modernize the schools as well, it is equally as important that we make sure that they are technologically sufficient.

The people who came before not only the Committee on Science and Committee on Commerce, the business community projected that currently we have about 350,000 jobs that are going unfilled because we do not have people that are coming out of our public school system that are digitally fluent and competently trained. The problem is a huge one, and it is one where this Nation and Congress, quite frankly, has had its head in the sand, and we have to wake up.

As I suggested earlier, I think it is going to be the business community that drives this issue, because primarily they are concerned about that workforce in the future. But what the Commerce Department's report also demonstrated is this huge gap that exists between those who have access to information and those who do not.

In a digital economy we cannot afford to leave anyone behind. That gap has grown worse in the midst of this great economy and has grown worse, especially for those children in our rural communities and in our cities. We have got the ability, we have the technology. What we have lacked is a universal ubiquitous plan to make sure we are delivering technology in the classroom.

We have proposed legislation in the Committee on Science that is going to address this issue. We hope desperately that it gets taken up on the floor, because it is so important that we come up with the most efficient means of making sure that fundamentally the transmission of voice, video and data in a classroom can be integrated into daily lesson plans and into the curriculum.

As a former schoolteacher myself, I know the importance of making sure that we are more diagnostic in our approach to teaching, that we are able to be more prescriptive in terms of what children's needs are, and ultimately that the goal of every teacher is to individualize instruction.

But if we do not have the basic tools that are going to be necessary to compete in a global economy, then shame on us for having our heads in the sand and not making sure that we are making the kind of fundamental changes within our schools that we need to move forward. We cannot do that, as you pointed out on several different occasions, without well-trained teachers.

We have proposed legislation, several of us here, to make sure that we provide tax incentives for teachers, teachers who are willing to go out and spend the extra money to purchase a computer on their own, a laptop, so they can go home and incorporate that into their daily lesson plans; a tuition tax credit for teachers that will go back and get the kind of education that they need to be technologically up to par with their 5th grade students; and, of course, providing incentives for business as well, so that they, when they buddy up with school systems, when they buddy up with fellow teachers, for the hours that they put in, they receive a particular tax credit.

Fundamentally, it is recognizing that we need to retool our schools. We all know what happened in the automobile industry when we did not retool. We lost. We lost ground, we lost in competition, we lost market share.

This is far more important than an automobile industry. This is our future growth. These are our future students. To compete in the global economy, we have to make sure that these students are well-trained. Every economist worth his salt has said look, when you are dealing with this economy, knowledge and currency, knowledge translates into currency, and information will provide the growth in the future.

□ 1900

We have to retool our schools. We have to retrain our students. One way that I believe that we can, and this is going to take time, and I think most of us understand that, is as we are rebuilding and refurbishing schools and making sure they are technologically up to speed, as we are retraining our teachers we need, according to Secretary Riley some 2 million teachers over the next 10 years, we also have to make sure that we make as part of this culture, part of this information culture, our youngest students.

We have called for the creation of a youth technology corps to be a part of the arm of VISTA, to be part of AmeriCorps, to serve this country starting in the fifth grade, to put a civic face on technology but having at that very young age kids become imbued with the responsibility of service, service to their fellow students, helping them with the basics of reading, writing and arithmetic, helping elderly people who are shut-ins or in nursing homes send e-mails to their sons and daughters and their grandchildren. There is a higher calling here and it is one where if we integrate and take a look at these issues from a universal perspective, this Nation is going to be better served.

I am also reminded as well, at the end, and I think it is something that served me well and I know many of my colleagues have talked about this, there is no piece of legislation, there is no technology, that reads to a child at night, that tucks them in, that offers them the kind of nurturing and help that a loving and caring parent can. Beyond that, there is a responsibility, fundamentally, that resides with this Congress. There is no State, there is no community, that has the wherewithal technologically to provide universal, ubiquitous service to all of our children. We have that responsibility. We created a national highway system. Surely we can create a national information superhighway system.

I thank the gentleman so much for the opportunity today to speak.

[From the Hartford Courant, Sept. 21, 1999]

CLOSING THE DIGITAL DIVIDE IN OUR SCHOOLS

(By John B. Larson)

The nation's economy is surging to unprecedented levels. The productivity of small business start-ups, driven by technology and American ingenuity, is bursting with entrepreneurial capital and the creation of unparalleled wealth.

Yet amid the euphoria, there is growing concern about the alarming trend of limited access to the benefits of this "digital" economy. In its July report "Falling Through the Net," the Department of Commerce confirmed these fears about the information haves and have-nots, citing a persisting "digital divide" between the information-rich and the information-poor—a divide characterized by a disparity of race, gender, wealth and geography that grows disturbingly further apart.

The great irony of this technology enterprise is that it's running out of a vital fuel source: skilled workers. American corporations are now in the position of asking Congress to help import a work force from foreign countries.

Congress needs to reinforce a crucial pipeline for this needed fuel so that our technological enterprises can feel secure in their ability to grow.

That pipeline has been and continues to be public education. Unfortunately, the pipeline is clogged because our policies are floundering with piecemeal, patch-worked solutions instead of a solidly constructed plan. We cannot meet the demands of a digital economy with inadequate infrastructure, untrained teachers, resistant universities, indecisive government and a private sector that thinks donating its old computers is the solution to the problem.

Congress must recognize a fundamental need to rethink how we deliver education in our classrooms. It needs to light up the desktops of our students and the blackboards of their teachers, and provide students with the training and skills they need to be contributing members of our future work force. Specifically, it needs to bring the information superhighway into our schools and libraries, giving students the opportunity to participate in the global economy.

For this opportunity to be seized by Congress, it will take more than a 30-second sound bite. It will require a long-term plan. Congress must forge a new alliance of the nation's talented technological sector and leading academic and government agencies, to develop a strategic plan with appropriate implementation benchmarks. The information infrastructure needed for classrooms and public libraries must be examined to ensure that it provides the most efficient and cost-effective results. Yet, we must also realize that while a high-tech education system is critical, it won't work without trained professionals.

As a parent of three and a former teacher, I understand that no act of Congress ever reads to a child at night, tucks him in or offers him the kind of nurturing growth that comes from caring parents. Similarly, no piece of technology can replace a highly trained teacher. There can be no high-tech without high touch.

According to U.S. Secretary of Education Richard Riley, over the next 10 years, this country will need 2 million new teachers. These new teachers must be digitally fluent and prepared to integrate technology into their daily lesson plans and curriculum. Our colleges and universities must be prepared to provide this outcome, and Congress must be prepared to provide incentives. These incentives would include tax credits for equipment purchases, tuition credits to acquire new skills and incentives for business to buddy with teachers and adopt schools.

The third component of how Congress can integrate high-tech learning into our society relates to creating a civic culture that will encourage young people with computer talent to share their knowledge with their community. The best way to make that happen will be through a youth technology corps.

A national tech corps starting in the fifth grade and continuing through high school will be of technological service to peers and adults and expose young people to the importance of community service, learning the important lesson that serving is as important as being served.

Congress has a responsibility to leave no one behind in the digital economy. It must provide the opportunities needed to help Americans attain personal and financial security in a global economy. It can make this happen, or it can be remembered as the Congress that squandered an unprecedented educational moment.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his comments. He is absolutely right, and I thank him for his leadership in this area because we have more who feel that our children need not only the technology but need a place to put that technology, and that is where we have to make sure that we have the facilities to put them in and have quality education for our children. I thank the gentleman for his efforts.

As we talk about the technology needs and the other needs, this year we will have over 53 million children who are attending public schools, as we talked about a few minutes ago, and too many of these children, as has already been stated, are stuck in trailers, in converted bathrooms for classes, in gyms, in hallways, and the list goes on. This is not conducive, and it is not what we ought to have to have a quality facility and certainly we cannot get technology in those kind of places.

Our communities need help to get quality buildings, to upgrade them, to get them up to standard, and make children understand that it is education we are about. We really do believe in it. We do need to provide for them a quality facility and a quality environment. As a former State superintendent, I certainly know that, and I urge this Congress to stop playing partisan politics; to deal with our children first and get on and get the job done. It makes no sense.

When we talk about programs that is fine, but the truth is, buildings and all of these other things, the important thing is we have good people in the classroom and we have good programs to deal with children.

My good friend, the gentleman from Maryland (Mr. CUMMINGS), has been working in this area his whole career here in Congress and he has become an excellent leader, and we have had a chance to talk on this floor about it. He has a couple of excellent programs that he has worked on.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS) AT THIS TIME.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. ETHERIDGE) for what he has done. Being the leader that he is, and I was sitting here and listening to him and I listened to our colleague, the gentleman from Connecticut (Mr. LARSON), I could just feel the passion and compassion that they all have.

I know my other colleagues, the gentlewoman from California (Ms. LEE) and others who will come before us tonight, have that same kind of passion.

I just want to remind the gentleman from North Carolina (Mr. ETHERIDGE) of a little story, and I will be very brief, about my visiting a classroom and a teacher is going over the information and she is saying, look, we are going over the things that we tested on Friday. This was a Monday. And I said, why are you going over the matters that you tested on on Friday? The children have gotten their results back and everything. Why are you not moving on?

Her response to that was that not everybody got an "A." I want to make sure that everybody gets an "A."

I think that is a fitting introduction for a program that was started in Baltimore just recently this past summer where we intensified our summer school program, and we took these 12,000 students who had not made the grade and put them in this program and we discovered some very interesting things. At the end of the summer, at least 50 percent of those children had gotten up to grade level. The other thing that we discovered is that of the schools that they came from, 19 of these schools, because of their overall testing rate, have come up from the bottom to mid-level.

It is because of that intensity we had three factors going there. We had smaller classrooms because we had less children. We had good teachers because they picked the best teachers that had time to plan, time to plan, and they set very high standards. So when we think about that scenario that I just brought up, of all the children rising together and no one being left behind, this is what this was all about.

They did a little bit more research and they discovered something that was very interesting. What they discovered is that although the children would learn pretty much at the same rate during the school year, when the summer came a lot of times the kids that were in the city and the poorer areas did not have access to books, did not have summer camp opportunities, and did not have various exposures that more affluent students might have. So what they discovered was that because of that summer lack of educational experience that they fell behind. Nobody ever talks about that.

So we feel in Baltimore that we are moving into that right direction. But guess what? It takes money to do that. It takes money to do that. I always hear folks talk about, well, money is not what is really needed. Other things are needed. Goodwill is needed, and all of that.

Yes, we do need all of those good things but we also need money. Let one person who has their child in private school tell me that money does not make a difference, tell me that it does not make a difference, and they will not convince me. So I just want to raise that issue.

I want to thank the gentleman again for what he is doing. We have to do the things that he just talked about. We have to make sure that this legislation is passed and these authorizations are made and this money is appropriated so that no one will be left behind, and I thank the gentleman again.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman very much for his comments. He is absolutely correct.

When we think about leaving no one behind, as the gentleman said, we have to have a quality facility. We have to have the tools to teach. Then we get parents engaged, and we have to have well trained people, and we have to let them know we are going to pay them, and we should encourage them to come into the profession and honor the profession and stop downgrading and badmouthing it, because people tell me they support it and then they come to the floor and bad-mouth teachers and bad-mouth schools and do not support them.

Mr. CUMMINGS. And do not pay them.

Mr. ETHERIDGE. Yes, and they understand that. We have to have the funds to have quality training and ongoing quality training. In the industry, the one thing they spend their money on is making sure their people are up to speed with the skills.

The one thing we say in education that always bothered me, the first thing that gets cut is we call it staff development or retraining or whatever one wants to call it, or we say to teachers they have to have their skills to this point but they have to pay for it. I cannot imagine an industry trying that and getting away with it.

As the gentleman knows, and I do, the gentleman from New Jersey (Mr. HOLT) has worked hard on this whole area of staff development and training and the issues dealing with teacher training and recruitment, and he has come to this Congress and he has hit the ground running very quickly and really become a leader in this area.

Mr. Speaker, I would yield to the gentleman from New Jersey (Mr. HOLT) at this time.

Mr. HOLT. Mr. Speaker, before my colleague, the gentleman from Maryland (Mr. CUMMINGS), leaves, I would like to underscore something that he said. I hear from teachers all the time that they say the first many weeks of the school year are spent relearning what the students have lost over the summer; it is a time when the divide between the privileged and the not so privileged students grows wider. The summer is an important time, and I think we should develop programs of summer schools such as the gentleman. from Maryland (Mr. CUMMINGS) described.

I want to thank the gentleman from North Carolina (Mr. ETHERIDGE) very much for his championing education all along. We all look to him because of his experience as a State superintendent, and because of his wisdom in the area of education that really works.

The gentleman has said it. We should be outraged. America should be outraged. Here we get near the end of the fiscal year, in fact today is the last day of the fiscal year, we have a number of appropriations bills not yet dealt with and we save the education bill for last. So education gets the scraps in the appropriations process. Inexcusable.

The gentleman referred to the school modernization and construction bills. We have to resort to parliamentary procedure, discharge petitions, to even get a debate on the floor. Inexcusable. America should be outraged.

I would like to talk for a minute or two, if I may, about teachers and the support that we owe them. We ask a lot of our teachers. We ask a great deal of them. We should give them what they need to do the jobs.

As the gentleman knows, many of today's teachers, especially in elementary school, say they do not feel prepared to teach science and math. Science and math classes are the gateway for our children to the opportunities of tomorrow. Twenty-eight percent of New Jersey's science teachers do not have a major or a minor in the subject they teach and a third of math teachers across the country are not licensed to teach math.

We need to work on the pipeline to encourage teachers, to get science and math teachers to go into the field, and we need to give them the support once they get there. We need professional development for these teachers. The fact remains that it is not happening as it should.

I just received this week a study from the American Association of Physics Teachers under the American Institute of Physics. It showed that only one half of all physics teachers around the country have received even one day of physics training in the past year.

Science teachers need classroom support. Teachers talk about their need personally to stop at the local hardware and to fund lab experiments out of their own pockets. These physics teachers say that schools now are spending ten percent less on equipment and supplies in physics classes than they were a decade ago. It is a problem.

The gentleman has talked a lot about the need to be connected. Our colleague the gentleman from Connecticut (Mr. LARSON) has also spoken about this, the need to be connected to the Internet. Although 90 percent of the schools in this country are connected to the Internet, only one teacher in ten has identified software to help him or her teach their subject in the classroom, to actually use this equipment educationally. If teachers feel unprepared to use the technology, then we are not doing right by them.

A recent study by the Department of Education told us that only 20 percent of teachers feel qualified to use modern technology and to teach using computers that are available to them; just 20 percent.

Some of us are sponsoring a bill to provide grants for training teachers in how to use and integrate technology in the classroom, and I think all of us here this evening are supporting programs like the Eisenhower funds for training and education of teachers in science and math. We entrust our most precious resources to the teachers. We should equip these teachers. We owe it to the teachers, but even more we owe it to the children of America.

We should treat them as professionals, these teachers.

Mr. ETHERIDGE. Mr. Speaker, I could not agree more, and I thank the gentleman from New Jersey (Mr. HOLT) for his comments. I thank him for his leadership because it is with that kind of leadership and that kind of energy we are going to make a difference, and we just have to keep chipping away, knocking on the door. Eventually it will get open and we will do the job for our teachers that will ultimately wind up enriching our children all across this country.

Mr. HOLT. We must keep pushing so education is not the last thing we take up at the end of the fiscal year.

Mr. ETHERIDGE. It should be the first.

As we think about this whole issue of technology and training, we always come back to the need for modernization of facilities in areas where people cannot make it; areas that are really growing so fast they are having a difficult time meeting it.

I want to recognize and yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY). She came to this place and hit the ground running. She has been on fire for education and the people in her district and she has worked so hard, and I thank her for her leadership.

Ms. SCHAKOWSKY. Mr. Speaker, I really appreciate what a great champion my colleague from North Carolina has been for quality education.

I would like to share some of my experiences. Earlier this month, I visited Boone school in Chicago, in a community called Rogers Park, a bungalow Chicago community in my district, and I witnessed firsthand what kind of overcrowding was happening in my neighborhoods.

□ 1915

This school has 1,100 children. It is built for 800 children. In one of the classrooms that I went to which was a converted teachers' lunchroom, really a small area, kind of a teachers' lounge, there was a classroom of children.

One of the students handed me a picture that they had done. I would like to just show it to colleagues. This is, "Thank you for caring about Boone students." These are Boone students, and they are all kind of overlapping each other. We have got Freddie under Matthew, and Monserrat laying over Brenda here. Rudy is yelling "help". We have got Jose over here and Mrs. Duarte kind of squished in the corner over there. She is the teacher.

This was typical of what was going on. There was a classroom out in the hall. There were three classes in one room, three different languages. It was packed in there, and it was noisy because they were talking all different languages. Their teachers and the children were saying it was really hard to concentrate in a room like that.

Walking down the hall, there was paint, I am not talking about a few chips, but paint pealing off the walls. They had done their best to rehab one of the corridors, but this one was terrible. Every morning, they would have to come in and sweep the floor to get the paint chips off. This is not because the school district, the Chicago public schools, have not done their best.

I wanted to quote from the testimony of Gary Chico, president of the Chicago School Reform Board of Trustees when he came to Washington.

He said,

> Since 1995, Chicago has committed close to $2 billion in primarily local funding for 575 separate projects at 371 schools. That money has built 8 new schools and 48 additions or annexes, adding 632 new classrooms to the district, which serves 430 school children.
>
> But more needs to be done, and Chicago cannot do it alone. We're doing our part, but we need partners at the Federal level to meet all the needs.
>
> We've conservatively identified another $1.5 billion in additional improvements needed before we can say that our schools are truly the kinds of learning environments that we know will make a difference.
>
> The fact is, improving the learning environment improves performance. When kids are in crumbling school buildings with outdated equipment, they're getting the message that education isn't important.
>
> When they're in overcrowded classrooms or taking class in hallways or basements because the classrooms are full, they figure school isn't important.
>
> We can't afford to send that message to our children. We're entering a new century. Every forward-thinking industry knows they can pack up and move anywhere on earth and conduct their business.
>
> If we want them to stay here and invest in America, we have to give them a workforce that can deliver in Chicago and in schools throughout the Nation.

In Illinois, 89 percent of the schools reported a need to upgrade or repair their buildings, 62 percent reported at least one inadequate building feature. It could be a roof or plumbing or electricity or windows or pealing paint. Seventy percent reported at least one unsatisfactory environmental factor.

So I am urging my colleagues to support the President's school modernization bill introduced by the distinguished gentleman from New York (Mr. RANGEL). That bill would provide $24.8 billion in interest-free funding over the next 2 years for school construction and modernization projects, allowing Illinois to issue $1.125 billion in bond.

Chicago alone would be able to issue $676 million in bonds and save up to $333 million in interest payments. It is unacceptable to send our children to 19th Century schools as we go into the 21st Century. Investment in the children today will pay dividends to generations to come.

Mr. ETHERIDGE. Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is absolutely correct, and I could not agree more.

I yield to the gentleman from New York (Mr. CROWLEY), another colleague who has just been a real leader in this whole issue, education and all the areas, and we have been enriched by him coming to Congress.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for holding the special order this evening.

There are many issues that affect my community. I could argue that I probably have the most diverse community in the United States, most ethnically diverse district in the country. This is the number one issue, the status of our schools in New York City.

We are able to build roads. This Congress helps to build roads. It helps to build bridges. It helps to build tunnels. It helps to build airports. It even helps to build hospitals. But the most important infrastructure our country knows, our public schools, this Federal Government does not do enough in terms of helping build and modernize old schools in this country.

The average school age in New York City is 55 years of age. One out of every five schools is over 75 years of age. Schools start to deteriorate after 30 years of age. So my colleagues can have a sense and idea of the state of the schools in New York City.

I have shown pictures here on the floor of children in closets, in bathrooms, in hallways. It is just incredible. I want to applaud Reverend Jackson. Reverend Jackson went to Chicago and took inner city schools and took them out to the suburbs and showed them what they had. They were awed. But more than importantly, he took suburban children back into Chicago and showed them what inner city children do not have. It caused some of those children to come to tears. Because they think children are very fair minded, and they know when something unfair is happening. I think they recognize what was happening in Chicago.

The same thing is happening in Queens and in the Bronx. We have a school, a high school in the Bronx, Truman High, that has a swimming pool that has not had water in it for the past 3 years. It is almost as bad as having no swimming pool at all, the idea that one has a swimming pool, but it is not being used. It is incredible, but that is what we are living in in New York City. Those are the circumstances. It is only getting worse.

We project 30,000 students each year in New York City public school system. In Queens alone, we expect a 66 percent rise by the year 2007. We are looking at almost 60,000 more students in Queens alone. If we build all the schools that the city and State want to build, we are still going to be 20,000 seats shy. That is why we have to do something in this House, Mr. Speaker. I appreciate the help of the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, the gentleman is right, and we have got to do it this year. I thank the gentleman from New York (Mr. CROWLEY) for his leadership.

As we wind down, this evening, I think it is important to sort of step back for a moment and talk about why education needs to be such a high priority in this Congress for this country.

In the new economy of the 21st Century, we have learned, and we know that what one learns will determine what one earns. The truth is the new economy is already here.

I met this week with a leader to the Information Technology Industry Council, and he talked about this digital divide. Alan Greenspan has talked about it, how the economy had just boomed, and we do not really know what kind of impact this has. But unless we make sure that every child is involved in it, we have buildings to put them in, and our teachers are up to speed, and we give them the resources to teach and get them up to doing it, we are going to be in trouble.

According to the U.S. Chamber of Commerce, high-tech will drive more than a quarter of all economic growth or has driven more since 1993. By the year 2006, half of the U.S. work force will be employed by industries that are either major producers or users of information technology products and services. That is why it is imperative that we act now, this year, not next year, and not down the road. I will not go into the others. I am going to enter this into the RECORD.

But the jobs that pay the most money are technology jobs. My State tonight is facing a real challenge. Part of eastern North Carolina is under water, four congressional districts. Mr. Speaker, we have schools that have not opened. I include for the RECORD the

Adopt a School Program because that is on the Internet so that those who want to help can, as follows:

NCDPI'S ADOPT A SCHOOL PROGRAM

Description—Many schools have been hit hard by Hurricane Floyd. Some schools have lost textbooks while some have lost almost everything. In order to try and meet some of these needs we have organized the "Adopt a School" program. We are encouraging school leaders, classes, PTA organizations, and concerned citizens to link up with schools in need and provide needed assistance throughout this year.

How do you Adopt a School? On this page is a list of schools that have expressed a desire to be adopted. Simply contact the school at the phone number or address listed. Find out what their needs are and how you can help. Then maintain contact with them throughout the year as needs will change with the passing of time.

Some ideas once you have adopted a school:

Contact your adopted school and find out if they have immediate needs such as: tennis shoes, clothing, or other essential items. Have your class or school hold a campaign to collect these items.

After the crisis has passed, there will still be a need for emotional support. A class or a school could write letters of support. You could even form a pen pal program between your school and the adopted school.

The idea is that you partner with this school for the rest of this year to provide support in any way that you can.

Read a description from teacher Marshall Matson of current conditions in Edgecombe county in regards to schools. (9–23–99)

Below is a list of schools who would like to be adopted. If you wish to adopt one of them, please contact them directly at the information listed. Please check back often as this list will be updated regularly as soon as we are made aware of schools in need.

School Name—Location	Contact Information	List of Current Needs
Jones Middle School—Jones County	Ethan Lenker, Principal, Phone: 252–448–3956; Fax: 252–448-1044; E–mail: elenker@hotmail, com.	Please contact school for up to date list. The school is taking financial contributions. Make checks payable to Jones Middle School Relief Fund, Jones Middle School, 1350 Old New Bern Rd, Trenton, NC 28585
Trenton Elementary School—Jones County	Philip Griffin, Principal, Phone: 252–448–3441; Fax: 252–448–1449; E–mail: pkg@alwaysonline.com.	Please contact school for up to date list.
Jones Senior High School—Jones County	Dr. James A. Buie, Principal, Phone: (252) 448–2451; Fax: (252) 448-1034	Please contact school for up to date list.
Princeville Montessori, Pk–3—Edgecombe County	Kathy Harris, Resource Personnel, Phone: (252) 823–4449; Fax: (252) 641–5741; E–mail: kharris1@earthlink.net.	Please contact school for up to date list.
Patillo Elementary, 4–5—Edgecombe County	Kathy Harris, Resource Personnel, Phone: (252) 823–4449; Fax: (252) 641–5741; E–mail: kharris1@earthlink.net.	Please contact school for up to date list.
Pitt County Schools	Arlene Ferren, Pupil Personnel Director, Phone: (252) 830–4237	Please contact school at the number given for an up to date listing of schools and needs.
Nash-Rocky Mount Schools	Lela Chesson, Community Relations, Phone: (251) 459-5243	Anyone wishing to make donations to schools in the system should contact Lela at the number listed.
Nash-Rocky Mount Schools Employee Disaster Fund—For employees of the system who have losses.	You may send a check to: NRMS Disaster Fund for Employees Community Relations Office, Nash Rocky Mount Schools, 930 Eastern Ave., Nashville, NC 27856.	For employees of the system who have losses.
Greene County Family Literacy Center—an Even Start Program	Cassie Faulkner Greene County Family Literacy Center, 602 West Harper Street, Snow Hill, NC 28580; Phone: 252-747-8257; email: Cassielota@hotmail.com.	School was flooded. Will need new carpet, books, and furniture.
Rocky Mount Charter School	Dr. John von Rohr, Director, Phone: (252) 443-9923	School was located in the Tarrytown Mall which had five feet of water. School has lost everything. It was the largest public charter school in NC with 800 students and 70 staff.

My district was affected by this tremendous devastation that has wrecked many schools, homes, businesses, and lives; but the district of the gentlewoman from North Carolina (Mrs. CLAYTON) is one of the worst affected in eastern North Carolina.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) who has been a leader also in education.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me. I want to say, educationally, the gentleman from North Carolina (Mr. ETHERIDGE) has certainly been a leader. I thank him for providing continuous leadership in education, not only in the State of North Carolina and this Nation, but now providing it here in the U.S. Congress.

As the gentleman speaks about education, the infrastructure that leads to the future, many of our schools in Edgecombe County, in fact two of them, will not be able to be used perhaps the rest of this year because they have been seriously damaged by the flood.

The infrastructure I hope that we were talking about improving our school under the modernization act will now need to be looked at in terms of FEMA providing some monies for that.

But, Mr. Speaker, I hope that, as we have opportunity to look at eastern North Carolina, that we put education as one of the infrastructure that, not only we bring back to the status quo before the flood, but that we try to improve those facilities so that the young people in eastern North Carolina, not only can survive this storm, but be prepared for the 21st Century, and that they can have the kind of facility that allows them to prepare for that future.

Also, the infrastructure has been greatly disadvantaged throughout eastern North Carolina. Some estimate that just the electricity alone will cost more than $80 million. The water system has not yet been assessed.

So schools and other infrastructure that have been damaged by the storm need to be restored. But in education, we do not just need to restore it, we need to improve the facility.

So the gentleman is absolutely right for the bills that he had that would have improved the school must go forward, not only for people in eastern North Carolina, but for this Nation, because we need to find a way where we make sure that the equal divide, the equal opportunity that levels the playing field for the future is actual education. So we have to find for the facilities for that.

I just say educational facilities have been greatly damaged by the flood. Many of our schools have been damaged. But I know several of our schools in two counties we will not be able to restore them. I understand FEMA will come back and try to perhaps restore them. But think about the other schools that need that kind of opportunity to improve.

Mr. ETHERIDGE. Mr. Speaker, the gentlewoman from North Carolina (Mrs. CLAYTON) is absolutely right. As we think of this whole issue of digital divide she was just talking about, the information technology is really the largest job creating engine in the history of the world. To leave a group of people behind is unacceptable, unforgivable, and criminal when we have within our power the ability to do something about it.

We can provide the facility to put it in. We can work together to make sure every child has access to the technology. When we think about currently almost 70 percent do not have access in some ways in this digital divide, that is unacceptable as we approach the 21st Century.

The richest nation in the history of the world, we must do more, we can do more. This is inexcusable that we do not do more. I think, as a Congress, we have an obligation to make sure that we leave no one behind as we approach the 21st Century.

We need to provide scholarship for science and math and greater support for technology training. Our greatest challenge is to take educational excellence, not just into the suburbs, but to every inner city, into the rural areas as well. We need to improve education for all children in all parts of America.

We need to encourage our people to be more demanding of their government leaders so that we can get the job done. Industry needs to push harder. Not enough pressure is being put, in my opinion, in the right places to get it done.

Finally, let me conclude by saying that this Congress still has the opportunity to do something great for America's future, and we need to do it this year.

MIAMI RIVER CLEANUP

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, for the first time, we have been able to obtain Federal assistance for a long sought dream, the cleanup of the Miami River.

☐ 1930

This was included in the Fiscal Year 2000 Energy Water Appropriations bill which Congress has just passed. This is a major victory in preserving a key part of our environment, as well as allowing the Miami River to become a major contributor to international trade and economic growth. This is the beginning of a 4-year phase dredging project proposed by the Miami River Commission with the assistance of the U.S. Army Corps of Engineers.

It provides a $5 million initial appropriations to begin maintenance dredging of the river, which eventually will cost $64 million from Federal, State and local sources.

This cleanup will eliminate a significant pollution threat to Biscayne Bay, which used to be one of the Nation's most pristine environments. It will also ensure the continued growth of the Miami River as one of our Nation's critical shipping links to the Caribbean and to South America.

Thanks to the tremendous bipartisan teamwork of the South Florida Congressional Delegation and a broad-based coalition of community leaders, decision interests, and officials at the Federal, State and local levels, we have been able to achieve this goal, which is vitally important for both the future of our growing trade with our neighbors to the south and the Caribbean, as well as preserving a waterway which is a key part of our ecosystem.

We thank on behalf of the South Florida Congressional Delegation all of our colleagues this week for passing the bill in the House, for passing the bill in the Senate. It is on the President's desk, and we hope that he signs it soon to make this dream a reality for all of South Florida.

EDUCATION, THE ARTS, AND NATURAL RESOURCES IN AMERICA

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to talk about a number of different subjects. I was not going to talk about education until I heard some of the previous comments, and I think it is important to clarify some of those comments that were made and talk about the direction that the Republican party is going in regards to education. Those remarks will be somewhat brief.

I then want to cover the topic that we have seen with the Brooklyn Museum in New York City. I am going to move from that subject to a subject that I think will be very uplifting to all of my colleagues, and that is the Third Congressional District of Colorado.

We are going to talk about natural resources, as we can see with this picture I have behind me. That is what that district looks like. We are going to get into much more detail about that, cover the water issues, cover the Federal land management issues, and so on. So I think it is going to be a very interesting hour. I look forward to the participation of my colleagues.

But let me begin, first of all, by talking about the preceding comments. First of all, it is important that our friends and our colleagues on both sides of the aisle from North Carolina understand that everybody across this country, 49 States across this country, are going to pitch in for that one State that got hit as devastating as North Carolina.

North Carolina, you are not alone. You are in the United States; and in the United States of America, we are a team and we stick together and we help the other States when the other States are in need of help.

I would expect the other States to help me in Colorado if we had some sort of a disaster. That is why we are the United States of America. So the preceding speaker who spoke on North Carolina, bless her. I understand the tragedies that she is going through. I do not live there, but we are willing to help make it right. Everybody in this chamber is willing to help make it right for North Carolina.

But let me talk just for a moment about the kind of disaster aid. And when we do this, we must be careful. We still have a fiduciary responsibility to the people who have elected us to make sure that that money gets to the people that need it. We have a fiduciary responsibility to minimize, if not eliminate, Government waste.

So if we ask for accountability on these disaster funds, do not come back at us and say, my gosh, you do not care about the poor people who have suffered these tragedies. You know, that often happens in government business. The minute you question a program for accountability, for efficiency, to see whether or not you have got waste, to see whether or not those dollars are going to the people that need the dollars or the people for whom the dollars were intended, the minute you question it, all of a sudden you are cold and heartless and you do not care about these people that are in these tragic situations.

We have an obligation to make sure that money goes where it is needed and where it is going to do the most good. So do not be upset or offended if we ask some pretty tough questions about how these dollars are being spent.

Which leads me into education. It is amazing to me that the Democrats can stand up here on this House floor and say that they are the only ones for education and that this side is anti-education.

How many people, think of it, how many people have you ever run into that will tell you they are against education? You do not run into people that are against education. Education is a critical mass for the success of this country. It is absolutely essentially for the future of this country. It is what gave many of us in this country a base from which to operate because we learned something because the generations ahead of us taught us and made sure we had good schools. We on the Republican side and the Democrat side feel an obligation to make sure that education is the best.

Well, let me tell my colleagues, there are some things we need to do in the classroom. And some people disagree with that. But on the Republican side, we feel we have to put discipline back in the classroom. And if you do not believe me, take a look at what the disciplinary problems were 20 years ago and take a look at what they are today and take a look at the difference in discipline allowed to the school teacher who has a very difficult job, take a look at the discipline he or she is allowed to exercise in her classroom compared to the discipline that he or she was allowed 20 years ago.

I can tell you, when I was in the 7th grade, I got in a fight on the school ground. It meant an automatic swat on the butt with a board. I remember that to this day. Now, I cannot tell you I did not get in any more fights, but I sure did not get in any more fights on school grounds. Because we had some discipline in the classroom. The Republicans feel that is an important issue, and we do not think that you are anti-education if you say let us give the teachers the tools they need to have discipline in the classroom.

I urge the Democrats to join with us. Frankly, some of the conservative Democrats do. There is nothing wrong with telling our young people, you must behave, there are certain behavioral standards that you have to live up to; and if you do not live up to these standards, there are consequences.

there is punishment, because our primary purpose is to educate you to the highest degree possible.

A second point we should make about some of the previous comments early in this last hour. You know, you do not make schools better by just necessarily throwing more money at all. What happens around here the minute you question a budget for education, the minute you stand up and question are we wasting the money, is the money producing results, is the money accounted for, is the money getting down to the classroom and not being spent in the administration, is it really going to the classroom, the minute you ask those questions, and primarily those questions are asked by Republicans, the Democrats primarily rush right up and put a label on you "anti-education."

You know what, we can make a better educational system in this country if we demand accountability, if we see where those dollars are going and make sure they are being spent efficiently, if we allow those dollars to get into the classroom. That is how we are going to make a difference in education.

I think it is very important that we also recognize that there are alternatives to public education. Now, I am not against public education. I have three children. My youngest child, Andrea, is a senior in high school. My son Dax is a junior at Colorado State University. And my daughter Tessa is a junior at Bryant College in Providence, Rhode Island. My point is this: All three of Lori's, my wife, and my children, all three of those children went to public schools.

Now, they had the option to go to private school, but we were very confident in our local public schools and in the schools that they went to throughout their schooling career. But the point is we should not take away from the people who want to home-school.

I want to say to my Democrat colleagues who were criticizing the Republicans, it was your side of the aisle just a few short years ago that went out and said, if you are a home-schooler, you should have to be licensed in every subject you teach. In other words, a father or a mother who wants to stay home and home-school their children would have to be licensed or certified in math or science or physical education. Whatever they taught that child, they had to be certified. What did that mean? It meant the elimination of home-schooling. That is exactly what it meant.

I am saying to my colleagues on the Democratic side, come work with us in a bipartisan fashion. Do not just think that public education is the only way to go. Obviously, it is the most significant mode of education in this country. And, obviously, we need to make it as good as we can. And, obviously, it is going to cost us a lot of dollars.

On the other hand, I think I can use the word "obviously" in most cases, home-schooling is doing a darn good job. Look at the test results. Obviously, asking for accountability of these dollars that are being spent in the classroom should be done. I do not know one Democrat or one Republican who does not look for accountability or efficiency or ask for a balance in their own checkbook.

We all have a fiduciary duty to the citizens, whether they vote or not, of this country to be prudent in our fiscal decisions, to be prudent in how we spend the taxpayer dollars, to be prudent that when we spend those dollars we get the biggest bang for our dollars, to be prudent that when we spend those dollars that these kids are getting an education off those dollars. There is no question on either side of the aisle, no question that education right now is the highest priority in this country. And rightfully it should be.

But do not discount a commitment by a Republican education because they stand up and say, hey, track for me or trace for me where these dollars are going. We want the biggest bang.

Let me move on to another subject and tell my colleagues where I am extremely disappointed, extremely disappointed, in a particular aspect of the arts community in this country. I want you to know at the very onset here, I am a supporter of the arts. I think arts are very important in our community.

Now, I know some people, some of my good friends, disagree with me, but I think it is very important and I think there are certain arts programs that the Government has an obligation to be involved in. But if you want to know what gives a black eye to the arts, it is when you use taxpayer dollars to offend the public in such a way you know it is not just an offense, it is a horrible offense to them.

What am I talking about? Let us lay out the facts right here of the New York City Brooklyn Museum, a museum which has benefactors of great wealth. This museum gets government dollars from the City of New York and, as I understand it, government dollars from the Federal Government. What do they choose to do with a portion of those dollars? They are opening tomorrow a show which has a portrait of the Virgin Mary with dung, and where I come from, in the mountain country, we call it crap, thrown right on the face of the portrait of the Virgin Mary. And they call that art.

Well, let me say this to you: What they are trying to do right now, the prima donnas on that board of directors of that Brooklyn Museum, what they are trying to say to the American people or frame this argument as is an issue of First Amendment rights, the freedom of speech.

In this country, we believe very firmly in the right for freedom of speech and in the First Amendment of our Constitution. We believe very strongly in that amendment. What are they trying to say? They are saying, that, well, our opportunity to use taxpayer dollars to pay for a display, a portrait of the Virgin Mary, to throw crap on it, that is our right to express First Amendment rights.

□ 1945

Let me say, this is not to be framed as a first amendment argument. It is not a first amendment argument. Those of us who are opposed, and obviously I am deeply opposed to what they are doing, but those of us who are opposed to this are saying, Look, you have a right to display that kind of art, but you do not have a right, we have to draw a limitation somewhere, you do not have a right to do it with taxpayer dollars. Nobody is taking away your right of freedom of expression under the first amendment. You can go downtown and show that, you can carry a picture of it in your wallet, you can carry it on the subway, you can carry it on horseback out in the mountains if you want to show people. Nobody is denying that you have the right to do that. But you do not have the right to take taxpayer dollars to display a portrait of the Virgin Mary with crap thrown all over it.

I wonder what the reaction would be of these liberal prima donnas if somebody put up a portrait of Martin Luther King and threw crap on it. They would do something. Of course it would be horribly offensive. Would they be standing up today saying, well, it is the first amendment, we in the Brooklyn museum ought to display something like that?

I wonder what these prima donnas would say if with public dollars, taxpayer dollars, we got a Nazi swastika and put it in a park for public display? I wonder what these prima donnas would say if somebody got an AIDS quilt, those beautiful quilts made in memory of the people who have died as a result of AIDS, I wonder what they would think if they hung an AIDS quilt and somebody threw crap on it?

It is wrong. You know it is wrong. You should not be using taxpayer dollars for this display. So what do they do? It is not in them. It is not in them to stand up to the American public and say, you know, we were wrong. We made a mistake. This portrait of the Virgin Mary with crap splashed all over it should not be displayed with taxpayer dollars. But they do not do it. They are not going to do it. So what happens? We as publicly elected officials and specifically a publicly elected mayor in the city of New York, Mayor Guiliani, steps forward and says, you are not going to use taxpayer dollars for that kind of display. That is off-limits. You went across the line. He did not say you could not display it anywhere. He did not put a ban on the portrait. He just said with taxpayer dollars in this tax-paying institution, you are not going to display the portrait of the Virgin Mary with crap splashed all over it.

So what happens? Well, the liberal community, the prima donnas, they decide this is where we are going to draw a line in the sand. Today it is a Catholic symbol. Tomorrow they will go after a Jewish symbol. Where do we draw the limit with taxpayer dollars? When do we say enough is enough? You have got to use some common sense.

Today I was on a radio talk program. It was pretty interesting. I had the commentator say to me, "SCOTT, how can you tell what's offensive or not?" I said, "What do you mean how can I tell what's offensive? Common sense ought to tell you." You think a Nazi swastika in a public park is offensive? The most reasonable man concept, and I say that generically obviously, your common sense, your gut reaction, your gut tells you, that is offensive. We should not have taxpayer dollars doing that. That is not a violation of the Constitution. It is not a violation of the Constitution at all. We say to TV broadcasters, you cannot show certain things on TV. That is not a violation of the first amendment. It is taxpayer dollars.

My point that I am making here is that it is important for all of us to understand that it is really pretty easy to decide what is obscene art and what is not. What the Brooklyn museum could have done and should have done is to call one of their private benefactors, many of whom are very wealthy, and ask them to put up the private dollars to display this somewhere, fund it with private dollars. By the way, anybody that funds this kind of display is sick in my opinion and do not get me wrong. I do not think this is acceptable in any form of the word. But constitutionally it is permitted. But not with taxpayer dollars. This Brooklyn museum should have gone to those benefactors and said, put up private dollars, not the taxpayer dollars, private dollars and display it with private dollars.

What happens? All of a sudden the politics get involved. Hillary Clinton, First Lady, steps in, she is running for the United States Senate. Well, she says, this museum ought to be entitled to do this. She has taken the side of the museum. There is a pretty clear difference right there between what the mayor of New York City is saying, no taxpayer dollars, and this display is deeply offensive, and what the Senate candidate over there is saying. It is common sense.

Can you imagine our forefathers, the generations of the people who fought in wars for us, or the Catholics in this country, and, as I said, it may be the Buddhists next, it may be the Jews next, it may be some other group next, can you imagine our fathers and mothers, our grandmothers and grandfathers, the Founding Fathers of this country, what they would have done if they saw that today, under the guise of the Constitution, we were paying with taxpayer dollars to display a portrait of the Virgin Mary with crap splashed on it? Of course you know what your gut reaction tells you that those people would say. They would not believe it. They would be stunned. They could not believe that this great country did not have the restraint with taxpayer dollars to say, Enough is enough. We have certain standards in this country and one of those standards is we are not going to use taxpayer dollars to put a Nazi swastika in a park, we are not going to use taxpayer dollars to destroy or insult the Virgin Mary, which is a huge Christian symbol, by throwing crap all over it, we are not going to display a portrait of Martin Luther King and throw crap all over it, we are not going to display an AIDS quilt and throw crap over it. We have standards in this country. And it is not asking too much to say out there, "Don't do it."

How does it affect the Third District of the State of Colorado out where I live, out where I represent? Because of the attitude of these prima donnas on the board of directors of the Brooklyn museum in New York City, it puts a black eye on the arts clear across this country. Do you know how many of my constituents are going to say to me, "SCOTT, if we're putting an art display in Colorado somewhere, is it going to be this kind of display? Is it going to be taxpayer dollars?" I am begging these people on the board of directors of the Brooklyn museum, look what you are doing to the art industry across this country, in the little communities of Colorado or the little communities of Utah or up in Washington State or down in Nevada or in North Dakota or in Wyoming, or Kansas or Texas. Do you think this story is isolated in New York City? Of course it is not isolated in New York City. It is all over the country. And here we have so-called patrons of the arts standing up and saying we are justified under the Constitution to display a portrait of the Virgin Mary with taxpayer dollars and have crap thrown on it. It is wrong. You are hurting everybody in the art business, in the art profession.

I know I am going to get a bunch of angry phone calls this evening, people opposed. I went to law school. I have got experience with this. The Constitution does not protect the right for you to use taxpayer dollars and have that kind of display. I hope for the sake of everybody, because it is really a losing deal. You may get a lot more people to your show, Brooklyn museum, and maybe you are doing this for the money, but in the long run it is the arts that suffer. It is the very community that you profess to protect. It is the very community that you profess to stand up for. It is the very community that probably in your heart you feel very deeply about. It is that community, the art community, that you are helping destroy through this kind of action in New York City with your display of the Virgin Mary with crap thrown all over it. You ought to grow up, and you ought to get one of your private benefactors and pay for it with private dollars. It is a disgrace. More than anything else, you in your heart know it is a disgrace. You in your heart know, and mark my word for it, the next time either this evening before you go to bed or tomorrow when you wake up and you look in that mirror, you look in that mirror and say, it is art, to do this to a portrait of the Virgin Mary with the taxpayers' dollars.

Let us move on to another subject. Obviously after the last couple of comments, I want to lighten it a little. I want to talk about the natural resources, kind of the layout of the United States. In order to do that, I need to give a little description of where I live and the district that I represent. I am very proud of my district. I think every Member in here, both Democrat and Republican, obviously are proud of their districts. My family has lived in this district, they were pioneers in the mid to late 1800s, and through all the generations we have been there.

I will tell you a little story. When I went to law school, my wife and I wanted our oldest daughter born in Colorado. I went to law school in Texas. We felt so strongly about our heritage in Colorado, she stayed behind to deliver our baby, so that she was born in Colorado. So we feel strongly about that.

I will give you an idea of the Third Congressional District of Colorado. It is geographically larger than the State of Florida. Looking to my left, here is this portrait. That is what most of my district looks like. It is beautiful, mountainous terrain and these mountains you see up here, we have in Colorado over 56 mountains above 14,000 feet. I would guess that this peak right here, with the red dot on it, is probably above 14,000 feet. What is interesting is a lot of these mountains have snow year round. In fact, I am sure many of you saw, and of course we are big Bronco fans, but I am sure many of you saw last week that in Denver, it snowed in Denver. Very interesting geographical locations and lots of beauty obviously up in these mountains. You can see these trees right here, we call those Aspen trees, they are in my opinion some of the most beautiful trees, certainly in my district and probably in the entire world.

Now, a lot of this land that we have, by the way, let me show you the blue sky. I am going to do a little promotion here about Colorado. That blue sky right there in Colorado, we have over 300 days a year of sunshine, 300 days a year of sunshine in the State of Colorado. My district takes up a little more than half of the State of Colorado. But one of the things you have got to remember about the West is water. That is a pretty boring subject, water. It is real boring unless all of a sudden it is not coming out of your faucet, or it is not there to flush the toilet or they do not have it to serve you in the restaurant. Water is a critical resource obviously. By the way, it is the only resource that regenerates itself. It is the only natural resource, I guess the better way would be to say that it has got automatic renewal, it automatically renews itself.

Here are some interesting statistics. Ninety-seven percent of the water in this country is saltwater. Of the remaining 3 percent of water in this country, 75 percent of that is tied up in the ice caps. Actually only .05 percent of that water is in our lakes and our river for drinking and consumption by humans. When you break that out, 73 percent, and I know I am throwing a lot of statistics out to you but just kind of picture it as we go along. Picture the United States, a map, imagine the United States, a map in front of you. Imagine a line going down between Kansas and Missouri. Seventy-three percent of the water in this country is east of that line. About 13 percent, actually 12.7 percent, around there, about 13 percent, we will round off, 13 percent on our imaginary map right here is up in the Pacific Northwest. And 14 percent is located, almost 15 percent, is located in what we call the mountainous west. That is 14 States. Those 14 states have one-half of the continental nation's land mass. Half of the land mass in this country, in the continental States is located in 14 States, and those 14 States have 14 percent of the water. Water is a critical resource.

In the East, one of the problems in the East is getting rid of water. Remember, 73 percent of the water lies east of the Kansas-Missouri line, so your problem out in the East, if you live in the East, in a lot of aspects is how you drain off the water, how do you get rid of the water. Our problem in the West is how do we save the water.

Of those 14 States that I talked about, Colorado is at the top of those 14 States. Colorado has been called the mother of rivers. Colorado has four major rivers which originate out of those mountains and they originate, of course, as the result of the snowfall. So all of that snow that you see throughout those mountain ranges, and this of course is a small fraction, the red dot on the picture, that snow is what provides the water for those four rivers. That is why Colorado has the title, The Mother of Rivers. It has got the Colorado River, the Rio Grande River, the Platte River, and the Arkansas River.

As I mentioned earlier, in the West we have got to have the capability to store our water.

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You see, we do not have heavy rains like in Washington, D.C. I never experienced the kind of rains that you have back here. I mean when it rains here, it rains and rains and rains.

Now we get evening rains in the mountains a lot, but we do not have a lot of quantity of rain. So what happens, because of that we are called an arid State. We do not get a lot of water, we do not accumulate a lot of rain. I think in Colorado our average water is 16 inches a year.

So where we focus on the water is the snow in the mountains. Now how do we get the snow on the mountains converted into the water, and how do we get ahold of it? Well, it is a natural process, you all know it. It happens in the spring; it is called spring run off. Melts the snow down for a period of time.

Now we have problems with spring run off. If it gets too warm too early in the spring, then the water runs off before we are able to use it for agricultural purposes because we are not quite ready yet. If we do not get the snow accumulation, then we have a drought year. If it stays too cold, then the rain, although the water comes down, it can be too late especially in regards to agriculture.

So we are very dependent upon the weather out there, but once this run off contains, that run off goes for about, oh, 60 to 90 days; 60 to 90 days in the spring is when we get the run off from those mountains. So for 60 to 90 days we literally have all of the water we could possibly want. But after that 90 days, what do we have to do with that water? We have to store the water.

Now I know that some of my colleagues get kind of a charge out of criticizing dams and water storage in the west. I want many of my friends in the east to understand we are different than you are back here as far as water conditions are concerned. In the east you have got to get rid of it. In the west we have got to preserve it.

If we did not have dams, and by the way the first dam was not in the Roosevelt era, it was clear back in about 1000 AD in Mesa Verde. It is when the cliff dwellers out in Mesa Verde, which is near Cortez, near the four corners, and the four corners are where four States come together in one spot; it is where the cliff dwellers were; again, a thousand AD. The thought is by the historical studies that the reason the cliff dwellers disappeared from the Mesa Verde dwellings is because they had a drought and their dam did not store enough water. That is how serious water is in the west and that is why we have to have dams.

So, before you buy onto some of these people who condemn dams or water storage, understand in the west just how critical it is, and in Colorado we have an interesting situation. In Colorado one half of the State, the western half, the part I represent, the Third Congressional District, produces 80 percent of the water, but 80 percent of the population lives on the other side of the State. So you can even see that even at the State level within our own State boundaries water is a very, very important subject, and there are a lot of things we can talk about, but I think some statistics on water and how important water in our life is important for us to look at.

An acre foot of water. A lot of times you hear people talk about an acre foot of water. An acre foot of water is about 326,000 gallons of water, to be exact 325,900 gallons of water. Traditionally it has been considered enough water for a family of four people, a family of four people for 1 year. One acre foot of water is enough for a family of four for 1 year. But now that we have brought in some very helpful conservation efforts, we have expanded that. Now I think in today's language one acre foot of water, or 325,000 gallons of water, is enough really to extend a family of four for 2 years. Conservation has paid off, but we have to use conservation in the right fashion.

Now just talk for a minute about how much water is needed; for example, for a cow. A steer drinks 4.2 gallons of water a day. If you are going to have milk, the jersey cow that produces the milk needs 12 gallons of water a day. For a holstein producing a lot of milk it is 23 gallons of water a day. An acre of corn, one acre of corn, gives off 4000 gallons of water per day just in evaporation. So an acre of corn, 4000 gallons of water evaporate off that acre a day. To grow one bushel of wheat you need 11,000 gallons of water. One bushel of wheat; can you imagine, one bushel of wheat, 11,000 gallons of water. You need 135,000 gallons of water to grow one ton of alfalfa. Thank goodness that resource is an automatic renewal.

These are numbers you probably never heard of before. They are numbers that surprise me, and I spent half my professional career in water.

About 1,400 gallons of water are used to produce a meal of a quarter-pound hamburger, an order of fries and a soft drink. So when you go to the store and you get a quarter pounder and order fries and a soft drink, to grow that, to get everything ready for it, took 1,400 gallons of water.

About 48,000 gallons of water, 48,000 gallons of water are necessary to produce the typical American thanksgiving dinner for 8 people. So those of you who are going to have thanksgiving dinner at your house and you have got 8 people, keep in mind that about 48,000 gallons of water were necessary to produce everything at that dinner table.

About 1800 gallons of water are needed to produce the cotton in one pair of jeans. 1,800 gallons of water for one pair of jeans. Four hundred gallons just to produce the cotton in a shirt; 400 gallons for your shirt.

Takes 39,000 gallons of water to produce the average domestic automobile including tires. Listen to that: 39,000 gallons of water to produce the average domestic automobile.

So you can see that water plays obviously a very important part in our lives, and I know that recently there has been a lot of criticism about water and about our water management in the west, and a lot of this criticism comes from special interest groups frankly in the east. So I want to say to the average person out there: Before you join on with some of these people that criticize us, understand our differences.

Now one thing we all have in common when it comes to water is we all use, for example, an acre foot of water every year for a family of four whether you live in New York City or whether you live in Denver. So we have a lot of things in common with the water, with the use of water. But the retention of water is different in those western States than it is in the east.

Now a couple of other things that I thought that I would point out about water that are important:

One of the fun things to think about of course are the physical characteristics that I told you about the State of Colorado, and as I mentioned, in the State of Colorado about half of our State has most of the water, 80 percent of the water, and the other half of the State has 80 percent of the population. It requires a lot of cooperation between those two geographical areas of the State of Colorado, but we have been able to do it for many, many years, and we intend to continue to be able to do that.

What I hope to do is come back again. I have given a lot of statistics this evening on water, and I am going to come back to this House floor to talk to my colleagues to address this water, but I am going to do it in a series of speeches because you can take in too much in one evening, or I can put out too much. I guess you can take all you can handle, but I can put out too much in one evening about water.

I just want you to leave this evening thinking about water is a automatically renewable resource. There is a difference in water retention in the east versus the west. Most of the water lies in the east, 73 percent of the water lies east of the Kansas-Missouri line. Only 14 percent of the water lies in half the land mass of the United States; those are the western States. Ninety-seven percent of the water is salt water. Only 3 percent is the kind clear water, and of that 3 percent, 75 percent of that 3 percent, so 75 percent of the 3 percent is tied up in the ice polar caps. So you can see for all the water we have in the world, only a small small fraction of that water is actually good for consumption.

Let me move very quickly, and then I intend to turn over the remainder of my time to a colleague of mine who would like to make some comments on another subject. I want to talk to you about something that happened very exciting this last week here on the House floor.

Now we have all heard several discussions in the last few days about all kinds of subjects, but one of the things that happened on a bipartisan basis out of this House of Representatives is for the first time in 85 years we have a new national park in the State of Colorado. It is called the Black Canyon National Park. We passed it out of the House. Senator BEN CAMPBELL was the sponsor in the Senate, I was the sponsor in the House. We passed it out. I fully expect the President to sign it, and I think within the next month the Black Canyon National, what I am calling now National Park was a national monument in Gunnison, Colorado, will be a thing of reality. It is spectacular, it is incredible, and I hope that you have an opportunity to go to Montrose, Colorado, and visit the Black Canyon National Park.

This is a picture right here. Notice my red dot. These are sheer walls, and the Black Canyon, by the way, it is the color of these walls which have very black rock on them; that is where the Black Canyon got its name. Clear at the very top here, right up there where the red dot is in the right hand corner of that picture, those are trees up there. So a human being would actually be about a fourth the size of that red dot. Look at the sheerness of this cliff.

Those cliffs, and that gorge and that canyon, as we go down through here, are as high as 2,000 feet, 2,000 feet. These are some of the oldest rocks known to mankind, and what is neat about this project is a lot of people came together to make it happen. This was not a mandate by the Federal Congress, it was not an outside-of-the-area group that came in and said you do not know how to take care of this country, we are going to come in here and make this a national park. It was local people who cared about their local community who felt the responsibility to their local people, to the State people and to the people of the United States to do something to allow people to really see and understand the magnitude and the magnificence of the Black Canyon in the State of Colorado.

Now I want to thank publicly here the gentleman from Texas (Mr. ARMEY),the majority leader who helped us get it on the floor. I want to thank the gentleman from Alaska (Mr. YOUNG), chairman of the House Committee on Resources. I want to thank the gentleman from Utah (Mr. HANSEN) who was the House subcommittee chairman on national parks, and Tod Hull. He is a legislative staff on the public lands. I like to also thank Cindy Bowen; she is a county commissioner out in Montrose, Colorado; Sheridan Steele. Sheridan is the Superintendent of the Black Canyon, and they are very proud out there about what has happened. I want to thank Siobhan McGill, Floor Assistant, Office of the Majority Leader; Ken Gale who is the interim director of the Montrose Economic Development, and Ken has been back here numerous times. This is a pet project for Ken. Ken, congratulations; you got a lot to be proud of. I want to thank Steve Aquafresca, the former State representative out of the State of Colorado representing that area. I want to thank Wayne Keith, and I want to thank the currently-elected officials that represent that area, Kaye Alexander, Jim Dyer and many of the other elected local officials and so on, the communities of Crawford, Paonia, Montrose, Olathe, Cedar Ridge, Hotchkiss, Delta; the counties, Club 20. There are a lot of people, the staff members of the BLM, Dave Roberts, the Forest Service. They all pitched in to help us show off to all of you the spectacular beauty of the Black Canyon National Park.

Now amongst all of those walls right there, and here you can see the river up close. Now let me tell my colleagues, our water, water sports in Colorado on the hottest day of the summer will still make your teeth chitter, but there is a lot of excitement in seeing this kind of water, pure water. It is said to be so pure; look at the second picture here; that you can stand up on some of these cliffs, obviously not at 2,000 feet, but you can stand up on some of these cliffs and actually spot trout in the clear water in the pools down below.

This is also the home for habitat of bears, bobcats, all kinds of animal species. It is beautiful, and you should take that opportunity to come out and see Colorado.

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One more quick picture before it falls. Look at the walls here again. Two thousand feet, you can see the walls here. There is a tree right there where the red dot is, straight down.

Let me wrap up my remarks by telling you, of course, all throughout our country the fall is a beautiful season, the colors, the smell, the blue sky. But if you have an opportunity, come out and enjoy our State.

Finally, as my final remarks, let me reemphasize my remarks at the beginning of my discussion with you this evening, and that is to our friends, our family, to people we do not know in the state of North Carolina: The other 49 states of this country will not abandoned you. The other 49 states of this country will be there to help you through the tragedy that you recently suffered. I know that it may seem remote at this time, that kind of help, but there are prayers from all across the country coming your direction. There are resources, including monetary resources and everything from generators to lanterns to batteries to fresh water, resources from all across this country, coming to help you out.

Again, North Carolina, you will not be forgotten.

WHITE HOUSE APPEASING CASTRO REGIME

The SPEAKER pro tempore (Mr. HAYES). Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. BURTON) is recognized for 15 minutes as the designee of the Majority Leader.

Mr. BURTON of Indiana. Mr. Speaker, I just want to say I just got back from Colorado Springs a couple of weeks ago, and what the gentleman said about Colorado is absolutely true. It is a gorgeous state.

Mr. Speaker, once again I underestimated the lengths to which the White House would go appease the Castro regime, the most violent sponsor of terrorism in the Western Hemisphere.

If you think freeing over one dozen FALN terrorists responsible for the deaths of his own countrymen is unexplainable, what the White House is doing right now is baffling.

Mr. Speaker, today I am disturbed by reports that as the White House was preparing to grant clemency to 16 imprisoned terrorists, it told the State Department to grant a visa to a notorious Cuban spy named Fernando Garcia Bielsa. This visa would allow Mr. Bielsa to work under diplomatic cover at the Cuban Interests Section just blocks from the White House.

Ironically, Mr. Bielsa is a high-ranking Cuban communist party official in charge of supporting the very terrorist groups to which the prisoners belonged. President Clinton is asking the State Department to issue a visa to Bielsa, in spite of the evidence in intelligence reports linking him with the FALN terrorists and other terrorist groups.

I was particularly impressed by reports that the FBI strongly objected to granting a visa to him. Yet, apparently when the State Department pressured the FBI, the Bureau had to drop its objections.

It has been reported that Mr. Bielsa serves as the chief of the American Department of the Cuban Communist Party Central Committee. The American Department, known by its initials DA, has a long tradition of being Castro's main instrument for coordinating terrorism in the Western Hemisphere, including agent influence activity and support for Puerto Rican terrorism against the United States.

Mr. Speaker, the State Department continues to classify Cuba as a state sponsor of international terrorism. In fact, the State Department's report, Patterns of Terrorism Report for 1998, Cuba reportedly maintains, "close ties to other state sponsors of terrorism and leftist insurgent groups in Latin America. For instance, Columbia's two main terrorist groups, the FARC and the ELN, maintain representatives in Cuba. Moreover, Havana continues to provide a safe haven to a number of international terrorists and U.S. terrorist fugitives."

Make no mistake about it: Cuba believes what the FALN stands for and has a history of supporting them in very material ways. Senate hearings in 1982 revealed that Cuban intelligence helped organize the FALN terrorists and other related groups. Here are a few examples.

Cuba continues to provide asylum to FALN terrorist fugitives, including William Morales, who escaped in 1979 while serving a 99 year sentence for bombing and murder. He fled to Mexico, where he fled a policeman and was finally granted asylum by the Castro government.

Just last year, in 1998, Mr. Bielsa flew to Puerto Rico to meet with leaders of a Puerto Rican terrorist group. What I want to know is why did not the Clinton Administration automatically refuse Mr. Bielsa's visa application? Under U.S. law, the State Department cannot independently issue visas to foreigners believed to be entering the country for the purpose of hostile intelligence activity.

A 1981 State Department report says the DA was created to "centralize Cuban control over covert activities" in support of revolutionary groups in our hemisphere. Who pressured the State Department to grant this visa for Mr. Bielsa? Was it the National Security Council? If so, who pressured the NSC?

Mr. Speaker, Castro has spies here in the U.S. For example, last year 10 people allegedly operating as a spy ring for Castro were arrested and accused of collecting information on U.S. military installations and anti-Castro groups in Florida. At the same time, the arrests ended the most extensive espionage effort involving Cuban agents ever uncovered in the U.S.

U.S. Attorney Thomas Scott was quoted as saying, "In scope and in depth, it is really unparalleled in recent years. This was an attempt to strike at the very heart of our national security system."

Investigators said it was the first time in memory that a Cuba-sponsored spy ring had been dismantled in Southern Florida, even though between 200 and 300 operatives are believed to have worked with impunity in the Miami area for decades.

Our intelligence has uncovered new construction and an expansion of a Russian spy base near Havana that could endanger U.S. military operations overseas. The number of satellite dishes has doubled from three to six. Workers built new buildings, new parking lots and a swimming pool for the Russian military technicians who are now running the base. From this facility, Moscow has intercepted communications from the White House, the State Department, Washington-based international financial institutions and private U.S. companies.

In fact, the Russians had intercepted advanced word on U.S. military movements during the 1991 Persian Gulf War. And, Mr. Speaker, if that doesn't frighten the American people, China's defense minister visited Havana last year to negotiate the construction of an electronic spy base next to this Russian facility. This is not fiction from a paperback novel, Mr. Speaker.

So it is obvious why U.S. counterintelligence believes that the Castro government is placing their agents where they can influence policy decisions on issues affecting the Castro regime.

What decisions, you may ask?

How about granting clemency and allowing terrorists back on the streets, the FALN terrorists? Many in Congress have opinions about why that offer was made. Some feel it has a lot to do with what is going on New York politics today, but maybe there is more to it.

What other kinds of policy decisions would Castro want to influence? How about easing the restrictions on the U.S. embargo on Cuba? The U.S. embargo was instituted to pressure the Castro regime to abandon its dictatorial and subversive ways. Castro has been able to stay in power because the embargo was not strong enough and because of massive Soviet subsidies.

The collapse of the USSR triggered a 60 percent contraction of the Cuban economy, proving the utter bankruptcy of Castro's policies. In addition, passage of both the Cuban Democracy Act of 1992 by this Congress, the Toricelli Act, and the Cuban Liberty and Democratic Solidarity Act of 1995, the Helms-Burton law, have further tightened U.S. policy on the totalitarian dictatorship of Fidel Castro.

These factors, as well as the complete weariness and disgust of the Cuban people with Castro, indicate that time is running out on the dictatorship in Cuba, but not if Castro can send his highest ranking spy to Washington and influence key officials to ease that embargo.

Is it working? Well, let us just see.

Earlier this year the White House expanded commercial flights to Cuba. The President allowed U.S. residents, not just those with family in Cuba, to send larger amounts of money to individual households, which simply gives Castro the hard currency he needs to prop up his communist regime. He allowed direct mail service between our countries, the President did, and finally he has authorized the sale of food and agriculture products to "private companies" in Cuba.

One more policy decision that could be influenced should be considered. Only December 3, 1998, a 7.2 metric ton cocaine shipment bound for a state-owned company, Union del Plastico, in Havana, Cuba, was seized by Colombian National Police in Cartegena, Colombia. The consigned company was a joint venture with two minority Spanish partners, who contend they were not partners, but rather shipping and purchasing agents for the Cuban government.

Cuban "spin" started the day after the seizure with Castro's anti-narcotics police searching the company's premises with drug dogs and coming up with no traces of drugs there whatsoever.

Cuban police claimed the shipment was destined for Spain, without any proof. Castro made a speech on January 4, 1999, identifying the two Spaniards as the culprits in this scheme which had been alleged to operate without his government's knowledge and complicity. That is baloney. The U.S. State Department has bought this story from Castro and accepted his claims as evidence and proclaims the shipment was headed for Spain.

However, two House committees and one Senate committee have conducted a thorough investigation into this shipment and determined the shipment was likely headed to the United States, 7.2 metric tons of cocaine through Mexico. The Cuban company has a subsidiary, Plastimex. There is a company bearing that name located right across the U.S. border in Juarez, Mexico.

Regardless of the final destination, the 7.2 tons of cocaine, Cuba, as a recipient of this shipment, should meet the criteria to be placed on the major list of countries who traffic or transit illicit narcotics.

The Cuban government has been complicit in drug trafficking for decades as a method of collecting much-needed hard currency to keep Fidel Castro's regime in power.

As a matter of fact, Raul Castro, Fidel's brother, is under indictment for drug trafficking in Miami, Florida. So, influencing decisions to keep Cuba off the major's list and look the other way on drug trafficking would sure help Castro, and it is working.

The Clinton Administration is assisting Castro in his coverup by sending two Coast Guard personnel to Havana to help promote the image that Fidel Castro is getting tough on drugs, and this is simply not the case. It is a public relations campaign by the Castro regime to repair its tarnished image on the drug front.

The Clinton Administration is doing nothing but strengthening Castro's position. Clearly this 7.2 ton drug seizure should place Cuba squarely on the major's list.

Not to mention the increased overflights of Cuba by drug trafficking planes, which have been unchallenged by Fidel Castro. Also drug trafficking fast boats into Cuban territorial water go without a challenge from the Cuban navy.

It seems strange that the Cuban Air Force can shoot down two unarmed American civilian planes out of the sky and Castro's Navy can sink a tugboat full of innocent women and children, yet they cannot respond to the hundreds of increased drug trafficking activities in Cuban air space and territorial waters.

Mr. Speaker, the granting of a visa for Mr. Garcia Bielsa is an affront to the national security of the United States. The American people will be outraged when they learn that a top Cuban spy known for his support of terrorism and espionage is allowed to set up shop real close to the White House here in Washington.

Why should Mr. Bielsa be allowed to live and work in Washington, D.C.? The Cuban Interests Section, as I said, is not in need of personnel. Quite the opposite. Prior to 1994, the Cuban Interests Section contained 24 staff and, according to the Cuban-American National Foundation, nearly all of whom were intelligence agents.

According to the Congressional sources today, the espionage presence in the Cuban Interests Section is nearly doubled. Granting a visa to Mr. Garcia Bielsa is more than misguided, because this man and his mission here pose a real threat to our Nation's security right here in the United States.

Mr. Garcia Bielsa is not just an ordinary Cuban citizen or a visiting diplomat. He is a principal spy and a leader within Castro's inner circle. With Mr. Bielsa using Washington, D.C. as a base of operations, Castro's campaign to discredit the U.S. and our commitment against communism has been invigorated.

I believe Mr. Garcia Bielsa's presence in Washington, D.C. will, without a doubt, enhance Castro's ongoing operations against the United States. That is why I sent a letter, along with four of my colleagues, to Secretary of State Madeleine Albright expressing our concerns over these troubling reports. We also asked her to provide us with answers to a few simple questions.

First, why were the views of the Federal Bureau of Investigation not respected in the decision to grant a U.S. visa to Mr. Bielsa?

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Second, has any representative of the Department of Justice or the FBI provided any information to the State Department regarding Mr. Garcia Bielsa's anti-U.S. espionage spying or pro-terrorism activities? Did this information talk of his contact with Puerto Rican terrorists or so-called nationalist groups?

Three, if the State Department did have knowledge of Mr. Garcia Bielsa's activities, who instructed his visa be accepted?

Mr. Speaker, in closing, I hope we receive accurate and helpful responses to these questions because we now know that China has stolen classified information on every thermonuclear warhead in the U.S. ballistic missile arsenal, including the W-88 warhead, our most modern warhead; we also know that Chinese penetration of our national weapons labs spans at least the past several decades and certainly continues today; finally, because the Chinese Government used illegal fundraising channels in this country to influence the 1996 presidential elections.

Mr. Speaker, I believe that the time has come for our government to cease and desist with these shortcuts that have led to a breach of our national security and initiate a more rigorous system of scrutinizing the campaigns of hostile nations against the U.S., and I believe that Mr. Bielsa's visa should not be approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

INDONESIA'S SHAMEFUL MILITARY OCCUPATION OF EAST TIMOR AND WEST PAPUA NEW GUINEA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I have entitled my remarks tonight to my colleagues and to my fellow Americans as Indonesia's Shameful Military Occupation of East Timor and West Papua New Guinea, or also known as Irian Jaya.

Mr. Speaker, this week the House of Representatives considered legislation, House Resolution 292, expressing its position with regards to the tragic crisis in East Timor, Indonesia.

I want to commend the chairman and ranking member of the Committee on International Relations of the House, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), for bringing to the floor this important measure regarding the recent dire developments in East Timor.

I would further deeply commend the chairman and ranking member of the House Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), for introducing the resolution and their considerable work on it. I am honored to be an original cosponsor of House Resolution 292.

Mr. Speaker, I also want to commend the gentleman from Rhode Island (Mr. KENNEDY) for introducing H.R. 2895, a bill that will cut off all U.S. bilateral and multilateral agreements with Indonesia if the Indonesian government fails to implement and support the United Nation's supervised plebescite which resulted in a vote of over 78 percent of the voters of East Timor in favor of total independence from the government of Indonesia.

The bill of the gentleman from Rhode Island (Mr. KENNEDY) has strong bipartisan support by both Republicans and Democrats, and I am honored to have also been an original cosponsor of this legislation.

Mr. Speaker, like many of our colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming force for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression.

Although the Timorese struggle for self-determination has received much publicity, Mr. Speaker, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled to throw off the yoke of Indonesian colonialism.

As in East Timor, Indonesia took West Papua New Guinea by force in 1963. In a truly pathetic episode, the United Nations in 1969 sanctioned a fraudulent referendum where only 1,025 delegates that were handpicked and paid off by the Jakarta government were permitted to participate in a so-called independence vote. The rest of the West Papua New Guinea people, well over 800,000 strong, Mr. Speaker, had absolutely no voice in the undemocratic process.

Since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century.

Like in East Timor where 200,000 East Timorese have died, the Indonesian military has been brutal in West Papua New Guinea. Reports estimate that between 100,000 to 200,000 West Papuans have died or simply vanished at the hands of the Indonesian military.

While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea.

I would urge our colleagues and our great Nation and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past weeks, the Indonesian government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistance to and ties with the Indonesian military. United Nations estimates that there are over 300,000 Timorese, in excess of a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds, if not thousands, have been killed in the mass bloodletting and carnage by the Indonesian military and its militia.

Mr. Speaker, a couple of days ago, the United Nations Human Rights Commission voted for an international inquiry into the atrocities committed in East Timor. The call for an international war crimes tribunal to punish those responsible for the atrocities should be heeded, even if it implicates the top military leadership of Jakarta.

I strongly supported the intervention of the United Nations-endorsed multinational force in East Timor, and I am heartened at their arrival in Dili last week. Although only 5,000 of the 7,500 troop peacekeeping is presently there in East Timor, they have already had a significant effect in stabilizing the situation and restoring order in Dili.

Mr. Speaker, I want to commend the government of Australia for its leadership with the multinational force and recognize the important and substantial troop contributions of Thailand to the peacekeeping effort.

While I believe America's role in the peacekeeping mission should have been greater, certainly the contribution of the U.S. airlift and logistical support has been invaluable. If Australia, Thailand and our allies call upon us and it is necessary that the United States play a more substantial role in the peacekeeping effort, I submit, Mr. Speaker, even if it means the contribution of a small contingency of ground troops which could easily be drawn from our reserves of the U.S. Marines in Okinawa, after all, Mr. Speaker, is this not the very reason why we have troops located in the Asia-Pacific region, and that is to provide stability and order in that region of the world?

Mr. Speaker, with Indonesia being the fourth largest nation and the largest Muslim country in the world, which sits astride the major sea-lanes of communications and trade, certainly we do have a substantial national interest in preserving stability in Indonesia and Southeast Asia as well.

Mr. Speaker, I am honored to join my colleagues in adoption of legislation that touches on all of the foregoing concerns. It is appropriate that the House finally speak as a body in addressing the tremendous evil perpetrated against the free citizens of East Timor by the Indonesian military.

Mr. Speaker, we and our colleagues must do all we can to assist the recovery of the Timorese people and to support their struggle for freedom, economic self-sufficiency and democracy.

Mr. Speaker, if I may borrow the words of Dr. Martin Luther King, Jr., who said in part, "I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the isness of man's present nature makes him morally incapable of reaching up for the eternal oughtness that forever confronts them."

As a nation and as a world we have watched as East Timor and West Papua New Guinea have struggled for independent and self-determination. As a government, we have known the ambiguities of colonialist history. Indonesia, a former Dutch colony, was granted independence by the Netherlands in 1949. In its own act of colonial aggression, Indonesia then demanded all former territories of the Dutch East Indies and the Portuguese Colonial Empires, including West Papua New Guinea and East Timor. When Indonesia's demands were not met, the Indonesian military troops slaughtered and murdered some 100,000 West Papua New Guineans and also slaughtered and murdered over 200,000 East Timorese. The world stood in silence while the slaughter continued.

Mr. Speaker, we have known the isness and the oughtness of what now confronts our collective conscience.

Like Conrad notes in the book, the Heart of Darkness, and I quote, "The conquest of the earth, which mostly means the taking it away from those who have a different complexion or slightly flatter noses than ourselves, is not a pretty thing when you look into it too much."

Mr. Speaker, "when you look into it too much," the world ought to be a better place than what it is.

Mr. Speaker, I know much has been written and said about what now confronts us in the conflict of East Timor. As Mahatma Ghandi once said, and I quote, "I have nothing new to say. The principles of truth and nonviolence are as old as mountains."

Sometimes, Mr. Speaker, it serves us well to be reminded of the principles of goodness espoused by those who have lived the struggle and overcome. So today, I speak not as a representative with something new to say, but as a human being who wants to associate himself with a brotherhood and sisterhood of good.

To the people of East Timor who seek to be free, I add my voice of support and condemn the government of Indonesia for denying East Timor its inalienable right to self-determination. To the good people of West Papua New Guinea, who also seek to be free from Indonesian colonial rule, I rise to share some 36 years of your pain and your suffering and of the slaughter and the murderings of your people by the Indonesian military.

Mr. Speaker, there is consensus that the Island of New Guinea was settled by a people from West Africa. In 1883, the Island of New Guinea came under colonial rule and was partitioned by three western powers. The Dutch claimed the western half while the British and the Germans divided the eastern half.

In 1949, the Dutch granted independence to the colonies of the former Dutch East Indies, including the Republic of Indonesia, but the Dutch retained West Papua New Guinea and in 1950 supposedly prepared the territory for independence.

Indonesia, however, under the leadership of military Dictator Sukarno sent troops over and militarily occupied West Papua, and to this day West Papua continues to exist under military rule.

Mr. Speaker, in 1962, the United States mediated an agreement between Indonesia and the Netherlands, minus West Papuan representation, of course. Under terms of the agreement, the Dutch would leave West Papua and transfer sovereignty to the United Nations Temporary Executive Authority, known as UNTEA, for a period of 6 years, after which time a national election would be held to determine West Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the UNTEA.

In 1969, Indonesia orchestrated an election that many regarded as a brutal military operation. In what came to be known as an "act of no-choice," where 1,025 elders under heavy military surveillance were selected to vote on behalf of 809,327 West Papuans on the territory's political status. United Nations Ambassador Ortiz-Sanz, who was sent to West Papua to observe the process, issued the following statement, and I quote, "I regret to have to express my reservation regarding the implementation of article XXII of the Agreement relating to the rights, including the rights of free speech, freedom of movement and of assembly of the inhabitants of the area. In spite of my constant efforts, this important provision was not fully implemented and the Indonesian administration exercised at all times a tight political control over the population."

Mr. Speaker, despite Ambassador Ortiz-Sanz' report, the United Nations sanctioned Indonesia's position and on September 10, 1969, West Papua became a province of the Indonesian military rule.

□ 2045

Mr. Speaker, there is some speculation surrounding the extent of U.S. involvement with respect to the West Papua/Indonesian settlement. In late 1961, a Robert H. Johnson of the National Security Council staff wrote a letter to Mr. Bundy, the President's Special Assistant for National Security Council Affairs, concerning the conflict between Indonesia and the Netherlands.

Mr. Johnson wrote in part, and I quote, "The U.S. has a general interest in eliminating this irritant in international relations involving two free world countries. But its more basic interests are two: (a) to eliminate this issue from Indonesian politics where it has diverted the country from constructive tasks, has been used by Sukarno as a means of frustrating opposition to himself, and has been exploited by the large local Communist party" and by the Soviet Union "(b) to avoid a military clash because such a clash would probably strengthen Communist forces within Indonesia. The loss of Indonesia could be as significant as the loss of mainland Southeast Asia and would make defense of the latter considerably more difficult. If the above analysis is correct, we must conclude that it is in our interests that a solution be devised which will lead to accession of West New Guinea to Indonesia."

Mr. Speaker, in other words, it was our national policy to sacrifice the lives and future of some 800,000 West Papua New Guineans to the Indonesian military in exchange, supposedly, for Sukarno and Sukarto to become our friends, and yet organize the most repressive military regimes ever in the history of Indonesia.

Mr. Speaker, this event is perhaps the worst example of what the United Nations did by sanctioning this act of no choice against the people of west Papua New Guinea. Mr. Speaker, I call upon the United Nations Secretary General Kofi Annan to take appropriate action to correct this shameful act of the United Nations took against the people of West Papua. The United Nations should call and supervise a real pleviscite like the one given to people of East Timor.

Mr. Speaker, in his 1990 statement before the United Nations Special Committee Against Apartheid, Nelson Mandela of South Africa said, "It will forever remain an indelible blight on human history that the apartheid crime ever occurred. Future generations will surely ask, what error was made that this system established itself in the wake of the adoption of a Universal Declaration on Human Rights."

"It will forever remain an accusation and a challenge to all men and women of conscience that it took as long as it has been before all of us stood up and to say, enough is enough."

Mr. Speaker, I cannot help but feel similarly about our own stance towards West Papua during the height of the Cold War and our continued stance at present. Geo-politics aside, since the Indonesian government seized control of West Papua, the Pupuans have suffered blatant human rights abuses, including extrajudicial executions, imprisonment, torture and, according to Afrim Djonbalic's 1998 statement to the United Nations, "environmental degradation, natural resource exploitation, and commercial dominance of immigrant communities."

Sadly, Mr. Speaker, a U.S.-based company mining copper, gold, and silver in west Papua New Guinea allegedly shares in the exploitation and abuse of Papuan lands and its people.

In West Papua, New Guinea, Mr. Speaker, Freeport-McMoRan, an American company in partnership with the Indonesian leaders and leading Australian and British mining companies, operates the world's largest gold mine and the world third largest copper mine in West Papua, New Guinea. Conservative estimates suggest that the copper reserves of Freeport are worth well over $23 billion. The gold reserves are worth around $15 billion. As it currently stands, the Indonesian government has approximately an 8.5 percent share in Freeport mining and Freeport pays Indonesia more money than any other company in the entire country.

Mr. Speaker, from 1969 to 1971, Freeport built a 63-mile road from the southern coast of West Papua to the Ertsberg Mountain, moving 12 million tons of earth. As Mr. Wilson describes it in his book called Conquest of Copper Mountain, "At one point, we literally had to chop off the top half of a mountain." Draft author James Lang in Irian Jaye case number 157, notes that, in 1967, Freeport signed a contract with the Indonesian government to mine for copper in 10,000 hectares, not acres, Mr. Speaker, hectares, of land belonging to the indigenous Amungme tribal people. Yet, to date, this report was in 1996, Mr. Speaker, Freeport's control has extended over three times as much land, and the company has no policy of commitment or royalty distribution to the local community.

With the construction of a new city for its employees, Freeport mining company will take an additional 25,000 hectares of land from the Amungme tribe. Furthermore, Mr. Speaker, Freeport recently opened a new mind and Grasberg just two kilometers from the Timika site. Resting on 2.6 million hectares, again, Mr. Speaker, not acres, hectares of land acquired from Indonesia in 1991, the new mine will increase its output to 900 million pounds of copper and 1.1 million ounces of gold, making it the world's single biggest mining operation.

In 1977, Mr. Speaker, the Amungme Tribe put in a claim for compensation for their lost land which the Indonesian government promptly and simply rejected. As spokesman for the Free Papua Movement summarized the situation, and I quote, "Since Freeport signed contracts in 1967, it has regarded this land as not belonging to our people . . . the Indonesia Constitution considers it state land and any companies made by the Amungme people" are declared "as terrorist action."

Mr. Speaker, Mr. Robert Bryce, contributing editor for the Austin Chronicle, noted in Mother Jones, this is an article in 1996, "Freeport's Grasberg mine is essentially grinding the Indonesian mountain into dust, skimming off the precious metals, and dumping the remainder into the Ajkwa River. The pulverized rock (called 'tailings') has created a wasteland in the river valley below. By its own estimates, the company will dump more than 40 million tons of tailings into the river this year alone," Mr. Speaker.

"The mine's tailings have already 'severely impacted' more than 11 square miles of rainforest, according to the 1996 Dames & Moore environmental audit. The report, endorsed by Freeport, also estimates that over the life of the mine some 3.2 billion tons of waste rock, a great part of which generates acid, will be dumped into the local river system."

"At present," Mr. Speaker, "the company mines 125,000 tons of ore each day. The company intends to increase that amount to 190,000 tons per day. At that rate, Mr. Speaker, Freeport will dump enough tailings in the Ajkwa River to fill Houston's Astrodome every 3 weeks."

Mr. Speaker, from the University of Chicago, Mr. Marina Peterson writes in a stated report in 1996, "Specific allegations have been made to Freeport's direct association with human rights abuses undertaken by the Indonesian government on Freeport land. Freeport facilities are policed both by Freeport security and the Indonesian military; Freeport feeds, houses, and provides transportation for the Indonesian military; and after any incidence of indigenous resistance against Freeport, the military responds while Freeport looks on.

"In 1977, when West Papuans attacked Freeport facilities, the Indonesian military bombed the natives using U.S.-made Broncos and a Freeport employee sent an anonymous letter to Tapol on August 6, 1977, writing 'any native who is seen is shot dead on the spot.' The Obliteration of a People," dated 1983. Although Freeport likes to shift blame onto the Indonesian government, Press reports that 'One recent Western traveler was told by a Freeport security employee that he and his coworkers amuse themselves by shooting randomly at passing tribesmen and watching them scurry in terror into the woods and Amnesty International reported that the military used steel containers from Freeport to incarcerate indigenous people."

Mr. Speaker, it might be fair at this point to note that West Pupuans differ racially from the majority of Indonesians. West Papuans are Melanesian, believed to be of African descent. In 1990, Nelson Mandela reminded the United Nations that when "it first discussed the South African question in 1946, it was discussing the issue of racism." I cannot help but wonder, Mr. Speaker, if what we are now discussing is the issue of racism in West Papua New Guinea. As Mahatma Gandhi said, "Till we are fully free, we are slaves."

Mr. Speaker, ultimately I believe in the goodness of people and in the goodness of the Members of this body. I believe that, as we are made aware of human suffering and gross injustice, we will rise to say enough is enough.

It was not so long ago that Nelson Mandela stood before us in a joint session of Congress, some 9 years ago as I recall, Mr. Speaker, and commented on our stand against apartheid. "The stand you took established the understanding among the millions of our people that here we have friends, here we have fighters against racism, who feel hurt because we are hurt, who seek our success because they, too, seek the victory of democracy over tyranny."

Mr. Speaker, let the people of West Papua know that here, too, they have friends, here, too, they have fighters against racism, who feel hurt because they are hurt. Let them know that we seek their success because we, too, seek the victory of democracy over tyranny. Let us go out this evening with that determination, Mr. Speaker.

Again, I love to share with my colleagues another quote from Martin Luther King, Jr. who said in part, "I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war, that the bright daybreak of peace and brotherhood can never become a reality. I have the audacity to believe that peoples everywhere have dignity, equality, and freedom for their spirits. I believe that what self-centered men have torn down, men other-centered can build up. I still believe that one day mankind will bow before the alters of God and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land. I still believe that we shall overcome."

That quote, by the way, Mr. Speaker, was part of Martin Luther King, Jr.'s speech that he made when he accepted the Nobel Prize for the promotion of peace in 1964.

Mr. Speaker, I was in high school then. It was a little high school in the State of Hawaii. It was named Kahuku High School. My high school is among the smallest in number in the State of Hawaii, but Kahuku High School never lacked in size and fierceness when it came to football players.

I was in high school, and our Nation had just elected a new President. I remember well the most profound statement that, to this day, is quoted by people and leaders throughout the world. It was President Kennedy who did not mince his words when he said it in his inaugural address, and I quote, "Let every Nation know that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty."

Mr. Speaker, there are close parallels between our country and the colonies of East Timor and West Papua New Guinea. Our Nation was founded under the yoke of British colonialism. East Timor was formerly a colony of Portugal, and West Papua New Guinea was a colonial possession of the Dutch or the Netherland. But there is a slight difference, however. Unlike the 13 colonies that eventually won its independence from England, immediately following the withdrawal of Portuguese and Dutch influence from East Timor and West Papua New Guinea, respectively, the Indonesian military became the new colonial master of these two colonies.

So when we talk about colonies, Mr. Speaker, our Nation has a very real sense of appreciation what colonies are like: a constant fear of military rule by a military dictatorship, absolutely no freedom of expression, one's family and friends are not free to meet and to congregate, and even the right or privilege to petition the government for wrongdoings. One can forget about the privilege of voting freely for people of one's choice to represent you.

☐ 2100

Simply put, Mr. Speaker, just kiss goodbye to democracy.

Mr. Speaker, our Nation currently is the most powerful, the most prosperous, and the only superpower remaining now since the fall of the former Soviet Union. There are those who argue that we should stop being the policeman of the world. But if we do not assist territories like East Timor and West Papua New Guinea should we let countries like China, Iran, and Iraq to take our place?

We have actively supported the concept of regional security organizations like NATO. Why not revive the Southeast Asian Treaty Organization to serve similar functions that NATO currently provides in Europe?

Mr. Speaker, let us give heed to President Kennedy's challenge to the world and to all our fellow Americans. Let us support the cause of freedom and democracy wherever and whenever any people who live under repressive military governments seek our help.

I commend the people and the good leaders of East Timor for their long-last struggle to become a free people after some 25 years of military rule. Now I challenge my colleagues in the United Nations to do the same for the people of West Papua New Guinea who continue to live in fear of Indonesian military rule for the past 36 years, and that repressive rule still continues.

RECESS

The SPEAKER pro tempore (Mr. Hayes). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

☐ 2206

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Hayes) at 10 o'clock and 6 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2336

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Reynolds) at 11 o'clock and 36 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. Diaz-Balart, from the Committee on Rules, submitted a privileged report (Rept. No. 106–356) on the resolution (H. Res. 317) waiving points of order against the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. Diaz-Balart, from the Committee on Rules, submitted a privileged report (Rept. No. 106–357) on the resolution (H. Res. 318) waiving points of order against the conference report to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Meeks of New York (at the request of Mr. Gephardt) for today and October 1 on account of the birth of a child.

Ms. Hooley of Oregon (at the request of Mr. Gephardt) for today on account of personal business.

Mrs. Chenoweth (at the request of Mr. Armey) for after 1:00 p.m. today and October 1 on account of her wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNulty) to revise and extend their remarks and include extraneous material:)

Mr. Lipinski, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Mr. Filner, for 5 minutes, today.

Ms. Waters, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Ms. Lee, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Mrs. Christensen, for 5 minutes, today.

Mrs. Meek of Florida, for 5 minutes, today.

Mr. Lampson, for 5 minutes, today.

Mr. Allen, for 5 minutes, today.

Mrs. Mink of Hawaii, for 5 minutes, today.

Mr. Hoyer, for 5 minutes, today.

Mr. Wynn, for 5 minutes, today.

(The following Members (at the request of Mr. Barton of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Metcalf, for 5 minutes, today.

Mr. Nethercutt, for 5 minutes, today.

Mr. Norwood, for 5 minutes, today.

Mr. Ehlers, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 249—An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Friday, October 1, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4575. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. FV99–993–3 FR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4576. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP–300921; FRL–6382–1] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4577. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pymetrozine; Pesticide Tolerance [OPP-300929; FRL-6385-6] (RIN: 2070-AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4578. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP-300923; FRL-6383-6] (RIN: 2070-AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4579. A communication from the President of the United States, transmitting a request for funds for the Department of Agriculture and the Department of the Interior to be used to address the urgent needs arising from the consequences of the severe and numerous fires on Federal public lands throughout the western United States; (H. Doc. No. 106-136); to the Committee on Appropriations and ordered to be printed.

4580. A communication from the President of the United States, transmitting notification of funding for the Department of the Interior and the United States Information Agency to support environmental protection activities with India in the national interest of the United States; (H. Doc. No. 106-137); to the Committee on Appropriations and ordered to be printed.

4581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District [CA 198-0175a; FRL-6445-6] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4582. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK-020-FOR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4583. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transporation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 99-NM-118-AD; Amendment 39-11328; AD 99-19-41] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98-NM-328-AD; Amendment 39-11329; AD 99-20-01] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. 99-NM-110-AD; Amendment 39-11327; AD 99-19-40] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 99-NM-91-AD; Amendment 39-11325; AD 99-19-38] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99-SW-46-AD; Amendment 39-11331; AD 99-17-17] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Bombardier Model DH C-8-100 and -300 Series Airplanes [Docket No. 97-NM-58-AD; Amendment 39-11321; AD 99-19-34] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100 and -300 Series Airplanes [Docket No. 98-NM-384-AD; Amendment 39-11324; AD 99-19-37] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 98-NM-366-AD; Amendment 39-11323; AD 99-19-36] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 98-NM-344-AD; Amendment 39-11322; AD 99-19-35] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 99-NM-92-AD; Amendment 39-11326; AD 99-19-39] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Sugar Land, TX [Airspace Docket No. 99-ASW-01] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Presidential Visit and United Nations General Assembly, East River, New York [CGD01-99-167] (RIN: 2115-AA97) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 99-005] (RIN: 2115-AA97) received September 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportion, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98-NM-329-AD; Amendment 39-11330; AD 99-20-02] (RIN: 2120-AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—RJR Nabisco, Inc., et al., v. Commissioner [T.C. Memo. 1998-252 (Dkt No. 3796-95)] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4598. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the June 1999 Report to the Congress: Selected Medicare Issues; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1663. A bill to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California to honor recipients of the Medal of Honor; with amendments (Rept. 106-351). Referred to the House Calendar.

Mr. STUMP: Committee on Veterans' Affairs. House Joint Resolution 65. Resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes; with amendments (Rept. 106-352 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program, and for other purposes; with an amendment (Rept. 106-353 Pt. 1). Ordered to be printed.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106-354). Ordered to be printed.

Mr. WOLF: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106-355). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 317. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–356). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 318. Resolution waiving points of order to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–357). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 354. A bill to amend title 17, United States Code, to provide protection for certain collection of information; with an amendment; referred to the Committee on Commerce for a period ending not later than October 8, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 106–349, Pt. 1).

Mr. BLILEY: Committee on Commerce. H.R. 1858. A bill to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases; with an amendment; referred to the Committee on the Judiciary for a period ending not later than October 8, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 106–350, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY:

H.R. 2978. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through October 31, 1999; to the Committee on Commerce.

By Mr. LAZIO:

H.R. 2979. A bill to amend title XVIII of the Social Security Act to make refinements in the Medicare prospective payment system for outpatient hospital services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. SAXTON, Mr. BALDACCI, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. VENTO, and Mr. WEYGAND):

H.R. 2980. A bill to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide from fossil fuel-fired electric utility generating units operating in the United States, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, Banking and Financial Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY:

H.R. 2981. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. CLAY, Mr. KILDEE, Mr. PASTOR, Ms. WOOLSEY, Mr. PAYNE, Mr. MARTINEZ, Mr. ANDREWS, Mr. OWENS, Mr. SCOTT, Mr. FORD, Mr. STARK, Ms. SANCHEZ, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. MENENDEZ):

H.R. 2982. A bill to provide grants to States and local educational agencies to recruit, train, and hire 100,000 school-based resource staff to help students deal with personal state of mind problems; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2983. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

By Mr. BARRETT of Nebraska:

H.R. 2984. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; to the Committee on Resources.

By Mr. BASS (for himself, Mr. BARTON of Texas, Mr. BILBRAY, Mr. CALLAHAN, Mr. CASTLE, Mr. EHLERS, Mr. ENGLISH, Mr. GANSKE, Mr. GREEN of Wisconsin, Mr. HERGER, Mrs. MORELLA, Mrs. MYRICK, Mr. NEY, Mr. SCHAFFER, Mr. THORNBERRY, Mr. UPTON, Mr. WAMP, and Mr. WHITFIELD):

H.R. 2985. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the responsibility, efficiency, and performance of the Federal Government; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mr. BILBRAY, Mr. BRYANT, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CRANE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. FOLEY, Mr. GALLEGLY, Mr. GRAHAM, Mr. GOODLATTE, Mr. HAYWORTH, Mr. HERGER, Mr. HUNTER, Mr. HYDE, Mr. JENKINS, Mr. KUYKENDALL, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. GARY MILLER of California, Mr. PACKARD, Mr. POMBO, Mr. ROGAN, Mr. ROHRABACHER; Mr. SALMON, Mr. SHADEGG, Mr. SPENCE, Mr. SWEENEY, Mr. OSE, Mr. THOMAS, and Mr. RADANOVICH):

H.R. 2986. A bill to provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. HUTCHINSON, Mr. ROGAN, Mr. MCCOLLUM, Mr. SESSIONS, Mr. PICKERING, Ms. LOFGREN, Mr. BERMAN, Mr. CANADY of Florida, Mr. GIBBONS, Mr. CALVERT, Mr. GALLEGLY, and Mr. SALMON):

H.R. 2987. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. BONILLA, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2988. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Resources.

By Mr. TANNER (for himself, Mr. JENKINS, Mr. FORD, and Mr. CLEMENT):

H.R. 2989. A bill to amend title XVIII of the Social Security Act to accelerate payments to hospitals under the Medicare Program with respect to costs of graduate medical education for Medicare+Choice enrollees; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself and Mr. SESSIONS):

H. Con. Res. 190. Concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 170: Mr. WAXMAN.

H.R. 218: Mr. BLILEY.

H.R. 323: Mr. DIAZ-BALART.

H.R. 357: Mr. REYES.

H.R. 363: Mr. PALLONE.

H.R. 371: Mr. WATT of North Carolina, Mr. TIAHRT, and Mr. WELDON of Pennsylvania.

H.R. 443: Ms. BALDWIN, Mr. BARCIA, Mr. FRANKS of New Jersey, Mr. TOWNS, and Mr. PHELPS.

H.R. 521: Mr. ROTHMAN.

H.R. 721: Mr. GOODLATTE.

H.R. 750: Mr. TERRY and Mr. THOMPSON of California.

H.R. 838: Mr. Ms. PELOSI and Mr. RUSH.

H.R. 870: Mr. VITTER.

H.R. 914: Mr. WATT of North Carolina.

H.R. 961: Mr. OWENS and Mr. HINOJOSA.

H.R. 976: Ms. MCCARTHY of Missouri.

H.R. 1041: Mr. VITTER.

H.R. 1070: Mr. BEREUTER.

H.R. 1071: Mr. MARTINEZ.

H.R. 1178: Mr TIAHRT, Mr. DEFAZIO, Mr. WALDEN of Oregon, and Mr. WELDON of Florida.

H.R. 1180: Mrs. MINK of Hawaii, Mrs. FOWLER, and Mr. SALMON.

H.R. 1195: Mr. HAYWORTH, Mr. HILLIARD, Mr. BURTON of Indiana, Mr. TOOMEY, Mr. PETRI, Mr. LIPINSKI, and Mr. CUMMINGS.

H.R. 1221: Mr. SHERWOOD.

H.R. 1271: Mr. CONYERS, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, and Mr. WAXMAN.

H.R. 1283: Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. TALENT, Mr. MCCOLLUM, Mr. WAMP, and Mr. CAMP.

H.R. 1300: Mrs. NAPOLITANO and Mr. MCCOLLUM.

H.R. 1305: Mrs. CLAYTON.

H.R. 1322: Mr. CALVERT.

H.R. 1355: Mr. EVANS.

H.R. 1399: Mr. CUMMINGS and Mr. MOAKLEY.

H.R. 1456: Mrs. MALONEY of New York.

H.R. 1485: Mr. LANTOS and Mr. TIERNEY.

H.R. 1494: Mr. WELDON of Pennsylvania.

H.R. 1496: Mrs. NORTHUP and Mr. HOSTETTLER.

H.R. 1520: Mr. GALLEGLY, Mr. LUCAS of Oklahoma, and Mr. MCINTOSH.

H.R. 1592: Mr. BOSWELL and Mr. RYAN of Wisconsin.

H.R. 1630: Mr. BLUMENAUER.

H.R. 1640: Mr. BLAGOJEVICH, Ms. SLAUGHTER, Mr. LEVIN, Mr. MATSUI, Mr. LEWIS of Georgia, and Mr. CARDIN.

H.R. 1650: Mr. HASTINGS of Washington and Mr. REYNOLDS.

H.R. 1689: Mr. PALLONE.

H.R. 1746: Mr. LINDER.

H.R. 1791: Mr. EVANS.

H.R. 1876: Mr. MCINTOSH, Mr. BARR of Georgia, Mr. SCHAFFER, Mr. SANDLIN, Mr. BRADY of Texas, and Mr. GOODE.

H.R. 2059: Mrs. KELLY.

H.R. 2162: Mr. STUPAK.

H.R. 2235: Mrs. MEEK of Florida, Mr. SPRATT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2260: Mr. ISAKSON.

H.R. 2265: Mr. BECERRA, Mr. METCALF, Mr. MCHUGH, Mr. CRAMER, and Mr. WYNN.

H.R. 2282: Mr. HILL of Montana.

H.R. 2286: Ms. MCCARTHY of Missouri.

H.R. 2418: Mrs. THURMAN, Mr. BOYD, and Mr. MATSUI.

H.R. 2420: Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. CALVERT, Mr. RODRIGUEZ, and Mr. GIBBONS.

H.R. 2498: Ms. GRANGER, Mrs. FOWLER, and Mr. BILIRAKIS.

H.R. 2544: Mrs. CUBIN.

H.R. 2548: Mr. MARTINEZ, Mr. PRICE of North Carolina, and Mr. SOUDER.

H.R. 2622: Mr. HILL of Montana, Mr. SHERWOOD, and Mr. FLETCHER.

H.R. 2640: Ms. STABENOW, Mr. STUPAK, Mr. EWING, and Mr. DINGELL.

H.R. 2662: Mr. HINCHEY.

H.R. 2697: Mr. ENGLISH and Mr. STUPAK.

H.R. 2698: Mr. CALVERT.

H.R. 2709: Mr. COBURN, Mr. SWEENEY, Mr. HOBSON, Mr. DEMINT, Mr. PICKETT, Mr. GARY MILLER of California, Mrs. KELLY, Mr. MASCARA, and Mr. CANADY of Florida.

H.R. 2720: Mr. BURR of North Carolina and Mr. BARRETT of Wisconsin.

H.R. 2723: Mr. THOMPSON of California, Mr. VENTO, Mr. HOLDEN, Mr. CUMMINGS, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. MCNULTY, Mr. PRICE of North Carolina, Mr. BECERRA, Mr. RODRIGUEZ, Mr. HILLIARD, Mr. FALEOMAVEAGE, Mr. SAWYER, and Mr. KIND.

H.R. 2725: Mr. HILL of Montana.

H.R. 2726: Mr. REYES.

H.R. 2788: Mr. BEREUTER.

H.R. 2807: Mr. BOUCHER and Ms. RIVERS.

H.R. 2808: Mr. WU.

H.R. 2814: Mr. EVANS, Mr. Gilman, and Mr. CALVERT.

H.R. 2824: Mr. SMITH of New Jersey.

H.R. 2838: Ms. MCKINNEY.

H.R. 2877: Ms. LOFGREN.

H.J. Res. 65: Mr. ROGAN.

H. Con. Res. 77: Mr. KINGSTON.

H. Con Res. 89: Mr. HOLDEN, Mr. SAXTON, Mr. LATHAM, Mr. THUNE, Mr. OSE, Mr. SKELTON, Mr. MCKEON, Mr. UDALL of New Mexico, Mr. KIND, Mr. LAFALCE, and Mr. ROEMER.

H. Con. Res. 186: Mr. STUMP, Mr. SESSIONS, and Mr. DIAZ-BALART.

H. Con. Res. 189: Mr. PETERSON of Minnesota, Mrs. TAUSCHER, and Mr. THOMPSON of California.

H. Res. 17: Ms. BERKLEY.

H. Res. 134: Mr. LIPINSKI, Mr. HOUGHTON, Mr. INSLEE, Ms. DEGETTE, Mrs. MYRICK, Mr. OXLEY, and Mr. CONDIT.

H. Res. 224: Mr. MANZULLO.

H. Res. 287: Mr. WU, Mr. KENNEDY of Rhode Island, Ms. VELÁZQUEZ, and Mr. MCNULTY.

H. Res. 303: Mr. FOSSELLA, Mr. MCCRERY, Mr. ROYCE, Mr. EHLERS, Mr. COOKSEY, Mr. BUYER, Mr. BURR of North Carolina, Mr. FRANKS of New Jersey, Mr. CHABOT, Ms. GRANGER, Mr. SOUDER, Mr. WELDON of Pennsylania, Mr. GUTKNECHT, Mr. MANZULLO, and Mr. TANCREDO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1760: Mrs. BIGGERT.

CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H.REPT. 106–355)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,824,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,650,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,102,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $520,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,075,000.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,062,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $148,673,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Minority Business Resource Center Program

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

Minority Business Outreach

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,781,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer certain parcels of real property located at Sitka, Japonski Island, Alaska to the State of Alaska for the purpose of airport expansion, provided that the Commandant determines that the Coast Guard has been indemnified for any loss, damage, or destruction of any structures or other improvements on the lands to be conveyed. No other provision of law shall otherwise make the real property improvements on Japonski Island ineligible for Federal funding by virtue of any consideration received by the Coast Guard for such improvements: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That the Secretary of Transportation may use any surplus funds that are made available to the Secretary, to the maximum extent practicable, for drug interdiction activities of the Coast Guard.

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $134,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $44,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $51,626,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2002: Provided, That the Commandant of the Coast Guard is authorized to dispose of, by sale at fair market value, all rights, title, and interest of any United States entity on behalf of the Coast Guard in HU–25 aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and Aids to Navigation Team Huron, Ohio: Provided further, That all proceeds from the sale of properties listed under this heading, and from the sale of HU–25 aircraft, shall be credited to this appropriation as offsetting collections and made available only for the Integrated Deepwater Systems program, to remain available for obligation until September 30, 2002: Provided further, That obligations made pursuant to the provisions of this Act for the Integrated Deepwater Systems program may not exceed $50,000,000 during fiscal year 2000: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

Reserve Training

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: Provided, That no more than $21,500,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

Operations

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,900,000,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That no more than $24,162,700 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,075,000,000, of which $1,780,000,000 shall remain available until September 30, 2002, and of which $295,000,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amount provided under this heading in Public Law 105–66, $30,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $156,495,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $1,950,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $45,000,000 of funds limited under this heading shall be obligated for administration : Provided further, That, notwithstanding any other provision of law, in the event of a lapse in authorization of the grants program under this heading, funding available under Federal Aviation Administration, "Operations" may be obligated for administration during the time period of the lapse in authorization, at the rate corresponding to the maximum annual obligation level of $45,000,000: Provided further, That total obligations from all sources in fiscal year 2000 for administration may not exceed $45,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $376,072,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That $70,484,000 shall be available to carry out the functions and operations of the Office of Motor Carriers: Provided further, That of the funds available under section 104(a) of title 23, United States Code: $6,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; $5,000,000 shall be available for Nationwide Differential Global Positioning System program, as authorized; $8,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; $15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for research activities at the Transportation Research Institute and to construct a building to house the Institute, and shall remain available until expended; $18,300,000 shall be available for the Indian Reservation Roads Program under section 204 of title 23, United States Code; $16,400,000 shall be available for the Public Lands Highways Program under section 204 of title 23, United States Code; $11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, United States Code; $1,300,000 shall be available for the Refuge Road Program under section 204 of title 23, United States Code; $10,000,000 shall be available for the Transportation and Community and System Preservation pilot program under section 1221 of Public Law 105–178; and $7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That within the $211,200,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Albuquerque, New Mexico, $2,000,000;

Arapahoe County, Colorado, $1,000,000;

Branson, Missouri, $1,000,000;

Central Pennsylvania, $1,000,000;

Charlotte, North Carolina, $1,000,000;

Chicago, Illinois, $1,000,000;

City of Superior and Douglas County, Wisconsin, $1,000,000;

Clay County, Missouri, $300,000;

Clearwater, Florida, $3,500,000;

College Station, Texas, $1,000,000;

Central Ohio, $1,000,000;

Commonwealth of Virginia, $4,000,000;

Corpus Christi, Texas, $1,500,000;

Delaware River, Pennsylvania, $1,000,000;

Fairfield, California, $750,000;

Fargo, North Dakota, $1,000,000;

Florida Bay County, Florida, $1,000,000;

Fort Worth, Texas, $2,500,000;

Grand Forks, North Dakota, $500,000;

Greater Metropolitan Capital Region, DC, $5,000,000;

Greater Yellowstone, Montana, $1,000,000;

Houma, Louisiana, $1,000,000;

Houston, Texas, $1,500,000;

Huntsville, Alabama, $500,000;

Inglewood, California, $1,000,000;

Jefferson County, Colorado, $1,500,000;

Kansas City, Missouri, $1,000,000;

Las Vegas, Nevada, $2,800,000;

Los Angeles, California, $1,000,000;

Miami, Florida, $1,000,000;

Mission Viejo, California, $1,000,000;

Monroe County, New York, $1,000,000;

Nashville, Tennessee, $1,000,000;

Northeast Florida, $1,000,000;

Oakland, California, $500,000;

Oakland County, Michigan, $1,000,000;

Oxford, Mississippi, $1,500,000;

Pennsylvania Turnpike, Pennsylvania, $2,500,000;

Pueblo, Colorado, $1,000,000;

Puget Sound, Washington, $1,000,000;

Reno/Tahoe, California/Nevada, $500,000;

Rensselaer County, New York, $1,000,000;

Sacramento County, California, $1,000,000;

Salt Lake City, Utah, $3,000,000;

San Francisco, California, $1,000,000;

Santa Clara, California, $1,000,000;

Santa Teresa, New Mexico, $1,000,000;

Seattle, Washington, $2,100,000;

Shenandoah Valley, Virginia, $2,500,000;

Shreveport, Louisiana, $1,000,000;

Silicon Valley, California, $1,000,000;

Southeast Michigan, $2,000,000;

Spokane, Washington, $500,000;

St. Louis, Missouri, $1,000,000;

State of Alabama, $1,300,000;

State of Alaska, $3,000,000;

State of Arizona, $1,000,000;

State of Colorado, $1,500,000;

State of Delaware, $2,000,000;

State of Idaho, $2,000,000;

State of Illinois, $1,500,000;

State of Maryland, $2,000,000;

State of Minnesota, $7,000,000;

State of Montana, $1,000,000;

State of Nebraska, $500,000;

State of Oregon, $1,000,000;

State of Texas, $4,000,000;

State of Vermont rural systems, $1,000,000;

States of New Jersey and New York, $2,000,000;

Statewide Transcom/Transmit upgrades, New Jersey, $4,000,000;

Tacoma Puyallup, Washington, $500,000;

Thurston, Washington, $1,000,000;

Towamencin, Pennsylvania, $600,000;

Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, $1,500,000;

Wayne County, Michigan, $1,000,000: Provided further, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000, except that before such apportionments are made, $90,000,000 shall be set aside for projects authorized under section 1602 of Public Law 105–178 as amended, and $8,000,000 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 as amended. Of the funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2000 but for this section: Provided further, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 "Widen I–15 in San Bernardino County", section 1602 of Public Law 105–178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $8,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,640,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,283,000, of which $6,800,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,464,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $27,200,000, to remain available until expended.

Alaska Railroad Rehabilitation

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended: Provided, That none of the funds made available under this head shall be obligated until the enactment of authorizing legislation for the "Rhode Island Rail Development" program.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $571,000,000 to remain available until expended: Provided, That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: Provided, That no more than $60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $1,500,000 for costs associated with the audit and review of new fixed guideway systems.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: Provided, That no more than $3,098,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

University Transportation Research

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

Transit Planning and Research

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: Provided, That no more than $107,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,000,000;

Electric vehicle information sharing and technology transfer program, $750,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Project ACTION, $3,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,000,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000;

Advanced transportation and alternative fuel technology consortium (CALSTART), $3,250,000;

Safety and security programs, $5,450,000;

International program, $1,000,000;

Santa Barbara Electric Transit Institute, $500,000;

Hennepin County community transportation, Minnesota, $1,000,000;

Pittsfield economic development authority electric bus program, $1,350,000; and

Citizens for Modern Transit, Missouri, $300,000.

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,929,270,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $1,960,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

Capital Investment Grants

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: Provided, That no more than $2,451,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000, together with $50,000,000 transferred from "Federal Transit Administration, Formula grants", to be available for the following projects in amounts specified below:

No.	State	Project	Conference
1	Alaska	Anchorage Ship Creek intermodal facility	$4,500,000
2	Alaska	Fairbanks intermodal rail/bus transfer facility	2,000,000
3	Alaska	Juneau downtown mass transit facility	1,500,000
4	Alaska	North Star Borough-Fairbanks intermodal facility	3,000,000
5	Alaska	Wasilla intermodal facility	1,000,000
6	Alaska	Whittier intermodal facility and pedestrian overpass	1,155,000
7	Alabama	Alabama statewide rural bus needs	2,500,000
8	Alabama	Baldwin Rural Area Transportation System buses	1,000,000
9	Alabama	Birmingham intermodal facility	2,000,000
10	Alabama	Birmingham-Jefferson County buses	1,250,000
11	Alabama	Cullman, buses	500,000
12	Alabama	Dothan Wiregrass Transit Authority vehicles and transit facility	1,000,000
13	Alabama	Escambia County buses and bus facility	100,000
14	Alabama	Gees Bend Ferry facilities, Wilcox County	100,000
15	Alabama	Marshall County, buses	500,000
16	Alabama	Huntsville Airport international intermodal center	3,500,000
17	Alabama	Huntsville, intermodal facility	1,250,000

No.	State	Project	Conference
18	Alabama	Huntsville Space and Rocket Center intermodal center	3,500,000
19	Alabama	Jasper buses	50,000
20	Alabama	Jefferson State Community College/University of Montevallo pedestrian walkway	200,000
21	Alabama	Mobile waterfront terminal complex	5,000,000
22	Alabama	Montgomery Union Station intermodal center and buses	3,500,000
23	Alabama	Valley bus and bus facilities	110,000
24	Arkansas	Arkansas Highway and Transit Department buses	2,000,000
25	Arkansas	Arkansas state safety and preventative maintenance facility	800,000
26	Arkansas	Fayetteville, University of Arkansas Transit System buses	500,000
27	Arkansas	Hot Springs, transportation depot and plaza	1,560,000
28	Arkansas	Little Rock, Central Arkansas Transit buses	300,000
29	Arizona	Phoenix bus and bus facilities	3,750,000
30	Arizona	Phoenix South Central Avenue transit facility	500,000
31	Arizona	San Luis, bus	70,000
32	Arizona	Tucson buses	2,555,000
33	Arizona	Yuma paratransit buses	125,000
34	California	California Mountain Area Regional Transit Authority fueling stations	80,000
35	California	Culver City, CityBus buses	1,250,000
36	California	Davis, Unitrans transit maintenance facility	625,000
37	California	Healdsburg, intermodal facility	1,000,000
38	California	I–5 Corridor intermodal transit centers	1,250,000
39	California	Livermore automatic vehicle locator program	1,000,000
40	California	Lodi, multimodal facility	850,000
41	California	Los Angeles County Metropolitan transportation authority buses	3,000,000
42	California	Los Angeles County Foothill Transit buses and HEV vehicles	1,750,000
43	California	Los Angeles Municipal Transit Operators Coalition	2,250,000
44	California	Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
45	California	Maywood, Commerce, Bell, Cudahy, California buses and bus facilities	800,000
46	California	Modesto, bus maintenance facility	625,000
47	California	Monterey, Monterey-Salinas buses	625,000
48	California	Orange County, bus and bus facilities	2,000,000
49	California	Perris bus maintenance facility	1,250,000
50	California	Redlands, trolley project	800,000
51	California	Sacramento CNG buses	1,250,000
52	California	San Bernardino Valley, CNG buses	1,000,000
53	California	San Bernardino train station	3,000,000
54	California	San Diego North County buses and CNG fueling station	3,000,000
55	California	Contra Costa County Connection buses	250,000
56	California	San Francisco, Islais Creek maintenance facility	1,250,000
57	California	Santa Barbara buses and bus facility	1,750,000
58	California	Santa Clarita bus maintenance facility	1,250,000
59	California	Santa Cruz buses and bus facilities	1,755,000
60	California	Santa Maria Valley/Santa Barbara County, buses	240,000
61	California	Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000
62	California	Westminster senior citizen vans	150,000
63	California	Windsor, Intermodal Facility	750,000
64	California	Woodland Hills, Warner Center Transportation Hub	625,000
65	Colorado	Boulder/Denver, RTD buses	625,000
66	Colorado	Colorado Association of Transit Agencies	8,000,000
67	Colorado	Denver, Stapleton Intermodal Center	1,250,000
68	Connecticut	New Haven bus facility	2,250,000
69	Connecticut	Norwich buses	2,250,000
70	Connecticut	Waterbury, bus facility	2,250,000
71	Dist. of Columbia	Fuel cell bus and bus facilities program, Georgetown University	4,850,000
72	Dist. of Columbia	Washington, D.C. Intermodal Transportation Center, District	2,500,000
73	Delaware	New Castle County buses and bus facilities	2,000,000
74	Delaware	Delaware buses and bus facility	500,000
75	Florida	Daytona Beach, Intermodal Center	2,500,000
76	Florida	Gainesville hybrid-electric buses and facilities	500,000
77	Florida	Jacksonville buses and bus facilities	1,000,000
78	Florida	Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
79	Florida	Miami Beach, electric shuttle service	750,000
80	Florida	Miami-Dade Transit buses	2,750,000
81	Florida	Orlando, Lynx buses and bus facilities	2,000,000
82	Florida	Orlando, Downtown Intermodal Facility	2,500,000
83	Florida	Palm Beach, buses	1,000,000
84	Florida	Tampa HARTline buses	500,000
85	Georgia	Atlanta, MARTA buses	13,500,000
86	Georgia	Chatham Area Transit Bus Transfer Center and buses	3,500,000
87	Georgia	Georgia Regional Transportation Authority buses	2,000,000
88	Georgia	Georgia statewide buses and bus-related facilities	2,750,000
89	Hawaii	Hawaii buses and bus facilities	2,250,000
90	Hawaii	Honolulu, bus facility and buses	2,000,000
91	Iowa	Ames transit facility expansion	700,000
92	Iowa	Cedar Rapids intermodal facility	3,500,000
93	Iowa	Clinton transit facility expansion	500,000
94	Iowa	Fort Dodge, Intermodal Facility (Phase II)	885,000
95	Iowa	Iowa City intermodal facility	1,500,000
96	Iowa	Iowa statewide buses and bus facilities	2,500,000
97	Iowa	Iowa/Illinois Transit Consortium bus safety and security	1,000,000
98	Illinois	East Moline transit center	650,000

No.	State	Project	Conference
99	Illinois	Illinois statewide buses and bus-related equipment	8,200,000
100	Indiana	Gary, Transit Consortium buses	1,250,000
101	Indiana	Indianapolis buses	5,000,000
102	Indiana	South Bend Urban Intermodal Transportation Facility	1,250,000
103	Indiana	West Lafayette bus transfer station/terminal (Wabash Landing)	1,750,000
104	Kansas	Girard, buses and vans	700,000
105	Kansas	Johnson County, farebox equipment	250,000
106	Kansas	Kansas City buses	750,000
107	Kansas	Kansas Public Transit Association buses and bus facilities	1,500,000
108	Kansas	Girard Southeast Kansas Community Action Agency maintenance facility	480,000
109	Kansas	Topeka Transit downtown transfer facility	600,000
110	Kansas	Wichita, buses and bus facilities	2,500,000
111	Kentucky	Transit Authority of Northern Kentucky (TANK) buses	2,500,000
112	Kentucky	Kentucky (southern and eastern) transit vehicles	1,000,000
113	Kentucky	Lexington (LexTran), maintenance facility	1,000,000
114	Kentucky	River City, buses	1,500,000
115	Louisiana	Louisiana statewide buses and bus-related facilities	5,000,000
116	Massachusetts	Attleboro intermodal transit facility	500,000
117	Massachusetts	Brockton intermodal transportation center	1,100,000
118	Massachusetts	Greenfield Montague, buses	500,000
119	Massachusetts	Merrimack Valley Regional Transit Authority bus facilities	467,500
120	Massachusetts	Montachusett, bus and park-and-ride facilities	1,250,000
121	Massachusetts	Pioneer Valley, alternative fuel and paratransit vehicles	650,000
122	Massachusetts	Pittsfield intermodal center	3,600,000
123	Massachusetts	Springfield, Union Station	1,250,000
124	Massachusetts	Swampscott, buses	65,000
125	Massachusetts	Westfield, intermodal transportation facility	500,000
126	Massachusetts	Worcester, Union Station Intermodal Transportation Center	2,500,000
127	Maryland	Maryland statewide bus facilities and buses	11,500,000
128	Michigan	Detroit, transfer terminal facilities	3,963,000
129	Michigan	Detroit, EZ Ride program	287,000
130	Michigan	Menominee-Delta-Schoolcraft buses	250,000
131	Michigan	Michigan statewide buses	22,500,000
132	Michigan	Port Huron, CNG fueling station	500,000
133	Minnesota	Duluth, Transit Authority community circulation vehicles	1,000,000
134	Minnesota	Duluth, Transit Authority intelligent transportation systems	500,000
135	Minnesota	Duluth, Transit Authority Transit Hub	500,000
136	Minnesota	Greater Minnesota transit authorities	500,000
137	Minnesota	Northstar Corridor, Intermodal Facilities and buses	10,000,000
138	Minnesota	Twin Cities metropolitan buses and bus facilities	10,000,000
139	Missouri	Columbia buses and vans	500,000
140	Missouri	Southeast Missouri transportation service rural, elderly, disabled service	1,250,000
141	Missouri	Franklin County buses and bus facilities	200,000
142	Missouri	Jackson County buses and bus facilities	500,000
143	Missouri	Kansas City Area Transit Authority buses and Troost transit center	2,500,000
144	Missouri	Missouri statewide bus and bus facilities	3,500,000
145	Missouri	OATS Transit	1,500,000
146	Missouri	St. Joseph buses and vans	500,000
147	Missouri	St. Louis, buses	2,000,000
148	Missouri	St. Louis, Bi-state Intermodal Center	1,250,000
149	Missouri	Southwest Missouri State University park and ride facility	1,000,000
150	Mississippi	Harrison County multimodal center	3,000,000
151	Mississippi	Jackson, maintenance and administration facility project	1,000,000
152	Mississippi	North Delta planning and development district, buses and bus facilities	1,200,000
153	Montana	Missoula urban transportation district buses	600,000
154	North Carolina	Greensboro multimodal center	3,339,000
155	North Carolina	Greensboro, Transit Authority buses	1,500,000
156	North Carolina	North Carolina statewide buses and bus facilities	2,492,000
157	North Dakota	North Dakota statewide buses and bus-related facilities	1,000,000
158	New Hampshire	New Hampshire statewide transit systems	3,000,000
159	New Jersey	New Jersey Transit alternative fuel buses	5,000,000
160	New Jersey	New Jersey Transit jitney shuttle buses	1,750,000
161	New Jersey	Newark intermodal and arena access improvements	1,650,000
162	New Jersey	Newark, Morris & Essex Station access and buses	1,250,000
163	New Jersey	South Amboy, Regional Intermodal Transportation Initiative	1,250,000
164	New Mexico	Albuquerque West Side transit facility	2,000,000
165	New Mexico	Albuquerque, buses	1,250,000
166	New Mexico	Las Cruces buses and bus facilities	750,000
167	New Mexico	Northern New Mexico Transit Express/Park and Ride buses	2,750,000
168	New Mexico	Santa Fe, buses and bus facilities	2,000,000
169	Nevada	Clark County Regional Transportation Commission buses and bus facilities	2,500,000
170	Nevada	Lake Tahoe CNG buses	700,000
171	Nevada	Washoe County transit improvements	2,250,000
172	New York	Babylon Intermodal Center	1,250,000
173	New York	Buffalo, Auditorium Intermodal Center	2,000,000
174	New York	Dutchess County, Loop System buses	521,000
175	New York	Ithaca intermodal transportation center	1,125,000
176	New York	Ithaca, TCAT bus technology improvements	1,250,000
177	New York	Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
178	New York	Mineola/Hicksville, LIRR intermodal centers	1,250,000
179	New York	New York City Midtown West 38th Street ferry terminal	1,000,000

No.	State	Project	Conference
180	New York	New York, West 72nd St. Intermodal Station	1,750,000
181	New York	Putnam County, vans	470,000
182	New York	Rensselaer intermodal bus facility	6,000,000
183	New York	Rochester buses and bus facility	1,000,000
184	New York	Syracuse, buses	3,000,000
185	New York	Utica Union Station	2,100,000
186	New York	Westchester County DOT, articulated buses	1,250,000
187	New York	Westchester County, Bee-Line transit system fareboxes	979,000
188	New York	Westchester County, Bee-Line transit system shuttle buses	1,000,000
189	Ohio	Cleveland, Triskett Garage bus maintenance facility	625,000
190	Ohio	Dayton, Multimodal Transportation Center	4,125,000
191	Ohio	Ohio statewide buses and bus facilities	9,010,250
192	Oklahoma	Oklahoma statewide bus facilities and buses	5,000,000
193	Oregon	Corvallis buses and automated passenger information system	300,000
194	Oregon	Lane County, Bus Rapid Transit, buses and facilities	4,400,000
195	Oregon	Lincoln County Transit District buses	250,000
196	Oregon	Portland, Tri-Met bus maintenance facility	650,000
197	Oregon	Portland, Tri-Met buses	1,750,000
198	Oregon	Salem Area Mass Transit District natural gas buses	500,000
199	Oregon	Sandy buses	100,000
200	Oregon	South Metro Area Rapid Transit (SMART) maintenance facility	200,000
201	Oregon	Sunset Empire Transit District intermodal transit facility	300,000
202	Pennsylvania	Allegheny County buses	1,500,000
203	Pennsylvania	Altoona bus testing	3,000,000
204	Pennsylvania	Altoona, Metro Transit Authority buses and transit system improvements	842,000
205	Pennsylvania	Armstrong County-Mid-County, bus facilities and buses	150,000
206	Pennsylvania	Bethlehem, intermodal facility	1,000,000
207	Pennsylvania	Cambria County, bus facilities and buses	575,000
208	Pennsylvania	Centre Area Transportation Authority buses	1,250,000
209	Pennsylvania	Chester County, Paoli Transportation Center	1,000,000
210	Pennsylvania	Erie, Metropolitan Transit Authority buses	1,000,000
211	Pennsylvania	Fayette County, intermodal facilities and buses	1,270,000
212	Pennsylvania	Lackawanna County Transit System buses	600,000
213	Pennsylvania	Lackawanna County, intermodal bus facility	1,000,000
214	Pennsylvania	Mid-Mon Valley buses and bus facilities	250,000
215	Pennsylvania	Norristown, parking garage (SEPTA)	1,000,000
216	Pennsylvania	Philadelphia, Frankford Transportation Center	5,000,000
217	Pennsylvania	Philadelphia, Intermodal 30th Street Station	1,250,000
218	Pennsylvania	Reading, BARTA Intermodal Transportation Facility	1,750,000
219	Pennsylvania	Robinson, Towne Center Intermodal Facility	1,500,000
220	Pennsylvania	Somerset County bus facilities and buses	175,000
221	Pennsylvania	Towamencin Township, Intermodal Bus Transportation Center	1,500,000
222	Pennsylvania	Washington County intermodal facilities	630,000
223	Pennsylvania	Westmoreland County, Intermodal Facility	200,000
224	Pennsylvania	Wilkes-Barre, Intermodal Facility	1,250,000
225	Pennsylvania	Williamsport bus facility	1,200,000
226	Puerto Rico	San Juan Intermodal access	600,000
227	Rhode Island	Providence, buses and bus maintenance facility	3,294,000
228	South Carolina	Central Midlands COG/Columbia transit system	2,700,000
229	South Carolina	Charleston Area regional transportation authority	1,900,000
230	South Carolina	Clemson Area Transit buses and bus equipment	550,000
231	South Carolina	Greenville transit authority	500,000
232	South Carolina	Pee Dee buses and facilities	900,000
233	South Carolina	Santee-Wateree regional transportation authority	400,000
234	South Carolina	South Carolina Statewide Virtual Transit Enterprise	1,220,000
235	South Carolina	Transit Management of Spartanburg, Incorporated (SPARTA)	600,000
236	South Dakota	South Dakota statewide bus facilities and buses	1,500,000
237	Tennessee	Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric buses	3,500,000
238	Texas	Austin buses	1,750,000
239	Texas	Beaumont Municipal Transit System buses and bus facilities	1,000,000
240	Texas	Brazos Transit Authority buses and bus facilities	1,000,000
241	Texas	El Paso Sun Metro buses	1,000,000
242	Texas	Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
243	Texas	Forth Worth intermodal transportation center	3,100,000
244	Texas	Galveston buses and bus facilities	1,000,000
245	Texas	Texas statewide small urban and rural buses	5,000,000
246	Utah	Ogden Intermodal Center	800,000
247	Utah	Salt Lake City Olympics bus facilities	2,500,000
248	Utah	Salt Lake City Olympics regional park and ride lots	2,500,000
249	Utah	Salt Lake City Olympics transit bus loan project	500,000
250	Utah	Utah Transit Authority, intermodal facilities	1,500,000
251	Utah	Utah Transit Authority/Park City Transit, buses	6,500,000
252	Virginia	Alexandria, bus maintenance facility	1,000,000
253	Virginia	Richmond, GRTC bus maintenance facility	1,250,000
254	Virginia	Statewide buses and bus facilities	8,435,000
255	Vermont	Burlington multimodal center	2,700,000
256	Vermont	Chittenden County Transportation Authority buses	800,000
257	Vermont	Essex Junction multimodal station rehabilitation	500,000
258	Vermont	Killington-Sherburne satellite bus facility	250,000
259	Washington	Bremerton multimodal center—Sinclair's Landing	750,000
260	Washington	Sequim Clallam Transit multimodal center	1,000,000

No.	State	Project	Conference
261	Washington	Everett, Multimodal Transportation Center	1,950,000
262	Washington	Grant County, Grant Transit Authority	500,000
263	Washington	Grays Harbor County, buses and equipment	1,250,000
264	Washington	King County Metro King Street Station	2,000,000
265	Washington	King County Metro Atlantic and Central buses	1,500,000
266	Washington	King County park and ride expansion	1,350,000
267	Washington	Mount Vernon, buses and bus related facilities	1,750,000
268	Washington	Pierce County Transit buses and bus facilities	500,000
269	Washington	Seattle, intermodal transportation terminal	1,250,000
270	Washington	Snohomish County, Community Transit buses, equipment and facilities	1,250,000
271	Washington	Spokane, HEV buses	1,500,000
272	Washington	Tacoma Dome Station	250,000
273	Washington	Vancouver Clark County (C–TRAN) bus facilities	1,000,000
274	Washington	Washington State DOT combined small transit system buses and bus facilities	2,000,000
275	Wisconsin	Milwaukee County, buses	6,000,000
276	Wisconsin	Wisconsin statewide bus facilities and buses	14,250,000
277	West Virginia	Huntington intermodal facility	12,000,000
278	West Virginia	Parkersburg, intermodal transportation facility	4,500,000
279	West Virginia	West Virginia Statewide Intermodal Facility and buses	5,000,000;

and there shall be available for new fixed guideway systems $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas capital metro northwest/north central corridor project;

$4,750,000 for the Baltimore central LRT double track project;

$3,000,000 for the Birmingham, Alabama transit corridor;

$1,000,000 for the Boston Urban Ring project;

$500,000 for the Calais, Maine branch rail line regional transit program;

$2,500,000 for the Canton-Akron-Cleveland commuter rail project;

$2,500,000 for the Charleston, South Carolina Monobeam corridor project;

$4,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$3,500,000 for the Chicago Transit Authority Douglas branch line project;

$3,500,000 for the Chicago Transit Authority Ravenswood branch line project;

$1,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$3,500,000 for the Clark County, Nevada, fixed guideway project, together with unobligated funds provided in Public Law 103–331 for the "Burlington to Glcucester, New Jersey line";

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$50,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$3,000,000 for the Denver Southeast corridor project;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$10,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$1,500,000 for the Galveston, Texas rail trolley extension project;

$10,000,000 for the Girdwood, Alaska commuter rail project;

$7,000,000 for the Greater Albuquerque mass transit project;

$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;

$3,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Indianapolis, Indiana Northeast Downtown corridor project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$500,000 for the Knoxville-Memphis commuter rail feasibility study;

$2,000,000 for the Long Island Railroad East Side access project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$4,000,000 for the Los Angeles Mid-City and East Side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;

$703,000 for the MARC commuter rail project;

$1,500,000 for MARC expansion projects—Silver Spring intermodal and Penn-Camden rail connection;

$1,000,000 for the Massachusetts North Shore corridor project;

$2,500,000 for the Memphis, Tennessee, Medical Center rail extension project;

$1,500,000 for the Miami-Dade Transit east-west multimodal corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$5,000,000 for the New Jersey/New York Trans-Hudson Midtown corridor;

$1,000,000 for the New Orleans Canal Street corridor project;

$12,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$10,000,000 for temporary and permanent Olympic transportation infrastructure investments: Provided, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: Provided further, That none of these funds shall be available for rail extensions;

$1,000,000 for the Orange County, California, transitway project;

$5,000,000 for the Orlando Lynx light rail project (phase 1);

$500,000 for the Palm Beach, Broward and Miami-Dade counties rail corridor;

$4,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$1,000,000 for the Philadelphia SEPTA cross-county metro;

$5,000,000 for the Phoenix metropolitan area transit project;

$2,500,000 for the Pinellas County, Florida, mobility initiative project;

$10,000,000 for the Pittsburgh North Shore-central business district corridor project;

$8,000,000 for the Pittsburgh stage II light rail project;

$11,062,000 for the Portland Westside light rail transit project;

$25,000,000 for the Puget Sound RTA Link light rail project;

$5,000,000 for the Puget Sound RTA Sounder commuter rail project;

$8,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$37,928,000 for the Utah north/south light rail project;

$1,000,000 for the San Bernardino, California Metrolink project;

$5,000,000 for the San Diego Mid Coast corridor project;

$20,000,000 for the San Diego Mission Valley East light rail transit project;

$65,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$32,000,000 for the San Juan Tren Urbano project;

$3,000,000 for the Santa Fe/El Dorado, New Mexico rail link;

$53,895,000 for the South Boston piers transitway;

$1,000,000 for the South Dekalb-Lindbergh, Georgia, corridor project;

$2,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$2,500,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Stamford, Connecticut fixed guideway connector;

$1,000,000 for the Stockton, California Altamont commuter rail project;

$1,000,000 for the Tampa Bay regional rail project;

$3,000,000 for the Twin Cities Transitways projects;

$42,800,000 for the Twin Cities Transitways—Hiawatha corridor project;

$2,200,000 for the Virginia Railway Express commuter rail project;

$4,750,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;

$1,000,000 for the West Trenton, New Jersey, rail project;

$2,000,000 for the Whitehall ferry terminal reconstruction project;

$1,000,000 for the Wilmington, Delaware downtown transit connector; and

$500,000 for the Wilsonville to Washington County, Oregon connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,061,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,879,000, of which $5,479,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $17,394,000 shall remain available until September 30, 2002; and of which $1,400,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States and public education activities.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used: (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers; (2) for monitoring by the Inspector General of the compliance of domestic and foreign air carriers with respect to paragraph (1) of this proviso; and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That it is the sense of the Senate that funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign air carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: Provided, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $15,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $133,673,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 322. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 323. Section 3021 of Public Law 105–178 is amended in subsection (a)—

(1) in the first sentence, by striking "single-State";

(2) in the second sentence, by striking "Any" and all that follows through "United States Code" and inserting "The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code".

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 328. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 329. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 331. Notwithstanding any other provision of law, funds made available under this Act, and any prior year unobligated funds, for the Charleston, South Carolina Monobeam Corridor Project shall be transferred to and administered under the Transit Planning and Research account, subject to such terms and conditions as the Secretary deems appropriate.

SEC. 332. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 334. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 335. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings, developed by Amtrak which incorporate information on each route's fully allocated costs and *ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.*

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 338. None of the funds appropriated or limited in this Act may be used to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration: Provided, That funds available to the Federal Highway Administration shall be transferred with the functions and operations of the Office of Motor Carriers should any of the functions and operations of that office be delegated by the Secretary outside of the Federal Highway Administration: Provided further, That notwithstanding section 104(c)(2) of title 49, United States Code, the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. 521(b)(5).

SEC. 339. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 336) is amended by adding at the end the following:

"(e) GOVERNMENT SHARE FOR OPERATING ASSISTANCE TO CERTAIN SMALLER URBANIZED AREAS.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a 5-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.".

SEC. 340. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 341. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting "Light Rail".

SEC. 342. Notwithstanding any other provision of law, the Federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 343. Of the funds made available to the Coast Guard in this Act under "Acquisition, construction, and improvements", $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in the Great Lakes, to remain available until September 30, 2005.

SEC. 344. None of the funds made available in this Act may be obligated or expended to extend a single hull tank vessel's double hull compliance date under the Oil Pollution Act of 1990 due to conversion of the vessel's single hull design by adding a double bottom or double side after August 18, 1990, unless specifically authorized by 46 U.S.C. 3703a(e).

SEC. 345. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the United States Department of Transportation, Federal Highway Administration, on April 13, 1998).

SEC. 346. Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 347. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after "Committee on Banking, Housing, and Urban Affairs of the Senate" the following: "and the House and Senate Committees on Appropriations".

SEC. 348. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting "and New Jersey" after "Minnesota"; and

(2) by inserting "or the State of New Jersey" after "Minnesota".

SEC. 349. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed for national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 350. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): Provided, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

(c) 18 U.S.C. 2721(b)(11) is amended by striking all after "records" and inserting the following: "if the State has obtained the express consent of the person to whom such personal information pertains.".

(d) 18 U.S.C. 2721(b)(12) is amended by striking all after "solicitations" and inserting the following: "if the State has obtained the express consent of the person to whom such personal information pertains.".

(e) No State may condition or burden in any way the issuance of a motor vehicle record as defined in 18 U.S.C. 2725(1) upon the receipt of consent described in paragraphs (b) and (c).

(f) Notwithstanding subsections (a) and (b), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

(g) EFFECTIVE DATES.—

(1) Subsections (a) and (e) shall be effective upon the date of the enactment of this Act, excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance with this subsection within 90 days after the United States Supreme Court has issued a final decision on Reno vs. Condon;

(2) Subsections (b), (c), and (d) shall be effective on June 1, 2000, excluding the States of Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas that shall be in compliance with subsections (b), (c), and (d) within 90 days of the next convening of the State legislature and excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance within 90 days following the day of issuance of a final decision on Reno vs. Condon by the United States Supreme Court if the State legislature is in session, or within 90 days of the next convening of the State legislature following the issuance of such final decision if the State legislature is not in session.

SEC. 351. Notwithstanding any other provision of law, within the funds provided in this Act for the Federal Highway Administration and the National Highway Traffic Safety Administration, $10,000,000 may be made available for completion of the National Advanced Driving Simulator (NADS): Provided, That such funds shall be subject to reprogramming guidelines.

SEC. 352. Notwithstanding any other provision of law, section 1107(b) of Public Law 102–240 is amended by striking "Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD" and inserting in lieu thereof the following: "For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD".

SEC. 353. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

SEC. 354. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 355. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

SEC. 356. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 357. (a) Notwithstanding the January 4, 1977, decision of the Secretary of Transportation that approved construction of Interstate Highway 66 between the Capital Beltway and Rosslyn, Virginia, the Commonwealth of Virginia, in accordance with existing Federal and State law, shall hereafter have authority for operation, maintenance, and construction of Interstate Route 66 between Rosslyn and the Capital Beltway, except as noted in paragraph (b).

(b) The conditions in the Secretary's January 4, 1997 decision, that exclude heavy duty trucks and permit use by vehicles bound to or from Washington Dulles International Airport in the peak direction during peak hours, shall remain in effect.

SEC. 358. NOISE BARRIERS, GEORGIA. Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers at the locations identified in section 1215(h) and items 540 and 967 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 211, 292), and at the following locations: On the east side of I–285 extending from Northlake Parkway to Chamblee Tucker Road in Dekalb County, Georgia; and on the east side of I–185 between Macon Road and Airport Thruway.

SEC. 359. Item number 44 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 258) is amended by striking "Saratoga" and inserting "North Creek".

SEC. 360. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 361. HIGH PRIORITY PROJECTS. (a) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257–323) is amended—

(1) in item number 174 by striking "5.375" and inserting "5.25";

(2) in item 478 by striking "2.375" and inserting "2.25";

(3) in item 948 by striking "5.375" and inserting "5.25";

(4) in item 1008 by striking "3.875" and inserting "3.75";

(5) in item 1210 by striking "6.875" and inserting "6.75";

(6) by striking item 1289 and inserting the following:

"1289.	*Arkansas ....*	*Improve Highway 167 from Fordyce, Arkansas, to Saline County line*	*1.0";*

(7) in item 1319 by striking "0.875" and inserting "0.75";

(8) in item 1420—

(A) by inserting "and development" after "Conduct planning"; and

(B) by striking "0.875" and inserting "0.75"; and

(9) by adding at the end the following new item:

"1851.	*Arkansas ....*	*Construction of and improvements to highway projects in the corridor designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991*	*5.25".*

(b) HIGH PRIORITY CORRIDORS.—Section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 190) is amended by striking "in the vicinity of" and inserting "east of Wilmar, Arkansas, and west of".

SEC. 362. Section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

"(D) Bethlehem, Pennsylvania intermodal facility.".

SEC. 363. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373–375) is amended by adding at the end the following:

"(71) Dane County Corridor—East-West Madison Metropolitan Area.".

SEC. 364. Notwithstanding the provisions of 49 U.S.C. 5309(e)(6), funds appropriated under this Act for the Douglas Branch project may be used for any purpose except construction: Provided, That in evaluating the Douglas Branch project under 5309(e), the Federal Transit Administration shall use a "no-build" alternative that assumes the current Douglas Branch has been closed due to poor condition, and a "TSM" alternative which assumes the Douglas Branch has been closed due to poor condition and enhanced bus service is provided.

SEC. 365. (a) The Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") shall make a grant for the purpose of conducting a study for the following purposes:

(1) To develop and evaluate methods for calculating reductions in emissions of precursors of ground level ozone that are achieved within a geographic area as a result of reduced vehicle-miles-traveled in the geographic area.

(2) To develop a design for the following proposal for a pilot program:

(A) For the purpose of reducing such emissions, employers electing to participate in the pilot program would authorize and encourage telecommuting by their employees. Pursuant to methods developed and evaluated under paragraph (1), credits would be issued to the participating employers reflecting the amount of reductions in such emissions achieved through reduced vehicle-miles-traveled by their telecommuting employees.

(B) For purposes of compliance with the Clean Air Act, entities that are regulated under such Act with respect to such emissions would obtain the credits through a commercial trading and exchange forum (established for such purpose) and through direct trades and exchanges with participating employers and other persons who hold the credits.

(3) To determine whether, if the proposed pilot program were to be carried out, the program—

(A) could provide significant incentives for increasing the use of telecommuting, thereby reducing vehicle-miles-traveled and improving air quality; and

(B) could have positive effects on national, State, and local transportation and infrastructure policies, and on energy conservation and consumption.

(b) The Administrator shall ensure that the design developed under subsection (a)(2) includes recommendations for carrying out the proposed pilot program described in such subsection in each of the following geographic areas (which recommendations for an area shall be developed in consultation with State and local governments and business leaders and organizations in the designated areas): (1) The greater metropolitan region of the District of Columbia (including areas in the States of Maryland and Virginia). (2) The greater metropolitan region of Los Angeles, in the State of California. (3) The greater metropolitan region of Philadelphia, in the State of Pennsylvania (including areas in the State of New Jersey). (4) Two additional areas to be selected by the grantee under subsection (a), after consultation with the Administrator (or the designee of the Administrator).

(c) The grant under subsection (a) shall be made to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia). The grant may not be made in an amount exceeding $500,000.

(d) The Administrator shall make the grant under subsection (a) not later than 45 days after the date of the enactment of this Act. The Administrator shall require that, not later than 180 days after receiving the first payment under the grant, the grantee under subsection (a) complete the study under such subsection and submit to the Administrator a report describing the methods developed and evaluated under paragraph (1) of such subsection, and containing the design required in paragraph (2) of such subsection and the determinations required in paragraph (3) of such subsection.

(e) The Administrator shall carry out this section (including subsection (b)(3)) in collaboration with the Secretary of Transportation and the Secretary of Energy.

(f) To carry out this section, $500,000 is hereby appropriated to the Department of Transportation, "Office of the Assistant Secretary for Policy", to be transferred to and administered by the Environmental Protection Agency, to be available until expended.

SEC. 366. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the City of Safford, Arizona, for use by the city for airport purposes: Provided, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.

SEC. 367. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 368. Funds provided in the Department of Transportation and Related Agencies Appropriations Acts for fiscal years 1998 and 1999 for an intermodal facility in Eureka, California, shall be available for the expansion and rehabilitation of a bus maintenance facility in Humboldt County, California.

SEC. 369. Notwithstanding any other provision of law, funds previously expended by the City of Moorhead and Moorhead Township on studies related to the 34th Street Corridor Project in Moorhead, Minnesota, shall be considered as the non-Federal match for obligation of funds available under section 1602, item 1404 of the Transportation Equity Act for the 21st Century, as amended, associated with a study of alternatives to rail relocation.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2000".

And the Senate agree to the same.

Frank R. Wolf,
Tom DeLay,
Ralph Regula,
Harold Rogers,
Ron Packard,
Sonny Callahan,
Todd Tiahrt,
Robert B. Aderholt,
Kay Granger,
Bill Young,
Martin Olav Sabo,
John W. Olver,
Ed Pastor,
Carolyn C. Kilpatrick,
Jose E. Serrano,
Mike Forbes,
David Obey,
Managers on the Part of the House.

Richard C. Shelby,
Pete V. Domenici,
Arlen Specter,
C.S. Bond,
Slade Gorton,
Robert F. Bennett,
Ben Nighthorse Campbell,
Ted Stevens,
Frank R. Lautenberg,
Robert Byrd,
B.A. Mikulski,
Harry Reid,
Herb Kohl,
Patty Murray,
D.K. Inouye,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House of Representatives and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Congressional Directives

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. Report language included by the House (House Report 106–180) or the Senate (Senate Report 106–55 accompanying the companion measure S. 1143) that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

Program, Project, and Activity

During fiscal year 2000, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

Staffing Increases Provided by Congress

The conferees direct the Department of Transportation to fill expeditiously any positions added in the conference agreement, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. The conferees support the overall staffing reductions, and have made reductions in the conference agreement that more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

SALARIES AND EXPENSES

The conference agreement provides a total program level of $60,852,000 for the salaries and expenses of the various offices comprising the Office of the Secretary. A consolidated appropriations request for these offices has not been approved, rather individual appropriations have been provided for each of the offices within the Office of the Secretary, as proposed by both the House and Senate.

The conference agreement includes a provision (sec. 336) which authorizes the Secretary to transfer funds appropriated for any office in the Office of the Secretary to any other office of the Office of the Secretary, provided that no appropriation shall be increased or decreased by more than 12 percent by all such transfers and that such transfers shall be submitted for approval to the House and Senate Committees on Appropriations. None of the funds provided in this Act shall be available for any new position not specifically requested in the budget and approved by the House and Senate Committees on Appropriations.

IMMEDIATE OFFICE OF THE SECRETARY

The conference agreement provides $1,867,000 for expenses of the Immediate Office of the Secretary as proposed by the House instead of $1,900,000 as proposed by the Senate.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The conference agreement provides $600,000 for expenses of the Immediate Office of the Deputy Secretary as proposed by the Senate instead of $612,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $9,000,000 for expenses of the Office of the General Counsel as proposed by both the House and Senate. The conferees concur in the staffing reductions recommended by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

The conference agreement provides $2,824,000 for the expenses of the Office of the Assistant Secretary for Policy instead of $2,900,000 as proposed by the Senate. The House proposed to merge this office into a new office, the office of the assistant secretary for transportation policy and intermodalism. The conference agreement deletes $50,000 for a radio navigation staff position and $50,000 for a transportation industry analyst.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

The conference agreement provides $7,650,000 for expenses of the Office of the Assistant Secretary for Aviation and International Affairs instead of $7,700,000 as proposed by the Senate and $7,632,000 as proposed by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

The conference agreement provides $6,870,000 for expenses of the Office of the Assistant Secretary for Budget and Programs as proposed by the Senate instead of $6,770,000 as proposed by the House. The conferees have agreed to increase the amount available for official reception and representation expenses to $45,000, as proposed by the Senate. The House bill limited funds for such expenses to $40,000.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

The conference agreement provides $2,039,000 for expenses of the Office of the Assistant Secretary for Governmental Affairs as proposed by the House instead of $2,000,000 as proposed by the Senate.

The conference agreement includes a provision (sec. 367) that requires the Secretary of Transportation to notify the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization program. In its notification to the Committees, the conferees direct the department to include: (1) the amount of the award; (2) the appropriation from which the award is being made; (3) the identification of the grantee; (4) a complete description of the project; (5) the expected date of the official announcement to be made by the department or its modal administrations; and (6) the congressional district in which the grantee is located. Moreover, the department shall not submit grant announcements for funds that are not available for obligation.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $17,767,000 for expenses of the Office of the Assistant Secretary for Administration as proposed by the House instead of $18,600,000 as proposed by the Senate. The conferees concur in the staffing and program recommendations proposed by the House.

OFFICE OF PUBLIC AFFAIRS

The conference agreement provides $1,800,000 for expenses of the Office of Public Affairs as proposed by the Senate instead of $1,836,000 as proposed by the House.

EXECUTIVE SECRETARIAT

The conference agreement provides $1,102,000 for expenses of the Executive Secretariat as proposed by the House instead of $1,110,000 as proposed by the Senate.

BOARD OF CONTRACT APPEALS

The conference agreement provides $520,000 for expenses of the Board of Contract Appeals as proposed by the House instead of $560,000 as proposed by the Senate.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The conference agreement provides $1,222,000 for expenses of the Office of Small and Disadvantaged Business Utilization as proposed by both the House and the Senate.

OFFICE OF INTELLIGENCE AND SECURITY

The conference agreement provides $1,454,000 for expenses of the Office of Intelligence and Security as proposed by the House. The Senate bill did not include an appropriation for this office, but recommended that funding for this office be derived from funds appropriated to the Federal Aviation Administration and the Coast Guard.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $5,075,000 for expenses of the Office of the Chief Information Officer instead of $5,000,000 as proposed by the House and $5,100,000 as proposed by the Senate.

OFFICE OF INTERMODALISM

The conference agreement provides an appropriation of $1,062,000 for the Office of Intermodalism. The Senate bill recommended that funds for this office be derived from funds made available to the Federal Highway Administration and the House proposed to merge this office with the office of the assistant secretary for transportation policy. The conference agreement deletes $125,000 requested for web site development.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY AND INTERMODALISM

The conference agreement deletes the appropriation of $3,781,000 proposed by the House for expenses of a new office, the Office of the Assistant Secretary for Transportation Policy and Intermodalism. The Senate bill contained no similar appropriation.

OFFICE OF CIVIL RIGHTS

The conference agreement includes $7,200,000 for expenses of the Office of Civil Rights as proposed by the Senate instead of $7,742,000 as proposed by the House.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement includes $3,300,000 for transportation planning, research and development as proposed by the Senate instead of $2,950,000 as proposed by the House. None of the funds under this heading are to be available for a center on environmental analysis and forecasting.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation of $148,673,000 on activities of the transportation administrative service center (TASC) instead of $157,965,000 as proposed by the House and $169,953,000 as proposed by the Senate. The conferees concur in the recommendations of the House to eliminate the transportation computer center, to disallow the transfer of the National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography to the TASC and to disallow requested staffing increases. The conferees have also agreed to reduce the limitation for the transportation administrative service center by amounts attributed to the departmental accounting and financial information system (DAFIS). The conferees expect the department's modal administrations to reimburse the Federal Aviation Administration directly for these services rather than using the transportation administrative service center to provide the reimbursement.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement includes a limitation on direct loans of $13,775,000 and provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $2,900,000 for minority business outreach activities, as proposed by both the House and the Senate.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $2,781,000,000 for Coast Guard operating expenses instead of $2,791,000,000 as proposed by the House and $2,772,000,000 as proposed by the Senate. The conference agreement is $160,000,000 below the budget estimate. However, when this appropriation is combined with unobligated funds provided in fiscal year 1999 supplemental appropriations, the Coast Guard will have available 100 percent of its budget request. The conferees believe this will be sufficient to cover the Coast Guard's most pressing needs in the coming year. The agreement specifies that $300,000,000 of the total is available only for defense-related activities, as proposed by the House, instead of $534,000,000 proposed by the Senate. The agreement does not include language proposed by the Senate which would have allowed a transfer of up to $60,000,000 from the FAA's operating budget to augment the Coast Guard's drug interdiction activities. The bill does not include language proposed by the Senate which would have required the Coast Guard to reimburse the Office of Inspector General for Coast Guard-related audits and investigations. The bill modifies a provision proposed by the Senate to allow the Secretary to apply surplus funds to augment drug interdiction activities of the Coast Guard and includes a provision allowing the Commandant to transfer real property at Sitka, Alaska to the State of Alaska for the purpose of airport expansion.

Specific reductions.—Reductions agreed to by the conferees reflect the Coast Guard's spending plan for supplemental military personnel funds provided during fiscal year 1999 and to protect vital funding needed for field operations. Reductions are largely allocated to administrative areas.

National ballast water management program.—The conferees agree that, of the funds provided, $3,500,000 is available only to continue the national ballast water management program. The House bill included $4,000,000 for this purpose; the Senate bill included $3,000,000.

Air facilities.—The conferees agree that, of the funds provided, $3,133,000 is only to continue operations of air facilities on Long Island New York, and Muskegon, Michigan; and $5,505,000 is only for operations of a new facility to support Southern Lake Michigan, as proposed by the House. Funds for the Southern Lake Michigan facility are solely for a facility located in Waukegan, Illinois. The conferees understand that this is the Coast Guard's preferred site.

Commercial fishing vessel safety.—The conferees do not agree with House direction to allocate $1,500,000 to the commercial fishing vessel safety program.

Maritime boundary patrols, Alaska economic zone.—The conferees commend the Coast Guard's handling of several recent incursions by foreign fishing vessels, including the Gissar, along the U.S.-Russia maritime boundary. These incidents, however, highlight the need to maintain adequate Coast Guard resources in the North Pacific Ocean and Bering Sea. The conferees direct the Coast Guard to submit a report to the House and Senate Committees on Appropriations by March 1, 2000, which details the adequacy of existing enforcement resources, the availability of support assets, and strategies for more effective protection of the United States' exclusive economic zone along the U.S.-Russia maritime boundary.

St. Clair Lake Coast Guard Station.—The conferees agree that, of the funds provided, $100,000 shall be used by the Coast Guard to purchase equipment for the acquisition of ice rescue equipment, including airboats if determined to be necessary, at the St. Clair Shores Coast Guard Station in Michigan for ice rescues on Lake St. Clair and the St. Clair River.

Uniformed Services Family Health Plan.—The conferees understand that the Coast Guard has reversed its position and will continue dependent and retiree enrollment in the Uniform Services Family Health Plan (USFHP). Given this policy change, the conferees do not agree with the Senate direction to allocate $3,000,000 only for retiree and dependent enrollment in USFHP.

Training and education.—The conferees accept the recommendation and funding level of $71,793,000 as proposed by the House and the administration for training and education. The Senate proposed $70,634,000 for this budget activity.

The following table compares the House and Senate bills and the conference agreement for items in conference:

Coast Guard Fiscal Year 2000 Budget
Operating Expenses
Conference Agreement
(In Thousands of Dollars)

Program, Project & Activity	FY 2000 Estimate	FY 2000 House	FY 2000 Senate	Conference Agreement
I. Personnel Resources	**$1,879,381**	**$1,879,381**	**$1,764,109**	**$1,779,842**
A. Military pay & allowances	1,359,891	1,359,891	1,268,022	1,264,852
B. Civilian pay & benefits	220,631	220,631	211,091	220,631
C. Military health care	139,070	139,070	133,395	139,070
D. Perm. change of station	66,028	66,028	63,160	63,528
E. Training & education	71,793	71,793	70,634	71,793
F. Recruiting	10,877	10,877	6,716	8,877
G. FECA/UCX	11,091	11,091	11,091	11,091
II. Operating Funds and Unit Level Maintenance	**655,472**	**655,472**	**617,280**	**635,972**
A. Atlantic area command	109,616	109,616	104,146	103,366
B. Pacific area command	117,990	117,990	112,490	111,740
C. District commands				
1. 1st district (Boston)	40,429	40,429	40,401	40,429
2. 7th dist. (Miami)	45,454	45,454	44,555	45,454
3. 8th dist. (New Orleans)	28,483	28,483	28,483	28,483
4. 9th dist. (Cleveland)	17,418	17,418	17,418	17,418
5. 13th dist. (Seattle)	13,721	13,721	13,165	13,721
6. 14th dist. (Honolulu)	7,332	7,332	7,332	7,332
7. 17th dist. (Juneau)	20,174	20,174	20,402	20,174
D. Headquarters offices	205,871	205,871	184,674	198,871
E. HQ-managed units	42,096	42,096	37,360	42,096
F. Other activities	6,888	6,888	6,854	6,888
III. Depot-Level Maintenance	**406,186**	**406,186**	**390,611**	**405,186**
A. Aircraft maintenance	156,862	156,862	150,337	156,862
B. Electronic maintenance	38,079	38,079	35,783	38,079
C. Shore maintenance	102,792	102,792	101,478	101,792
D. Vessel maintenance	108,453	108,453	103,013	108,453
IV. Account-Wide Adjustments	**0**	**-150,039**	**0**	**-40,000**
A. Funding previously provided	0	-150,039	0	-40,000
Total	**2,941,039**	**2,791,000**	**2,772,000**	**2,781,000**

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $389,326,000 for acquisition, construction, and improvement programs of the Coast Guard instead of $410,000,000 proposed by the House and $370,426,000 proposed by the Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds in the bill by budget activity. The agreement includes language proposed by the House requiring submission of a multiyear capital investment plan.

Distress systems modernization.—The conferees are concerned over reports that this program may be slowing down due to internal restructuring which calls for a more complex systems integration approach. The conferees note that this long-overdue program was just recently accelerated due to tragic accidents. It is important that the service modernize the current distress system without further delay.

Integrated deepwater systems.—The conference agreement provides $44,200,000 for the integrated deepwater systems program as proposed by the Senate instead of $40,000,000 as proposed by the House. The conferees agree that this should be established as a separate budget activity, since it involves assets which cut across all other aspects of the AC&I budget. The conferees do not agree with the Senate's proposal to establish a revolving fund in the Treasury for this program, but agree that the Coast Guard may supplement appropriated funds through offsetting collections from the sale of HU-25 aircraft and specific properties listed in the bill, with total fiscal year 2000 obligations not to exceed $50,000,000.

Unalaska Pier.—The Coast Guard is authorized to transfer funds and project management authority to the City of Unalaska, Alaska for purposes of renovating and extending the city dock at Unalaska.

A table showing the distribution of this appropriation by project as included in the fiscal year 2000 budget estimate, House bill, Senate bill, and the conference agreement follows:

Acquisition, Construction, and Improvements
Conference Agreement
Fiscal Year 2000

Program Name	FY 2000 Estimate	FY 2000 House	FY 2000 Senate	Conference Agreement
Vessels:	**165,760,000**	**205,560,000**	**123,560,000**	**134,560,000**
Survey and design - cutters and boats	500,000	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	77,000,000	108,000,000	77,000,000	77,000,000
47-foot motor lifeboat (MLB) replacement project	24,360,000	24,360,000	24,360,000	24,360,000
Buoy boat replacement project (BUSL)	5,000,000	5,000,000	5,000,000	5,000,000
Polar icebreaker - USCGC Healy	1,900,000	1,900,000	1,900,000	1,900,000
Configuration management	3,700,000	3,700,000	3,700,000	3,700,000
Surface search radar replacement project	4,000,000	4,000,000	4,000,000	4,000,000
Polar class icebreaker reliability improvement program	4,100,000	4,100,000	4,100,000	4,100,000
Barracuda coastal patrol boat (CPB)	1,000,000	1,000,000	0	1,000,000
Mackinaw replacement	0	13,000,000	3,000,000	13,000,000
Deepwater capability concept exploration	44,200,000	40,000,000	0	0
Deepwater Project Revolving Fund:	**0**	**0**	**44,200,000**	**0**
Integrated Deepwater Systems:	**0**	**0**	**0**	**44,200,000**
Aircraft:	**22,110,000**	**38,310,000**	**33,210,000**	**44,210,000**
HC-130 engine conversion	0	0	1,100,000	1,100,000
HH-65A helicopter kapton rewiring	3,360,000	3,360,000	3,360,000	3,360,000
HH-65A helicopter mission computer replacement	3,650,000	3,650,000	3,650,000	3,650,000
HH-65A engine control program	0	0	10,000,000	7,000,000
HH-65 conversion, AIRFAC Southern Lake Michigan	0	8,000,000	0	8,000,000
Long range search aircraft capability preservation	5,900,000	5,900,000	5,900,000	5,900,000
HU-25 A avionics improvements	2,900,000	2,900,000	2,900,000	2,900,000
HH-60J navigation upgrade	3,800,000	3,800,000	3,800,000	3,800,000
SLAR upgrade	2,500,000	2,500,000	2,500,000	2,500,000
C-130H oil debris detection/burnoff technology	0	1,200,000	0	0
HU-25 re-engining	0	7,000,000	0	6,000,000
Other Equipment:	**53,726,000**	**59,400,000**	**52,726,000**	**51,626,000**
Fleet logistics system	6,000,000	6,000,000	6,000,000	6,000,000
Ports and waterways safety system (PAWSS)	4,500,000	4,500,000	4,500,000	4,500,000
Marine information for safety and law enforcement (MISLE)	10,500,000	10,274,000	10,500,000	10,500,000
Aviation logistics management information system (ALMIS)	2,700,000	2,700,000	2,700,000	2,700,000
National distress system modernization	16,000,000	18,000,000	16,000,000	16,000,000
Personnel MIS/Jt uniform military pay system	4,400,000	4,400,000	4,400,000	4,400,000
Local notice to mariners automation	0	0	0	0
Defense message system implementation	3,477,000	3,477,000	3,477,000	3,477,000
Commercial satellite communications	4,049,000	4,049,000	4,049,000	4,049,000
Human resources information system	1,100,000	0	1,100,000	
Loran-C continuation	1,000,000	6,000,000	0	0
Shore Facilities and Aids to Navigation:	**55,800,000**	**55,800,000**	**63,800,000**	**63,800,000**
Survey and design - shore projects	6,000,000	6,000,000	6,000,000	6,000,000
Minor AC&I shore construction projects	6,000,000	6,000,000	6,000,000	6,000,000
Housing	7,800,000	7,800,000	7,800,000	7,800,000
Waterways ATON projects	5,000,000	5,000,000	5,000,000	5,000,000
Air Station Kodiak, AK - renovate hanger	8,300,000	8,300,000	8,300,000	8,300,000
Air Station Elizabeth City, NC - ramp improvements	3,800,000	3,800,000	3,800,000	3,800,000
Air Station Miami, FL-renovate fixed wing hanger	3,500,000	3,500,000	3,500,000	3,500,000
Coast Guard Academy, New London, CT - educ. Facilities	5,000,000	5,000,000	5,000,000	5,000,000
Base San Juan, PR - patrol boat maintenance facility	3,100,000	3,100,000	3,100,000	3,100,000
Station Shinnecock, NY - modernize	3,500,000	3,500,000	3,500,000	3,500,000
MSO/Station Cleveland, OH - relocate	1,000,000	1,000,000	1,000,000	1,000,000
Drug interdiction assets - homeporting	2,800,000	2,800,000	2,800,000	2,800,000
Unalaska, AK - pier	0	0	8,000,000	8,000,000
Personnel and Related Support:	**52,930,000**	**50,930,000**	**52,930,000**	**50,930,000**
Direct personnel costs	51,180,000	50,180,000	51,180,000	50,180,000
Core acquisition costs	1,750,000	750,000	1,750,000	750,000
Total appropriation	**350,326,000**	**410,000,000**	**370,426,000**	**389,326,000**

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $17,000,000 for environmental compliance, instead of $18,000,000 as proposed by the House and $12,450,000 as proposed by the Senate. To the maximum extent possible, the reduction should be allocated to general training and education activities, and not to site-specific projects.

ALTERATION OF BRIDGES

The conference agreement includes $15,000,000 for alteration of bridges deemed hazardous to marine navigation as proposed by the House instead of $14,000,000 proposed by the Senate. The conference agreement distributes these funds as follows:

Bridge and location	*Conference agreement*
New Orleans, LA, Florida Avenue RR/HW Bridge	$3,000,000
Brunswick, GA, Sidney Lanier Highway Bridge	7,000,000
Charleston, SC, Limehouse Bridge	1,000,000
Mobile, AL, Fourteen Mile Bridge	2,000,000
Morris, IL, EJ&E Railroad Bridge	2,000,000
Total	15,000,000

RETIRED PAY

The conference agreement includes $730,327,000 for Coast Guard retired pay as proposed by the Senate instead of $721,000,000 as proposed by the House. This is scored as a mandatory program for federal budget purposes.

RESERVE TRAINING

The conference agreement provides $72,000,000 for reserve training as proposed by both the House and the Senate. The agreement also allows the Reserves to reimburse the Coast Guard operating account up to $21,500,000 for Coast Guard support of Reserve activities. The House bill proposed a limitation of $23,000,000; the Senate bill proposed to maintain the fiscal year 1999 limitation of $20,000,000. The conferees agree that all efforts should be made to achieve and maintain a Selected Reserve level of at least 8,000 during fiscal year 2000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $19,000,000 for Coast Guard research, development, test, and evaluation instead of $21,039,000 as proposed by the House and $17,000,000 as proposed by the Senate. The conferees agree that within the funding provided, $500,000 is to address ship ballast water exchange issues and $500,000 is to apply submarine acoustic monitoring technology to Coast Guard counter drug operations. Each of these activities was proposed, at higher funding levels, by the Senate.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $5,900,000,000 for operating expenses of the Federal Aviation Administration instead of no funds as proposed by the House and $5,857,450,000 as proposed by the Senate. The House-reported bill included an appropriation of $5,925,000,000, but these funds were deleted on the House floor due to lack of authorization. This appropriation is in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104-264). All funding is to be derived from the airport and airway trust fund, as proposed by the Senate and included in the House-reported bill. The conference agreement deletes the permissive transfer from the Coast Guard's operating expenses proposed by the Senate, and includes restrictions on funding for the transportation administrative service center and the office of aeronautical charting and cartography included in the House-reported bill. The bill allocates $600,000 only for the Centennial of Flight Commission, as included in the House-reported bill, and deletes the requirement for FAA to reimburse the Office of Inspector General $19,000,000 for aviation-related audits and investigations proposed by the Senate.

Transportation administrative service center limitation.—The conferees agree to limit FAA's fiscal year 2000 contribution to the transportation administrative service center (TASC) to $24,162,700 instead of $28,600,000 in the House-reported bill. The Senate included no similar limitation. The limitation is below the fiscal year 1999 level because the conferees agree to exclude costs from the calculation relating to the Departmental Accounting and Financial Information System (DAFIS). The department is encouraged to eliminate any TASC role in FAA's administration of the DAFIS system.

Limitations on leases.—The conference agreement continues limitations on multiyear leases and leases for global positioning system satellite services enacted in fiscal year 1999 and included in the House-reported bill. The Senate bill included no similar limitations.

Contribution to essential air service program.—The conferees direct FAA to transfer funds to the essential air service (EAS) and rural airport program from the "Operations" appropriation in the event of a shortfall in overflight user fee collections. Current law stipulates that the FAA must pay these costs if a shortfall in collections causes funding to drop below $50,000,000 for the EAS program. This has occurred in each of the past two years. In the first year, the FAA paid such expenses from the "Operations" appropriation. In the second year, the agency used the "Facilities and equipment" appropriation. The conferees believe it is more appropriate that such funds come from the operating account, given the nature of the activities being financed and FAA's original ruling. This is particularly important in fiscal year 2000, since the conference agreement provides a significant increase for FAA's operating account and flat funding for the capital appropriation.

Office of aeronautical charting and cartography.—The conferees agree with a limitation in the House-reported bill that funds for this office may not be available for activities conducted by, or coordinated through, the TASC. The conferees see no programmatic benefit to this action, and believe the proposal does not fit within the general purpose of the TASC.

The following table compares the conference agreement to the levels proposed in the House-reported and Senate bills by budget activity:

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
AIR TRAFFIC SERVICES:			
Budget estimate:	4,696,487,000	$4,696,487,000	4,696,487,000
Adjustments to estimate:			
Runway incursion program	2,500,000	0	3,300,000
Host maintenance	-1,000,000	0	-1,000,000
Interim incentive pay phaseout	-12,190,000	0	0
Overtime	-5,000,000	0	-5,000,000
Controller in charge deferral	-5,600,000	0	-5,600,000
Supervisors	1,800,000	0	1,800,000
Sick leave buyback savings	-1,000,000	0	0
WIGs/GTG increases	-4,425,000	0	-4,425,000
Airspace redesign	-3,000,000	0	0
RTCA support	-135,000	0	-135,000
Contract tower cost-sharing	5,000,000	5,000,000	5,000,000
Flight service station staffing	3,967,000	0	3,967,000
NAS handoff	-12,122,000	-18,000,000	-15,000,000
Terminal leave savings	-2,000,000	0	-2,000,000
Performance award savings	-770,000	0	-770,000
Travel	-3,620,000	0	-3,620,000
MARC	2,000,000	0	2,000,000
Undistributed decrease	0	-3,741,000	-15,000,000
Rocky Mtn Emergency Center	0	1,500,000	0
FAALC transfer from ARC	0	0	6,762,000
Amount recommended:	*4,660,892,000*	*$4,681,246,000*	*4,666,766,000*
AVIATION REGULATION AND CERTIFICATION:			
Budget estimate:	667,631,000	$667,631,000	667,631,000
Adjustments to estimate:			
Aviation safety program	500,000	0	500,000
Rulemaking – hold to FY99 level	-715,000	0	-715,000
Undistributed reduction	0	-38,122,000	0
Amount recommended:	*667,416,000*	*$629,509,000*	*667,416,000*
CIVIL AVIATION SECURITY:			
Budget estimate:	144,642,000	$144,642,000	144,642,000
Adjustments to estimate:			
Allow smaller increase	0	-11,341,000	-6,000,000
Amount recommended:	*144,642,000*	*$133,301,000*	*138,642,000*
ADMINISTRATION OF AIRPORTS:			
Budget estimate:	50,608,000	$50,608,000	50,608,000
Adjustments to estimate:			
Transfer to AIP	0	-50,608,000	-50,608,000
Amount recommended:	*50,608,000*	*$0*	*0*

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
RESEARCH AND ACQUISITION:			
Budget estimate:	183,740,000	$183,740,000	183,740,000
Adjustments to estimate:			
Human capital management – delete	-2,205,000	0	-2,205,000
Undistributed reduction	0	-27,207,000	-5,468,000
FAALC xfer to ATS	0	0	-6,762,000
FOB-10B	0	0	-1,000,000
Amount recommended:	*181,535,000*	*$156,533,000*	*168,305,000*
COMMERCIAL SPACE TRANSPORTATION:			
Budget estimate:	6,838,000	$6,838,000	6,838,000
Adjustments to estimate:			
Undistributed reduction	0	-692,000	0
Amount recommended:	*6,838,000*	*$6,146,000*	*6,838,000*
REGIONAL COORDINATION:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from “staff offices”	97,831,000	0	97,831,000
FOB 10B – slip in occupancy schedule	-2,000,000	0	0
Amount recommended:	*95,831,000*	*$0*	*97,831,000*
HUMAN RESOURCES:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from “staff offices”	48,736,000	0	48,736,000
Human resource management project	-1,300,000	0	0
IPPS	0	0	0
Amount recommended:	*47,436,000*	*$0*	*48,736,000*
FINANCIAL SERVICES:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from “staff offices”	42,054,000	0	42,054,000
IPPS – deferral	-6,264,000	0	0
Amount recommended:	*35,790,000*	*$0*	*42,054,000*
STAFF OFFICES:			
Budget estimate:	289,054,000	$289,054,000	289,054,000
Adjustments to estimate:			
Transfer to other budget activities	-208,244,000	0	-208,244,000
PC&B reduction	-1,500,000	0	0
Public affairs	-120,000	0	0
General counsel: +4% vs. +11%	-2,021,000	0	-2,021,000
English language proficiency	500,000	0	0

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
Undistributed reduction	0	-38,339,000	0
Amount recommended:	*77,669,000*	*$250,715,000*	*78,789,000*
ACCOUNTWIDE ADJUSTMENTS:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Staffing for non-safety positions	-3,400,000	0	-3,400,000
Admin contracts-IRM planning/maint	-3,100,000	0	-3,100,000
Administrative travel	-4,200,000	0	-4,200,000
Computer-aided engineering graphics	-600,000	0	-600,000
Resources management contract	-410,000	0	-410,000
Conferencing/voice switch	-1,100,000	0	-1,100,000
Teleconferencing/videoconferencing	-2,000,000	0	-2,000,000
Y2K savings – reduction from base	-8,960,000	0	0
TASC – freeze at FY99 level	-10,200,000	0	-10,200,000
GSA rent - +8% vs. +16.8%	-6,600,000	0	0
Contract studies–hold to FY98/99 avg.	-1,500,000	0	-1,500,000
TSC work: +5% vs. +21.1%	-1,587,000	0	-1,587,000
4.8% pay raise	0	0	12,720,000
Amount recommended:	*-43,657,000*	*$0*	*-15,377,000*
Total appropriation	5,925,000,000	$5,857,450,000	5,900,000,000

Franchise fund.—The conferees agree not to allow expansion of the FAA franchise fund during fiscal year 2000.

Aircraft firefighting training.—The conferees do not agree with Senate direction allocating $1,500,000 for aircraft firefighting training at the Rocky Mountain Emergency Services Training Center.

Interagency Alaska aviation safety initiative.—The conferees are aware of the cooperative National Institute for Occupational Safety and Health approach employed by the NTSB, FAA, and other federal, state and private parties to improve safety through cooperative review and enhancement of safety procedures and practices. The conference agreement supports the FAA's participation in this interagency initiative on aviation safety in Alaska. It is the conferees' understanding that FAA's involvement in this initiative in fiscal year 2000 requires a resource commitment of approximately $250,000. The conferees anticipate similar involvement by the NTSB.

Contract tower program.—The conferees do not agree with Senate direction requiring the establishment of an air traffic control tower in Salisbury, Maryland. However, it is the conferees' understanding that the contract towers listed in the Senate report, including Salisbury, Maryland, are eligible for the existing contract tower program and should receive consideration for funding. The agency is encouraged to continue operating contract towers at locations listed in the Senate report, as long as such operations are consistent with existing program criteria and provided the locations maintain a benefit-cost ratio of at least 1.0. The conferees further direct FAA to work with local officials to establish contract towers or tower-related operational services at locations listed in the Senate report, as long as such establishment is consistent with existing program criteria.

Last year, the FAA was directed to conduct a study of extending the contract tower program to existing air traffic control towers without radar capability. The conferees understand the draft report indicates that annual savings of $30,000,000 to $50,000,000 are achievable except for a provision in the current labor agreement which requires the agency to employ a minimum level of 15,000 government air traffic controllers. The DOT Inspector General recently reported "FAA has a responsibility to operate in a cost effective manner. By concluding that no net savings related to further expanding the contract tower program will occur, FAA is denying itself an opportunity to reduce operations costs and/or offset potential cost increases . . . FAA should revise the [draft] study's conclusions and recognize the substantial savings that expanding the federal contract tower program offers". The DOT Inspector General is requested to review the feasibility and benefits of expanding the contract tower program, notwithstanding the current minimum staffing agreement, and report to the Congress no later than March 1, 2000.

Airspace redesign.—The conference agreement fully funds the requested $9,622,000 for costs associated with redesign of the nation's airspace. The conferees direct that none of these funds be internally reprogrammed to other purposes and that not less than $6,600,000 of the amount provided be used in direct support of the New York/New Jersey airspace redesign effort.

MARC.—Funding of $2,000,000 is provided for the Mid-America Aviation Resource Consortium, as proposed in the House-reported bill.

Outagamie County Regional Airport.—The conferees do not agree with Senate direction concerning Outagamie County Regional Airport.

Reprogrammings.—The conferees affirm the importance of the existing reprogramming reporting agreements, which request the department to submit, on a quarterly basis, line-by-line accounts of all reprogramming actions, whether below or above Congressional approval thresholds.

Cost accounting system.—The conferees agree that, in its effort to establish a new cost accounting system (CAS), the FAA shall collect source time and labor data in a manner consistent with the labor and cost allocation schemes being otherwise developed within the CAS. Any system the FAA deploys for the capture of time and labor data should be automated to the maximum extent possible, to eliminate manual error and provide for reconciliation with the CAS. The conferees encourage the agency to begin serious discussions with its labor unions regarding the need to capture time and attendance data in a manner consistent with the objectives of the CAS.

Interim incentive pay.—The conferees do not agree with the proposal of the House to begin a phaseout of interim incentive pay (IIP), and consequently restore the reduction of $12,190,000 in the House-reported bill.

Controller-in-charge.—The conference agreement accepts the position of the House-reported bill that further transition to the controller-in-charge (CIC) concept, as included in last year's labor agreement with the National Air Traffic Controllers Association (NATCA), shall be deferred during fiscal year 2000. FAA's own study in 1992 found that operational errors increased when the number of air traffic supervisors decreased. Since operational errors, air traffic volume and complexity continue to rise, the conferees agree with the House that any change in ATC floor-level supervision should be approached very cautiously. The conferees are not convinced that the necessary steps have been taken and verified to ensure the public safety if further CIC transition is allowed at this time. FAA estimates the number of supervisors at the end of fiscal year 1999 to be 2,025, which is down from approximately 2,060 the year before. The conferees expect no further decline during fiscal year 2000.

Within-grade increases/grade-to-grade increases.—Last year's NATCA agreement eliminated within-grade and grade-to-grade increases for bargaining unit employees and replaced them with performance-based increases such as an "organizational success increase" (OSI) and a "quality step increase" (QSI), to be developed as part of the agency's core compensation plan. However, since the agency has reached no agreement on how to implement the new performance increases, they have informally agreed to distribute these funds on a formula basis. This takes a step backward from performance-based compensation by replacing an experience-based increase with an automatic general increase. The conferees disapprove funding budgeted for grade increases or performance-based increases for bargaining unit members until the agency reaches agreement with NATCA on implementation of performance-based increases such as OSI and QSI. The conferees are not against OSI and QSI payments, but are against formula-based distribution of these funds.

Aviation safety program.—The conferees agree to provide an additional $500,000 for this program, as included in the House-reported bill. These and base funds included in the budget estimate are to be used exclusively for the design, production, and dissemination of training and educational materials used in the FAA's Aviation Safety Program for current pilots and aviation maintenance technicians. This activity is declared an item of special Congressional interest, and no funding should be reprogrammed to other activities without Congressional approval.

Administration of airports.—The conference agreement deletes the $50,608,000 requested for administration of airports, and includes a limitation of $45,000,000 for these activities under "Grants-in-aid for airports".

Integrated personnel and payroll system.—The conferees agree to provide full funding for development of the integrated personnel and payroll system (IPPS), as proposed by the Senate. The House had proposed a reduction in this program.

General pay raise.—The conference agreement provides the additional $12,720,000 required to fund a 4.8 percent general pay raise, instead of the 4.4 percent originally proposed in the budget estimate. Congress has approved a final pay raise of 4.8 percent for fiscal year 2000.

RTCA.—The conference agreement maintains the House proposal to reduce funding for the Radio Technical Commission for Aeronautics (RTCA) by $135,000. The conferees share the concern of the House that the agency should not continue, on a sole source basis, the "consensus-building" and program planning/implementation activities of RTCA. Although originally tasked to provide advice on aviation "black box" technical requirements, RTCA has recently been chartered by FAA to act more broadly, to develop industry consensus and implementation plans for a variety of agency programs, including free flight phases one and two, equipment requirements for the future national airspace system, and overall reform of the agency's certification process. The conferees share the concern of the House that such a relationship between government and industry representatives raises questions about proper government control and independence. RTCA's task forces make technical recommendations, establish schedules, locations, and funding requirements, and the agency accepts those recommendations with few or no changes. This collaborative network of agency and industry officials appears to be unusual for a federal advisory committee. Therefore, the conferees direct FAA not to use RTCA for new "consensus-building" activities during fiscal year 2000 and not to expand those currently underway, and direct the DOT Inspector General to conduct an investigation of the RTCA/FAA relationship and a comparison of that relationship to other federal advisory committees. This report should be completed and submitted to the Congress not later than March 1, 2000.

English language proficiency.—The conferees do not agree with the House recommendation to allocate $500,000 for the promotion of English language proficiency in international air traffic control. The FAA has used previous appropriations to establish a minimum level of English language proficiency. The agency is now working to validate this data and to raise the level of cooperation and effort in the international arena. The conferees agree that further work in this area can best be accomplished through the International Civil Aviation Organization (ICAO), whose work in this area is supported by the FAA and funded in part by the Department of State. The conferees have been assured by the FAA that the agency will continue to provide ICAO with leadership and active participation in this program.

Fractional aircraft ownership.—The conference agreement deletes, without prejudice, language included in the Senate bill relating to the introduction of fractional aircraft ownership concepts for the execution of selected air transportation requirements. The conferees are intrigued by the concept and the possibility of improving the efficiency of aircraft use by the Department of Transportation, the various modal administrations, and several related agencies through fractional aircraft ownership concepts. The conferees direct the department to report by March 31, 2000 to the House and Senate Committees on Appropriations regarding the operational and cost advantages and tradeoffs inherent in replacing existing executive aircraft in the department's inventory with a mix of light to mid-size jets to determine the flexibility, efficiency, and cost benefits of fractional aircraft ownership or leasing for the government.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $2,075,000,000 for facilities and equipment instead of $2,045,652,000 as proposed by the Senate and $2,200,000,000 as proposed by the House.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
ENGINEERING DEVELOPMENT, TEST AND EVALUATION:				
ADVANCED TECHNOLOGY DEVELOPMENT & PROTOTYPING	33,166.1	33,166.1	33,166.1	26,696.3
SAFE FLIGHT 21	.0	16,000.0	.0	16,000.0
SUBTOTAL - ADV DEV/PROTOTYPING	**33,166.1**	**49,166.1**	**33,166.1**	**42,696.3**
AVIATION WEATHER SERVICES IMPROVEMENTS	23,862.0	23,862.0	21,062.0	23,862.0
EN ROUTE AUTOMATION	10,055.0	.0	10,055.0	6,000.0
OCEANIC AUTOMATION SYSTEM	10,000.0	5,000.0	10,000.0	27,000.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	27,855.0	27,855.0	27,855.0	25,000.0
NEXT GENERATION VHF A/G COMMUNICATION SYSTEM	9,640.0	9,640.0	2,625.0	6,100.0
NAS INFORMATION SYSTEMS	500.0	.0	.0	.0
FREE FLIGHT PHASE ONE	184,800.0	179,625.0	202,800.0	179,625.0
SUBTOTAL - EN ROUTE PROGRAMS	**266,712.0**	**245,982.0**	**274,397.0**	**267,587.0**
TERMINAL AUTOMATION (STARS)	58,900.0	158,900.0	58,900.0	112,440.0
SUBTOTAL - TERMINAL PROGRAMS	**58,900.0**	**158,900.0**	**58,900.0**	**112,440.0**
AFSS VOICE SWITCH REPLACEMENT	3,000.0	3,000.0	1,000.0	1,000.0
LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS)	4,000.0	2,000.0	.0	.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	65,200.0	59,800.0	.0	.0
NEXT GENERATION NAVIGATION SYSTEMS	.0	.0	118,100.0	94,000.0
NEXT GENERATION LANDING SYSTEMS	.0	.0	18,000.0	20,000.0
SUBTOTAL - LANDING/NAVAIDS	**72,200.0**	**64,800.0**	**137,100.0**	**115,000.0**
FAA TECHNICAL CENTER FACILITY - BUILDING LEASE	1,322.5	1,322.5	1,322.5	1,322.5
NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	2,000.0	2,000.0	.0	.0
TECHNICAL CENTER FACILITIES	7,000.0	7,000.0	11,477.5	11,477.5
INDEPENDENT OPERATIONAL TEST SUPPORT	3,500.0	3,500.0	.0	.0
UTILITY PLANT MODIFICATIONS	2,477.5	2,477.5	.0	.0
SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**16,300.0**	**16,300.0**	**12,800.0**	**12,800.0**
TOTAL ACTIVITY 1	***447,278.1***	***535,148.1***	***516,363.1***	***550,523.3***
AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:				
EN ROUTE AUTOMATION	198,055.0	196,055.0	153,200.0	160,000.0
NEXT GENERATION WEATHER RADAR (NEXRAD)	6,900.0	6,900.0	4,900.0	4,900.0
AIR TRAFFIC OPERATIONS MANAGEMENT	1,000.0	1,000.0	.0	.0
WEATHER AND RADAR PROCESSOR (WARP)	12,872.0	15,000.0	5,800.0	15,000.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	1,000.0	1,000.0	.0	.0
ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	54,000.0	39,400.0	36,900.0	36,900.0
VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	17,500.0	17,500.0	18,500.0	17,500.0
AIR TRAFFIC MANAGEMENT	42,000.0	42,000.0	15,000.0	15,000.0
CRITICAL COMMUNICATIONS SUPPORT	2,000.0	2,000.0	850.0	850.0
DOD BASE CLOSURE - FACILITY TRANSFER	3,900.0	3,900.0	3,300.0	3,900.0
BACK-UP EMERGENCY COMMUNICATIONS (BUEC)	4,500.0	4,500.0	1,580.0	1,580.0
AIR/GROUND COMMUNICATION RFI ELIMINATION	1,700.0	1,700.0	1,700.0	1,700.0
VOLCANO MONITOR	.0	.0	2,000.0	2,000.0
ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT	45,400.0	36,806.6	23,000.0	25,000.0
ATC EN ROUTE RADAR FACILITIES	3,700.0	3,700.0	2,700.0	2,700.0
EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT	3,230.4	3,230.4	1,430.0	1,430.0
RCF FACILITIES - EXPAND/RELOCATE	6,700.0	6,700.0	6,700.0	6,700.0
FAA TELECOMMUNICATIONS INFRASTRUCTURE	6,100.0	6,100.0	6,100.0	6,100.0
SUBTOTAL - EN ROUTE PROGRAMS	**410,557.4**	**387,492.0**	**283,660.0**	**301,260.0**

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	9,300.0	9,300.0	8,300.0	9,300.0
TERMINAL AUTOMATION (STARS)	136,340.0	.0	136,340.0	82,800.0
TERMINAL AIR TRAFFIC CONTROL FACILITIES - REPLACE	76,000.0	64,346.0	75,500.0	78,900.0
CONTROL TOWER/TRACON FACILITIES - IMPROVE	21,982.7	26,882.5	21,982.7	24,782.7
TERMINAL VOICE SWITCH REPLACEMENT (TVSR)/ETVS	9,900.0	9,900.0	10,900.0	10,900.0
EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE	29,700.0	29,700.0	22,000.0	22,000.0
CHICAGO METROPLEX	1,500.0	1,500.0	700.0	700.0
NEW AUSTIN AIRPORT AT BERGSTROM	1,500.0	1,500.0	1,500.0	1,500.0
POTOMAC METROPLEX	17,100.0	17,100.0	5,800.0	17,100.0
NORTHERN CALIFORNIA METROPLEX	31,000.0	31,000.0	17,500.0	17,500.0
ATLANTA METROPLEX	13,000.0	13,000.0	7,700.0	7,700.0
NAS INFRASTRUCTURE MANAGEMENT SYSTEM (NIMS)	8,900.0	1,539.5	5,500.0	3,520.0
AIRPORT SURVEILLANCE RADAR (ASR-9)	.0	2,400.0	5,000.0	4,000.0
AIRPORT SURFACE DETECTION EQUIPMENT	2,400.0	9,400.0	500.0	10,000.0
AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	11,700.0	15,600.0	11,700.0	18,200.0
VOICE RECORDER REPLACEMENT PROGRAM	3,000.0	3,000.0	1,200.0	2,500.0
TERMINAL DIGITAL RADAR (ASR-11)	136,070.0	90,000.0	105,000.0	76,100.0
WEATHER SYSTEMS PROCESSOR	24,000.0	24,000.0	24,000.0	24,000.0
DOD/FAA ATC FACILITIES TRANSFER	1,000.0	3,900.0	1,600.0	3,000.0
PRECISION RUNWAY MONITORS	3,300.0	3,300.0	3,300.0	3,300.0
TERMINAL RADAR (ASR) - IMPROVE	3,838.8	3,838.8	3,838.8	3,838.8
TERMINAL COMMUNICATIONS IMPROVEMENTS	1,124.0	1,124.0	1,124.0	1,124.0
RCE EQUIPMENT	3,400.0	3,400.0	3,400.0	3,400.0
REMOTE RADAR CAPABILITY	.0	1,400.0	.0	900.0
SUBTOTAL - TERMINAL PROGRAMS	**546,055.5**	**367,130.8**	**474,385.5**	**427,065.5**
AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	8,080.0	8,080.0	9,900.0	9,900.0
OASIS	21,486.0	42,100.0	10,000.0	10,000.0
FLIGHT SERVICE FACILITIES IMPROVEMENT	1,577.3	1,577.3	1,364.4	1,364.4
FLIGHT SERVICE STATION MODERNIZATION	2,000.0	2,000.0	2,000.0	2,600.0
SUBTOTAL - FLIGHT SERVICE PROGRAMS	**33,143.3**	**53,757.3**	**23,264.4**	**23,864.4**
VOR	2,000.0	2,000.0	2,000.0	2,000.0
INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	8,200.0	20,000.0	.0	.0
ILS - REPLACE MARK 1A, 1B, AND 1C	1,000.0	1,000.0	.0	1,000.0
LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS)	2,200.0	4,200.0	2,200.0	2,200.0
RUNWAY VISUAL RANGE (RVR)	2,000.0	6,300.0	2,000.0	6,300.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	42,900.0	42,900.0	.0	.0
NDB SUSTAIN	1,000.0	1,000.0	1,000.0	1,000.0
NAVIGATIONAL AND LANDING AIDS - IMPROVE	3,146.8	3,146.8	6,400.0	3,146.8
APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP)	2,700.0	7,700.0	5,700.0	8,700.0
PRECISION APPROACH PATH INDICATORS (PAPI)	1,000.0	3,500.0	.0	3,500.0
DISTANCE MEASURING EQUIPMENT (DME)	1,200.0	4,200.0	1,200.0	1,200.0
VISUAL NAVAIDS	1,000.0	1,000.0	3,500.0	1,000.0
TRANSPONDER LANDING SYSTEMS	.0	3,000.0	.0	.0
INSTRUMENT APPROACH PROCEDURES AUTOMATION (IAPA)	900.0	900.0	900.0	900.0
GPS AERONAUTICAL BAND	17,000.0	.0	.0	.0
SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**86,246.8**	**100,846.8**	**24,900.0**	**30,946.8**
ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS)	3,600.0	3,600.0	3,600.0	3,600.0
FUEL STORAGE TANK REPLACEMENT AND MONITORING	10,500.0	10,500.0	10,500.0	10,500.0
FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	4,000.0	4,000.0	4,000.0	4,000.0
ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	17,500.0	17,500.0	17,500.0	17,500.0
AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS)	2,000.0	2,000.0	2,000.0	2,000.0
AIRCRAFT RELATED EQUIPMENT PROGRAM	5,000.0	5,000.0	1,840.0	1,840.0
COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT	4,300.0	4,300.0	3,000.0	3,000.0
AIRPOT CABLE LOOP SYSTEMS - SUSTAIN	1,000.0	1,000.0	.0	.0

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
SUBTOTAL - OTHER ATC FACILITIES	**47,900.0**	**47,900.0**	**42,440.0**	**42,440.0**
TOTAL ACTIVITY 2	***1,123,903.0***	***957,126.9***	***848,649.9***	***825,576.7***
NON-ATC FACILITIES AND EQUIPMENT:				
NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	1,100.0	1,100.0	800.0	800.0
HAZARDOUS MATERIALS MANAGEMENT	22,500.0	22,500.0	22,500.0	22,500.0
AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	16,400.0	16,400.0	11,600.0	14,000.0
OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	600.0	600.0	600.0	600.0
FAA EMPLOYEE HOUSING - PROVIDE	8,000.0	8,000.0	8,000.0	8,000.0
LOGISTICS SUPPORT SYSTEM AND FACILITIES	3,000.0	3,000.0	2,300.0	2,300.0
TEST EQUIPMENT - MAINTENANCE SUPPORT	1,000.0	1,000.0	1,000.0	1,000.0
INTEGRATED FLIGHT QUALITY ASSURANCE	5,000.0	5,000.0	4,000.0	3,000.0
SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	5,200.0	5,200.0	3,500.0	5,200.0
NATIONAL AVIATION SAFETY DATA CENTER	1,500.0	1,500.0	1,500.0	1,500.0
PERFORMANCE ENHANCEMENT SYSTEM	5,000.0	5,000.0	2,000.0	5,000.0
EXPLOSIVE DETECTION SYSTEMS	97,500.0	97,500.0	100,000.0	97,500.0
FACILITY SECURITY RISK MANAGEMENT	11,500.0	11,500.0	11,500.0	11,500.0
INFORMATION SECURITY	10,325.0	10,325.0	4,000.0	7,500.0
NAS RECOVERY COMMUNICATIONS (RCOM)	1,000.0	1,000.0	1,000.0	1,000.0
SUBTOTAL - SUPPORT EQUIPMENT	**189,625.0**	**189,625.0**	**174,300.0**	**181,400.0**
AERONAUTICAL CENTER TRAINING AND SUPPORT FACILITIES	3,200.0	3,200.0	.0	.0
NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	1,500.0	700.0	.0	.0
SUBTOTAL - TRAINING EQUIPMENT & FACILITIES	**4,700.0**	**3,900.0**	**.0**	**.0**
TOTAL ACTIVITY 3	***194,325.0***	***193,525.0***	***174,300.0***	***181,400.0***
MISSION SUPPORT:				
SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT	27,300.0	27,300.0	22,200.0	22,200.0
PROGRAM SUPPORT LEASES	31,100.0	31,100.0	31,100.0	31,100.0
LOGISTICS SUPPORT SERVICES	5,600.0	5,600.0	5,600.0	5,600.0
MIKE MONRONEY AERONAUTICAL CENTER - LEASE	14,600.0	14,600.0	14,600.0	14,600.0
IN-PLANT NAS CONTRACT SUPPORT SERVICES	2,800.0	2,800.0	2,800.0	2,800.0
TRANSITION ENGINEERING SUPPORT	40,900.0	40,900.0	38,700.0	38,700.0
FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	3,000.0	3,000.0	3,000.0	3,000.0
PERMANENT CHANGE OF STATION MOVES	3,200.0	.0	3,200.0	2,500.0
FAA SYSTEM ARCHITECTURE	2,500.0	1,000.0	2,330.0	1,000.0
TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	48,800.0	40,000.0	47,143.0	40,000.0
RESOURCE TRACKING PROGRAM	1,500.0	1,500.0	1,000.0	.0
CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)	63,400.0	63,400.0	60,100.0	61,000.0
TOTAL ACTIVITY 4	***244,700.0***	***231,200.0***	***231,773.0***	***222,500.0***
PERSONNEL AND RELATED EXPENSES:				
PERSONNEL AND RELATED EXPENSES	308,793.9	283,000.0	274,566.0	295,000.0
TOTAL ACTIVITY 5	***308,793.9***	***283,000.0***	***274,566.0***	***295,000.0***
TOTAL	**2,319,000.0**	**2,200,000.0**	**2,045,652.0**	**2,075,000.0**

Free flight phase one.—The following table compares the House and Senate proposed levels to the budget estimate and the conference agreement. The conference agreement represents a 94.8 percent increase over the funding level provided for fiscal year 1999.

Project	Fiscal year 1999 enacted	Fiscal year 2000—			
		Estimate	House	Senate	Conference agreement
URET	$5,800,000	$83,175,000	$80,000,000	$83,175,000	$79,000,000
Conflict Probe	41,000,000				
CTAS	3,700,000				
TMA/pFAST	30,500,000	59,825,000	59,825,000	59,825,000	59,825,000
CDM	11,200,000	29,400,000	29,400,000	29,400,000	29,400,000
SMA		6,000,000	4,000,000	6,000,000	4,000,000
Integration		6,400,000	6,400,000	6,400,000	5,400,000
DSP—NY/NJ				2,000,000	2,000,000
Safe Flight 21				16,000,000	
(Capstone)				(6,000,000)	
(Ohio Valley)				(10,000,000)	
Total	92,200,000	184,800,000	179,625,000	202,800,000	179,625,000

The conference agreement provides a total of $4,500,000 for the departure spacing program (DSP), including $2,500,000 in base funds and $2,000,000 above the budget estimate. The additional funds are to expand the program through installation of equipment at Teterboro, White Plains, New York Center, and the Air Traffic Control System Command Center.

Safe flight 21.—The conference agreement provides $16,000,000 for this program, including $6,000,000 for the Capstone Project in Alaska and $10,000,000 for the Ohio Valley Project.

Oceanic automation system.—The conferees agree to provide $27,000,000 for the oceanic automation system, and direct FAA to develop and acquire this system by traditional acquisition methods instead of by lease, as proposed by the House. The FAA's proposal to acquire this equipment through an operating lease would burden the FAA's already-strained operating budget with the requirement for an additional $100,000,000 over the first five years, which the conferees find to be unrealistic. Also, the conferees are reluctant to establish this policy in the absence of clear FAA criteria to determine when it is appropriate for modernization efforts to be funded by lease from the operations budget. Without such a policy the lines between FAA's operating and capital budgets begin to blur, just at the time when the agency is working hard to get a clearer picture of its capital assets, spending, and requirements. In addition, the agency's 1998 financial statement shows $103,000,000 in unfunded capital lease liabilities, so it is not advisable for the agency to expand in this area either. The conferees agree that oceanic system upgrades are urgently needed, and that FAA's previous acquisition programs in this area did not produce the desired results. However, these programs were developed prior to procurement reform, and under previous leadership. The conferees are confident that with its current leadership, FAA can apply procurement reform methods and learn from its past mistakes to put together an aggressive, accelerated schedule and streamlined requirements for this acquisition. The agency has stated that this effort requires little development effort, and that the requirements are well understood. This, too, supports the feasibility of an accelerated schedule. The funding provided is FAA's estimate of the amount required to execute this program in fiscal year 2000. The conferees would reconsider a lease for this program only if the agency puts forward a plan to cover in the lease the entire operation of these facilities, including air traffic control operations.

Next generation navigation systems.—The conference agreement provides $94,000,000 for next generation navigation systems, which includes $80,000,000 for further development of the GPS wide area augmentation system (WAAS), $10,000,000 for further development of the LORAN-C navigation system, and $4,000,000 for development of low-cost gyroscope technologies. The FAA is directed not to reprogram any of the LORAN-C or low-cost gyroscope funding to the WAAS program.

Wide area augmentation system.—Last year, the Senate proposed broad restrictions on the WAAS program, which were dropped in conference when program supporters argued those restrictions could cause the termination of the program. While providing continued funding, the fiscal year 1999 conference report noted "those proponents have not been able to provide compelling assurances that this program will be cost-effective beyond the initial phase, which is expected to become operational early next year. The serious and persistent technical concerns expressed in both the House and Senate reports await resolution by the FAA at an unknown cost and in an unknown timeframe . . . The conferees intend for FAA to take a "time out" at this point to reassess the justification for the program beyond that point . . . Congress will be unable to adequately judge the need for future appropriations for the wide-area and local-area augmentation systems (WAAS and LAAS, respectively) until FAA completes an up-to-date alternatives analysis which looks at various combinations of existing and new, ground-based and satellite-based technologies." The Appropriations Committees have waited over two years for this critical analysis, and warned several times that funding cannot be supported indefinitely without it. Despite this situation, the department still has not submitted this benefit-cost analysis for Congressional review. Further, the agency's budget request assumes the program will continue well beyond phase one, ignoring the Congressional direction to take a pause in the program until clear justification is provided. The bill includes funding of $80,000,000 for the WAAS program. The conferees do not believe this program should go unrestrained in the absence of compelling financial justification. However, once these documents are submitted and reviewed, the conferees agree to consider a reprogramming request to restore funding, subject to Congressional approval at that time.

Next generation landing systems.—The conference agreement provides $20,000,000 for next generation landing systems, to be distributed as follows:

Project	*Amount*
Instrument landing systems (ILS)	$18,000,000
Transponder landing systems (TLS)	2,000,000
Total	20,000,000

Instrument landing systems.—Funding provided for instrument landing systems (ILS) shall be distributed as follows:

Project	*Amount*
Activities included in budget estimate	$6,000,000
Baton Rouge, LA	800,000
Clearwater/St. Petersburg, FL	3,500,000
Dulles International, VA	3,440,000
Harry Brown Airport, MI	500,000
Newark, NJ (LDA/glideslope)	1,160,000
Evanston, WY	500,000
St. George, AK	900,000
St. Louis Lambert, MO	700,000
McComb Airport, MS	500,000
Total	18,000,000

Instrument landing system, Pike County Airport, KY.—The conferees urge the FAA to give priority consideration to funding for an instrument landing system at the Pike County Airport in Kentucky, either using funds from this appropriation or from discretionary grants available under the Airport Improvement Program. The conferees understand that the Commonwealth of Kentucky has been working closely with FAA to obtain this system due to safety concerns brought about by the impact of weather and the mountainous terrain at this regional facility.

Transponder landing system.—The conference agreement provides $2,000,000 for the transponder landing system. The conferees agree with directions in the House report, and direct FAA to utilize fiscal year 2000 funding by contract methods, and not through continued leasing.

Local area augmentation system (LAAS).—The conferees believe that the work conducted by FAA under this program is more appropriately carried out with operating funds, since it involves review and oversight of industry development activities. The conferees have no objection to FAA's use of operating funds for this work.

Airport surface detection equipment (ASDE).—Last year's conference report expressed the concern of the conferees that "FAA move expeditiously to develop and deploy advanced technologies to prevent runway incursions. For this reason, the conferees direct the FAA to give funding priority to advancing runway incursion technologies to the pre-production phase". Despite this direction, however, the FAA has continued to move slowly in this program. The conference agreement provides $10,000,000 for the ASDE program, which includes $7,600,000 only for acquisition of production version low-cost ASDE systems. The

FAA's appeal to the conferees requested an additional $3,100,000 for this program, but the agency planned to use those funds to buy only a single, pre-production system. The conferees reiterate that technology is available and needed now to address the worsening problem of runway incursions. Further agency delays are not acceptable. By the end of fiscal year 2000, the conferees expect the FAA to have awarded at least one contract for production low-cost ASDE systems for deployment in the highest priority airports.

Terminal air traffic control facilities replacement.—The conference agreement includes $78,900,000 for replacement of air traffic control towers and other terminal facilities. The following table compares the budget estimate, House and Senate recommended levels, and the conference agreement:

Location	Fiscal year 2000			
	Budget	House	Senate	Conference agreement
Swanton (Toledo), OH	$700,000	$700,000	$700,000	$700,000
Atlanta, GA	1,800,000	1,800,000	1,800,000	1,800,000
Boston Tracon, NH	17,600,000	....	17,600,000	10,000,000
Roanoke, VA	4,900,000	4,900,000	4,900,000	4,900,000
Port Columbus, OH	17,600,000	17,600,000	17,600,000	17,600,000
St. Louis, MO (ATCT)	1,600,000	1,600,000	1,600,000	1,600,000
St. Louis, MO (Tracon)	3,800,000	3,800,000	3,800,000	3,800,000
Little Rock, AR	740,000	740,000	740,000	740,000
Chicago O'Hare, IL	2,900,000	2,900,000	2,900,000	2,900,000
Chicago Midway, IL	411,000	411,000	411,000	411,000
Grand Canyon, AZ	243,000	243,000	243,000	243,000
Louisville, KY	2,200,000	2,200,000	2,200,000	2,200,000
Seattle, WA	10,270,000	10,270,000	10,270,000	10,270,000
Worcester, MA	370,000	370,000	370,000	370,000
Albany, NY	1,032,000	1,032,000	1,032,000	1,032,000
N. Las Vegas, NV	2,354,000	....	2,354,000	2,354,000
LaGuardia, NY	2,200,000	2,200,000	2,200,000	2,200,000
Portland, OR	50,000	50,000	50,000	50,000
Covington, KY	780,000	780,000	780,000	780,000
Birmingham, AL	1,250,000	1,250,000	1,250,000	1,250,000
Houston Hobby, TX	600,000	600,000	600,000	600,000
Pontiac, MI	600,000	600,000	600,000	600,000
Newark, NJ	2,200,000	....	2,200,000	2,200,000
Phoenix, AZ	....	5,000,000	....	4,000,000
Richmond, VA	....	3,500,000	....	3,000,000
Corpus Christi, TX	....	2,000,000	1,000,000	1,500,000
Martin State, MD	....	....	1,000,000	....
Pangborn Memorial,WA	....	....	600,000	....
Paine Field, WA	....	....	1,000,000	1,000,000
Billings Logan, MT	....	....	1,000,000	1,000,000
Unspecified reduction	....	....	5,000,000	....
Total	76,000,000	64,346,000	75,500,000	78,900,000

Control tower tracon facilities improvement.—The conference agreement includes $2,600,000 for the cable loop relocation project at St. Louis Lambert Airport, as proposed by the House, and $200,000 for improvements at the Manchester, New Hampshire airport, as proposed by the Senate. The conferees do not provide the $2,500,000 proposed by the House for a new final approach sector at Dulles International Airport, because the FAA has implemented such a position in fiscal year 1999.

Terminal automation.—The conference agreement provides $195,240,000 for the terminal automation program, which includes the standard terminal automation replacement system (STARS), ARTS color displays, and other associated activities. This fully funds the program at the level requested in the President's budget as proposed by the Senate, instead of $165,000,000 as proposed by the House.

Air traffic management.—The conference agreement provides $15,000,000 as proposed by the Senate instead of $42,000,000 proposed by the House. The conferees believe there is merit in exploring the possibility of privatizing the traffic management function currently within the FAA in order to affect operational improvements and efficiencies, and that further significant investment in upgrading the traffic management system should be deferred until completion of this analysis. The conferees direct FAA to task the National Academy of Sciences to conduct this analysis, to be completed as soon as practicable.

Congressional directions.—The conferees do not agree with Senate directions regarding the OASIS, air navaids and ATC facilities, and NAS recovery communications programs.

ARTCC building/plant improvements.—The agreement to provide $36,900,000 for this program includes $9,600,000 to continue the Honolulu CERAP relocation project as proposed by the Senate. The House had proposed no funding for this project.

Remote radar capability.—The conference agreement provides $900,000 for this program, to be used for site analysis and site preparation activities to enable remote radar capability at Sonoma County and Napa County Airports and Livermore Municipal/Buchanan Field Airports in California.

Automated surface observing system.—The $9,900,000 provided for this program includes $2,000,000 for the commissioning of ASOS systems in rural Alaska and $100,000 for an Automated Weather Sensors System at the Sugar Land Municipal Airport in Texas.

Flight service station modernization.—The conference agreement includes $1,700,000 for the further procurement and installation of video cameras for remote weather information in remote and mountainous terrain in Alaska and $300,000 for acquisition and support of the mike-in-hand weather reporting system in rural Alaska.

GPS aeronautical band.—The conference agreement includes no funding for FAA's contribution to the development of new signals for the GPS satellite system. This was to be the first year of a $130,000,000 contribution by the FAA. The conferees are not against this effort per se. However, since most of the benefits will accrue to civil users other than aviation or the FAA, the conferees believe it is inappropriate for FAA to shoulder most of the burden, and inappropriate for aviation users to finance the activity from the airport and airway trust fund. However, the conferees would not object if the department received funding for this effort from non-DOT agencies and departments through interagency transfers, based upon a fair share of perceived civil benefits.

Automated weather information programs.—To address the issue of weather related accidents at airports, the conferees believe it is critical to upgrade the existing automated weather information programs. Therefore, the conferees expect FAA to implement product improvements and upgrades to the current systems and to report to Congress on the agency's plans to accelerate the deployment of upgrade technology upon successful demonstration of the Automated Observation for Visibility, Cloud Height, and Cloud Coverage (AOVCC) system within 90 days of enactment of this Act.

Center for Advanced Aviation Systems Development.—The conference agreement provides $61,000,000 instead of $63,400,000 as proposed by the House and $60,100,000 as proposed by the Senate. In addition, the conferees accept the House's proposed ceiling of 320 technical staff years for this organization. However, the conferees clarify that the ceiling only applies to funds provided in this Act. Staffing financed by funding from other departments and agencies does not count toward this ceiling.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $30,000,000 from Public Law 105-66 instead of two rescissions totaling $299,500,000 as proposed by the Senate. The House proposed no similar rescissions.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $156,495,000 for FAA research, engineering, and development instead of $173,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT
Conference Agreement
Fiscal Year 2000

Program Name	FY99 Enacted	FY00 Estimate	FY00 House	FY00 Senate	Conference Agreement
System Development and Infrastructure	**15,784,000**	**17,269,000**	**16,280,000**	**17,139,000**	**17,139,000**
System planning & resource management	1,164,000	1,294,000	1,164,000	1,164,000	1,164,000
Technical laboratory facility	9,730,000	11,075,000	10,216,000	11,075,000	11,075,000
Center for Advanced Aviation System Development	4,890,000	4,900,000	4,900,000	4,900,000	4,900,000
Capacity and Air Traffic Management Technology	**0**	**16,000,000**	**0**	**4,000,000**	**0**
Safe Flight 21	0	16,000,000	0	0	0
Winglet effecicency/wake vortex	0	0	0	4,000,000	0
Weather	**18,684,000**	**15,300,000**	**20,950,000**	**16,765,000**	**19,300,000**
National laboratory program	9,118,000	8,700,000	12,000,000	0	11,000,000
In-house support	2,630,000	3,150,000	2,500,000	0	2,500,000
Center for Wind, Ice & Fog	336,000	350,000	1,000,000	0	700,000
Hazardous weather program	0	0	0	11,865,000	0
Juneau, AK	3,600,000	3,100,000	2,450,000	3,100,000	3,100,000
SOCRATES	3,000,000	0	3,000,000	1,300,000	2,000,000
Ice monitoring and detection system	0	0	0	500,000	0
Aircraft Safety Technology	**34,886,000**	**39,639,000**	**44,639,000**	**40,957,000**	**44,457,000**
Aircraft systems fire safety	4,750,000	5,528,000	5,528,000	4,750,000	4,750,000
Advanced materials/structural safety	1,734,000	2,338,000	2,338,000	2,338,000	2,338,000
Propulsion and fuel systems	2,831,000	3,126,000	3,126,000	3,126,000	3,126,000
Flight safety/atmospheric hazards research	2,619,000	3,844,000	3,844,000	3,844,000	3,844,000
Aging aircraft	14,694,000	15,998,000	20,998,000	18,094,000	21,594,000
Aircraft catastrophic failure prevention research	1,787,000	1,981,000	1,981,000	1,981,000	1,981,000
Aviation safety risk analysis	6,471,000	6,824,000	6,824,000	6,824,000	6,824,000
System Security Technology	**51,690,000**	**53,218,000**	**58,400,000**	**47,041,000**	**50,147,000**
Explosives and weapons detection & aircraft hardening	43,700,000	45,677,000	50,859,000	39,500,000	42,606,000
Airport security technology integration	2,708,000	2,285,000	2,285,000	2,285,000	2,285,000
Aviation security human factors	5,282,000	5,256,000	5,256,000	5,256,000	5,256,000
Human Factors & Aviation Medicine	**25,065,000**	**26,207,000**	**27,829,000**	**20,207,000**	**21,971,000**
Flight deck/maintenance/system integration human factors	11,000,000	10,142,000	11,000,000	9,142,000	9,142,000
Air traffic control/airway facilities human factors	10,000,000	11,236,000	12,000,000	8,000,000	8,000,000
Aeromedical research	4,065,000	4,829,000	4,829,000	3,065,000	4,829,000
Environment and Energy	**2,891,000**	**3,481,000**	**3,481,000**	**2,891,000**	**3,481,000**
Innovative/Cooperative Research	**1,000,000**	**1,421,000**	**1,421,000**	**1,000,000**	**0**
Total appropriation	*150,000,000*	*172,535,000*	*173,000,000*	*150,000,000*	*156,495,000*

Weather research.—The conferees agree to provide $19,300,000 for aviation weather research instead of $20,950,000 as proposed by the House and $16,765,000 as proposed by the Senate. The conferees direct that, of these funds, $11,000,000 is to be made available for the national laboratory program, $2,000,000 is available to continue Project Socrates, $700,000 is for the Center for Wind, Ice and Fog, and $3,100,000 is to continue the turbulence and windshear research project at Juneau, Alaska.

Explosives and weapons detection and aircraft hardening.—The conference agreement includes $42,606,000 instead of $50,859,000 as proposed by the House and $39,500,000 as proposed by the Senate. Of this amount, $3,000,000 is to continue development of the pulsed fast neutron analysis (PFNA) cargo inspection system; $1,000,000 is for the Safe Skies initiative involving research and development of explosives and chemical or biological agents currently being conducted by the Institute of Biological Detection Systems; and $1,000,000 is for a dual view x-ray cargo explosive detection system demonstration for palletized cargo at Huntsville International Airport in Alabama. The conferees also encourage the FAA to continue demonstration and testing of a blast resistant hardened container for use on narrow body commercial aircraft.

Human factors research.—The conference agreement provides $21,971,000 instead of $27,829,000 as proposed by the House and $20,207,000 as proposed by the Senate. The conferees note that recently the focus of "ATC/AF human factors" research has shifted away from today's human factors problems and toward problems which could occur from implementation of tomorrow's technologies. These technology development efforts have their own funding which could—and should—address these issues. The conferees do not believe RE&D funds are needed to supplement those programs, and should be reserved for addressing today's human factors issues. The conferees do not agree with the Senate's direction to withhold obligation of human factors funding until submission of data regarding relative accident rates based on pilot age. The conferees understand that the FAA has agreed to provide this data to the Senate.

Fatigue countermeasures.—The conferees are concerned that FAA has still not made available to operational air traffic controllers educational materials regarding fatigue countermeasures. The Aviation Safety Reporting System and controller studies continue to cite fatigue as a significant factor in operational errors and other aviation incidents, and FAA's counterclockwise rotation schedule often exacerbates the problem. Given this situation, making controllers aware of available countermeasures is important. The conferees encourage FAA to accelerate the development and distribution of these materials.

Winglet technology.—The conferees understand that the FAA is conducting research into the efficiency and advantages of advanced winglet technology with funding provided in fiscal year 1999. The FAA may request a reprogramming for further research in this area in fiscal year 2000, consistent with Department of Transportation reprogramming guidelines.

Aging aircraft.—Of the funding provided, $5,000,000 is to continue and expand research activities at the National Institute for Aviation Research, as proposed by the House. The conferees make clear that these funds are for research, and not for construction or equipment procurement.

Innovative/cooperative research.—The conference agreement provides no funding for this activity, which conducts "strategic partnering" with industry. The conferees do not find this an appropriate use of RE&D funding.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $1,750,000,000, as proposed by the Senate instead of $1,867,000,000 as proposed by the House.

Obligation limitation.—The conferees agree to an obligation limitation of $1,950,000,000 for the "Grants-in-aid for airports" program instead of $2,250,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate.

Limitation on noise mitigation program.—The conference agreement deletes the limitation on the noise planning and mitigation program proposed by the Senate.

Discretionary grants award process.—The conferees expect FAA to make AIP discretionary grant announcements not more than fifteen days after submission to the office of the secretary of grant decisions, notwithstanding departmental guidelines and practices to the contrary. A recent GAO report found that, in some cases, awards were being delayed significantly in the office of the secretary due to slow administrative practices.

Priority consideration.—The conferees agree that the FAA should give priority consideration to grant applications for projects listed in the House or Senate reports, or in this statement of the managers, in the categories of discretionary grants for which they are eligible. In addition to those airports and projects listed in the House and Senate reports, the conferees agree that the following projects shall receive priority consideration:

Airport	Project
Aurora Municipal Airport, Aurora, IL	Runway reconstruction.
Tell City/Perry County Airport, Tell City, IN.	Runway extension.
Freeman Municipal Airport, Seymour, IN.	Apron/taxiway reconstruction.
Danbury Municipal, CT	Hurricane-related repair.
Upper Cumberland Regional, Sparta-Cookeville, TN.	Land acquisition and runway, taxiway, and safety improvements.
Denver International, CO	Environmental and stormwater mitigation, taxiway B–4 and runway 25/5.
Montgomery Regional, AL	Crosswind runway extension and other safety improvements.
Jackson International, MS	Air cargo apron.
Abbeyville, AL	Runway and apron extensions and other safety improvements.
Mexico Muncipal Airport, Mexico, MO	Runway extension, safety improvements, and other capacity enhancement projects.
Rock County Airport, Janesville, WI	Runway extension and reconstruction; parallel taxiway; land acquisition; and associated lighting systems.
Eastern West Virginia Regional Airport, Martinsburg, WVA.	Runway extension: planning, engineering, and construction.
Seattle-Tacoma International, WA	Capacity expansion and safety improvements.
Waterbury/Oxford Airport, CT	Rehabilitation of taxiway A.

Danbury Municipal Airport, CT.—The conferees agree that Danbury Municipal Airport should receive priority consideration for discretionary funding under the Airport Improvement Program to provide for the urgent repair of damage caused by Hurricane Floyd estimated at $2,000,000.

Waterbury/Oxford Airport, Waterbury, CT.—The conferees agree that the FAA shall give priority consideration to a discretionary grant request for the rehabilitation of taxiway A at Waterbury/Oxford Airport.

Reimbursement for instrument landing system, Louisville International Airport, KY.—The FAA is directed to honor a previous commitment made to the sponsor of Louisville International Airport and reimburse the sponsor for costs related to acquisition and installation of an instrument landing system. The House conferees understood last year that the FAA was to provide a discretionary grant for this purpose, and consequently dropped bill language requiring reimbursement. However, rather than provide reimbursement in this manner, the agency advanced to the sponsor a payment under an existing letter of intent. The conferees believe that requiring the sponsor to absorb new activities within an existing LOI does not meet the intent of reimbursement.

Administration.—The conference agreement allows FAA's expenses for administering the grants-in-aid program to be derived from this appropriation, as proposed by the Senate, instead of under the FAA's operating account. .The conference agreement limits those expenses to $45,000,000, instead of $47,891,000 proposed by the Senate. The House bill included no funding for this program. The bill includes a provision allowing these expenses to be drawn from FAA's operating account in the event of a lapse in contract authorization for this program, at a rate not to exceed $45,000,000 for the fiscal year.

Low frequency noise.—The managers recognize that the issue of low frequency airport noise is increasingly of concern in residential neighborhoods near the nation's airports. The managers urge the FAA to expedite efforts to research and define this problem, and to develop low frequency noise mitigation policies that appropriately address low frequency airport noise impacts on residential neighborhoods.

GRANTS-IN-AID FOR AIRPORTS

(RESCISSION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes no rescission of contract authority as proposed by the Senate instead of $300,000,000 as proposed by the House.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the reduction in the fiscal year 1999 obligation limitation for grants-in-aid for airports proposed by the Senate. The House bill included no similar reduction.

AVIATION INSURANCE REVOLVING FUND

The conference agreement includes language proposed by the Senate authorizing continued expenditures and investments under the Aviation Insurance Revolving Fund for aviation insurance activities authorized under chapter 443 of title 49, United States Code. The House included no similar language.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The conference agreement includes a prohibition on funding for this program as a general provision, as proposed by the House, instead of under this heading as proposed by the Senate.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $376,072,000 instead of $356,380,000 as proposed by the House and $370,000,000 as proposed by the Senate. Within the overall limitation, the conference agreement includes a limitation of $70,484,000 to carry out the functions and operations of the office of motor carriers as proposed by the House instead of $55,418,000 as proposed by the Senate.

The conference agreement provides that certain sums be made available under section 104(a) of title 23, U.S.C. to carry out specified activities, as follows: $6,000,000 shall be available for commercial remote sensing products and spatial information technologies under section 5113 of Public Law 105–178, as amended; $5,000,000 shall be available for the nationwide differential global positioning system program as authorized; $8,000,000 shall be available for the national historic covered bridge preservation program under section 1224 of Public Law 105–178, as amended; $18,300,000 shall be available for the Indian reservation roads program under section 204 of title 23, U.S.C.; $16,400,000 shall be available for the public lands highways program under section 204 of title 23, U.S.C.; $11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, U.S.C.; $1,300,000 shall be available for the refuge road program under section 204 of title 23, U.S.C.; $7,500,000 shall be made available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended; $10,000,000 shall be available for the transportation and community and system preservation program under section 1221 of Public Law 105–178; and $15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for the Transportation Research Institute.

The recommended distribution by program and activity of the funding provided for FHWA's administrative expenses is as follows:

FHWA administrative expenses (excluding OMC) ..	$300,890,000
Accountwide adjustment	−3,000,000
Eliminate funding for the human resource information system	−802,000
Eliminate funding for the community/federal information partnership program	−6,000,000
Advanced vehicle technology consortia program (section 5111 of TEA21)	5,000,000
Eliminate funding for national rural development program support	−500,000
Transportation management planning for the Salt Lake City 2002 Winter Olympic Games (section 1223 of TEA21)	5,000,000
Economic development highways initiative	5,000,000
Subtotal, FHWA (excluding OMC)	305,588,000
Motor carrier administrative expenses	61,234,000
Additional resources for federal inspectors and other safety-related activities	9,250,000
Subtotal, motor carrier expenses	70,484,000
Total, FHWA administrative expenses	376,072,000

Advanced vehicle technology consortia program.—The conference agreement provides $5,000,000 for the advanced vehicle technology consortia program. These funds shall be available to support a public/private partnership to design, develop, and deploy alternative fuel and propulsion systems focusing on medium and heavy vehicles. The conferees direct the FHWA to include with the fiscal year 2001 budget request a report that delineates a detailed strategic spending plan for the advanced vehicle consortia program. Moreover, the conferees direct that all development, demonstration and deployment projects to be funded within the advanced vehicle consortia program require at least a fifty percent non-federal match and that none of the funds provided for this program shall be used to advance magnetic levitation technology.

Transportation management planning for the Salt Lake City 2002 Winter Olympic Games.—The conference agreement includes $5,000,000 for transportation management planning for the Salt Lake City Winter Olympic Games, as authorized by section 1223(c) of TEA21. These funds shall be available for planning activities and related temporary and permanent transportation infrastructure investments based on the transportation management plan approved by the Secretary.

In addition, the conferees recommend that the Secretary give priority consideration when allocating discretionary highway funds to the following transportation projects to support the 2002 Winter Olympic Games:

I–80: Kimball Junction—modification/reconstruction

I–80: Silver Creek Junction—modification/reconstruction

SR 248 reconstruction: US 40 to Park City

Soldier Hollow Improvements: Wasatch County

I–15 reconstruction: 10800 South to 600 North

I–215: 3500 South—interchange reconfiguration

Turner-Fairbank Highway Research Center contracting.—The conferees direct the FHWA to identify and submit specific corrections it plans to take in response to the Inspector General's audit of the Turner-Fairbank Highway Research Center contracting activities to the House and Senate Committees on Appropriations by December 1, 1999.

Central Artery/Ted Williams tunnel project.—On May 24, 1999, the Inspector General reported that between 1992 and 1997, the Massachusetts Highway Department paid premiums totaling $368,700,000 for an owner-controlled insurance program on the Central Artery/Ted Williams Tunnel Project (Project) in Boston, Massachusetts. Insurance company audits showed the premiums should have been adjusted downward by a total of $166,700,000 with interest. Since ninety percent of the premium payments were made with federal funds, the federal share of the adjustments is $150,000,000. The Project intended to keep those funds, as well as other excess funds that might be paid into the insurance program through 2004, invested in its reserve trust account until the year 2017. By 2017, the balance of the reserves was projected to grow to $826,000,000. The Project's 1998 finance plan used the full future value of the reserves as a "credit" to off-set construction costs and keep the "net" cost of the Project at $10.8 billion. The Inspector General concluded that there were no documented insurance-related needs that justified the continued holding of the federal money.

In response to recommendations contained in the Inspector General's report, FHWA agreed to take action to use the accumulated adjustments and interest not needed for project costs during that time; and to issue guidance to ensure future premium adjustments are immediately returned and reserves for owner-controlled insurance programs do not exceed allowable amounts. Given FHWA's prior agreement to allow the excess premiums to be retained in investment accounts, the conferees agree that the FHWA's planned actions are reasonable. The conferees fully expect that there will be no delays in recovering excess funds or implementing the other agreed-upon actions. In particular, the conferees are concerned that guidance regarding federal funding of insurance on transportation projects must be adequate to ensure similar situations do not arise in the future. Therefore, the conferees direct the Secretary of Transportation to issue guidance to ensure: (1) the federal share of premium adjustments on all transportation projects is immediately applied to other project costs or returned to the U.S. Treasury, and (2) reserve account balances for insurance programs are adjusted annually so that reserves do not exceed the amount reasonably needed to pay outstanding claims. The conferees further direct the Inspector General, as a part of the continuing oversight of the Central Artery project, to monitor the implementation of FHWA's planned actions related to the Central Artery insurance program.

Inspector General cost reimbursements.—The conference agreement provides up to $2,000,000 for Inspector General audit cost reimbursements. These funds are transferred from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the Office of Inspector General.

Office of motor carriers.—The conference agreement includes $70,484,000 for administrative expenses of the office of motor carriers as proposed by the House instead of $55,418,000 as proposed by the Senate. The conferees agree that this level is necessary to fund the critical investments in motor carrier programs as identified by the House. Within the funds provided, $200,000 shall be available to conduct the school transportation safety study and $350,000 shall be available for Operation Respond.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement deletes the limitation on transportation research of $422,450,000 proposed by the House. The Senate bill contained no similar limitation under this heading. Funding for transportation research programs and activities is included within the overall limitation on federal-aid highways, as proposed by the Senate.

FEDERAL-AID HIGHWAYS

The conference agreement limits obligations for the federal-aid highways program to $27,701,350,000 as proposed by both the House and the Senate. The conference agreement also includes the following limitations within the overall limitation on obligations for the federal-aid highways program as proposed by the Senate: $391,450,000 for transportation research; $20,000,000 for the magnetic levitation transportation technology deployment program, of which not more than $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance; $31,000,000 for the Bureau of Transportation Statistics; and $211,200,000 for intelligent transportation systems. The House bill contained no similar sub-limitations.

The conference agreement deletes the provision proposed by the Senate providing $10,000,000 for the national historic covered bridge preservation program from the discretionary bridge program and $5,000,000 for the nationwide differential global positioning system from funds made available for intelligent transportation systems. These set-asides are addressed under "Federal Highway Administration, Limitation on administrative expenses".

The conference agreement includes a provision proposed by the Senate that requires the Secretary, at the request of the State of Nevada, to transfer up to $10,000,000 of its minimum guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on high priority project numbered 829 in Public Law 105–178, relating to the widening of I–15 in San Bernardino County. This provision shall, in no way, affect the formulae for distributing contract authority and obligational authority to the states. The House bill contained no similar provision.

The conference agreement also includes a provision, which after deducting $90,000,000 for high priority projects and $8,000,000 for the Woodrow Wilson Bridge, distributes revenue aligned budget authority directly to the states consistent with each state's individual guaranteed share under section 1105 of Public Law 105–178. Such an approach maximizes resources flowing to the states.

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $65,000,000 for highway research and development for the following activities:

Safety	$14,200,000
Pavements	13,050,000
Structures	15,000,000
Environment	6,200,000
Policy	4,000,000
Planning	4,000,000
Motor carrier	6,400,000
Advanced research	900,000
Highway operations	750,000
Freight	500,000
Total	65,000,000

Safety.—The conferees direct FHWA to ensure that safety research and development activities receive the same level of funding as provided in fiscal year 1999. Within the funds provided for safety research, the conferees encourage the FHWA to provide up to $100,000 to conduct research and to incorporate guidance in the National Manual of Uniform Traffic Control Device for highway/rail grade crossing pre-signal operations, and to advance a new traffic signal warrant for preemption requirements. The conferees also encourage the FHWA to provide up to $750,000 to evaluate and deploy a nationwide highway watch program to improve roadway safety.

The Secretary of Transportation is encouraged to evaluate means of improving the safety of persons present at roadside emergency scenes, including motor vehicle accidents. The study should evaluate the effectiveness of state laws designed to improve the safety of persons present at roadside emergency scenes; determine the feasibility of requiring drivers operating motor vehicles approaching a roadside emergency scene to move to the farthest lane from the emergency scene and decrease motor speed to 10 miles per hour under the posted speed limit; and collect such statistics as may be necessary to assist policy makers in addressing issues of safety at roadside emergency scenes.

Pavements.—Within the funds provided for pavements research, the conferees encourage the FHWA to provide up to $400,000 for geosynthetic material research; and up to $1,500,000 to study the potential benefits to federally funded highway projects and asphalt surfaces of early application of emulsified sealer/binder and research related to development of low cost pavement with flexibility to tolerate heaves in extreme climates. The conferees further encourage the FHWA to provide up to $1,000,000 to evaluate and promote the benefits of silica fume high performance concrete and to submit a report to the House and Senate Committees on Appropriations by September 30, 2001 of its findings. The FHWA is also encouraged to work with an academic and industry-led national consortium and to provide funding within available balances for an additional polymer additive project to demonstrate the use of polymer additives in pavement for civil infrastructure purposes, and researchers at the University of Mississippi to develop concepts and technologies that will lead to better constructed pavements. And lastly, the FHWA is encouraged to provide up to $1,250,000 for research costs associated with constructing a segment of highway utilizing a binder composed of polymer additives and to work with the South Carolina State University and Clemson University to further research in this area.

Structures.—Within the funds provided for structures research, the conferees encourage the FHWA to provide up to $1,500,000 for the Utah Department of Transportation and the Utah Transportation Center to conduct research of load capacities of deteriorating bridges. The conferees also encourage the FHWA to provide up to $1,200,000 to develop advanced engineering and wood composites for bridge construction and to work with Cal State University at San Diego and the University of Maine. The conferees encourage the department to consider establishing an earthquake simulation facility at the Nevada test site for full-earthquake testing applications.

The conferees encourage the FHWA to provide up to $2,000,000 to establish a center of excellence at the West Virginia University Constructed Facility Center. The conferees encourage the FHWA to work with Lehigh University and its center for advanced technology for large structural systems. FHWA is also encouraged to provide up to $1,000,000 for the development of technology to prevent and mitigate alkali silica reactivity utilizing lithium salts. Lastly, FHWA is encouraged to support research into and deployment of the use of electronic control of magnets to reduce sound and vibration during major highway construction.

Environment.—Within the funds provided for environment research, the conferees encourage the FHWA to collaborate with the National Environmental Research Center on its research strategy. FHWA is also encouraged to provide up to $300,000 for native vegetation research and up to $1,000,000 to support research to examine the levels and types of fine particulate matter produced by highway sources, and to develop improved tools to predict truck travel and resulting emissions on nitrous oxides. Up to $100,000 is provided to further the PM–10 study within funds provided for highway research and development.

Policy.—The FHWA is encouraged to develop a comprehensive program of international logistics training and operational testing to enhance the movement of freight through international corridors and facilities. In addition, the FHWA is encouraged to study cross state line planning and propose tools or processes that will facilitate the preliminary planning process in the absence of a memorandum of understanding between the affected states. None of the funds provided for any surface transportation subaccount may be used to support research into sustainability.

Planning and real estate.—Within the funds provided for planning and real estate research, the conferees encourage the FHWA to be the lead agency in the next developmental phase of the National Transportation Network Analysis Capability at Los Alamos Laboratory.

Freight.—The conference agreement provides $500,000 for freight research.

Motor carrier research.—The conferees direct the FHWA to improve the budget justification materials in the area of motor carrier research. The conferees also direct that not more than $60,000 shall be available from all department funding sources for the international conference on motor carrier research. Within the funds available for motor carrier research, the conferees encourage the FHWA to provide up to $500,000 for the truck driver center initiative at Crowder College, Missouri. The FHWA is also encouraged to provide up to $1,000,000 to study the effects of shift changes on truck driver alertness.

Interstate rest areas.—The conferees encourage the FHWA to study interstate rest areas and liability and maintenance costs issues and provide recommendations as to methods for states to ensure competitive alternatives for interstate travelers and to provide uniformity, rest area signage standards, and oasis identification conformity.

Electronic control module technology.—The conferees encourage the FHWA to work with interested parties to explore a standard of protocol for electronic control module technologies for access to and the relevant data to be recorded in this area.

Technology and deployment.—The conferees direct the FHWA to respond by December 1, 1999 to each of the recommendations presented in the Transportation Research Board report on technology deployment and report to the House and Senate Committees on Appropriations how FHWA will improve its mechanisms of technology transfer and evaluations. Within the funds provided for technology and deployment, the conferees encourage FHWA to provide up to $2,000,000 for the Center for Advanced Simulation Technology in New York and Auburn University for a transportation management plan.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement provides a total of $211,200,000 for intelligent transportation systems (ITS), of which $113,000,000 is available for ITS deployment and $98,200,000 is for ITS research and development. Within the funds made available for intelligent transportation systems, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Project location	*Conference*
Albuquerque, New Mexico	$2,000,000
Arapahoe County, Colorado	1,000,000
Branson, Missouri	1,000,000
Central, Pennsylvania	1,000,000
Charlotte, North Carolina	1,000,000
Chicago, Illinois	1,000,000
City of Superior and Douglas County, Wisconsin	1,000,000
Clay County, Missouri	300,000
Clearwater, Florida	3,500,000
College Station, Texas	1,000,000
Central, Ohio	1,000,000
Commonwealth of Virginia	4,000,000
Corpus Christi, Texas	1,500,000
Delaware River, Pennsylvania	1,000,000
Fairfield, California	750,000
Fargo, North Dakota	1,000,000
Florida Bay County, Florida	1,000,000
Fort Worth, Texas	2,500,000
Grand Forks, North Dakota	500,000

Project location	*Conference*
Greater Metropolitan Capital Region, DC	5,000,000
Greater Yellowstone, Montana	1,000,000
Houma, Louisiana	1,000,000
Houston, Texas	1,500,000
Huntsville, Alabama	500,000
Inglewood, California	1,000,000
Jefferson County, Colorado	1,500,000
Kansas City, Missouri	1,000,000
Las Vegas, Nevada	2,800,000
Los Angeles, California	1,000,000
Miami, Florida	1,000,000
Mission Viejo, California	1,000,000
Monroe County, New York	1,000,000
Nashville, Tennessee	1,000,000
Northeast Florida	1,000,000
Oakland, California	500,000
Oakland County, Michigan	1,000,000
Oxford, Mississippi	1,500,000
Pennsylvania Turnpike, Pennsylvania	2,500,000
Pueblo, Colorado	1,000,000
Puget Sound, Washington	1,000,000
Reno/Tahoe, California/Nevada	500,000
Rensselaer County, New York	1,000,000
Sacramento County, California	1,000,000
Salt Lake City, Utah	3,000,000
San Francisco, California	1,000,000
Santa Clara, California	1,000,000
Santa Teresa, New Mexico	1,000,000
Seattle, Washington	2,100,000
Shenandoah Valley, Virginia	2,500,000
Shreveport, Louisiana	1,000,000
Silicon Valley, California	1,000,000
Southeast Michigan	2,000,000
Spokane, Washington	500,000
St. Louis, Missouri	1,000,000
State of Missouri	1,000,000
State of Alabama	1,300,000
State of Alaska	3,000,000
State of Arizona	1,000,000
State of Colorado	1,500,000
State of Delaware	2,000,000
State of Idaho	2,000,000
State of Illinois	1,500,000
State of Maryland	2,000,000
State of Minnesota	7,000,000
State of Montana	1,000,000
State of Nebraska	500,000
State of Oregon	1,000,000
State of Texas	4,000,000
State of Vermont rural systems	1,000,000
States of New Jersey and New York	2,000,000
Statewide Transcom/Transmit upgrades, New Jersey	4,000,000
Tacoma Puyallup, Washington	500,000
Thurston, Washington	1,000,000
Towamencin, Pennsylvania	600,000
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin	1,500,000
Wayne County, Michigan	1,000,000

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

Shenandoah Valley, Virginia.—The conference agreement includes $2,500,000 for Intelligent Transportation Systems (ITS) in Virginia's Shenandoah Valley. The conferees are encouraged by the opportunities to improve safety with ITS programs such as the collection and distribution of real time information, installation of dynamic message signs and safety monitors, coordination of emergency response, and other systems and encourage efforts with Shenandoah University, George Mason University and Virginia Tech.

Washington, D.C.—The conference agreement includes $5,000,000 for Intelligent Transportation Systems (ITS) in the national capital region. Within the amount provided, the conferees urge funding be made available to George Mason University to develop a system which coordinates ITS responses to major capital projects in North-

Research and development	$47,450,000
Operational tests	6,650,000
Evaluations	7,000,000
Architecture and standards	16,400,000
Integration	10,700,000
Mainstreaming	1,000,000
Program support	9,000,000
Total	98,200,000

Within the funds for research and development, the conferees encourage the FHWA to work with Drexel University to focus on the link between intelligent transportation systems and transportation infrastructure.

Within the funds provided for evaluations, the conferees encourage the FHWA to provide up to $1,000,000 for the testing and development of a smart commercial drivers license utilizing smart card and biometric elements to enhance safety and efficiency.

The conferees encourage the FHWA to consider establishing a program to test passive technology and incorporate the results into the department's development and implementation of a national standards regime.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project	*Conference*
Hokes Bluff, Alabama ferry	$350,000
LaPoint, Wisconsin ferry terminal	575,000
McClelland, Virgelle, and Carter ferry sites, Montana	1,500,000
New Bedford, Massachusetts ferry terminal	500,000
New London ferry terminal	800,000
North Carolina ferry system	2,000,000
Penn's landing ferry, Pennsylvania	1,500,000
Port Clinton, Ohio ferry and passenger terminal	1,000,000
Potomac River ferry	500,000
Savannah, Georgia water taxi	500,000
Seattle Elliott Bay water taxi	500,000
State of Hawaii for intra-island ferry service from Barbers Point to Honolulu Harbor	1,500,000

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

Within the funds available for the magnetic levitation transportation technology deployment program, funds are to be available for the following projects and activities:

Administration	$1,000,000
Segmented rail phased induction electric magnetic motor (SERAPHIM) project	1,000,000
Port Authority of Allegheny County, Pennsylvania	3,500,000
Maryland Department of Transportation	2,250,000
California-Nevada super speed train commission	2,250,000
Florida Department of Transportation	2,250,000
Greater New Orleans Expressway Commission	2,250,000
Georgia/Atlanta Regional Commission	2,250,000
State of California	2,250,000

Segmented rail phased induction electric magnetic motor (SERAPHIM) project.—The conferees have provided $1,000,000 for the SERAPHIM project from program set-asides for low speed maglev research. This technology has been identified as a potential transit option for the Colorado intermountain fixed guideway authority, Denver International Airport to Eagle County Airport corridor.

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and development program, funds are to be available for the following projects and activities:

Project	*Conference*
Columbus port-of-entry realignment, Columbus, New Mexico	$1,000,000
Corridor 18, Texas	15,000,000
I–5, Washington	4,000,000
I–66, Kentucky	5,000,000
Mon-Fayette expressway, West Virginia	12,000,000
Route 2, New Hampshire, corridor planning	1,500,000
Stevenson Expressway, Chicago, Illinois	8,000,000
STH 29, Wisconsin development corridor, Chippewa Falls to Elk Mound	12,000,000

In addition, the conferees direct that $10,000,000 be available only to the states of Arizona, California, New Mexico and Texas for safety and enforcement enhancements such as portable scales, facilities, software, supplies, and equipment and leasing or purchase of land necessary to house additional OMCHS inspectors as well as to construct access and egress and other roadway improvements directly related to the efficient operation of the facilities.

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

The conference agreement provides a total of $35,000,000 for the transportation and community and system preservation program, of which $10,000,000 are derived from the administrative takedown. Within the funds available for the transportation and community and system preservation program, funds are to be available for the following projects and activities:

Project	*Conference*
Alabama Department of Transportation Statewide Dock Inventory Assesssment	$400,000
Albuquerque Downtown Transportation Management Program	600,000
Anchorage, Alaska Ship Creek redevelopment & port access planning	500,000
Arlington County, Virginia pedestrian, bicycle access and other transit improvements	500,000
Burlington, Vermont North Street revitalization project	400,000
City of New Haven, Connecticut trolley cars	250,000
City of Warwick, Rhode Island, Station Redevelopment Planning	300,000
Community and environmental transportation acceptability program of southern California	500,000
Concord, New Hampshire "20/20 Vision" small community planning guide	400,000
Denver, Colorado 16th Street Pedestrian Improvements	500,000
Desert Research Institute Air Quality Study	500,000
DuPage County, Illinois transportation alternatives development	750,000
Fairbanks, Alaska Riverwalk Centennial Bridge community connector project	1,000,000
Florence, Alabama pedestrian and other transportation improvements	1,000,000
Fort Worth, Texas corridor redevelopment and transit linkages	1,500,000

Project	Conference
Green Bay, Wisconsin pedestrian improvements and livable communities projects	750,000
Houston, Texas Main Street corridor livable communities	500,000
Jackson, Mississippi Pearl River Airport Connector Study	1,000,000
Kalispell, Montana Bus Barn Facility	400,000
Knoxville, Tennessee electric transit project	500,000
Lufkin, Texas Small Town Livability Demonstration Project	400,000
Metrowest regional transportation study, Massachusetts	250,000
Monmouth, County, New Jersey pedestrian improvements	300,000
Montclair New Jersey connection transit livable communities	250,000
Muncie, Indiana community connectors	250,000
New Rochelle, New York intermodal center	500,000
North Jersey transportation planning authority	800,000
Northwest Michigan transportation use initiative	125,000
Omaha, Nebraska "Back to the River" community project and pedestrian access	2,000,000
Pennsylvania Avenue traffic mitigation measures	500,000
Putnam County, West Virginia—Route 35 management plan	450,000
Raton, New Mexico historic rehabilitation project	600,000
Richmond, Virginia Main Street intermodal facility	1,750,000
River Market/College Station, Arkansas livable communities	750,000
San Francisco, California civic center plaza	1,075,000
South Amboy, New Jersey regional multimodal transportation initiative	250,000
State of Oregon TCSP Program	500,000
Utah-Colorado "Isolated Empire" Rail Connector Study	1,000,000
White Plains, New York TRANSCENTER pedestrian improvements	1,000,000

BRIDGE DISCRETIONARY PROGRAM

Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

Project	Conference
Florida Memorial Bridge	$12,000,000
Hoover Dam	9,000,000
Naheola Bridge, Alabama	5,000,000
Paso Del Norte International Bridge	1,200,000
Turner Diagonal Bridge, Kansas City, Kansas	3,000,000
Union Village Bridge, Thetford and Cambridge Junction Bridge, Cambridge, Vermont	2,000,000
US 82 to Mississippi River Bridge Greenville, Washington County, Mississippi	9,000,000
Williamston-Marietta Bridge, Wood County, West Virginia	4,000,000
Witt-Penn Bridge, New Jersey	3,000,000

FEDERAL LANDS

Within the funds available for federal lands, funds are to be available for the following projects and activities:

Project	Conference
Austin Junction-Baker County Line section of US 26, Oregon	$6,500,000
Big Mountain, Montana	2,500,000
Blackstone Valley National Heritage Corridor, Rhode Island	2,000,000
Boyer Chute National Wildlife Refuge, Nebraska	1,500,000
Chincoteague National Wildlife Refuge, Virginia	1,000,000
Chugach National Forest, Bird Creek road widening and public safety project	1,000,000
Daniel Boone Parkway, Kentucky	2,000,000
Delaware River Water Gap National Recreational Area, New Jersey	3,400,000
Donlin Creek access road, Alaska	500,000
Hakalau Forest National Wildlife Refuge	400,000
Harpers Ferry National Historical Park Shoreline Drive improvements, West Virginia	2,400,000
Highway 117 feasibility study, Louisiana	500,000
Highway 323 upgrade between Alzada and Ekalaka, Montana	2,200,000
Historic Columbia River Highway state trail, Oregon	500,000
Katmai National Park, Lake Camp access	1,100,000
Kealia Pond National Wildlife Refuge	1,100,000
Kenai Fjords National Park	1,100,000
Kenai Peninsula road and trail improvements	500,000
Lemhi Pass Road, west of Clark Canyon dam, Montana	2,000,000
New Mexico Route 4 Jemez Pueblo Bypass, New Mexico	500,000
New River Gorge National River, pave and realign Cunard Road, West Virginia	960,000
North Fork Road in Columbia Falls, Montana	2,400,000
Puukohola Heiau National Historic Site	2,000,000
Snoqualmie Valley, Washington (Forest Service)	2,000,000
Soldier Hollow improvements and Bear River migratory bird refuge access road	3,000,000
SR 248, Utah	3,700,000
Timucuan Preserve Road, Florida	1,000,000
US 89, west boundary to Bishoff Canyon, Idaho	2,000,000

The conferees direct that the funds allocated above are to be derived from the FHWA's public lands discretionary program, and not from funds allocated to the National Park Service's regions.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $26,000,000,000 for the federal-aid highways program instead of $26,125,000,000 as proposed by the House and $26,300,000,000 as proposed by the Senate.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $105,000,000 for motor carrier safety grants as proposed by the House. The Senate bill provided $155,000,000.

MOTOR CARRIER SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a limitation on obligations of $105,000,000 for motor carrier safety grants proposed by the House and the Senate. This agreement allocates funding in the following manner:

Basic motor carrier safety grants	$75,881,250
Performance-based incentive grants	8,431,250
Border assistance and priority initiatives	9,500,000
State training and administration	1,187,500
Information systems	3,200,000
Motor carrier analysis	1,100,000
Implementation of PRISM	4,875,000
Driver program	825,000
Total	105,000,000

Commercial drivers license program.—The Office of Motor Carriers shall work with states to assure that they have the most up-to-date driving record for people that hold a commercial driver's license (CDL) and that this information can be easily transferred. A report on the office's efforts to the House and Senate Appropriations Committees is due May 1, 2000.

Also on May 1, 2000, the FHWA shall submit a report on their planned remedies to the vulnerabilities in the CDL program, as required in the Senate report accompanying the bill.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $87,400,000 from the general fund for highway and traffic safety activities as proposed by the House. The Senate did not provide a general fund appropriation for NHTSA's operations and research activities. Instead, the Senate provided $72,900,000 from the Highway Trust Fund for these activities.

A total of $62,928,000 shall remain available until September 30, 2002 as proposed by the House. The Senate made $48,843,000 available until September 30, 2001.

The agreement includes a provision that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are different from those standards already in effect. This provision was contained in both the House and Senate bills.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

The conference agreement provides $72,000,000 from the highway trust fund to carry out provisions of 23 U.S.C. 403 as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

Salaries and benefits	$52,643,000
Travel	1,155,000
Operating expenses	18,409,000
Contract programs:	
Safety performance	3,429,000
Safety assurance	9,045,000
Highway safety programs	37,513,000
Research and analysis	48,901,000
General administration	645,000
Grant administration reimbursements	−10,340,000
Total	161,400,000

Staffing.—The conference agreement does not provide any funding for the 14 new staff requested by NHTSA. The agency currently has a number of vacancies that need to be filled prior to hiring new staff (–$890,000).

Operating expenses.—Due to budget constraints, the conference agreement deletes all funds for the air bag on/off switch project because the requests for applications have not materialized as expected. NHTSA should report to the House and Senate Committees on Appropriations annually on the level of applications. Within the existing operating expense budget, NHTSA can fulfill legal data collection requirements for this project through the use of existing staff and funds.

Travel.—The conference agreement deletes all of the requested travel increase except $30,000. This should be used to fund travel related to international harmonization activities (–$346,000).

Human resource information system.—Funding is deleted for the human resource information system throughout the department (–$223,000).

New car assessment program.—The conference agreement provides an increase for the new car assessment program (+$223,000) to assure that NHTSA has sufficient funds to conduct enough crash tests to provide consumers information on the majority of new vehicles.

Safe Communities.—Funding has been deleted for the safe communities program, consistent with action taken by both the House and the Senate (–$1,401,000).

Drivers license identification.—Funding has been denied for the drivers license identification program, consistent with action taken by both the House and the Senate (–$264,000).

Head injury research.—Within the emergency medical services program, $750,000 shall be used to initiate the third phase of head injury prehospital protocols. The conferees encourage NHTSA to continue working with Aitkens Neuroscience Center during this phase of the program and to initiate training of emergency medical services personnel in as many states of possible.

Aggressive driving.—A total of $1,000,000 has been provided to develop and implement a regional education and driver modification program to combat aggressive driving in Maryland, Virginia, and the District of Columbia.

Rural trauma.— The conference agreement allocates $875,000 to initiate a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

Biomechanics.—At a minimum, NHTSA should continue to support the biomechanics program at the 1999 level. The conferees are very supportive of the work being conducted by the crash injury research and engineering network.

The conference agreement has also provided $1,250,000 to fund the development of a comprehensive integrated research program in injury sciences at the University of Alabama at Birmingham, as detailed in the Senate report.

State data program.—The conferees urge NHTSA to work with the State of Montana and Yellowstone County Traffic Safety Commission to develop a statewide hospital emergency department database and a statewide hospital discharge data system so that this state can begin participating in the Crash Outcome Data Evaluation System in the near future.

Grant administration.—Under TEA21, NHTSA may draw up to five percent of its administrative costs for the grant program. The conference agreement reflects a five-percent draw down.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by both the House and the Senate. Of this funding, up to $250,000 may be used for the technology assessment authorized under section 2006 of TEA21.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $206,800,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $206,800,000 as proposed by both the House and the Senate. A total of $10,340,000 has been provided for administration of the grant programs instead of $9,973,000 as proposed by both the House and the Senate. Of this total, not more than $7,640,000 of the funds made available for section 402, not more than $500,000 of the funds made available for section 405, not more than $1,800,000 of the funds made available for section 410, and not more than $400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to ensure that each grant program does not contribute more than five percent of the total administrative costs.

As noted within the Federal Highway Administration, the conference agreement allocates $7,500,000 for child passenger protection education grants. The amount is the same as proposed by the Senate but the funding is not explicitly transferred, in bill language, to NHTSA as proposed by the Senate. The conferees believe that FHWA should make these funds available to NHTSA to carry out the provision of Public Law 105–178. The House bill contained no similar appropriation.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to States from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate.

The bill includes separate obligation limitations with the following funding allocations:

State and community grants	$152,800,000
Occupant protection incentive grants	10,000,000
State highway data improvement grants	8,000,000
Alcohol incentive grants	36,000,000

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement appropriates $94,288,000 for safety and operations instead of $94,448,000 as proposed by the House and $91,789,000 as proposed by the Senate. Of the total amount, $6,800,000 shall remain available until expended, as proposed by the House instead of $6,700,000 as proposed by the Senate.

The following adjustments were made to the budget estimate:

Deny half-year funding for 7 new positions	–$400,000
Delete funding for human resource information system	–253,000
Reduce contract support	–250,000
Decrease funding for information technology initiative	–771,000
Credit availability study	+150,000
Operation lifesaver	+350,000
Net adjustment to budget request	–1,174,000

Restructuring and staffing flexibility implementation report.—The conferees direct FRA to provide a detailed report on the consolidation of offices of the Administrator, Railroad Safety, and the administrative activities of the research and next generation high-speed rail accounts over the first three quarters of fiscal year 2000. Using fiscal year 1999 end-of-year staffing levels as a base, the agency shall chart how staffing flexibility is implemented, detailing the movements of personnel and staff hours among administrative, research, and safety activities. In addition, comparisons between the first three quarters of fiscal year 1999 and the first three quarters of fiscal year 2000 shall be made using the following measures: number of track miles inspected; number of freight miles inspected; number of site-specific safety inspections performed; number of enforcement cases closed; and amount of civil penalty assessments collected or settled.

Fiscal year 2001 budget presentation.—The FRA is directed to provide supporting documentation in the fiscal year 2001 budget justification at the same level of detail as that specified in the fiscal year 1999 budget.

Information technology.—FRA shall submit a detailed spending plan for the agency's new information technology system, as specified in the Senate report, as part of its fiscal year 2001 budget justification.

Small railroad investment needs and financial study options.—A total of $150,000 has been provided to study small railroad investment needs and financial options; to determine the public interest benefits associated with light density rail networks in the states and their contribution to a multi-modal transportation system; and to demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under Title 23.

Operation lifesaver.—The conference agreement increases funding for Operation Lifesaver $350,000 above the budget request, for a total program level of $950,000. This funding will support initial work on a national public service campaign to increase awareness of highway-rail grade crossing safety and trespass prevention. The conferees stress the importance of implementing a unified campaign that has the financial and technical support of the railroad industry, FRA and the law enforcement community.

Valley trains and tours.—The conferees continue to be supportive of scenic passenger rail service in Shenandoah County, Virginia and encourage FRA to continue participating in this effort with Valley trains and tours, the Commonwealth of Virginia, and Norfolk Southern.

The conference report deletes two language provisions contained in the Senate bill: (1) requiring FRA to reimburse the Department of Transportation's Inspector General $1,000,000 for the costs associated with rail audits and investigations; and (2) permitting the Administrator to transfer up to 10 percent of the funds specified for the safety and operations office. The House bill contained no similar provisions.

Bill language is included that authorizes the Secretary to receive payments from the Union Station Redevelopment Corporation, credit them to the first deed of trust, and make payments on the first deed of trust. These funds may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration and must be reimbursed from payments received by the Union Station Redevelopment Corporation. Both the House and Senate bills contained these provisions.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $22,464,000 for railroad research and development instead of $21,300,000 as proposed by the House and $22,364,000 as proposed by the Senate.

T–6.—The conference agreement provides $500,000 for the T–6 research vehicle.

Full-scale crash test.—A total of $1,800,000 has been provided for the full-scale crash test of rail passenger equipment at the Transportation Test Center.

Safety research.—A total of $1,000,000 has been allocated to four safety research programs: (1) $250,000 for the Center of Advanced Vehicle Technologies at the University of Alabama to test the interoperability of vehicle proximity alert systems; (2) $250,000 for Marshall University and the University of Nebraska to develop integrated track stability assessment and monitoring system using site-specific geo-technical/spatial parameters and remote sensing technologies; (3) $250,000 for Montana State University at Bozeman to pilot real-time diagnostic monitoring of rail rolling stock; and (4) $250,000 to the University of Missouri-Rolla to work on advanced composite materials for use in repairing and rehabilitating aging railroad bridges.

Railcar weight study.—The conferees encourage FRA to conduct a study regarding track and bridge requirements for handling 286,000–pound rail cars, as specified in the House report.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement includes bill language proposed by both the House and Senate specifying that no new direct loans or loan guarantee commitments can be made using federal funds for the payment of any credit premium amount during fiscal year 2000. No federal appropriation is required since a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a credit risk premium. Once received, statutorily established investigation charges are immediately available for appraisals and necessary determinations and findings.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $27,200,000 for the next generation high-speed rail program instead of $22,000,000 as proposed by the House and $20,500,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

Train control projects:	
Illinois project	$6,500,000
Michigan project	3,000,000
Alaska project	5,000,000
Transportation safety research alliance	500,000
Non-electric locomotives:	
Advanced locomotive propulsion system	4,000,000
Prototype locomotives	3,000,000
Grade crossings and innovative technologies:	
North Carolina sealed corridor	400,000
Mitigating hazards	2,500,000
Low-cost technologies	1,100,000
Track and structures	1,200,000
Total	27,200,000

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 a year is made available for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds, the following allocations are made:

North Carolina's sealed corridor initiative	$750,000
High-speed rail corridor between Washington, D.C. and Richmond, VA	750,000
High-speed rail corridor between Mobile, AL and New Orleans, LA	1,000,000
Along the Empire Corridor between Schenectady and New York City, NY	500,000
High-speed rail corridor in Linn and Multnomah counties, OR	500,000
Along the Stampede Pass, near Yakima, WA	750,000
State of Wisconsin	750,000
Minneapolis/St. Paul to Chicago corridor	250,000

Grade crossing safety.—FRA and the Federal Highway Administration (FHWA) should work with the states to identify the ten most deadly crossings in each state and identify ways that these crossings could be closed or reconfigured to reduce the dangers. The conferees believe that focusing on the most dangerous crossings in each state would greatly reduce the likelihood of fatal accidents. FRA and FHWA shall identify those crossings and the mitigations under consideration in a report to the House and Senate Committees on Appropriations by August 1, 2000.

In addition to these activities, FRA, in conjunction with NHTSA and FHWA, should initiate an evaluation assessing the costs, benefits, and impacts of state grade crossing safety laws. These evaluations should establish the basis for FRA to develop model state laws to promote grade crossing safety.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $10,000,000 for the Alaska Railroad instead of $14,000,000 as proposed by the Senate. The House bill contained no similar appropriation. This funding should be used to continue ongoing track rehabilitation.

RHODE ISLAND RAIL DEVELOPMENT

Total funding for the Rhode Island rail development project is $10,000,000 as proposed by both the House and the Senate. Language has been included which directs that obligation of these funds is subject to authorization of the program.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $571,000,000 for capital grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the Senate instead of $570,976,000 as proposed by the House. Bill language, as proposed by the House, is retained that limits the Secretary from obligating more than $228,400,000 of the funding provided to the National Railroad Passenger Corporation prior to September 30, 2000. The Senate bill contained no similar provision.

Vermont service.—The conferees direct Amtrak to provide a report to the Appropriations Committees on the capital costs necessary to upgrade the rail line between Hoosick Falls, New York and Burlington, Vermont to passenger rail standards no later than November 30, 1999.

Fencing along the Northeast Corridor.—The conferees recognize that Amtrak has made progress in enhancing safety along the tracks where high-speed rail will be operating. Amtrak should continue to work closely with the Northeast Corridor community, as well as state transit officials and owners of the track, to identify danger spots and install perimeter fencing along the Corridor, wherever needed. In particular, Amtrak should continue to focus on increased community coordination in urbanized areas where there have been problems or community concerns have been expressed, such as Attleboro, Foxboro, Mansfield, and Sharon, Massachusetts. Amtrak should make it a high priority to ensure that the fencing improvements for these areas be completed before high-speed rail is operational.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $60,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $12,000,000 from the general fund and $48,000,000 from the Highway Trust Fund, as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available through September 30, 2000, as proposed by the House.

The agreement includes a provision that transfers $1,500,000 from funds made available for administrative expenses to the Inspector General to reimburse costs associated with audit and financial reviews of major transit projects, instead of $800,000 from project management oversight funds as proposed by the House. The Senate bill proposed that $9,000,000 from funds under this heading shall be used to reimburse the Inspector General for costs associated with audits and investigations of all transit-related issues and systems.

Full-time equivalent (FTE) staff years.—The conference agreement provides that the FTE level in fiscal year 2000 shall not rise in excess of 485 FTE, the same level as provided in fiscal year 1999. Additional staffing increases may be considered by the House and Senate Committees on Appropriations through the regular reprogramming process.

Information technology activities.—The conferees have deleted funding requested for the development of the human resources information system (–$200,000).

In addition, the conferees have deferred consideration of several information technology activities (–$2,500,000), since the FTA has not been able to inform the House and Senate Committees on Appropriations in a timely manner of the out-year financial requirements to complete systems review, development and acquisition. The House and Senate Committees on Appropriations may consider providing funds for these activities through the regular reprogramming process.

Project management oversight reviews.—The conferees agree that the FTA shall increase its financial management oversight reviews within the funds provided for section 23 activities and direct the FTA to provide not less than $4,500,000 for such financial management oversight activities in fiscal year 2000.

Full funding grant agreements.—The conference agreement includes a provision (sec. 347) that requires the FTA to notify the House and Senate Committees on Appropriations as well as the House Committee on Transportation and Infrastructure and the Senate Committee on Banking 60 days before executing a full funding grant agreement. In its notification to the House and Senate Committees on Appropriations, the conferees direct the FTA to include therein the following: (a) a copy of the proposed full funding grant agreement; (b) the total and annual federal appropriations required for that project; (c) yearly and total federal appropriations that can be reasonably planned or anticipated for future FFGAs for each fiscal year through 2003; (d) a detailed analysis of annual commitments for current and anticipated FFGAs against the program authorization; and (e) a financial analysis of the project's cost and sponsor's ability to finance, which shall be conducted by an independent examiner and shall include an assessment of the capital cost estimate and the finance plan; the source and security of all public- and private-sector financial instruments, the project's operating plan which enumerates the project's future revenue and ridership forecasts, and planned contingencies and risks associated with the project.

The conferees also direct the FTA to inform the House and Senate Committees on Appropriations before approving scope changes in any full funding grant agreement. When submitting such notification to the House and Senate Committees on Appropriations, the FTA shall include a finance plan that details how the project sponsor shall finance the costs to complete the revised project.

FTA is directed to enter into full funding grant agreements only when there are no outstanding issues which would have a material effect on the estimated cost of the project or on the local financial commitment to complete the project under the terms of the agreement. Areas which FTA should consider in ensuring that this condition is met include: the degree of certainty, and any remaining risks in, capital cost estimates and the availability of adequate contingency funds to cover increases in capital costs due to uncertainty; any unresolved issues with respect to non-federal sources of funding for the project (e.g., the need for further legislative action, bond referenda, or other actions to finalize the availability of non-federal funds); and the need for acquisition of existing railroad rights-of-way. FTA should enter into new full funding grant agreements during the final design phase. While a specific level of final design approval cannot be specified because of differences in each project development process, the conferees agree that the agreement should be entered into only once there is no longer a risk that cost estimates are likely to change more than the estimated contingent amounts, and there is no longer a risk that a major part of the local funding will not be made available.

Bus rapid transit.—Up to $2,000,000 of funds appropriated under this heading may be used, at the discretion of the Administrator, to support on-going activities related to bus rapid transit.

FORMULA GRANTS

The conference agreement provides a total program level of $3,098,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $619,600,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides that funding made available for the clean fuel formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

The FTA, when evaluating the local financial commitment of new rail extension or busway projects, shall consider the extent to which the projects' sponsors have used the appreciable increases in the formula grants apportionments for alternative analyses and preliminary engineering activities of such systems.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides a total program level of $6,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total program level of $107,000,000 for transit planning and research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $21,000,000 from the general fund as proposed by both the House and Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for transit cooperative research; $49,632,000 is provided for metropolitan planning; $10,368,000 is provided for state planning and research; and $29,500,000 is provided for national planning and research.

Transit cooperative research.—The FTA is directed to conduct an assessment of the benefits of new transit investments compared with investments in maintaining existing infrastructure. Such an assessment shall be conducted using funds provided for transit cooperative research.

The transit cooperative research program is currently performing an analysis of the over-the-road bus accessibility program, which is to include data on the total capital needs of operators, compliance deadlines, and the current matching fund requirements. The House and Senate Committees on Appropriations expect that the analysis will be completed and provided to the Committees by March 1, 2000.

National planning and research.—Within the funding provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

Zinc-air battery bus technology demonstration	$1,000,000
Electric vehicle information sharing and technology transfer program	750,000
Portland, Maine independent transportation network	500,000
Wheeling, West Virginia mobility study	250,000
Washoe County, Nevada transit technology (TEA21)	1,250,000
MBTA, Massachusetts advanced electric transit buses and related infrastructure (TEA21)	1,500,000
Palm Springs, California fuel cell buses (TEA21)	1,000,000
Gloucester, Massachusetts intermodal technology center (TEA21)	1,500,000
SEPTA, Philadelphia, Pennsylvania advanced propulsion control system (TEA21)	3,000,000
Project ACTION (TEA21)	3,000,000
Advanced transportation and alternative fueled vehicle technology consortium (CALSTART)	3,250,000
International program	1,000,000
Safety and security programs	5,450,000
Santa Barbara Electric Transit Institute	500,000
Pittsfield economic development authority electric bus program	1,350,000
Citizens for modern transit, Missouri	300,000
Hennepin County community transportation, Minnesota	1,000,000

The conference agreement deletes funding requested for an information outreach program (−$200,000).

The conferees direct the FTA to undertake a project, in partnership with the transit industry, to identify the common accident causal factors, how to collect data on those factors, and how such information collection might be incorporated into the National Transit Database safety collection process.

International program.—The conference agreement includes $1,000,000 for the international program as authorized in section 5312(e) of title 49. The conferees have provided these funds to address transportation needs in the frontline states to the Kosovo conflict.

Fuel cell bus and bus facilities program.—None of the funds available under this heading shall supplement funding provided under section 3015(b) of Public Law 105–178 for the fuel cell bus and bus facilities program.

Transit data base.—The conferees are aware that state and local governments, transit industry personnel, and academic institutions rely heavily on operational data contained in the transit data base. The publication of this data is not timely, and excludes some performance statistics that may be particularly helpful to all parties. The conferees encourage the FTA to work with the National Academy of Sciences (NAS) to design a new transit data base, comprised of operational and performance measurements and financial data necessary to fulfill FTA's statutory responsibilities in distributing formula grants, while providing meaningful data for state and local governments, transit industry personnel, and academic institutions. Special attention should be paid to developing clear instructions to grantees and employing computer-based electronic data storage and access techniques. The NAS is encouraged to consult with the American Public Transit Association in developing the new transit data base model.

FTA shall submit the recommended transit data base design to the House and Senate Committees on Appropriations and to the General Services Administration for review by May 31, 2000. FTA shall utilize existing administrative funds to implement the new transit data base design, and shall utilize the new design in the fiscal year 2001 cycle of federal grantee reports.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $4,929,270,000 in liquidating cash for the trust fund share of transit expenses instead of $4,638,000,000 as proposed by both the House and the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $2,451,000,000 for capital investment grants, as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $490,200,000 from the general fund as proposed by both the House and the Senate.

Within the total program level, $980,400,000 is provided for fixed guideway modernization; $490,200,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $980,400,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate. Funds derived from the formula grants program totaling $50,000,000 are to be transferred and merged with funds provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under this heading.

The conference agreement deletes language proposed by the Senate that would have required the Administrator of the Federal Transit Administration, not later than 60 days after the enactment of this Act, to individually submit to the congressional transit appropriations and authorizing committees the recommended grant funding levels for the respective bus and bus-related facilities projects listed in the Senate bill. The House bill contained no similar provision.

Three-year availability of section 5309 discretionary funds.—The conference agreement includes a provision that permits the administrator to reallocate discretionary new start and bus facilities funds from projects which remain unobligated after three years. The conferees, however, direct the FTA not to reallocate funds provided in the fiscal year 1997 Department of Transportation and Related Agencies Appropriations Act for the New Orleans Streetcar project; the New York Whitehall ferry terminal project; the Hartford, Connecticut Griffin line project; the Virginia Railway Express Quantico bridge project; the New Rochelle, New York intermodal facility; the San Joaquin, California downtown transit center project; and the Hood River, Oregon bus project.

Should additional funds from previous appropriations Acts be available for reallocation, the FTA is directed to reprogram these funds after notification to and approval of the House and Senate Committees on Appropriations and only to the extent that those projects are able to fully obligate additional resources in the course of fiscal year 2000. With respect to reallocation of discretionary bus funds, the FTA is directed to reallocate funds only to those projects identified in the Department of Transportation and Related Agencies Appropriations Act, 2000, after notification to and approval of the House and Senate Committees on Appropriations.

Bus and bus facilities.—The conference agreement provides $490,200,000, together with $50,000,000 transferred from "Federal Transit Administration, Formula grants" and merged with funding provided under this heading for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities. In addition, approximately $1,470,000 in recoveries is available for reallocation. Funds provided for buses and bus facilities are to be distributed as follows:

Bus and bus facilities project designations for fiscal year 2000

State and project	*Conference*
Alaska—Anchorage Ship Creek intermodal facility	$4,500,000
Alaska—Fairbanks intermodal rail/bus transfer facility	2,000,000
Alaska—Juneau downtown mass transit facility	1,500,000
Alaska—North Star Borough-Fairbanks intermodal facility	3,000,000
Alaska—Wasilla intermodal facility	1,000,000
Alaska—Whittier intermodal facility and pedestrian overpass	1,155,000
Alabama—Alabama statewide rural bus needs	2,500,000
Alabama—Baldwin Rural Area Transportation System buses	1,000,000
Alabama—Birmingham intermodal facility	2,000,000
Alabama—Birmingham-Jefferson County buses	1,250,000
Alabama—Cullman buses	500,000
Alabama—Dothan Wiregrass Transit Authority vehicles and transit facility	1,000,000
Alabama—Escambia County buses and bus facility	100,000
Alabama—Gees Bend Ferry facilities, Wilcox County	100,000
Alabama—Marshall County buses	500,000
Alabama—Huntsville International Airport intermodal center	3,500,000
Alabama—Huntsville intermodal facility	1,250,000
Alabama—Huntsville Space and Rocket Center intermodal center	3,500,000
Alabama—Jasper buses	50,000
Alabama—Jefferson State Community College/University of Montevallo pedestrian walkway	200,000
Alabama—Mobile waterfront terminal complex	5,000,000
Alabama—Montgomery Union Station intermodal center and buses	3,500,000
Alabama—Valley bus and bus facilities	110,000
Arkansas—Arkansas Highway and Transit Department buses	2,000,000
Arkansas—Arkansas state safety and preventative maintenance facility	800,000
Arkansas—Fayetteville, University of Arkansas Transit System buses	500,000
Arkansas—Hot Springs, transportation depot and plaza	1,560,000
Arkansas—Little Rock, Central Arkansas Transit buses	300,000
Arizona—Phoenix bus and bus facilities	3,750,000
Arizona—Phoenix South Central Avenue transit facility	500,000
Arizona—San Luis bus	70,000
Arizona—Tucson buses	2,555,000
Arizona—Yuma paratransit buses	125,000
California—California Mountain Area Regional Transit Authority fueling stations	80,000
California—Culver City, CityBus buses	1,250,000
California—Davis, Unitrans transit maintenance facility	625,000
California—Healdsburg, intermodal facility	1,000,000
California—I-5 Corridor intermodal transit centers	1,250,000
California—Livermore automatic vehicle locator program	1,000,000
California—Lodi multimodal facility	850,000
California—Los Angeles County Metropolitan transportation authority buses	3,000,000
California—Los Angeles County Foothill Transit buses and HEV vehicles	1,750,000
California—Los Angeles Municipal Transit Operators Coalition	2,250,000
California—Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
California—Maywood, Commerce, Bell, Cudahy, California buses and bus facilities	800,000
California—Modesto, bus maintenance facility	625,000
California—Monterey, Monterey-Salinas buses	625,000
California—Orange County, bus and bus facilities	2,000,000
California—Perris bus maintenance facility	1,250,000
California—Redlands trolley project	800,000
California—Sacramento CNG buses	1,250,000
California—San Bernardino Valley CNG buses	1,000,000
California—San Bernardino train station	3,000,000
California—San Diego North County buses and CNG fueling station	3,000,000
California—Contra Costa County Connection buses	250,000
California—San Francisco, Islais Creek maintenance facility	1,250,000
California—Santa Barbara buses and bus facility	1,750,000
California—Santa Clarita bus maintenance facility	1,250,000
California—Santa Cruz buses and bus facilities	1,755,000
California—Santa Maria Valley/Santa Barbara County buses	240,000
California—Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000
California—Westminster senior citizen vans	150,000
California—Windsor, Intermodal Facility	750,000
California—Woodland Hills, Warner Center Transportation Hub	625,000
Colorado—Boulder/Denver, RTD buses	625,000
Colorado—Colorado Association of Transit Agencies	8,000,000
Colorado—Denver, Stapleton Intermodal Center	1,250,000
Connecticut—New Haven bus facility	2,250,000
Connecticut—Norwich buses	2,250,000
Connecticut—Waterbury, bus facility	2,250,000
District of Columbia—Fuel cell bus and bus facilities program, Georgetown University	4,850,000
District of Columbia—Washington, D.C. Intermodal Transportation Center, District	2,500,000
Delaware—New Castle County buses and bus facilities	2,000,000
Delaware—Delaware buses and bus facility	500,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	*Conference*
Florida—Daytona Beach, Intermodal Center	2,500,000
Florida—Gainesville hybrid-electric buses and facilities	500,000
Florida—Jacksonville buses and bus facilities	1,000,000
Florida—Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
Florida—Miami Beach, electric shuttle service	750,000
Florida—Miami-Dade Transit buses	2,750,000
Florida—Orlando, Lynx buses and bus facilities	2,000,000
Florida—Orlando, Downtown Intermodal Facility	2,500,000
Florida—Palm Beach buses	1,000,000
Florida—Tampa HARTline buses	500,000
Georgia—Atlanta, MARTA buses	13,500,000
Georgia—Chatham Area Transit Bus Transfer Center and buses	3,500,000
Georgia—Georgia Regional Transportation Authority buses	2,000,000
Georgia—Georgia statewide buses and bus-related facilities	2,750,000
Hawaii—Hawaii buses and bus facilities	2,250,000
Hawaii—Honolulu, bus facility and buses	2,000,000
Iowa—Ames transit facility expansion	700,000
Iowa—Cedar Rapids intermodal facility	3,500,000
Iowa—Clinton transit facility expansion	500,000
Iowa—Fort Dodge, Intermodal Facility (Phase II)	885,000
Iowa—Iowa city intermodal facility	1,500,000
Iowa—Iowa statewide buses and bus facilities	2,500,000
Iowa—Iowa/Illinois Transit consortium bus safety and security	1,000,000
Illinois—East Moline transit center	650,000
Illinois—Illinois statewide buses and bus-related equipment	8,200,000
Indiana—Gary, Transit Consortium buses	1,250,000
Indiana—Indianapolis buses	5,000,000
Indiana—South Bend Urban Intermodal Transportation Facility	1,250,000
Indiana—West Lafayette bus transfer station terminal (Wabash Landing)	1,750,000
Kansas—Girard buses and vans	700,000
Kansas—Johnson County farebox equipment	250,000
Kansas—Kansas City buses	750,000
Kansas—Kansas Public Transit Association buses and bus facilities	1,500,000
Kansas—Girard, Southeast Kansas Community Action Agency maintenance facility	480,000
Kansas—Topeka Transit downtown transfer facility	600,000
Kansas—Wichita buses and bus facilities	2,500,000
Kentucky—Transit Authority of Northern Kentucky (TANK) buses	2,500,000
Kentucky—Kentucky (southern and eastern) transit vehicles	1,000,000
Kentucky—Lexington (LexTran) maintenance facility	1,000,000
Kentucky—River City buses	1,500,000
Louiana—Louisiana statewide buses and bus-related facilities	5,000,000
Massachusetts—Atteboro intermodal transit facility	500,000
Massachusetts—Brockton intermodal transportation center	1,100,000
Massachusetts—Greenfield Montague buses	500,000
Massachusetts—Merrimack Valley Regional Transit Authority bus facilities	467,000
Massachusetts—Montachusett buses and park-and-ride facilities	1,250,000
Massachusetts—Pioneer Valley alternative fuel and paratransit vehicles	650,000
Massachusetts—Pittsfield intermodal center	3,600,000
Massachusetts—Springfield, Union Station	1,250,000
Massachusetts—Swampscott buses	65,000
Massachusetts—Westfield intermodal transportation facility	500,000
Massachusetts—Worcester, Union Station Intermodal Transportation Center	2,500,000
Maryland—Maryland statewide bus facilities and buses	11,500,000
Michigan—Detroit, transfer terminal facilities	3,963,000
Michigan—Detroit, EZ Ride program	287,000
Michigan—Menominee-Delta-Schoolcraft buses	250,000
Michigan—Michigan statewide buses	22,500,000
Michigan—Port Huron, CNG fueling station	500,000
Minnesota—Duluth, Transit Authority community circulation vehicles	1,000,000
Minnesota—Duluth, Transit Authority intelligent transportation systems	500,000
Minnesota—Duluth, Transit Authority Transit Hub	500,000
Minnesota—Greater Minnesota transit authorities	500,000
Minnesota—Northstar Corridor, Intermodal Facilities and buses	10,000,000
Minnesota—Twin Cities metropolitan buses and bus facilities	10,000,000
Missouri—Columbia buses and vans	500,000
Missouri—Southeast Missouri transportation service rural, elderly, disabled service	1,250,000
Missouri—Franklin County buses and bus facilities	200,000
Missouri—Jackson County buses and bus facilities	500,000
Missouri—Kansas City Area Transit Authority buses and Troost transit center	2,500,000
Missouri—Missouri statewide bus and bus facilities	3,500,000
Missouri—OATS Transit	1,500,000
Missouri—St. Joseph buses and vans	500,000
Missouri—St. Louis buses	2,000,000
Missouri—St. Louis, Bi-state Intermodal Center	1,250,000
Missouri—Southwest Missouri State University park and ride facility	1,000,000
Mississippi—Harrison County multimodal center	3,000,000
Mississippi—Jackson maintenance and administration facility project	1,000,000
Mississippi—North Delta planning and development district, buses and bus facilities	1,200,000
Montana—Missoula urban transportation district buses	600,000
North Carolina—Greensboro multimodal center	3,339,000
North Carolina—Greensboro, Transit Authority buses	1,500,000
North Carolina—North Carolina statewide buses and bus facilities	2,492,000
North Dakota—North Dakota statewide buses and bus-related facilities	1,000,000
New Hampshire—New Hampshire statewide transit systems	3,000,000
New Jersey—New Jersey Transit alternative fuel buses	5,000,000
New Jersey—New Jersey Transit jitney shuttle buses	1,750,000
New Jersey—Newark intermodal and arena access improvements	1,650,000
New Jersey—Newark, Morris & Essex Station access and buses	1,250,000
New Jersey—South Amboy, Regional Intermodal Transportation Initiative	1,250,000
New Mexico—Albuquerque West Side transit facility	2,000,000
New Mexico—Albuquerque buses	1,250,000
New Mexico—Las Cruces buses and bus facilities	750,000
New Mexico—Northern New Mexico Transit Express/Park and Ride buses	2,750,000
New Mexico—Santa Fe buses and bus facilities	2,000,000
Nevada—Clark County Regional Transportation Commission buses and bus facilities	2,500,000
Nevada—Lake Tahoe CNG buses	700,000
Nevada—Washoe County transit improvements	2,250,000
New York—Babylon Intermodal Center	1,250,000
New York—Buffalo, Auditorium Intermodal Center	2,000,000
New York—Dutchess County, Loop System bases	521,000
New York—Ithaca intermodal transportation center	1,125,000
New York—Ithaca, TCAT bus technology improvements	1,250,000
New York—Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
New York—Mineola/Hicksville, LIRR intermodal centers	1,250,000
New York—New York City, Midtown West 38th Street Ferry Terminal	1,000,000
New York—New York, West 72nd St. Intermodal Station	1,750,000
New York—Putnam County vans	470,000
New York—Rensselaer intermodal bus facility	6,000,000
New York—Rochester buses and bus facility	1,000,000
New York—Syracuse buses	3,000,000
New York—Utica Union Station	2,100,000
New York—Westchester County DOT articulated buses	1,250,000
New York—Westchester County, Bee-Line transit system fareboxes	979,000
New York—Westchester County, Bee-Line transit system shuttle buses	1,000,000
Ohio—Cleveland, Triskett Garage bus maintenance facility	625,000
Ohio—Dayton, Multimodal Transportation Center	4,125,000
Ohio—Ohio statewide buses and bus facilities	9,010,250

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	*Conference*
Oklahoma—Oklahoma statewide bus facilities and buses	5,000,000
Oregon—Corvallis buses and automated passenger information system	300,000
Oregon—Lane County, Bus Rapid Transit, buses and facilities	4,400,000
Oregon—Lincoln County Transit District buses	250,000
Oregon—Portland, Tri-Met bus maintenance facility	650,000
Oregon—Portland, Tri-Met buses	1,750,000
Oregon—Salem Area Mass Transit District natural gas buses	500,000
Oregon—Sandy buses	100,000
Oregon—South Metro Area Rapid Transit (SMART) maintenance facility	200,000
Oregon—Sunset Empire Transit District intemodal transit facility	300,000
Pennsylvania—Allegheny County buses	1,500,000
Pennsylvania—Altoona bus testing	3,000,000
Pennsylvania—Altoona, Metro Transit Authority buses and transit system improvements	842,000
Pennsylvania—Armstrong County-Mid-County bus facilities and buses	150,000
Pennsylvania—Bethlehem intermodal facility	1,000,000
Pennsylvania—Cambria County, bus facilities and buses	575,000
Pennsylvania—Centre Area Transportation Authority buses	1,250,000
Pennsylvania—Chester County, Paoli Transportation Center	1,000,000
Pennsylvania—Erie, Metropolitan Transit Authority buses	1,000,000
Pennsylvania—Fayette County, Intermodal facilities and buses	1,270,000
Pennsylvania—Lackawanna County Transit System buses	600,000
Pennsylvania—Norristown parking garage (SEPTA)	1,000,000
Pennsylvania—Lackawanna County intermodal bus facility	1,000,000
Pennsylvania—Mid-Mon Valley buses and bus facilities	250,000
Pennsylvania—Philadelphia, Frankford Transportation Center	5,000,000
Pennsylvania—Philadelphia, Intermodal 30th Street Station	1,250,000
Pennsylvania—Reading, BARTA Intermodal Transportation Facility	1,750,000
Pennsylvania—Robinson, Towne Center Intermodal Facility	1,500,000
Pennsylvania—Somerset County bus facilities and buses	175,000
Pennsylvania—Towamenicin Township, Intermodal Bus Transportation Center	1,500,000
Pennsylvania—Washington County intermodal facilities	630,000
Pennsylvania—Westmoreland County, Intermodal Facility	200,000
Pennsylvania—Wilkes-Barre, Intermodal Facility	1,250,000
Pennsylvania—Williamsport bus facility	1,200,000
Puerto Rico—San Juan Intermodal access	600,000
Rhode Island—Providence, buses and bus maintenance facility	3,294,000
South Carolina—Central Midlands COG/Columbia transit system	2,700,000
South Carolina—Charleston Area regional transportation authority	1,900,000
South Carolina—Clemson Area Transit buses and bus equipment	550,000
South Carolina—Greenville transit authority	500,000
South Carolina—Pee Dee buses and facilities	900,000
South Carolina—Santee-Wateree regional transportation authority	400,000
South Carolina—South Carolina Statewide Virtual Transit Enterprise	1,220,000
South Carolina—Transit Management of Spartanburg, Incorporated (SPARTA)	600,000
South Dakota—South Dakota statewide bus faciities and buses	1,500,000
Tennessee—Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric busines	3,500,000
Texas—Austin buses	1,750,000
Texas—Beaumont Municipal Transit System buses and bus facilities	1,000,000
Texas—Brazos Transit Authority buses and bus facilities	1,000,000
Texas—El Paso Sun Metro buses	1,000,000
Texas—Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
Texas—Fort Worth intermodal transportation center	3,100,000
Texas—Galveston buses and bus facilities	1,000,000
Texas—Texas statewide small urban and rural buses	5,000,000
Utah—Ogden Intermodal Center	800,000
Utah—Salt Lake City Olympics bus facilities	2,500,000
Utah—Salt Lake City Olympics regional park and ride lots	2,500,000
Utah—Salt Lake City Olympics transit bus loan project	500,000
Utah—Utah Transit Authority, intermodal facilities	1,500,000
Utah—Utah Transit Authority/Park City Transit, buses	6,500,000
Virginia—Alexandria, bus maintenance facility	1,000,000
Virginia—Richmond, GRTC bus maintenance facility	1,250,000
Virginia—Virginia statewide buses and bus facilities	8,435,000
Vermont—Burlington multimodal center	2,700,000
Vermont—Chittenden County Transportation Authority buses	800,000
Vermont—Essex Junction multimodal station rehabilitation	500,000
Vermont—Killington-Sherburne satellite bus facility	250,000
Washington—Bremerton multimodal center—Sinclair's Landing	750,000
Washington—Sequim, Clallam Transit multimodal center	1,000,000
Washington—Everett, Multimodal Transportation Center	1,950,000
Washington—Grant County, Grant Transit Authority buses and bus facilities	500,000
Washington—Grays Harbor County buses and equipment	1,250,000
Washington—King County Metro King Street Station	2,000,000
Washington—King County Metro Atlantic and Central buses	1,500,000
Washington—King County park and ride expansion	1,350,000
Washington—Mount Vernon, buses and bus related facilities	1,750,000
Washington—Pierce County Transit buses and bus facilities	500,000
Washington—Seattle, intermodal transportation terminal	1,250,000
Washington—Snohomish County, Community Transit buses, equipment and facilities	1,250,000
Washington—Spokane HEV buses	1,500,000
Washington—Tacoma Dome Station	250,000
Washington—Vancouver Clark County (C-TRAN) bus facilities	1,000,000
Washington—Washington State DOT combined small transit system buses and bus facilities	2,000,000
Wisconsin—Milwaukee County, buses	6,000,000
Wisconsin—Wisconsin statewide bus facilities and buses	14,250,000
West Virginia—Huntington intermodal facility	12,000,000
West Virginia—Parkersburg intermodal transportation facility	4,500,000
West Virginia—West Virginia Statewide intermodal facility and buses	5,000,000

Commonwealth of Virginia.—The conference agreement includes $8,435,000 for the Commonwealth of Virginia for buses and bus facilities which shall be distributed as follows: Potomac and Rappahannock Transportation Commission fleet replacement, $1,800,000; Prince William County Agency on the Aging bus replacement, $85,000; Loudoun Transit multi-modal facility, $1,000,000; Dulles Corridor Park-and-Ride Express Bus Program, $2,000,000; Alexandria Transit Center, $1,000,000; Fair Lakes League, $200,000; Richmond Main Street Station, $2,350,000.

New fixed guideway systems.—The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project	*Conference*
Alaska or Hawaii ferry projects	$10,400,000
Atlanta, Georgia North Line extension project	45,142,000
Austin, Texas capital metro northwest/north central corridor project	1,000,000
Baltimore central light rail double track project	4,750,000
Birmingham, Alabama Transit Corridor	3,000,000
Boston Urban Ring project	1,000,000
Calais, Maine Branch Rail Line regional transit program	500,000
Canton-Akron-Cleveland commuter rail project	2,500,000
Charleston, South Carolina Monobeam corridor project	2,500,000
Charlotte, North Carolina North-South Corridor transitway project	4,000,000
Chicago METRA commutere rail project	25,000,000
Chicago Transit Authority Douglas branch line project	3,500,000
Chicago Transit Authority Ravenswood branch line project	3,500,000

Project	*Conference*
Cincinnati northeast/northern Kentucky corridor project	1,000,000
Clark County, Nevada fixed guideway project	3,500,000
Cleveland Euclid corridor improvement project	1,000,000
Colorado Roaring Fork Valley project	1,000,000
Dallas north central light rail extension project	50,000,000
Dayton, Ohio light rail study	1,000,000
Denver Southeast corridor project	3,000,000
Denver Southwest corridor project	35,000,000
Dulles corridor project	25,000,000
Fort Lauderdale, Florida Tri-County commuter rail project	10,000,000
Galveston, Texas rail trolley extension project	1,500,000
Girdwood, Alaska Commuter Rail Project	10,000,000
Greater Albuquerque mass transit project	7,000,000
Harrisburg-Lancaster capital area transit corridor 1 commuter rail project	500,000
Houston advanced transit program	3,000,000
Houston regional bus plan	52,770,000
Indianapolis, Indiana Northeast Downtown corridor project	1,000,000
Johnson County, Kansas I–35 commuter rail project	1,000,000
Kenosha-Racine-Milwaukee commuter rail project	1,000,000
Knoxville-Memphis commuter rail feasibility study	500,000
Long Island Railroad East Side access project	2,000,000
Los Angeles-San Diego LOSSAN corridor project	1,000,000
Los Angeles Mid-City and East Side corridors projects	4,000,000
Los Angeles North Hollywood Extension	50,000,000
Lowell, Massachusetts—Nashua, New Hampshire commuter rail project	1,000,000
MARC commuter rail project	703,000
MARC expansion projects: Silver Spring intermodal and Penn-Camden rail connection	1,500,000
Massachusetts North Shore corridor project	1,000,000
Memphis, Tennessee Medical Center rail extension project	2,500,000
Miami-Dade Transit east-west multimodal corridor project	1,500,000
Nashville, Tennessee commuter rail project	1,000,000
New Jersey Hudson Bergen project	99,000,000
New Jersey/New York Trans-Hudson Midtown corridor	5,000,000
New Orleans Canal Street corridor project	1,000,000
Newark rail link MOS–1 project	12,000,000
Norfolk-Virginia Beach corridor project	1,000,000
Northern Indiana south shore commuter rail project	4,000,000
Oceanside-Escondido, California light rail system	2,000,000
Olympic transportation infrastructure investments	10,000,000
Orange County, California transitway project	1,000,000
Orlando Lynx light rail (phase 1) project	5,000,000
Palm Beach, Broward and Miami-Dade counties rail corridor	500,000
Philadelphia-Reading SEPTA Schuylkill Valley metro project	4,000,000
Philadelphia SEPTA cross county metro	1,000,000
Phoenix metropolitan area transit project	5,000,000
Pinellas County, Florida mobility initiative project	2,500,000
Pittsburgh North Shore-central business district corridor project	10,000,000
Pittsburgh stage II light rail project	8,000,000
Portland Westside light rail transit project	11,062,000
Puget Sound RTA Link light rail project	25,000,000
Puget Sound RTA Sounder commuter rail project	5,000,000
Raleigh-Durham-Chapel Hill triangle transit project	8,000,000
Sacramento south corridor LRT project	25,000,000
Salt Lake City, Utah north/south LRT project	37,928,000
San Bernardino, California Metrolink project	1,000,000
San Diego Mid Coast corridor project	5,000,000
San Diego Mission Valley East light rail project	20,000,000
San Francisco BART extension to the airport project	65,000,000
San Jose Tasman West Light Rail	20,000,000
San Juan Tren Urbano project	32,000,000
Santa Fe/El Dorado, New Mexico rail link	3,000,000
South Boston piers transitway	53,895,000
South Dekalb-Lindbergh, Georgia corridor project	1,000,000
Spokane, Washington south valley corridor light rail project	2,000,000
St. Louis-St. Clair County MetroLink light rail (phase 2) extension project	50,000,000
St. Louis, Missouri MetroLink cross county corridor project	2,500,000
Stamford, Connecticut fixed guideway connector	1,000,000
Stockton, California Altamont commuter rail	1,000,000
Tampa Bay regional rail project	1,000,000
Twin Cities Transitways-Hiawatha corridor project	42,800,000
Twin Cities Transitways projects	3,000,000
Virginia Railway Express commuter rail project	2,200,000
Washington Metro—Blue Line extension—Addison Road [Largo] project	4,750,000
West Trenton, New Jersey rail project	1,000,000
Whitehall ferry terminal reconstruction project	2,000,000
Wilmington, Delaware downtown transit connector	1,000,000
Wilsonville to Washington County, Oregon connection to Westside	500,000
Total	980,400,000

Atlanta-MARTA full funding grant agreement.—The Committee directs the Federal Transit Administration to amend the full funding grant agreement between the FTA and the Metropolitan Atlanta Rapid Transit Authority (MARTA). This amendment should reflect section 3030(d)(2) of TEA21, and should increase the federal share of the full funding grant agreement from $305,010,000 to $370,540,000 for 28 additional rail cars and other scope enhancements. The FTA is directed to transfer the amount of $10,670,000 from available funds previously appropriated for the Dunwoody segment of the MARTA North Line to the North Line extension project authorized under TEA21.

Dulles corridor project.—The conference agreement includes $25,000,000 for preliminary engineering and design on the Dulles corridor project.

Girdwood, Alaska commuter rail project.—The conferees recognize the transit improvements required in the Anchorage area to support the Special Olympic Winter Games in 2001, including additional rail infrastructure to support rail transit from North Anchorage to Girdwood.

Olympic transportation infrastructure investment.—The conference agreement includes $10,000,000 for temporary and permanent Olympic transportation infrastructure investments. These funds shall be allocated by the Secretary based on an approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games. None of these funds are to be available for rail extensions.

Salt Lake City, Utah north/south LRT project.—The conference agreement includes $37,928,000 for the Salt Lake City, Utah north/south LRT project. The conferees agree that funds in excess of needs already appropriated for this project may be used for system enhancements, capacity improvements and other rail extensions.

San Francisco BART extension to the airport project.—For fiscal year 2000, the conferees have provided $65,000,000 for the San Francisco BART extension to the airport project. The conferees direct that none of the funds provided in this Act for the San Francisco BART extension to the airport project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete as identified by the project management oversight contractor and the manner in which the sponsor expects to pay those costs; (2) the FTA conducts a final review and accepts the plan and certifies to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

San Juan Tren Urbano project.—The conference agreement provides $32,000,000 for the San Juan Tren Urbano project. The conferees direct that none of the funds provided in this Act for the San Juan Tren Urbano project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete and the manner in which the sponsor expects to pay those costs; (2) the FHWA and FTA conduct a final review and accept the plan and certify to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

South Boston Piers transitway project.—For fiscal year 2000, $53,895,000 is appropriated for the South Boston Piers transitway project. The conferees direct that none of the funds provided in this Act for the South Boston Piers transitway project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete and the manner in which the sponsor expects to pay those costs; (2) the FHWA and the FTA conduct a final review and accept the plan and certify to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

Virginia Railway Express commuter rail project.—The conference agreement provides $2,200,000 for the Virginia Railway Express commuter rail project, which shall be distributed as follows: Woodbridge Station improvements, $2,000,000; Quantico Station improvements, $200,000.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes $1,500,000,000 in liquidating cash for discretionary grants as proposed by both the House and the Senate.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $75,000,000 for job access and reverse commute grants. Within this total, the conference agreement appropriates $15,000,000 from the general fund. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides for the following distribution of the recommended funding for job access and reverse commute grants as follows:

Project	*Conference*
Albuquerque access to jobs	$1,000,000
Alliance for children and families, Alabama	1,000,000
Atlanta regional commission, Georgia	1,000,000
Central Kenai peninsula public transportation task force	500,000
Chicago-DuPage area, Illinois	100,000
Dallas, Texas	1,500,000
District of Columbia	1,250,000
DuPage County, Illinois	120,000
Gary, Indiana	1,000,000
Hillsborough area regional transit authority, Florida	500,000
Indianapolis, Indiana	1,000,000
Iowa public transit association	2,700,000
JOBLINKS	1,250,000
Kansas City, Kansas JOBLINKS	850,000
Kentucky human services transportation delivery system (including Hardin County, Owensboro, Barren River, central Kentucky community action agency, Audubon area community services organization, Kentucky River Foothills express, Blue Grass Ultra-transit services, Lexington-Fayette County area), Kentucky	2,500,000
Lafayette, Indiana	200,000
Los Angeles County Metropolitan Transit Authority, California	1,000,000
Loudoun County, Virginia	300,000
Lynchburg, Virginia	100,000
Mariba, Kentucky	125,000
Matanuska-Susitna borough, Alaska	300,000
Miami Dade Transit Authority, Florida	1,100,000
Mid-America regional council, Missouri	1,000,000
Minneapolis/St. Paul, Minnesota	1,500,000
National Welfare to Work Center at the University of Illinois, Illinois	1,000,000
Northern Tier community transportation, Massachusetts	550,000
Ohio-Kentucky-Indiana regional council of governments	515,000
Palm Beach County, Florida	500,000
Philadelphia, Pennsylvania reverse commute grants	1,000,000
Pittsburgh, Pennsylvania reverse commute grants	1,000,000
San Bernardino, California	600,000
San Diego metropolitan transit development board, California	650,000
Southeast Missouri State University	600,000
Springfield, Virginia	350,000
State of Louisiana, small urbanized and rural areas	1,000,000
State of Maryland, Baltimore and Washington metropolitan areas, small urban and rural areas	3,000,000
State of Nevada	1,500,000
State of New Jersey	2,000,000
State of South Carolina	2,000,000
State of Tennessee, small urban areas	1,300,000
State of Vermont	1,385,000
State of West Virginia	1,000,000
State of Wisconsin	4,000,000
Transportation opportunities training, Chicago, Illinois	1,000,000
Troy State University, Alabama—Rosa Parks Center	1,000,000
Westchester County, New York job access support centers	1,000,000
Wichita, Kansas	725,000

District of Columbia.—The conference agreement includes $1,250,000 of which $600,000 shall be made available for bus service connecting the Georgetown business district with the WMATA rail system.

Joblinks.—The conference agreement provides $1,250,000 for Joblinks, to be used for demonstration projects, technical assistance for demonstration projects and technical assistance to small and urban and rural community providers. This assistance may include a toll-free hotline, on site technical assistance and training, preparation of technical manuals and related assistance.

Saint Lawrence Seaway Development Corporation

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $12,042,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the House. The Senate bill provided $11,496,000.

Research and Special Programs Administration

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $32,061,000 for research and special programs instead of $32,361,000 as proposed by the House and $30,752,000 as proposed by the Senate. Within this total, $3,704,000 is available until September 30, 2002, as proposed by the House instead of $3,500,000 as proposed by the Senate. In addition, $645,000 of the total funding shall be derived from the Pipeline Safety Fund as proposed by the House instead of $575,000 as proposed by the Senate. The following adjustments were made to the budget estimate:

Deny funding for 6 new positions	–$300,000
Delete funding for safe foods program	–300,000
Continue to fund Garrett Morgan program in-house	–200,000
Reduction IRM contract support	–228,000
Decrease funding for hazardous materials International standards	–39,000
Hold funding for hazardous materials research at 1999 level	–34,000
Decrease round table funding	–150,000
Reduce budget and financial programs support	–28,000
Net adjustment to budget estimate	–$1,279,000

Staff positions.—The conferees have deleted six new staff positions: the Chief Information

Officer, an information resource specialist, two new safe foods contract positions, and two new emergency transportation specialists. All of these reductions were contained in either the House or Senate reports.

Bill language is retained that permits up to $1,200,000 in fees be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included that permits funds received from states, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. Both of these provisions were contained in the House and Senate bills.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides total funding of $36,879,000 for the pipeline safety program, instead of $37,392,000 as proposed by the House and $36,104,000 as proposed by the Senate. Within this total, $17,394,000 is available until September 30, 2002 instead of $17,074,000 as proposed by the House and $16,500,000 as proposed by the Senate.

Of this total, the conference agreement specifies that $5,479,000 shall be derived from the Oil Spill Liability Trust Fund, $30,000,000 from the Pipeline Safety Fund, and $1,400,000 from the reserve fund. The House bill allocated $5,494,000 from the Oil Spill Liability Trust Fund, $30,598,000 from the Pipeline Safety Fund, and $1,300,000 from the reserve fund. The Senate bill provided $4,704,000 from the Oil Spill Liability Trust Fund, $30,000,000 from the Pipeline Safety Fund, and $1,400,000 from the reserve fund.

Bill language specifies that the reserve fund should be used for damage prevention grants to states and public education. The House bill permitted the reserve fund to be used for one-call notification, public education and damage control activities, while the Senate bill allowed the reserve fund to be used for one-call notification and public education activities.

The following table reflects the total allocation for pipeline safety in fiscal year 2000:

Personnel, compensation, and benefits	$8,919,000
Administrative expenses	3,902,000
Information and analysis	1,200,000
Risk assessment and technical studies	1,250,000
Compliance	300,000
Training and information dissemination	971,000
Emergency notification	100,000
Public education	400,000
Implement Oil Pollution Act	2,443,000
Research and development	1,894,000
State grants	13,000,000
Risk management grants	500,000
One-call grants	1,000,000
Damage prevention grants	1,000,000
Total	$36,879,000

Public education.—The conference agreement has increased funding for public education to $400,000. The additional funds shall be used to leverage private sector funds to advance the national one-call campaign. In addition, the conferees direct the Office of Pipeline Safety to use existing resources to support the formation and initial operation of a non-profit organization that will further the work of "Common Ground" and implement other innovative approaches to advance underground damage prevention.

EMERGENCY PREPAREDNESS GRANTS

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. The conference agreement deletes bill language proposed by the House that limits obligations for emergency preparedness to $14,300,000. The Senate bill carried no similar provision.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $44,840,000 as proposed by the House instead of $48,000,000 as proposed by the Senate, and deletes provisions recommended by the Senate which would have derived a portion of the funding by transfer from appropriations made to the modal administrations.

The conference agreement includes provisions proposed by the Senate authorizing the use of funds to investigate unfair or deceptive practices and unfair methods of competition by air carriers, to monitor compliance with existing laws and regulations in this area, and to conduct a study of consumer access to price and service information in air transportation. The House had no similar provisions.

The conference agreement includes a provision specifying that the Inspector General has the authority to investigate allegations of fraud by any person or entity that is subject to regulation by the Department.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $17,000,000 for salaries and expenses of the Surface Transportation Board as proposed by the House instead of $15,400,000 as proposed by the Senate. In addition, the conference agreement includes language, proposed by the House, which allows the Board to offset $1,600,000 of its appropriation from fees collected during the fiscal year. The Senate bill allowed the Board to collect $1,600,000 in fees to augment its appropriation.

The conference agreement deletes language proposed by the Senate that allows any fees collected in excess of $1,600,000 in fiscal year 2000 to be available for obligation on October 1, 2000. The House bill did not contain a similar provision.

Union Pacific/Southern Pacific merger.—The conferees are aware that the Board has continuing jurisdiction over the Union Pacific/Southern Pacific merger in connection with the STB Finance Docket No. 32760. If it becomes necessary for the Board to issue a rule regarding the environmental mitigation study for Wichita, Kansas, the Board shall base its final environmental mitigation conditions for Wichita on verifiable and appropriate assumptions. If there is any material change in the bases of the assumptions on which the final mitigation for Wichita is imposed, the conferees expect the Board to exercise that jurisdiction by reexamining the final environmental mitigation measures. Also, if the Union Pacific Corporation, its divisions, or subsidiaries materially change or are unable to achieve the assumptions the Board based its final mitigation measures on, then the Board should reopen Finance Docket 32760, if requested, and prescribe additional mitigation properly reflecting these changes, if shown to be appropriate.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES.

The conference agreement provides $4,633,000 for the Architectural and Transportation Barriers Compliance Board as proposed by the House instead of $4,500,000 as proposed by the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $57,000,000 for salaries and expenses of the National Transportation Safety Board as proposed by the House instead of $51,500,000 as proposed by the Senate. Within the funds provided, NTSB should participate in the interagency initiative on aviation safety in Alaska.

EMERGENCY FUND

The conference agreement deletes $1,000,000 provided by the Senate for the National Transportation Safety Board's emergency fund. The Board has not used any of its current emergency fund, so this appropriation is not needed. The House bill contained no similar appropriation.

TITLE III

GENERAL PROVISIONS

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance; uniforms, or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 allows funds for expenditures for primary and secondary schools and transportation for dependents of Federal Aviation Administration personnel stationed outside the continental United States as proposed by both the House and Senate.

Sec. 304 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by both the House and Senate.

Sec. 305 prohibits funds in this Act for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation and includes a provision that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation as proposed by both the Senate and House.

Sec. 306 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 307 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 308 allows the Secretary of the Department of Transportation to enter into grants, cooperative agreements, and other transactions involving the Technology Reinvestment Project as proposed by both the House and Senate.

Sec. 309 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 310 modifies the Senate language that pertains to the distribution of the Federal-aid highways program. The House proposed no similar provision.

Sec. 311 exempts previously made transit obligations from limitations on obligations as proposed by both the House and Senate.

Sec. 312 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 313 prohibits funds to establish a vessel traffic safety fairway less than five miles wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 314 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 315 prohibits funds to award multiyear contracts for production end items that include certain specified provisions as proposed by both the House and Senate.

Sec. 316 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2002, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by both the House and Senate.

Sec. 317 allows transit funds appropriated before October 1, 1999, and that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 318 prohibits funds to compensate in excess of 320 technical staff years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development as proposed by the House. The Senate proposed no similar provision.

Sec. 319 reduces funding by $15,000,000 for activities of the Transportation administrative service center of the Department of Transportation and limits obligation authority of the center to $133,673,000. The House proposed reducing funding by $10,000,000 for activities of the center and limiting obligation authority to $147,965,000. The Senate proposed reducing funding by $60,000,000 for activities of the center and limiting obligation authority to $169,953,000.

Sec. 320 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited to each agency's respective accounts as proposed by the House and Senate.

Sec. 321 prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section as proposed by the House. The Senate proposed no similar provision.

Sec. 322 makes available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports as proposed by the Senate. The House proposed no similar provision.

Sec. 323 amends section 3021 of Public Law 105–178 that allows the States of Oklahoma and Vermont flexible use of transportation funds under sections 5307 and 5311 of title 49, United States Code. The Senate proposed amending section 3021 of Public Law 105–178 to allow the States of Oklahoma and Vermont flexible use of transportation funds under sections 5307 and 5311 of title 49, United States Code, and sections 133 and 149 of title 23, United States Code. The House proposed no similar provision.

Sec. 324 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 325 prohibits the use of funds for any type of training which: (1) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (2) could be highly stressful or emotional to the students; (3) does not provide prior notification of content and methods to be used during the training; (4) contains any religious concepts or ideas; (5) attempts to modify a person's values or lifestyle; or (6) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights as proposed by the House. The Senate proposed no similar provision.

Sec. 326 prohibits the use of funds in this Act for activities designed to influence Congress or a state legislature on legislation or appropriations except through proper, official channels. The House proposed prohibiting funds for activities designed to influence Congress except through proper, official channels. The Senate proposed prohibiting funds in this Act for activities designed to influence Congress, any State legislature, or grant recipient. The conference agreement does not change underlying law that gives certain agencies, such as the National Transportation Safety Board and the National Highway Traffic Safety Administration, the express authority to work with state legislatures.

Sec. 327 requires compliance with the Buy American Act as proposed by the House. The Senate proposed no similar provision.

Sec. 328 limits necessary expenses of advisory committees to $1,000,000 of the funds provided in this Act to the Department of Transportation and includes a provision that excludes advisory committees established for conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act from the limitation as proposed by the Senate. The House proposed no similar limitation or provision.

Sec. 329 permanently allows receipts collected from users of Department of Transportation fitness centers to be available to support operation and maintenance of those facilities. The House proposed a similar provision that was applicable only to fiscal year 2000.

Sec. 330 prohibits funds to implement or enforce regulations that would result in slot allocations of international operations to any carrier at O'Hare International Airport in excess of the number of slots allocated to and scheduled by that carrier as of October 31, 1993, if that slot is withdrawn from an air carrier under existing regulations as proposed by the House. The Senate proposed no similar provision.

Sec. 331 provides that funds made available under this Act and prior year unobligated funds for the Charleston, South Carolina, monobeam corridor project shall be transferred and administered under the transit planning and research account. The Senate proposed allowing capital transit grant funds provided in this Act and in Public Laws 105–277 and 105–66 to be used for any aspect of the Charleston, South Carolina, monobeam corridor project. The House proposed no similar provision.

Sec. 332 permanently limits the number of communities that receive essential air service funding by excluding points in the 48 contiguous United States that are located 70 highway miles from the nearest large or medium hub airport, or that require a subsidy in excess of $200 per passenger, unless such a point is more than 210 miles from the nearest large or medium hub airport as proposed by the Senate. The House proposed a similar provision that was applicable only to fiscal year 2000.

Sec. 333 credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources as proposed by both the House and Senate. Such funds received shall be available until December 31, 2000.

Sec. 334 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by the House and Senate.

Sec. 335 provides $750,000 for the Amtrak Reform Council as proposed by the House instead of $950,000 as proposed by the Senate. Sec. 335 also includes provisions that amend section 203 of Public Law 105–134 regarding the Amtrak Reform Council's recommendations on Amtrak routes identified for closure or realignment as proposed by the Senate. The House proposed no similar provision.

Sec. 336 authorizes the Secretary of Transportation to transfer appropriations by no more than 12 percent among the offices of the Office of the Secretary as proposed by the House instead of by no more than 12 per centum as proposed by the Senate.

Sec. 337 prohibits funds in this Act for activities under the Aircraft Purchase Loan Guarantee Program as proposed by the House. The Senate proposed including this funding prohibition under Title I, Federal Aviation Administration.

Sec. 338 prohibits funds to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration and allows for the transfer of motor carrier funds and certain operations outside the Federal Highway Administration. The House proposed prohibiting funds to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration. The Senate proposed no similar provision.

Sec. 339 provides that grants for operating assistance in fiscal years 1999 and 2000 under sec. 5307 of title 49, United States Code, for certain urbanized areas may not be more than 80 percent of the net project cost as proposed by the House. The Senate proposed no similar provision.

Sec. 340 provides that funds provided for the Griffin light rail project in Public Law 104–205 shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford, Connecticut, to Bradley International Airport as proposed by the House. The Senate proposed no similar provision.

Sec. 341 amends sec. 3030(c)(1)(A)(v) of Public Law 105–178 by deleting "light rail" from the authorization for the Hartford City light rail connection as proposed by the House. The Senate proposed no similar provision.

Sec. 342 provides that the federal share of projects funded under the over-the-road bus accessibility program shall be 90 percent of the project cost as proposed by the House. The Senate proposed no similar provision.

Sec. 343 provides that $10,000,000 of the funding in this Act is only for the Coast Guard Mackinaw replacement vessel and is available until September 30, 2005, as proposed by the House. The Senate proposed no similar provision.

Sec. 344 prohibits the Coast Guard from obligating or expending funds provided in this Act to allow an extension of a single hull tank vessel's double hull compliance date, unless specifically authorized by 4 U.S.C. 3703a(e). The House proposed prohibiting funds to review or issue a waiver for a vessel deemed to be equipped with a double bottom or double sides. The Senate proposed no similar provision.

Sec. 345 prohibits funds in this Act for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California, as proposed by the House. The Senate proposed no similar provision.

Sec. 346 permanently prohibits the Department of Transportation from creating "peanut-free" zones or restricting the distribution of peanuts aboard domestic aircraft until 90 days after submission of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles. The Senate proposed a similar provision that was applicable only to fiscal year 2000. The House proposed no similar provision.

Sec. 347 requires the Federal Transit Administration to inform the House and Senate Committees on Appropriations 60 days before a new full funding grant agreement is executed as proposed by the Senate. The House proposed no similar provision.

Sec. 348 amends section 1212(g) of Public Law 105–178 to provide the State of New Jersey highway project funding flexibility within the state as proposed by the Senate. The House proposed no similar provision.

Sec. 349 requires the Coast Guard to convey to the University of New Hampshire real property located in New Castle, New Hampshire, as proposed by the Senate. The House proposed no similar provision.

Sec. 350 modifies language proposed by the Senate that protects personal and related information on motor vehicle records. The Senate proposed prohibiting funds in this Act to execute a project agreement for any highway project in a state that sells drivers' license personal information and drivers' license photographs unless that state has established and implemented an opt-in process for such information and photographs. The prohibition on the sale of written personal information applies only if sold for purposes of surveys, marketing or solicitations. The House proposed no similar provision.

It is the conferees' intent that personal information, such as name, address, and telephone number, can still be distributed as specified by the Driver Protection Privacy Act and this Act.

Sec. 351 permits the reallocation of $10,000,000 from funds provided in this Act to the National Highway Traffic Safety Administration and the Federal Highway Administration for completion of the National Advanced Driving Simulator (NADS). The Senate proposed $10,000,000 from funds provided in this Act for completion of NADS. The House proposed no similar provision.

Sec. 352 amends Public Law 102–240 as it relates to highway projects in Harford County, Maryland, as proposed by the Senate. The House proposed no similar provision.

Sec. 353 expresses the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census as proposed by the Senate. The House proposed no similar provision.

Sec. 354 expresses the sense of the Senate that the penalties for involuntarily bumping airline passengers should be doubled and that such passengers should obtain a prompt cash refund for the full value of their airline ticket as proposed by the Senate. The House proposed no similar provision.

Sec. 355 repeals section 656(b) of Public Law 104–208 as it relates to state-issued drivers' licenses and comparable identification documents as proposed by the Senate. The House proposed no similar provision.

Sec. 356 allows funds provided in Public Law 105–277 for the Pittsburgh North Shore central business district transit project to be used for preliminary engineering costs, an environmental impact statement, or a major investment study for that project as proposed by the Senate. The House proposed no similar provision.

Sec. 357 conforms the January 4, 1977, federal decision to existing Federal and state laws. The House and Senate proposed no similar provision.

Sec. 358 amends section 1602 of Public Law 105–178 to allow federal highway funds to be used to retrofit noise barriers in several locations in the State of Georgia. The House and Senate proposed no similar provision.

Sec. 359 amends section 1602 of Public Law 105–178 as it pertains to a railroad corridor project in Saratoga, New York. The House and Senate proposed no similar provision.

Sec. 360 pertains to the use of funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities. The House and Senate proposed no similar provision.

Sec. 361 amends section 1602 of Public Law 105–178 and section 1105 of Public Law 102–240 pertaining to high priority corridors in the State of Arkansas.

Sec. 362 amends section 3030 of Public Law 105–178 to include the Bethlehem, Pennsylvania, intermodal facility. The House and Senate proposed no similar provision.

Sec. 363 amends section 3030(b) of Public Law 105–178 to authorize the Dane County Corridor-East-West Madison Metropolitan Area project. The House and Senate proposed no similar provision.

Sec. 364 prohibits funds for construction of the Douglas Branch project and directs the Federal Transit Administration to use "no build" and "TSM" alternatives when evaluating the project. The House and Senate proposed no similar provision.

Sec. 365 provides $500,000 in grants to the Environmental Protection Agency to develop a pilot program which allows employers in designated regions to receive tradable air pollution credits for reduced vehicle-miles-traveled as a result of an employee telecommuting program. The House and Senate proposed no similar provision.

The conferees direct that a $500,000 grant be awarded by the Environmental Protection Agency to the National Environmental Policy Institute, a nonprofit organization in Washington, D.C. The conferees direct the Environmental Protection Agency to work closely with the grantee, the Department of Transportation, and the Department of Energy. The conferees also direct that all parties work closely with state and local governments, and business organizations and leaders in the designated regions in this provision. The House and Senate proposed no similar provision.

Sec. 366 pertains to conveyed lands by the United States to the City of Safford, Arizona, for use by the city for airport purposes. The House and Senate proposed no similar provision.

Sec. 367 prohibits funds in this Act unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations. The House and Senate proposed no similar provision.

Sec. 368 allows funds provided in fiscal years 1998 and 1999 for an intermodal facility in Eureka, California, to be available for a bus maintenance facility in Humboldt County, California. The House and Senate proposed no similar provision.

Sec. 369 relates to a study of alternatives to rail relocation in Moorhead, Minnesota. The House and Senate proposed no similar provision.

The conference agreement deletes the House provision that prohibits funds to be used to issue a final standard under docket number NHTSA 98–3945 (relating to State-Issued Drivers Licenses and Comparable Identification Documents (Sec. 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996)).

The conference agreement deletes the House provision that amends the Arctic Research and Policy Act of 1984 and the Arctic Marine Living Resources Convention Act of 1984 as it pertains to Coast Guard icebreaking operations.

The conference agreement deletes the House provision that prohibits the expenditure of funds to execute a letter of intent, letter of no prejudice, or full funding grant agreement for the West-East light rail system, or any segment thereof, or a downtown connector in Salt Lake City, Utah.

The conference agreement deletes the House provision that reduces funds provided in this Act for the Transportation Administrative Service Center (TASC) by $1,000,000.

The conference agreement deletes the House provision that reduces funds provided in this Act for the Amtrak Reform Council by $300,000.

The conference agreement deletes the Senate provision that prohibits funds to be used for conducting the activities of the Surface Transportation Board other than those appropriated or from fees collected by the Board.

The conference agreement deletes the Senate provision that relates to the non-governmental share of funds for the Salt Lake City/Airport to University (West-East) light rail project.

The conference agreement deletes the Senate provision that allows the Department of Transportation to enter into a fractional aircraft ownership demonstration program. This program is addressed in the conference agreement under the Federal Aviation Administration.

The conference agreement deletes the Senate provision that expresses the sense of the Senate that the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the terminal automated radar display and information system and en route surveillance systems for visual flight rule (VFR) air traffic control towers.

The conference agreement deletes the Senate provision that prohibits funds to implement the cost sharing provisions of Sec. 5001(b) of Public Law 105–178 as it relates to fundamental properties of asphalts and modified asphalts (Sec. 5117(b)(5)).

The conference agreement deletes the Senate provision that expresses the sense of the Senate regarding the need for reimbursement to the Village of Bourbonnais and Kankakee County, Illinois, for crash rescue and cleanup incurred in relation to the March 15, 1999, Amtrak train accident.

The conference agreement deletes the Senate provision that provides that of the funds made available in this Act not less that

$2,000,000 be available for Eastern West Virginia Regional Airport; not less than $400,000 for Concord, New Hampshire; and not less than $2,000,000 for Huntsville International Airport.

The conference agreement deletes the Senate provision that provides that $20,000,000 be available in fiscal year 2001 for the James A. Farley Post Office project in New York City.

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses:						
Immediate Office of the Secretary	1,624	1,967	1,867	1,900	1,867	+243
Immediate Office of the Deputy Secretary	585	612	612	600	600	+15
Office of the General Counsel	8,750	9,150	9,000	9,000	9,000	+250
Office of the Assistant Secretary for Policy	2,808	2,924	....	2,900	2,824	+16
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	7,700	7,650	....
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	6,870	6,870	+521
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	2,000	2,039	+98
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	18,600	17,767	-1,955
Office of Public Affairs	1,565	1,836	1,836	1,800	1,800	+235
Executive Secretariat	1,047	1,102	1,102	1,110	1,102	+55
Board of Contract Appeals	561	520	520	560	520	-41
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	1,222	1,222	+202
Office of Intelligence and Security	1,036	1,574	1,454	....	1,454	+418
Office of the Chief Information Officer	4,875	5,075	5,000	5,100	5,075	+200
Office of Intermodalism	957	1,187	....	....	1,062	+105
Office of the Assistant Secretary for Transportation Policy and Intermodalism	....	....	3,781	....	....	....
Subtotal	60,490	62,577	60,602	59,362	60,852	+362
Y2K conversion (emergency funding)	(7,754)	....	....	....	....	(-7,754)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Office of civil rights	6,966	7,742	7,742	7,200	7,200	+234
Transportation planning, research, and development	9,000	6,275	2,950	3,300	3,300	-5,700
Transportation Administrative Service Center	(124,124)	....	(157,965)	(169,953)	(148,673)	(+24,549)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	....
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	(13,775)	(13,775)	....
Minority business outreach	2,900	2,900	2,900	2,900	2,900	....
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)	....	....	....	....	(+815)
Total, Office of the Secretary	81,256	81,394	76,094	74,662	76,152	-5,104
Coast Guard						
Operating expenses	2,400,000	2,607,039	2,491,000	2,238,000	2,481,000	+81,000
Defense function	300,000	334,000	300,000	534,000	300,000	....
Title I - Readiness (emergency funding)	(100,000)	....	....	....	....	(-100,000)
Title IV - Counterdrug (emergency funding)	(16,300)	....	....	....	....	(-16,300)
Y2K conversion (emergency funding)	(27,715)	....	....	....	....	(-27,715)
Y2K conversion (emergency funding)	(4,058)	....	....	....	....	(-4,058)
Emergency funding (P.L. 106-31)	(200,000)	....	....	....	....	(-200,000)
Acquisition, construction, and improvements:						
Vessels	219,923	165,760	205,560	123,560	134,560	-85,363
Aircraft	35,700	22,110	38,310	33,210	44,210	+8,510
Other equipment	36,569	53,726	59,400	52,726	51,626	+15,057
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	63,800	63,800	+8,977

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Personnel and related support	48,450	52,930	50,930	52,930	50,930	+2,480
Deepwater replacement project revolving fund				44,200		
Integrated Deepwater Systems					44,200	+44,200
Subtotal, A C & I appropriations	395,465	350,326	410,000	370,426	389,326	-6,139
Offsetting collections (user fees)		-41,000				
Title I - Counterdrug (emergency funding)	(100,000)					(-100,000)
Hurricane Georges (emergency funding)	(12,600)					(-12,600)
Title IV - Counterdrug (emergency funding)	(117,400)					(-117,400)
Environmental compliance and restoration	21,000	19,500	18,000	12,450	17,000	-4,000
Alteration of bridges	14,000		15,000	14,000	15,000	+1,000
Retired pay	684,000	721,000	721,000	730,327	730,327	+46,327
Reserve training	69,000	72,000	72,000	72,000	72,000	+3,000
Title I - Readiness (emergency funding)	(5,000)					(-5,000)
Research, development, test, and evaluation	12,000	21,709	21,039	17,000	19,000	+7,000
Title I - Readiness (emergency funding)	(5,000)					(-5,000)
Total, Coast Guard	3,895,465	4,084,574	4,048,039	3,988,203	4,023,653	+128,188
Federal Aviation Administration						
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000		5,857,450	5,900,000	+337,442
Y2K conversion (emergency funding)	(14,946)					(-14,946)
Y2K conversion (emergency funding)	(13,852)					(-13,852)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	2,045,652	2,075,000	+175,000
Title II - Antiterrorism (emergency funding)	(100,000)					(-100,000)
Y2K conversion (emergency funding)	(106,612)					(-106,612)
Y2K conversion (emergency funding)	(15,521)					(-15,521)
Rescission				-299,500	-30,000	-30,000
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	150,000	156,495	+6,495
Y2K conversion (emergency funding)	(147)					(-147)
Y2K conversion (emergency funding)	(220)					(-220)
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(1,750,000)	(1,750,000)	(+150,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(2,000,000)	(1,950,000)	
(Obligation limitation reduction) (P.L. 105-277)				(-290,000)		
Rescission of contract authority			-300,000			
Total, Federal Aviation Administration	7,612,558	8,531,000	2,373,000	8,053,102	8,131,495	+518,937
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(1,710,000)	(1,950,000)	
Total budgetary resources	(9,562,558)	(10,131,000)	(4,623,000)	(9,763,102)	(10,081,495)	(+518,937)
Rescission			-300,000	-299,500	-30,000	-30,000
Net total	(9,562,558)	(10,131,000)	(4,323,000)	(9,463,602)	(10,051,495)	(+488,937)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Highway Administration						
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(370,000)	(376,072)	(+48,659)
Limitation on transportation research			(422,450)			
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(26,245,000)	(26,245,000)	(+734,000)
(Revenue aligned budget authority) (RABA)		(1,456,350)	(1,456,350)	(1,456,350)	(1,456,350)	(+1,456,350)
(RABA transfer under Title III)		(-502,120)				
(Adjustment)		(63,000)				
Highway safety initiative (transfer to NHTSA)				(-14,500)		
Section 405(b) grant (transfer to NHTSA)				(-7,500)		
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(27,679,350)	(27,701,350)	(+2,190,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(26,300,000)	(26,000,000)	(+2,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(RABA transfer under Title III)		(50,000)				
National motor carrier safety program (highway trust fund)				50,000		
Additional provisions - Division A P.L. 105-277:						
Surface transportation projects, Massachusetts	100,000					-100,000
Surface transportation projects, Arkansas	100,000					-100,000
Appalachian development highway system, Alabama	100,000					-100,000
Appalachian development highway system, West Va	32,000					-32,000

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
State infrastructure banks (rescission)	(-6,500)					(+6,500)
Total, Federal Highway Administration	332,000			50,000		-332,000
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(27,784,350)	(27,806,350)	(+2,195,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(28,966,466)	(28,938,466)	(+1,571,419)
National Highway Traffic Safety Administration						
Operations and research			87,400		87,400	+87,400
Operations and research (Highway Trust Fund)	87,400			72,900		-87,400
Subtotal	87,400		87,400	72,900	87,400	
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	
(RABA transfer under Title III)		(125,450)				
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	(72,000)	(72,000)	
Y2K conversion (emergency funding)	(752)					(-752)
(Transfer from FHA)				(14,500)		
National Driver Register (highway trust fund)	2,000	2,000	2,000	2,000	2,000	
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	(161,400)	(161,400)	

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(206,800)	(206,800)	(+6,800)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(152,800)	(152,800)	(+2,800)
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(36,000)	(36,000)	(+1,000)
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(8,000)	(8,000)	(+3,000)
Child passenger protection education grants (transfer from FHWA)				(7,500)		
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	74,900	89,400	
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(300,800)	(278,800)	(+6,800)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(375,700)	(368,200)	(+6,800)
Federal Railroad Administration						
Office of the administrator	21,215					-21,215
Railroad safety	61,488					-61,488
Safety and operations		95,462	94,448	91,789	94,288	+94,288
Offsetting collections (user fees)		-66,461				
Subtotal	82,703	29,001	94,448	91,789	94,288	+11,585

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Railroad research and development	22,364	21,800	21,300	22,364	22,464	+100
Offsetting collections (user fees)		-21,300				
Pennsylvania Station Redevelopment project (advance appropriation, FY 2001)		20,000		20,000		
Next generation high-speed rail	20,494	12,000	22,000	20,500	27,200	+6,706
Alaska Railroad rehabilitation	10,000			14,000	10,000	
Alaska Railroad capital improvements (Division A)	28,000					-28,000
Rhode Island Rail Development	5,000	10,000	10,000	10,000	10,000	+5,000
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	571,000	571,000	-38,230
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):						
(Liquidation of contract authorization)		(35,400)				
(Limitation on obligations)		(35,400)				
Total, Federal Railroad Administration	777,791	642,477	718,724	749,653	734,952	-42,839
(Limitations on obligations)		(35,400)				
Total budgetary resources	(777,791)	(677,877)	(718,724)	(749,653)	(734,952)	(-42,839)
Federal Transit Administration						
Administrative expenses	10,800	12,000	12,000	12,000	12,000	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(43,200)	(48,000)	(48,000)	(48,000)	(48,000)	(+4,800)
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+6,000)
Y2K conversion (emergency funding)	(250)					(-250)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Formula grants	570,000	619,600	619,600	619,600	619,600	+49,600
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(2,478,400)	(2,478,400)	(+198,400)
(RABA transfer under Title III)	....	(212,270)	....	....	....	....
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(3,098,000)	(3,098,000)	(+248,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	....
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	....
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	....
Transit planning and research (general fund)	19,800	21,000	21,000	21,000	21,000	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(86,000)	(86,000)	(+7,800)
(RABA transfer under Title III)	....	(4,000)	....	....	....	....
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	....
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	....
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	....

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Metropolitan planning	(43,842)	(49,632)	(49,632)	(49,632)	(49,632)	(+5,790)
State planning and research	(9,158)	(10,368)	(10,368)	(10,368)	(10,368)	(+1,210)
National planning and research	(27,500)	(33,500)	(29,500)	(29,500)	(29,500)	(+2,000)
Subtotal	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,929,270)	(+677,470)
Capital investment grants (general fund)	451,400	490,200	490,200	490,200	490,200	+38,800
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(1,960,800)	(1,960,800)	(+155,200)
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(490,200)	(490,200)	(+38,800)
(New starts)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)	....	....	....	....	(-2,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	....	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	15,000	15,000	-20,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+20,000)
(RABA transfer under Title III)	....	(75,000)	....	....	....	....
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)	(75,000)	(75,000)	....
Washington Metropolitan Area Transit Authority (general fund)	50,000	....	....	....	....	-50,000
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)	....	....	....	....	(+665)
Interstate transfer grants - transit (rescission)	(-600)	....	....	....	....	(+600)
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	1,159,000	1,159,000	+20,800
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(5,797,000)	(5,797,000)	(+407,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496	....	12,042	11,496	12,042	+546
Mandatory proposal	....	(12,042)	....	....	....	....
Subtotal	(11,496)	(12,042)	(12,042)	(11,496)	(12,042)	(+546)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Research and Special Programs Administration						
Research and special programs	....	33,340	....	....	32,061	+32,061
Hazardous materials safety	16,063	....	17,813	16,960	....	-16,063
Emergency transportation	997	....	1,459	1,275	....	-997
Research and technology	3,676	....	3,547	3,297	....	-3,676
Program and administrative support	8,544	....	9,542	9,220	....	-8,544
Subtotal, research and special programs	29,280	33,340	32,361	30,752	32,061	+2,781
Offsetting collections (user fees)	....	-4,575	....	....	....	....
Y2K conversion (emergency funding)	(182)	....	....	....	....	(-182)
Y2K conversion (emergency funding)	(100)	....	....	....	....	(-100)
Pipeline safety:						
Pipeline Safety Fund	29.000	33,939	30,598	30,000	30,000	+1,000
Oil Spill Liability Trust Fund	4,248	4,248	5,494	4,704	5,479	+1,231
Pipeline safety reserve	(1,400)	....	(1,300)	(1,400)	(1,400)	....
Subtotal, Pipeline safety program (incl reserve)	(34,648)	(38,187)	(37,392)	(36,104)	(36,879)	(+2,231)
Y2K conversion (emergency funding)	(150)	....	....	....	....	(-150)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	....
(Limitation on obligations)	(11,000)	....	(14,300)	(11,000)	....	(-11,000)
Total, Research and Special Programs Administration	62,728	67,152	68,653	65,656	67,740	+5,012
(Limitations on obligations)	(11,000)	....	(14,300)	(11,000)	....	(-11,000)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(76,656)	(67,740)	(-5,988)
Office of Inspector General						
Salaries and expenses	43,495	44,840	44,840	5,000	44,840	+1,345
Surface Transportation Board						
Salaries and expenses	16,000	17,000	17,000	15,400	17,000	+1,000
User fees	....	-2,600	....	....	....	....
Offsetting collections	-2,600	-14,400	-1,600	....	-1,600	+1,000
General Provisions						
Transportation Administrative Service Center reduction	-15,000	....	-11,000	-60,000	-15,000	....
Transit discretionary grants (rescission of contract authorization)	(-392,000)	....	....	....	....	(+392,000)
National Aviation Review Commission (rescission)	(-849)	....	....	....	....	(+849)
Amtrak Reform Council	450	750	450	950	750	+300
Urban discretionary grants (rescission)	(-4,026)	....	....	....	....	(+4,026)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Net total, title I, Department of Transportation	14,486,343	14,613,187	8,294,642	13,888,522	14,310,424	-175,919
Current year, FY 2000	(14,486,343)	(14,593,187)	(8,294,642)	(13,868,522)	(14,310,424)	(-175,919)
Appropriations	(14,043,239)	(14,593,187)	(8,594,642)	(14,168,022)	(14,340,424)	(+297,185)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,559)					(-848,559)
Advance appropriation, FY 2001		(20,000)		(20,000)		
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,006,190)	(50,131,453)	(44,414,208)	(49,464,788)	(50,115,690)	(+2,109,500)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,847	4,633	4,633	4,500	4,633	+786
Y2K conversion (emergency funding)	(60)					(-60)
National Transportation Safety Board						
Salaries and expenses	53,473	57,000	57,000	51,500	57,000	+3,527
Rental payments (supplemental P.L. 160-31)	2,300					-2,300
Offsetting collections		-10,000				
Emergency fund	1,000			1,000		-1,000
Total, National Transportation Safety Board	56,773	47,000	57,000	52,500	57,000	+227

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Total, title II, Related Agencies	60,680	51,633	61,633	57,000	61,633	+953
Appropriations	(60,620)	(51,633)	(61,633)	(57,000)	(61,633)	(+1,013)
Emergency appropriations	(60)					(-60)
Grand total	14,547,023	14,664,820	8,356,275	13,945,522	14,372,057	-174,966
Current year, FY 2000	(14,547,023)	(14,644,820)	(8,356,275)	(13,925,522)	(14,372,057)	(-174,966)
Appropriations	(14,103,859)	(14,644,820)	(8,656,275)	(14,225,022)	(14,402,057)	(+298,198)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,619)					(-848,619)
Advance appropriation, FY 2001		(20,000)		(20,000)		
(Limitation on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,066,870)	(50,183,086)	(44,475,841)	(49,521,788)	(50,177,323)	(+2,110,453)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-2,000	-3,000	-4,400
General Provision (Sec. 329)	4,000					-4,000
FTA: Job access (mass transit category)	-25,000					+25,000
FTA: Job access (non-defense discretionary)	25,000					-25,000
Emergency funding	-848,619					+848,619
FY 1999 adjustments to CBO rescissions	205					-205

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Trans Admin Service Center adjustment	....	....	1,000	....	....	....
Advance appropriations	....	-20,000	....	-20,000	....	....
Total, adjustments	-843,014	-25,000	-2,000	-22,000	-3,000	+840,014
Net grand total (including scorekeeping)	13,704,009	14,639,820	8,354,275	13,923,522	14,369,057	+665,048
Appropriations	(14,109,464)	(14,639,820)	(8,654,275)	(14,223,022)	(14,399,057)	(+289,593)
Rescissions	(-405,455)	....	(-300,000)	(-299,500)	(-30,000)	(+375,455)
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(44,473,841)	(49,499,788)	(50,174,323)	(+2,950,467)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RECAP BY FUNCTION						
Mandatory	684,000	721,000	721,000	730,327	730,327	+46,327
Discretionary:						
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(28,085,150)	(28,085,150)	(+2,202,150)
Mass Transit category	721,200	1,159,000	1,159,000	1,159,000	1,159,000	+437,800
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total, Mass Transit category	4,973,000	6,088,270	5,797,000	5,797,000	5,797,000	+824,000
General purpose discretionary:						
Defense discretionary	300,000	334,000	300,000	534,000	300,000	
Nondefense discretionary	11,998,809	12,425,820	6,174,275	11,500,195	12,179,730	+180,921
Total, General purpose discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921
Total, Discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	14,547,023
Budget estimates of new (obligational) authority, fiscal year 2000	14,664,820
House bill, fiscal year 2000	8,356,275
Senate bill, fiscal year 2000	13,945,522
Conference agreement, fiscal year 2000	14,372,057
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−174,966
Budget estimates of new (obligational) authority, fiscal year 2000	−292,763
House bill, fiscal year 2000	+6,015,782
Senate bill, fiscal year 2000	+426,535

Frank R. Wolf,
Tom DeLay,
Ralph Regula,
Harold Rogers,
Ron Packard,
Sonny Callahan,
Todd Tiahrt,
Robert B. Aderholt,
Kay Granger,
Bill Young,
Martin Olav Sabo,
John W. Olver,
Ed Pastor,
Carolyn C. Kilpatrick,
Jose E. Serrano,
Mike Forbes,
David Obey,
Managers on the Part of the House.

Richard C. Shelby,
Pete V. Domenici,
Arlen Specter,
C.S. Bond,
Slade Gorton,
Robert F. Bennett,
Ben Nighthorse Campbell,
Ted Stevens,
Frank R. Lautenberg,
Robert Byrd,
B.A. Mikulski,
Harry Reid,
Herb Kohl,
Patty Murray,
D.K. Inouye,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Conference Report (H. Rept. 106–354)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1906) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

Production, Processing, and Marketing

Office of the Secretary

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $15,436,000, of which, $12,600,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the funds made available for the development and implementation of a common computing environment shall only be available upon approval of the Committees on Appropriations and Agriculture of the House of Representatives and the Senate of a plan for the development and implementation of a common computing environment: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

Executive Operations

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,411,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,583,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $6,051,000.

Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,783,000.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $140,364,000: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

Hazardous Waste Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

Departmental Administration

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $34,738,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,194,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,419,000: Provided, That $1,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $99,405,000, of which up to $16,490,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $834,322,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2000, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $52,500,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222); $63,238,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $119,300,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $650,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $500,000 for the 1994 research program (7 U.S.C. 301 note); $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $500,000 for a secondary agriculture education program and two-year postsecondary education (7 U.S.C. 3152(h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $14,825,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $485,698,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000: payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221); and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,242,000; in all, $424,922,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $39,541,000, as follows: payments for the water quality program, $13,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,000,000; payments for the crops affected by Food Quality Protection Act implementation, $1,000,000; and payments for the methyl bromide transition program, $2,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $441,263,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2000, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2000, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $51,625,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $12,443,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $26,448,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year *for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.*

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $649,411,000, of which no less than $544,902,000 shall be available for federal food inspection, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $794,839,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,422,000, of which $431,373,000 shall be for guaranteed loans; operating loans, $2,397,842,000, of which $1,697,842,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,028,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $7,243,000, of which $2,416,000, shall be for guaranteed loans; operating loans, $70,860,000, of which $23,940,000 shall be for unsubsidized guaranteed loans and $17,620,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $21,000; and for emergency insured loans, $3,882,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $214,161,000, of which $209,861,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2000, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2000, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $661,243,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,125,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that *the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).*

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,368,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $47,000,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That of the funds available for Emergency Watershed Protection activities, $8,000,000 shall be available for Mississippi, New Mexico, Ohio and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78–534; 58 Stat. 905), and the pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriation Act, 1954 (Public Law 83–156; 67 Stat. 214).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $35,265,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $718,837,000, to remain available until expended, of which $23,150,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $631,088,000 shall be for the rural utilities programs described in section 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $64,599,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $12,000,000 shall be for water and waste disposal systems to benefit Federally Recognized Native American Tribes, including grants pursuant to section 306C of such Act: Provided further, That the Federally Recognized Native American Tribe is not eligible for any other rural utilities programs set aside under the Rural Community Advancement Program; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $7,300,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $45,245,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That any obligated and unobligated balances available from prior years for the "Rural Utilities Assistance Program" account shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,200,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $25,001,000 for section 514 farm labor housing; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $7,503,000 for credit sales of acquired property, of which up to $1,250,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $113,350,000, of which $19,520,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,900,000; section 538 multi-family housing guaranteed loans, $480,000; section 514 farm labor housing, $11,308,000; section 515 rental housing, $45,363,000; section 524 site loans, $4,000; credit sales of acquired property, $874,000, of which up to $494,250 may be for multi-family credit sales; and section 523 self-help housing land development loans, $281,000: Provided, That of the total amount appropriated in this paragraph, $11,180,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $375,879,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses": Provided, That of this amount the Secretary of Agriculture may transfer up to $7,000,000 to the appropriation for "Outreach for Socially Disadvantaged Farmers".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu *of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $640,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2000 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.*

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $28,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490e, and 1490m, $45,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109: Provided further, That the Administrator may expend not more than $10,000 to provide modest nonmonetary awards to non-USDA employees.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2000, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,337,000 shall be transferred to and merged with the appropriation for "Rural Business-Cooperative Service, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,453,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2000, as authorized by section 313 of the Rural Electrification Act of 1936, $3,453,000 shall not be obligated and $3,453,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,000,000, of which $1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That at least twenty-five percent of the total amount appropriated shall be made available to cooperatives or associations of cooperatives that assist small, minority producers.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements, $24,612,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,700,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $1,935,000; cost of municipal rate loans, $10,827,000; cost of money rural telecommunications loans, $2,370,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $31,046,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2000 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,290,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $20,700,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $34,107,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,554,028,000, to remain available through September 30, 2001, of which $4,618,829,000 is hereby appropriated and $4,935,199,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, up to $7,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: Provided further, That up to $4,363,000 shall be available for independent verification of school food service claims: Provided further, That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, *1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g)).*

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,032,000,000, to remain available through September 30, 2001: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other federal government departments or agencies unless authorized by section 17 of the Child Nutrition Act of 1966.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,071,751,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this head shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this head shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983, $133,300,000, to remain available through September 30, 2001: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2001.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $111,561,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $109,203,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701–1704, 1721–1726a, 1727–1727e, 1731–1736g–3, and 1737), as follows: (1) $155,000,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $21,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; and (3) $800,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, $127,813,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,186,072,000, of which not to exceed $145,434,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2000 shall be subject to the fiscal year 2000 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $269,245,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $309,026,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $11,542,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $132,092,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $48,821,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $154,271,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs, of which $1,000,000 shall be for premarket review, enforcement and oversight activities related to users and manufacturers of all reprocessed medical devices as authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), and of which no less than $55,500,000 and 522 full-time equivalent positions shall be for premarket application review activities to meet statutory review times; (6) $34,536,000 shall be for the National Center for Toxicological Research; (7) $34,000,000 shall be for the Office of Tobacco; (8) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (9) $100,180,000 shall be for payments to the General Services Administration for rent and related costs; and (10) $78,046,000 shall be for other activities, including the Office of the Commissioner; the Office of Policy; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one *specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress.*

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $63,000,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That for fiscal year 2000 and thereafter, the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $35,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 2000 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 365 passenger motor vehicles, of which 361 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427 and 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219 (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 713. Notwithstanding any other provision of law, effective on September 29, 1999, appropriations made available to the Rural Housing Insurance Fund Program Account for the costs of direct and guaranteed loans and to the Rural Housing Assistance Grants Account in fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 shall remain available until expended to cover obligations made in each of those fiscal years respectively with regard to each account.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2000 shall remain available until expended to cover obligations made in fiscal year 2000 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 717. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will (1) serve a mutual interest of the parties to the agreement in carrying out the Wetlands Reserve Program; (2) all parties will contribute resources to the accomplishment of these objectives: Provided, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: Provided, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 720. None of the funds appropriated by this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other *agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.*

SEC. 722. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 724. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 725. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds under the provisions of section 793 of Public Law 104–127.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by sections 334–341 of Public Law 104–127 in excess of $174,000,000.

SEC. 727. None of the funds appropriated or otherwise available to the Department of Agriculture in fiscal year 2000 or thereafter may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the fiscal year 2000 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems.

SEC. 730. Notwithstanding section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009), in fiscal year 2000 and thereafter, the definitions of rural areas for certain business programs administered by the Rural Business-Cooperative Service and the community facilities programs administered by the Rural Housing Service shall be those provided for in statute and regulations prior to the enactment of Public Law 104–127.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 335 of Public Law 104–127.

SEC. 733. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri, or the Food and Drug Administration Detroit, Michigan, District Office Laboratory; or to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office.

SEC. 734. None of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 302(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 735. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 736. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 738. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the emergency food assistance program authorized by section 27(a) of the Food Stamp Act (7 U.S.C. 2036(a)) if such program exceeds $98,000,000.

SEC. 739. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

SEC. 740. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, permanent employees of county committees employed on or after October 1, 1998, pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.

SEC. 741. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities, without the specific authorization of Congress.

SEC. 742. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service shall provide funds, within discretionary amounts available, for the settlement of claims associated with the Chuquatonchee Watershed Project in Mississippi to close out this project.

SEC. 743. (a) Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall offer to enter into an agreement with the Governor of the State of Hawaii to conduct a pilot program to inspect mail entering the State of Hawaii for any plant, plant product, plant pest, or other organism that is subject to Federal quarantine laws.

(b) The agreement described in subsection (a) shall contain the same terms and conditions as are contained in the memorandum of understanding entered into between the Secretary and the State of California, dated February 1, 1999, unless the Secretary and the Governor agree to different terms or conditions.

(c) Unless the Secretary and the Governor agree otherwise, the agreement described in subsection (b) shall terminate on the later of—

(1) the date that is 1 year after the date the agreement becomes effective; or

(2) the date that the February 1, 1999 memorandum of understanding terminates.

SEC. 744. Notwithstanding any other provision of law, the Secretary is authorized under section 306 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), to provide guaranteed lines of credit, including working capital loans, for health care facilities, to address Year 2000 computer conversion issues.

Sec. 745. After taking any action involving the seizure, quarantine, treatment, destruction, or disposal of wheat infested with karnal bunt, the Secretary of Agriculture shall compensate the producers and handlers for economic losses incurred as the result of the action not later than 45 days after receipt of a claim that includes all appropriate paperwork.

Sec. 746. In addition to amounts otherwise appropriated or made available by this Act, $2,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center, which is an organization described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and is exempt from taxation under subsection (a) of such section.

Sec. 747. Notwithstanding any other provision of law, there are hereby appropriated $250,000 for the program authorized under section 388 of the Federal Agriculture Improvement and Reform Act of 1996, solely for use in the State of New Hampshire.

Sec. 748. The Immigration and Nationality Act (8 U.S.C. 1188 et seq.) is amended: (a) in section 218(c)(1) by striking "60 days" and inserting "45 days", and (b) in section 218(c)(3)(A) by striking "20 days" and inserting "30 days".

Sec. 749. Successorship Provisions Relating to Bargaining Units and Exclusive Representatives. (a) Voluntary Agreement.—

(1) In general.—If the exercise of the Secretary of Agriculture's authority under this section results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, United States Code, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) Criteria.—In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, United States Code, relating to determining an exclusive representative; and

(B) section 7112 of title 5, United States Code (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.

(b) Effect of an Agreement.—

(1) In general.—If the affected parties reach agreement on the appropriate unit and the exclusive representative for such unit under subsection (a), the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

(2) Restrictions.—

(A) Conditions requiring noncertification.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) (disregarding section 7112(a) of title 5, United States Code) have not been met; or

(ii) after the Secretary's exercise of authority and before certification under this section, a valid election under section 7111(b) of title 5, United States Code, is held covering any employees who would be included in the unit proposed for certification.

(B) Temporary waiver of provision that would bar an election after a collective bargaining agreement is reached.—Nothing in section 7111(f)(3) of title 5, United States Code, shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) Clarification.—The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5, United States Code, or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) Delegation.—

(A) In general.—The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5, United States Code) its authority under the preceding provisions of this subsection.

(B) Review.—Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5, United States Code, in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefore is filed by an affected party within the time specified in such provisions.

(c) Definition.—For purposes of this section, the term "affected party" means—

(1) with respect to an exercise of authority by the Secretary of Agriculture under this section, any labor organization affected thereby; and

(2) the Department of Agriculture.

Sec. 750. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

Sec. 751. Contracts for Procurement or Processing of Certain Commodities. (a) Definitions.—In this section:

(1) HUBZone sole source contract.—The term "HUBZone sole source contract" means a sole source contract authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(2) HUBZone price evaluation preference.—The term "HUBZone price evaluation preference" means a price evaluation preference authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(3) Qualified HUBZone small business concern.—The term "qualified HUBZone small business concern" has the meaning given the term in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

(4) Covered procurement.—The term "covered procurement" means a contract for the procurement or processing of a commodity furnished under title II or III of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Food for Progress Act of 1985 (7 U.S.C. 1736o), or any other commodity procurement or acquisition by the Commodity Credit Corporation under any other law.

(b) Prohibition of Use of Funds.—None of the funds made available by this Act may be used:

(1) to award a HUBZone sole source contract or a contract awarded through full and open competition in combination with a HUBZone price evaluation preference to any qualified HUBZone small business concern in any covered procurement if performance of the contract by the business concern would exceed the production capacity of the business concern or would require the business concern to subcontract to any other company or enterprise for the purchase of the commodity being procured through the covered procurement.

(2) in any contract awarded through full and open competition in any covered procurement,

(A) to fund a price evaluation preference greater than 5 percent if the dollar value of the contract awarded is not greater than 50 percent of the total dollar value being procured in a single tender for a commodity, or

(B) to fund any price evaluation preference at all if the dollar value of the contract awarded is greater than 50 percent of the total dollar value being procured in a single tender for a commodity.

Sec. 752. Redesignation of National School Lunch Act as Richard B. Russell National School Lunch Act. (a) In General.—The first section of the National School Lunch Act (42 U.S.C. 1751 note) is amended by striking "National School Lunch Act" and inserting "Richard B. Russell National School Lunch Act".

(b) - Conforming Amendments.—The following provisions of law are amended by striking "National School Lunch Act" each place it appears and inserting "Richard B. Russell National School Lunch Act":

(1) Sections 3 and 13(3)(A) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

(2) Section 404 of the Agricultural Act of 1949 (7 U.S.C. 1424).

(3) Section 201(a) of the Act entitled "An Act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes", approved September 21, 1959 (7 U.S.C. 1431c(a); 73 Stat. 610).

(4) Section 211(a) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4004(a)).

(5) Section 245A(h)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(A)).

(6) Sections 403(c)(2)(C), 422(b)(3), 423(d)(3), 741(a)(1), and 742 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(C), 1632(b)(3), 1183a note, 42 U.S.C. 1751 note, 8 U.S.C. 1615; Public Law 104–193).

(7) Section 2243(b) of title 10, United States Code.

(8) Sections 404B(g)(1)(A), 404D(c)(2), and 404F(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(g)(1)(A), 1070a–24(c)(2), 1070a–26(a)(2); Public Law 105–244).

(9) Section 231(d)(3)(A)(i) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2341(d)(3)(A)(i)).

(10) Section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

(11) Section 1397E(d)(4)(A)(iv)(II) of the Internal Revenue Code of 1986.

(12) Sections 254(b)(2)(B) and 263(a)(2)(C) of the Job Training Partnership Act (29 U.S.C. 1633(b)(2)(B), 1643(a)(2)(C)).

(13) Section 3803(c)(2)(C)(xiii) of title 31, United States Code.

(14) Section 602(d)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(d)(9)(A)).

(15) Sections 2(4), 3(1), and 301 of the Healthy Meals for Healthy Americans Act of 1994 (42 U.S.C. 1751 note; Public Law 103–448).

(16) Sections 3, 4, 7, 10, 13, 16(b), 17, and 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1772, 1773, 1776, 1779, 1782, 1785(b), 1786, 1788(d)).

(17) Section 658O(b)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(3)).

(18) Subsection (b) of the first section of Public Law 87–688 (48 U.S.C. 1666(b)).

(19) Section 10405(a)(2)(H) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2489).

Sec. 753. Public Law 105–199 (112 Stat. 641) is amended in section 3(b)(1)(G) by striking "persons", and inserting in lieu thereof "governors, who may be represented on the Commission by their respective designees,".

Sec. 754. Section 889 of the Federal Agriculture Improvement and Reform Act of 1996 is amended—

(1) in the heading, by inserting "HARRY K. DUPREE" before "STUTTGART";

(2) in subsection (b)(1)—

(A) in the heading, by inserting "HARRY K. DUPREE" before "STUTTGART"; and

(B) in subparagraphs (A) and (B), by inserting "Harry K. Dupree" before "Stuttgart National Aquaculture Research Center" each place it appears.

SEC. 755. TOBACCO LEASING AND INFORMATION. (a) CROSS-COUNTY LEASING.—Section 319(l) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(l)) is amended in the second sentence by inserting ", Ohio, Indiana, Kentucky," after "Tennessee".

(b) TOBACCO PRODUCTION AND MARKETING INFORMATION.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

"SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

"(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

"(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

"(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

"(c) ASSISTANCE.—

"(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

"(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

"(d) RECORDS.—

"(1) IN GENERAL.—A person who obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

"(2) PENALTY.—A person who knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

"(e) APPLICATION.—This section shall not apply to—

"(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

"(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

"(3) records that aggregate the purchases of particular buyers.".

SEC. 756. Notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the city of Berlin, New Hampshire, shall be eligible during fiscal year 2000 for a rural utilities grant or loan under the Rural Community Advancement Program.

SEC. 757. CRANBERRY MARKETING ORDERS. (a) PAID ADVERTISING FOR CRANBERRIES AND CRANBERRY PRODUCTS.—Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first proviso—

(1) by striking "or Florida grown strawberries" and inserting ", Florida grown strawberries, or cranberries"; and

(2) by striking "and Florida Indian River grapefruit" and inserting "Florida Indian River grapefruit, and cranberries".

(b) COLLECTION OF CRANBERRY INVENTORY DATA.—Section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(3) COLLECTION OF CRANBERRY INVENTORY DATA.—

"(A) IN GENERAL.—If an order is in effect with respect to cranberries, the Secretary of Agriculture may require persons engaged in the handling or importation of cranberries or cranberry products (including producer-handlers, second handlers, processors, brokers, and importers) to provide such information as the Secretary considers necessary to effectuate the declared policy of this title, including information on acquisitions, inventories, and dispositions of cranberries and cranberry products.

"(B) DELEGATION TO COMMITTEE.—The Secretary may delegate the authority to carry out subparagraph (A) to any committee that is responsible for administering an order covering cranberries.

"(C) CONFIDENTIALITY.—Paragraph (2) shall apply to information provided under this paragraph.

"(D) VIOLATIONS.—Any person who violates this paragraph shall be subject to the penalties provided under section 8c(14).".

SEC. 758. Beginning in fiscal year 2001 and thereafter, the Food Stamp Act (Public Law 95–113, section 16(a)) is amended by inserting after the phrase "Indian reservation under section 11(d) of this Act" the following new phrase: "or in a Native village within the State of Alaska identified in section 11(b) of Public Law 92–203, as amended.".

SEC. 759. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS. (a) EDUCATION GRANTS PROGRAM FOR ALASKA NATIVE SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Alaska Native serving institutions for the purpose of promoting and strengthening the ability of Alaska Native serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Alaska Native serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level including by village elders and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Alaska Native serving institutions, or between Alaska Native serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 in fiscal years 2001 through 2006.

(b) EDUCATION GRANTS PROGRAM FOR NATIVE HAWAIIAN SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Native Hawaiian serving institutions for the purpose of promoting and strengthening the ability of Native Hawaiian serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Native Hawaiian serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Native Hawaiian serving institutions, or between Native Hawaiian serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 for each of fiscal years 2001 through 2006.

SEC. 760. Effective October 1, 1999, section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: "The price of milk paid by a handler at a plant operating in Clark County, Nevada shall not be subject to any order issued under this section.".

SEC. 761. Notwithstanding any other provision of law, the City of Olean, New York, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 762. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 763. Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (9), by adding "and" after the semicolon at the end;

(2) in paragraph (10), by striking "; and" and inserting a period; and

(3) by striking paragraph (11).

SEC. 764. None of the funds made available by this or any other Act shall be used to implement Notice CRP–338, issued by the Farm Service Agency on March 10, 1999, nor shall funds be used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: Provided, That rental payments for any lands enrolled in the Conservation Reserve Program under this section shall be reduced by an amount equal to the federal cost of any remaining value of a federally cost-shared conservation practice as determined by the Secretary.

SEC. 765. None of the funds made available by this or any other Act shall be used to implement Notice CRP–327, issued by the Farm Service Agency on October 26, 1998, nor shall funds be used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: Provided, That this section shall not apply to any lands for which there is not full compliance with the conservation practices required under terms of the CRP contract.

SEC. 766. The federal facility located in Riverside, California, and known as the "U.S. Salinity Laboratory", shall be known and designated as the "George E. Brown, Jr., Salinity Laboratory": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such federal facility shall be deemed to be a reference to the "George E. Brown, Jr., Salinity Laboratory".

SEC. 767. Sections 657, 658, 1006, 1014 of title 18, United States Code, are amended by—

(1) inserting "or successor agency" after "Farmers Home Administration" each place it appears; and

(2) inserting "or successor agency" after "Rural Development Administration" each place it appears.

SEC. 768. Notwithstanding any other provision of law, the maximum income limits established for single family housing for families and individuals in the high cost areas of Alaska shall be 150 percent of the state metropolitan income level for Alaska.

SEC. 769. Section 1232(a)(7) of the Food Security Act of 1985 is amended—

(1) by striking "except that the Secretary may permit harvesting" and inserting "except that the Secretary—

"(A) may permit—

"(i) harvesting";

(2) by striking "emergency, and the Secretary may permit limited" and inserting "emergency; and

"(ii) limited";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) shall approve not more than 6 projects, no more than 1 of which may be in any state, under which land subject to the contract may be harvested for recovery of biomass used in energy production if—

"(i) no acreage subject to the contract is harvested more than once every other year;

"(ii) not more than 25 percent of the total acreage enrolled in the program under this subchapter in any crop reporting district (as designated by the Secretary), is harvested in any 1 year;

"(iii) no portion of the crop is used for any commercial purpose other than energy production from biomass;

"(iv) no wetland, or acreage of any type enrolled in a partial field conservation practice (including riparian forest buffers, filter strips, and buffer strips), is harvested;

"(v) the owner or operator agrees to a payment reduction under this section in an amount determined by the Secretary.

"(C) the total acres for all of the projects shall not exceed 250,000 acres.".

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

Subtitle A—Crop and Market Loss Assistance

SEC. 801. CROP LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use $1,200,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred losses in a 1999 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made for losses associated with crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses due to damaging weather or related condition.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops (including losses of trees from which a crop is harvested, livestock, and fisheries), as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) RICE LOAN DEFICIENCY PAYMENTS.—In the case of producers of the 1999 crop of rice that harvested such rice on or before August 4, 1999, the Secretary may use funds made available under this section to—

(1) make loan deficiency payments to producers that received, or that were eligible to receive, such payments under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) in a manner that results in the same total payment that would have been made if the payment had been requested by the producers on August 5, 1999; and

(2) recalculate any repayment made for a marketing assistance loan for the 1999 crop of rice on or before August 4, 1999, as if the repayment had been made on August 5, 1999.

(g) HONEY RECOURSE LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in order to assist producers of honey to market their honey in an orderly manner during a period of disastrously low prices, the Secretary may use funds made available under this section to make available recourse loans to producers of the 1999 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) LOAN RATE.—The loan rate of the loans shall be 85 percent of the average price of honey during the 5-crop year period preceding the 1999 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(h) RECOURSE LOANS FOR MOHAIR.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, during fiscal year 2000, the Secretary may use funds made available under this section to make recourse loans available in accordance with section 137(c) of the Agricultural Market Transition Act (7 U.S.C. 7237(c)) to producers of mohair produced during or before that fiscal year.

(2) INTEREST.—Section 137(c)(4) of that Act shall not apply to a loan made under paragraph (1).

SEC. 802. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary shall use not more than $5,544,453,000 of funds of the Commodity Credit Corporation to provide assistance to owners and producers on a farm that are eligible for final payments for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the contract payment received by the owners and producers for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(c) PROTECTION OF TENANTS AND SHARECROPPERS; SHARING OF PAYMENTS.—Sections 111(c) and 114(g) of the Agricultural Market Transition Act (7 U.S.C. 7211(c), 7214(g)) shall apply to the payments made under subsection (a).

SEC. 803. SPECIALTY CROPS.

(a) PEANUTS.—

(1) IN GENERAL.—The Secretary shall use such amounts as are necessary of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 1999 crop year.

(2) AMOUNT.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) an amount equal to 5 percent of the loan rate established for quota peanuts or additional peanuts, respectively, under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271).

(b) CONDITION ON PAYMENT OF SALARIES AND EXPENSES.—None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out or enforce section 156(f) of the Agricultural Market Transition. Act (7 U.S.C. 7272(f)) through fiscal year 2001.

(c) TOBACCO.—

(1) IN GENERAL.—The Secretary shall use $328,000,000 of funds of the Commodity Credit Corporation to make payments to States on behalf of persons described in paragraph (2) for the reduction in the quantity of quota allotted to certain farms under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) from the 1998 crop year to the 1999 crop year.

(2) ELIGIBLE PERSONS.—To be eligible to receive a payment under paragraphs (1) through (5), a person must own or operate, or produce tobacco on, a farm—

(A) for which the quantity of quota allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1998 crop year to the 1999 crop year; and

(B) that was used for the production of tobacco during the 1998 or 1999 crop year.

(3) ALLOCATION TO STATES.—The Secretary shall allocate funds made available under paragraph (1) to States with eligible persons described in paragraph (2) in proportion to the relative quantity of quota allotted to farms in the States that was reduced from the 1998 crop year to the 1999 crop year.

(4) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—In the case of a State described in paragraph (3) that is a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in accordance with the formulas established pursuant to the Trust.

(B) OTHER STATES.—Subject to the approval of the Secretary, in the case of a State described in paragraph (3) that is not a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in a manner determined by the State.

(5) ALTERNATIVE DISTRIBUTION.—In lieu of making payments under this subsection to States, the Secretary may distribute funds directly to eligible persons using the facilities of private disbursing agents, facilities of the Farm Service Agency, or other available facilities.

(6) FLUE-CURED TOBACCO.—

(A) LIMITATION ON QUANTITY OF ALLOTMENT LEASED OR SOLD.—Section 316(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1316(e)) is amended—

(i) in paragraph (1), by striking "farm or, in" and all that follows through ": Provided, That in" and inserting "farm. In";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) Paragraph (1) shall not apply to flue-cured tobacco.".

(B) TRANSFERS OF QUOTA OR ALLOTMENT ACROSS COUNTY LINES IN A STATE.—Section 316(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(g)) is amended by adding at the end the following:

"(3) TRANSFERS ALLOWED BY REFERENDUM.—

"(A) REFERENDUM.—On the request of at least 25 percent of the active flue-cured tobacco producers within a State, the Secretary shall conduct a referendum of the active flue-cured tobacco producers within the State to determine whether the producers favor or oppose permitting the sale of a flue-cured tobacco allotment or quota from a farm in a State to any other farm in the State.

"(B) APPROVAL.—If the Secretary determines that a majority of the active flue-cured tobacco producers voting in the referendum approves permitting the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State, the Secretary shall permit the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State.".

(C) SAME GROWER IN CONTIGUOUS COUNTIES.—Section 379(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379(b)) is amended by inserting "or flue-cured" after "Burley".

SEC. 804. OILSEEDS.

(a) IN GENERAL.—The Secretary shall use $475,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 1999 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) COMPUTATION.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and

(3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) ACREAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the greater of—

(A) the number of acres planted to the oilseed by the producers on the farm during the 1997 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late); or

(B) the number of acres planted to the oilseed by the producers on the farm during the 1998 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 805. LIVESTOCK AND DAIRY.

The Secretary shall use $325,000,000 of funds of the Commodity Credit Corporation to provide assistance directly to livestock and dairy producers, in a manner determined appropriate by the Secretary, to compensate the producers for economic losses incurred during 1999.

SEC. 806. UPLAND COTTON.

(a) IN GENERAL.—Section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1), by striking "or cash payments" and inserting "or cash payments, at the option of the recipient,";

(2) by striking "3 cents per pound" each place it appears and inserting "1.25 cents per pound";

(3) in paragraph (3)—

(A) in the first sentence of subparagraph (A), by striking "owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates" and inserting "owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton"; and

(B) in subparagraph (B), by striking the second sentence; and

(4) by striking paragraph (4).

(b) ENSURING THE AVAILABILITY OF UPLAND COTTON.—Section 136(b) of the Agricultural Market Transition Act (7 U.S.C. 7236(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The President shall carry out an import quota program during the period ending July 31, 2003, as provided in this subsection.

"(B) PROGRAM REQUIREMENTS.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

"(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

"(D) SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year."; and

(2) by adding at the end the following:

"(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 5 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.".

SEC. 807. MILK.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking "calendar year 1999" and inserting "each of calendar years 1999 and 2000"; and

(2) in subsection (h), by striking "1999" each place it appears and inserting "2000".

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking "2000" and inserting "2001".

Subtitle B—Other Assistance

SEC. 811. AUTHORITY FOR ADVANCE PAYMENT IN FULL OF REMAINING PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d)(3) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)(3)) is amended—

(1) in the paragraph heading, by striking "FOR FISCAL YEAR 1999"; and

(2) by striking "for fiscal year 1999" and inserting "for any of fiscal years 1999 through 2002".

SEC. 812. COMMODITY CERTIFICATES.

Subtitle E of the Agricultural Market Transition Act (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

"SEC. 166. COMMODITY CERTIFICATES.

"(a) In General.—In making in-kind payments under subtitle C, the Commodity Credit Corporation may—

"(1) acquire and use commodities that have been pledged to the Commodity Credit Corporation as collateral for loans made by the Corporation;

"(2) use other commodities owned by the Commodity Credit Corporation; and

"(3) redeem negotiable marketing certificates for cash under terms and conditions established by the Secretary.

"(b) Methods of Payment.—The Commodity Credit Corporation may make in-kind payments—

"(1) by delivery of the commodity at a warehouse or other similar facility;

"(2) by the transfer of negotiable warehouse receipts;

"(3) by the issuance of negotiable certificates, which the Commodity Credit Corporation shall exchange for a commodity owned or controlled by the Corporation in accordance with regulations promulgated by the Corporation; or

"(4) by such other methods as the Commodity Credit Corporation determines appropriate to promote the efficient, equitable, and expeditious receipt of the in-kind payments so that a person receiving the payments receives the same total return as if the payments had been made in cash.

"(c) Administration.—

"(1) Form.—At the option of a producer, the Commodity Credit Corporation shall make negotiable certificates authorized under subsection (b)(3) available to the producer, in the form of program payments or by sale, in a manner that the Corporation determines will encourage the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.

"(2) Transfer.—A negotiable certificate issued in accordance with this subsection may be transferred to another person in accordance with regulations promulgated by the Secretary.".

SEC. 813. LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.

(a) In General.—Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for 1 or more contract commodities and oilseeds produced during the 1999 crop year may not exceed $150,000.

(b) 1999 Marketings.—In carrying out subsection (a), the Secretary shall allow a producer that has marketed a quantity of an eligible 1999 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 814. ASSISTANCE FOR PURCHASE OF ADDITIONAL CROP INSURANCE COVERAGE.

The Secretary shall transfer $400,000,000 of funds of the Commodity Credit Corporation to the Federal Crop Insurance Corporation to be used to assist agricultural producers in purchasing additional coverage for the 2000 crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 815. FORGIVENESS OF CERTAIN WATER AND WASTE DISPOSAL LOANS.

The Secretary shall forgive the principal indebtedness and accrued interest owed by the City of Stroud, Oklahoma, to the Rural Utilities Service on water and waste disposal loans numbered 9105 and 9107.

SEC. 816. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) Definitions.—Section 375(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(a)) is amended by adding at the end the following:

"(5) Intermediary.—The term 'intermediary' means a financial institution receiving Center funds for establishing a revolving fund and relending to an eligible entity.".

(b) Revolving Fund.—Section 375(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

"(A) In general.—The Center may use amounts in the Fund to make direct loans, loan guarantees, cooperative agreements, equity interests, investments, repayable grants, and grants to eligible entities, either directly or through an intermediary, in accordance with a strategic plan submitted under subsection (d).";

(B) in subparagraph (B), by adding at the end the following: "The Fund is intended to furnish the initial capital for a revolving fund that will eventually be privatized for the purposes of assisting the United States sheep and goat industries.";

(C) by striking subparagraph (D);

(D) by striking subparagraph (E) and inserting the following:

"(E) Administration.—The Center may not use more than 3 percent of the amounts in the portfolio of the Center for each fiscal year for the administration of the Center. The portfolio shall be calculated at the beginning of each fiscal year and shall include a total of—

"(i) all outstanding loan balances;

"(ii) the Fund balance;

"(iii) the outstanding balance to intermediaries; and

"(iv) the amount the Center paid for all equity interests.";

(E) in subparagraph (H)—

(i) in clause (v), by striking "or" at the end;

(ii) in clause (vi), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(vii) purchase equity interests."; and

(F) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in paragraph (6), by striking subparagraph (D).

(c) Board of Directors.—Section 375(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(f)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) review any contract, direct loan, loan guarantee, cooperative agreement, equity interest, investment, repayable grant, and grant to be made or entered into by the Center and any financial assistance provided to the Center;";

(2) in paragraph (5), by striking subparagraph (C) and inserting the following:

"(C) Reappointment.—A voting member may be reappointed for not more than 1 additional term."; and

(3) in paragraph (6), by striking subparagraph (B) and inserting the following:

"(B) Reappointment.—A voting member appointed to fill a vacancy for an unexpired term may be reappointed for 1 full term.".

(d) Privatization.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by adding at the end the following:

"(j) Privatization.—

"(1) In general.—Privatization of a revolving fund for the purposes of assisting the United States sheep and goat industries shall occur on the earlier of—

"(A) September 30, 2006; or

"(B) the date as of which a total of $30,000,000 has been appropriated for the Center under subsection (e)(6)(C).

"(2) Privatization proposal.—On privatization of a revolving fund in accordance with paragraph (1), the Board shall submit to the Secretary, for approval, a privatization proposal that—

"(A) delineates a private successor entity to the Center; and

"(B) establishes a transition plan.

"(3) Private successor entity.—The private successor entity shall—

"(A) have the purposes described in subsection (c);

"(B) be organized under the laws of 1 of the States; and

"(C) be able to continue the activities of the Center.

"(4) Transition plan.—The transition plan shall—

"(A) identify any continuing role of the Federal Government with respect to the Center;

"(B) provide for the transfer of all Center assets and liabilities to the private successor entity; and

"(C) delineate the status of the Board and employees of the Center.

"(5) Implementation.—

"(A) In general.—On approval by the Secretary of the private successor entity and the transition plan, the Center shall create the private successor entity and implement the transition plan.

"(B) Authority.—The Secretary shall have all necessary authority to implement the transition plan.

"(6) Transfer of funds.—On creation of the private successor entity, all funds held by the Department of the Treasury pursuant to this section shall be transferred to the private successor entity.

"(7) Repeal.—On the date the Secretary publishes notice in the Federal Register that the transition plan is complete, this section is repealed.".

SEC. 817. FISHERIES.

(a) Norton Sound Fisheries Failure.—

(1) Income eligibility.—Section 763(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–36), is amended by striking "federal poverty level" and inserting "income eligibility level established for Alaska under the temporary assistance to needy families (TANF) program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)".

(2) Emergency assistance.—Section 1124 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–45), is amended by inserting before the period at the end the following: "or a fisheries failure in the

Norton Sound region of Alaska that has resulted in the closure of commercial and subsistence fisheries to persons that depend on fish as their primary source of food and income".

(3) Appropriation.—

(A) In general.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, to provide emergency disaster assistance to persons or entities affected by the 1999 fisheries failure in the Norton Sound region of Alaska.

(B) Transfer.—To carry out this paragraph, the Secretary shall transfer to the Secretary of Commerce for obligation and expenditure—

(i) $10,000,000 for fiscal year 2001 for grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149); and

(ii) $5,000,000 for fiscal year 2001 for carrying out section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

(b) Commercial Fisheries Failure.—

(1) In general.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, which shall be transferred to the Department of Commerce to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(2) Use.—Amounts made available under this subsection shall be used to support cooperative research and management activities administered by the National Marine Fisheries Services and based on recommendations by the New England Fishery Management Council.

SEC. 818. SENSE OF CONGRESS REGARDING FAST-TRACK AUTHORITY AND FUTURE WORLD TRADE ORGANIZATION NEGOTIATIONS.

It is the sense of Congress that—

(1) the President should make a formal request for appropriate fast-track authority for future United States trade negotiations;

(2) regarding future World Trade Organization negotiations—

(A) rules for trade in agricultural commodities should be strengthened and trade-distorting import and export practices should be eliminated or substantially reduced;

(B) the rules of the World Trade Organization should be strengthened regarding the practices or policies of a foreign government that unreasonably—

(i) restrict market access for products of new technologies, including products of biotechnology; or

(ii) delay or preclude implementation of a report of a dispute panel of the World Trade Organization; and

(C) negotiations within the World Trade Organization should be structured so as to provide the maximum leverage possible to ensure the successful conclusion of negotiations on agricultural products;

(3) the President should—

(A) conduct a comprehensive evaluation of all existing export and food aid programs, including—

(i) the export credit guarantee program established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622);

(ii) the market access program established under section 203 of that Act (7 U.S.C. 5623);

(iii) the export enhancement program established under section 301 of that Act (7 U.S.C. 5651);

(iv) the foreign market development cooperator program established under section 702 of that Act (7 U.S.C. 5722); and

(v) programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) transmit to Congress—

(i) the results of the evaluation under subparagraph (A); and

(ii) recommendations on maximizing the effectiveness of the programs described in subparagraph (A); and

(4) the Secretary should carry out a purchase and donation or concessional sales initiative in each of fiscal years 1999 and 2000 to promote the export of additional quantities of soybeans, beef, pork, poultry, and products of such commodities (including soybean meal, soybean oil, textured vegetable protein, and soy protein concentrates and isolates) using programs established under—

(A) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.); and

(D) the Food for Progress Act of 1985 (7 U.S.C. 1736o).

Subtitle C—Administration

SEC. 821. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 822. ADMINISTRATIVE COSTS.

(a) Reservation of Funds.—Subject to subsections (b) and (c), the Secretary may reserve up to $56,000,000 of the amounts made available under subtitle A to cover administrative costs incurred by the Farm Service Agency directly related to carrying out that subtitle.

(b) Proportional Reservation.—The amount reserved by the Secretary from the amounts made available under each section of subtitle A (other than section 802) shall bear the same proportion to the total amount reserved under subsection (a) as the administrative costs incurred by the Farm Service Agency to carry out that section (other than section 802) bear to the total administrative costs incurred by the Farm Service Agency to carry out that subtitle (other than section 802).

(c) Exception for Market Loss Assistance.—The Secretary may not reserve any portion of the amount made available under section 802 to pay administrative costs.

SEC. 823. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 824. REGULATIONS.

(a) Promulgation.—As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement subtitle A and the amendments made by subtitle A. The promulgation of the regulations and administration of subtitle A shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(b) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 825. LIVESTOCK AND DAIRY ASSISTANCE.

(a) Livestock Assistance.—Of the funds provided in sections 801 and 805, no less than $200,000,000 shall be in the form of assistnace to livestock producers for losses due to drought or other natural disasters.

(b) Dairy Assistance.—Of the funds provided in section 805, no less than $125,000,000 shall be in the form of assistance to dairy producers.

(c) Form of Assistance.—Assistance for livestock losses shall be in the form of grants and or other in-kind assistance, but shall not include loans.

TITLE IX—LIVESTOCK MANDATORY REPORTING

SEC. 901. SHORT TITLE.

This title may be cited as the "Livestock Mandatory Reporting Act of 1999".

Subtitle A—Livestock Mandatory Reporting

SEC. 911. LIVESTOCK MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) by inserting before section 202 (7 U.S.C. 1621) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Livestock Mandatory Reporting

"CHAPTER 1—PURPOSE; DEFINITIONS

"SEC. 211. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of cattle, swine, lambs, and products of such livestock that—

"(1) provides information that can be readily understood by producers, packers, and other market participants, including information with respect to the pricing, contracting for purchase, and supply and demand conditions for livestock, livestock production, and livestock products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for livestock and livestock products.

"SEC. 212. DEFINITIONS.

"In this subtitle:

"(1) Base price.—The term 'base price' means the price paid for livestock, delivered at the packing plant, before application of any premiums or discounts, expressed in dollars per hundred pounds of carcass weight.

"(2) Basis level.—The term 'basis level' means the agreed-on adjustment to a future price to establish the final price paid for livestock.

"(3) Current slaughter week.—The term 'current slaughter week' means the period beginning Monday, and ending Sunday, of the week in which a reporting day occurs.

"(4) F.O.B.—The term 'F.O.B.' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

"(5) Livestock.—The term 'livestock' means cattle, swine, and lambs.

"(6) Lot.—The term 'lot' means a group of 1 or more livestock that is identified for the purpose of a single transaction between a buyer and a seller.

"(7) Marketing.—The term 'marketing' means the sale or other disposition of livestock,

livestock products, or meat or meat food products in commerce.

"(8) NEGOTIATED PURCHASE.—The term 'negotiated purchase' means a cash or spot market purchase by a packer of livestock from a producer under which—

"(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

"(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

"(9) NEGOTIATED SALE.—The term 'negotiated sale' means a cash or spot market sale by a producer of livestock to a packer under which—

"(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

"(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

"(10) PRIOR SLAUGHTER WEEK.—The term 'prior slaughter week' means the Monday through Sunday prior to a reporting day.

"(11) PRODUCER.—The term 'producer' means any person engaged in the business of selling livestock to a packer for slaughter (including the sale of livestock from a packer to another packer).

"(12) REPORTING DAY.—The term 'reporting day' means a day on which—

"(A) a packer conducts business regarding livestock committed to the packer, or livestock purchased, sold, or slaughtered by the packer;

"(B) the Secretary is required to make information concerning the business described in subparagraph (A) available to the public; and

"(C) the Department of Agriculture is open to conduct business.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(14) STATE.—The term 'State' means each of the 50 States.

"CHAPTER 2—CATTLE REPORTING

"SEC. 221. DEFINITIONS.

"In this chapter:

"(1) CATTLE COMMITTED.—The term 'cattle committed' means cattle that are scheduled to be delivered to a packer within the 7-day period beginning on the date of an agreement to sell the cattle.

"(2) CATTLE TYPE.—The term 'cattle type' means the following types of cattle purchased for slaughter:

"(A) Fed steers.

"(B) Fed heifers.

"(C) Fed Holsteins and other fed dairy steers and heifers.

"(D) Cows.

"(E) Bulls.

"(3) FORMULA MARKETING ARRANGEMENT.—The term 'formula marketing arrangement' means the advance commitment of cattle for slaughter by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

"(4) FORWARD CONTRACT.—The term 'forward contract' means—

"(A) an agreement for the purchase of cattle, executed in advance of slaughter, under which the base price is established by reference to—

"(i) prices quoted on the Chicago Mercantile Exchange; or

"(ii) other comparable publicly available prices; or

"(B) such other forward contract as the Secretary determines to be applicable.

"(5) PACKER.—The term 'packer' means any person engaged in the business of buying cattle in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from cattle for sale or shipment in commerce, or of marketing meats or meat food products from cattle in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

"(A) the term includes only a cattle processing plant that is federally inspected;

"(B) for any calendar year, the term includes only a cattle processing plant that slaughtered an average of at least 125,000 head of cattle per year during the immediately preceding 5 calendar years; and

"(C) in the case of a cattle processing plant that did not slaughter cattle during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

"(6) PACKER-OWNED CATTLE.—The term 'packer-owned cattle' means cattle that a packer owns for at least 14 days immediately before slaughter.

"(7) TERMS OF TRADE.—The term 'terms of trade' includes, with respect to the purchase of cattle for slaughter—

"(A) whether a packer provided any financing agreement or arrangement with regard to the cattle;

"(B) whether the delivery terms specified the location of the producer or the location of the packer's plant;

"(C) whether the producer is able to unilaterally specify the date and time during the business day of the packer that the cattle are to be delivered for slaughter; and

"(D) the percentage of cattle purchased by a packer as a negotiated purchase that are delivered to the plant for slaughter more than 7 days, but fewer than 14 days, after the earlier of—

"(i) the date on which the cattle were committed to the packer; or

"(ii) the date on which the cattle were purchased by the packer.

"(8) TYPE OF PURCHASE.—The term 'type of purchase', with respect to cattle, means—

"(A) a negotiated purchase;

"(B) a formula market arrangement; and

"(C) a forward contract.

"SEC. 222. MANDATORY REPORTING FOR LIVE CATTLE.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of live cattle price information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the cattle slaughtering industry.

"(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

"(1) IN GENERAL.—Whenever the prices or quantities of cattle are required to be reported or published under this section, the prices or quantities shall be categorized so as to clearly delineate—

"(A) the prices or quantities, as applicable, of the cattle purchased in the domestic market; and

"(B) the prices or quantities, as applicable, of imported cattle.

"(2) PACKER-OWNED CATTLE.—Information required under this section for packer-owned cattle shall include quantity and carcass characteristics, but not price.

"(c) DAILY REPORTING.—

"(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (including once not later than 10:00 a.m. Central Time and once not later than 2:00 p.m. Central Time) the following information for each cattle type:

"(A) The prices for cattle (per hundredweight) established on that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle purchased on a live weight basis;

"(iii) the quantity of cattle purchased on a dressed weight basis;

"(iv) a range of the estimated live weights of the cattle purchased;

"(v) an estimate of the percentage of the cattle purchased that were of a quality grade of choice or better; and

"(vi) any premiums or discounts associated with—

"(I) weight, grade, or yield; or

"(II) any type of purchase.

"(B) The quantity of cattle delivered to the packer (quoted in numbers of head) on that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle delivered on a live weight basis; and

"(iii) the quantity of cattle delivered on a dressed weight basis.

"(C) The quantity of cattle committed to the packer (quoted in numbers of head) as of that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle committed on a live weight basis; and

"(iii) the quantity of cattle committed on a dressed weight basis.

"(D) The terms of trade regarding the cattle, as applicable.

"(2) PUBLICATION.—The Secretary shall make the information available to the public not less frequently than 3 times each reporting day.

"(d) WEEKLY REPORTING.—

"(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information applicable to the prior slaughter week:

"(A) The quantity of cattle purchased through a forward contract that were slaughtered.

"(B) The quantity of cattle delivered under a formula marketing arrangement that were slaughtered.

"(C) The quantity and carcass characteristics of packer-owned cattle that were slaughtered.

"(D) The quantity, basis level, and delivery month for all cattle purchased through forward contracts that were agreed to by the parties.

"(E) The range and average of intended premiums and discounts that are expected to be in effect for the current slaughter week.

"(2) FORMULA PURCHASES.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information for cattle purchased through a formula marketing arrangement and slaughtered during the prior slaughter week:

"(A) The quantity (quoted in both numbers of head and hundredweights) of cattle.

"(B) The weighted average price paid for a carcass, including applicable premiums and discounts.

"(C) The range of premiums and discounts paid.

"(D) The weighted average of premiums and discounts paid.

"(E) The range of prices paid.

"(F) The aggregate weighted average price paid for a carcass.

"(G) The terms of trade regarding the cattle, as applicable.

"(3) PUBLICATION.—The Secretary shall make available to the public the information obtained under paragraphs (1) and (2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

"(e) REGIONAL REPORTING OF CATTLE TYPES.—

"(1) IN GENERAL.—The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holsteins and other fed dairy steers and heifers, cows, and bulls based on the number of packers required to report under this section.

"(2) REPORT.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under paragraph (1).

"SEC. 223. MANDATORY PACKER REPORTING OF BOXED BEEF SALES.

"(a) DAILY REPORTING.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total boxed beef sales, including—

"(1) the price for each lot of each negotiated boxed beef sale (determined by seller-buyer interaction and agreement), quoted in dollars per hundredweight (on a F.O.B. plant basis);

"(2) the quantity for each lot of each sale, quoted by number of boxes sold; and

"(3) information regarding the characteristics of each lot of each sale, including—

"(A) the grade of beef (USDA Choice or better, USDA Select, or ungraded no-roll product);

"(B) the cut of beef; and

"(C) the trim specification.

"(b) PUBLICATION.—The Secretary shall make available to the public the information required to be reported under subsection (a) not less frequently than twice each reporting day.

"CHAPTER 3—SWINE REPORTING

"SEC. 231. DEFINITIONS.

"In this chapter:

"(1) AFFILIATE.—The term 'affiliate', with respect to a packer, means—

"(A) a person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the packer;

"(B) a person 5 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the packer; and

"(C) a person that directly or indirectly controls, or is controlled by or under common control with, the packer.

"(2) APPLICABLE REPORTING PERIOD.—The term 'applicable reporting period' means the period of time prescribed by the prior day report, the morning report, and the afternoon report, as required under section 232(c).

"(3) BARROW.—The term 'barrow' means a neutered male swine.

"(4) BASE MARKET HOG.—The term 'base market hog' means a hog for which no discounts are subtracted from and no premiums are added to the base price.

"(5) BRED FEMALE SWINE.—The term 'bred female swine' means any female swine, whether a sow or gilt, that has been mated or inseminated and is assumed, or has been confirmed, to be pregnant.

"(6) FORMULA PRICE.—The term 'formula price' means a price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

"(7) GILT.—The term 'gilt' means a young female swine that has not produced a litter.

"(8) HOG CLASS.—The term 'hog class' means, as applicable—

"(A) barrows or gilts;

"(B) sows; or

"(C) boars or stags.

"(9) NONCARCASS MERIT PREMIUM.—The term 'noncarcass merit premium' means an increase in the base price of the swine offered by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual amount of the premium is known before the sale and delivery of the swine.

"(10) OTHER MARKET FORMULA PURCHASE.—

"(A) IN GENERAL.—The term 'other market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on any market other than the market for swine, pork, or a pork product.

"(B) INCLUSION.—The term 'other market formula purchase' includes a formula purchase in a case in which the price formula is based on 1 or more futures or options contracts.

"(11) OTHER PURCHASE ARRANGEMENT.—The term 'other purchase arrangement' means a purchase of swine by a packer that—

"(A) is not a negotiated purchase, swine or pork market formula purchase, or other market formula purchase; and

"(B) does not involve packer-owned swine.

"(12) PACKER.—The term 'packer' means any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

"(A) the term includes only a swine processing plant that is federally inspected;

"(B) for any calendar year, the term includes only a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding 5 calendar years; and

"(C) in the case of a swine processing plant that did not slaughter swine during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

"(13) PACKER-OWNED SWINE.—The term 'packer-owned swine' means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 14 days immediately before slaughter.

"(14) PACKER-SOLD SWINE.—The term 'packer-sold swine' means the swine that are—

"(A) owned by a packer (including a subsidiary or affiliate of the packer) for more than 14 days immediately before sale for slaughter; and

"(B) sold for slaughter to another packer.

"(15) PORK.—The term 'pork' means the meat of a porcine animal.

"(16) PORK PRODUCT.—The term 'pork product' means a product or byproduct produced or processed in whole or in part from pork.

"(17) PURCHASE DATA.—The term 'purchase data' means all of the applicable data, including weight (if purchased live), for all swine purchased during the applicable reporting period, regardless of the expected delivery date of the swine, reported by—

"(A) hog class;

"(B) type of purchase; and

"(C) packer-owned swine.

"(18) SLAUGHTER DATA.—The term 'slaughter data' means all of the applicable data for all swine slaughtered by a packer during the applicable reporting period, regardless of when the price of the swine was negotiated or otherwise determined, reported by—

"(A) hog class;

"(B) type of purchase; and

"(C) packer-owned swine.

"(19) SOW.—The term 'sow' means an adult female swine that has produced 1 or more litters.

"(20) SWINE.—The term 'swine' means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

"(21) SWINE OR PORK MARKET FORMULA PURCHASE.—The term 'swine or pork market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or a pork product, other than a future or option for swine, pork, or a pork product.

"(22) TYPE OF PURCHASE.—The term 'type of purchase', with respect to swine, means—

"(A) a negotiated purchase;

"(B) other market formula purchase;

"(C) a swine or pork market formula purchase; and

"(D) other purchase arrangement.

"SEC. 232. MANDATORY REPORTING FOR SWINE.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of swine price information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the swine slaughtering industry.

"(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall establish and implement a price reporting program in accordance with this section that includes the reporting and publication of information required under this section.

"(2) PACKER-OWNED SWINE.—Information required under this section for packer-owned swine shall include quantity and carcass characteristics, but not price.

"(3) PACKER-SOLD SWINE.—If information regarding the type of purchase is required under this section, the information shall be reported according to the numbers and percentages of each type of purchase comprising—

"(A) packer-sold swine; and

"(B) all other swine.

"(4) ADDITIONAL INFORMATION.—

"(A) REVIEW.—The Secretary shall review the information required to be reported by packers under this section at least once every 2 years.

"(B) OUTDATED INFORMATION.—After public notice and an opportunity for comment, subject to subparagraph (C), the Secretary shall promulgate regulations that specify additional information that shall be reported under this section if the Secretary determines under the review under subparagraph (A) that—

"(i) information that is currently required no longer accurately reflects the methods by which swine are valued and priced by packers; or

"(ii) packers that slaughter a significant majority of the swine produced in the United States no longer use backfat or lean percentage factors as indicators of price.

"(C) LIMITATION.—Under subparagraph (B), the Secretary may not require packers to provide any new or additional information that—

"(i) is not generally available or maintained by packers; or

"(ii) would be otherwise unduly burdensome to provide.

"(c) DAILY REPORTING.—

"(1) PRIOR DAY REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

"(i) comply with the publication requirements of this section; and

"(ii) provide for the timely access to the information by producers, packers, and other market participants.

"(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—Not later than 7:00 a.m.

Central Time on each reporting day, a packer required to report under subparagraph (A) shall report information regarding all swine purchased, priced, or slaughtered during the prior business day of the packer.

‘‘(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

‘‘(i) all purchase data, including—

‘‘(I) the total number of—

‘‘(aa) swine purchased; and

‘‘(bb) swine scheduled for delivery; and

‘‘(II) the base price and purchase data for slaughtered swine for which a price has been established;

‘‘(ii) all slaughter data for the total number of swine slaughtered, including—

‘‘(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of swine delivered at the plant—

‘‘(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

‘‘(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

‘‘(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of swine) obtained by dividing—

‘‘(aa) the total amount paid for the swine slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

‘‘(bb) the total carcass weight (in hundred pound increments) of the swine;

‘‘(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

‘‘(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

‘‘(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

‘‘(aa) the total carcass weight of the swine slaughtered at the packing plant during the applicable reporting period; by

‘‘(bb) the number of the swine described in item (aa);

adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

‘‘(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for swine slaughtered during the applicable reporting period, resulting from the fact that the swine did not fall within the individual packer's established carcass weight or lot variation range;

‘‘(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the swine slaughtered during the applicable reporting period;

‘‘(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the swine slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the swine of the individual packer to correlate to a common percent lean measurement; and

‘‘(IX) the total slaughter quantity, which shall be equal to the total number of swine slaughtered during the applicable reporting period, including all types of purchases and packer-owned swine; and

‘‘(iii) packer purchase commitments, which shall be equal to the number of swine scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

‘‘(D) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 8:00 a.m. Central Time on the reporting day on which the information is received from the packer.

‘‘(2) MORNING REPORT.—

‘‘(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

‘‘(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

‘‘(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

‘‘(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

‘‘(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

‘‘(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

‘‘(3) AFTERNOON REPORT.—

‘‘(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

‘‘(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

‘‘(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

‘‘(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

‘‘(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

‘‘(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.

‘‘(d) WEEKLY NONCARCASS MERIT PREMIUM REPORT.—

‘‘(1) IN GENERAL.—Not later than 4:00 p.m. Central Time on the first reporting day of each week, the corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary a noncarcass merit premium report that lists—

‘‘(A) each category of standard noncarcass merit premiums used by the packer in the prior slaughter week; and

‘‘(B) the amount (in dollars per hundred pounds of carcass weight) paid to producers by the packer, by category.

‘‘(2) PREMIUM LIST.—A packer shall maintain and make available to a producer, on request, a current listing of the dollar values (per hundred pounds of carcass weight) of each noncarcass merit premium used by the packer during the current or the prior slaughter week.

‘‘(3) AVAILABILITY.—A packer shall not be required to pay a listed noncarcass merit premium to a producer that meets the requirements for the premium if the need for swine in a given category is filled at a particular point in time.

‘‘(4) PUBLICATION.—The Secretary shall publish the information obtained under this subsection as soon as practicable, but not later than 5:00 p.m. Central Time, on the first reporting day of each week.

“CHAPTER 4—LAMB REPORTING

“SEC. 241. MANDATORY REPORTING FOR LAMBS.

‘‘(a) ESTABLISHMENT.—The Secretary may establish a program of mandatory lamb price information reporting that will—

‘‘(1) provide timely, accurate, and reliable market information;

‘‘(2) facilitate more informed marketing decisions; and

‘‘(3) promote competition in the lamb slaughtering industry.

‘‘(b) NOTICE AND COMMENT.—If the Secretary establishes a mandatory price reporting program under subsection (a), the Secretary shall provide an opportunity for comment on proposed regulations to establish the program during the 30-day period beginning on the date of the publication of the proposed regulations.

“CHAPTER 5—ADMINISTRATION

“SEC. 251. GENERAL PROVISIONS.

‘‘(a) CONFIDENTIALITY.—The Secretary shall make available to the public information, statistics, and documents obtained from, or submitted by, packers, retail entities, and other persons under this subtitle in a manner that ensures that confidentiality is preserved regarding—

‘‘(1) the identity of persons, including parties to a contract; and

‘‘(2) proprietary business information.

‘‘(b) DISCLOSURE BY FEDERAL GOVERNMENT EMPLOYEES.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), no officer, employee, or agent of the United States shall, without the consent of the packer or other person concerned, divulge or make known in any manner, any facts or information regarding the business of the packer or other person that was acquired through reporting required under this subtitle.

‘‘(2) EXCEPTIONS.—Information obtained by the Secretary under this subtitle may be disclosed—

‘‘(A) to agents or employees of the Department of Agriculture in the course of their official duties under this subtitle;

‘‘(B) as directed by the Secretary or the Attorney General, for enforcement purposes; or

‘‘(C) by a court of competent jurisdiction.

‘‘(3) DISCLOSURE UNDER FREEDOM OF INFORMATION ACT.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

‘‘(c) REPORTING BY PACKERS.—A packer shall report all information required under this subtitle on an individual lot basis.

‘‘(d) REGIONAL REPORTING AND AGGREGATION.—The Secretary shall make information obtained under this subtitle available to the public only in a manner that—

‘‘(1) ensures that the information is published on a national and a regional or statewide basis as the Secretary determines to be appropriate;

‘‘(2) ensures that the identity of a reporting person is not disclosed; and

‘‘(3) conforms to aggregation guidelines established by the Secretary.

‘‘(e) ADJUSTMENTS.—Prior to the publication of any information required under this subtitle, the Secretary may make reasonable adjustments in information reported by packers to reflect price aberrations or other unusual or unique occurrences that the Secretary determines would distort the published information to the detriment of producers, packers, or other market participants.

‘‘(f) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under chapter 2, 3, or 4.

‘‘(g) ELECTRONIC REPORTING AND PUBLISHING.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

‘‘(h) REPORTING OF ACTIVITIES ON WEEKENDS AND HOLIDAYS.—

‘‘(1) IN GENERAL.—Livestock committed to a packer, or purchased, sold, or slaughtered by a packer, on a weekend day or holiday shall be reported by the packer to the Secretary (to the extent required under this subtitle), and reported by the Secretary, on the immediately following reporting day.

‘‘(2) LIMITATION ON REPORTING BY PACKERS.—A packer shall not be required to report actions under paragraph (1) more than once on the immediately following reporting day.

‘‘(i) EFFECT ON OTHER LAWS.—Nothing in this subtitle, the Livestock Mandatory Reporting Act of 1999, or amendments made by that Act restricts or modifies the authority of the Secretary to—

‘‘(1) administer or enforce the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

‘‘(2) administer, enforce, or collect voluntary reports under this title or any other law; or

‘‘(3) access documentary evidence as provided under sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50).

“SEC. 252. UNLAWFUL ACTS.

‘‘It shall be unlawful and a violation of this subtitle for any packer or other person subject to this subtitle (in the submission of information required under chapter 2, 3, or 4, as determined by the Secretary) to willfully—

‘‘(1) fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary (including estimated information);

‘‘(2) solicit or request that a packer, the buyer or seller of livestock or livestock products, or any other person fail to provide, as a condition of any transaction, accurate or timely information required under this subtitle;

‘‘(3) fail or refuse to comply with this subtitle; or

‘‘(4) report estimated information in any report required under this subtitle in a manner that demonstrates a pattern of significant variance in accuracy when compared to the actual information that is reported for the same reporting period, or as determined by any audit, oversight, or other verification procedures of the Secretary.

“SEC. 253. ENFORCEMENT.

‘‘(a) CIVIL PENALTY.—

‘‘(1) IN GENERAL.—Any packer or other person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation.

‘‘(2) CONTINUING VIOLATION.—Each day during which a violation continues shall be considered to be a separate violation.

‘‘(3) FACTORS.—In determining the amount of a civil penalty to be assessed under paragraph (1), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person that has committed the violation to continue in business.

‘‘(4) MULTIPLE VIOLATIONS.—In determining whether to assess a civil penalty under paragraph (1), the Secretary shall consider whether a packer or other person subject to this subtitle has engaged in a pattern of errors, delays, or omissions in violation of this subtitle.

‘‘(b) CEASE AND DESIST.—In addition to, or in lieu of, a civil penalty under subsection (a), the Secretary may issue an order to cease and desist from continuing any violation.

‘‘(c) NOTICE AND HEARING.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this section unless the person against which the penalty is assessed or to which the order is issued is given notice and opportunity for a hearing before the Secretary with respect to the violation.

‘‘(d) FINALITY AND JUDICIAL REVIEW.—

‘‘(1) IN GENERAL.—The order of the Secretary assessing a civil penalty or issuing a cease and desist order under this section shall be final and conclusive unless the affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

‘‘(2) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

‘‘(e) ENFORCEMENT.—

‘‘(1) IN GENERAL.—If, after the lapse of the period allowed for appeal or after the affirmance of a penalty assessed under this section, the person against which the civil penalty is assessed fails to pay the penalty, the Secretary may refer the matter to the Attorney General who may recover the penalty by an action in United States district court.

‘‘(2) FINALITY.—In the action, the final order of the Secretary shall not be subject to review.

‘‘(f) INJUNCTION OR RESTRAINING ORDER.—

‘‘(1) IN GENERAL.—If the Secretary has reason to believe that any person subject to this subtitle has failed or refused to provide the Secretary information required to be reported pursuant to this subtitle, and that it would be in the public interest to enjoin the person from further failure to comply with the reporting requirements, the Secretary may notify the Attorney General of the failure.

‘‘(2) ATTORNEY GENERAL.—The Attorney General may apply to the appropriate district court of the United States for a temporary or permanent injunction or restraining order.

‘‘(3) COURT.—When needed to carry out this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

‘‘(g) FAILURE TO OBEY ORDERS.—

‘‘(1) IN GENERAL.—If a person subject to this subtitle fails to obey a cease and desist or civil penalty order issued under this subsection after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate district court for enforcement of the order.

‘‘(2) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

‘‘(3) CIVIL PENALTY.—If the court finds that the person violated the cease and desist provisions of the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

“SEC. 254. FEES.

‘‘The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement, or any other fee for the submission or reporting of information, for the receipt or availability of, or access to, published reports or information, or for any other activity required under this subtitle.

“SEC. 255. RECORDKEEPING.

‘‘(a) IN GENERAL.—Subject to subsection (b), each packer required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary on request, for 2 years—

‘‘(1) ,the original contracts, agreements, receipts and other records associated with any transaction relating to the purchase, sale, pricing, transportation, delivery, weighing, slaughter, or carcass characteristics of all livestock; and

‘‘(2) such records or other information as is necessary or appropriate to verify the accuracy of the information required to be reported under this subtitle.

‘‘(b) LIMITATIONS.—Under subsection (a)(2), the Secretary may not require a packer to provide new or additional information if—

‘‘(1) the information is not generally available or maintained by packers; or

‘‘(2) the provision of the information would be unduly burdensome.

‘‘(c) PURCHASES OF CATTLE OR SWINE.—A record of a purchase of a lot of cattle or a lot of swine by a packer shall evidence whether the purchase occurred—

‘‘(1) before 10:00 a.m. Central Time;

‘‘(2) between 10:00 a.m. and 2:00 p.m. Central Time; or

‘‘(3) after 2:00 p.m. Central Time.

“SEC. 256. VOLUNTARY REPORTING.

‘‘The Secretary shall encourage voluntary reporting by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) to which the mandatory reporting requirements of this subtitle do not apply.

“SEC. 257. PUBLICATION OF INFORMATION ON RETAIL PURCHASE PRICES FOR REPRESENTATIVE MEAT PRODUCTS.

‘‘(a) IN GENERAL.—Beginning not later than 90 days after the date of enactment of this subtitle, the Secretary shall compile and publish at least monthly (weekly, if practicable) information on retail prices for representative food products made from beef, pork, chicken, turkey, veal, or lamb.

‘‘(b) INFORMATION.—The report published by the Secretary under subsection (a) shall include—

‘‘(1) information on retail prices for each representative food product described in subsection (a); and

‘‘(2) information on total sales quantity (in pounds and dollars) for each representative food product.

‘‘(c) MEAT PRICE SPREADS REPORT.—During the period ending 2 years after the initial publication of the report required under subsection (a), the Secretary shall continue to publish the Meat Price Spreads Report in the same manner as the Report was published before the date of enactment of this subtitle.

‘‘(d) INFORMATION COLLECTION.—

‘‘(1) IN GENERAL.—To ensure the accuracy of the reports required under subsection (a), the Secretary shall obtain the information for the reports from 1 or more sources including—

‘‘(A) a consistently representative set of retail transactions; and

‘‘(B) both prices and sales quantities for the transactions.

"(2) SOURCE OF INFORMATION.—The Secretary may—

"(A) obtain the information from retailers or commercial information sources; and

"(B) use valid statistical sampling procedures, if necessary.

"(3) ADJUSTMENTS.—In providing information on retail prices under this section, the Secretary may make adjustments to take into account differences in—

"(A) the geographic location of consumption;

"(B) the location of the principal source of supply;

"(C) distribution costs; and

"(D) such other factors as the Secretary determines reflect a verifiable comparative retail price for a representative food product.

"(e) ADMINISTRATION.—The Secretary—

"(1) shall collect information under this section only on a voluntary basis; and

"(2) shall not impose a penalty on a person for failure to provide the information or otherwise compel a person to provide the information.

"SEC. 258. SUSPENSION AUTHORITY REGARDING SPECIFIC TERMS OF PRICE REPORTING REQUIREMENTS.

"(a) IN GENERAL.—The Secretary may suspend any requirement of this subtitle if the Secretary determines that application of the requirement is inconsistent with the purposes of this subtitle.

"(b) SUSPENSION PROCEDURE.—

"(1) PERIOD.—A suspension under subsection (a) shall be for a period of not more than 240 days.

"(2) ACTION BY CONGRESS.—If an Act of Congress concerning the requirement that is the subject of the suspension under subsection (a) is not enacted by the end of the period of the suspension established under paragraph (1), the Secretary shall implement the requirement.

"SEC. 259. FEDERAL PREEMPTION.

"In order to achieve the goals, purposes, and objectives of this title on a nationwide basis and to avoid potentially conflicting State laws that could impede the goals, purposes, or objectives of this title, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subtitle with respect to the submission or reporting of information, or the publication of such information, on the prices and quantities of livestock or livestock products.".

SEC. 912. UNJUST DISQUALIFICATION.

Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended by striking "whatsoever" each place it appears.

SEC. 913. CONFORMING AMENDMENTS.

(a) Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), is repealed.

(b) Section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), is amended—

(1) by striking subsection (b) and inserting the following:

"(b) EXPORT MARKET REPORTING.—The Secretary shall—

"(1) implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products; and

"(2) develop a data-reporting program to disseminate summary information in a timely manner (in the case of beef, consistent with the reporting under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)))."; and

(2) in subsection (c), by striking "this section of the Act" and inserting "subsection (b)".

Subtitle B—Related Beef Reporting Provisions

SEC. 921. BEEF EXPORT REPORTING.

Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting ", beef," after "cotton".

SEC. 922. EXPORT CERTIFICATES FOR MEAT AND MEAT FOOD PRODUCTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall fully implement a program, through the use of a streamlined electronic online system, to issue and report export certificates for all meat and meat products.

SEC. 923. IMPORTS OF BEEF, BEEF VARIETY MEATS, AND CATTLE.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) obtain information regarding the import of beef and beef variety meats (consistent with the information categories reported for beef exports under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))) and cattle using available information sources; and

(2) publish the information in a timely manner weekly and in a form that maximizes the utility of the information to beef producers, packers, and other market participants.

(b) CONTENT.—The published information shall include information reporting the year-to-date cumulative annual imports of beef, beef variety meats, and cattle for the current and prior marketing years.

SEC. 924. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 922 and 923.

Subtitle C—Related Swine Reporting Provisions

SEC. 931. IMPROVEMENT OF HOGS AND PIGS INVENTORY REPORT.

(a) IN GENERAL.—Effective beginning not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish on a monthly basis the Hogs and Pigs Inventory Report.

(b) GESTATING SOWS.—The Secretary shall include in a separate category of the Report the number of bred female swine that are assumed, or have been confirmed, to be pregnant during the reporting period.

(c) PHASE-OUT.—Effective for a period of 8 quarters after the implementation of the monthly report required under subsection (a), the Secretary shall continue to maintain and publish on a quarterly basis the Hogs and Pigs Inventory Report published on or before the date of enactment of this Act.

SEC. 932. BARROW AND GILT SLAUGHTER.

(a) IN GENERAL.—The Secretary of Agriculture shall promptly obtain and maintain, through an appropriate collection system or valid sampling system at packing plants, information on the total slaughter of swine that reflects differences in numbers between barrows and gilts, as determined by the Secretary.

(b) AVAILABILITY.—The information shall be made available to swine producers, packers, and other market participants in a report published by the Secretary not less frequently than weekly.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the collection and compilation of information, and the publication of the report, required by this section.

(2) NONDELEGATION.—The Secretary shall not delegate the collection, compilation, or administration of the information required by this section to any packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)).

SEC. 933. AVERAGE TRIM LOSS CORRELATION STUDY AND REPORT.

(a) IN GENERAL.—The Secretary of Agriculture shall contract with a qualified contractor to conduct a correlation study and prepare a report establishing a baseline and standards for determining and improving average trim loss measurements and processing techniques for pork processors to employ in the slaughter of swine.

(b) CORRELATION STUDY AND REPORT.—The study and report shall—

(1) analyze processing techniques that would assist the pork processing industry in improving procedures for uniformity and transparency in how trim loss is discounted (in dollars per hundred pounds carcass weight) by different packers and processors;

(2) analyze slaughter inspection procedures that could be improved so that trimming procedures and policies of the Secretary are uniform to the maximum extent determined practicable by the Secretary;

(3) determine how the Secretary may be able to foster improved breeding techniques and animal handling and transportation procedures through training programs made available to swine producers so as to minimize trim loss in slaughter processing; and

(4) make recommendations that are designed to effect changes in the pork industry so as to achieve continuous improvement in average trim losses and discounts.

(c) SUBSEQUENT REPORTS ON STATUS OF IMPROVEMENTS AND UPDATES IN BASELINE.—Not less frequently than once every 2 years after the initial publication of the report required under this section, the Secretary shall make subsequent periodic reports that—

(1) examine the status of the improvement in reducing trim loss discounts in the pork processing industry; and

(2) update the baseline to reflect changes in trim loss discounts.

(d) SUBMISSION OF REPORTS TO CONGRESS, PRODUCERS, PACKERS, AND OTHERS.—The reports required under this section shall be made available to—

(1) the public on the Internet;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) producers and packers; and

(5) other market participants.

SEC. 934. SWINE PACKER MARKETING CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended—

(1) by inserting before section 201 (7 U.S.C. 191) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Swine Packer Marketing Contracts.

"SEC. 221. DEFINITIONS.

"Except as provided in section 223(a), in this subtitle:

"(1) MARKET.—The term 'market' means the sale or disposition of swine, pork, or pork products in commerce.

"(2) PACKER.—The term 'packer' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946.

"(3) PORK.—The term 'pork' means the meat of a porcine animal.

"(4) PORK PRODUCT.—The term 'pork product' means a product or byproduct produced or processed in whole or in part from pork.

"(5) STATE.—The term 'State' means each of the 50 States.

"(6) SWINE.—The term 'swine' means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

"(7) TYPE OF CONTRACT.—The term 'type of contract' means the classification of contracts or risk management agreements for the purchase of swine by—

"(A) the mechanism used to determine the base price for swine committed to a packer,

grouped into practicable classifications by the Secretary (including swine or pork market formula purchases, other market formula purchases, and other purchase arrangements); and

"(B) the presence or absence of an accrual account or ledger that must be repaid by the producer or packer that receives the benefit of the contract pricing mechanism in relation to negotiated prices.

"(8) OTHER TERMS.—Except as provided in this subtitle, a term has the meaning given the term in section 212 or 231 of the Agricultural Marketing Act of 1946.

"SEC. 222. SWINE PACKER MARKETING CONTRACTS OFFERED TO PRODUCERS.

"(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish and maintain a library or catalog of each type of contract offered by packers to swine producers for the purchase of all or part of the producers' production of swine (including swine that are purchased or committed for delivery), including all available noncarcass merit premiums.

"(b) AVAILABILITY.—The Secretary shall make available to swine producers and other interested persons information on the types of contracts described in subsection (a), including notice (on a real-time basis if practicable) of the types of contracts that are being offered by each individual packer to, and are open to acceptance by, producers for the purchase of swine.

"(c) CONFIDENTIALITY.—The reporting requirements under subsections (a) and (b) shall be subject to the confidentiality protections provided under section 251 of the Agricultural Marketing Act of 1946.

"(d) INFORMATION COLLECTION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) obtain (by a filing or other procedure required of each individual packer) information indicating what types of contracts for the purchase of swine are available from each packer; and

"(B) make the information available in a monthly report to swine producers and other interested persons.

"(2) CONTRACTED SWINE NUMBERS.—Each packer shall provide, and the Secretary shall collect and publish in the monthly report required under paragraph (1)(B), information specifying—

"(A) the types of existing contracts for each packer;

"(B) the provisions contained in each contract that provide for expansion in the numbers of swine to be delivered under the contract for the following 6-month and 12-month periods;

"(C) an estimate of the total number of swine committed by contract for delivery to all packers within the 6-month and 12-month periods following the date of the report, reported by reporting region and by type of contract; and

"(D) an estimate of the maximum total number of swine that potentially could be delivered within the 6-month and 12-month periods following the date of the report under the provisions described in subparagraph (B) that are included in existing contracts, reported by reporting region and by type of contract.

"(e) VIOLATIONS.—It shall be unlawful and a violation of this title for any packer to willfully fail or refuse to provide to the Secretary accurate information required under, or to willfully fail or refuse to comply with any requirement of, this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

"SEC. 223. REPORT ON THE SECRETARY'S JURISDICTION, POWER, DUTIES, AND AUTHORITIES.

"(a) DEFINITION OF PACKER.—In this section, the term 'packer' has the meaning given the term in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191).

"(b) REPORT.—Not later than 90 days after the date of enactment of this subtitle, the Comptroller General of the United States shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the jurisdiction, powers, duties, and authorities of the Secretary that relate to packers and other persons involved in procuring, slaughtering, or processing swine, pork, or pork products that are covered by this Act and other laws, including—

"(1) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), especially sections 6, 8, 9, and 10 of that Act (15 U.S.C. 46, 48, 49, 50); and

"(2) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

"(c) CONTENTS.—The Comptroller General shall include in the report an analysis of—

"(1) burdens on and obstructions to commerce in swine, pork, and pork products by packers, and other persons that enter into arrangements with the packers, that are contrary to, or do not protect, the public interest;

"(2) noncompetitive pricing arrangements between or among packers, or other persons involved in the processing, distribution, or sale of pork and pork products, including arrangements provided for in contracts for the purchase of swine;

"(3) the effective monitoring of contracts entered into between packers and swine producers;

"(4) investigations that relate to, and affect, the disclosure of—

"(A) transactions involved in the business conduct and practices of packers; and

"(B) the pricing of swine paid to producers by packers and the pricing of products in the pork and pork product merchandising chain;

"(5) the adequacy of the authority of the Secretary to prevent a packer from unjustly or arbitrarily refusing to offer a producer, or disqualifying a producer from eligibility for, a particular contract or type of contract for the purchase of swine; and

"(6) the ability of the Secretary to cooperate with and enhance the enforcement of actions initiated by other Federal departments and agencies, or Federal independent agencies, to protect trade and commerce in the pork and pork product industries against unlawful restraints and monopolies.".

SEC. 935. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

Subtitle D—Implementation

SEC. 941. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall publish final regulations to inplement this title and the amendments made by this title.

(b) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish proposed regulations to implement this title and the amendments made by this title.

(c) COMMENT PERIOD.—The Secretary shall provide an opportunity for comment on the proposed regulations during the 30-day period beginning on the date of the publication of the proposed regulations.

(d) FINAL REGULATIONS.—Not later than 60 days after the conclusion of the comment period, the Secretary shall publish the final regulations and implement this title and the amendments made by this title.

SEC. 942. TERMINATION OF AUTHORITY.

The authority provided by this title and the amendments made by this title terminate 5 years after the date of enactment of this Act.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000".

And the Senate agree to the same.

JOE SKEEN,
JAY DICKEY,
JACK KINGSTON,
HENRY BONILLA,
TOM LATHAM,
JO ANN EMERSON,
BILL YOUNG,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

FOOD SAFETY INITIATIVE

Funding for food safety is of critical importance to the conferees and, accordingly, it has been given high priority. For fiscal year 2000, total funding of $326,633,000 is approved for programs and activities funded by this bill which are included in the President's Food Safety Initiative, an increase of $51,886,000 from the fiscal year 1999 level. The funding increases, by agency, are as follow:

Agricultural Research Service	$11,000,000
Cooperative State Research, Education and Extension Service	2,635,000

Economic Research Service	453,000
National Agricultural Statistics Service	2,500,000
Agricultural Marketing Service	2,398,000
Food Safety and Inspection Service	2,900,000
Food and Drug Administration	30,000,000
Total	51,886,000

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $15,436,000 for the Office of the Secretary instead of $2,836,000 as proposed by both the House and Senate. Included in this amount is $12,600,000 made available solely for the development and implementation of a common computing environment (CCE) for the Department of Agriculture, which will only be available upon approval by the Committees on Appropriations and Agriculture of the House of Representatives and the Senate of a comprehensive plan for development and implementation of the CCE.

The conferees strongly encourage the Department to make the funds from the fiscal year 1996 appropriation for Infoshare available to the Chief Information Officer for continued Service Center oversight and for supporting other high priority work which will facilitate information sharing and electronic access to USDA programs.

The conferees expect the Secretary to use all existing authority for the implementation of trade adjustment assistance measures announced by the President on July 7, 1999, to improve the competitiveness of the U.S. lamb industry.

The conferees believe that there is an absence of clarity concerning the definition of US cattle and US fresh beef products. This limitation hinders the ability of producers to promote their products as "Product of the U.S.A." The conferees direct the Secretary of Agriculture, in consultation with the affected industries, to promulgate regulations defining which cattle and fresh beef products are "Products of the U.S.A." This will facilitate the development of voluntary, value-added promotion programs that will benefit U.S. producers, business, industry, consumers, and commerce.

The conferees encourage the Secretary to enhance funding for research to further study the economic feasibility of converting biomass to ethanol through feedstock development, biomass gasification and syngas conditioning, microbial catalyst development, and syngas fermentation. The conferees note that this research could result in substantial economic benefits for rural America.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $6,411,000 as proposed by the Senate instead of $5,620,000 as proposed by the House.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $6,051,000 for the Office of the Chief Information Officer instead of the $5,551,000 as proposed by the House and Senate. The amount includes an increase of $500,000 for information security.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $4,783,000 for the Office of the Chief Financial Officer instead of the $4,283,000 as proposed by the House and the $5,283,000 as proposed by the Senate. The conference agreement deletes bill language proposed by the Senate that the Chief Financial Officer actively market cross-servicing activities of the National Finance Center.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $140,364,000 for agriculture buildings and facilities and rental payments as proposed by the House instead of $145,364,000 as proposed by the Senate. The conference agreement does not provide $5,000,000 for repairs, renovations and construction as proposed by the Senate. The House bill proposed no funding for this purpose.

In the event an agency within the Department requires modification of its space needs, language in the bill allows the Secretary of Agriculture to transfer a share of that agency's appropriation or a share of this appropriation to that agency's appropriation, but such transfer cannot exceed 5 percent of the funds made available for space rental and related costs.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $34,738,000 for Departmental Administration as proposed by the Senate instead of $36,117,000 as proposed by the House.

The amount provided includes the increases requested in the President's Budget for the Office of Civil Rights ($1,639,000 and 17 staff years) and the Office of Outreach ($931,000 and 11 staff years) to continue to implement recommendations from the Civil Rights Action Team report, the National Commission on Small Farms report, and to carry out other responsibilities under this account.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides $3,568,000 for the Office of the Assistant Secretary for Congressional Relations instead of $3,668,000 as proposed by the House and the Senate. The conference agreement includes language providing for the transfer of not less than $2,241,000 to agencies funded in this Act to maintain personnel at the agency level. The following table reflects the amounts provided by the conference:

Headquarters Activities	$857,000
Intergovernmental Affairs	470,000
Agricultural Marketing Service	176,000
Agricultural Research Service	129,000
Animal and Plant Health Inspection Service	101,000
Cooperative State Research, Education and Extension Service	120,000
Farm Service Agency	355,000
Food and Nutrition Service	270,000
Food Safety and Inspection Service	309,000
Foreign Agricultural Service	183,000
Natural Resources Conservation Service	148,000
Rick Management Agency	109,000
Rural Business-Cooperative Service	52,000
Rural Housing Service	147,000
Rural Utilities Service	142,000
Total	63,568,000

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $29,194,000 for the Office of the General Counsel as proposed by the House instead of the $30,094,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $540,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $940,000 as proposed by the House. Resources for activities related to the Biobased Coordinating Council as provided under the Agricultural Research Service.

ECONOMIC RESEARCH SERVICE

The conference agreement provided $65,419,000 for the Economic Research Service instead of $70,266,000 as proposed by the House and $62,919,000 as proposed by the Senate. Included in this amount is $12,195,000 for studies and evaluations of the child nutrition, WIC, and food stamp programs, of which $1,000,000 is transferred to the Food Program Administration account of the Food and Nutrition Service; and $453,000 is for estimating the benefits of food safety, as requested in the budget.

The conference agreement does not include $500,000 for a study on the decline in participation in the food stamp program. The conferees note that GAO released a study in July 1999 on this same issue. The conference agreement deletes bill language reducing Economic Research Service cooperative research by $2,000,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $99,405,000 for the National Agricultural Statistics Service instead of $100,559,000 as proposed by the House and $99,355,000 as proposed by the Senate. Included in this amount is up to $16,490,000 for the Census of Agriculture; and increases of $2,500,000 for the fruit and vegetable survey, $800,000 for the pesticide use survey, and $250,000 for a new office in Puerto Rico. The amount provided includes all savings identified in the President's request.

AGRICULTURAL RESEARCH SERVICE

The conference agreement provides $834,322,000 for the Agricultural Research Service instead of $823,381,000 as proposed by the House and $809,499,000 as proposed by the Senate.

The following table reflects the conference agreement:

	Amount
FY 1999 Appropriation	$785,518,000
Agricultural Genome	2,000,000
Bioinformatic tools, biol. databases, and info mgmt (Plants)	250,000
Columbia, MO	(250,000)
National Plant Germplasm System	1.750,000
Albany, CA	(250,000)
Ft. Collins, CO	(250,000)
Ames, IA	(250,000)
Beltsville, MD	(250,000)
Columbia, MO	(250,000)
Ithaca, NY	(250,000)
Pullman, WA	(250,000)
Emerging Diseases and Exotic Pests	3,775,000
Wheat and barley scab	375,000
Madison, WI	(300,000)
Raleigh, NC	(75,000)
Consortium of Land Grant Universities	1,800,000
Cereal Rust, St. Paul, MN	250,000
New emerging and exotic plant diseases	250,000
Fort Pierce, FL	(250,000)
Reniform Nematode, Stoneville, MS	500,000
Noxious Weeds, Burns, OR	250,000
Avian Pneumovirus, Athens, GA	250,000

Poult Enteritis Mortality Syndrome, Athens, GA	100,000
Food Quality Protection Act Implementation	250,000
IPM tech. for fruits/veg/organophosphates and carbamates	250,000
Ft. Pierce, FL	(250,000)
Food Safety	11,000,000
Preharvest:	
Manure handling and distribution	1,750,000
Miss. State, MS	(500,000)
Ames, IA	(250,000)
Clay Center, NE	(250,000)
Lincoln, NE	(250,000)
Bushland, TX	(250,000)
Phoenix, AZ	(250 000)
Antibiotic resistance	1,350,000
Athens, GA	(450,000)
Ames, IA	(450,000)
College Station, TX	(450,000)
Risk assessment	1,550,000
Athens, GA	(400,000)
West Lafayette, IN	(250,000)
Clay Center, NE	(500,000)
Beltsville, MD	(400,000)
Fungal toxins	250,000
Athens, GA	(250,000)
Zoonotic disease risk	250,000
Fayetteville, AR	(250,000)
Aflatoxin	750,000
Stoneville, MS	(500,000)
Phoenix, AZ	(250,000)
Postharvest:	
Pathogen control in fruits/vegetables	1,200,000
Beltsville, MD	(400,000)
Wyndmoor, PA	(400,000)
Albany, CA	(400,000)
Pathogen control during slaughter/processing	500,000
Athens, GA	(500,000)
Antimicrobial resistance	800,000
Wyndmoor, PA	(400,000)
Peoria, IL	(400,000)
Food Safety Research, Listeria Monocytogenes and E. Coli Pathogens	1,000,000
Listeriosis, Sheep Scrapie, Ovine Progressive Pneumonia Virus (OPPV), Pullman, WA/Dubois, ID	600,000
Food Safety Engineering, West Lafayette, IN (Purdue, Univ.)	500,000
Hyperspectral Imaging, Stennis Space Center, MS	500,000
Global Change	900,000
Carbon cycle research	900,000
Auburn, AL	(400,000)
Mandan, ND	(250,000)
Morris, MN	(250,000)
Human Nutrition	3,000,000
Little Rock, AR	(500,000)
San Francisco/Davis, CA	(500,000)
Boston, MA	(500,000)
Beltsville, MD	(500,000)
Grand Forks, ND	(500,000)
Houston, TX	(500,000)
Sustainable Ecosystems	1,500,000
Eutrophication, harmful algal blooms and hypoxia	500,000
University Park, PA	(250,000)
Watkinsville, GA	(250,000)
Predict ecological impacts and extreme natural events	500,000
Lubbock, TX	(250,000)
El Reno, OK	(250,000)
Biologically-based IPM for invasive weeds/pests	500,000
Logan, UT	(250,000)
Kearneysville, WV	(250,000)
Subtotal	22,425,000
Contingency Funds	(928,500)
Pay Cost	4,999,500
Subtotal	26,496,000
Alternative Replacement Crops	800,000
Animal Vaccines, Joint Research between Univ. of CT/Univ. of MO	2,000,000
Animal Waste Management, IL	200,000
Appalachian Pasture-Based Beef System, Beckley, WV	1,000,000
Aquaculture Research, Pine Bluff, AR	500,000
Aquaculture Systems (Rainbow Trout), Univ. of Conn	500,000
Asian Bird Influenza, Athens, GA	300,000
Binational Agricultural Research & Development (BARD)	[1]400,000
Biobased Products	[1]200,000
Biological Controls and Agric. Research:	
Center Biological Controls, FAMU	1,000,000
Science Center of Excellence, FAMU	1,000,000
Biomedical Materials in Plants, Beltsville, MD	500,000
Center for Food Safety/Post Harvest Technology, MS St. Univ	300,000
Fish Diseases, Auburn, AL	500,000
Floriculture and Nursery Crop Research (portion for cooperative agreements with university partners, incl. Calif. Univ. & Cornell Univ.; $200,000 for Ohio State Univ.)	2,000,000
Golden Nematode, Cornell Univ	200,000
Grape Rootstock, Geneva, NY (Ithaca, NY Worksite)	250,000
Greenhouse Lettuce Germplasm, Salinas, CA	250,000
Lettuce Geneticist/Breeder Position, Salinas, CA	250,000
Lyme Disease, Yale Univ	200,000
Mid-West/Mid-South Irrigation, Univ. of MO Delta Center, Portageville, MO	200,000
Nat'l Center for Cool & Coldwater Aquaculture, Leetown, WV	250;000
Nat'l Center for Dev. of Natural Products, Oxford, MS	750,000
Nat'l Sedimentation Lab, Oxford, MS:	
Acoustics	50,000
Yazoo River Basin, MS	500,000
National Warmwater Aquaculture Center, Stoneville, MS	308,000
New England Plant, Soil & Water Research Lab, Orono, ME	300,000
Northern Plains Research Lab, Sidney, MT	750,000
Organic Minor Crop Specialist, Salinas, CA	250,000
Peanut Quality Research, Athens, GA	1,000,000
Post-Harvest and Controlled Atmosphere Chamber (Lettuce), Salinas, CA	250,000
Potato Research Enhancement, Prosser, WA	250,000
Red Imported Fire Ants, Stoneville, MS	350,000
Rice Research, Stuttgart, AR	500,000
Risk Assessment for BT Crops	200,000
Root Diseases of Wheat/Barley, Pullman, WA	500,000
Small Fruits, Poplarville, MS	750,000
Southern Insect Mgmt. (SCA with NCPA), Stoneville, MS	75,000
Sunflower Research, Fargo, ND	200,000
Sustainable Vineyard Practices Position, Davis, CA	250,000
Temperate Fruit Flies, Yakima, WA	250,000
U.S. Plant Stress & Water Conservation Lab, Lubbock, TX	750,000
U.S. Pacific Basin Agricultural Research Center, Hilo, HI	500,000
Viticulture, Univ. of Idaho—Pharma Research and Ext Center, ID	450,000
Watershed Research, Columbia, MO	325,000
Subtotal	22,308,000
FY 2000 Total	834,322,000

[1] Items moved from other USDA accounts.

The conference agreement continues the fiscal year 1999 level of funding for all research projects proposed to be terminated in the President's budget. The conference agreement provides no funding for contingencies.

The conference agreement continues the fiscal year 1999 level of funding for cooperative research conducted at the Rodale Institute, PA, with the ARS Soil-Microbial Systems Laboratory.

The conferees are aware that USDA is considering the relocation of ARS scientists from the Shafter Cotton Research Station, CA. The conferees are concerned that this relocation will reduce the level of resources for cotton research conducted at the station. The conference agreement provides continued funding at the fiscal year 1999 level for this research and directs that no action be taken to shift funds or staffing resources from Shafter without the prior approval of the House and Senate Committees on Appropriations.

The conferees recognize that fruit flies are an impediment to agricultural production in Hawaii and other states and encourage the ARS to consider demonstrating in Hawaii the efficacy of area-wide pest management strategies for fruit flies.

Included in the additional funds recommended for food safety research is an increase of $600,000 for research on listeriosis, sheep scrapie, ovine progressive pneumonia virus, and other emerging diseases. These funds are to be utilized by the USDA–ARS Animal Disease Research Unit in Pullman, WA, in part for collaborative research on sheep scrapie and ovine progressive pneumonia virus with the USDA–ARS Sheep Experiment Station in Dubois, ID.

BUILDINGS AND FACILITIES

The conference agreement provides $52,500,000 for Agricultural Research Service, Buildings and Facilities instead of no funds as proposed by the House and $53,000,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona: Water Conservation and Western Cotton Laboratory, Maricopa	$1,400,000
California:	
Western Human Nutrition Research Center, Davis	9,000,000
Western Regional Research Center, Albany	2,600,000
District of Columbia: National Arboretum	500,000
Hawaii: U.S. Pacific Basin Agricultural Research Center	4,500,000
Illinois:	
National Center for Agricultural Utilization Research, Peoria	1,800,000
USDA Greenhouse complex, Urbana	400,000
Iowa: National Animal Disease Center, Ames	3,000,000
Kansas: U.S. Grain Marketing Research Laboratory, Manhattan	100,000
Louisiana: Southern Regional Research Center, New Orleans	5,500,000
Maryland: Beltsville Agricultural Research Center, Beltsville	13,000,000
Mississippi: Biocontrol and Insect Rearing Laboratory, Stoneville	2,000,000
Montana: Fort Keogh Laboratory, Miles City	530,000
New York: Plum Island Animal Disease Center, Greenport	3,500,000
Pennsylvania: Eastern Regional Research Center, Philadelphia	4,400,000
Utah: Poisonous Plant Laboratory, Logan	270,000
Total	52,500,000

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $485,698,000 for research and education activities instead of $467,327,000 as proposed by the House and $473,377,000 as proposed by the Senate.

The Cooperative Extension System is playing a critical role in providing risk management training and other targeted program services to farm and ranch families struggling with the current farm crisis. The conferees encourage the Secretary to provide additional funding to the extension system to carry out these programs subject to the reprogramming requirements of this Act.

The following table reflects the conference agreement:

Research and Education Activities

[In thousands of dollars]

	Conference agreement
Payments Under Hatch Act	180,545
Cooperative forestry research (McIntire-Stennis)	21,932
Payments to 1890 colleges and Tuskegee	30,676
Special Research Grants (P.L. 89–106):	
Advanced spatial technologies (MS)	1,000
Aegilops cylindricum (jointed goatgrass) (WA)	360
Aflatoxin (IL)	130
Agriculture-based industrial lubricants (IA)	250
Agricultural diversification (HI)	131
Agricultural diversity/Red River Trade Corridor (NM/ND)	250
Agriculture Telecommunications (NY)	500
Agriculture water usage (GA)	300
Alliance for food protection (NE, GA)	300
Alternative crops (ND)	550
Alternative crops for arid lands (TX)	100
Alternative salmon products (AK)	650
Animal science food safety consortium (AR, IA, KS)	1,521
Apple fire blight (NY, MI)	500
Aquaculture (LA)	330
Aquaculture (MS)	592
Aquaculture (NC)	300
Aquaculture (VA)	100
Aquaculture product and marketing development (WV)	750
Babcock Institute (WI)	600
Biodiesel research (MO)	152
Blocking anhydrous methamphetamine production (IA)	250
Bovine tuberculosis (MI)	200
Brucellosis vaccines (MT)	500
Center for animal health and productivity (PA)	113
Center for rural studies (VT)	200
Chesapeake Bay agroecology (MD)	150
Chesapeake Bay aquaculture	385
Citrus Tristeza	700
Coastal cultivars (GA)	200
Competitiveness of agricultural products (WA)	680
Cool season legume research (ID, WA)	329
Cranberry/blueberry (MA)	150
Cranberry/blueberry disease and breeding (NJ)	220
Dairy and meat goat research (TX)	63
Delta rural revitalization (MS)	148
Designing foods for health (TX)	375
Diaprepes/Root Weevil (FL)	350
Drought mitigation (NE)	200
Ecosystems (AL)	500
Environmental research (NY)	400
Environmental risk factors/cancer (NY)	200
Environmentally-safe products (VT)	200
Expanded wheat pasture (OK)	285
Farm and rural business finance (IL)	87
Feed Barley for rangeland cattle (MT)	750
Floriculture (HI)	250
Food and Agriculture Policy Institute (IA, MO)	900
Food irradiation (IA)	200
Food marketing policy center (CT)	400
Food processing center (NE)	42
Food quality (AK)	350
Food safety (AL)	525
Food systems research group (WI)	500
Forages for advancing livestock production (KY)	250
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	320
Generic commodity promotion research and evaluation (NY)	198
Global change	1,000
Global marketing support service (AR)	127
Grain Sorghum (KS)	106
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production/germplasm development in forage grasses (OH)	200
Illinois-Missouri Alliance for Biotechnology	1,184
Improved dairy management practices (PA)	296
Improved early detection of crop diseases (NC)	200
Improved fruit practices (MI)	445
Infectious disease research (CO)	300
Institute for Food Science and Engineering (AR)	1,250
Integrated production systems (OK)	180
International agricultural market structures and institutions (KY)	250
International arid lands consortium	400
Iowa biotechnology consortium	1,564
Livestock and dairy policy (NY, TX)	475
Lowbush blueberry research (ME)	220
Maple research (VT)	100
Meadowfoam (OR)	300
Michigan biotechnology consortium	675
Midwest advanced food manufacturing alliance	423
Midwest agricultural products (IA)	592
Milk safety (PA)	350
Minor use animal drugs	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for acquaculture (HI)	127
National biological impact assessment	254
Menatode resistance genetic enginerring (NM)	127
Nevada arid rangelands initiative (NV)	300
New crop opportunities (AK)	500
New crop opportunities (KY)	700
Non-food uses of agricultural products (NE)	64
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	225
Peach tree short life (SC)	162
Peanut allergy reduction (AL)	500
Pest control alternatives (SC)	106
phytophthora root rot (NM)	127
Plant, drought, and disease resistance gene cataloging (NM)	250
Potato research	1,350
Precision agriculture (KY)	1,000
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Rangeland ecosystems (NM)	200
Red snapper research (AL)	600
Regional barley gene mapping project	500
Regionalized implications of farm programs (MO), TX)	294
Rice modeling (AR)	296
Rural Development Centers (PA, IA, ND, MS, OR, LA)	523

	Conference agreement
Rural policies institute (NE, MO)	644
Russian wheat aphid (CO)	200
Seafood harvesting processing and marketing (AK)	650
Seafood and aquaculture harvesting, processing, and marketing (MS)	305
Seafood safety (MA)	300
Small fruit research (OR, WA, ID)	300
Southwest consortium for plant genetics and water resources	338
Soybean cyst nematode (MO)	500
STEEP III—water quality in Pacific Northwest	500
Sustainable agriculture (CA)	300
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	100
Sustainable agriculture systems (NE)	59
Sustainable beef supply (MT)	750
Sustainable pest management for dryland wheat (MT)	500
Swine waste management (NC)	500
Tillage, silviculture, waste management (LA)	212
Tomato wilt virus (GA)	200
Tropical and subtropical research	2,724
Tropical aquaculture (FL)	200
Turkey carnavirus (IN)	200
Urban pests (GA)	64
Vidalia onions (GA)	100
Viticulture consortium (NY, CA)	1,100
Water conservation (KS)	79
Weed control (ND)	423
Wetland plants (LA)	600
Wheat genetic research (KS)	261
Wood utilization research (OR, MS, NC, MN, ME, MI, ID, TN, AK)	5,786
Wool research (TX, MT, WY)	300
Total, Special Research Grants	63,238
Improved pest control:	
Emerging pest/critical issues	200
Expert IPM decision support system	177
Integrated pest management	2,731
Minor crop pest management (IR-4)	8,990
Pest management alternatives	1,623
Total, Improved pest control	13,721
Competitive research grants:	
Animals	29,000
Markets, trade and development	4,600
Nutrition, food safety and health	16,000
Natural resources and the environment	20,500
Plants	41,000
Processes and new products	8,200
Total, Competitive research grants	119,300
Animal Health and Disease (Sec. 1433)	5,109
Alternative Crops	750
Critical Agricultural Materials Act	650
1994 Institutions research program	500
Graduate fellowship grants	3,000
Institution challenge grants	4,350
Multicultural scholars program	1,000
Hispanic education partnership grants	2,850
Secondary agriculture education	500
Aquaculture Centers (Sec. 1475)	4,000
Sustainable agriculture	.8,000
Capacity building grants (1890 institutions)	9,200
Payments to the 1994 Institutions	1,552
Federal Administration:	
Agriculture development in the American Pacific	564
Agriculture waste utilization (WV)	500
Alternative fuels characterization laboratory (ND)	218
Animal waste management (OK)	250
Biotechnology research (MS)	500
Center for Agricultural and Rural Development (IA)	355
Center for innovative food technology (OH)	381
Center for North American Studies (TX)	87
Climate change research (FL)	200
Cotton research (TX)	200
Data information system	2,000
Geographic information system	1,000
Livestock Marketing Information Center (CO)	200
Mariculture (NC)	250
Mississippi Valley State University	583
National Center for Peanut Competitiveness	300
Office of extramural programs	310
Pay costs and FERS	1,100
Peer panels	350
PM-10 study, (CA, WA)	873
Precision agriculture (AL, TN)	500
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,354
Water quality (IL)	350
Water quality (ND)	400
Total, Federal Administration	14,825
Total, Research and Education Activities	485,698

The conferees direct that funding provided for the hydroponic tomato production/germplasm development in forage grasses special grant will be divided equally, with $100,000 for hydroponic tomato production at Ohio State University and $100,000 for germplasm development in forage grasses at the University of Toledo.

The conference agreement includes $5,786,000 for wood utilization research, of which $650,000 is for the establishment of a new center in Alaska. The remainder is to maintain each of the existing centers at its fiscal year 1999 funding level.

The conference agreement includes $750,000 for alternative crops, of which $550,000 is for canola and $200,000 is for hesperaloe.

The conferees do not concur with language included in the Senate report that Challenge Grants program funds be used to support the Food and Agricultural Education Information System (FAEIS). Section 223 of the Agricultural Research, Extension, and Education Reform Act of 1998 makes amounts available under Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act available to maintain an agricultural education information system.

The conferees expect that the deadline for proposals for funding under the Secondary Agriculture Education program will be no later than in the Spring of 2000.

EXTENSION ACTIVITIES

The conference agreement provides $424,922,000 for extension activities instead of $438,987,000 as proposed by the House and $422,620,000 as proposed by the Senate.

The following table reflects the conference agreement:

Extension Activities

[In thousands of dollars]

	Conference agreement
Smith-Lever 3(b) & 3(c)	276,548
Smith-Lever 3(d):	
Farm safety	4,000
Food and nutrition education (EFNEP)	58,695
Indian reservation agents	1,714
Pest management	10,783
Rural development centers	908
Sustainable agriculture	3,309
Youth at risk	9,000
1890 Colleges and Tuskegee	26,843
1890 facilities grants	12,000
Renewable Resources Extension Act	3,192
Rural health and safety education	2,628
Extension services at the 1994 institutions	3,060328
Subtotal	412,680
Federal Administration and special grants:	
Ag in the classroom	208
Beef producers' improvement (AR)	197
Botanic gardens initiative (IL)	125
Conservation technology transfer (WI)	200
Delta teachers academy	3,500
Diabetes detection, prevention (WA)	550
Extension specialist (MS)	100
General administration	4,787
Income enhancement demonstration (OH)	246
Integrated cow/calf resources management (IA)	250
National Center for Agriculture Safety (IA)	195
Pilot tech. transfer (OK, MS)	326
Pilot tech. transfer (WI)	163
Range improvement (NM)	197
Rural development (AK)	325
Rural development (NM)	280
Rural development (OK)	150
Rural rehabilitation (GA)	246
Wood biomass as an alternative farm product (NY)	197
Total, Federal Administration	12,24229
Total, Extension Activities	424,922

Of the funds made available for farm safety, the conference agreement includes $3,055,000 for the AgrAbility project.

The conferees expect a 4–H after-school program to be administered by the Los Angeles County Cooperative Extension Office of the University of California to be considered for funding from the funds made available to California under Smith-Lever 3(b) and (c).

INTEGRATED ACTIVITIES

The conference agreement provides $39,541,000 for integrated activities instead of no funds as proposed by the House and $35,541,000 as proposed by the Senate.

Within the funds made available for water quality, the conferees expect that no less than the fiscal year 1999 levels of funding will be provided for the Farm*A*Syst program, and the Agricultural Systems for Environmental Quality and the Management Systems Evaluation programs.

The following table reflects the conference agreement:

Integrated activities

[In thousands of dollars]

	Conference agreement
Water quality	13,000
Food safety	15,000
Pesticide impact assessment	4,541
Crops at risk from FQPA implementation	1,000
FQPA risk mitigation program for major food crop systems	4,000
Methyl bromide transition program	2,000
Total, Integrated Activities	39,541

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

The conference agreement provides $441,263,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $444,000,000 as proposed by the House and $439,445,000 as proposed by the Senate.

The following table reflects the confence agreement:

[In thousands of dollars]

	Conference agreement
Pest and disease exclusion:	
Agricultural quarantine inspection	34,576
User fees	87,000
Subtotal, Agricultural quarantine inspection	121,576
Cattle ticks	5,000
Foot-and-mouth disease	3,803
Import-export inspection	6,815
International programs	7,539
Fruit fly exclusion and detection	25,204
Screwworm	30,301
Tropical bont tick	407
Total, Pest and disease exclusion	200,645
Plant and animal health monitoring:	
Animal health monitoring and surveillance	66,000
Animal and plant health regulatory enforcement	5,855
National animal health emergency management system	627
Pest detection	6,685
Total, Plant and animal health monitoring	79,167
Pest and disease management programs:	
Aquaculture	767
Biocontrol	8,160
Boll weevil	17,757
Brucellosis eradication	10,887
Golden nematode	580
Gypsy moth	4,366
Imported fire ant	100
Emerging plant pests	3,510
Noxious weeds	424
Pink bollworm	1,548
Pseudorabies	4,567
Scrapie	2,991
Tuberculosis	4,920
Wildlife services—operations	31,672
Witchweed	1,506
Total, Pest and disease management programs	93,755
Animal care:	
Animal welfare	10,175
Horse protection	361
Total, Animal care	10,536
Scientific and technical services:	
Biotechnology/environmental protection	8,530
Integrated systems acquisition project	3,500
Plant methods development laboratories	4,693
Veterinary biologics	10,345
Veterinary diagnostics	15,622
Wildlife services—methods development	10,365
Total, Scientific and technical services	53,055
Contingency fund	4,105
Total, Salaries and expenses	441,263

The conferees are aware of the spread of Pierce's disease to many California crops resulting from the presence of the Glassy-winged Sharpshooter and accordingly encourage APHIS to work with the proper California agencies to help control these infestations and to draw upon the contingency fund as appropriate.

The conference agreement does not include an earmark of $6,000,000 for the State of Florida for fruit fly exclusion and detection as proposed by the Senate.

The conference agreement adopts House language providing $500,000 for research and evaluation of nicarbizin as a means of controlling avian populations for airport safety.

The conference agreement provides $100,000 for control, management and eradication of the imported fire ant of which, $58,000 is for use in New Mexico.

The conference report provides $767,000 for aquaculture of which $100,000 is to support a wildlife biologist at the Northwest Florida Aquaculture Farm in Blountstown, FL to serve parts of Florida, Alabama and Georgia.

The conference agreement directs that the additional funding of $100,000 above the fiscal year 1999 level in aquaculture for bird depredation is provided for work on telemetry studies conducted at the Wildlife Services offices in Starkville, MS.

The conference agreement adopts Senate language noting that the increase in the boll weevil eradication program over fiscal year 1999 is to increase the federal cost share. The conference agreement also adopts Senate language urging continuation of the development of the geographic information system so that economic and entomological efficiency of the boil weevil program can continue to improve and reduce overall program costs.

The conference agreement adopts Senate language assuming the decrease in the proposed budget for brucellosis eradication, but providing an increase of $750,000 for the State of Montana to protect the state's brucellosis-free status, the operation of the bison quarantine facility, and testing of bison that have left Yellowstone National Park. The conference agreement also provides an increase of $610,000 for the Greater Yellowstone Interagency Brucellosis Committee and encourages the coordination of federal, state and private actions aimed at eliminating brucellosis in the greater Yellowstone area.

The conference agreement adopts Senate language providing an increase of $136,000 above the fiscal year 1999 level for a total of $376,000 for the National Poultry Improvement Plan.

The conference agreement adopts House language that expects the Secretary to instruct APHIS to utilize all available resources to provide financial assistance, in addition to direct appropriations and grower assessments, to operate the pink bollworm program in fiscal year 2000.

The conference agreement adopts Senate language providing funding for the Commercial Transportation of Equines for Slaughter Act at the fiscal year 1999 level.

The conference agreement provides no funding for the contagious equine metritis program as proposed by the Senate.

The conference agreement adopts Senate language continuing the demonstration project on kudzu at the fiscal year 1999 level. The conferees encourage APHIS to continue working with the State of Texas regarding *orobanche ramosa* at the fiscal year 1999 level.

The conference agreement does not provide the requested increases in support of the Presidential Order on Invasive Alien Species as proposed by the Senate. The House report provided full funding for this activity.

The conference report provides an increase of $137,000 above the fiscal year 1999 level for the National Monitoring and Residue Analysis Laboratory in Gulfport, MS instead of $1,137,000 as proposed by the Senate. The House provided no funding for this activity. The conferees encourage APHIS to work with the laboratory in securing timely payments for contract work done for USDA agencies.

The conference agreement includes an increase of $3,928,000 for additional inspectors which will rpovide 23 staff years at the Canadian border, 15 staff years at the Mexican border, and 12 staff years at the Hawaiian border.

The conferees are concerned about the serious damage to rangeland and cropland by grasshoppers and Mormoh crickets in the western United States. Additional line item monies are not available for this activity, therefore, the conferees direct the agency to use contingency funds along with available Commodity Credit Corporation funds to assist the farmers and ranchers in the western states to control the growing population of grasshoppers and Mormon crickets.

The conference agreement does not include an increase of $2,000,000 above the fiscal year 1999 for the enforcement of the Animal Welfare Act as proposed in the Senate.

The conferees note that the agency has published regulations implementing the Animal Welfare Act which bans tethering of dogs, a practice common in Alaska and other locations that use sled dogs for transportation. A recent study conducted at Cornell University suggests that there is no significant difference in terms of aggressiveness, stressful behavior, socialization, or animal health between tethering dogs and keeping dogs in fenced, outdoor kennels under USDA/APHIS-approved conditions. In light of this new information, the conferees direct the agency to reevaluate its regulations on tethering and report to the Committees on Approriations its conclusions no later than March 1, 2000.

The conferees urge the Secretary to consider requests from the Senate of Florida for

Commodity Credit Corporation (CCC) funds for canopy replacement for trees destroyed in canker-affected areas, for release of the sterile Mediterranean fruit fly, and for increased fruit fly trappings.

The conferees support the Department's continuation fo the screwworm program to assure the pest does not reestablish itself in the United States and commends the efforts of the Department in assuring the lease of a production plant in Panama to maintain a biological barrier to the screwworm fly.

The conferees support the Department's continuation of the screwworm program to assure the pest does not reestablish itself in the United States and commends the efforts of the Department in assuring the lease of a production plant in Panama to maintain a biological barrier to the screwworm fly.

The conferees expert APHIS not to redirect support for programs and activities without prior notification to and approval of the Committees on Appropriations in accordance with reprogramming procedures specified in the Act. The conferees also require that APHIS implement appropriations by programs, projects, commodities and activities as specified by the Committees unless otherwise notified. The conferees direct that unspecified reductions necessary to carry out provisions of this Act are to be implemented in accordance with the definitions contained in the "Program, project, and activity" section of the Senate report.

BUILDINGS AND FACILITIES

The conference agreement provides $5,200,000 for buildings and facilities as proposed by the Senate instead of $7,200,000 as proposed by the House.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $51,625,000 for the Agricultural Marketing Service instead of $49,152,000 as proposed by the House and $51,229,000 as proposed by the Senate. The conference agreement includes $321,000 for enhancing market opportunities for small farmers, and an additional $2,398,000 for the pesticide data program.

The conferees understand that the AMS plans to publish revised draft regulations implementing the National Organic Foods Production Act. The conferees further understand that AMS has agreed to convene two national meetings to begin development of organic standards with respect to seafood, one to be held in Alaska and one on the Gulf Coast. The conferees expect the agency to use the information gathered at these meetings to develop draft regulations establishing national organic standards for seafood to be published in fiscal year 2000. An additional $75,000 has been provided to organize these meetings, associated costs, and develop the draft seafood regulations.

The conferees direct the AMS, with the assistance of the Economic Research Service and other appropriate USDA agencies, to develop a study measuring the exent slotting fees charged by retail supermarkets to shelve products impact the ability of small and medium-sized producers to reach retail markets and consumers. The AMS is to report to the House and Senate Appropriations Committees prior to the fiscal year 2001 hearings on the design, scope and objectives of this study together with a schedule for its completion.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $26,448,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of $26,287,000 as proposed by the Senate.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $649,411,000 for the Food Safety and Inspection Service instead of $652,955,000 as proposed by the House and $638,404,000 as proposed by the Senate.

Of the amount provided, no less than $544,902,000 is reserved for Federal food inspection. Included in this amount is $8,000,000 above the budget request for filling inspector vacancies and recruiting new inspectors, and $3,007,000, the same amount requested in the budget, for hiring new inspectors. The conferees note that despite being provided with its full budget request for fiscal year 1999, the agency has failed to devote sufficient funds for inspection activities. This has led to inspector shortages in certain parts of the country, creating an unnecessary hardship for the affected plants.

The conference agreement includes $2,900,000 above the fiscal year 1999 level for the FSIS portion of the Food Safety Initiative, the full amount requested in the budget. The agreement does not provide funds requested for Consumer Safety Officers. The conferees are concerned about the substantial funding increase required to convert and relocate current employees to these upgraded positions. The conferees expect the agency to evaluate its staffing needs and to determine if relocation costs can be avoided by utilizing qualified local personnel and if these positions may be upgraded in a more cost effective manner, and report its findings to the Committees on Appropriations of the House and Senate no later than February 15, 2000.

The conferees expect the agency to provide the Committees on Appropriations of the House and Senate with an analysis of its staffing needs and recruitment program no later than February 15, 2000. If third-party consultants are necessary in order to fully evaluate recruitment, the agency should utilize such services. The conferees expect the agency to provide quarterly updates on budget execution, staffing levels and staffing needs in an effort to avoid future inspector shortages.

FARM SERVICE AGENCY

STATE MEDIATION GRANTS

The conference agreement provides $3,000,000 for state mediation grants instead of $4,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Operating Loans:	
Guaranteed subsidized	($200,000,000)
Subsidy	17,620,000
Emergency disaster loans	(25,000,000)
Subsidy	3,882,000

The conference agreement provides for emergency loans an estimated program level of $25,000,000 and a subsidy of $3,882,000 as proposed by the Senate instead of $53,000,000 and $8,231,000 as proposed by the House. The conferees agree that should additional funds be needed to meet the needs of farmers and ranchers affected by natural disasters, they will favorably consider requests of the Administration to provide supplemental funding for this program.

RISK MANAGEMENT AGENCY

The conference agreement provides $64,000,000 for the Risk Management Agency as proposed by the Senate instead of $70,716,000 as proposed by the House.

CORPORATIONS

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses as proposed by the Senate instead of a limitation of $14,368,000,000 as proposed by the House.

TITLE II—CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $661,243,000 for the Natural Resources Conservation Service Conservation Operations instead of $654,243,000 as proposed by the House and $656,243,000 as proposed by the Senate. Included in this amount is not less than $5,990,000 for snow survey and water forecasting as proposed by the Senate instead of $6,124,000 as proposed by the House, and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the Senate instead of $9,238,000 as proposed by the House.

The conference agreement does not include bill language as proposed by the House which prohibits conservation operations appropriations from being used for demonstration programs.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: $1,000,000 for the Resurrection River North Forest Acres instead of $1,250,000 proposed by the Senate; $150,000 for native plants to clean up the Island of Kahoolawe instead of $200,000 as proposed by the Senate; $150,000 to test emerging alternative technology to reduce phosphorus loading into Lake Champlain instead of $300,000 as proposed by the Senate; $17,000,000 for the Grazing Lands Conservation Initiative instead of $15,000,000 as proposed by the House and the Senate; $3,000,000 for the National Fish and wildlife Foundation Partnerships instead of $5,000,000 proposed by the Senate; $7,870,000 for Animal Feeding Operation instead of $5,000,000 as proposed by the Senate; and $80,000 for the Tri-Valley Watershed in Utah instead of $500,000 as proposed by the Senate.

The conferees direct the NRCS to provide financial assistance to the Salinas Valley Water Project in Monterrey County, California.

The conference agreement includes bill language that directs the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquatonchee Water Project in Mississippi.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement includes a provision that of the funds available for Emergency Watershed Protection activities $8,000,000 shall be available for Mississippi, Wisconsin, New Mexico, and Ohio for financial and technical assistance for pilot rehabilitation projects.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, the following items are included: the conferees direct the NRCS to provide financial assistance to the Freeman Lake Dam in Kentucky and the Tri-Valley Watershed project in Utah.

The conferees direct that the amount of Federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. Consistent with existing statute, rehabilitation assistance provided, may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement.

The conferees are aware of continued flooding in the Malheur-Harney Lakes Basin in Oregon, and note that the lake has risen nearly five feet during the past two years. The conferees encourage the agency, with the cooperation of the Farm Service Agency, to assist in the locally coordinated flood response and water management activities being developed in addition to providing assistance through any flood compensation programs. NRCS and FSA should continue to utilize conservation programs in providing water holding and storage areas on private land as necessary intermediate measures in watershed management.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $35,265,000 for the Resource Conservation and Development program as proposed by the House instead of $35,000,000 as proposed by the Senate.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides $6,325,000 for the Forestry Incentives program as proposed by the Senate. The House bill provided no funds for this account.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conferees note extensive backlogs of applicants for rural development programs and direct the Department to use rural development resources only on programs that directly benefit applicants for these programs.

The House and Senate reports recommend projects for consideration under various rural development programs, and the conferees expect the Department to apply established review procedures when considering applications.

The conferees further expect the Department to give consideration to the following request for assistance from rural development programs: construction necessary for the withdrawal, treatment and transmission of water from the Ouachita River to supplement the water supply needs of Union County, AR; the Kettering Medical Center healthy hearts program in medically underserved areas of southwestern Ohio; the Western Massachusetts food processing center; rural utilities projects for the town of Lloyd, NY; a rural business enterprise grant for the Delta Training Center, Indianala, MS; a rural cooperative development grant for the conversion of the Chickasha Cotton Gin, GA. to a cooperative canola seed crushing plant; a community facilities loan and/or grant to address the serious housing shortage for the teachers at Mississippi Valley State University; a rural business enterprise grant for the Impact Seven Project in Almena, WI; the Rural Sanitation Training Initiative (AK) for wastewater technical assistance grants: a request from the California Human Development Corporation, Northern County Region, to expand existing housing for migrant farm Workers in Napa County; funds to assist construction of the Napa Valley Vinters Health Center project to house non-profit medical organizations serving the low-income farm population in Napa Country; and a rural business enterprise grant for the Pembroke Farming Cooperative, Kankakee County, IL.

The conferees are aware of the stress of the salt and fresh water resources caused by the growing population along the Mississippi gulf Coast and direct the Department to utilize its discretionary authority to give high priority applications from that region for water and sewer loans and grants.

The conferees are concerned with the recent economic and infrastructure losses in Grant and Hidalgo Counties, New Mexico. Acordingly, the conferees direct the Secretary to employ the resources of the Department, particularly Rural Development, to provide such assistance as necessary to Grant and Hidalgo Counties, New Mexico.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $718,837,000 for the Rural Community Advancement Program (RCAP) instead of $718,006,000 a proposed by the Senate and $669,103,000 as proposed by the House.

The following table reflects the conference agreement:

RCAP Accounts

Water/Sewer	$631,088,000
Community/Facilities	23,150,000
Business-Cooperative Development	6,599,000
Total	$718,837,
Earmarks:	
Tech. Asst. (water/sewer)	16,215,000
Circuit Rider	7,300,000
Native Americans	12,000,000
Rural Community Development Initiative	6,000,000

The conference agreement does not provide the requested set asides for hazardous weather early warning systems and partnership technical assistance grants. The conferees direct the Department to consider applications for these activities and make grants from the appropriate RCAP accounts.

The conference does not provide authority for state rural development directors to transfer funds among accounts.

The conference agreement provides $6,000,000 for the Rural Community Development Initiative as proposed by the House.

The conference agreement includes a set aside of $45,245,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

The conferees direct that $1,000,000 of the funds appropriated to the Rural Community Advancement Program be designated for an agri-tourism program.

The conference agreement includes special grant funding for water and waste disposal assistance under the RCAP for Federally recognized Native American Tribes. This provision is intended to help overcome a problem in extremely impoverished areas where communities may not otherwise be eligible for RCAP water and waste disposal assistance programs due to an in ability to meet loan repayment requirements. The conferees note that many Native American Tribes are able to meet the more stringent requirements of the normal RCAP programs and they are expected to apply for assistance from funds other than those specifically provided by this special provision.

The conference agreement provides $3,500,000 for the Rural Business Opportunity Grant (RBOG) program. The conferees direct the Department to use its transfer authority under the RCAP to add additional funds for the RBOG program as needed. The conferees direct the Department to use RBOG funds for regional economic plan activities on behalf of local governments and their designees. Of the funds provided for the RBOG program, the conferees direct the Department to use $1,000,000 for communities designated by the Secretary of Agriculture as Rural Economic Area Partnerships.

The conferees are aware of the acute need for resources to link rural education and medical facilities in upstate New York with urban centers, and are concerned that no applications from this area were funded in fiscal year 1999. The conferees are also concerned that special consideration was not given to applications from Rural Economic Area Partnership (REAP) communities nationwide. The conferees urge the Department to give consideration to applications from upstate New York and REAP communities nationwide in fiscal year 2000.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy $181,560,000 (providing for an estimated loan program level of $4,589,737,000) for activities under the Rural Housing Insurance Fund Program Account instead of $204,083,000 (providing for an estimated loan program level of $4,832,687,000) as proposed by the House and $182,185,000 (providing for an estimated program level of $4,594,694,000) as proposed by the Senate.

The conference agreement includes a set aside of $11,180,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

The following table reflects the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	(1,100,000,000)
Unsubsidized guaranteed	(3,200,000,000)
Housing repair (sec. 504)	(32,396,000)
Farm labor (sec. 514)	(25,001,000)
Rental housing (sec. 515)	(114,321,000)
Multi-family housing guarantees (sec. 538)	(100,000,000)
Site loans (sec. 524)	(5,152,000)
Credit sales of acquired property	(7,503,000)
Self-help housing land development fund	(5,000,000)
Total, Loan authorizations	(4,589,373,000)
Loan subsidies:	
Single family (sec. 502)	93,830,000
Unsubsidized guaranteed	19,520,000
Housing repair (sec. 504)	9,900,000
Multi-family housing guarantees (sec. 538)	480,000
Farm labor (sec. 514)	11,308,000
Rental housing (sec. 515)	45,363,000
Site loans (sec. 524)	4,000
Credit sales of acquired property	874,000

Self-help housing land development fund	281,000
Total, Loan subsidies	181,560,000
RHIF administration expenses (transfer to RHS)	375,879,000
Total, Rural Housing Insurance Fund	197,439,000
(Loan authorization)	(4,589,373,000)

The conference agreement adopts House bill language allowing the transfer of up to $7,000,000 to the "Outreach for Socially Disadvantaged Farmers" program. The Senate bill had no similar provision.

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $640,000,000 for rental assistance as proposed by the Senate instead of $583,400,000 as proposed by the House.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $28,000,000 for Mutual and Self-Help Housing Grants as proposed by the House instead of $26,000,000 as proposed by the Senate.

The conference agreement includes a set aside of $1,000,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $45,000,000 for Rural Housing Assistance Grants instead of $50,000,000 as proposed by the House and $41,000,000 as proposed by the Senate.

The conference agreement includes a set aside of $1,200,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones as proposed by the Senate instead of $3,250,000 as proposed by the House.

SALARIES AND EXPENSES

The conference agreement provides $61,979,000 for salaries and expenses as proposed by the House instead of $60,978,000 as proposed by the Senate. The conference agreement also provides for a transfer of $375,879,000 from the Rural Housing Insurance Fund as proposed by the Senate. The total provided for salaries and expenses of the Rural Housing Service is $437,858,000 as proposed by the House instead of $421,763,000 as proposed by the House.

The conference agreement includes a provision that allows the Administrator of the Rural Housing Service to spend not more than $10,000 for non-monetary awards to non-employees of the Department of Agriculture as proposed by the House. The Senate bill had no similar provision.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $16,615,000 (providing for an estimated loan program level of $38,256,000) for the Rural Development Loan Fund Program Account as proposed by the Senate instead of $22,799,000 (providing for an estimated loan program level of $52,495,000) as proposed by the House.

The conference agreement includes a set aside of $3,216,000 for loan subsidies for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones as proposed by the Senate instead of $4,343,000 as proposed by the House.

The conference agreement does not adopt Senate bill language requiring the Department of Agriculture to propose a revised regulation on fees charged to lenders on guaranteed business and industry loans. The House bill had no similar provision.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides a total of $6,000,000 for rural cooperative development grants as proposed by the House instead of $5,500,000 as proposed by the Senate. Both House and Senate bills provide $1,500,000 from the total amount available for cooperative agreements for the appropriate technology transfer for rural areas program. The conference agreement provides $500,000 for cooperative research agreements instead of $1,500,000 as proposed by the House. The Senate bill had no similar provision.

The conference agreement adopts Senate bill language providing that at least 25 percent of the total amount appropriated shall be made available to cooperatives or associations of cooperatives that assist small, minority producers.

The conferees direct the Department to consider a proposal from the primary national swine commodity organization representing the pork producers to conduct an in-depth feasibility study and economic analysis of forming national pork producer-owned cooperatives.

SALARIES AND EXPENSES

The conference agreement provides a direct appropriation of $24,612,000 for salaries and expenses of the Rural Business-Cooperative Service as proposed by the House instead of $25,680,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION REVOLVING FUND

The conference agreement does not provide funding for the Alternative Agricultural Research and Commercialization Corporation Revolving Fund. The Senate bill provided $3,500,000 for this account.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $15,132,000 (providing for an estimated loan program level of $2,611,500,000) for activities under the Rural Electrification and Telecommunications Loans Program Account instead of $15,132,000 (providing for an estimated loan program level of $2,411,500,000) as proposed by the House and $14,679,000 (providing for an estimated program level of $1,561,500,000) as proposed by the Senate.

The following table reflects the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Direct loans:	
Electric 5%	(121,500,000)
Telecommunications 5%	(75,000,000)
Subtotal	(196,500,000)
Treasury rates: Telecommunications	(300,000,000)
Muni-rate: Electric	(295,000,000)
FFB loans:	
Electric, regular	(1,700,000,000)
Telecommunications	(120,000,000)
Subtotal	(1,820,000,000)
Total, Loan authorizations	(2,611,500,000)
Loan subsidies:	
Direct loans:	
Electric 5%	1,095,000
Telecommunications 5%	840,000
Subtotal	1,935,000
Treasury rates: Telecommunications	2,370,000
Muni-rate: Electric	10,827,000
FFB loans: Electric, regular	
RETLP administrative expenses (transfer to RUS)	31,046,000
Total, Rural Electrification and Telecommunications Loans Program Account	46,178,000
(Loan authorization)	2,611,500,000

The conference report adopts Senate bill language appropriates separate subsidies for the cost of direct loans, cost of municipal rate loans and cost of money for rural telecommunications loans. The House bill proposed two aggregate subsidy amounts for the cost of rural electric and telecommunications loans.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $3,290,000 (providing for an estimated loan program level of $175,000,000) for the Rural Telephone Bank Program Account as proposed by the House instead of $2,961,000 (providing for an estimated loan program level of $157,509,000) as proposed by the Senate.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides $20,700,000 for the Distance Learning and Telemedicine Program instead of $16,700,000 as proposed by the House and $13,200,000 as proposed by the Senate. The conference agreement also provides that $20,000,000 of the total amount shall be available for grants under this program instead of $16,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. Both House and Senate bills provide a subsidy of $700,000 from the total amount available, which provides for an estimated loan level of $200,000,000.

The conferees are aware of the acute need for resources to link rural education and medical facilities in upstate New York with urban centers, and are concerned that no applications from this area were funded in fiscal year 1999. The conferees are also concerned that special consideration was not given to applications from Rural Economic Area Partnership (REAP) communities in the state. The conferees urge the Department to give consideration to applications from upstate New York and REAP communities in fiscal year 2000.

The conferees support continued funding from the Distance Learning and Telemedicine Program for the Community Hospital TeleHealth Consortium demonstration project to improve health services for medically underserved areas in Louisiana and Mississippi.

SALARIES AND EXPENSES

The conference agreement provides a total appropriation of $68,153,000 for salaries and expenses of the Rural Utilities Service as proposed by the House instead of $65,982,000 as proposed by the Senate.

TITLE IV—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $9,554,028,000 for Child Nutrition Programs instead of $9,547,028,000 as proposed by the House and $9,560,028,000 as proposed by the Senate. Included in this amount is an appropriated amount of $4,611,829,000; an amount transferred from section 32 of $4,935,199,000; and $7,000,000 for the school breakfast pilot project instead of $13,000,000 as proposed by the Senate and no funds as proposed by the House.

The conference agreement provides the following for Child Nutrition Programs:

Child Nutrition Programs:	
School lunch program	$5,480,010,000
School breakfast program	1,421,789,000
Child and adult care food program	1,769,766,000
Summer food service program	31,946,000
Special milk program	17,551,000
State administrative expenses	120,104,000
Commodity procurement and support	406,499,000
School meals initiative ..	10,000,000
School breakfast pilot	7,000,000
Coordinated review effort	4,363,000
Food safety education	2,000,000
Total	$9,554,028,000

The conference agreement provides $10,000,000 for the school meals initiative. Included in this amount is $4,000,000 for food service training grants to states, $1,600,000 for technical assistance materials, $800,000 for the National Food Service Management Institute cooperative agreement, $400,000 for print and electronic food service resource systems, and $3,200,000 for other activities.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $4,032,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of $4,005,000,000 as proposed by the House and $4,038,107,000 as proposed by the Senate.

The conferees clarify that it is not the intent of the final proviso under the WIC heading to preclude WIC from providing immunization screening, referral and assessment services.

The conferees are aware that the Department is considering changes in the food package to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). One of those proposals involves potential exceptions to the current sugar cap for the WIC food package. The sugar cap is an issue that has been studied many times, always with the same conclusion. The consensus from the studies, nutritionists, State WIC directors, sugar commodity associations and dentists is that no exceptions to the sugar cap should be made. Accordingly, the conferees direct that the Department make no exceptions to the sugar cap.

FOOD STAMP PROGRAM

The conference agreement provides $21,071,751,000 for the Food Stamp Program instead of $21,577,444,000 as proposed by the House and $21,563,744,000 as proposed by the Senate. Included in this amount is a contingency reserve of $100,000,000; $1,268,000,000 for nutrition assistance to Puerto Rico; and $98,000,000 for TEFAP. The amount includes a downward re-estimate, as reflected in the Mid-Session Review.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $133,300,000 for the Commodity Assistance Program instead of $151,000,000 as proposed by the House and $131,000,000 as proposed by the Senate. Included in the amount is $45,000,000 for administration of TEFAP. The conferees note that there is a $7,700,000 carryover from fiscal year 1999 in this account for the Commodity Supplemental Food Program and have adjusted the appropriation accordingly to maintain a $96,000,000 program level in fiscal year 2000.

The conferees note that there is a pattern of continuing unexpended balances for the Commodity Supplemental Food Program that could be used to respond to requests for new or expanded programs. Mississippi, Montana, Ohio, Texas, and Vermont all are in a position to begin new programs. The conferees expect the Department to work closely with these applicants, and to take such action as may be necessary later in fiscal year 2000 to effectively utilize the dollars available to maximize participation of these states.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $111,561,000 for Food Program Administration as proposed by the Senate instead of $108,561,000 as proposed by the House. Included in this amount is an increase of $3,000,000 for program and financial integrity advancement.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

The conference agreement provides $113,469,000 for the Foreign Agricultural Service and General Sales Manager instead of $142,274,000 as proposed by the House and $140,469,000 as proposed by the Senate.

Included in the total amount provided is a direct appropriation of $109,203,000 instead of $137,768,000 as proposed by the House and $136,203,000 as proposed by the Senate.

The conference agreement adopts a Senate provision which provides for the transfer of $3,231,000 from the Export Loan program and $1,035,000 from the P.L. 480 program account under the P.L. 480 and Export Loan Program accounts instead of $3,413,000 from the Export Loan Program and $1,093,000 from the P.L. 480 program account as proposed by the House.

The conference agreement does not include a Senate bill provision prohibiting funds in this account from being used to promote the sale of alcohol beverages, including wine. The House bill had no similar provision.

The conference agreement does not include a Senate bill provision providing up to $2,000,000 solely for the purpose of offsetting international exchange rate fluctuations. The House bill had no similar provision. The conferees note that the deletion of this provision does not indicate a judgment on the merits of the request but reflects the fact that the agency has not developed a plan for this activity as requested in the statement of managers accompanying the fiscal years 1998 and 1999 appropriations Act conference report. The conferees expect such a plan to be submitted with the fiscal year 2001 President's Budget.

The conference agreement deletes House report language which expects that no appropriated funds will be used to pay for travel and other expenses of non-U.S. Government employees participating in the Reverse Trade Mission Program. The Senate report had no similar language. The conference agreement does not approve the funding requested in the budget to create this new program.

The conference agreement maintains the fiscal year 1999 level of funding for the Cochran Fellowship Program.

The conferees recognize the potential for beneficial impact for both farmers and recipients from the monetization of commodity sales in international assistance efforts. The conferees direct the Foreign Agricultural Service, with the assistance of the Economic Research Service and other appropriate USDA agencies, to develop a study demonstrating the short and long-term effects of monetization. The FAS is to report to the House and Senate Appropriations Committees prior to the fiscal year 2001 hearings the design, scope and objectives of this study, together with a schedule for its completion.

The conference agreement provides $500,000 for administrative expenses associated with the management of the Foreign Market Development/Cooperator Program.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

Public Law 480 Program and Grant Accounts:	
Title I—Credit sales:	
Program level	176,000,000
Direct loans	155,000,000
Ocean freight differential	21,000,000
Title II—Commodities for disposition abroad:	
Program level	800,000,000
Appropriation	800,000,000
Title III—Commodity grants:	
Program level	0
Appropriation	0
Loan subsidies	127,813,000
Salaries and expenses:	
General Sales Manager (transfer to FAS)	1,035,000
Farm Service Agency (transfer to FSA)	815,000
Subtotal	1,850,000
Total, Public Law 480:	
Program level	976,000,000
Appropriation	950,663,000

The conference agreement adopts Senate bill language which appropriates funds for P.L. 480 program accounts and ocean freight under one heading. The House bill appropriated funds for these activities under separate headings.

The conferees note that on September 14, 1999, the Department of Agriculture reported that the Title I and Title II programs had considerable unobligated balances to be carried over to fiscal year 2000: for the Title I subsidy, $98,674,000; for the Title I ocean freight differential, $8,217,000; and for the Title II program, $71,076,000. The conferees direct the Department to work with the U.S. Agency for International Development and report to the Committees on Appropriations of the House and Senate by February 15, 2000, on the reasons for these large unobligated balances. The conferees also note that food aid efforts can be further strengthened through use of the Section 416 program as was the case with the $725,000,000 program for Russia.

The conferees find that abundant agricultural production and low commodity prices in the United States come at a time when developing countries are unable to meet basic nutritional needs due to low production, natural disasters and civil war. The conferees note that authority exists to help stabilize the domestic farm economy and provide food aid donations to places in need such as Kosvo, the Middle East, the newly independent states, sub-Saharan Africa, Southeast Asia, Turkey and Macedonia.

The conferees believe that the following measures should be considered:

Commodities held in the Bill Emerson Humanitarian Trust be increased to the authorized maximum of 400,000 metric tons;

Monetization of commodities be carried out as a development tool;

All existing authorities be used to assure domestic surpluses are available for the needy overseas;

The Department of Agriculture and the U.S. Agency for International Development (USAID) process proposals for food assistance in timely fashion;

USAID increase non-emergency humanitarian food aid wherever possible and allow flexibility to use monetization to address local development needs;

The Department of Treasury more aggressively pursue forgiveness of PL 480 debt for highly indebted poor countries;

Export sanctions on food and medicines be removed consistent with U.S. foreign policy; and

The U.S. Government maximize participation in multilateral food assistance programs.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

The conference agreement provides $3,820,000 for administrative expenses of the Commodity Credit Corporation Export Loans Program Account as proposed by the Senate instead of $4,085,000 as proposed by the House.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $1,040,638,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,052,950,000 as proposed by the House and $1,035,538,000 as proposed by the Senate, and provides specific amounts for programs, centers, offices, and operational costs as proposed by the Senate.

The conference agreement includes technical changes to drug, mammography, and export certification user fee language as proposed by the House.

The conference agreement provides that fees derived from applications received during fiscal year 2000 shall be subject to the fiscal year 2000 limitation as proposed by the Senate. The House had no similar provision.

The conference agreement includes a prohibition on the development, establishment, and operation of any program of user fees authorized by 31 U.S.C. 9701 as proposed by the Senate. The House has no similar provision.

The conferees direct FDA to submit a report within 180 days of the date of enactment of this Act on the effects of reducing illegal tobacco sales to minors and the effect on compliance through the use of automated identification systems.

The conference agreement includes an increase of $28,000,000 in budget authority for premarket application market review as proposed by the Senate.

The conference agreement provides $500,000 for clinical pharmacology grants awarded competitively.

The conference agreement provides $100,000 for the Waste-Management and Research Consortium, as proposed by the House.

The conferees are aware that intravenous immune globulin (IVIG), a lifesaving treatment for patients with primary immune deficiency diseases, has been in severe shortage in the United States since November 1997. Given the serious public health problems caused by this shortage, the conferees encourage the FDA to continue to work with the primary immune deficiency community and the plasma industry to help increase the supply of IVIG in the United States. In addition, the conferees request a report from the FDA by March 1, 2000, outlining what action it has taken since the beginning of the shortage and what action it plans to take to respond to this public health crisis.

The conferees note that the Food and Drug Administration has received a food additive petition requesting approval for the use of irradiation on ready-to-eat meats and poultry, and fruits and vegetables. The conferees are aware of the important food safety benefits associated with the petition, and strongly urge the agency to act expeditiously to propose a rule in response to the petition. The FDA should propose such a rule within six months after the receipt of the petition and issue a final rule within twelve months of receipt of the petition.

The conferees note their expectation that FDA publish a proposed rule no later than June 1, 1999, concerning the use of foreign marketing data in the review of new sunscreen active ingredients in the sunscreen over-the-counter drug monograph. The conferees note that the FDA has failed to meet the June 1, 1999, deadline for publication of this proposed rule. The conferees remain concerned that several petitions for approval of new sunscreen active ingredients based on foreign marketing experience have languished at the FDA for years, some as far back as 1980. Meanwhile, skin cancer has become a growing and pervasive public health problem among American citizens, with an estimated one million new cases of skin cancer diagnosed in the U.S. each year. The FDA published an Advance Notice of Proposed Rulemaking in 1996, but in three years since its publication the Agency has yet to advance from the initial stage of administrative review of the proposal. Therefore, the conferees direct the agency to act in an expeditious manner to propose a rule, but in no case shall the FDA propose such a rule later than sixty days after enactment of this Act, nor shall the agency finalize such a rule later than twelve months after enactment of this Act.

The conference agreement includes an increase of $30,000,000 for the Food Safety Initiative, distributed as follows:

Foods:	
Center	$9,000,000
Field Activities	16,900,000
Animal Drugs and Feeds:	
Center	3,600,000
Field Activities	0
NCTR	500,000
Total	30,000,000

BUILDINGS AND FACILITIES

The conference agreement provides $11,350,000 for Food and Drug Administration Building and Facilities instead of $31,750,000 as proposed by the House and $8,350,000 as proposed by the Senate.

The conference agreement includes $3,000,000 for construction at the Arkansas Regional Laboratory.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $63,000,000 for the Commodity Futures Trading Commission instead of $65,000,000 as proposed by the House and $61,000,000 as proposed by the Senate. The conference agreement provides $1,000 of the total appropriated for official reception and representation expenses as proposed by the Senate instead of $2,000 as proposed by the House. The conference agreement also makes permanent authority for the Commission to charge reasonable user fees for Commission-sponsored events and symposia.

FARM CREDIT ADMINISTRATION

LIMITATION OF ADMINISTRATIVE EXPENSES

The conference agreement places a limitation of $35,800,000 on the expenses of the Farm Credit Administration as proposed by the House. The Senate bill had no similar provision.

The conferees note that the Farm Credit System Insurance Fund has achieved the secure base amount established in the Farm Credit Act. The fund has been capitalized through the payment of premiums that are ultimately paid by the farmers, ranchers, and cooperatives that borrow from Farm Credit institutions. The conferees expect the Farm Credit System Insurance Corporation to adhere to the intent of the Farm Credit Act and eliminate premiums when the insurance fund meets or exceeds the statutory secure base amount.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 705—The conference agreement includes technical changes to language (Section 705) proposed by the House and the Senate which makes new obligational authority for certain programs and activities available until expended.

House Section 709—The conference agreement includes language (Section 709) proposed by the House providing that commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support may be used, as authorized by law, to provide commodities to individuals in cases of hardship.

House Section 711 and Senate Section 710.—The conference agreement includes language (Section 711) proposed by the Senate that caps indirect costs charged against competitive Agricultural Research, Education, and Extension grant awards.

House Section 716 and Senate Section 715.—The conference agreement includes language (Section 716) proposed by the House that authorizes the use of cooperative agreements for the food safety activities of the Food Safety and Inspection Service.

House Section 717 and Senate Section 716.—The conference agreement substitutes new language (section 717) for a general provision proposed by both the House and Senate regarding cooperative agreements of the Natural Resources Conservation Service. This modification is needed as a result of a recent opinion/ruling of the Office of General Counsel that the existing language does not carry out its intended purpose. The conferees expect rulings and opinions of the Department's Office of General Counsel to apply uniformly to all agencies of the Department.

House Section 725 and Senate Section 724.—The conference agreement includes language (Section 725) proposed by the Senate that prohibits the use of funds to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds for the Fund for Rural America.

House Section 727 and Senate Section 726.—The conference agreement includes language (Section 727) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 728 and Senate Section 727.—The conference agreement includes a limitation (Section 728) of 150,000 acres on Wetland Reserve Program enrollment instead of 120,000 acres proposed by the House and 180,000 acres proposed by the Senate.

House and Senate Section 729.—The conference agreement (Section 729) prohibits the use of funds to carry out the Initiative for Future Agriculture and Food Systems as proposed by the House. The Senate proposed a limitation of $50,000,000.

House and Senate Section 730.—The conference agreement (Section 730) makes permanent the definition of rural areas for certain business programs as proposed by the Senate.

Senate Section 733.—The conference agreement includes language (Section 733) proposed by the Senate prohibiting the use of funds to close or relocate certain FDA offices.

Senate Section 734.—The conference agreement includes language (Section 734) proposed by the Senate prohibiting the use of funds to carry out certain activities unless the Secretary of Agriculture inspects and certifies agricultural processing equipment and imposes a fee for those activities.

House Section 735 and Senate Section 737.—The conference agreement (Section 737) includes language proposed by the Senate.

House Section 736(a) and Senate Section 728.—The conference agreement (Section 738) limits the emergency food assistance program to $98,000,000 instead of $99,000,000 proposed by the House and $97,000,000 proposed by the Senate.

House Section 737.—The conference agreement (Section 739) prohibits the use of funds for certain activities implementing the Kyoto Protocol proposed by the House.

House Section 738—The conference agreement does not include language limiting the importation of meat and poultry.

House Section 739.—The conference agreement does not include language regarding the buy American Act. This language is contained in permanent law, and the conferees expect this language to be complied with.

House Section 740.—The conference agreement does not include language regarding the purchase of American-made equipment and products. This language is contained in permanent law, and the conferees expect this language to be complied with.

House Section 741.—The conference agreement does not include language regarding "Made in America" labeling violations. This language is now contained in permanent law, and the conferees expect this language to be complied with.

House Section 742.—The conference agreement does not include language proposed by the House prohibiting the use of funds by FDA for the testing, development, or approval of certain drugs.

House Section 743.—The conference agreement does not include language proposed by the House further reducing appropriations provided for certain accounts. This matter was addressed in the funding levels for each account rather than as a general provision.

Senate Section 738.—The conference agreement includes language (Section 740) proposed by the Senate providing FSA county office employees with Federal civil service status for certain purposes.

Senate Section 739.—The conference agreement includes language (Section 741) proposed by the Senate prohibiting the use of funds to transfer or convey federal lands and facilities at Fort Reno, Oklahoma, without the specific authorization of Congress.

Senate Section 740.—The conference agreement includes language (Section 742) proposed by the Senate directing the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquatonchee Water Project in Mississippi.

Senate Section 741.—The conference agreement includes language (Section 743) proposed by the Senate regarding a mail inspection pilot program in Hawaii.

Senate Section 742.—The conference agreement includes language (Section 744) proposed by the Senate providing authority for guaranteed lines of credit for health care facilities to address Y2K computer conversion.

Senate Section 743.—The conference agreement includes language (Section 745) requiring the Secretary of Agriculture to compensate wheat producers and handlers for losses due to karnal bunt.

House Section 736(b) and Senate Section 744.—The conference agreement (Section 746) provides $2,000,000 for hunger fellowships instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Senate Section 745.—The conference agreement includes language (Section 747) providing $250,000 or the program authorized under section 388 of the FAIR Act solely for New Hampshire.

Senate Section 746.—The conference agreement includes language (Section 748) proposed by the Senate amending the Immigration and Nationality Act to reduce the Department of Labor's approval time for processing farmworkers' applications for legal H-2A workers.

Senate Section 747.—The conference agreement includes language (Section 749) proposed by the Senate to provide for successorship relating to certain bargaining units and exclusive representatives.

Senate Section 748.—The conference agreement does not include language proposed by the Senate for emergency and market loss assistance, and sanctions. The conference agreement addresses these issues in Title VIII.

Senate Section 749.—The conference agreement does not include Sense of the Senate language regarding methyl tertiary butyl ether (MTBE). The conferees understand that recent studies have determined that leaking storage facilities have contributed to the detection of MTBE in groundwater. Further, the conferees support the development of alternative uses for agricultural products, including the use of ethanol in reformulated gasoline. The conferees expect the committees of jurisdiction of the House of Representatives and the Senate to carefully examine these issues to determine what, if any, action is warranted by the Congress.

Senate Section 750.—The conference agreement includes language (Section 750) that none of the funds appropriated or otherwise made available by this Act shall be used to implement a Support Services Bureau of similar organization.

Senate Section 750.—The conference agreement (Section 751) includes limitations on the awarding of contracts through the HUBZone program established by section 31 of the Small Business Act, to avoid subcontracting for the commodity being procured of if the awards would involve more than 50 percent of the dollar amount of the tender. In addition, the price evaluation preference provided under the HUBZone program may not exceed 5 percent in contracts for commodities made available by this Act. The conferees are concerned that the potential costs of the HUBZone program may diminish the effective program level of certain accounts such as title II of P.L. 480, and accordingly call to the attention of the Secretary the Compliance in Contracting Act of 1984 (specifically 41 U.S.C. 253(b)), to exclude particular sources from participating in full and open competition on a tender if it is found that a firm has received such a large market share as to jeopardize USDA's vendor base, or if necessary, to restrain program costs. The conferees emphasize that these limitations allow contracting officers to exclude particular firms as needed, not to exclude classes of businesses such as all HUBZone firms.

Senate Section 751.—The conference agreement does not include Sense of the Senate language regarding inadvertent planting of dry beans on contract areas. The conferees are aware that there may be instances in which producers, in good faith or in reliance on information provided by agricultural consultants, inadvertently planted crops in violation of section 118 of the Federal Agriculture Improvement and Reform Act of 1996. The Secretary is urged to exercise reasonable treatment of producers in order to avoid harmful consequences.

Senate Section 752.—The conference agreement includes language (Section 752) proposed by the Senate redesignating the National School Lunch Act as the "Richard B. Russell National School Lunch Act".

Senate Section 753.—The conference agreement includes language (Section 753) proposed by the Senate clarifying the membership of a commission.

Senate Section 754.—The conference agreement does not include Sense of the Senate language regarding an action plan on food safety. The conferees request the President to include in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 755.—The conference agreement does not include Sense of Senate language regarding apple farmers. The conferees are aware of financial hardships facing apple farmers, and direct the Farm Service Agency to review all programs that assist apple growers, review the limits currently set on operating loan programs used by apple growers to determine whether the current limits are insufficient to cover operating costs and to report its findings to the Committees on Appropriations of the House of Representatives and the Senate not later than January 1, 2000.

Senate Section 756.—The conference agreement includes language (Section 754) proposed by the Senate designating the "Harry K. Dupree" Stuttgart National Aquaculture Research Center.

Senate Section 757.—The conference agreement includes language (Section 755) to add Kentucky, Indiana and Ohio to existing law regarding cross-county tobacco leasing and to provide for the release of marketing information to State trusts or similar organizations.

Senate Section 758.—The conference agreement includes language (Section 756) proposed by the Senate that makes the city of Berlin, New Hampshire eligible for a rural utilities grant or loan during fiscal year 2000.

Senate Section 759.—The conference agreement includes language (Section 757) proposed by the Senate regarding cranberry marketing orders.

Senate Section 760.—The conference agreement includes language (Section 758) proposed by the Senate to include native villages in Alaska under section 16(a) of the Food Stamp Act.

Senate Section 761.—The conference agreement does not include Sense of Senate language regarding periodic review of food packages. The conferees expect the Secretary of Agriculture to periodically review the food packages listed at 7 C.F.R. 246.10(c) (1996) and consider including additional nutritious foods for women, infants and children.

Senate Section 762.—The conference agreement includes language (Section 759) proposed by the Senate regarding education grants to Alaska Native Serving Institutions and Native Hawaiian Serving Institutions.

Senate Section 763.—The conference agreement does not include language proposed by the Senate providing minimum Smith-Lever allocations for certain states.

Senate Section 764.—The conference agreement does not include language proposed by the Senate providing minimum Hatch Act allocations for certain states.

Senate Section 765.—The conference agreement does not include Sense of Senate language regarding timely FDA testing of imported food. The conferees expect FDA, to the maximum extent possible, to ensure timely testing of produce imports by conducting survey tests at the USDA or FDA laboratory closest to the port of entry so that testing results are provided within 24 hours of collection.

Senate Section 766.—The conference agreement includes language (Section 760) that effective October 1, 1999, the price of milk paid by a handler at a plant operating in Clark County, Nevada shall not be subject to the Agricultural Marketing Agreement Act of 1937.

Senate Section 767.—The conference agreement does not include Sense of Senate language regarding World Trade Organization negotiations. The conferees expect that members of the World Trade Organization should undertake multilateral negotiations to eliminate policies and programs that distort world markets for agricultural commodities.

Section 761.—The conference agreement makes the city of Olean, New York eligible for grants and loans administered by the Rural Utilities Service.

Section 762.—The conference agreement makes the municipality of Carolina, Puerto Rico eligible for grants and loans administered by the Rural Utilities Service.

Section 763.—The conference agreement makes technical corrections to the Food Security Act of 1985.

Section 764.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CRP-338.

The conference agreement allows for the enrollment of certain lands in the conservation reserve program for which a federally cost-shared conservation practice may have previously been installed. The conference agreement requires a reduction in federal rental payments for such lands by an amount equal to the remaining value of the federal costs already incurred. This action is necessary to avoid the double payment for an ongoing conservation practice.

Section 765.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CRP-327.

The conference agreement includes language which provides for certain commercial hunting activities on conservation reserve program lands. The conferees note inclusion of a requirement of strict compliance of program guidelines to ensure protection of environmental benefits and wildlife habitat. The House and Senate included no similar provision.

Section 766.—The conference agreement includes language designating the "George E. Brown, Jr., Salinity Laboratory".

Section 767.—The conference agreement includes technical changes to title 18 of the United States Code.

Section 768.—The conference agreement includes a provision that maximum income limits established for single family housing in the high cost areas of Alaska shall be 150 percent of the state metropolitan income level for Alaska.

Section 769.—The conference agreement includes a general provision relating to the conservation reserve program that will allow the Secretary to approve not more than 6 projects in which harvests may occur for the recovery of biomass used in energy production. No similar provision was included in the House or Senate bill.

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

The conference agreement includes a new title (Title VIII) providing market loss payments and other disaster assistance to producers of 1999 crops. The Senate had proposed similar provisions in section 748. The House bill contained no similar provisions.

Section 801.—The conference agreement includes $1,200,000,000 in assistance to producers who have incurred losses for crops harvested or intended to be planted or harvested in 1999, which reflects an estimated need as stated by the Department of Agricultural prior to Hurricane Floyd. While funds provided by this Act shall be available for damage caused by Hurricane Floyd, the conferees-note that only preliminary estimates for Hurricane Floyd are available and it is understood that additional resources may be needed to fully address all natural disaster losses in 1999. The conferees expect the Department to forward complete damage estimates to the Appropriations Committee of the House and Senate as soon as practicable. The Secretary may make assistance available for losses in quantity, quality or severe economic losses due to damaging weather or related conditions. The conferees note that the statement of managers accompanying the conference agreement on H.R. 1141, dated May 14, 1999, called on the administration to submit requests for supplemental appropriations for disaster assistance for agricultural producers. Subsequently, other Members of Congress made similar requests to the administration. To date, no request has been transmitted to the Congress for any disaster assistance to producers. The conferees understand that recent weather events and those yet to occur in 1999 may affect the need for crop loss assistance. The conferees continue to invite requests for supplemental funds to address these needs.

Similar to provisions included in P.L. 105-277, this Act grants broad authority to the Secretary of Agriculture to create and implement a crop loss assistance program, However, the conferees note that the Department took seven months to make payments to producers for 1998 losses. Such delays in delivering 1999 payments are unacceptable. If necessary to avoid delay in delivering payments, the Department should consider developing a method by which preliminary payments may be made to producers to allow at least minimal payments to be made expeditiously while avoiding depletion of funds before all producers receive assistance. Further, it is expected that final payments will be made before January 31, 2000.

The conferees note significant losses in the 1999 crops of fruits and vegetables, particularly capsicums, valencia oranges, and apples. The conferees expected the Secretary to ensure fair and equitable treatment of these producers when allocating disaster assistance. In particular, the conferees expect the Secretary to compensate producers for both quantity and quality losses, as authorized by section 801(c) of this Act.

The conferees are aware of losses suffered by California citrus growers during a freeze in late 1998 totaling at least $90 million. Because the crop was for harvest in 1999, the Department of Agriculture determined that these producers were ineligible for assistance provided in P.L. 105–277. The conferees expect the Secretary to identify adequate funds provided in this title to address these needs.

The conferees note that the Department has failed to implement statutory provisions making producers who obtained non-federally reinsured crop insurance eligible under certain circumstances for the multi-year disaster assistance provided in P.L. 105–277. Similarly, the Department has failed to provide assistance as directed to 1997 producers of apples in New York. The conferees do not view favorably the Department's disregard of directives issued by the Congress. The conferees expect the Department to comply with both statutory and other guidance provided by the Congress in addressing the needs of these and all producers.

The conferees note that the price received for cottonseed is far below historical averages. The conferees also note that in many areas, revenues from cottonseed sales offset the cost of ginning. Given these depressed prices, the conferees expect the Secretary to consider additional assistance to cotton producers through direct payments or other means to help alleviate the problems caused by those unusually low prices.

The conferees direct the Department to provide, from the amounts appropriated in this title, compensation to Michigan peach producers who purchased a crop insurance policy for the 1999 fresh market peaches crop under the adjusted price election and pricing methodology established by the Risk Management Agency for the 2000 crop year.

Sections 801 and 805.—Section 801 of the conference agreement provides $1,200,000,000 for agricultural losses to crops and livestock in 1999 and an additional $325 million is provided in section 805 specifically for livestock and dairy. Of these amounts, the conferees expect the Secretary to identify no less than $200 million in order to provide direct grant assistance to livestock producers who have suffered economic losses in 1999 in counties in which a Secretarial or Presidential drought declaration has been issued. The conferees note that in some states, such as West Virginia, all or most counties have received such a designation. Net farm income is low due to forced liquidations and increased costs for feed, transportation, and herd maintenance, severely affecting local rural economies. Producers are also faced with high costs of restoring pasture lands in the immediate future and the Secretary is encouraged to exercise authorities of EC–7 of the Emergency Conservation Program to assist affected producers toward recovery. The conferees stress the importance of providing assistance to livestock producers at a level commensurate with the relief provided for crop losses and further note that additional funds may be available for other livestock-related disaster losses.

Section 802.—To ensure timely delivery of market loss payments to eligible producers and owners, the conferees urge the Secretary to make the payments available under the same terms and conditions as the 1999 contract payments. However, any market loss payments made under authority of this legislation shall not be treated as a contract (AMTA) payment for purposes of section 115 of Title I of the Federal Agriculture Improvement and Reform Act of 1996, or section 1001, paragraphs (1) through (4) of the Food Security Act of 1985. Further, it should not be necessary to require eligible owners and operators to file new contracts or redesignate shares in order to receive market loss payments.

Section 803.—The conferees expect the Secretary to utilize all funds collected and not yet transferred to the Treasury under the peanut marketing assessment from producers and first handlers to offset expected losses in area quota pools for the 1999 peanut marketing year as authorized under Section 155(d) of Public Law 104-127.

The conferees recognize that the timing of payments made under this section is critically important to peanut producers and intend for the Secretary to expedite such payments. With producers and acreage information readily available from the Farm Service Agency, the conferees expect the Secretary to make payments to peanut producers based on projected yields for the 1999 crop year. By using projected yields, the conferees expect the Secretary to ensure that payments are made to producers as soon as practicable and, in any case, within 60 days from the enactment of this legislation.

Section 805.—The conferees note the significant losses of feed for livestock producers. The Department shall insure that a portion of the $325,000,000 in assistance provided under this section is provided in the form of Livestock Feed Assistance.

Further, from the total amount provided under section 805, no less than $125,000,000 is to be made available for losses suffered by dairy producers.

Producers impacted by natural and economic disasters deserve to be treated as equally as possible. The conferees are aware that many livestock producers faced a payment limitation this past year of $40,000, while grain producers had a limit of $80,000. Payment methods that provide more assistance to one group of producers than another should be avoided whenever possible. With the administration of this new disaster program, the conferees strongly urge the Department to provide livestock producers with assistance equivalent to that of grain producers.

Section 806.—The conferees intend that the reinstatement of the Step-2 program for upland cotton be implemented with respect to sales for exports and domestic purchases by domestic textile mills beginning October 1, 1999. Any agreement entered into with participants in the Step-2 program should cover sales occurring between October 1, 1999 and the date of enactment of this Act in order to ensure that the program is effective with the beginning of fiscal year 2000.

Section 811.—Authority is provided under this section to allow the Department of Agriculture to make production flexibility contract payments on or after October 1 of each remaining contract year. The conferees intend that these payments be made in a timely manner to alleviate cash flow problems. However, the conferees expect the Department to work to notify all program participants of the availability of these advance payments to allow them ample time to take action to avoid payments to producers who will not be leasing a property for that contract year.

Section 813.—The conferees are concerned about an inequity in loan deficiency payments (LDP's) made to producers of feed grains. Currently, producers of corn may receive LDP's on their crops of corn for silage, but producers of grain sorghum whose crops are ensiled or baled as hay fodder are ineligible for LDP's on those crops. This inequity occurs even though grain sorghum for silage or hay has the same intended and actual use as corn silage. In this regard, the conferees expect the Department of Agriculture to make LDP's to eligible producers of grain sorghum in the same manner and, as appropriate, to the same extent as corn producers for the 1999 and subsequent crop years.

The conferees also are concerned about producers who graze their wheat crops and are unable to receive LDP's for the value of those crops. The conferees expect the Department of Agriculture to make LDP's on the 2000 and subsequent crops of wheat that are grazed.

The conferees are concerned that repayment rates for marketing loans for durum wheat do not adequately reflect the unique quality discounts that are assessed against this class of wheat. Further, the conferees understand that the present method for calculating these repayments unfairly presumes a high quality for durum, which is not imposed on other classes of wheat. The conferees direct the Department to revise the repayment rates for the 1999 crop of durum wheat at a rate per bushel equal to the market value of the quality subclass immediately above sample grade for durum wheat, less any applicable discounts, to correct this inequity.

In implementing the marketing assistance loan program for minor oilseeds, the conferees understand the Department has established separate loan programs for oil-type and confection sunflower seed that do not accurately reflect market relationships. The conferees are concerned that this implementation disadvantages confection-type sunflower seed growers and threatens the domestic confection industry when oil-type sunflower seed prices are below marketing loan levels. The conferees understand under these circumstances grower contracts are offered at levels unrepresentative of world market prices, presenting the opportunity for foreign competitors to contract for and export confection products at levels that undercut U.S. access to traditional foreign markets by the domestic industry. The conferees direct the Department to revise implementation of the marketing assistance loan program for confection sunflower seed, to determine the level at which a loan may be repaid for confection seed using solely the market price for oil-type sunflower seed.

Section 814.—The conference agreement includes $400,000,000 to provide agricultural producers with a premium discount toward the purchase of crop insurance for the 2000 crop year. The conferees intend and fully expect this premium discount to apply toward the purchase of crop insurance for all crops grown in the 2000 crop year, including all crops for which a fall sales closing date applies.

The conferees note there is no statutory sales closing date for fall-planted crops. Accordingly, should the existence of an early sales closing date create an obstacle toward the provision of a premium discount for producers who plant a fall crop, the Secretary can remove that obstacle by administratively extending the sales closing date. Second, the conferees note that a discount was provided for all crops in the 1999 crop year, including for all crops for which a 1998 fall sales closing date applied, even though the Secretary did not announce the discount until January 8, 1999. With no statutory obstacles in the way and in view of last year's precedent, the conferees fully expect the Secretary to provide producers of fall planted crops with the benefit of a premium discount toward the purchase of crop insurance.

Section 822.—The conference agreement provides additional funding of up to $56,000,000 for salaries and expenses of the Farm Service Agency for additional administrative costs incurred in the delivery of the assistance provided under this title.

TITLE IX

The conference agreement includes legislation reported by the Senate Committee on Agriculture, Nutrition and Forestry (S. Rpt. 106-168) requiring certain processors to report the price paid for livestock.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obliga- tional) authority, fiscal year 1999	$61,127,644
Budget estimates of new (obligational) authority, fiscal year 2000	66,883,182
House bill, fiscal year 2000	60,736,572
Senate bill, fiscal year 2000	68,358,618
Conference agreement, fiscal year 2000	69,017,125
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+7,889,481
Budget estimates of new (obligational) authority, fiscal year 2000	+2,133,943
House bill, fiscal year 2000	+8,280,553
Senate bill, fiscal year 2000	+658,507

JOE SKEEN,
JAY DICKEY,
JACK KINGSTON,
HENRY BONILLA,
TOM LATHAM,
JO ANN EMERSON,
BILL YOUNG,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT BYRD,
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE MEDICARE HOSPITAL OUTPATIENT PAYMENT EQUALITY "HOPE" ACT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. LAZIO. Mr. Speaker, I rise today to introduce legislation to provide needed relief for our Nation's hospitals seeking redress from the Balanced Budget Act (BBA). My legislation, the Medicare Hospital Outpatient Payment Equality (HOPE) Act, addresses the Health Care Financing Administration's (HCFA) proposal to implement the Medicare Outpatient Prospective Payment System (PPS). HCFA's proposal will affect a hospital's ability to deliver outpatient services through reimbursement reductions up to 30 to 40 percent.

Under the PPS, in my home State of New York, hospitals from every corner of the State would see major reductions in their outpatient payments. Hospitals in my district on Long Island would be harmed. Hospitals in northern New York rural areas, such as the Adirondack Medical Center in Lake Placid will realize reductions totaling 16.9 percent in one year. Urban hospitals in New York's major cities, like their rural counterparts, will witness similar reductions. Mt. Sinai Medical Center, one of America's premier teaching hospitals, will see their outpatient payments cut by 37.6 percent in just one year. In fact, New York's urban hospitals are among the most severely hurt by the proposed PPS in the Nation. According to HCFA's own analysis, 19 of the top 100 hospitals in the Nation that are hurt by the proposed PPS are in New York State.

Most importantly, the HCFA proposal could harm seniors. For example, a Medicare beneficiary living in the most underserved parts of New York City receive routine, preventive health services from a local clinic. Clinics provide cost-efficient, low-cost, quality care. This patient's health care needs, under my bill, would be preserved because the clinic would be able to stay open to serve seniors.

Another example of who my bill helps is the senior living in any small town in northern New York. Under the HCFA PPS, that senior's care will be jeopardized because of inadequate reimbursements to the local emergency room and they may end up having to close their doors because of financial reasons. The closest ER, then, may be 100–150 miles away. Emergency rooms are not a profitable part of the hospital and require adequate reimbursement to care for seniors with emergency needs. If this patient needs immediate attention for a heart condition, requiring them to travel hours to the nearest emergency room is not a good way to provide care. The ERs need to be there. My bill would ensure that these ER services are available to seniors.

The outpatient reductions are due to go into effect in early 2000. I introduce this legislation today because we must take steps to ensure seniors' access to care. We must address the inadequacies in the Medicare outpatient payment system by restoring funds to all hospitals so they can take care of our seniors. My legislation would do so through several changes.

First, the Medicare HOPE Act would implement a three-year transition to limit losses as a result of HCFA's PPS. Any new payment system must include a transition mechanism to enable hospitals to gradually adjust to the new PPS.

Second, the Medicare HOPE Act would increase payments for emergency room and clinic visits. One of the ways to help many of the essential city, suburban, and rural safety net hospitals with large losses due to the PPS is to increase payments for emergency room and clinic services. Emergency rooms provide life-saving care that is not available to Medicare beneficiaries in any other setting. These services are provided without consideration of one's ability to pay and it is essential that Medicare adequately reimburse hospitals for its share of emergency room services. Also, clinics provide many preventative and inexpensive services that monitor and manage the health status of Medicare beneficiaries. This results in lower utilization of more expensive health care services. Hospitals that have the highest share of clinic visits also treat the highest percentage of poor patients. For this reason, my legislation addresses the specific, unique needs of these hospitals.

Finally, the Medicare HOPE Act would rescind the annual 1 percent reduction in the outpatient PPS "inflation" update factor. Without this restoration, payments for outpatient services would be reduced by an additional 3 percent.

By introducing this bill today, I join many of my colleagues that have introduced or cosponsored legislation which recognizes that America's hospitals are heavily burdened by the unintended consequences of the BBA.

My legislation helps all types of hospitals across this country because HCFA's outpatient PPS hurts many hospitals across the country. The legislation offers a solution for my colleagues seeking relief for hospitals. This legislation is endorsed by the American Hospital Association and several State hospital associations including the Healthcare Association of New York State.

I urge all of my colleagues to join me in cosponsoring the Medicare HOPE Act.

RECOGNIZING THE 16TH ANNUAL CIRCLE CITY CLASSIC

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Ms. CARSON. Mr. Speaker, I rise today to bestow recognition on a wonderful event in my home town of Indianapolis. This weekend, the 16th annual Circle City Classic football game will be played in Indianapolis.

The Circle City Classic is the second largest college bowl game played between two historically black colleges. It features the Hampton Pirates and the Southern Jaguars this year.

Fans attending the game enjoy not only a competitive football game, but also a highly spirited and energetic battle of the school bands at half time.

Before the game, a parade through the streets of downtown Indianapolis further delights the thousands of people who line the parade route. With the sounds of music echoing throughout the community, the atmosphere in Indianapolis during the Classic weekend is truly exciting, memorable and a true classic.

The Circle City Classic is one of Indianapolis' treasures, and is a testament to the spirit, vision, and commitment of The Indiana Sports Corporation and Indiana Black Expo.

Mr. Speaker, I invite all of my colleagues to come to Indianapolis to experience the wonderful Circle City Classic.

TRIBUTE TO FRANK G. LUMPKIN, JR.

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. COLLINS. Mr. Speaker, Fort Benning, in Columbus, GA, is an important Army base associated with many distinguished individuals over time. It has received immunerable citations for its outstanding achievements. It is the home of the U.S. Army Infantry School and the U.S. Army School of the Americas. Some call it the biggest military school in the world, because it trains over 60,000 soldiers each year. Every infantry officer, enlisted man, and non-commissioned officer in the U.S. Army trains there at least once in his career. With a military population of 21,000, Ft. Benning is the home of the 75th Ranger Regiment, 3rd Brigade—3rd Infantry Division, the 29th Infantry Regiment, as well as an Infantry Training Brigade and a Basic Combat Training Brigade.

The base is associated with many famous soldiers. Gen. Dwight D. Eisenhower, Gen. George C. Marshall, Gen. Omar Bradley, Gen. George Patton and Gen. Colin Powell served there.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

However, one individual whose name has become part of the post's heritage actually had a short career as a soldier. His name, Frank G. Lumpkin, Jr., is interwoven with Ft. Benning's history. Mr. Lumpkin's name was there at the Fort's founding, and will be there into the future, for it graces the road that runs through the main post. Frank G. Lumpkin Jr. was only 10 years old when he accompanied his father to Washington in 1916. His father persuaded Congress to place a military base on the Chattahoochee. Two years later, Fort Benning was founded in connection with the Lumpkins, and that relationship remains until the present day.

Twenty-four years after that trip, Mr. Lumpkin himself served at Ft. Benning. It was World War II, and he was a captain in Gen. Patton's 2nd Armored division. Cpt. Lumpkin served from 1940 to 1946, but although his service in the army ended, his service to Ft. Benning did not.

In 1993, at the age of 90, Mr. Lumpkin heard the fort needed money to restore seven WW II-era buildings. Otherwise, they were slated for destruction. Mr. Lumpkin wrote a personal check for $100,000 to save the buildings. He told the commanding general at the time, Maj. Gen. John Hendrix, that the check was bad—he didn't have the money to make it good. Yet, he did make it good over time, by helping to raise money and resources to restore the structures.

Mr. Lumpkin and his family have consistently dedicated themselves to the preservation and betterment of Ft. Benning. They are a true inspiration to the rest of us. By their faithful efforts, they have made a significant contribution to this county and to its history. I would like to enter into the record this commendation of an old soldier who may have stacked arms in 1946, but has never, in the following half century, stopped fighting to preserve Ft. Benning and its heritage.

I salute you, Mr. Lumpkin, and I thank you for your contributions.

RECOGNIZING ST. BRIDGET'S ELEMENTARY, REED ELEMENTARY, AND HENRY ELEMENTARY SCHOOLS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize St. Bridget's Elementary School, Reed Elementary School, and Henry Elementary School for being selected as state champions, for their achievements in the President's Challenge Physical Fitness Award Program.

The State Championship Award is presented to schools with the highest number of students scoring at or above the 85th percentile on the President's Challenge. The Presidential Physical Fitness Award is a prestigious accomplishment, and in the 1998–1999 school year more than two million children nationwide earn this award.

Mr. Speaker, physical activity is an important component of the health and development of our future generation, and I hope you will join me in commending these schools for their dedication to quality physical education.

EXPRESSION OF DESIRE: TOO LITTLE, TOO LATE

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, today the Republicans continue their budgetary charade in an attempt to fool the American people into believing that they intend to save the Social Security surplus when they have already begun spending it. Their latest tactic has manifested itself in the form of a resolution "Expressing the Desire of the House Not to Spend any of the Social Security Budget Surplus and to Continue to Retire the Debt of the Public."

The truth is, this "expression of desire" is too little, too late. If Republicans truly believed their empty promises; if they truly intended to practice what they preach; they wouldn't be on the way to spending $27 billion of the Social Security surplus they desire to protect. The Congressional Budget Office reports that, by late summer, the Republican majority had already committed the entire $14.4 billion non-Social Security surplus, going so far as to end up with a budget deficit of $16 billion. As this deficit grows, the Social Security surplus shrinks.

There is an inverse relationship here, but my Republican friends on the other side of the aisle seem content with ignoring this fiscal reality and reverting to the dream world which brought us the $800 billion tax cut package. In light of these numbers, it would surprise anyone that there would be any money left over for massive tax cuts; yet the Republicans decided to spend their entire political collateral on spending these fictional funds while the debt continues to grow and the Social Security surplus continues to shrink. They spent all their time and energy on trying to pass this reckless tax cut package while the business of the people was completely neglected. These irresponsible actions have left us in the unnecessary, otherwise-avoidable position of having to vote for a Continuing Resolution yet again to keep the government funded because the Republicans didn't fulfill their fiscal duty to the American people.

Now that the tax cut has been rightfully vetoed by the President and the American people have voiced their opposition to spending money that doesn't exist, the Republican leadership decides to "Express Their Desire . . . Not to Spend any of the Social Security Surplus." They designate funding for a census that is mandated to occur every ten years as emergency spending, thus committing themselves to dipping into Social Security, and they continue their balance sheet gimmicks, thinking they'll get away with these tactics under the guise of false fiscal responsibility by passing today's resolution.

Mr. Speaker, I intend to vote for this resolution because I believe in it and because I believe my actions up to this point are a reflection of my commitment to saving Social Security and paying down the debt. I cannot, however, cast this vote on the resolution in question without identifying it as what it is: yet another Republican budget gimmick.

HONORING JAPANESE AMBASSADOR KUNIHKO SAITO FOR HIS EXTRAORDINARY CONTRIBUTIONS TO UNITED STATES-JAPANESE RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BEREUTER. Mr. Speaker, His Excellency Kunihko Saito, the Honorable Ambassador of Japan, is returning soon to the Ministry of Foreign Affairs in Tokyo upon completion of his assignment here. Prior to his departure, this Member wishes to recognize Ambassador Saito's extraordinary contributions to strengthening the friendship and alliance between the United States and Japan.

It is frequently remarked that there is no more important relationship in the world today than the relationship between the United States and Japan. Today, this relationship is stronger than ever and one of the reasons for that fact is the efforts of Ambassador Saito. During the three and a half years, he so ably represented his nation here, Ambassador Saito helped our two countries navigate a series of milestones that updated the terms of our security relationship for the post-cold war era through the new U.S.-Japan Defense Guidelines and our agreement to cooperate on research on ballistic missile defense because of the threats from North Korea. Moreover, Japan's contribution as host nation support for our armed forces stationed there remains the highest in the world.

We also have deepened our cooperation through the Common Agenda, including efforts to fight disease, control narcotics, protect endangered species, and preserve the environment. And while trade frictions will always exist even among the closest of friends, Ambassador Saito has made important contributions to bilateral negotiations aimed at opening Japan further to U.S. products through deregulation and to facilitating the kind of foreign direct investment to Japan that supports our exports.

As Chairman of the Asia and the Pacific Subcommittee of the House International Relations Committee, this Member extends to Ambassador Saito and to the friendly, gracious and diplomatically astute Mrs. Saito, the recognition and appreciation of the United States Congress for an important job extremely well done. We wish these two good Japanese friends continued success in all future endeavors and hope for future contact.

IN HONOR OF GLORIA KARPINSKI BATTISTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Gloria Karpinski Battisti, Immediate Past President, Catholic Charities Corporation Board, as she is honored for promoting her Polish Heritage through her outstanding accomplishments by the Polonia Foundation of Ohio, Inc.

Gloria Karpinski Battisti has dedicated a substantial portion of her life to helping others through social service. As an active member of the Cleveland community, Gloria Karpinski Battisti has led a remarkable career of civic, church, and ethnic service. Gloria has been involved in the Polish-American community through her position as Director of the Polonia Foundation of Ohio. She is also a member of the Polish Women's Alliance, the Alliance of Poles, and the Polish American Congress.

Through her resolute dedication and enthusiasm for helping others, Gloria Karpinski Battisti has participated and served with various groups and organizations. Most notably, Gloria Battisti served as the past Chairman of Catholic Charities. She was the first women elected to office in the Corporation and she served as Treasurer, Vice Chair and two terms as Chair.

I ask that my distinguished colleagues join me in commending Gloria Karpinski Battisti for her dedication, service, and leadership in the Cleveland Community. Our community has certainly been rewarded by true service displayed by Gloria Karpinski Battisti.

* * *

THANKS FOR TWENTY-THREE YEARS, GARY LIEBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize Gary Lieber. He is a man who has given a lifetime of government service. After 23 years with the post office he has decided to retire and in his words, "Do what he wants to do when he wants to do it."

Many years ago, when Gary began his service at the Glenwood Springs, Colorado Post Office, one rural carrier and three city carriers delivered all the mail to the community. In his years of service, he has seen the city grow to three rural routes and seven city carriers.

Gary Lieber worked every position in the post office, from overnight sorter, to supervisor, to examination specialist at the front counter. In working those many jobs, he has encountered many people and been a wonderful influence on all of them. One of those people, his daughter Kelly, decided five years ago to follow her father's footsteps and join the post office.

It is with this, Mr. Speaker, that I say thank you to Gary Lieber, for years of dedicated service to our government. For many years to come Gary's legacy of hard work and dedication will be remembered.

* * *

RECOGNIZING THE ACCOMPLISHMENTS OF PAUL MARTIN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to a dear friend and remarkable individual, Paul Martin, and to recognize him for his commitment to riparian restoration and education on his Stemple Creek ranch in the community of Two Rick in Sonoma County, California, the district I am privileged to represent. I truly wish I were able to join Paul, his family and their many friends at The Bay Institute's "Partners Protecting the Bay" Celebration tonight as Paul accepts the Carla Bard Bay Education Award. Paul was the first rancher willing to work with the 4th grade students of the Shrimp Project of Brookside School. Today, because of his vision and enthusiasm, there are increasing numbers of students and teachers doing creek restoration on Sonoma and Marin ranches each year.

It was in the winter of 1993 when the fourth graders asked Paul if they could plant willows at Stemple Creek on his property. They had begun a project to help save an endangered species, the California Freshwater Shrimp. Paul allowed the students to come on his property and plant willows, blackberries and other native plants along the creek. He worked with them every step of the way, digging the holes with the posthole digger, and watering the new plants with a bucket. He fenced off part of this land to protect the new plantings, temporarily giving up the land for grazing.

I have been to his ranch on Stemple Creek many times and have seen the students' excitement as they plant the willow sprigs. Those sprigs are now full-grown trees, shading the creek and providing homes for Valley quail, yellow warbler, California freshwater shrimp, spiders, duck and more.

We have learned so much from Paul. He is a marvelous teacher, and a great supporter of education. He is always thinking about how a particular experience will best benefit the children's education. He has taught suburban students and teachers about a rancher's life—the complex problems, the joys and the hard, hard work. He is wise and patient always taking time to explain things that are important.

Paul is modest about his gifts and his involvement, preferring to allow others to shine, but his influence is widespread. He has affected people's ideas about what is possible in education, even at a national/international level. The collaborative work begun on Stemple Creek has received local, national and international media attention and awards. Paul made this possible. The Shrimp Project shows that people who might have differing views—environmentalists, ranchers, students, biologists, teachers, businesspeople—don't have to agree on everything, but can still work together to achieve some common goals. These new relationships result in increased understanding, tolerance and appreciation of everyone involved.

Because of Paul's generosity, his ranch is now a model of cooperation between a rancher and environmental project students and teachers. Because of his dedication to this community and to education, other ranchers and teachers are inspired to take part in this kind of cooperative effort. One class has become 90 classes. The Shrimp Project continues today as the STRAW (Students and Teachers Restoring A Watershed) Project, facilitated by The Bay Institute and the Center for Ecoliteracy. As the creek gets healthier, the community is enriched and enlightened. As the students plant at other ranchers in Marin and Sonoma counties, Paul continues to be an important voice for collaborative restoration and is a model for so many others.

SENATE—*Friday, October 1, 1999*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Winford L. Hendrix, Vienna Baptist Church, Vienna, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Winford L. Hendrix, offered the following prayer:

May we pray together, please.

On behalf of this assembly, Lord, thank You for another week of their service in Your kingdom and for our beloved country. And today we pray that You will grant the kind of understanding which will enable this Senate to see beneath the surface and identify the implications, consequences, and benefits of the decisions they shall make. May each Senator sense Your divine leadership in determining what is well founded, fair, and equitable; indeed, what is for the good of all the citizens of this great land. And I pray that You may reward all who respond to Your divine prompting with an inner sense of peace and fulfillment. In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the distinguished President pro tempore.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, let me comment at the outset what a great pleasure it is to see you opening the Senate again this morning, looking hale and hardy. We keep moving the time earlier and earlier; but no matter how early it is, you are always here first.

The PRESIDENT pro tempore. I thank the Senator very much.

SCHEDULE

Mr. SPECTER. On behalf of the leader, I have been asked to announce that we will now begin 30 minutes of debate on the amendment offered by the distinguished Senator from Maine, Ms. COLLINS, regarding diabetes. Following that debate, the Senate will proceed to a vote on the amendment at approximately 9:30 a.m.

The Senate is expected to continue consideration of the Labor-HHS bill during today's session. Senators who still intend to offer amendments to the bill are encouraged to work with the managers to schedule time for those amendments. Following the Labor-HHS bill today, there will be a period of morning business.

The leader advised me last night that the Senate will be proceeding to other business on Monday and Tuesday and that we will return to the Labor-HHS bill on Wednesday.

There are a great many amendments pending. As the chairman of the full committee announced yesterday, it is his intention, and for that matter, mine, too, to challenge any amendments which violate rule XVI; that is, to offer legislation on an appropriations bill. I encourage all Senators to consult with me or have their staffs consult with committee staff to work out time agreements and sequencing so that when the amendment is called we can move to it as promptly as possible.

The leader called my attention to the fact that following next week's session, we will be on the holiday for Columbus Day, so there may be some motivation for people to want to get the Senate business in order to be concluded as promptly as possible before the start of that 3-day weekend.

I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Also, under the previous order, the Senate will now resume consideration of S. 1650, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized to offer amendment No. 1824 on which there will be 30 minutes of debate equally divided.

The Senator from Maine.

Ms. COLLINS. I thank the Chair.

AMENDMENT NO. 1824

(Purpose: To express the sense of the Senate that diabetes and its resulting complications have had a devastating impact on Americans of all ages in both human and economic terms, and that increased support for research, education, early detection, and treatment efforts is necessary to take advantage of unprecedented opportunities for progress toward better treatments, prevention, and ultimately a cure)

Mr. President, I do call up amendment No. 1824, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BREAUX, and Mr. GRASSLEY, proposes an amendment numbered 1824.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. ——. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the "epidemic of our time".

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that "many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers".

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Michigan, Mr. ABRAHAM, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

Mr. President, I am pleased to join my co-chair of the Senate Diabetes Caucus, Senator BREAUX, as well as the chairman of the Senate Special Committee on Aging, Senator GRASSLEY, and the distinguished Senator from Michigan, Mr. ABRAHAM, in introducing a sense-of-the-Senate resolution to help address the devastating impact of diabetes and its resulting complications on Americans of all ages.

This resolution calls for increased support for diabetes research, education, early detection, and treatment. Diabetes research has been underfunded in recent years. It is imperative that we increase our commitment in order to take full advantage of the unprecedented and exciting scientific opportunities that we have as the millennium approaches for advances leading to better detection, treatment, prevention, and ultimately a cure for this devastating disease.

Diabetes is a very serious condition that affects people of every age, race, and nationality. Here in America, 16 million people suffer from diabetes, and about 800,000 new cases are diagnosed each year.

Moreover, diabetes frequently goes undiagnosed. Of the 16 million Americans with diabetes, it is estimated that 5.4 million do not realize they have this very serious condition.

Diabetes is one of our Nation's most costly diseases, both in human and economic terms. It is the sixth deadliest disease in the United States and kills almost 200,000 Americans annually. It is the leading cause of kidney failure, of blindness in adults, and amputations. It is a significant risk factor for heart disease, stroke, and birth defects. The disease shortens the average life expectancy by up to 15 years

Moreover, it is very costly in financial terms as well. Diabetes costs the Nation in excess of $105 billion annually in health-related expenditures. At present, more than 1 out of every 10 dollars that we spend on health care is related to treating people with diabetes. About 1 out of 4 Medicare dollars are used to treat people with diabetes. Indeed, more than 40 billion in tax dollars is spent each year treating people with diabetes through Medicare, Medicaid, veterans' health, and Federal employees' programs.

Unfortunately, there currently is no way to prevent or to cure diabetes. Available treatments have had only limited success in controlling the devastating consequences of this disease. This problem is made all the more complex by the fact that diabetes is not a single disease, but rather it occurs in several forms and the complications affect virtually every system of the body.

Children with type I diabetes face a lifetime of multiple daily finger pricks to check their blood sugar levels, daily insulin injections, and the possibility of lifelong complications, including kidney failure and blindness, which can be deadly, can be disabling.

Older Americans with diabetes also can be disabled by the multiple complications of the disease.

Every year, the Juvenile Diabetes Foundation hosts a children's congress in Washington, DC. They bring children from all over this Nation to put a human face on the consequences of type I diabetes.

Recently, I had the opportunity to meet a courageous 8-year-old boy from North Yarmouth, ME. Nathan Reynolds is an active young boy. He loves school, biking, swimming, and baseball, and he particularly likes collecting old coins. He is also suffering from type I diabetes. He was diagnosed about 2 years ago, and it has completely changed his life and the life of his family.

He has had to learn how to check his blood. In fact, his 4-year-old brother reminds him to do it before each meal. He has to give himself an insulin shot or get his teacher or the school nurse or his parents to help him do so. Nathan can never take a day off from his disease. It does not matter whether it is Christmas or his birthday, he still has to prick his finger and check his blood sugar. He still has to inject himself with insulin in order to keep relatively healthy.

I will never forget the story a teacher told me of all the children in her class making a wish for Christmas. Some of them wished for a new toy, one wished for a pony, another wished to go to Disney World. But one little boy who had juvenile diabetes made the wish that he could just have Christmas without having to give himself "yucky" shots.

That story touched me deeply, and it hit home with the fact that this is a lifelong condition for children who are diagnosed with type I diabetes.

I will also never forget the anguish on a young mother's face who told me her 5-year-old son had just been diagnosed with diabetes. "How do I tell him?" she said. "How do I tell him he is going to have to have shots every day, that he is going to have to constantly prick his finger to check his blood sugar levels? How do I tell him what this means for him and for all of us who love him?"

There is also some good news. Exciting research is underway that should lead to medical breakthroughs for Nathan, for other children, and for adults who have type I and type II diabetes. Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depends upon identifying the factors responsible for the disease and developing new methods for treatment, prevention, and ultimately a cure.

The next decade holds tremendous potential and promise for diabetes research. Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advancements that might lead to better treatments, prevention, and a cure.

Earlier this year, the congressionally mandated diabetes research working group, an independent panel composed of 12 scientific experts of diabetes and 4 representatives of the lay diabetes communities, issued an important report. It is called "Conquering Diabetes: A Strategic Plan for the 21st Century." This important report details the magnitude of the problem, and it lays out a comprehensive plan for research conducted by the National Institutes of Health on diabetes.

In this report, the diabetes working group found, "Many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms and a shortage of trained researchers."

The report also concluded that the current level of funding, the level of effort, and the scope of diabetes research falls far short of what is needed to capitalize on these promising opportunities. The funding level, the report found, is so far short of what is required to make progress on this complex and difficult problem.

The report goes on to recommend a funding level of $827 million for diabetes research at NIH in fiscal year 2000, and, indeed, many of our colleagues signed a letter to the Appropriations Committee requesting an appropriation of just that level to be included to advance the goals of this legislation.

I am a strong supporter of increased research and of efforts to double our investment in biomedical research over the next few years. There is simply no investment that would yield greater returns for the American taxpayers, and the commitment of the bill before us of an additional $2 billion in funding for NIH, which represents nearly a 13-percent increase, will bring us so much closer to that goal. This strategy is particularly important as we move into the next century when our public health and disability programs will be under increasing strains due to the aging of our population.

I am also very pleased and commend the chairman of the subcommittee, Senator SPECTER, and the ranking minority member, Senator HARKIN, for including very strong language in the report accompanying this bill which recognizes that diabetes research has been underfunded in the past and directs that funding for diabetes be increased at the National Institute for Diabetes and Digestive and Kidney Disease and other NIH institutes. Again, the chairman of the Appropriations Committee, Senator STEVENS, and the chairman and ranking member of the subcommittee, Senator SPECTER and Senator HARKIN, have all been tremendous advocates for people with diabetes and are to be commended for their strong leadership in this effort.

The amendment I am offering today does not earmark a particular funding level for diabetes research. Rather, it is intended to heighten awareness of the devastating impact of this disease, and it is intended to affirm that diabetes research is a high priority. Most of all, the amendment expresses the clear intent of the Senate that the National Institutes of Health should substantially increase its investment in the fight against diabetes along the lines recommended in this landmark report, the $827 million recommendation.

We must ensure that sufficient resources are available to take full advantage of the extraordinary and unprecedented scientific opportunities identified by the diabetes working group. If we do so, we can better understand and ultimately conquer this devastating disease.

I thank the Chair for his attention. I hope all of my colleagues will join us in supporting this resolution to send a clear signal that we are committed to conquering diabetes.

I reserve any remaining time I may have left.

Mr. GRASSLEY. Mr. President, I rise today in support of the sense-of-the-Senate resolution regarding diabetes. I thank my colleagues from Maine for sponsoring this resolution. Senator COLLINS and I were among the original co-founders of the Senate Diabetes Caucus and have worked together to raise awareness of the disease and the need for a cure.

Diabetes is a devastating illness that affects people of every age, race, and nationality. More than sixteen million Americans suffer from diabetes and 800,000 new cases are diagnosed each year. Diabetes is also a leading chronic illness affecting children, a special population with which it places an especially heavy burden.

Although many people with diabetes are able to survive with multiple daily injections of insulin, it is not a cure for this dreaded disease. Despite the availability of insulin, diabetes continues to cause serious health complications, including kidney failure and blindness, and it is the cause of nearly 200,000 deaths per year.

Diabetes costs our nation nearly $100 billion each year in direct and indirect costs. In fact, more than forty billion tax dollars are spent each year in treating people with diabetes through Medicare, Medicaid, veterans and federal employees health benefits.

Past investments in diabetes research at the National Institutes for Health (NIH) are beginning to show real promise for a cure and the number of research opportunities in the field continue to expand. We now stand at a pivotal juncture in the fight to cure diabetes and its complications.

A report released in February by the congressionally mandated Diabetes Research Working Group (DRWG) called upon NIH to substantially expand its support for diabetes research and has identified specific research recommendations as part of a new national plan to find a cure.

On April 26, 1999, a letter signed by myself, Senator COLLINS, and 37 of our colleagues was sent to Chairman SPECTER and Ranking Member HARKIN in requesting increased funding for diabetes research within NIH in accordance with the DRWG report. And, it is clear from the work of the Senate Appropriations Committee that diabetes has not been neglected. Therefore, in an effort to bolster the work of the committee, and I believe rightly so, this resolution is being introduced today to send a clear signal to all Americans that diabetes is a serious concern of the United States Senate.

We have not yet found a cure for diabetes. But, I am confident that in time and with sufficient support, a cure will be found and we will be able to declare victory over this debilitating disease.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the distinguished Senator from Maine, Ms. COLLINS, for offering this amendment. I agree with her that the amendment will appropriately focus attention on the problems of diabetes, especially among the young people in America.

I thank Senator COLLINS for noting the work of the subcommittee and the full committee in moving ahead with funding on this important ailment and, as she noted, with the very strong language that is present in the bill encouraging the National Institutes of Health to move forward.

I think it appropriate to note for the record that on June 22 of this year we had a special hearing on diabetes. At that time, we had testimony from officials at the National Institutes of Health, the Director, Dr. Harold Varmus; Dr. Phillip Gorton, the Director of the Institute of Diabetes and Digestive and Kidney Diseases; as well as a number of others.

It is very important to put a human face on the issue, as Senator COLLINS did with the specific reference in her speech to the youngsters. At that time, we had coming forward the celebrity, Mary Tyler Moore, a juvenile diabetic; Mr. Tony Bennett, the famous singer, the grandfather of a child with diabetes; Mr. Alan Silvestri, a composer and father of a child with diabetes; and also our distinguished colleague, Senator STROM THURMOND, who has a daughter with diabetes.

It is a curious factor, but a fact of life nonetheless, that when people of celebrated stature come and testify, there is more public understanding of the ailment and more willingness to face up to it in the appropriations process.

In order to carry forward on what this sense-of-the-Senate resolution requests—and I feel confident in predicting it will pass 90-something to nothing; the only open question is how many Senators will be present to vote for it; I think it will be a unanimous vote, but our ability to carry that forward depends upon what we appropriate.

In the bill currently pending, we have an increase in NIH funding of $2 billion. That is a tremendous sum of money. We have a bill which is $4 billion higher than last year's bill, with the funding coming largely for education, where we have an increase of $2.3 billion. In assessing the priorities in education, we have put in more than $500 million more than the President's request. We have in excess of $35 billion for education.

When it comes to health care, Senator HARKIN and I have taken the lead in adding $2 billion, as we did last year. When we have assessed those priorities, it has made it necessary to reduce funding on some other proposals. I found myself in a very unique position in managing this bill. I have voted against amendments I never voted against before. I voted against an amendment to add $200 million on class size, which I would like to have supported. The bill continues the funding at $1.2 billion. If we added the $200 million on class size, in addition to the $1.2 billion, there would not be room for funding for NIH, for programs such as diabetes.

Then we had an amendment come up on afterschool programs, again, a request for $200 million more. There is $200 million in the current budget, and Senator HARKIN and I took the lead of adding $200 million to bring it to $400 million. I would like to have more for afterschool programs, but I had to vote against that amendment, because if we add $200 million more to afterschool programs, it has to come from some place. And NIH is a big target out there. The amendment adding the $200 million for afterschool programs was offered by the Senator from California, Mrs. BOXER.

Then Senator DODD offered an amendment to add about $900 million more to day care. I have always supported. But again, when you have a bill of $91.7 billion, which is at the breaking point as to what this body will pass—and I think there is a question as to whether we will have 51 votes for that because it is a lot of money, although staying within the caps—again with great reluctance, I could not support Senator DODD's amendment on day care.

Then we had a very important social service block grant, again where it is a matter of priorities. When it comes to health, I believe there is no higher priority. I have said with some frequency that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government.

In my position as chairman of the subcommittee, which has the baseline responsibility to fund the National Institutes of Health—and Senator HARKIN has the same consideration—we receive requests constantly from people who have Parkinson's—we had a hearing this week on Parkinson's disease. We had a hearing on prostate cancer, a special concern on breast cancer, heart ailments, a very large number of unknown diseases.

I said on the floor yesterday that Senator HARKIN is very frequently lobbied when he gets on the plane between Washington and Des Moines. I find a lot of people with unique ailments on the Metroliner between Washington and Philadelphia.

As Senator COLLINS has brought forward the issue this morning, I think it is a very profound message. But to accomplish what Senator COLLINS seeks, we have to appropriate the increase of $2 billion. Even then, if there are 10 doors with research projects behind them, 7 of those doors will not be opened, even with funding NIH at a level of $17.6 billion.

So again, I thank my colleague from Maine—carrying on the great tradition of Maine Senators.

I yield the floor, leaving her the remainder of the time before 9:30 to close.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I again salute the Senator from Pennsylvania for his tremendous commitment to medical research. Without his leadership, we would not see the kinds of advancements that are being made. I thank him for his support.

Mr. President, I ask unanimous consent the Senator from Ohio, Mr. DEWINE, and the Senator from Arkansas, Mr. HUTCHINSON, be added as cosponsors to my sense-of-the-Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, we are on the edge of an exciting breakthrough in the treatment and ultimately the prevention and cure of diabetes. That is why I am so excited by the possibility of a significant increase in research in this area.

As the chairman of the Senate Diabetes Caucus, I have had the opportunity to visit some of the leading-edge research labs that are doing work on diabetes. I have visited Jackson Labs in Bar Harbor, MA, where very exciting research is ongoing into the causes of both type I and type II diabetes. I am very proud of the contributions made by these distinguished scientists in my home State.

In addition, I have had the pleasure of visiting the JDF Foundation Center at Harvard Medical School, where there is also tremendous research underway. I am convinced, with the kind of increased commitment called for by my resolution, and indicated in the Appropriations Committee's report, that we can in fact break through and reach a cure for this devastating disease.

Mr. President, I do not know whether there is any other request for time. It is my understanding the vote is scheduled for 9:30. We have reached that hour.

Mr. President, seeing no one seeking further time to speak, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back? Does the Senator from Pennsylvania yield back the remaining time?

Mr. SPECTER. I do, Mr. President. The hour is 9:30. I think we are set for the vote.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the Collins amendment No. 1824. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I also announce that the Senator from Michigan (Mr. LEVIN) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote "no."

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine

Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Lott
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone

NOT VOTING—7

Boxer
Levin
Lugar
Mack
McCain
Thomas
Wyden

The amendment (No. 1824) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered

MEDICARE BENEFICIARY ACCESS TO CARE ACT OF 1999

Mr. DASCHLE. Mr. President, 2 years ago, we passed the Balanced Budget Act. It was a monumental example of what Congress can achieve when we work together.

Not only did we end 30 years of deficit spending with the Balanced Budget Act, we also extended the life of the Medicare Part A Trust Fund by 13 years. And we added important new preventive benefits, including mammograms and Pap smears, for Medicare beneficiaries.

We made many changes that achieved a lot of good.

We also know now that we made some miscalculations.

Frankly, that is to be expected. Very often, when you make a lot of changes, you don't get everything right the first time.

But the miscalculations we made about Medicare in the Balanced Budget Act are causing real hardships for some of our most vulnerable citizens—hardships that cannot be justified on either financial or medical grounds. We did not anticipate these consequences when we passed the Balanced Budget Act. But now that we know about them, we have a responsibility to address them.

Today I am introducing the Medicare Beneficiary Access to Care Act of 1999.

This bill is not a comprehensive Medicare reform plan. Nor is it a wholesale revision of the Balanced Budget Act. Instead, it is a reasonable, targeted solution to certain specific problems with Medicare that Congress created inadvertently as part of the Balanced Budget Act.

Before I outline the specific remedies in my bill, I want to tell you about the real-life consequences of one of the changes we made to Medicare under the Balanced Budget Act.

Two years ago, Congress decided to limit how much Medicare would pay for rehabilitation therapy. The new limits are $1,500 a year per patient for physical and speech therapy combined, and another $1,500 for occupational therapy.

For some Medicare patients who need rehabilitation therapy, the new limits on payments are not a problem. But for Ruth Irwin, they are a nightmare.

A while back, Mrs. Irwin had to have one of her legs amputated because of complications of diabetes. With an incredible amount of effort and the help of regular physical therapy, Mrs. Irwin was learning how to walk with a prosthetic leg and two canes.

Her goal was to learn to walk with one cane, so she would have one hand free. She was on the verge of reaching that goal—when she hit the $1,500 physical-therapy limit. She couldn't afford to pay out-of-pocket, so she stopped seeing her physical therapist. Her condition deteriorated. A few months later, she tripped on a curb and broke three ribs. Ruth Irwin is not alone.

It is estimated that 1 in 7 Medicare recipients who need physical therapy—about 200,000 Americans—will hit the caps this year. These are mostly patients who are recuperating from amputations, strokes, and head trauma, and people who suffer from serious degenerative diseases such as multiple sclerosis, Alzheimer's, and Parkinson's disease.

Mr. President, between 1990 and 1996, Medicare spending on rehabilitation therapy grew 18 percent a year, to $1 billion. We had good reason to try to curb that growth. But we now know, we chose the wrong way to accomplish our goal. It's wrong to force stroke victims in nursing homes to decide whether they want to learn how to walk or talk. The Medicare Beneficiary Access to Care Act repeals the current, arbitrary caps rehabilitation therapy and replaces it with limits based on individual patients' specific needs.

It also makes a number of other, targeted adjustments.

First: It adjusts the new payment system for nursing homes and skilled nursing facilities to better reflect the increased costs of caring for very sick patients.

Second: It postpones additional cuts in home health care payments for two years and addresses the more serious problems that have come to light while the current "interim payment system" has been in place.

Third: It protects hospitals from crippling losses they might otherwise suffer as the result of a new Medicare payment system for outpatient medical services.

This protection is especially important for people who depend on rural hospitals—like Mobridge Hospital, in Mobridge, South Dakota. Mobridge Hospital is the only source of inpatient hospital care for 100 miles. If it were forced to drastically reduce its services, or close, that would have a devastating impact on scores of communities. Because they serve a population that is generally older and less wealthy than average, America's rural hospitals operate on lower profit margins, and they have virtually no margin for error. They need the relief that is in this bill.

A fourth area addressed by the bill are the deep cuts made by the BBA in payments to teaching hospitals. Major teaching hospitals represent only 6% of all hospitals. But they account for 70% of the burn units in America, more than half of the pediatric intensive care units, and they provide 44% of the indigent care in this country. The bill moderates these cuts.

When you combine other BBA cuts in payments with reductions in payments for indirect medical education, nearly half of America's major teaching hospitals are projected to lose money during the next few years. We cannot sacrifice the high-quality care, teaching, and research activities these hospitals provide. We must make this fix, and keep these hospitals whole. This bill does it.

Fifth, Mr. President, the Medicare Beneficiary Access to Care Act provides new protections for seniors enrolled in Medicare+Choice, when their plan pulls out of their community.

Finally, the bill includes additional provisions to protect access to rural hospitals, hospice care, community health centers, and rural health clinics.

As I said, this is not a comprehensive solution to Medicare. There are still many questions we must work together to answer. How can we add the prescription drug plan both our parties—and the vast majority of Americans—say we support? How can we make sure Medicare remains solvent when the Baby Boomers retire—and beyond?

These are questions that must be answered. They are important and must be addressed in legislation that falls outside the purview of the bill we introduce today. But make no mistake, they are high priorities, and ones which will not go away, and will be addressed in future bills.

For now, though, there is no question that we made some miscalculations in 1997, when we changed the way Medicare pays for certain services. There is no question that those miscalculations are causing real hardships today for some of America's sickest and frailest citizens, and for the institutions that care for them. And there should be no delay in correcting those miscalculations.

We should make these changes not just because of the human suffering they are causing. There are compelling economic reasons to make them as well. That is the other part of Ruth Irwin's story. As a result of her three broken ribs, Mrs. Irwin received regular visits by a registered nurse and a home health aide—all paid for by Medicare. She also received physical therapy three times a week.

The bottom line: Her recovery was far longer, more painful—and more costly—than it needed to be. We did a lot of good in 1997. We made some tough decisions that added years of solvency to Medicare, and enabled us to add life-saving new preventive benefits. But we also made some miscalculations.

We didn't know at the time the harsh consequences some of these miscalculations would have.

Now that we do, we need to correct them—the sooner, the better. So I urge all my colleagues to support this bill and to work with us to ensure its prompt consideration and passage.

This legislation was the result of a tremendous amount of work by a number of our colleagues. This is clearly a team effort. I thank in particular Senator MOYNIHAN for his extensive efforts to help us draft and craft this legislation. His expertise was invaluable in making very important decisions. I thank Senators MIKULSKI and DURBIN and KERREY for their commitment to solving the problem. I thank Senator JACK REED for his help on home health and Senators BAUCUS and CONRAD for their efforts on rural health. I thank especially Senator ROCKEFELLER and the distinguished senior Senator from Massachusetts for their commitment to access to health care, to education, and to the array of issues they have raised throughout the work we have done on this bill to this date.

Mr. President, I now yield the floor and again thank Senator KENNEDY and others for their efforts on the floor this morning.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Beneficiary Access to Care Act of 1999".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.

TITLE I—HOSPITALS

Sec. 101. Multiyear transition to prospective payment system for hospital outpatient department services.
Sec. 102. Limitation in reduction of payments to disproportionate share hospitals.
Sec. 103. Changes to DSH allotments and transition rule.
Sec. 104. Revision of criteria for designation as a critical access hospital.
Sec. 105. Sole community hospitals and medicare dependent hospitals.

TITLE II—GRADUATE MEDICAL EDUCATION

Sec. 201. Revision of multiyear reduction of indirect graduate medical education payments.
Sec. 202. Acceleration of GME phase-in.
Sec. 203. Exclusion of nursing and allied health education costs in calculating Medicare+Choice payment rate.
Sec. 204. Adjustments to limitations on number of interns and residents.

TITLE III—HOSPICE CARE

Sec. 301. Increase in payments for hospice care.

TITLE IV—SKILLED NURSING FACILITIES

Sec. 401. Modification of case mix categories for certain conditions.
Sec. 402. Exclusion of clinical social worker services and services performed under a contract with a rural health clinic or Federally qualified health center from the PPS for SNFs.
Sec. 403. Exclusion of certain services from the PPS for SNFs.
Sec. 404. Exclusion of swing beds in critical access hospitals from the PPS for SNFs.

TITLE V—OUTPATIENT REHABILITATION SERVICES

Sec. 501. Modification of financial limitation on rehabilitation services.

TITLE VI—PHYSICIANS' SERVICES

Sec. 601. Technical amendment to update adjustment factor and physician sustainable growth rate.
Sec. 602. Publication of estimate of conversion factor and MedPAC review.

TITLE VII—HOME HEALTH

Sec. 701. Delay in the 15 percent reduction in payments under the PPS for home health services.
Sec. 702. Increase in per visit limit.
Sec. 703. Treatment of Outliers.
Sec. 704. Elimination of 15-minute billing requirement.
Sec. 705. Recoupment of overpayments.
Sec. 706. Refinement of home health agency consolidated billing.

TITLE VIII—MEDICARE+CHOICE

Sec. 801. Delay in ACR deadline under the Medicare+Choice program.
Sec. 802. Change in time period for exclusion of Medicare+Choice organizations that have had a contract terminated.
Sec. 803. Enrollment of medicare beneficiaries in alternative Medicare+Choice plans and medigap coverage in case of involuntary termination of Medicare+Choice enrollment.
Sec. 804. Applying medigap and Medicare+Choice protections to disabled and ESRD medicare beneficiaries.
Sec. 805. Extended Medicare+Choice disenrollment window for certain involuntarily terminated enrollees.
Sec. 806. Nonpreemption of State prescription drug coverage mandates in case of approved State medigap waivers.
Sec. 807. Modification of payment rules for certain frail elderly medicare beneficiaries.
Sec. 808. Extension of medicare community nursing organization demonstration projects.

TITLE IX—CLINICS

Sec. 901. New prospective payment system for Federally-qualified health centers and rural health clinics under the medicaid program.

TITLE I—HOSPITALS

SEC. 101. MULTIYEAR TRANSITION TO PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395(t)) is amended by adding at the end the following:

"(10) MULTIYEAR TRANSITION.—

"(A) IN GENERAL.—In the case of covered OPD services furnished by a hospital during a transition year, the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital for the transition year equals the applicable percentage of the payment to cost ratio of the hospital for 1996.

"(B) PAYMENT TO COST RATIO.—

"(i) IN GENERAL.—The payment to cost ratio of a hospital for any year is the ratio which—

"(I) the hospital's reimbursement under this part for covered OPD services furnished during the year, including through cost-sharing described in subparagraph (D)(ii), bears to

"(II) the cost of such services.

"(ii) CALCULATION OF 1996 PAYMENT TO COST RATIO.—The Secretary shall determine each hospital's payment to cost ratio for 1996 as if the amendments to this title by the provisions of section 4521 of the Balanced Budget Act of 1997 were in effect in 1996.

"(iii) TRANSITION YEARS.—The Secretary shall estimate each payment to cost ratio of a hospital for any transition year before the beginning of such year.

"(C) INTERIM PAYMENTS.—

"(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any transition year for which the Secretary estimates a payment is required under subparagraph (A).

"(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any transition year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

"(D) DEFINITIONS.—In this paragraph:

"(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means, with respect to covered OPD services furnished during—

"(I) the first full year (and any portion of the immediately preceding year) for which the prospective payment system under this subsection is in effect, 95 percent;

"(II) the second full calendar year for which such system is in effect, 90 percent; and

"(III) the third full calendar year for which such system is in effect, 85 percent.

"(ii) COST-SHARING.—The term 'cost-sharing' includes—

"(I) copayment amounts described in paragraph (5);

"(II) coinsurance described in section 1866(a)(2)(A)(ii); and

"(III) the deductible described under section 1833(b).

"(iii) TRANSITION YEAR.—The term 'transition year' means any year (or portion thereof) described in clause (i).

"(E) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

"(F) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The transitional payments made under this paragraph—

"(i) shall not be considered an adjustment under paragraph (2)(E); and

"(ii) shall not be implemented in a budget neutral manner.".

(b) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—Section 1833(t) (42 U.S.C. 1395(t)), as amended by subsection (a), is amended by adding at the end the following:

"(11) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—

"(A) IN GENERAL.—For each year (or portion thereof), beginning in 2000, in the case of covered OPD services furnished by a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv)), a sole community hospital (as defined in section 1886(d)(5)(D)(iii)), or in a hospital described in section 1886(d)(1)(B)(v), the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital (as determined pursuant to paragraph (10)(B)) for the year equals the payment to cost ratio of the hospital for 1996 (as calculated under clause (ii) of such paragraph).

"(B) INTERIM PAYMENTS.—

"(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any year for which the Secretary estimates a payment is required under subparagraph (A).

"(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

"(C) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

"(D) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The payments made under this paragraph—

"(i) shall not be considered an adjustment under paragraph (2)(E); and

"(ii) shall not be implemented in a budget neutral manner.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4523 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 445).

SEC. 102. LIMITATION IN REDUCTION OF PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (II)—

(A) by striking "fiscal year 1999," and inserting "each of fiscal years 1999, 2000, 2001, and 2002,"; and

(B) by inserting "and" after the semicolon;

(2) by striking subclauses (III), (IV), and (V); and

(3) by redesignating subclause (VI) as subclause (III).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 4403 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 398).

SEC. 103. CHANGES TO DSH ALLOTMENTS AND TRANSITION RULE.

(a) CHANGE IN DISPROPORTIONATE SHARE HOSPITAL ALLOTMENTS.—Section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended, in the table contained in such section and in the DSH Allotments for fiscal years 2000, 2001, and 2002—

(1) for Minnesota, by striking "16" and inserting "33";

(2) for New Mexico, by striking "5" and inserting "9"; and

(3) for Wyoming, by striking "0" and inserting "0.1".

(b) MAKING MEDICAID DSH TRANSITION RULE PERMANENT.—Section 4721(e) of the Balanced Budget Act of 1997 is amended—

(1) in the matter before paragraph (1), by striking "1923(g)(2)(A)" and "1396r–4(g)(2)(A)" and inserting "1923(g)(2)" and "1396r–4(g)(2)", respectively;

(2) in paragraphs (1) and (2)—

(A) by striking ", and before July 1, 1999"; and

(B) by striking "in such section" and inserting "in subparagraph (A) of such section"; and

(3) by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following:

"(3) effective for State fiscal years that begin on or after July 1, 1999, 'or (b)(1)(B)' were inserted in 1923(g)(2)(B)(ii)(I) after '(b)(1)(A)'.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 104. REVISION OF CRITERIA FOR DESIGNATION AS A CRITICAL ACCESS HOSPITAL.

(a) CRITERIA FOR DESIGNATION.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i-4(c)(2)(B)(iii)) is amended by striking "to exceed 96 hours" and all that follows before the semicolon and inserting "to exceed, on average, 96 hours per patient".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 105. SOLE COMMUNITY HOSPITALS AND MEDICARE DEPENDENT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(B)(iv) (42 U.S.C. 1395ww(b)(3)(B)(iv)) is amended—

(1) in subclause (III), by striking "and" at the end;

(2) in subclause (IV)—

(A) by striking "fiscal year 1996 and each subsequent fiscal year" and inserting "fiscal years 1996 through 1999"; and

(B) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(V) for fiscal year 2000 and each subsequent fiscal year, the market basket percentage increase.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

TITLE II—GRADUATE MEDICAL EDUCATION

SEC. 201. REVISION OF MULTIYEAR REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended by striking subclauses (III), (IV), and (V) and inserting the following:

"(III) during each of fiscal years 1999, 2000, and 2001, 'c' is equal to 1.6; and

"(IV) on or after October 1, 2001, 'c' is equal to 1.35.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 4621 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 475).

SEC. 202. ACCELERATION OF GME PHASE-IN.

(a) ACCELERATION OF PAYMENT TO HOSPITALS OF INDIRECT AND DIRECT MEDICAL EDUCATION COSTS FOR MEDICARE+CHOICE ENROLLEES.—

(1) IN GENERAL.—Section 1886(h)(3)(D)(ii) (42 U.S.C. 1395ww(h)(3)(D)(ii)) is amended by striking subclauses (IV) and (V) and inserting the following:

"(IV) 100 percent in 2001 and subsequent years.".

(2) ACCELERATION OF CARVE-OUT.—Section 1853(c)(3)(B)(ii) (42 U.S.C. 1395w–23(c)(3)(B)(ii)) is amended—

(A) in subclause (III), by inserting "and" at the end;

(B) by striking subclause (IV); and

(C) by redesignating subclause (V) as subclause (IV).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 203. EXCLUSION OF NURSING AND ALLIED HEALTH EDUCATION COSTS IN CALCULATING MEDICARE+CHOICE PAYMENT RATE.

(a) EXCLUDING COSTS IN CALCULATING PAYMENT RATE.—

(1) IN GENERAL.—Section 1853(c)(3)(C)(i) (42 U.S.C. 1395w–23(c)(3)(C)(i)) is amended—

(A) in subclause (I), by striking "and" at the end;

(B) in subclause (II), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(III) for costs attributable to approved nursing and allied health education programs under section 1861(v).".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply in determining the annual per capita rate of payment for years beginning with 2001.

(b) PAYMENT TO HOSPITALS OF NURSING AND ALLIED HEALTH EDUCATION PROGRAM COSTS FOR MEDICARE+CHOICE ENROLLEES.—Section 1861(v)(1) (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following:

"(V)(i) In determining the amount of payment to a hospital for portions of cost reporting periods occurring on or after January 1, 2001, with respect to the reasonable costs for approved nursing and allied health education programs, individuals who are enrolled with a Medicare+Choice organization under part C shall be treated as if they were not so enrolled.

"(ii) The Secretary shall establish rules for applying clause (i) to a hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) in the same manner as it would apply to the hospital if it were not reimbursed under such section.''.

SEC. 204. ADJUSTMENTS TO LIMITATIONS ON NUMBER OF INTERNS AND RESIDENTS.

(a) INDIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended—

(1) by striking "(v) In determining" and inserting "(v)(I) Subject to subclause (II), in determining";

(2) by striking "in the hospital with respect to the hospital's most recent cost reporting period ending on or before December 31, 1996" and inserting "who were appointed by the hospital's approved medical residency training programs for the hospital's most recent cost reporting period ending on or before December 31, 1996"; and

(3) by adding at the end the following:

"(II) Beginning on or after January 1, 1997, in the case of a hospital that sponsors only 1 allopathic or osteopathic residency program, the limit determined for such hospital under subclause (I) may, at the hospital's discretion, be increased by 1 for each calendar year but shall not exceed a total of 3 more than the limit determined for the hospital under subclause (I).".

(b) DIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—

(1) LIMITATION ON NUMBER OF RESIDENTS.—Section 1886(h)(4)(F) (42 U.S.C. 1395ww(h)(4)(F)) is amended by inserting "who were appointed by the hospital's approved medical residency training programs" after "may not exceed the number of such full-time equivalent residents".

(2) FUNDING FOR PROGRAMS.—Section 1886(h)(4)(H)(i) (42 U.S.C. 1395ww(h)(4)(H)(i)) is amended in the second sentence, by inserting ", including facilities that are not located in an underserved rural area but have established separately accredited rural training tracks" before the period.

(c) GME PAYMENTS FOR CERTAIN INTERNS AND RESIDENTS.—

(1) INDIRECT AND DIRECT MEDICAL EDUCATION.—Each limitation regarding the number of residents or interns for which payment may be made under section 1886 of the Social Security Act (42 U.S.C. 1395ww) is increased by the number of applicable residents (as defined in paragraph (2)).

(2) APPLICABLE RESIDENT DEFINED.—In this subsection, the term "applicable resident" means a resident or intern that—

(A) participated in graduate medical education at a facility of the Department of Veterans Affairs;

(B) was subsequently transferred on or after January 1, 1997, and before July 31, 1998, to a hospital and the hospital was not a Department of Veterans Affairs facility; and

(C) was transferred because the approved medical residency program in which the resident or intern participated would lose accreditation by the Accreditation Council on Graduate Medical Education if such program continued to train residents at the Department of Veterans Affairs facility.

(d) EFFECTIVE DATE.—This section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE III—HOSPICE CARE

SEC. 301. INCREASE IN PAYMENTS FOR HOSPICE CARE.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii)(VI) (42 U.S.C. 1395f(i)(1)(C)(ii)(VI)) is amended by striking "through 2002" and inserting "and 1999".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4441 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 422).

TITLE IV—SKILLED NURSING FACILITIES

SEC. 401. MODIFICATION OF CASE MIX CATEGORIES FOR CERTAIN CONDITIONS.

(a) IN GENERAL.—For purposes of applying any formula under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for services provided on or after April 1, 2000, and before the earlier of October 1, 2001, or the date described in subsection (d), the Secretary of Health and Human Services shall increase the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section for services provided to any individual during the period in which such individual is in a RUG III category by the applicable payment add-on as determined in accordance with the following table:

RUG III category	Applicable payment add-on
RUB	$23.06
RVC	$76.25
RVB	$30.36
RHC	$54.07
RHB	$27.28
RMC	$69.98
RMB	$30.09
SE3	$98.41
SE2	$89.05
SSC	$46.80
SSB	$55.56
SSA	$59.94.

(b) UPDATE.—The Secretary shall update the applicable payment add-on under subsection (a) for fiscal year 2001 by the skilled nursing facility market basket percentage change (as defined under section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B))) applicable to such fiscal year.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the Secretary of Health and Human Services to include any applicable payment add-on determined under subsection (a) in updating the Federal per diem rate under section 1888(e)(4) of the Social Security Act (42 U.S.C. 1395yy(e)(4)).

(d) DATE DESCRIBED.—The date described in this subsection is the date that the Secretary of Health and Human Services—

(1) refines the case mix classification system under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) to better account for medically complex patients; and

(2) implements such refined system.

SEC. 402. EXCLUSION OF CLINICAL SOCIAL WORKER SERVICES AND SERVICES PERFORMED UNDER A CONTRACT WITH A RURAL HEALTH CLINIC OR FEDERALLY QUALIFIED HEALTH CENTER FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended—

(1) in the first sentence, by inserting "clinical social worker services," after "qualified psychologist services,"; and

(2) by inserting after the first sentence the following: "Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a qualified psychologist, or a clinical social worker who is employed, or otherwise under contract, with a rural health clinic or a Federally qualified health center.".

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after the date which is 60 days after the date of enactment of this Act.

SEC. 403. EXCLUSION OF CERTAIN SERVICES FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by section 402, is amended—

(1) in the first sentence, by inserting "ambulance services, services identified by HCPCS code in Program Memorandum Transmittal No. A–98–37 issued in November 1998 (but without regard to the setting in which such services are furnished)," after "subparagraphs (F) and (O) of section 1861(s)(2),"; and

(2) by inserting after the second sentence the following: "In addition to the services described in the previous sentences, services described in this clause include chemotherapy items (identified as of July 1, 1999, by HCPCS codes J9000–J9020, J9040–J9151, J9170–J9185, J9200–J9201, J9206–J9208, J9211, J9230–J9245, and J9265–J9600), chemotherapy administration services (identified as of July 1, 1999, by HCPCS codes 36260–36262, 36489, 36530–36535, 36640, 36823, and 96405–96542), radioisotope services (identified as of July 1, 1999, by HCPCS codes 79030–79440), and customized prosthetic devices (identified as of July 1, 1999, by HCPCS codes L5050–L5340, L5500–L5610, L5613–L5986, L5988, L6050–L6370, L6400–L6880, L6920–L7274, and L7362–L7366).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date which is 60 days after the date of enactment of this Act.

SEC. 404. EXCLUSION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(7) of the Social Security Act (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking "TRANSITION" and inserting "SPECIAL RULES";

(2) in subparagraph (A), by striking "IN GENERAL.—The" and inserting "TRANSITION.—Except as provided in subparagraph (C), the"; and

(3) by adding at the end the following:

"(C) EXEMPTION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM PPS.—The prospective payment system under this subsection shall not apply (and section 1834(g) shall apply) to services provided by a critical access hospital under an agreement described in subparagraph (B).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after October 1, 1999.

TITLE V—OUTPATIENT REHABILITATION SERVICES

SEC. 501. MODIFICATION OF FINANCIAL LIMITATION ON REHABILITATION SERVICES.

(a) 3-YEAR REPEAL.—Section 1833(g) (42 U.S.C. 1395l(g)) is amended by adding at the end the following:

"(4) Subject to paragraph (6), the provisions of paragraphs (1) through (3) shall not apply to outpatient physical therapy services, outpatient occupational therapy services, and outpatient speech-language pathology services covered under this title and furnished on or after January 1, 2000.

"(5)(A) Notwithstanding the preceding provisions of this subsection and subject to subparagraph (B), with respect to services described in paragraph (4) that are furnished on or after January 1, 2003, the Secretary shall implement, by not later than January 1, 2003, a payment system for such services that takes into account the needs of beneficiaries under this title for differing amounts of therapy based on factors such as diagnosis, functional status, and prior use of services.

"(B) The payment system established under subparagraph (A) shall be designed so that the system shall not result in any increase or decrease in the expenditures under this title on a fiscal year basis, determined as if paragraph (4) had not been enacted.

"(6) If the Secretary for any reason does not implement the payment system described in paragraph (5) on or before January 1, 2003, paragraph (4) shall not apply with respect to services described in such paragraph that are furnished on or after such date and before the date on which the Secretary implements such payment system.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE VI—PHYSICIANS' SERVICES

SEC. 601. TECHNICAL AMENDMENT TO UPDATE ADJUSTMENT FACTOR AND PHYSICIAN SUSTAINABLE GROWTH RATE.

(a) Update Adjustment Factor.—

(1) Change to calendar year basis.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

"(E) Publication.—The Secretary shall publish in the Federal Register—

"(i) not later than November 1 of each year (beginning with 1999), the conversion factor that will apply to physicians' services for the succeeding year and the update determined under paragraph (3) for such year; and

"(ii) not later than November 1 of 1999—

"(I) the special update for the year 2000 under paragraph (3)(E)(i); and

"(II) the estimated special adjustments for years 2001 through 2006 under paragraph (3)(E)(ii)."; and

(B) in paragraph (3)(C)—

(i) in the matter preceding clause (i), by striking "the 12-month period ending with March 31 of";

(ii) in clause (i)—

(I) by striking "1997" and inserting "1996,"; and

(II) by striking "such 12-month period" and inserting "1996"; and

(iii) in clause (ii)—

(I) by inserting a comma after "subsequent year"; and

(II) by striking "fiscal year which begins during such 12-month period" and inserting "year involved".

(2) Formula for determining the update adjustment factor.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "(divided by 100)," and inserting a period; and

(ii) by striking the matter following clause (ii);

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "the sum of" after "Secretary) to"; and

(ii) by striking clauses (i) and (ii) and inserting the following:

"(i) the figure arrived at by—

"(I) determining the difference between the allowed expenditures for physicians' services for the prior year (as determined under subparagraph (C)) and the actual expenditures for such services for that year;

"(II) dividing that difference by the actual expenditures for such services in that year; and

"(III) multiplying that quotient by 0.75; and

"(ii) the figure arrived at by—

"(I) determining the difference between the allowed expenditures for physicians' services (as determined under subparagraph (C)) from 1996 through the prior year and the actual expenditures for such services during that period, corrected with the best available data;

"(II) dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate under subsection (f) for the year whose update adjustment factor is to be determined; and

"(III) multiplying that quotient by 0.33."; and

(C) by amending subparagraph (D) to read as follows:

"(D) Restriction on update adjustment factor.—The update adjustment factor determined under subparagraph (B) for a year may not be less than negative 0.07 or greater than 0.03.".

(3) Special provisions.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "subparagraph (D)" and inserting "subparagraphs (D) and (E)"; and

(B) by adding at the end the following:

"(E) Special update and adjustments.—

"(i) Year 2000.—For the year 2000, the update under this paragraph shall be the percentage that the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred in that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.

"(ii) Years 2001-2006.—For each of the years 2001 through 2006, the Secretary shall make that adjustment to the update for that year which the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred for that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.".

(b) Sustainable Growth Rate.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Publication.—Not later than November 1 of each year (beginning with 1999), the Secretary shall publish in the Federal Register the sustainable growth rate as determined under this subsection for the succeeding year, the current year, and each of the preceding 2 years."; and

(2) in paragraph (2)—

(A) by striking "fiscal" each place it appears; and

(B) in the matter preceding subparagraph (A), by striking "year 1998" and inserting "1997".

(c) Data To Be Used in Determining the Sustainable Growth Rate.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Methodology.—For purposes of determining the update adjustment factor under subsection (d)(3)(B) and the allowed expenditures under subsection (d)(3)(C) for a year, the sustainable growth rate for each year taken into consideration in the determination under paragraph (2) shall be determined as follows:

"(A) For purposes of such calculations for the year 2000, the sustainable growth rate shall be determined on the basis of the best data available to the Secretary as of September 1, 1999.

"(B) For purposes of such calculations for each year after the year 2000—

"(i) the sustainable growth rate for such year and each of the 2 preceding years shall be determined on the basis of the best data available to the Secretary as of September 1 of such year; and

"(ii) the sustainable growth rate for each year preceding the years specified in clause (i) shall be the rate used for such year in such calculation for the immediately preceding year.".

(d) Effective Date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) No effect on updates for 1998 and 1999.—The amendments made by this section shall have no effect on the updates established by the Secretary for 1998 and 1999, and such established updates may not be changed.

SEC. 602. PUBLICATION OF ESTIMATE OF CONVERSION FACTOR AND MEDPAC REVIEW.

(a) Publication.—Not later than April 15 of each year (beginning in 2000), the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall publish in the Federal Register—

(1) an estimate of the single conversion factor to be used in the next calendar year for reimbursement of physicians services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4); and

(2) the data on which such estimate is based.

(b) MedPAC Review and Report.—

(1) Review.—The Medicare Payment Advisory Commission (in this section referred to as "MedPAC") shall annually review the estimates and data published by the Secretary pursuant to subsection (a).

(2) Report.—Not later than June 30 of each year (beginning in 2000), MedPAC shall submit a report to the Secretary and to the committees of jurisdiction in Congress on the review conducted pursuant to paragraph (1), together with any recommendations as determined appropriate by MedPAC.

TITLE VII—HOME HEALTH

SEC. 701. DELAY IN THE 15 PERCENT REDUCTION IN PAYMENTS UNDER THE PPS FOR HOME HEALTH SERVICES.

(a) Contingency Reduction.—Section 4603(e) of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note), as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking "September 30, 2000" and inserting "September 30, 2002".

(b) Prospective Payment System.—Section 1895(b)(3)(A) (42 U.S.C. 1395fff(b)(3)(A)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking clause (i) and inserting the following:

"(i) In general.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts). Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system—

"(I) for fiscal year 2001, shall be equal to the total amount that would have been made if the system had not been in effect;

"(II) for fiscal year 2002, shall be equal to the amount determined under subclause (I), updated under subparagraph (B); and

"(III) for fiscal year 2003, shall be equal to the total amount that would have been made for fiscal year 2001 if the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, and updated under subparagraph (B) for fiscal years 2001 and 2002.

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and wage levels among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.".

SEC. 702. INCREASE IN PER VISIT LIMIT.

(a) Interim Payment System.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by section 701(b), is amended—

(1) in subclause (IV), by striking "or";

(2) in subclause (V)—

(A) by inserting "and before October 1, 1999," after "October 1, 1998,"; and

(B) by striking the period and inserting ", or"; and

(3) by adding at the end the following:

"(VI) October 1, 1999, 112 percent of such median.".

(b) Ensuring the Increase in Per Visit Limit Has No Effect on the Prospective Payment System.—The second sentence of section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)), as amended by section 5101(c)(1)(B) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277) and section 701(b), is amended—

(1) in subclause (I), by inserting "but if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent" after "if the system had not been in effect"; and

(2) in subclause (III), by inserting "and if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent" after "clause (ii) had been in effect".

SEC. 703. TREATMENT OF OUTLIERS.

(a) Waiver of Per Beneficiary Limits for Outliers.—Section 1861(v)(1)(L) (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following:

"(ix)(I) Notwithstanding the applicable per beneficiary limit under clause (v), (vi), or (viii), but subject to the applicable per visit limit under clause (i), in the case of a provider that demonstrates to the Secretary that with respect to an individual to whom the provider furnished home health services appropriate to the individual's condition (as determined by the Secretary) at a reasonable cost (as determined by the Secretary), and that such reasonable cost significantly exceeded such applicable per beneficiary limit because of unusual variations in the type or amount of medically necessary care required to treat the individual, the Secretary, upon application by the provider, shall pay to such provider for such individual such reasonable cost.

"(II) The total amount of the additional payments made to home health agencies pursuant to subclause (I) in any fiscal year shall not exceed an amount equal to 2 percent of the amounts that would have been paid under this subparagraph in such year if this clause had not been enacted.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act, and shall apply to each application for payment of reasonable costs for outliers submitted by any home health agency for cost reporting periods ending on or after October 1, 1999.

SEC. 704. ELIMINATION OF 15-MINUTE BILLING REQUIREMENT.

(a) In General.—Section 1895(c) (42 U.S.C. 1395fff(c)) is amended to read as follows:

"(c) Requirements for Payment Information.—With respect to home health services furnished on or after October 1, 1998, no claim for such a service may be paid under this title unless the claim has the unique identifier (provided under section 1842(r)) for the physician who prescribed the services or made the certification described in section 1814(a)(2) or 1835(a)(2)(A)."

(b) Effective Date.—The amendment made by subsection (a) shall apply to claims submitted on or after the date which is 60 days after the date of enactment of this section.

SEC. 705. RECOUPMENT OF OVERPAYMENTS.

(a) 36-Month Repayment Period.—In the case of an overpayment by the Secretary of Health and Human Services to a home health agency for home health services furnished during a cost reporting period beginning on or after October 1, 1997, as a result of payment limitations provided for under clause (v), (vi), or (viii) of section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), the home health agency may elect to repay the amount of such overpayment ratably over a 36-month period beginning on the date of notification of such overpayment.

(b) No Interest on Overpayment Amounts.—In the case of an agency that makes an election under subsection (a), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(c) Termination.—No election under subsection (a) may be made for cost reporting periods, or portions of cost reporting periods, beginning on or after the date of the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) Effective Date.—The provisions of subsection (a) shall apply to debts that are outstanding as of the date of enactment of this Act.

SEC. 706. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.

(a) In General.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)" after "home health services".

(b) Conforming Amendment.—Section 1862(a)(21) (42 U.S.C. 1395y(a)(21)) is amended by inserting "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)" after "home health services".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 4603 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 467).

TITLE VIII—MEDICARE+CHOICE

SEC. 801. DELAY IN ACR DEADLINE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) Delay in Deadline for Submission of Adjusted Community Rates and Related Information.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)) is amended by striking "May 1" and inserting "July 1".

(b) Adjustment in Information Disclosure Provisions.—Section 1851(d)(2)(A)(ii) (42 U.S.C. 1395w–21(d)(2)(A)(ii)) is amended in the first sentence by inserting ", to the extent such information is available at the time of preparation of the material for mailing" before the period.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 802. CHANGE IN TIME PERIOD FOR EXCLUSION OF MEDICARE+CHOICE ORGANIZATIONS THAT HAVE HAD A CONTRACT TERMINATED.

(a) In General.—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended by striking "5-year period" and inserting "3-year period".

(b) Effective Date.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 1999.

SEC. 803. ENROLLMENT OF MEDICARE BENEFICIARIES IN ALTERNATIVE MEDICARE+CHOICE PLANS AND MEDIGAP COVERAGE IN CASE OF INVOLUNTARY TERMINATION OF MEDICARE+CHOICE ENROLLMENT.

(a) Permitting Enrollment in Alternative Plans Upon Receipt of Notice of Medicare+Choice Plan Termination.—

(1) Medicare+choice plans.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

"(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;".

(2) Medigap plans.—

(A) In general.—Section 1882(s)(3)(A) (42 U.S.C. 1395ss(s)(3)(A)) is amended in the matter following clause (iii)—

(i) by inserting "(92 days in the case of a termination or discontinuation of coverage under the types of circumstances described in section 1851(e)(4)(A))" after "63 days";

(ii) by inserting "(or, if elected by the individual, the date of notification of the individual by the plan or organization of the impending termination or discontinuance of the plan in the area in which the individual resides)" after "the date of the termination of enrollment described in such subparagraph"; and

(iii) by inserting "(or date of such notification)" after "the date of termination or disenrollment".

(B) Effective date.—The amendments made by this paragraph shall apply to notices of intended termination made by group health plans and Medicare+Choice organizations after the date of enactment of this Act.

(b) Guaranteed Access for Certain Medicare Beneficiaries to Medigap Policies in

Case of Involuntary Termination of Coverage Under a Medicare+Choice Plan.—

(1) In general.—Section 1882(s)(3)(C)(iii) (42 U.S.C. 1395ss(s)(3)(C)(iii)) is amended by inserting "or an individual described in clause (ii) or (iii) of subparagraph (B) in the case of circumstances described in section 1851(e)(4)(A)" after "subparagraph (B)(vi)".

(2) Effective date.—

(A) In general.—Subject to subparagraph (B), the amendment made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act.

(B) Transitional medigap open enrollment period for certain individuals affected by plan withdrawals.—In the case of an individual described in clause (ii) or (iii) of subparagraph (B) of section 1882(s)(3) of the Social Security Act in the case of circumstances described in section 1851(e)(4)(A) of such Act (relating to discontinuation of a plan or organization entirely or in an area), if the termination or discontinuation of coverage occurred after December 31, 1998, and before the date of enactment of this Act, the provisions of subparagraph (A) of section 1882(s)(3) such Act (in the matter up to and including clause (iii) thereof) shall apply to such an individual who seeks enrollment under a medicare supplemental policy during the 92-day period beginning with the first month that begins more than 30 days after the date of enactment of this Act in the same manner as such provisions apply to an individual described in the matter following such clause (iii).

SEC. 804. APPLYING MEDIGAP AND MEDICARE+CHOICE PROTECTIONS TO DISABLED AND ESRD MEDICARE BENEFICIARIES.

(a) Assuring Availability of Medigap Coverage.—

(1) In general.—Section 1882(s) (42 U.S.C. 1395ss(s)) is amended—

(A) in paragraph (2)(A), by striking "is 65 years of age or older and is" and inserting "is first";

(B) in paragraph (2)(D), by striking "who is 65 years of age or older as of the date of issuance and"; and

(C) in paragraph (3)(B)(vi), by striking "at age 65".

(2) Effective date.—The amendments made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act, regardless of when the individuals become eligible for benefits under part A or B of title XVIII of the Social Security Act.

(b) Permitting ESRD Beneficiaries To Elect Another Medicare+Choice Plan in Case of Plan Discontinuance.—

(1) In general.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B)) is amended by striking "except that" and all that follows and inserting the following: "except that—

"(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

"(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under section 1851(e)(4)(A) the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.".

(2) Effective date.—

(A) The amendment made by paragraph (1) shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

(B) Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by such amendment) also shall apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of enactment of this Act. In applying this subparagraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of enactment of this Act.

SEC. 805. EXTENDED MEDICARE+CHOICE DISENROLLMENT WINDOW FOR CERTAIN INVOLUNTARILY TERMINATED ENROLLEES.

(a) Previous Medigap Enrollees.—Section 1882(s)(3)(B)(v)(III) (42 U.S.C. 1395ss(s)(3)(B)(v)(III)) is amended—

(1) by inserting "(aa)" after "(III)";

(2) by striking the period and inserting ", or"; and

(3) by adding at the end the following:

"(bb) during the 12-month period described in item (aa), is disenrolled under the circumstances described in section 1851(e)(4)(A) from the organization described in subclause (II); enrolls, without an intervening enrollment, with another such organization; and subsequently disenrolls during such period (during which the enrollee is permitted to disenroll under section 1851(e)).".

(b) Initial Medigap Enrollees.—Section 1882(s)(3)(B)(vi) (42 U.S.C. 1395ss(s)(3)(B)(vi)), as amended by section 804(a)(1)(C), is amended—

(1) by striking "benefits under part A, enrolls" and inserting "benefits under part A—

"(I) enrolls";

(2) by striking the period and inserting ", or"; and

(3) by adding at the end the following:

"(II)(aa) enrolls in a Medicare+Choice plan under part C, which enrollment is terminated or discontinued under the circumstances described in section 1851(e)(4)(A), and

"(bb) subsequently enrolls, without an intervening enrollment, in another Medicare+Choice plan, and disenrolls from such plan by not later than 12 months after the effective date of the enrollment in the Medicare+Choice plan described in item (aa).".

(c) Effective Date.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

SEC. 806. NONPREEMPTION OF STATE PRESCRIPTION DRUG COVERAGE MANDATES IN CASE OF APPROVED STATE MEDIGAP WAIVERS.

(a) In General.—Section 1856(b)(3) (42 U.S.C. 1395w–26(b)(3)) is amended—

(1) in subparagraph (A), by striking "The standards" and inserting "Subject to subparagraph (C), the standards"; and

(2) by adding at the end the following:

"(C) Continuation of state prescription drug laws.—Subparagraph (A) shall not supersede any State law that requires the comprehensive coverage of prescription drugs or any regulation that carries out such a law, if—

"(i) the State has a waiver in effect under section 1882(p)(6)(A) with respect to requiring such coverage under medicare supplemental policies; or

"(ii) the Secretary provides for a waiver for the State to impose such a requirement under section 1882(p)(6)(B).".

(b) Medigap Waiver.—Section 1882(p)(6) (42 U.S.C. 1395ss(p)(6)) is amended—

(1) by inserting "(A)" after "(6)"; and

(2) by adding at the end the following:

"(B) The Secretary also may waive the application of the standards described in paragraph (1)(A)(i) so that a State may include comprehensive prescription drug coverage among the benefits required for all medicare supplemental policies.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 807. MODIFICATION OF PAYMENT RULES FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.

(a) Modification of Payment Rules.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "subsections (e) and (f)" and inserting "subsections (e) through (i)";

(B) in paragraph (3)(D), by inserting "and paragraph (4)" after "section 1859(e)(4)"; and

(C) by adding at the end the following:

"(4) Exemption from risk-adjustment system for frail elderly beneficiaries enrolled in specialized programs for the frail elderly.—

"(A) In general.—During the period described in subparagraph (B), the risk-adjustment described in paragraph (3) shall not apply to a frail elderly Medicare+Choice beneficiary (as defined in subsection (i)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (i)(2)).

"(B) Period of application.—The period described in this subparagraph begins with January 2000, and ends with the first month for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(1)) is being fully implemented."; and

(2) by adding at the end the following:

"(i) Special Rules for Frail Elderly Enrolled in Specialized Programs for the Frail Elderly.—

"(1) Development and implementation of new payment system.—The Secretary shall develop and implement (as soon as possible after the date of enactment of this subsection), during the period described in subsection (a)(4)(B), a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)). Such methodology shall account for the prevalence, mix, and severity of chronic conditions among such beneficiaries and shall include medical diagnostic factors from all provider settings (including hospital and nursing facility settings). It shall include functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

"(2) Specialized program for the frail elderly described.—

"(A) In general.—For purposes of this part, the term 'specialized program for the frail elderly' means a program which the Secretary determines—

"(i) is offered under this part as a distinct part of a Medicare+Choice plan;

"(ii) primarily enrolls frail elderly Medicare+Choice beneficiaries; and

"(iii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries and to coordinate short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

"(B) Specialized team.—A team described in this subparagraph—

"(i) includes—

"(I) a physician; and

"(II) a nurse practitioner or geriatric care manager, or both; and

"(ii) has as members individuals who have special training and specialize in the care and management of the frail elderly beneficiaries.

"(3) Frail elderly medicare+choice beneficiary described.—For purposes of this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

"(A) is residing in a skilled nursing facility or a nursing facility (as defined for purposes of title XIX) for an indefinite period and without any intention of residing outside the facility; and

"(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary).".

(b) Continuous Open Enrollment for Certain Frail Elderly Medicare Beneficiaries.—

(1) In general.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended by adding at the end the following:

"(7) Special rules for frail elderly medicare+choice beneficiaries enrolling in specialized programs for the frail elderly.—There shall be a continuous open enrollment period for any frail elderly Medicare+Choice beneficiary (as defined in section 1853(i)(3)) who is seeking to enroll in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in section 1853(i)(2)).".

(2) Conforming Amendments.—

(A) Open enrollment periods.—Section 1851(e)(6) (42 U.S.C. 1395w–21(e)(6)) is amended—

(i) in subparagraph (A), by striking "and" at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) that is offering a specialized program for the frail elderly (as defined in section 1853(i)(2)), shall accept elections at any time for purposes of enrolling frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)) in such program; and".

(B) Effectiveness of elections.—Section 1851(f)(4) (42 U.S.C. 1395w–21(f)(4)) is amended by striking "subsection (e)(4)" and inserting "paragraph (4) or (7) of subsection (e)".

(c) Development of Quality Measurement Program for Specialized Programs for the Frail Elderly.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following:

"(5) Quality measurement program for specialized programs for the frail elderly as part of medicare+choice plans.—The Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(2)) in order to reflect the unique health aspects and needs of frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)). Such quality measurements may include indicators of the prevalence of pressure sores, reduction of iatrogenic disease, use of urinary catheters, use of antianxiety medications, use of advance directives, incidence of pneumonia, and incidence of congestive heart failure.".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) Development of quality measurement program for specialized programs for the frail elderly.—The Secretary of Health and Human Services shall first provide for the implementation of the quality measurement program for specialized programs for the frail elderly under the amendment made by subsection (c) by not later than July 1, 2000.

SEC. 808. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS.

Notwithstanding any other provision of law and in addition to the extension provided under section 4019 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 347), demonstration projects conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–121) shall be conducted for an additional period of 3 years, and the deadline for any report required relating to the results of such projects shall be not later than 6 months before the end of such additional period.

TITLE IX—CLINICS

SEC. 901. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS UNDER THE MEDICAID PROGRAM.

(a) In General.—Section 1902(a)(13) (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "and" at the end; and

(3) by striking subparagraph (C).

(b) New Prospective Payment System.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Payment for Services Provided by Federally-Qualified Health Centers and Rural Health Clinics.—

"(1) In general.—Beginning with fiscal year 2000 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

"(2) Fiscal year 2000.—For fiscal year 2000, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of the center or clinic of furnishing such services during fiscal year 1999 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2000.

"(3) Fiscal year 2001 and succeeding years.—For fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

"(A) increased by the percentage increase in the MEI (medicare economic index) (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

"(B) adjusted to take into account any increase in the scope of such services furnished by the center or clinic during that fiscal year.

"(4) Establishment of initial year payment amount for new centers or clinics.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after October 1, 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3) of this subsection.

"(5) Administration in the case of managed care.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic (at least quarterly) by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

"(6) Alternative payment system.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount that is in excess of the amount otherwise required to be paid to the center or clinic under this subsection.".

(c) Conforming Amendments.—

(1) Section 4712 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking "1902(a)(13)(E)" and inserting "1902(aa)".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.

Mr. KENNEDY. Mr. President, we all want to express our appreciation to our leader, Senator Daschle, for the development of this proposal. As he has pointed out, we have worked closely with Senator Moynihan and the members the Finance Committee. We hope this will be the basis of the coming together here in the Senate. This should not be a partisan issue. The kinds of problems Senator Daschle pointed out are problems not only in urban areas but in rural communities, too. The program he has advocated touches the health care needs of people all over this country. This particular issue cries for a response and action from this Congress in these final few days.

I join with him and others who say we should not leave, we cannot leave, we will not leave this session without addressing these problems. We have the time now to work this process through.

I think the way this has been fashioned has demonstrated a sensitivity to the range of different emergencies that are out there across the landscape affecting real people.

So I join others on our side in commending him for the leadership he has provided on this issue as in so many other areas. Hopefully, he will be successful in reaching across the aisle so that we can all work on this issue together.

Mr. President, no senior citizen should be forced to enter a hospital or a nursing home because Medicare can't afford to pay for services to keep her in her own home and in her own community.

No person with a disability should be told that occupational therapy services are no longer available because legislation to balance the budget reduced the rehabilitation services they need.

No community should be told that their number one employer and provider of health care will be closing its doors or engaging in massive layoffs because Medicare can no longer pay its fair share of health costs.

No freestanding children's hospital should wonder whether it can continue to train providers to care for children because it receives no federal support for its teaching activities. Yet these scenes and many others are playing out in towns and cities across the country today, in large part due to the unexpectedly deep Medicare cuts in the Balanced Budget Act passed two years ago.

The 1997 Act was the final part of a process undertaken since 1993 to balance the federal budget and lay the groundwork for the current economic boom and the large budget surpluses we anticipate in the years ahead. However, our ability to balance the budget was primarily attributable to deep savings achieved by cuts in Medicare—by slowing the rate of growth in provider payments and other policy reforms. These cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years. Clearly, as experience now shows, these cuts are too deep for the Medicare program to sustain.

In fact, these cuts were more than double the amount ever enacted in any previous legislation. The Congressional Budget Office has now increased the estimate of the savings to total $200 billion over five years and more than $600 billion over ten years—far greater than Congress intended.

Not surprisingly, we are now hearing from large numbers of the nation's safety net providers—especially teaching hospitals, community hospitals, and community health centers. We are hearing from those who care for the elderly and disabled when they leave the hospital—nursing homes, home health agencies and rehabilitation specialists. We are hearing from virtually every group that cares for the 40 million senior citizens and disabled citizens on Medicare. They are saying—with great alarm and anxiety—that Congress went too far.

The Medicare Beneficiary Access to Quality Health Care Act that we are introducing today will alleviate much of this damage. It will provide $20 billion over the next ten years to reduce the pain created by the harshest cuts in the Balanced Budget Act. It will ensure that the nation's health care system is able to care responsibly for today's senior citizens, and is adequately prepared to take care of those who will be retiring in the future.

The current Balanced Budget Act is unfairly imposing a $1.7 billion cut over the next five years for Massachusetts hospitals alone. Our community hospitals are reeling. Many of our teaching hospitals have laid off staff, and are unable to continue to participate in Medicare HMO contracts. Some say that these cuts are needed to make Medicare more efficient. But Massachusetts teaching hospitals are already efficient. In the past six years, one out of five of our teaching hospitals and one out of four hospital beds have been closed. We cannot afford to compromise on patient care, doctor training, and the state-of-the-art medical research conducted at the nation's top hospitals.

In addition, children's hospitals deserve help as well. They currently receive almost no federal support for their important teaching and training activities. They train a majority of the nation's pediatricians and pediatric specialists. Yet current rules keep them from receiving the level of federal support available to other teaching hospitals. While this particular legislation does not address this problem, Senator Bob KERREY and I have proposed a separate bill with strong bipartisan support to correct this injustice and give children's hospitals the funding they deserve to train the pediatricians needed to care for the nation's children in the years ahead.

The home-bound elderly—our most vulnerable senior citizens—are also suffering. In Massachusetts alone, home health agencies are losing $160 million annually, and 20 agencies have closed their doors since the Balanced Budget Act went into effect. The ones that remain are seeing fewer patients, and seeing their current patients less often.

Massachusetts nursing homes are predicting losses of $500 million over the next five years. Eleven facilities have declared bankruptcy this year, and more are expected to follow.

With the impending retirement of the baby boom generation, the last thing we should do now is jeopardize the viability and commitment of the essential institutions that care for Medicare beneficiaries. Yet that is now happening in cities and towns across the nation. In the vast majority of cases, the providers who care for Medicare patients are the same ones who care for working families and everyone else in their community. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened.

Nearly one million elderly and disabled Massachusetts residents rely on Medicare for their health care. This legislation is a sensible, affordable step to ensure that our health care system will continue to be there for them when they need it. It deserves prompt consideration and passage. I commend Senator DASCHLE for his leadership on this vital issue, and I urge the Senate to approve this important measure.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I congratulate and thank my colleague from Massachusetts for his remarks and for his extraordinary commitment to this effort. He has been at every meeting. He has been engaged from the very beginning, and we are grateful, as on so many of the issues our caucus cares deeply about, for the leadership he has provided.

I am proud of the fact we have had the participation of well over 20 Members, and the senior Senator from Massachusetts has been the leader of the pack, as he is on so many other issues.

I also thank Senator ROCKEFELLER for the extraordinary effort he has put forth. As a member of the Finance Committee, no one has worked harder on many of these issues than has he. I am grateful for the participation and leadership he has provided to get us to this point.

Before I yield the floor, let me say how urgent this matter is. My colleagues yesterday discussed the urgency of this legislation again and again. I am disappointed and deeply concerned about the fact that, at least to date, there is no date yet set for consideration and markup of a bill to repair the damage done in the 1997 act. We have to address and consider and ultimately pass such a bill prior to the time we leave the Senate this year. We will do anything, and everything we know how, to ensure this becomes one of the highest legislative priorities left prior to the end of this session of Congress. It must be addressed. It must be passed. We must take this legislation up soon in order for us to accomplish what I know is a bipartisan recognition of the shortcomings and the miscalculations made in the 1997 act.

I will say again, the fact that we have over half of our caucus already, and will probably have two-thirds of our caucus as cosponsors in the not-too-distant future, is a clear recognition of the depth of feeling our Members have on this bill and the importance we place on getting something done this year. We must do it. We will do it, and we will work with our Republican colleagues to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I strongly agree with the words our Democratic leader has offered, and I congratulate him for mobilizing this effort, but it is a mobilization not so much of Democrats as it is of Senators in general. Hospitals and patients and skilled nursing facilities and home health agencies are not Republican or Democrat. The shortages, the closings, the health care denied is not Republican or Democrat. It has to do with the people of our States and of our country.

This is a bipartisan matter. I know, without even having talked to but five or six of my colleagues on the other side of the aisle, when they went back to their homes during the August recess and when they have been back since, this has been the subject with which we have all been, in a sense, lobbied in the best sense; that is, lobbied by our own constituents, by our own voters, by people who are patients, by people who have had these problems.

It is right; we should be fixing this because Congress, in 1997, when we passed the Balanced Budget Act, made changes that were larger in Medicare than any in the history of the program, and we made mistakes. This is actually one of the reasons our colleagues on the other side of the aisle often criticize congressional action because we are trying to play doctor. We often try, but we often do not do it very well. In this case, we did not. We made mistakes.

When we make a mistake, we are causing skilled working facilities, home health agencies, and hospitals to close; we are putting in jeopardy margins of profit, which have gone into the red already, of other hospitals, particularly rural hospitals. We have to correct it.

There is nothing more self-evident to me than the need for this Congress to take up the BBA corrections and, in fact, do them on a bipartisan basis. We do not have very much time. There seems to be quite a lot of anxiousness to get out of here. That is not shared by the junior Senator from West Virginia. In that case, it puts more pressure on us to do it. We need a date. We need to do this. This is not makeup stuff. These are real problems.

In my State of West Virginia, which is not large but our citizens are no less important than anybody else's, and to me they are more important, in the next 4 years our hospitals are going to face an almost $600 million cut in payment because of mistakes we made in the 1997 Budget Act. They did not make the mistakes. They have not been keeping their books incorrectly. They have not been trying to be inefficient. We made the mistakes. We made the mistakes in Congress, and it is up to us to correct them.

Many critical public health services will be cut back. That has happened already. It will continue to happen. Home care agencies in my State expect there will be almost 5,000 less Medicare patients being admitted for their services than before.

Eleven home health care providers in West Virginia have closed. That is not a lot, but that is a lot in West Virginia, and it is in a lot of places. We have 55 counties and 1.8 million people. Eleven home health agencies is a lot; 2,500 on a nationwide basis are closed. They are not thinking about closing but have closed because of mistakes we in Congress have made in making these enormous changes to Medicare. They have been forced to close down because the current payment system does not adequately reimburse them for what they have to do.

CBO originally estimated home health reimbursement reductions would be $16 billion. It turned out the reduction was $47 billion. That was not the hospitals' fault; That was not the home health agencies' fault; that was our fault. We made that mistake. We have to correct that mistake.

The $1,500 cap on therapy is having bad results on nursing home patients with Parkinson's disease, burns, and other things. We need to correct that because we made the mistakes.

I will end by saying, I agree on teaching hospitals. We have three teaching hospitals in West Virginia. Whatever happens in general happens in a much worse way in rural States. That is by definition, that is by nature, whether it is hospitals, nursing homes, or anything else. That has always been the case.

Rural hospitals have very little to fall back on because they do not have margins. They depend on Medicare more than those in larger and more urban States. These were unintended cuts we made, but we nevertheless made them. The mistake is ours. It is a bipartisan mistake. It came along with a very good bill, the Balanced Budget Act of 1997. Within it, there was some cancer, and the cancer was caused by us, and it is the mistakes we made which are causing havoc all over the health care world. We can change it easily and change it before we leave here, and surely we should. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today as a cosponsor of Senator DASCHLE's bill to address the draconian cuts to Medicare under the Balanced Budget Act of 1997 (BBA). I thank Senator DASCHLE for introducing this important piece of legislation.

I support this bill for two reasons. First, I believe the BBA went too far when it cut reimbursements to Medicare. Second, as we move towards the millennium and our senior population continues to grow, our seniors must be able to rely on a sound and secure Medicare Program. This bill will help them do just that.

When I travel throughout the State of Maryland, the issue my constituents want to talk about most is cuts in services for the elderly. I have worked long and hard to find solutions to these cuts. That is why I cosponsored an amendment to the recent tax bill which placed a priority on fixing Medicare before providing for a tax cut. That is why I am working on a new and improved Older Americans Act, and that is why I am cosponsoring Senator DASCHLE's legislation, which helps providers who are struggling under BBA cuts to Medicare.

The BBA is one of the reasons why we have a projected budget surplus. It put us on the right track of fiscal prudence, but it went too far in the case of Medicare by imposing deep cuts on providers: It cut reimbursements to home health agencies; it cut reimbursements to nursing homes; it cut reimbursements to Medicare HMOs. Our seniors and our providers are now feeling the effects of these cuts.

What exactly do these cuts mean? In my State of Maryland, this means that 34 Home Health Agencies have closed their doors and only two public Home Health Agencies remain. This is a particular problem in rural counties in Maryland. Agencies in these areas are committed to providing health care to those who cannot travel to hospitals or doctors offices. In fact, they are so committed to providing home-bound patients with care, I know some health care providers who have traveled to homes by a snowmobile in winter months just to get to a patient. But because of substantial cuts in reimbursements under BBA, these agencies are left with no choice but to close their doors; families lose these services, employees lose their jobs, and nobody wins.

Our Skilled Nursing Facilities (SNFs) also need the relief provided by this legislation. The BBA changed the way that payments are calculated so that facilities do not get paid more money when they provide expensive services such as chemotherapy or prosthetics. In some cases, the reimbursement is so low, that facilities cannot afford to take the patients who need a high level of care. I hear stories about patients who need chemotherapy treatment but cannot find a facility to provide it. Why? The answer is because Medicare doesn't pay enough to cover the cost of the chemotherapy treatment. Where does this patient go? They could go to a hospital, but frequently this is more expensive, or might not specialize in these services. Patients and their families do not want to hear complex stories about payment methodologies, or resource utilization groups. What these families want to hear is that their loved ones can get the care that they need.

My State of Maryland has also had a devastating problem with Medicare HMOs. Because of payment changes, reimbursements to many HMOs were cut. What are the effects of these cuts? One HMO in my state is projecting losses of over $5 million this year in the rural counties of Maryland alone. This HMO can no longer afford to cover Medicare patients so it is closing up shop. 14,000 senior citizens in Maryland will lose their Medicare HMO. Where do these seniors go? In the rural counties of Maryland, these seniors do not have any other Medicare HMO to choose. They all left—not because they weren't making a profit—these HMOs couldn't even break even. Rural counties throughout Maryland and the nation will have seniors with little or no access to the extra benefits many HMOs provide, including prescription drug coverage and preventive benefits such as dental, vision and hearing screenings.

Imagine if your 85-year-old grandmother, living on a fixed income, got a letter in the mail that says in 4 months she will no longer have a Medicare HMO. She might not understand what it means. Is she losing her health care coverage altogether? Is she losing her doctor? Is she losing her medicine coverage? In many cases, my constituents aren't wondering where they should go for a mammogram or prostate screening, but if they can even go at all because their HMO is leaving town.

Some will say these cuts aren't so bad—why can't you just buy a Medigap policy? For around $150 a month you could get some of the supplemental benefits that HMOs provide. But many of these senior citizens only have $11,000 or $12,000 a year in retirement income and many times their income is much less. These seniors cannot afford $150 a month for a Medigap policy, so many of them will be forced to make difficult choices between food, rent, health care and prescription medications. This legislation provides needed relief so that our seniors would not have to make these terrible decisions.

I also know that our non-profit health facilities are having a particularly rough time. These are providers such as Hebrew Home in Rockville, Maryland, or Mercy Hospital in Baltimore, who are struggling to provide care under current reimbursements. It is especially difficult for these providers because the care they provide is frequently uncompensated. This is health care that they frequently do not get reimbursed for, also known as charity care. In many cases, they provide the health services to seniors who have no other place to go. If we do not take steps to fairly reimburse them, where will these seniors go to get the care they need?

One of my priorities as a United States Senator has always been to honor your mother and father. It is a good commandment and good public policy—in the federal law books and checkbooks. We must address these cuts in Medicare because our safety net for seniors is badly frayed, and senior citizens are being left stranded because many health care providers have no choice but to close their doors.

In 1965 when Medicare was created, the Federal Government promised that Americans who work hard all of their lives can count on Medicare when they retire. I believe that promises made should be promises kept. Senator DASCHLE's bill will help us keep the promise we have made to the Nation's senior citizens.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor the Medicare Beneficiary Access to Quality Health Care Act introduced today that works to correct the inequities of Medicare reforms included in the Balanced Budget Act of 1997.

I commend Senator DASCHLE for his tremendous efforts on this issue and for his leadership with the introduction of this bill. As well, I congratulate a number of my other colleagues who have contributed immensely to the crafting of this critical piece of legislation, including Senators MOYNIHAN, KENNEDY, ROCKEFELLER, BAUCUS, CONRAD, and others.

As part of the effort to balance the Federal budget, the Balanced Budget Act of 1997 (BBA) provided for major reforms in the way Medicare pays for medical services. The Balanced Budget Act of 1997 (BBA) included numerous cuts in Medicare payments to health care providers. These changes were originally expected to cut Medicare spending by about $115 over five years, but recent CBO projections show spending falling nearly twice that much. In the face of these deep cuts, health care providers are struggling, and beneficiary access to care is threatened. The Medicare Beneficiary Access to Care Act is a targeted solution to certain specific problems that the Balanced Budget Act has created.

As implementation of these reforms proceeds, health care providers and patient advocacy groups have asserted that some of the reforms are having—or are likely to have—undesirable or unintended consequences. Areas in patient care such as rehabilitative therapy, skilled nursing facilities, home health services, and hospital outpatient services have already begun to feel the effects of the reforms set forth in 1997.

Not surprising, I have heard from many safety net providers in South Dakota about the devastating effects such reductions in reimbursements are having throughout the health care industry. Consumers are also feeling the pain, as many individuals are being turned away from hospitals and nursing homes who cannot afford to accept new patients because of the lower reimbursement rates included in the Balanced Budget Act. These cuts are devastating and feared to have severe implications on the quality and access of health care throughout our nation, including South Dakota, unless Congress acts immediately to correct these problems. In South Dakota, and other rural parts of the country, hospitals and other health care providers have an extremely high percentage of Medicare beneficiaries making these cuts in reimbursement even more devastating. If Congress does not act in a timely fashion many of these providers may be forced to close their doors.

I look forward to continue working with my colleagues on passage of the Medicare Beneficiary Access to Quality Health Care Act which develops creative, cost-effective approaches to address the unintended, long-term consequences of the BBA. The proposed budget surplus provides Congress the unique opportunity to address many of the deficiencies in our nation's health care system. We need to address the valid concerns of teaching hospitals, skilled nursing facilities, home health providers, rural and community hospitals, and other health care providers who require relief from the consequences of the BBA.

Mr. CLELAND. Mr. President, we are all hearing from our constituents about the hardships they have encountered from the unintended consequences of the Balanced Budget Act (BBA) of 1997. From rural hospitals to home health care agencies, cuts in Medicare reimbursement have forced these health care providers to absorb tremendous debt and have threatened patients' access to care. Senator DASCHLE has proposed over 30 items that will provide immediate relief across the health care continuum. Among these provisions, the bill would redirect BBA surplus monies to provide a cap on hospital outpatient Prospective Payment System (PPS) loss, a delay on the proposed 15 percent cut to home health care reimbursement, a fix for the graduate medical education resident cap and the indigent care problem, the repeal of nursing home therapy caps, a technical correction to limit oscillations to Medicare physician reimbursement, a delay of risk adjustment for frail elderly/Evercare. Senator DASCHLE is to be commended for developing this comprehensive BBA relief bill in an incredibly short period of time. My colleague has more than met the challenge of this urgent health care dilemma. I am proud to be an original cosponsor of this critical remedial legislation for a BBA fix. I will support Senator DASCHLE with all my resources to pass a BBA fix this session.

Mr. KERREY. Mr. President, I support the legislation offered earlier by the Senator from South Dakota, the Medicare Beneficiary Access to Care Act of 1999.

I supported strongly the balanced budget amendment of 1997, the deficit reduction acts of 1993 and 1990, and am proud of the supporting role I played over the last 7 or 8 years in taking the United States of America to the point where the Federal Government was borrowing hundreds of billions of dollars—$300 billion when I came in 1989—to a point where we now have a surplus. It is quite an exciting change in the dynamics of this country.

This morning's New York Times had a story by Louis Uchitelle about 1.1 million Americans having been lifted off the rolls of poverty as a consequence of demands of wages that occur because interest rates are low, corporate profits are good, and the American economy is as strong as it has been in my lifetime. It is quite impressive what a strong economy will do with low interest rates and what increased rates in productivity will do. The report also pointed out the significant problems we still have with income growth, especially with African Americans.

But I am proud of the role I played in eliminating the deficit and creating a surplus that has contributed enormously to the growth of the U.S. economy. Certainly lots of action in the private sector contributed to it, but Congress and those who were here—Republicans and Democrats—over the last 7 or 8 years who voted for these three pieces of legislation can take some pride in taking the United States not just into recovery economically, but I remember how frustrating the deficit was—politically frustrating—that caused Americans to lose confidence that Congress could get anything done. It seemed a relatively small "bone" in a great nation and I am glad we finally coughed it up. I don't want to backtrack on that.

That is why I am pleased Senator DASCHLE has indicated this bill has to be paid for. Not only do we have to be careful to not drain the Social Security trust fund, but we have to be careful we not do this in a fashion that takes America back to the bad old days of deficit financing. It is easy to do that.

The 1997 act had an impressive number of people in the Senate and the House voting for the legislation. The United States was to produce $100 million of savings in 10 years. It is now estimated it will produce $200 million in savings. I voted for $100 million. That is what I thought the legislation would produce. Not all of that $200 million estimate occurs as a consequence of the changes in reimbursement. Some has occurred as a result of the vigorous effort by Secretary Shalala and HCFA to reduce fraud and, as a consequence, save taxpayer money. They made billing changes that produced some savings. They are doing a better job of managing the taxpayers' money. Some of the savings has occurred as a consequence.

There is no question there is a fraction of that excess $100 million that has come as a result of our making some changes to take more out of the providers than anyone anticipated. This legislation will put $23 billion back. I believe that is fair, reasonable, and defendable. I think it will have a tremendously positive impact on the ability of my State of Nebraska to get high-quality health care; that is what is at stake. What is at stake is not just the health of health care institutions but the health of the citizens of the country who depend upon those institutions.

I believe this piece of legislation is needed. It is needed in Nebraska and by citizens who depend upon their doctors, who depend upon their hospitals, who depend upon this thing we call the health care system in the United States of America. It is an issue of life and death for them. It is a very important issue. It is a very personal issue.

When we talk to somebody in a hospital, it is easy to acquire the right sense of urgency to overcome whatever ideological differences we might have. The people of Nebraska need this Congress to act. It is not just something that we are being asked to do; it is something that is necessary in order to improve the quality of life in our State.

I will go through some of the things this legislation does. For hospitals, the 1997 act cuts hospital payments in several ways: Lower inpatient payments; a new outpatient prospective payment system; a special payments cut for low-income patients: and cuts in graduate medical education.

This legislation does not restore all of those cuts. It creates a 3-year transition period to protect hospitals under this new outpatient system, and there is additional protection for rural and cancer hospitals. The bill also moderates the cut in DSH and GME payments, a central concern of teaching and academic centers. And it takes action for pediatric hospitals.

I urge colleagues who have not studied this to examine the very low reimbursements for graduate medical education for pediatric hospitals. There is a glaring difference and it will create tremendous problems as we try to train pediatricians—a very important profession in the health care industry.

There are a number of changes that increase the quality of care in Nebraska hospitals and increase the chances, especially in rural hospitals, that we will not see a continuation of what we had in 1998 when two rural hospitals closed. My hospital administrators tell me there may be more of the same unless we make some reasonable adjustments.

The Balanced Budget Act made some changes in skilled nursing facilities. We understand the need to balance the budget. This does not undo that. It is paid for. The Balanced Budget Act created a prospective payment system for skilled nursing facilities. This does not adequately account for the costs of very sick patients and rare high-cost services. This bill attempts to address both of these problems by increasing payments for groups of patients for whom payment is low and by paying separately for high-cost services, such as prosthetics, to ensure the nursing homes receive adequate payment.

We have heard about the impact of therapy caps. I hope in addition to putting some money back into the providers, we can take the advice of the Senator from Oklahoma and get some structural changes enacted in Medicare. One of the problems we have as a Congress trying to make changes in Medicare is we don't know the full impact of changes.

Senators BREAUX and THOMAS were proposing the creation of a new Senate-confirmed board that has authority over HCFA to make certain HCFA has the authority to offer fee-for-service plans on a competitive basis and make sure competitors have a level playing field to compete and offer their plans against the fee for service that HCFA has. I think it would be easier to solve the problem of dealing with waste, fraud, and abuse and make it more likely the consumers receive good information when they are trying to make decisions about what to buy. Consolidating Part A and Part B was also in the proposal of Senator BREAUX, and as a consequence of consolidating those two programs, it would make it much more likely when dealing with medical procedures, such as therapy, that we get it right.

What we did with the Balanced Budget Act is create a 1,500-per-annual-beneficiary cap, but these are arbitrary. They don't allow any flexibility based upon the need of the patient. What we have done with the legislation is repeal the caps until 2003 and require HCFA to implement a new system for therapy payments that is budget neutral to caps. It is designed to address the needs for varying amounts of therapy based upon a patient's condition. That is the point I was trying to make earlier, why we need structural changes, as well.

There are varying needs of the patient that are extremely difficult for HCFA to address. It is a central system. They have fiscal intermediaries in the country making payments. It is still a centrally controlled system and awfully difficult to get it right in Ohio, Nebraska, and Missouri simultaneously. They have to apply a system nationwide. It is better, in my judgment, if we have a board of directors, Senate-confirmed, to manage HCFA, moving in a direction where the private sector is able to compete for

HCFA's fee for service simultaneously, with HCFA offering its fee-for-service plans.

It makes changes in home health. We created under the BBA an interim payment system for home health agencies which limits payments on both a per beneficiary as well as a per visit basis. The temporary system locked in very low rates. This affects rural areas more than urban areas. There are very low rates for areas that had traditionally low costs such as Nebraska. We have low costs.

The IPS locked in those very low costs in October 2000, and the IPS is scheduled to be replaced by a new PPS system for home health services. Those payments will be reduced in an arbitrary fashion by 15 percent. We make three changes in the legislation that are vital: First, we postpone this 15-percent cut for 2 years; second, we assist low-cost agencies that have been disadvantaged under the IPS by increasing the per visit limit; finally, the bill reduce administrative burdens placed upon the providers by eliminating interest on overpayments, eliminating a 15-minute reporting requirement, and eliminating a requirement for home health agencies to do the billing for durable medical equipment.

We make changes for physicians. The BBA created a new system for physician payments based on a target rate of growth. The system includes bonus payments and reductions intended to create incentives to meet the target rate of growth. However, what we have done will cause payments to fluctuate widely, creating tremendous uncertainty in the physician communities and causing physicians who are out there trying to manage a clinic or their business to say: We can't depend upon HCFA. We can't depend upon a revenue stream. There is too much uncertainty in the system. We may opt out as a consequence.

They are facing a very big challenge in dealing with HCFA's representation that there may be fraud when, in fact, all that has occurred is there are a number of additional changes that will be very constructive for physicians, for Medicare+Choice, for rural health clinics, federally qualified health centers, and for hospice care where we have not had any rebasing of payments since 1982. It is a $1 billion—an extremely important program.

Unfortunately, we do not pay a lot of attention to the problem we are facing when individuals know for certain they are dying. Hospice addresses that. This is an important change, in my view, and I urge colleagues on both sides of the aisle to say, whether it is with the Daschle bill, which I support, or a bill that comes out of the Finance Committee, which I am apt to support as well: This is one of the things we need to do. We need to get this done.

I hope we can at least get some minimal changes in Medicare as well, but we need to address this.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues in introducing the "Medicare Beneficiary Access to Care Act of 1999." I want to commend the leadership in the development of this legislation and hope that the Congress will act upon this now, before we adjourn.

The bill is designed to modify some of the many, unforseen consequences of the Balanced Budget Act of 1997. Daily I receive letters and calls citing the negative impact of the Balanced Budget Act on access to patient care and to the delivery of quality care in an ongoing and coordinated fashion. In my State of New Mexico, the health care delivery system has been particularly hard hit. Essentially, the system for delivery of health care that we have worked so hard to attain is being eroded and must be bolstered before patients face a crisis.

I represent a state where 21 out of 33 counties are designated as health professional shortage areas. I represent a state that has seen an exodus of physician specialists and rural doctors this past year. Over the last year, New Mexico had 70 home care agencies close despite yeoman's efforts to keep these agencies open and serving our citizens. This represents closure of over 40 percent of our home health care agencies. We currently have one county, Catron, that has no home care entity available for serving patients. Failure to deal with the additional 15-percent cut that is slated to go into effect in October of 2000 would be the end of numerous other home health agencies throughout my state. It would be inexcusable not to address this issue this session.

Additionally, the system is further under stress in the nursing home arena. We have seen one nationally based entity declare bankruptcy and face the demise of others. Long term care facilities must be reimbursed at a level that reflects the acuity of the residents for whom they care. Long term care is key not only for the residents but for their families near and far.

Mr. President, several of my colleagues have addressed the issue of GME and the plight of our teaching hospitals. Hospitals have a multitude of services that they provide and which we should bolster. I must note, for example, that in New Mexico, declining Medicare reimbursement is forcing the only acute care hospital in Dona Anna County to close a 15 bed skilled nursing unit because of mounting financial losses. Realities such as this must make us mindful of the far reaching and adverse effects the BBA of 1997 is now having on communities and their residents. We want to ensure that no other facilities face closure.

Finally, I must add that rural and frontier clinics are critical components to care for seniors and others in the community with limited resources and serve to allow for timely, geographic access where there otherwise would be no health care available. I am pleased that some redress of their needs is provided in this legislation.

Others have outlined the components of this legislation and I will not repeat the specifics. It is sufficient to say, that these changes are needed to avert a crisis in the health care delivery system of this country, to maintain access to quality care for our seniors and to rectify problems for the system that were created inadvertently. We must act now to provide for easy access to quality, continued health care for our citizens.

I look forward to working with all of my colleagues here in the Senate to see that this legislation is passed prior to adjournment.

Mr. MURRAY. Mr. President, I am pleased to join with my Democratic colleagues in introducing this important legislation. In the Balanced Budget Act of 1997, we reformed the Medicare program to extend its solvency. In the past year, we have seen the dramatic and negative impact of those reforms on patients and health care providers. The bill we are introducing today will fix those unintended consequences and will ensure that millions of seniors have access to high quality health care. I urge the Republican leadership to act on it before we adjourn for the year.

Two years ago, the Medicare Program was in serious trouble—facing bankruptcy within 5 years. We had to make substantial changes to the program to extend its solvency. It was a painful and difficult process, but we made changes intended to slow the growth of Medicare expenditures.

And overall, it worked. Medicare is still functioning and is on a more sound financial footing.

But the revisions we implemented went too far. Let me give you an example. Based on the estimates we had at the time, our changes were supposed to reduce the overall growth in Medicare expenditures by $100 billion over 10 years. In reality, the changes we enacted will result in more than $200 billion in lost Medicare revenue for health care providers over the same period. This was not the order of change I supported.

And today we see that those revisions are hurting our health care providers and making it more difficult for them to give patients the high quality care they need.

When I meet with health care providers in my state, this is their top concern. Each day we delay making these corrections, we make it harder for them to ensure that quality health care is available to millions of seniors.

I have heard from hundreds of hospital administrators, home health care workers, doctors, rehabilitation therapists, teaching hospitals, skilled nursing facilities, and hospice providers. For example, I've received letters from Providence General Medical Center in Everett, Washington, from hospital caregivers at Prosser Memorial Hospital, from the University of Washington's School of Medicine and from hundreds of others. They have shared with me the impact of the 1997 changes and what it means for patient care. I believe the situation is critical.

If we fail to correct this, we will see hospitals closing. We will see home health agencies turning away patients. We will see skilled nursing facilities unable to take complex patients. We will see a devastated rural health system. Our health care system is in jeopardy.

The bill we are introducing today will go a long way toward correcting some of the unintended consequences of the Balanced Budget Act of 1997. I worked with my Democratic colleagues in drafting what I believe is a reasonable bill that provides immediate relief to hospitals, home health care agencies, skilled nursing facilities and hospice care to ensure that seniors in this country have access to quality, affordable health care services. The bill we have put forth is modest. It is not a cure-all, but it addresses the most pressing challenges. This is not about repealing the fiscal discipline imposed in BBA97. This is about adjusting the changes we made to reflect the current estimates. Our bill fixes the problems and provides legislative remedies. It does not jeopardize the solvency of Medicare. We can and should make changes to improve access and ensure access without jeopardizing solvency.

There is still much we have to address from quality care to affordable health insurance to prescription drugs. However, if the hospitals close or seniors are denied quality care, the ability to pay is not an issue. The very foundation of our health care system is at stake. This legislation is long overdue. We need to pass it and make the Medicare Program function better today.

Mr President, at the same time, we cannot forget that the entire Medicare Program will run out of money in 2015. So, I want to remind my colleagues there is still much work to be done to ensure Medicare remains a stable program that our children will be able to count on for their health care.

Mr. President, from my point of view, this Congress has failed on too many vital issues this year. This Congress failed to pass a real Patients' Bill of Rights—that would put patients and doctors, not insurance companies, in charge of their medical decisions. Earlier this week, this Senate failed our children, by cutting our commitment to putting 100,000 teachers in the classroom to reduce the size of our overcrowded classrooms. This Congress failed to help our farmers, and all those facing too many challenges in rural America. Let me just say, that I am not giving up or letting up on any of those fights—because they are too important. And let's not forget that this Congress even failed to do one of its most basic work—passing our appropriations bill on time, with real numbers—not gimmicks.

Mr. President, it is high time we bring some good news back to our constituents. I want my hospitals and health care providers, as well as the senior citizens in Washington State, to know I have heard their concerns and I recognize the dangerous implications of BBA97 on health care. It is high time we show them we see the problems facing Medicare, we understand them, and we are acting to fix them. It is high time we move on our priorities. This is one of them. I urge my colleagues to support this legislation.

Mrs. LINCOLN. Mr. President, today I rise to voice my support for a bill which addresses the unintended consequences of the Balanced Budget Act of 1997. I am pleased to join my Democratic colleagues as an original cosponsor of the Medicare Beneficiaries Access to Care Act.

Since I've been in the Senate, one of the greatest concerns of Arkansans is the lowered Medicare reimbursement rate for a variety of services that resulted from the Balanced Budget Act. Yes, we must continue to rid our Medicare system of waste, fraud and abuse. That is a high priority for our government and it should remain so. However, when Medicare changes were made as part of the Balanced Budget Act of 1997, Members of Congress did not intend to wreak havoc on the health care industry.

Enough time has elapsed to know the unintended consequences of the Balanced Budget Act. Hospitals have lost tremendous amounts of money due to changes in the outpatient prospective payment system. Many hospitals in my state are on the brink of closing due to the tremendous financial losses they have suffered. Nursing homes have not been reimbursed by Medicare at rates that cover the cost of patients with acute care needs. Payments for physical and rehabilitation therapy have been arbitrarily capped. Teaching hospitals have lost funding to support their training programs. Home health agencies have been forced to absorb huge losses and limit services to the elderly. Rural health clinics have been forced to cope with even more losses and operate on a shoestring budget.

Not only do these cuts and changes in Medicare reimbursement wreak havoc on the health care community and force them to absorb unfair financial losses, but Medicare beneficiaries, the very people that Medicare was set up to help, lose access to critical services. We cannot allow our parents and grandparents to be denied access to coverage or receive limited medicare care because we didn't take action to correct the devastating cuts of the Balanced Budget Act.

As a member of the Senate Rural Health Caucus and a member of the Senate Special Committee on Aging, I care deeply about the quality of health care and our citizens' access to health care. Over the past few months I have cosponsored various pieces of legislation which address all of the abovementioned issues and the need to restore Medicare cuts. However, this legislation is "all encompassing" and if passed, would ensure that hospitals, skilled nursing facilities, physical therapy clinics, home health agencies, rural health clinics, and hospice programs receive important financial relief.

Above all, this legislation is about priorities. Ensuring the health and well-being of our Nation's seniors and most vulnerable citizens should be our highest priority. I thank my colleagues for their hard work on this proposal and I look forward to the quick passage of this legislation so we can deliver relief to our health care communities and let them know how much we value their services.

Mr. KERRY. Mr. President, I am pleased to join with Senators DASCHLE, KENNEDY, ROCKEFELLER and others to introduce the Medicare Beneficiary Access to Care Act of 1999.

In July, during consideration of tax relief legislation, I offered an amendment on the floor of the Senate to carve out $20 billion from the tax bill and devote it towards relief for Medicare providers from the unintended consequences of the Balanced Budget Act. Although the amendment received the support of 50 Senators, including seven of my Republican colleagues, it did not gather the necessary three-fifths majority required for passage. Today's legislation, a $20 billion package of specific measures to address the shortcomings of the Balanced Budget Act, represents the embodiment of our continued commitment to ensure that this relief is enacted before the end of the congressional session.

Mr. President, I cannot fully express the urgency of this matter. Here in Washington, we often throw around numbers with little realization of the real impact on America's communities. In this instance, I assure you, the impact is real. Take the town of Quincy, Massachusetts, population 88,000, and the birthplace of former presidents John Adams and John Quincy Adams. As we introduce this bill, the community hospital in Quincy, Massachusetts stands at the edge of closure. Jeffrey Doran, the hospital's CEO, has been working overtime to ensure that if the hospital closes, patients will be safely transferred to health care providers outside the community. Over the past several weeks, I have been on the phone multiple times with our State leaders asking them to step in and provide the needed relief where the Federal Government has failed. Failed, Mr. President, because the Medicare cuts enacted in 1997 have gone above and beyond what we intended or desired. The budget savings have exceeded the levels we envisioned at the time of enactment.

Alternatively, Mr. President, let's take a look at the home health care industry. Home health care providers deliver rehabilitative services to Medicare beneficiaries in the safety and comfort of their home. In the State of Massachusetts, just since passage of the Balanced Budget Act, we have witnessed the closure of 20 home health care agencies who are no longer able to cover their costs as a result of cuts in Medicare payment reimbursements. The same is true with our nursing homes and extended care facilities.

And just to provide some perspective, the cost of the legislation we introduce today amounts to less than three percent of the cost of the tax bill President Clinton vetoed last month. The cost of the entire bill is less than one provision in the tax bill to subsidize the interest expenses of American multinational corporations operating overseas. In fact, we could have passed this bill, repealed the interest expense provision, and saved American taxpayers an additional $4 billion.

What a sad reflection on our state of affairs when the Senate would approve a tax provision to expand eligibility for Roth IRAs for people making over $100,000 a year, a provision that would cost over $6 billion, but has yet to address the dire needs of our teaching hospitals. A full legislative remedy for the Medicare payment problems facing teaching hospitals would cost $5.7 billion.

Mr. President, the time will come for this debate, and the time will come before we adjourn. The bipartisan support exists. Let's keep the doors of our teaching and community hospitals, nursing homes, home health care agencies, and rural clinics open. Let's accept responsibility for the unintended effects of our previous legislation. Let's not wait any longer.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1650, the Labor-HHS appropriations bill.

AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I call up amendment No. 1851.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1851.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds; and

(2) Social Security surpluses should only be used for Social Security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

AMENDMENT NO. 1889 TO AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1889 to amendment No. 1851.)

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

Mr. NICKLES. Mr. President, the modification of the amendment is very minor and technical. I will tell you what it is:

> It is the sense of the Senate that the Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit. . . .

The original amendment I filed said it is the sense of the Senate that conferees would make sure they did not dip into Social Security funds. Now I am saying the Congress should make sure we do not dip into the Social Security funds and, if necessary, that we have across-the-board reductions in spending to make sure we do not touch Social Security funds.

I have stated—and I think all of our colleagues on both sides of the aisle have done so as well—that we do not want to touch Social Security, we absolutely do not want to touch the Social Security trust funds.

We are going to have a surplus next year and it is in large part, if not totally, because of the Social Security surplus. Many have drawn the line and said: We are not going to touch that. Maybe because of emergencies we will spend the non-social security surplus. Those funds may well be spent—as a result of the hurricane, agricultural disasters, the events in Kosovo or East Timor, or whatever. There may be some emergencies that that $14 billion is going to be spent on, but absolutely not a dime more.

As we total all of these appropriations bills—the numbers are growing, or at least some people are trying to make them grow. I am saying that no matter what we do, at the end of this process, we will have across-the-board cuts if they are necessary. Hopefully, we won't have to. If we do our jobs, we will not need to have across-the-board cuts.

Senator STEVENS, the Appropriations chairman, said we are not going to need the cut because he is going to make sure we come in below the amounts necessary. He said that he will make sure outlays do not exceed the level that would intrude upon or have us spend Social Security trust funds. I respect that and I agree with it. But just in case I am saying—let's go on record; let's make sure that, if necessary we will have across-the-board cuts.

What are we talking about? I have added up all the bills. Just for the information of colleagues, I have added up all the bills including the Labor-HHS bill we have before us. If you add them all up, we are about $5 billion into the Social Security surplus right now. According to the calculations I am using, the same ones I believe CBO and OMB are using, we are about $5 billion over. That is about $5 billion out of $500 billion on discretionary spending. It equals about 1 percent.

I hope we can avoid an across-the-board cut. I do not think it is the best way to govern because we should be making reductions throughout the process. But, it may be necessary if we can not accomplish the FY 2000 appropriations without dipping into Social Security.

Incidentally, in the bill we have before us, I see we have about a $2 billion increase in NIH, about $1.7 billion more than the President's request; we have $2.3 billion more in education spending; we have $500 million in administrative expenses in the Department of Labor, and much, much more. There is a lot of squeezing we could do. Even if we went to the President's numbers on a few items, we could save $3.5 billion or $4 billion.

So I hope an across-the-board cut will not be necessary. But I think it is important we do whatever is necessary to make sure we do not raid the Social Security trust fund. A lot of us agree with that rhetorically, but we should make sure that each and every one of us mean it.

I have heard some of my colleagues saying: Well, we need to make some fixes in various areas such as Medicare, to correct some of the mistakes made in the Balanced Budget Act of 1997. I will just say that there are many on this side of the aisle who are willing to make some adjustments in Medicare. We understand that some of the assumptions and some of the guesstimates were inaccurate and fell disproportionately on some different areas. So we are willing to make some adjustments.

Medicare is an important issue and I am very disappointed that the administration would not work with and support the Bipartisan Commission on Medicare, to make significant, real reforms that would help save Medicare long term. The idea that the administration is going to save Medicare by putting an IOU into the Medicare fund, is baloney. It is false, it is misleading, it is deceptive, and it does not do anything to save Medicare.

My colleagues have just talked about introducing a proposal that will greatly increase Medicare spending. We are willing to make some adjustments. I do not use the word "fix" because you are not going to fix it with a few Band-Aids.

A lot of us are somewhat knowledgeable on the issue, and we are willing to take the bipartisan efforts of the Breaux Commission and put together some positive solutions to help save Medicare for several years. Maybe we can only do a Band-Aid this Congress.

Frankly, I think we could and should do more. Certainly this Senator, and others on this side of the aisle are willing to work toward that. It is the administration that has been unwilling to dedicate itself to saving Medicare and as a result they have withdrawn their support of the Medicare proposal that was chaired by Chairman BREAUX and Congressman THOMAS.

Regardless, I hope we can lay aside the partisan guns and ask ourselves what we need to do to fix the system? I know Senator KERREY of Nebraska worked on that commission and did some outstanding work. Frankly, I think there are many of us who want to help fix and save Social Security, not just apply a few Band-Aids to alleviate a few of the problems. We are willing to try to work to help fix the entire system.

In working on these various appropriations it has become apparent that there is no limit to the appetite of some members of this body to spend money. Democrats yesterday offered about $3 billion of additional spending on the Labor-HHS bill that is already growing by tremendous amounts. Chairman SPECTER has already come out with an amount that was $2.3 billion over last year. Obviously, no matter what is reported out of committee, it is not enough, so we have to have billions more.

I think the appropriations process is getting a little faulty when we start appropriating so many years in advance. I do not quite subscribe to some of the games that are being played. And how much money can we move forward? We are seeing this happen time and time again.

Incidentally, the administration's budget had $19 billion in forward funding. And now, evidently, the process will come out closer to $19 billion or $20 billion, but that is still not enough.

I know the Medicare fixes are going to cost money. My point is, I already said, before we have the add-ons, we are $5 billion into the Social Security trust funds. We are going to have to make those adjustments in the conferences in the next couple weeks. It is going to have to happen. It is going to have to happen by people working together. If, for some reason, these conferences come out and exceed the amount and raid Social Security, we should have across-the-board reductions to stop it, to make sure we do not raid Social Security.

Maybe with the momentum for popular programs and we can't say no—if we do not have the collective will to say we are going to vote down and vote no on some of these appropriations bills, then let's set up a mechanism to say the bottom line is, if these amounts are so large that they actually raid Social Security, we are going to have to say no by having across-the-board reductions.

I hope that is not necessary. I do not expect it to be necessary. I think when it is all said and done, and the budgeteers finally start scrubbing these numbers—the CBO and Budget Committee—Democrats as well as Republicans will say: Wait a minute, let's limit the appetite of growth in spending and make sure we do not raid Social Security. That is the purpose of this amendment. It is a sense of the Senate.

Frankly, I was considering budget language that would implement it. Senator STEVENS has pointed out he will make a budget point of order that it is legislation on appropriations. But at some point we are going to have to get serious and say we are not going to touch Social Security.

At this point, I offer this sense of the Senate. I hope 100 Members of the Senate will support it. I am hopeful we will not need it, but we will have it if necessary to make sure—absolutely sure—that we do not touch the Social Security trust funds in our spending programs. Let's make absolutely positive that does not happen for the fiscal years 2000 and 2001 or for the foreseeable future.

Mr. President, I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened, with interest, to the comments made by my colleague from Oklahoma. I read his amendment. All I can say is I will use a term that is very popular out in the Midwest: It is like closing the barn door after you let the horse out.

I would have to ask my friend from Oklahoma—he's part of the Republican leadership—I wonder if he has talked to himself lately.

I wonder if he has talked to the other Republican leaders.

This is a great sense-of-the-Senate resolution, but the fact is, the Republican leadership has already dipped into Social Security. Don't take my word for it; take CBO's word for it. They have already dipped into it.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. Let me finish a couple of things, and then I will. We will get into a dialogue on this.

Mr. NICKLES. I want the Senator to be factual.

Mr. HARKIN. "GOP Spending Bills Tap Social Security Surplus, CBO Cites Planned Use of $18 Billion." This was in the paper yesterday:

> On the same day House Republicans launched a new attack charging Democrats with "raiding" Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.
>
> Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security.

There it is. They already have dipped into Social Security. We have already used up the non-Social Security budget of $14 billion, according to CBO. Actually, it was by $19 billion, but that included about $5 billion that was in the tax scheme they came up with, which the President vetoed. So we get that back. We are about another $15 billion into Social Security already.

Again, this is a great sense-of-the-Senate resolution. The fact is, though, the President sent a budget this year that was balanced, that met all our needs. I might have wanted to add a few things here and jiggle a few things there, but there were some penalties on tobacco companies in that budget. But, no, the Republicans, they don't want to penalize the tobacco companies, oh, no. Hands off the tobacco companies. We can't penalize them. But what we can penalize are the elderly on Social Security. They can pad the budget on the Pentagon. They added more to the Pentagon budget than what the Department of Defense even asked for. We have been playing all these shell games all year, moving money around.

Well, we have a plan, and we have had a plan, to be able to balance the budget, fund these programs by not dipping into Social Security but by penalizing the tobacco companies that fail to reduce teen smoking.

It seems to me we could beef up our efforts to reduce Medicare waste and abuse. There is $13 billion right there, by the latest estimates. How about legislation that would save money by reducing student loan defaults and cutting excessive administration fees that we pay to banks for student loans? How about reducing some corporate welfare? How about closing some special interest tax loopholes?

No, no, the GOP, the Republicans don't want to do that. They want to cut education and health care. Oh, yes, and the earned income tax credit; that is their latest scheme. I see in the paper this morning that their frontrunner for the Presidency, Governor Bush of Texas, couldn't even swallow that one. He said: What are the House Republicans doing? He said: I am against balancing the budget on the backs of the poor. Obviously, House Republicans want to do that; evidently, a few Republicans over here, too, want to use the earned income tax credit to pay for their schemes and for the faulty budgeting they have done.

I say to my friend from Oklahoma, I may come up with a second degree. I guess he has already second degreed it. We can second degree it again. We will have a vote on that. I think we need a sense-of-the-Senate resolution that we send the Republican leadership back for remedial math so they can add things up a little bit better.

I yield to my friend from Oklahoma, having said that; I yield for a question anyway.

Mr. NICKLES. Let me make a couple of comments.

Mr. HARKIN. Does the Senator want me to finish and yield the floor?

Mr. NICKLES. If the Senator doesn't mind.

Mr. HARKIN. Mr. President, again, don't take my word for it. Read the CBO's letter, dated August 26, almost a month ago. Things haven't gotten any better. You can read it in the newspapers. You can add it all up for yourselves.

This is what they have done, all these schemes. Now they are going to designate the census as an emergency. Thomas Jefferson could have told you there was going to be a census in the year 2000, but they think it is an emergency.

I said they want to delay the tax cut for low-income Americans, the one program that helps get people from welfare into work, the earned income tax credit. They want to cut that down to pay for their schemes and their tax cuts for the wealthy. They are using two sets of books—CBO books, OMB books, one or the other, whichever make it look good on any one day or the other. They want to spread one year's funding over 3 fiscal years. They propose to defer approximately $3 billion in temporary assistance for needy families, TANF block grants, from fiscal year 2000 to 2001.

The schemes go on and on and on, all because, it seems to me, the Republicans looked at the Clinton budget that was sent down this year, which was balanced, which moved us ahead in the areas of education and health, which moved this country forward but had some penalties on tobacco companies and some offsets, as we call it around here, which means we pay for some of this by penalties on the tobacco companies. It is obvious to me the Republicans said, no, we can't touch the tobacco companies.

All year we have been having this jiggling going back and forth and back and forth about where they are going to come up with the money to fund the extra $4 billion that they put onto the Pentagon. Where are we going to come up with the extra money to pay for their tax breaks for the wealthy? So on and on, we get these schemes; they keep bouncing around.

Now we are told that defense, I guess, is going to be an emergency. That is the latest scheme. The defense bill is now going to be an emergency bill, but there is no emergency out there.

As I said, you can have a sense-of-the-Senate resolution which says we should adopt an across-the-board reduction if we don't have a balanced budget. But quite frankly, why don't we have some penalties on the tobacco companies? Rather than cutting health care for the elderly, rather than cutting education for our kids, which his sense of the Senate would do, why don't we have some penalties on the tobacco companies for their failure to reduce teen smoking? CBO told us that would raise, if I am not mistaken, about $6 billion. There is $6 billion we could get right there for teen smoking.

That is where we are. I find it odd, kind of amusing, kind of bemusing, I guess, that the Senator from Oklahoma, one of the leaders on the Republican side, would offer this sense-of-the-Senate resolution. As I said, they have already dipped into Social Security. Now he wants to close the barn door.

All I can say is, too little and too late. I think the Senator from Oklahoma needs to have some remedial math.

I ask unanimous consent to print in the RECORD the article from which I quoted.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, September 30, 1999]

GOP Spending Bills Tap Social Security Surplus—CBO Cites Planned Use of $18 Billion

(By Eric Pianin and Juliet Eilperin)

On the same day House Republicans launched a new attack charging Democrats with "raiding" Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.

Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security. Indeed, only hours before the report was released, House GOP leaders unveiled a national advertising campaign vowing to "draw a line in the sand" in opposing Democratic spending initiatives that they said would eat into the Social Security surplus.

But in a new analysis, CBO Director Dan L. Crippen shows that lawmakers writing the spending bills that would fund government next year have already used up billions of dollars of funding beyond what they were supposed to spend under existing budget restrictions.

As a result, he shows, lawmakers will have to dip into the projected government surplus next year of $167 billion to fund programs at the level they are targeting. Because almost all of that surplus will be created by extra money rolling into the Social Security program. Crippen suggests that as much as $18 billion will have to be drawn from the retirement program.

This is up from an August CBO estimate that showed Congress on the way to spending $16 billion of the Social Security surplus, but it does not include the extra spending lawmakers are likely to approve for hurricane and earthquake relief, restoring cuts in Medicare and other needs that could drive the number even higher.

The country has more than enough surplus funds to accommodate the new spending plans under consideration on Capitol Hill, but the CBO numbers are likely to sharpen the intensifying political debate over Social Security. Although the government has routinely tapped Social Security to fund other agencies in years past, both parties have elevated protection of the retirement program to the highest priority this year.

"What the Republicans are protesting in their ad campaign they already are guilty of themselves, and have been for two months now," said Rep. John M. Spratt Jr. (S:C.), the Ranking House Budget Committee Democrat who requested the CBO study. "They're . . . invading the Social Security surplus, and these are conservative numbers."

But one GOP lawmaker said the CBO numbers are premature because Congress has yet to complete work on all the 13 spending bills, implying that the numbers could change. "To somehow suggest that CBO says the funding level is going to be this or that for fiscal year 2000 is completely hypothetical," said Rep. John E. Sununu (R-N.H.), a member of the Budget Committee.

GOP lawmakers remained defiant yesterday. "Under no circumstance will I vote to spend one penny of the Social Security surplus for anything but Social Security," House Majority Whip Tom DeLay (Tex.) said during a media event dubbed "Stop the Raid."

Although Clinton and congressional leaders have agreed to a three-week extension of Friday's budget deadline in an effort to iron out their differences over sensitive spending issues, the two sides still appear to be far apart on numerous issues. If anything, the GOP may be forced to accept even more spending—and to dip further into Social Security—to accommodate Clinton.

By far the biggest fight is likely to be over the huge labor, health and education spending bill, which trims or guts many of Clinton's education initiatives, including his call for the hiring of 100,000 new teachers. The Senate began debating its version of the bill yesterday and voted 54 to 44 to kill an effort by Sen. Patty Murray (D-Wash.) to restore funding for the hiring of more teachers. Instead, senators approved a plan providing $1.2 billion that states could use for hiring teachers or other education goals.

The House Appropriations Committee is scheduled to vote today on what the administration considers a far more draconian version of the bill, and there is certain to be a major dustup not only on funding levels but also on how Republicans intend to pay for the additional spending in the bill.

In an effort to keep from drawing on Social Security, House Speaker J. Dennis Hastert (R-Ill.) outlined a plan to delay the earned income tax credits to the working poor to save $8.7 billion from the bill next year.

Republicans defended the measure, saying that it would encourage better monthly planning by the beneficiaries. But critics said it would create undue hardship on people struggling to stay off welfare, and senators are balking at the idea.

Hastert has been under pressure from some of his House colleagues not to make significant concessions to the White House, but criticism seemed to recede after the speaker delivered an unequivocal declaration yesterday that Republicans would safeguard the Social Security surplus.

Meanwhile, White House Chief of Staff John D. Podesta, who addressed Democratic lawmakers yesterday morning, called the GOP's spending approach "crazy" and said "the budget process is headed toward chaos."

Overall, Congress made little progress in completing work on the overdue spending bills. Faced with opposition from both Democrats and antiabortion Republicans, House leaders were forced to postpone a vote yesterday on the foreign operations spending bill.

The agriculture budget bill was also held up, a GOP leaders scrambled to line up enough signatures to force it out of a contentious conference committee. Yesterday, Democrats as well as several Republicans accused the GOP leadership of shutting down the committee in order to kill a provision lifting trade sanctions on Cuba.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I tell my colleague from Illinois, I will be very brief, a couple comments.

I ask unanimous consent to add Senators GREGG and GRAMM as original sponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Very briefly, we don't have to debate all the budget assumptions.

My colleague pointed out a lot of things he has read in the paper that different people have tried. The earned income tax credit, frankly, needs to be reformed. About 24 percent of that program is waste and fraud. It needs to be reformed, but we are not going to do it. I am probably the biggest proponent of reforming the program, but I have already said it shouldn't be done in this bill and it will not be done in this bill. It is not in the Senate bill. You haven't seen it; you are not going to see it in the conference report. At least that is my intention.

The Senator mentioned a few other things. My point is, we don't have to play games. He mentioned tax cuts. We don't have a tax cut in this bill.

When it is all said and done, let's not raid Social Security. The Senator said we are going to have to cut education. We have more money in the bill that is pending than the President requested for education. Even if we had an across-the-board cut to make sure we didn't touch Social Security, we would still have more than the President requested. There is $500 million more than the President requested in this bill for education, and if we had an across-the-board cut, it still comes out. There would still be more money than the President requested, and almost $2 billion more than last year. My colleague said: Hey, the horse is out of the barn. Well, it is not out of the barn. We have a lot of horses in the barn. Big horses are still there, such as the Defense bill, Labor-HHS. Those are two bills that are expensive. Most of the other bills are coming in at last year's level, maybe a little less. There are big increases in Labor-HHS and in the Department of Defense. Those are not out yet. Defense is close to being finished.

If Defense and Labor-HHS, Commerce-State-Justice, and HUD, come in too high—we do not know yet because they haven't been reported out, but if they raid Social Security, let's cut everything across the board. That is what this says. I hope they don't. I absolutely believe if I had my say-so, they would not. But I am just one person.

I think if the conferees show some restraint, and if we show some restraint on Labor-HHS, on the Department of Defense, and on the remaining bills, we don't have to touch Social Security, not one dime. But if, for some reason, we are not able do it, with the Agriculture bill for instance, the Agriculture bill emergency funding, as designated has blown from $6 billion to $8.7 billion; it grows by $1 billion every few days. I question that. I may vote against it. I think it has grown too much.

I have a lot of farmers in my State who are going to be quite upset when I vote against it, but I may well because I think it is getting ridiculous how much we are spending. Even if we do, that will be classified as an emergency; but I don't care if it is called emergency or regular outlays. If it starts dipping into Social Security, this resolution says let's cut all spending enough to make sure we don't. Are we going to draw the line and stop at a certain level or not?

Let me make one other comment because we have heard a lot of discussion on Medicare. President Clinton's budget proposal proposed to freeze hospital payments. How many of us have had hospitals coming up here and saying: You have cut too much? The President's proposal was to cut it more. Nobody has talked about that. My colleague says President Clinton's budget was balanced. It was not. The President's budget, according to CBO, still raids Social Security by $7 billion in 2000. I am saying, no, let's not let Congress do it, or the President; let's not do it. But if we have to, let's have an across-the-board cut and cut everybody a little bit.

Right now, the projections are that maybe it would take 1 percent if we don't show a little restraint. We can show a little restraint. We can save a measly $5 billion out of $500 billion of appropriations that have not been passed. We can do that, and we should. Absolutely. I am going to be disgusted if we don't do it. We used to have Gramm-Rudman-Hollings that provided for an automatic sequester if we didn't meet certain targets. I prefer that we not touch Social Security, but if we do, let's cut across the board so it is a small percentage.

I urge my colleagues to seriously consider that and, hopefully, pass this resolution when we vote next week.

I yield the floor.

Mr. HARKIN. Mr. President, I think the Senator and I do agree we should not raid Social Security. But I think it already has been under some of their proposals. That could be open for debate. The Senator says let's make an across-the-board cut if at the end have gone overboard. I made a list of some of the things we could cut, such as $13 billion in Medicare fraud and abuse; $6 billion in tobacco penalty; $2 billion in student loan guarantees, as fixes that we can make; $10 billion in corporate welfare; $4 billion cut in Defense to get just to the DOD request. That is about $35 billion. Why don't we take some of that money, if we have to, rather than cutting education and community health centers? That is what the Senator from Oklahoma would propose, if I am not mistaken.

Mr. NICKLES. Mr. President, my colleague has made several references about Republicans cutting education. I have called him on it in the past, and I am calling him on it again. The budget we have before us increases education by $2.3 billion. If you took what I said, cut 1 percent, that increases education from $35 billion to $37 billion. And that is a $2.3 billion increase. So I keep hearing him say Republicans are cutting education, and it has grown every single year.

I think he needs to stay with the facts. If you adopted this draconian proposal, you would reduce the growth of education from maybe $2.3 billion to $2 billion, which is still a big growth. So I want to make clear there is too much rhetoric that is too inaccurate which says Republicans are cutting education, when education is growing by over $2 billion in this bill.

Mr. HARKIN. If the Senator will yield, the last time I checked, the Republicans do run the House of Representatives. Their education budget is below that. Ours is up a little bit, but you know what happens when you go to conference. And who runs the conference? The Republicans. I am saying, we may be up in the Senate, but the Republicans run the House and they have cut it down below. That is my point.

The Senator said education was up. But under the Senator's scenario of an across-the-board cut, obviously, education would be cut, as would community health centers and Head Start, because it would be across the board. I am saying, if we want to have a balanced budget, which we do, where do we cut?

Why won't the Senator accept penalties on the tobacco companies? The CBO gave us scoring of $6 billion just from penalties on tobacco companies for not reducing teen smoking to the level they said they were going to do. That is $6 billion right there. Yet the Senator doesn't seem to be willing to even entertain that as a possible source of revenue. No, he wants to cut across the board.

So, again, this debate will continue, obviously, for the remainder of the fall as we get into the final crunch on our bills around here. But it seems to me that to have a sense-of-the-Senate resolution that we do an across-the-board cut, without looking at some other things—as I mentioned, there are $2 billion in student loan guarantee fixes we can make, and the tobacco penalty I talked about, or bringing Defense back down to the DOD request. There are a whole bunch of things we can look at that will still let us increase Head Start and education, community health centers, all the things that meet human needs and invest in the human resources of our country, rather than doing it as the Senator from Oklahoma has suggested.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I would like to change the mood a little bit and wish all of my colleagues a happy new year. Here we are on October 1, a new fiscal year. I wish to say it is a pleasure to be in the Senate debating the spending bills for our Nation, and it is a pleasure to have the resolution brought by my friend, the Senator from Oklahoma.

I have to agree with the Senator from Iowa; it is hard for some people to keep a straight face when the Congressional Budget Office reported just 2 days ago that the Republican leadership in the House and Senate is already $18 billion into the Social Security trust fund, and we are considering a sense-of-the-Senate resolution that says, by all means, we are never going to touch the Social Security trust fund. I don't think we can pull that off with a straight face. I think the American people are going to see through that. I think they understand what is happening. They understand we have not met our new year's deadline of October 1 and passed our spending bills.

But very few Congresses ever do, in all fairness. What is different about this Congress is, here we are on October 1 and we don't have a clue how to finish. We don't have a dialog between the President and Congress to try to bring us to a reasonable, bipartisan conclusion. Instead, as my old friend, Congressman DAVID OBEY of Wisconsin, used to say: "Too many people are posing for holy pictures here." They want to be known as the person who "saved" this or that.

I think the American people expect candor and honesty from us. Candor and honesty would tell us several things. First, if we are so desperate now that we want to do across-the-board cuts in spending, why in the world were we ever discussing a $792 billion tax cut? That was the Republican mantra a few weeks ago. We have so much money, we can give away $792 billion. Well, the American people were skeptical and folks on this side of the aisle were also skeptical, and they dropped the idea. But now they come back and say we are in such dire straits that we have to pass this sense-of-the-Senate resolution to discipline ourselves, keep our hands off Social Security.

Some of the schemes the Republican leaders are coming up with to try to end this budget debate are, frankly, not only greeted with skepticism by Democrats, but even by fellow Republicans. Gov. George W. Bush of Texas, yesterday, took a look at the House Republicans' proposal to end this budget impasse, and this is what he said:

> I don't think they [Congress] ought to balance their budget on the backs of the poor. I am concerned for someone who is moving from near poverty to middle class.

The nominal front runner for President of the Republican Party has tossed congressional Republicans overboard because of their extremism and their budget policy. What is it they want to do? They want to cut the earned-income tax credit—a credit that goes to 20 million low-income working Americans to help them get by. That is their idea. Some would argue that is painless. I don't think anyone among the 20 million families would. They understand that can hurt a family when they are trying to meet the basics.

The balanced budget amendment which is being debated on the floor—and the reason I came over—passed in 1997, established caps on spending and wanted to make some cuts in areas such as Medicare to save money to move forward a balanced budget. It was a sensible thing to do. I supported it. I did not believe that I was in any way voting for the Ten Commandments. I thought instead I was voting for a reasonable legislative attempt to bring this budget into balance.

But I will tell you that at this point in time I don't believe Senators on either side of the aisle can ignore what is happening across America when it comes to health care.

I support the legislation introduced by Senator DASCHLE this morning. I have my own bill, introduced a few days ago, which is very similar which tries to come to the rescue of many of these hospitals across America.

I am worried about the sense-of-the-Senate resolution that is pending now before the Senate because it suggests we can ignore problems such as this. And we certainly cannot.

As I travel across my State, I find hospitals are really in trouble, particularly teaching hospitals. In Illinois, we have about 66 teaching hospitals. These are hospitals where young men and women are learning to be the doctors of tomorrow. It is not the most cost-efficient thing to do at a teaching hospital. You have to take extra time to teach, and many insurance companies don't want to pay for that now that Medicare is not reimbursing adequately for it. Hospitals come to me—St. Francis Hospital in Peoria, St. Johns Hospital in Springfield, hospitals in Chicago, and all across the State—and say: If we are going to meet our teaching mission, we need help.

I think Senator DASCHLE is right. Before this Congress pats itself on the back and goes home, we need to address this very serious problem—this problem that could affect the quality of health care, the quality of future doctors, and not only teaching hospitals as educational institutions but also because they take on the toughest cases. These are the academic and research hospitals which try to institute new procedures to deal with disease and try to find ways to cure people in imaginative ways. We don't want to in any way quell their enthusiasm and idealism. Unfortunately, these Medicare cuts are going to do just that.

I might also add that these teaching hospitals in my State account for 59 percent of charity care. In other words, the poorest of the poor who have no health insurance, who are not covered by Medicaid, who may be working poor, for example, come into these hospitals. They are taken care of free of charge.

If the Senator from Oklahoma thinks we can just walk away from this, make a 1-percent cut and go home and accept that as the verdict of history, I think he is wrong. I think, frankly, whether you are in Texas, Oklahoma, Iowa, Nebraska, or Illinois, these hospitals are in trouble. Rural hospitals are in trouble, as well.

These hospitals have seen dramatic cutbacks in reimbursement. In my part of the world, these hospitals are a lifeline for farmers who are injured in their farming operations or in traffic accidents. These small hospitals keep people alive. If we turn our backs on them and say that because we are enmeshed in some theoretical budgetary debate we can ignore what is happening to these hospitals, we are making a serious mistake. Some of the hospitals may close, some will merge, some will be bought out, some may keep the sign on the door that you have seen for years, but what is going on inside the hospital is going to change. It is going to change for the worse instead of the better.

When we consider sense-of-the-Senate resolutions that try to strike some position of principle—and I respect the Senator from Oklahoma for his point of view—I say: Let's get down to the real world.

Let's be honest with the American people in the closing days of this budget debate. And I sincerely hope we are in the closing days of this debate. Let's tell them what is going on here.

We are no longer awash in red ink as we have been for 20 years. We are starting to move toward a surplus. The economy is strong. We feel good about that. We would borrow less from Social Security this year, if it is held to $5 billion, than probably any year in recent memory, and all of it will be paid back with the interest. We would use it to meet emergency needs of America—such as the farm crisis the Senators from Iowa and Nebraska have shown such leadership on—and we would be responsive to these crises at a time when what is at stake is, frankly, a major part of our economy and a major part of America.

Second, we would address the health care needs of this country. If we think we can go home and beat our chests about how pure we were in the budgetary process and don't lift a finger to help these hospitals that are struggling to survive, we will have made a very serious mistake.

I salute the Senator from Iowa and other colleagues, such as Senator BOXER of California and Senator MURRAY of Washington, who have tried to make sure this Labor-HHS bill does not lay off 29,000 teachers at the end of this school year. This bill would do it. The bill that some Republican Senators are so proud of would lay off 29,000 teachers across America because of cuts that are made in that bill and 1,200 teachers in my home State of Illinois.

Is that how we want to welcome the new century? Is that how we want to tell our kids we are going to greet a new generation, by laying off teachers and increasing class size? No.

There are important priorities for us to face. I sincerely hope before we get caught up in some theoretical debate, as Senator HARKIN has said, about whether the horse is out of the barn, that we talk about whether or not we are going to protect Americans in their homes and protect them in their communities.

I support Senator HARKIN's remarks. I support—maybe one of the few times—Gov. George W. Bush, who has reminded his congressional Republicans to keep their feet on the ground and to realize there are real people out there who, frankly, are going to be injured and damaged and their lives changed if congressional Republicans have their way in this budgetary process. Governor Bush is on the right track. We will stay tuned to see if he stays there.

I sincerely hope before we leave and before we think we have completed our responsibility that we will pass a budget we can explain to American families is in their best interests.

I yield the floor.

Mr. BYRD. Mr. President, yesterday afternoon I voted against Senator HUTCHINSON's amendment to transfer $25 million from the budget of the National Labor Relations Board (NLRB) to increase funding for community health centers. I am not opposed to expanding the services provided by community health centers—to the contrary, I believe they are an important element in health care delivery in West Virginia.

However, Mr. President, the National Labor Relations Board is also important to West Virginia. During the first half of this century, labor conditions in West Virginia coal mines, and the resulting growth in unions, led to a virtual state of war, in some instances. Having an orderly process in place to resolve these kinds of issues, such as that managed by the NLRB, helps to keep management-labor-union relations on a civilized path.

The National Labor Relations Board is an independent agency created by Congress to administer the National Labor Relations Act, which is the primary law governing the relationship between unions and employers in the private sector. The NLRB has two principal functions: first, to determine, through secret ballot elections, if employees want to be represented by a union in dealing with their employers; and second, to prevent and remedy unfair labor practices by either employers or unions. The NLRB investigates violations of the National Labor Relations Act, seeks voluntary remedies to violations, and adjudicates those businesses that refuse to comply with the Act.

Opponents of the NLRB have been eager to eliminate it in recent years, but have not had much success in doing so on the merits. Instead, they have been attacking its financing. The NLRB's budget has not kept pace with inflation over the last six years, and, even though the case load has decreased since last year, overall, staffing levels have fallen at a greater rate. The NLRB had 6,198 unfair labor practice cases pending initial investigation at the end of Fiscal Year 1998. The Hutchinson amendment, according to the NLRB, would have caused them to process six thousand fewer cases, and cut all staff training and information technology activities in Fiscal Year 2000.

I support community health centers. They provide a vital service to low income persons who cannot afford health insurance. However, in my opinion, it is not practical to underfund one valuable program in order to fund another. Rather, I would prefer to see the funds come from other sources less disruptive to agencies as valuable to our nations' laborers as the NLRB.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINALLY FIX SOCIAL SECURITY

Mr. KERREY. Mr. President, I heard an exchange earlier between the Senator from Iowa and the Senator from Oklahoma who talked about raiding the Social Security trust fund. We have not been raiding the Social Security trust fund for the last 16 years. What we have—since 1983—is a tax that generates revenue in excess of what we need. The law says we have to take that tax and purchase Treasury bonds. When the Treasury is purchasing Treasury bonds from itself, Treasury ends up with cash.

The question is—since 1983—what do we do with that cash? We have been using it to fund general government, and the impact of that since 1983 is that people who get paid by the hour are the ones who suffer. We make this appeal to people over the age of 65 for political reasons: Do not raid Social Security. But the people who suffer and have been paying the price since 1983 are the American taxpayers, people who get paid by the hour. For the median-income family earning $37,000 a year, they will pay $5,700 in payroll taxes and $1,300 or $1,400 in income taxes. Since 1983, they have shouldered a disproportionate share of deficit reduction. Now that the deficit is gone, guess what they get to do. They get to shoulder all the debt reduction. This does not save Social Security. What this does is save us from having to make a change. That puts a tremendous burden upon people who are paid by the hour.

What we ought to be doing is debating reducing that burden, not, in my judgment, making a play for people over the age of 65 and saying we have been raiding the trust. We have not. We have not been raiding the trust fund since 1983. The trust fund has been building up, and those Treasury bonds are valuable. They earn interest. In fact, there is $40 billion worth of interest added on to the Social Security trust this year as a result of paying for the interest on those bonds.

The people who suffer as a consequence of Congress' delay on fixing Social Security are 150 million Americans under the age of 45. If you are under the age 45 and you are watching Congress say, "Let's fix Social Security" and do nothing, what you ought to be saying is: Mr. Congressman, when are you going to fix it?

Why do we not fix it? You can see it. I was watching the news this morning. I saw Ken Apfel, the head of the Social Security Administration, in an interview with Katie Couric, proudly telling about a letter he is sending out to Social Security beneficiaries telling them what they are going to get when they retire. He left one thing out. If they are under 45 and they get a letter in the mail that says "this is what your benefits are going to be," Mr. Apfel is not informing those beneficiaries that unless Congress increases taxes, there is going to be a 25- to 33-percent cut in benefits, according to the Social Security trustees. He is not informing them of that, and he is not informing them that Social Security, for that low- and moderate-wage individual, is not a very generous program. If you live very long after the age of 65, God help you if that is all you have.

Those of us who have been arguing we need to fix Social Security get a little irritated when we hear people say we have been raiding Social Security for the last 16 years and that the lockbox saves Social Security. It does not. What the lockbox does is say to people who are paid by the hour, the median family who has $5,700 in payroll taxes, after shouldering all the burden for deficit reduction from 1983 to 1999, it is now their responsibility to pay down the debt. On behalf of those people, to keep Social Security as an intergenerational program, I beg my colleagues to finally decide: What will you support?

I went to the University of Nebraska, graduated with a degree in pharmacy, and was trained in demolitions in the U.S. Navy. I do not consider myself to be an intellectual giant. I am neither a Rhodes scholar nor some sort of scholastic achiever. I do not consider myself to be intellectually superior to anybody in this place. An average staffer with an hour's worth of work can present to any Member of Congress the options that are available to us. This is not complicated. This is not youth violence. This is not the deterioration of the American family. This is not lots of issues that are complicated.

We have a liability that is too big, and for 150 million beneficiaries who are now charged with the responsibility of paying down all the debt with their payroll taxes, they face a 25- to 33-percent cut in their benefits. We are not keeping the promise to them, and we are making an appeal to people over the age of 65, saying: The lockbox saves you. Nonsense, it does not.

I know how difficult it is to finally say this is what I choose because you either have to increase taxes or you cut benefits. There are no other magical choices. There is not any other choice. You either cut the benefits in the future or you increase taxes. I wish there were some other choice, but there is not.

I hope Americans, as they hear this debate about raiding Social Security, will understand we are not, in my view, raiding Social Security. What we are saying is that we are going to postpone fixing Social Security because we are afraid of people over the age of 65. We are afraid they cannot stomach the truth. I believe that is wrong. They can stomach the truth. They want to know the truth. They want the facts. They are patriotic; they love their country; they love their kids and grandkids; and they want to make certain their future is secure and sound and that Social Security is going to be there for them when they become eligible.

I hope we are able to take action on the Balanced Budget Restoration Act that Senator DASCHLE has introduced. But I hope in this budget debate as well, we will finally recognize the sooner we fix Social Security, the smaller the changes will have to be. The people who are going to suffer the consequences today may not be us. We may be able to get by the next election by fooling people about what we are doing. But the people who are going to suffer are 150 million Americans under the age of 45 who are not going to be happy when they wake up on Christmas morning and go down and check the sock and find out there is a third less in it than they were told, by the Social Security Administration, was going to be in it.

Mr. President, I appreciate your indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire as to the state of the proceedings?

The PRESIDING OFFICER. We are in morning business with each Senator having 10 minutes to speak.

PROTECTING SOCIAL SECURITY

Mr. ASHCROFT. Mr. President, I will try to say what I have to say in less than 10 minutes, especially because of my regard for my esteemed colleague from the State of Connecticut, who I see has entered the Chamber.

I appreciate the intensity and commitment of the Senator from Nebraska. He is correct; we do not have on the drawing board a long-term remediation for the long-term problems of Social Security. But if we just spend and spend and spend so we continue to elevate the debt of the United States rather than curtail the spending by not spending the Social Security surplus, we are going to make it more difficult, when the time comes, to pay for the Social Security benefits for which we are committed to pay.

So I think it is important not to spend Social Security surpluses to expand Government and to make Government more and more committed and deeper and deeper in debt. It is a major benefit to the future of this country if we decide to refrain from spending Social Security surpluses, which will allow us to protect the integrity, not only of Social Security, on a more persistent basis, but certainly to protect the integrity of the finances of this Government so when the time comes for us to make payments, we will have the fiscal integrity to do so.

I know we are in morning business, but particularly today I rise to comment on and to support the Nickles amendment to the Labor-HHS appropriations bill. I support the amendment because it puts the Senate on record demanding we protect the Social Security trust fund from being raided to pay for other Government spending. The less we go into debt for other Government spending, the more likely we are to be able to honor the claims of Social Security.

So the theft of Social Security funds this year must stop. We should stop spending as if Social Security were a funding resource for all kinds of other spending programs. I am concerned the Labor-HHS bill will result in the Senate's completion of all 13 appropriations bills and, as a result, perhaps take us into the Social Security trust fund.

Some estimates have been as high as $5 billion. I would work to delay the bill if I did not have assurances from the majority leader that the conference reports will not touch the Social Security surplus, even if Senate appropriations have, that the entirety of the package of bills we send to the President after negotiation with the House will not touch the Social Security trust fund.

The majority leader has worked tirelessly to protect the Social Security trust fund. I commend him for it, and I appreciate his ongoing effort.

Furthermore, the Congressional Budget Office has stated in a letter to Speaker HASTERT that the House plan to spend $592.1 billion will not touch the Social Security trust fund.

If we do dip into the Social Security trust fund this year, it would erase all the hard work we have undertaken to protect Social Security.

In January, President Clinton proposed bleeding $158 billion out of Social Security surpluses over the next 5 years. This Congress objected to President Clinton's proposal, and I am glad to say that the Congress got the President to change his mind and to take far less out of the Social Security surpluses over that 5-year period of time. I wish I could say that he had agreed to take none, and sometimes he represents it that way.

In the President's midsession review of the budget process, he said that Social Security surpluses should be spent for Social Security, period. That is right. That is the Social Security lockbox philosophy. Unfortunately, his new budget still took $30 billion out of Social Security over the next 10 years, but that is a lot better than $158 billion. I commend the President for moving so aggressively in the direction of the Congress.

Still the President's midsession review, while it is a vast improvement, and Congress has succeeded in moving him as far as he has moved, it is not far enough. We need to work throughout this year to demonstrate our commitment to protect every single penny of the Social Security trust fund.

In April, we passed a budget resolution that does not spend 1 dime or 1 cent of the Social Security trust fund surplus. In addition to protecting the Social Security surplus, the budget resolution sticks to the spending caps from the 1997 balanced budget agreement. It cuts taxes and increases spending on education and defense.

In addition to ordering our spending priorities correctly, the budget resolution contained a majority point of order preventing the use of Social Security surpluses for non-Social Security purposes. The Senate voted unanimously in favor of this point of order. I had the privilege of sponsoring this particular provision, and since that point, the Congress has continued along its responsible spending path and has also repeatedly demonstrated its commitment to the Social Security lockbox concept, which is to limit Government spending to the revenues designed for Government spending, and not to have general Government spending come out of the revenues designed to provide for the retirements of America's workers.

The House of Representatives passed the Herger bill which created a supermajority point of order of protecting Social Security.

These actions demonstrate a strong commitment and dedication to protecting every dollar of the projected Social Security surplus to shoring up Social Security, making sure we treat it with integrity.

In addition, a majority of Senators have repeatedly voted for the Abraham-Domenici-Ashcroft Social Security lockbox provision. Unfortunately, the lockbox, which was approved by the House, has been endorsed by the President, and a majority of the Senate has been held hostage in the Senate by those on the other side of the aisle.

Despite this setback, we have made great progress in protecting Social Security, the integrity of the fund, and limiting the kind of spending that would jeopardize our capacity to make good on our commitments at some date when Social Security needs to call upon us.

The most important thing we can do right now is demonstrate our commitment to protecting every cent of Social Security resources to make sure they are available for Social Security and to make sure they are not spent on the operations of Government generally. This is a plan that we have agreed to under the budget resolution. We promised the American people that Social Security surpluses will be reserved for Social Security, and now is the time when we are testing that resolve.

Last year, when faced with this test, Congress failed, agreeing to an omnibus appropriations bill that raided—and I think that is the right word—$21 billion from our retirement security fund. I voted against the bill but was unable to prevent the raid by doing so.

This year, we have all been committed to completing all our spending bills on time and avoiding the omnibus spending train wreck such as we saw in last year's $21 billion raid.

I approve of this plan, but a necessary element of the plan is that Congress not spend resources on operating Government that were destined to and designed to support the Social Security trust fund.

The Nickles amendment would put us on record stating we categorically oppose a raid on our retirement system and will support spending cuts to let us meet that goal. As I said, according to unofficial Budget Committee estimates, the Congress is now poised to spend as much as $5 billion out of the Social Security trust fund. If that is the case, I will vote against any plan that would do so. We must avoid filching resources from the Social Security trust fund to support the operations of Government.

This spending bill, the Labor-HHS fiscal year 2000 appropriations bill, is the last of the 13 appropriations bills to reach the floor. It is also the largest of the nondefense discretionary appropriations bills. If the estimates about this year's spending that I have referred to are correct, we are going to dip into Social Security, and this is the bill that will push us over the edge. For this reason, I commend Senator NICKLES for bringing up this amendment on this bill at this time.

Now is the time for us to stand up and say we will not support taking any money out of the Social Security trust fund to finance the operations of Government. Making sure that Social Security funds do not go for anything other than Social Security is essential to the protection of long-term Social Security integrity.

Social Security is expected to meet all of its obligations until the year 2034—until then. Starting in 2014, however, Social Security will begin spending more than it collects. It will begin spending the trust fund, the surpluses. By saving Social Security surpluses and using those surpluses to pay down the debt, Congress will ensure the Nation is on secure economic footing when Social Security surpluses diminish and then disappear. If we do not save Social Security now, it will make it that much harder for us to meet our own obligations later.

We need to protect Social Security now for the 1 million Missourians who receive Social Security, for their children, and their grandchildren. We need to protect Social Security now, and this bill fails to do that. It certainly threatens not to do it, and it is time for us to vote in favor of the Nickles amendment, and to vote against any plan that would invade the Social Security trust fund.

It is for this reason I urge my colleagues to support the Nickles amendment calling for the full protection of our Social Security resources.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

SPECIAL COMMITTEE ON CULTURAL MATTERS

Mr. LIEBERMAN. Mr. President, last evening after the final vote occurred, my friend and colleague from Kansas, Senator BROWNBACK, took the floor and offered an amendment which he then withdrew. I was not able, because of my personal schedule, to be here at that time. But as an original sponsor of the original legislation offered by Senator BROWNBACK, which would have created a special committee on cultural matters, I did want to simply say a few words about this.

I know this became controversial within the Senate, but I felt from the beginning that Senator BROWNBACK's intentions were not only worthy but they were relevant; that the cultural problems which the committee, or later the task force, would have addressed are real, as every family in America knows when their children turn on the television or go to a movie or listen to a CD or play a video game.

The problems are not only real, but they are actually relevant to so many of the matters we more formally discuss on the floor of the Senate—such as the solitary explosions, violent criminal behavior, problems such as teenage pregnancies, I think all of which are affected by the messages our culture gives our children and, indeed, adults about behavior. Of course, I am talking about the hypersexual content, hyperviolent content in too much of our culture.

In this case, this effort by Senator BROWNBACK, with the withdrawal of the amendment last night, was not to culminate successfully. But the battle will go on.

Clearly, the standing committees of the Senate will—I certainly hope they will; I am confident they will—continue to pursue cultural questions because they are so important, they are so central to the moral condition and future of our country. I look forward to working on those with Senator BROWNBACK and other colleagues as we go forward.

HONORING 20TH ANNIVERSARY OF THE ESPN NETWORK

Mr. LIEBERMAN. Mr. President, I note there is a rule in the Senate against using props. I, just for a moment, ask unanimous consent for a transitional prop, if I might briefly hold this up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

This is my favorite ESPN parka. It gives you an indication of about what I am going to speak. It is in some sense as cultural as the first part of my comments. It does involve the influence of television on the American culture. But today, in this part of it, the news is good and the occasion is one to celebrate, particularly for those who may find some meaning in words that might confuse visitors from another planet, such as "en fuego" or "boo-yaah." Twenty years ago, a small cable television enterprise, tucked away in the woods of central Connecticut, introduced itself to America with these words:

> If you're a fan, what you'll see in the minutes, hours and days to follow may convince you that you've gone to sports heaven.

True to that prophecy, the past 20 years have marked our national elevation into another world of sublime sports saturation.

In recognition of its outstanding contribution in shaping the sports entertainment industry, I wish to speak today—and I believe I speak for all of my colleagues, at least a great majority—in offering our kudos to an American sports institution and the pride of Bristol, CT—the ESPN Network which turned 20 years old last month, on September 7. The folks at ESPN aired an anniversary special that night duly celebrating the network's unique constructive contribution to our culture, and yesterday there was a congressional reception in honor of that anniversary.

Those of us who attended not only had the chance to toast ESPN but to meet an extraordinary group of American heroes: boxing legend Muhammad Ali, football great Johnny Unitas, and Olympian Carl Lewis.

So I take the floor to pay tribute to one of my favorite corporate constituents, and I think one of America's favorite networks.

The story of how ESPN came to be is really an American rags to riches classic, and that network's unbreakable bond with the small Connecticut city of its founding is part of that story.

Bristol, CT, population 63,000, is a wonderful town, 20 minutes west of Hartford. Most famous previously for being the cradle of clockmaking during the industrial age, Bristol seemed an unlikely candidate to emerge as the cradle of electronics sports media, but it did. Believe it or not, ESPN probably would not exist today—certainly not in Bristol—if the old New England Whalers of the World Hockey Association had not had a disappointing season in 1978.

The Whalers' public relations director, a man named Bill Rasmussen, one of several employees to lose his job in a front-office shakeup at the end of that season, decided he had an idea he wanted to try. He was a Whalers man at heart, and he figured he could stay involved with his team by starting a new cable television channel that would broadcast Whalers games statewide. He even had a second-tier dream of someday possibly broadcasting University of Connecticut athletics statewide as well.

Rasmussen rented office space in Plainville, CT, near Bristol, and thought up the name Entertainment and Sports Programming Network, or ESPN. But before he had even unpacked in Plainville, he ran into his first problem—the town had an ordinance which prohibited satellite dishes. Undeterred, Rasmussen scrambled to nearby Bristol, found a parcel of land in an industrial park in the outskirts of the city, which he promptly bought, sight unseen, I gather, for $18,000. The rest, as they say, is history.

Today, ESPN, from this same location, generates $1.3 billion a year in revenues and is seen in more than 75 million American homes.

ESPN realized that second-tier dream that Rasmussen had. Earlier this year, his station provided exhaustive coverage of UConn athletics when the Huskies won the NCAA men's basketball championship—only the game was not broadcast statewide; it was broadcast worldwide.

Twenty years after its founding, ESPN commands an international audience that watches every sport—from baseball to badminton to Australian rules football. The network's flagship, SportsCenter, is currently the longest running program on cable television, with more than 21,000 episodes logged—truly, the Cal Ripken of network television.

In a measure of its enormous influence on our culture, the catch phrases coined by SportsCenter's quick-witted anchors routinely find their way into the American vocabulary, such as the aforementioned "en fuego" and "boo-yaah."

The program also has broadened sports appeal by peppering broadcasts with references to literature, history, and other high-minded fields not always connected with sporting events. The father of this breed of broadcasting, of course, is Chris Berman, probably my most famous constituent. He was hired from a Waterbury, CT, radio station at the age 24 to become one of ESPN's pioneering voices. What a great professional and source of great joy Chris Berman is.

A testament to his place among sportscasting greats can be heard across ballparks in America each time a home run ball is struck. If you listen closely, as the ball nears the fence, you may think that the ballfield is being overtaken by a herd of chickens clucking: "Back, back"—I am restraining myself here on the floor, Mr. President, but you get the idea—"back, back, back, back, back," in homage to the Swami's classic call. Berman is also the father of the modern sports nickname, concocting such classics as: Burt "Be Home" Blyleven, John "I Am Not A" Kruk, and Roberto "Remember The" Alomar. There are certain individuals unnamed in the Democratic Cloakroom who have attempted to emulate this style of nicknaming for sports figures, and they are not doing badly. Oh, and lest we forget another household name, ESPN introduced us to the man who genuinely put the "Madness" into March Madness—the nattering nabob of Naismith, the great Dick Vitale.

So thanks to Chris Berman, to Dick Vitale, and to all the others who have made ESPN part of our lives.

ESPN is today to sports what Walter Cronkite once was to politics and public affairs—the authoritative voice fans turn to when a major story breaks. As political columnist George Will once wisely said: "If someone surreptitiously took everything but ESPN from my cable television package, it might be months before I noticed."

Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Despite ESPN's national prominence and its countless opportunities to relocate to a larger media market, the network has steadfastly stayed with bucolic Bristol, as it is endearingly referred to on the air. ESPN maintains its foothold in the same industrial park where it began 20 years ago, although the Bristol campus, as it is now called, spans today 43 acres and the network has 210 employees. We in Connecticut are very proud of this relationship and particularly of ESPN's leaders and broadcasters who have happily put down roots and raised their families in central Connecticut.

I think John Leone, former mayor of Bristol, now head of the Bristol Chamber of Commerce, may have summed up the relationship between the city and its network best when he said:

> In New York, ESPN would be just another network. Here in Bristol, ESPN is the king.

So to the king of Bristol—and their royalty of American sports television—I say happy 20th, ESPN, and many more.

Before I yield the floor, I want to give a special thank you to Eric Kleiman of my office staff who truly inspired this statement of gratitude and tribute to a great television network.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNBORN VICTIMS OF VIOLENCE ACT

Mr. DEWINE. Mr. President, yesterday my colleagues in the Senate, Senator HELMS, Senator ENZI, Senator VOINOVICH, Senator Tim HUTCHINSON, and Senator NICKLES, introduced a bill that would establish new criminal penalties for anyone injuring or harming a fetus while committing another Federal offense. By providing a Federal remedy, our bill, the bill we are calling the Unborn Victims of Violence Act, will help ensure that crimes against unborn victims are in fact punished. The House passed their version of this bill yesterday by a vote of 254 to 172.

Tragically, unborn babies, perhaps more than we realize, are the targets—sometimes intended, sometimes otherwise—of violent acts. That is why we need to pass this bill.

Let me give several very disturbing real-life examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter whom they would name Jasmine.

On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt to reduce the chance he would inflict visible injuries and then savagely beat his wife by striking her repeatedly about the head and the stomach. Fortunately, Mrs. Robbins survived this violent assault, but, sadly and tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing this little child's death.

A prosecutor sought to prosecute the airman for the little girl's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act, such an act which results in the death or injury of an unborn child. So they had to look outside the Federal code, outside that law. The only available Federal offense actually was for the assault on the mother. That, of course, is a Federal offense.

This was a case in which the only available Federal penalty obviously did not fit the crime. So prosecutors looked outside Federal law, used Ohio law, and then bootstrapped—if we can use the term—the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case is currently pending appeal. We certainly hope justice is done. It is being appealed under the theory that if it was not in fact a Federal offense, you could not use the assimilation statute to bring this into the court using the Ohio law.

If it weren't for the Ohio law that is already in place and that the Presiding Officer of the Chamber was very instrumental in getting passed and signed into law, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against baby Jasmine.

We need a Federal remedy to avoid having to bootstrap State laws and to provide recourse when a violent act occurs during the commission of a Federal crime, especially in cases when the State in which the crime occurs does not have a fetal protection law in place, because there are some States that simply do not.

There are other sickening examples of violence against innocent unborn children. An incident occurred in Arkansas just a few short weeks ago. Nearly 9 months pregnant, Shawana Pace of Little Rock was days away from giving birth to a child. She was thrilled about the pregnancy. Her boyfriend, Eric Bullock, did not share her joy and did not share her enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat her, and to beat her so badly that she would lose this unborn child. During the vicious assault against mother and child, one of the hired hitmen allegedly said—and I quote—Your baby is going to die tonight.

Tragically, the baby did die that night. Shawana named the baby Heaven. We all should be saddened, we all should be sickened, by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. That is under the old law, as in the case of Baby Jasmine's death in Ohio, but for the Arkansas State law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

Another example: In the Oklahoma City World Trade Center bombings—here, too—Federal prosecutors were able to charge the defendants with the murders of, or injuries to, the mothers—but not to their unborn babies. Again, Federal law currently only provides penalties for crimes against born humans. There are no Federal provisions for the unborn, no matter what the circumstances, no matter how heinous the crime. This clearly is wrong.

Within the Senate, we have the power to do something about this, to rectify this wrong, to change the law. That is what our bill is intended to do.

It is wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole. I think most Americans would look at it that way and say that is a loophole that should not exist. Congress should change this. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even allows them to get away with murder.

We, as a civilized society, should not, with good conscience, stand for that. That is why our bill would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal Code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing Federal crimes.

Our bill, the Unborn Victims of Violence Act, would create a separate offense for unborn children. It would acknowledge them as the victims they are. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least 24 States already have criminalized harm to unborn victims, so this is not a new concept. Another seven States have criminalized the unlawful termination of a pregnancy.

In November of 1996, a baby, just 3 months from full term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct that terminates a pregnancy of a child in utero, the prosecutor successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence such as this a Federal crime. It would make sure it was always covered. This is a very simple step, but one that will have a dramatic affect. It is, quite frankly, a question of justice.

Let me make it clear to my colleagues in the Senate that we purposely drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action—legal or illegal—in regard to her unborn child. That is not what the intent of this legislation is all about. This legislation, further, would not permit the prosecution for harm caused to the mother or unborn child in the case of medical treatment. The bill would not allow for the imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The Federal penalty should, in fact, fit the crime. I strongly urge my colleagues to support our legislation. We have an obligation to our unborn children. This bill will bring about justice. It is the right thing to do.

I thank the Chair and yield the floor.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTING A CHILD

Ms. LANDRIEU. Mr. President, I rise this afternoon to speak on a subject that is very important to many Members of this body. In fact, Senator DEWINE from Ohio has been one of the leading advocates for adoption. Before he leaves the floor, I wanted to acknowledge that. He, along with many Members, including the occupant of the Chair, Senator VOINOVICH, have been very active in the promotion of laws and policies that would help us to reach our goal of finding a loving and nurturing home for every child in this world that needs one. Many of us believe that it is a fundamental right to grow up in a home with a family, as opposed to in a hospital, or some type of institution.

I rise to bring the body up to date on some of the things that we have accomplished and that we should be proud of, as well as some of the challenges that are still before us as a Congress. In the short time ahead, I am hopeful the appropriate committees will have hearings on relevant legislation in order to move the adoption debate along quickly. There are literally millions of children and families depending on us to act.

First, let me congratulate Senators CHAFEE and ROCKEFELLER for leading the successful effort last year to pass the Adoption and Safe Families Act. Last week, President Clinton and Mrs. Clinton hosted the first awards ceremony associated with the passage of that Act. The great news is that we have taken a mighty and important step forward because since the passage of the Act 36,000 American children have been placed in foster care while 15,000 foreign children have found permanent homes—all with wonderful families throughout America. Moreover, at least 35 States were acknowledged for their outstanding work in this area at the White House ceremony last week.

In some States, the increases have been 20 percent over last year's numbers, while others have seen 50- to 70-percent increases over the previous year. This has occurred because the law we passed gave the necessary tools to parents, social workers, community activists, and to local elected officials so that the dream of a family became a reality for these 36,000 children.

The problem is we still have over 500,000 children waiting for a family to call their own. Through this bill, many of the children in foster care, who range from all ages, races, medical conditions, and backgrounds, will be able to one day return to their biological families. However, despite our best efforts, unfortunate circumstances exist which prevent some of these children from returning home. Consequently these children must be moved to a permanent place. The Adoption and Safe Families Act will provide the tools for us to help these children in terms of guidelines and the necessary resources.

Again I want to thank all the members, particularly Senators ROCKEFELLER and CHAFEE, for their leadership in making this law possible. It is working and we just need to continue our efforts because many children are still waiting for a home to call their own.

That leads me to the next three points.

We have accomplished some wonderful things. But in this Congress during the next few weeks, some important tasks still remain to be finished. If we fail, there will be several million children left waiting.

Next week, under the leadership of the distinguished Senator from North Carolina, Senator HELMS, we will be having our first hearing on the Hague Treaty, the International Convention for Adoption. The purpose of the hearing will be to consider the Intercountry Adoption Act, legislation which seeks to implement the objectives of this Treaty. I am an original cosponsor of this measure, along with Senator HELMS, Chairman of the Senate Foreign Relations Committee, and the Ranking Member, Senator BIDEN from Delaware.

This Treaty is very important because, as we endeavor to ensure that every child in America who needs a home will have one, it is also important for us to realize that there are millions of children around the world—in South America, in Africa, in Latin America, in Eastern and Western Europe, and Asia—who are growing up in horrible conditions. Some of them are in institutions with unspeakable conditions and there are others who are actually living in the streets.

With all of our global successes, it is appalling and unacceptable that these conditions exist anywhere in the world. We can do something about it.

Today, the Internet will allow us to do more than we ever dreamed possible—connecting families with children, allowing agencies to work more closely together, and, most importantly, allowing for improved communications between governments. The language barriers are coming down as technology opens up greater opportunities.

But none of this can work without a body of international law that gives us the rules and regulations for how this is going to take place. We must eliminate the corruption, the outrageous trafficking of children, and the extraordinary fees that are sometimes being paid illegally. So if we are to have protection for children, protection for families, and protection for the legal framework, this Treaty is absolutely essential.

I urge my colleagues to pay special attention next week during this hearing, and I urge them to learn more about this issue, because there is something we all can do; that is, to move this piece of legislation forward with the few minor differences that exist between both sides of the aisle, approve the treaty, and then implement it.

If my colleagues are like me—and I think many of them are—when we get a few minutes to watch television we can view programs such as Save the Children where there are thousands of children who are in need. I sit there and think about what I could do as one individual sponsoring one child. It does not seem to be enough. But in many instances reaching out to sponsor that one child is quite enough. Millions of Americans have the opportunity to do the same.

I am looking forward to the Senate Foreign Service Committee's hearing on adoption next week. I am confident that we can solve the differences that may exist among the interested parties who are working to move this important legislation forward.

In addition to the implementation of this international Treaty, we are faced here in the United States with some additional challenges in our adoption laws. One of the things we failed to accomplish, which perhaps may have been an oversight when we passed the Family and Medical Leave Act, was a requirement that employers offer adoptive families the same benefits as birth families.

I believe the Family and Medical Leave Act made progress toward equal treatment for adoptive families, but discrepancies remain for adoptive families who seek the same employee benefits as birth families. This law enables both adoptive and birth families to take up to twelve weeks of unpaid, job protected leave. Some employers, however, permit employees to use sick leave or provide paid leave for birth parents, but do not provide these same benefits for adoptive families.

As an adoptive parent, I can certainly attest to the fact that whether the child is biological or comes as a gift through adoption, the stress on the families are very much the same. This is why the expansion of the Family and Medical Leave Act is so important. It must include the thousands of families in our country who adopt either domestically or internationally every year. This inclusion will allow Congress to say that building a family through adoption is a blessing for children and parents. This is one important goal I hope we can achieve this Congress.

In addition, I hope we can extend the adoption tax credit we passed several years ago, which is now $5,000 based on actual expenses, and double it, making it $10,000. This will make it real and workable, especially for those families who adopt special needs children.

Currently, this tax credit is working but it can be improved for those parents who adopt special needs children—older children, handicapped children, children with special emotional challenges, sibling groups, or international adoption. Unless you can demonstrate all expenses in connection with the adoption you are unable to avail yourself of the tax credit.

In many ways, when you take a special needs child, there are no expenses associated with the adoption itself because the agencies of course want to place these children. I believe it would be in the best money this Congress could spend to provide tax credits, tax credits to families who adopt hard-to-place children and sibling groups, and others with difficulties.

The Government should state that if you will take a child into your home and call it your own, we will give you a $10,000 tax credit. A family who would adopt two children would get a $20,000 Federal tax credit. It is my hope that they would not have to pay Federal taxes for many years because these families are doing something great for their community and country.

Mr. President, in closing, let me show you a picture of a beautiful little girl as an example of what I have been talking about. This child is coming from China. Her mother, Cheryl Varnado, wrote me a letter about little Anna Grace Cai Yong Lin.

Her letter reads: Senator, would you fly an American flag over the Capitol today so that I can give it to our little girl in remembrance of her first day in the United States?

I commend the Government of China for the wonderful work they are doing to provide homes for millions of Chinese children. Today they are doing a much better job in this area. The challenges faced by this country are great. There are over one million children without families who will grow up in institutional care unless someone brings them into their home and provides them with the love of a family.

We are happy for Anna and her new family. The flag flying over the Capitol today will remind us of her arrival to the United States and the thousands of other children that have come from all over the world to find homes in America.

In conclusion, a wonderful couple that won an award was honored on the front steps of the Capitol earlier today for adopting not one, not two, but 30 children of all ages, races, physical handicaps, and challenges. They received the Norman Vincent Peale Award for outstanding service to our country. I commend Penny and Chuck Hauer.

Mr. President, I ask unanimous consent to have an article printed in the RECORD about this couple.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Some things are in short supply around Penny and Chuck Hauer's house: Toilet paper. Money. Bathroom space.

But not love.

It radiates in the heart-melting smiles of Carissa, brain-damaged as an infant, who is 17 and occupies a wheel-chair.

It's reflected in the sparkling eyes of Calli, who is 11 and has Down Syndrome and a huge crush on skater Scott Hamilton.

It zaps you like electricity in the gnarled handshake of Clifton, who is 21 and has cerebral palsy and a fondness for country music.

In all, over 20-some years, the Hauers have adopted 35 physically and/or mentally disabled children of all races—black, white, Korean, Hispanic. Nine have died. Others have grown up and moved out on their own.

All were among those hardest to find homes for, the ones nobody else wanted.

"The world says these kids should be in a group home, or in a hospital or an institution," says Penny Hauer. "That's not our philosophy."

Sharing an eight-bedroom, three-bath home are 21 adopted siblings, ages 8 to 32, plus two of the Hauers' five offspring and a 7-year-old grandson.

"It was a four-bedroom house but we've made some revisions," Penny Hauer says. "The living room is a bedroom. The dining room is a bedroom.

"Bath time can be a problem. If you want a bath every night, fine—get in line."

In a family tradition, the children all have names with C—Catey, Cotey, Courtney, Curtis, Colin . . . and on it goes.

Much has changed in the year since a newspaper story introduced readers to this remarkable family and their battle with the Social Security system.

They've been on national TV. They've gotten back in touch with a lost son. They've made lots of new friends.

And they have resolved the bureaucrats' mess that threatened the $7,000 monthly Supplemental Security Income funding the family depends upon.

The Hauers moved here from Montana in July 1997 because the kids were being ridiculed and mistreated in the school system there, the parents said. The sale of their Montana home fell through, leaving them stretched beyond thin, paying two mortgages.

In August 1997, filing routine renewal forms at San Diego's Social Security office, the couple dutifully reported their deeds on two homes. They were notified three months later that their assets exceeded government allowances for Supplemental Security Income.

With help from an attorney and Rep. Duncan Hunter, R–El Cajon, the Hauers kept the checks coming while they appealed. Finally, in April, they solved the problem by selling the $600,000 Montana home to a Vista couple for $225,000.

Still, making ends meet is a struggle. The payment on the East County home is $3,000 a month, groceries $2,000. The family goes through three loaves of bread a day, two gallons of milk and two boxes of cereal.

Other changes have occurred. The Hauers have re-established contact with an adult son who was living on the streets in San Diego a year ago. They say he's in an apartment now, doing fine.

Chuck Hauer, 61, quit his part-time job because of high blood pressure. He gets a small pension from General Tire and Rubber in Akron, Ohio, where he worked until 1982 as a quality-control inspector.

Penny, who discloses her age to no one, has resumed volunteer work she gave up nine years ago when the family moved from Ohio to Montana. From her bedroom, she makes calls for a Toledo agency, Adopt America

Network, trying to match disabled children with families who will take them.

In three-ring binders, she has thumbnail descriptions of hundreds of kids and potential adoptive families in the agency's nationwide system. She gets new ones in every Monday's mail—two to five families, 10 to 20 children.

"In Los Angeles County (alone), each caseworker has 100 kids. They don't have time to make the matches," she said. "Somebody's got to do it."

Although there are never enough families, Penny Hauer is determined to make a difference. She tells excitedly of hooking up an Ohio couple just last week with three siblings, ages 2 to 4, in Escondido.

"I'm always looking," she said. "I want these kids to have a home."

The Hauers' own story dates to the mid-'70s, when they took in Charity April, a tot with cerebral palsy. The couple, then with four biological kids of their own, fell in love with the foster child and realized there were many more like her in need.

"We just decided to start adopting—not to adopt 35, but that's just what's transpired over the years," Penny Hauer said. "One takes all your undivided attention. When you have a group of children, they interact with each other.

Everyone has chores: Charity, 24, changes diapers for seven incontinent siblings. Cristy, 21, helps cook. Chet, 18, takes out the trash.

And the family may be growing. The Hauers have applied to adopt four more disabled orphans.

"I think when they carry me out of the house and I'm gone and dead, there's going to be somebody wrapped in my arms, because that's just the way I am," Penny Hauer said.

Today, the Hauers will squeeze some extra seats up to their 30-foot table—actually four oak tables stuck end to end.

After offering to provide Thanksgiving dinner to any armed forces member with no place to go, they learned Tuesday that they'll be joined by a mother and three young children whose Navy husband and father is away.

"It's all about sharing," said Penny Hauer. "I hope they like my cooking."

Foothills Republican Women's Club President Dawn Sebaugh, whose group adopted the Hauers last Christmas, has become a year-round helper and friend.

"It's just amazing," she said. "You wonder how someone could take care of, love and treat these children so well."

Sebaugh said her group will be helping the family over the holidays again this year.

"We will make sure Santa's there for Christmas," she said. "I know they could use a couple of extra bedrooms. I don't know if we can do anything (about that), but we're going to try."

Someone else who has fallen for the Hauers is Robert Stein of New York. An HBO producer of in-house promotional videos, he saw Penny Hauer's brief appearance on the "Rosie O'Donnell" show in February and was deeply moved.

Since then, Stein has spent several days with the family over repeated visits, filming a documentary at his own expense that he intends to pitch to his cable network.

"I was truly impressed witnessing these kids. They really do have a strong sense of love for each other," he said.

Stein said the Hauers' story could open more eyes and hearts to the disabled.

"People see disabled or handicapped kids or adults in the street, and a lot of times people look down . . . or write them off as people they can't connect with," he said. "These people have been very selfless as far as welcoming kids who may not have had a family life.

"They've really nurtured kids who may have been forgotten in the system, and they've really blossomed."

Ms. LANDRIEU. Obviously, there are many great things we can do in this Congress to promote adoption. Many of them have already been accomplished. However, there is much more that should be done, beginning with acknowledging the great work of everyone who has worked on this issue in America and around the world. Finally, I am delighted that we are taking the necessary time today to bring this important issue to the attention of all of our colleagues.

I yield back the remainder of our time and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand we are in morning business with a 10-minute restriction on length of comments.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. I ask unanimous consent to be able to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THREE BRANCHES OF GOVERNMENT

Mr. GRAHAM. Mr. President, I wish to speak on an issue which has already been addressed by several of our colleagues earlier in the week. Initially, I was reluctant to discuss this matter for fear of contributing to a charge of politicization of an issue which, in my judgment, should not be thought of as political but, rather, one to be judged and decided in the finest traditions of our Nation, the relationship of each of the branches of Government carrying out their appropriate responsibilities.

The reticence I had to discuss this issue was overcome when I heard some of the comments made about our Justice Department and about our Attorney General relative to the decision made to file civil claims on behalf of the Federal Government and the citizens of the United States against the tobacco industry.

The purpose of my remarks this afternoon is not to rebut comments made elsewhere; rather, it is my purpose to remind our colleagues of the bedrock principles upon which this body, upon which our Federal Government operates, the rule of law and the separation of powers.

The level of rhetoric on the question of whether the Federal Government should have initiated civil litigation against the tobacco industry has been very high. The level of analysis, unfortunately, in my opinion, has been quite shallow. In their haste to spring to the tobacco industry's defense and to, once again, heap partisan abuse upon the Attorney General and the Justice Department, some Members of Congress have disregarded the very nature of our system of government.

I have heard it said the Justice Department suit violates both separation of powers and the rule of law. In my opinion, these accusations turn the structure of our Government completely on its head. Nearly 200 years ago, Chief Justice John Marshall explained the powers of our coordinate branches of Government. In Marbury v. Madison, the seminal decision which established the concept of judicial review, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

The Chief Justice went on to say it is emphatically the province and duty of the judicial department to say what the law is.

For the last 200 years, the American people have understood the respective roles of the three branches of Government. As the national legislature, our duty as Congress is to find and limit it to the role of making law. It is the executive branch's role, in part through the Justice Department, to enforce that law. It is the Judiciary's role to interpret the law. Each branch of Government must be left to do its work without interference from the other branches.

We in Congress have already done our job. We have made the laws which the Justice Department now seeks to enforce. Whether the Justice Department ultimately prevails is left to a third branch of Government, the judiciary. The only threat to the rule of law in filing this litigation on behalf of the American people against the tobacco industry is posed by those who seek to step beyond their proper relationship and usurp the power granted by the Constitution to other branches of Government. It is neither wise nor right for members in the legislature to attempt to tell the executive how to enforce the laws or to tell the courts how to interpret the laws. If we practice jurisprudence by press release, we become lawmakers, law enforcers, law judges. If we have learned anything at the end of this millennium, it is that such an aggregation of power is the antithesis of the rule of law and is, instead, the imposition of tyranny.

Throughout the world—from East Timor to Kosovo to Cuba—we encourage other countries to follow the rule of law. We must do no less here. We have the greatest judicial system in the world. It resolves disputes based on evidence not rhetoric. Let us allow our court system to adjudicate this dispute without congressional interference.

Undoubtedly there have been instances when individual Members, if not a majority of the Senate, have questioned the wisdom of lawsuits brought by the Justice Department.

When powerful industries violate federal law, it is not uncommon for them to seek congressional interference. When individuals or groups have used their power and privilege to dominate others, and that power was challenged by the law, they have shrilled—"foul."

Many disagreed when President Theodore Roosevelt's Justice Department sued to break up Standard Oil. Similar complaints were heard when President Reagan's Justice Department sued AT&T.

And we can all remember the outcry in some quarters in the 1950's and 1960's when the Justice Department sought to enforce civil rights guarantees.

While some influential members might have advocated congressional intervention, in none of those cases did the Congress step in to attempt to tell the Justice Department whom it can or cannot sue. We must not do that now.

Some have asked why Congress was not consulted prior to this suit being filed. The questioners appear to have forgotten much of what has happened in the last year.

Setting aside the fact that the Justice Department has no obligation to ask Congress for permission to enforce the law, Congress was well aware this litigation was under consideration.

In his State of the Union address, the President discussed the possibility of this tobacco suit, by announcing that he had asked the Justice Department to prepare a litigation plan against the tobacco industry. Specifically, the President said:

> So tonight I announce that the Justice Department is preparing a litigation plan to take the tobacco companies to court—and with the funds we recover, to strengthen Medicare.

It would have been hard to be clearer.

Congress also considered the potential for a federal tobacco suit when it protected the states' tobacco settlements from federal incursion. In the budget resolution, passed on March 25, 1999, I offered a sense-of-the-Senate amendment which stated that the proceeds of a successful federal lawsuit should be used to shore up the Medicare Trust Fund and help to establish a prescription drug benefit. That amendment passed without dissent.

In March of this year, during debate of the budget resolution, the Senate defeated an amendment offered by Senators SPECTER and HARKIN to place strings on the states' tobacco settlements. Several Members of this body, including myself, stated that if the federal government believed it had claims against the tobacco industry, the Justice Department was free to bring those claims but that the Federal Government should not attempt to recoup State settlement proceeds. The matter was discussed yet again when the Commerce, Justice, and State Appropriations Subcommittee attempted to impede the Justice Department's ability to pursue litigation against the tobacco industry. Not only was the offensive report language effectively removed through a colloquy, the chairman of the subcommittee expressly acknowledged that:

> Nothing in the bill or the report language prohibits the Department from using generally appropriated funds, including funds from the Fees and Expenses of Witnesses Account, to pursue this litigation if the Department concludes such litigation has merit under existing law.

Quite obviously, the Justice Department has reached the very conclusion discussed on the floor of the Senate just a few months ago.

Surely it is absurd to suggest that the Justice Department somehow blind-sided Congress with the announcement of this lawsuit. But again, these facts beg the question. The Justice Department does not need my permission or your permission, or the permission of anyone else in this body to do its job, which is to enforce the law. Conversely, if we attempt to prevent the Justice Department from doing its job, we are engaging in obstruction of justice. Others have questioned the motivation for bringing this suit. I believe the motivation for the Attorney General's decision is similar to that of the attorneys general in many of our states: to enforce the law—and by doing so—protect the American people and particularly the children of America.

The suit seeks to end the cycle of addiction to nicotine, an addiction created in part by false advertising and advertising targeting the youth of our country. It also seeks to recompense taxpayers for the billions of dollars this addiction has cost them—the taxpayers of America. These are motivations which should be celebrated, not ridiculed.

The merits of this case rightfully will be determined in a court of law—not in this body, not in the Congress. But since some of my colleagues have seen fit to put on their own imaginary black robes and pretend to judge this case, I would like to offer a few observations of my own.

It has been argued that the civil RICO statute does not apply in this case because tobacco is a legal product. But this argument ignores the claims made by the Justice Department.

The Justice Department does not allege that tobacco itself is illegal. Nor does it suggest that the tobacco industry broke the law by selling or marketing tobacco products to adults.

Instead, the Justice Department argues that tobacco companies violated the civil RICO statute—a Federal law, of course, enacted by Congress—by conspiring to illegally market their cigarettes to children and by wilfully withholding critical information from the public and the Government.

The tobacco companies have known for years what we are just beginning to learn. If they don't hook you early, they'll never hook you. And if they never hook you, their business dies. It's as simple as that. Tobacco relies by necessity on addicting our children.

According to the Centers for Disease Control, 89 percent of all smokers begin smoking before age 18. So, Mr. President, does it surprise us that the tobacco industry has spent millions of dollars each year to addict our children? It certainly should not.

But whether it surprises us or not, we have an obligation to do something about it. In this case, we should simply let the Justice Department enforce the laws that we have passed.

As documents introduced in state court actions have demonstrated, some of the marketing efforts of these companies have been directed at children as young as 10 years old.

The fact that tobacco is legal for adults does not give these companies the right to market their products illegally to children or to misrepresent or conceal information. These allegations, if proven, will constitute a violation of the RICO statute.

I am even more disturbed by another argument made by the pro-tobacco forces. They argue that even if the Justice Department can prove the tobacco companies lied and illegally marketed their products, the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let me restate that: the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let us be clear on what is being argued here. Big Tobacco says that the taxpayers incur no increased costs because tobacco kills people prematurely. Therefore, the industry argues that the taxpayers save money by not having to pay out Social Security or Medicare funds to Americans whose lives are cut short by tobacco before they reach 65.

I imagine there might be some who would congratulate the tobacco industry for saving us all this money by killing our fellow American citizens before they become a burden. I, for one, and I am confident the vast majority of Americans, would much rather spend money on Social Security and Medicare than have millions of our fellow citizens die a slow, a painful, and a premature death.

Along with being a ghoulish and despicable argument, the industry's twisted logic that it has imposed no net cost on the American taxpayer has also been properly rejected on public policy grounds.

In January of 1998, the trial court in the Minnesota State suit against the tobacco industry upheld the motion of the State of Minnesota for summary judgment, effectively stating that the State of Minnesota had established its case with no further evidence required.

In granting this motion, Judge Fitzpatrick ruled the tobacco industry defendants could not use the fact that they killed people prematurely to their advantage in defending against the suit.

Predictably, the friends of tobacco also make another slippery slope argument. If the Justice Department can sue tobacco companies, they say, what other industries will not be safe? Will fast food or beef or dairy industries be the next in line?

This argument is truly offensive. It is an affront to me personally and should be an affront to all legitimate owners of businesses, large and small, who contribute to this Nation, instead of destroying its health. My family happens to have been in the dairy business for almost 70 years. I take great offense at the comparison between the tobacco industry and the dairy industry. Neither the dairy industry, the beef industry, fast food industry, nor any other is comparable to tobacco. The tobacco industry is unique. Only the tobacco industry has stonewalled and lied to the American public and the American Government for half a century about the known addictive nature of its products. If anyone in this body wants to argue that the dairy or beef industries are analogous to big tobacco, then I invite them to come down to the Senate floor and let's have that debate. Better yet, go to Florida or Wisconsin and tell cattle and dairy farmers they should be treated like big tobacco, an industry which depends on destroying the health of our children in order to succeed.

Let's spend a moment talking about those children. When all the legal arguments and all the political rhetoric fall away, our children remain. They, not lawsuits, not politicians, are our most important concern. It is our children who have been the targets of a predatory effort by the tobacco industry to entice them into an addiction which will eventually kill them.

We also know that early cigarette habits are directly related to other drug use. A 1994 Surgeon General report showed that cigarettes are a gateway drug, a significant risk factor to increased incidents of alcohol and illicit drug use.

This report highlighted the relationship of teenage smoking as a precursor to the use of alcohol and drugs, including recent data from the National Institute on Drug and Alcohol Abuse's "Monitoring the Future" project which showed that 33 percent of those surveyed admitted to starting drinking at the same time they started the use of tobacco. This same survey also indicated that 23 percent of the respondents began using both cigarettes and marijuana in the same year.

Importantly, 65 percent of the respondents smoked cigarettes before they used marijuana. This relationship was more pronounced for cocaine: 98 percent of individuals who used cocaine first smoked cigarettes. Putting an end to the tobacco company's illegal marketing efforts toward our Nation's youth will reduce children's smoking. This, in turn, will go a long way to helping combat the use of other illegal drugs.

I know the Justice Department's suit is not a panacea. It will take a combination of litigation and legislation to solve this problem.

A court, for instance, cannot grant enhanced Food and Drug Administration authority to classify nicotine as a drug and cigarettes as a drug-delivery device, a powerful tool to prevent the tobacco industry from manipulating the product to addict even more people. Only Congress can give the Food and Drug Administration that authority.

Should Congress find the tobacco industry responsible for the high rate of youth smoking, Congress may have to impose penalties on big tobacco based on the industry's failure to meet statutorily defined youth smoking reduction targets. A court cannot bind future entrants into the tobacco market to marketing and advertising restrictions which were entered into by the previous participants in the tobacco industry through a consent decree. That may also require congressional involvement.

I stand ready to work with my colleagues on all of these and other necessary legislative issues, but this suit is, however, an important, a useful step in enforcing the rule of law. It is important in protecting our children and our grandchildren.

I am proud to call Janet Reno a friend. As an American, I applaud her for her hard work, for her tenacity, and courage in the face of fierce partisan opposition. I say thank you, Madam Attorney General, on behalf of all of America's citizens.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the combined leadership has come to the floor and we should give them our undivided attention at this time because I am sure they have something very important to advise the Senate. I will refrain from recognition and defer to my senior colleagues.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Alaska for allowing us to enter into some unanimous consent agreements and some colloquy that we have been working on for quite some time. I understand the Senator from Alaska may want to continue after we complete this.

Mr. MURKOWSKI. I thank the majority leader, but I understand Senator AKAKA has been waiting longer than I, so I will defer to Senator AKAKA following the leadership pronouncements.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. LOTT. As in executive session, I ask unanimous consent that on Monday, October 4, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider the following nomination, and it be considered under the following limitations: Executive Calendar No. 172, Ronnie White to be District Judge for the Eastern District of Missouri, under a 1-hour time limitation divided as follows: 45 minutes equally divided between the chairman and ranking member; 15 minutes under the control of Senator ASHCROFT.

I further ask consent that following that debate, the Senate then begin debate en bloc on the nominations of Calendar No. 215, Ted Stewart, and Calendar No. 209, Raymond Fisher.

I further ask consent that following the granting of this consent, the nominations of Calendar Nos. 213 and 214 be immediately confirmed, the motion to reconsider be laid upon the table, the President be immediately notified, and the Senate resume legislative session.

I further ask consent that following the debate on Monday on the three nominations, the Senate resume legislative session.

I finally ask consent that at 2:15 p.m. on Tuesday, October 5, the Senate resume executive session and proceed to consecutive votes, first on the nomination of Ronnie White, to be followed by a vote on the nomination of Ted Stewart, to be followed by a vote on the nomination of Raymond Fisher. I also ask consent that following the votes, again the President be notified of the Senate's action and the Senate then resume legislative session.

Before the Chair rules, I yield to the Democratic leader for his comments and an appropriate response from me.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I appreciate the majority leader's effort to try to move these nominations along. Before I make some comment, let me ask the majority leader what his intentions are with regard to Marsha Berzon, the nominee to be the United States Circuit Judge for the Ninth Circuit, as well as Richard Paez, a similar nominee for the Ninth Circuit. Can the majority leader give me his current intentions with regard to those two nominations?

Mr. LOTT. Mr. President, if the Senator would yield under his reservation to respond, let me say again, I appreciate the cooperation of Senators on both sides of the aisle, from the Judiciary Committee, and other Senators who have interest in these nominations. It has been a very delicate balance to work through a process where we could get these nominations confirmed.

The nominations of Mr. Marrero from, I believe, New York, and Mr. Lorenz from California have not been controversial. They have been cleared for quite some time. We had the unfortunate situation with regard to the nomination of Ted Stewart where we had a cloture vote, which I think both sides would prefer not to have happened. There are reasons for it. But I think it is important we not start down that trail. Both sides have indicated we do not want to start having cloture votes to determine the confirmation of judges. Then also there is the nomination of Mr. Fisher for the Ninth Circuit.

So we have here a process where we can have a voice vote on two of them and some debate and votes on the other three: White, Stewart, and Fisher. That is a significant undertaking. That will get us into the process where judges—certainly judges who are not controversial—will not be held up because of controversial judges in other areas. So I just wanted to kind of go through that whole process.

With regard to the other two nominations Senator DASCHLE asks about, I will continue to work with the Democratic leader as well as other Members on his side of the aisle and on my side of the aisle in scheduling executive nominations. I have to go through a process where I have to notify Members that a judicial nomination may be called up and see if there are problems with it, see if that can be worked out, see if we are going to need an extended period of time of debate, see if there is a threatened filibuster.

So I will work, as I have in the past, to see if we can get these nominations cleared so we can move forward. I will continue to do that. I will do that on specifically the two that have been mentioned. I will try to find a way to have them considered. I cannot confirm at this point when or how that will be done, but I will continue to work on it.

That is one of the reasons that moving these other judges is important. Because it takes time to get the nominations cleared. When you have five that you are close to getting cleared, once you get those out of the way, then you can focus your attention on the remaining judges on the calendar.

By the way, I understand there are other basically noncontroversial judges on whom the Judiciary Committee will be meeting, maybe in the next week or two, and there will be more judges on the calendar. So we want to keep moving the ones that can be cleared because there are districts and circuits around the country that do need these judges to be confirmed. I think we can get this request agreed to. It will be positive, and we will be able to continue to work together.

I hope that is helpful in responding to Senator DASCHLE's question.

Mr. DASCHLE. That is helpful. With that assurance, I will certainly not object to the request propounded by the majority leader. He has made it to me privately. It is my hope we will continue to work. These are important matters. As the majority leader has heard me say, and others say, now for some time, in some cases they have been pending not for months but for years. For anyone to be held that long is just an extraordinary unfairness, not only to the nominees but to the system itself.

The majority leader has also noted that a cloture vote is an unfortunate matter. Actually, a cloture vote is a recognition of the difficulty to move judges. A cloture vote is probably no more unfortunate than a hold. We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster.

So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life.

The majority leader also mentioned—I will mention this just briefly because it is another important factor in our decision to want to cooperate with the majority—the decision and the commitment made by the chairman of the Judiciary Committee that he will hold hearings and he will move other nominees forward. It is important that all of the nominees who are pending before the Judiciary Committee be considered. He has indicated he will do his best to ensure they are considered.

Our ranking member, the Senator from Vermont, has been extremely persistent and dedicated to that effort. I appreciate his contributions as well.

So, Mr. President, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

NOMINATIONS OF M. JAMES LORENZ AND VICTOR MARRERO

Under the previous order, the nominations were considered and confirmed, as follows:

THE JUDICIARY

M. James Lorenz, of California, to be United States District Judge for the Southern District of California.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.

Mr. SCHUMER. Mr. President, I rise in strong support of the nomination of Victor Marrero to serve as a judge on the United States District Court for the Southern District of New York.

I express my appreciation to Chairman HATCH for moving this nomination expeditiously to the floor.

This is one of those moments where you cannot help but feel proud about this country and about how the Americán Dream is not a myth but a reality.

Where else in the world could a young child, with no knowledge of the native language, go to school, learn English, become valedictorian of his high school, and embark upon a distinguished and towering career in public service?

Only in America.

That is the abridged story of Victor Marrero. He came to this country with practically nothing. He studied and learned in school. He was inspired to public service by President John F. Kennedy.

And from that day on, he has never strayed from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experiences and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he spent twelve years as a partner at two prominent New York City law firms.

Ambassador Marrero's public service career is almost without equal in its breadth and degree of achievement. He has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.

In 1993, President Clinton appointed him United States Ambassador to the Economic and Social Council of the United Nations. In 1998, be became United States Ambassador to the Organization of American States.

Ambasssador Marrero, through charitable work, has helped to enhance New York City's public schools, libraries, museums and parks, and to help bring opportunity to other Puerto Ricans and Hispanics.

Perhaps the most telling testament to the esteem in which Ambassador Marrero is held is the fact that he has been confirmed by the United States Senate on three separate occasions over the past twenty years.

I am pleased today that Ambassador Marrero will be adding a fourth Senate confirmation to an already impressive resume.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, with both the leaders on the floor, this is a matter that has had some discussion. I appreciate the discussions I have had with both my leader, the distinguished Democratic leader, and the majority leader of the Senate, the distinguished Senator from Mississippi. The distinguished senior Senator from Utah, Mr. HATCH, and I have also had lengthy discussions about this.

As I have stated before—I will not hold the floor here now because I know others are waiting to speak; I will speak on this later this afternoon—I do have a concern about the slow pace of nominations being confirmed, especially with those such as the Paez and Berzon nominations that have waiting years, not just weeks and months. We should be moving forward on those nominations, as well.

I have also received the assurance of the distinguished chairman of the Senate Judiciary Committee that we will expedite, as much as possible, the hearing schedule and the executive session schedule of the Committee and that we will get more nominations promptly to the Executive Calendar.

One thing I have learned after 25 years here is that in the last few days of any session we suddenly find a lot can be done—provided items are available on the calendar. While it is a time, I am sure, to which the two leaders look forward with great anticipation—and they have a chance to earn a higher place in Heaven because their patience will be strained but they will not allow the strain to break them—I hope we will have a number of judges who might then be available to start the December, if not the January, sessions of their courts.

I know that Bruce Cohen, counsel on the Democratic side, and Manus Cooney, Senator HATCH's chief counsel on the Republican side, have been working hard to make progress on these matters.

I think this is a good step forward. I think it is a positive thing. But I hope the leader will be able to use his persuasion on the Republican side for Berzon and Paez. I know there are those who will not vote for them, but allow them to have an up-or-down vote.

I can assure the Democrat leader and I can assure the majority leader that I have canvassed this side of the aisle and there is no objection on the Democratic side—none whatsoever—to going forward with Berzon and Paez.

I know some Senators have told me on the other side they will vote against them. I have a number of Senators on the other side who say they will vote for them. We ought to give them the courtesy of the vote.

I know that requires scheduling and work, but I urge that upon the leadership. I want the leaders to know there is no objection on this side.

Mr. LOTT. Mr. President, I would like the RECORD to reflect that Senator HATCH is in agreement with this request. He has worked on it very diligently; also, that he has made a commitment to have hearings and votes on additional nominees in the near future. I do not recall him specifying a day. I think you have some tentative date you have worked on.

Mr. LEAHY. We do.

Mr. LOTT. One other request. I ask unanimous consent that at 5:30 on Monday the Senate proceed—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2084

Mr. LOTT. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, the Senate proceed to the Transportation appropriations conference report, the conference report be deemed to have been read, and statements by Senators SHELBY and LAUTENBERG be placed in the RECORD and a vote occur immediately on adoption of the conference report at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that after Senators AKAKA and MURKOWSKI speak—Senator AKAKA is going to speak next and then Senator MURKOWSKI—Senator LEAHY be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. POLICY TOWARDS NORTH KOREA

Mr. AKAKA. Mr. President, I thank the majority leader for the time and also my chairman from Alaska, Senator MURKOWSKI, for permitting me to speak during this time.

I rise to address an issue of critical importance to our national security: containing the proliferation of weapons of mass destruction by North Korea. As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services, I see this as one of the most pressing security issues facing America. The Clinton administration has been working hard at containing and countering this threat, holding important discussions with the North Koreans, most recently in Berlin. Last Friday, a North Korean spokesman stated that North Korea would "not launch a missile while the talks are underway with a view to creating an atmosphere more favorable for the talks" with the United States.

This, I believe, is a very positive step. North Korea's development and August 1998 testing of a long-range missile drew America's attention to this emerging threat to our national security. Even more directly, it raised concerns about Hawaii's security. Following this test, the North Koreans began preparing to launch a second missile, which our intelligence analysts believe could deliver a several-hundred kilogram payload to Hawaii and to Alaska. North Korean preparations to test launch a much larger missile prompted the administration to take multilateral efforts to persuade the North Koreans not to launch and to restrict their missile development.

Following negotiations in Berlin between the United States and the North Koreans last week, the President announced his decision to ease some sanctions against North Korea administered under the Trading with the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration regulations. So far these efforts have been partially successful, and the North Koreans have agreed to a moratorium on missile launches during this series of talks with the United States. The administration is to be congratulated for the intensity with which it has pursued a solution to this dangerous problem.

There has been some criticism of the administration's approach, with a few critics arguing that the administration is rewarding bad behavior or giving in to extortion demands. I do not believe this is the case. The formal announcement by the North Korean Government stating there would be no missile tests while talks are underway with the United States is a clear indication that North Koreans have accepted the new approach in relations outlined by Secretary Perry. There is no doubt that the North Koreans have an active missile export program which is dependent upon imports of foreign technology and exports of cruise missiles.

Therefore, it is in our national security interest to limit North Korean missile development and especially North Korean missile exports toward which the Berlin agreement takes a firm step. By lifting some economic sanctions, holding out the possibility of lifting additional sanctions, and suggesting to the North Koreans that the United States is willing to normalize relations with North Korea, the North

Koreans have been given a powerful incentive towards agreeing to a permanent moratorium on missile development. Reimposing sanctions would send such a strong signal of distrust with North Korean actions that it could well set back North Korean efforts to achieve international respectability to lower levels than those today.

This is not a sanctions relief for moratorium deal. It leads, instead, to a normalization of relations for a reduction in threat. Normalization is predicated upon North Korean willingness to change their behavior in terms of terrorism, drug dealing, and proliferation, including a verifiable end to their nuclear warhead and missile programs. We are not looking at an immediate end to the hostile atmosphere that has worsened tensions on the Korean peninsula. We must determine what our long-term objectives are on the Korean peninsula. If our ultimate goal is the peaceful unification of the Koreas as one democratic state, we need to assess more effectively how our current strategy will lead us in that direction.

I look forward to the administration's elaborating its next steps towards North Korea. So far, the administration has worked hard and well at containing tensions on the peninsula. It is not a success which must come easily, given the difficulty of dealing with the North Koreans. More hard work and the support of Congress will be needed to make a lasting peace possible.

I yield the floor and thank the Senator from Alaska for granting me this time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair, and I thank my good friend and colleague from Hawaii with whom I have a great rapport. I very much appreciate his statement and the meaningful application of both Hawaii and my State of Alaska, as we look at the potential threat from some of the rogue nations of the world.

IN MEMORIAM—MARY MIKAMI ROUSE

Mr. MURKOWSKI. Mr. President, my purpose in coming to the floor today is to tell you about an extraordinary Alaskan family. And to pay tribute to a mother who took from her immigrant heritage and from her adopted Alaskan home, the courage and tenacity to excel at a time when successful women were not the norm and too often uncelebrated. Her name is Mary Mikami Rouse. She died August 7th at the age of 87.

Her story begins in Japan with the arrival of a fifth son in the Mikami family in 1864. Shortly after the birth of Mary's father, Goro Mikami, Japan began a period of social and political revolution and tempestuous change. The Shogunate lost power and Japan's imperial house was restored to a position of prestige and authority. The feudal system was eroding and there was a remarkable degree of westernization in all areas of Japanese life.

Goro Mikami's father was a vassal of the Shogun, an admiral who was ultimately responsible for a navy failure that contributed to the subsequent loss of power by the Shogun. His sense of honor demanded he commit seppuku, or suicide for that loss. Fortuitously, the emperor stopped him from that action, pardoned him and made him the head of the country's new naval academy. In that position he got to know a number of American naval officers.

As the fifth son to a family that was Samurai, or part of the aristocracy, Goro Mikami made a decision that reflected the changing times in which he found himself. He rebelled against an arranged marriage that was in the offing and he and a friend, who were studying in Tokyo around 1885, decided to head for the American West. Plans went awry and the friend stayed behind, but Mikami took the ship to a new life. He settled in San Francisco where at some point he attended the University of California at Berkeley to learn English. Two of his brothers went on to serve in Japan's diplomatic corps. The family name was Kondo, Goro was given the last name of Mikami in order to rescue a branch of the family that was dying out—not unusual in Japanese culture.

Rumor says Mikami was drawn to the goldfields in Alaska, and there is some evidence he may have worked as a civilian aboard a U.S. Coast Guard Cutter. By this time, he had Americanized his name from Goro to George. But whatever his adventures, Mikami made a monumental decision in 1910, to take a trip back to Japan. His school friend had become a famous lawyer in the intervening years, and put together a huge homecoming for Mikami. At the homecoming events he met Miné Morioka, who had served as a nurse in the Russian Japanese War. They married and returned to the States in 1911, this time to Seattle. In 1912, Mary Mikami was born.

About 1915, the family, including Mary's younger sister Alice, moved to Seward, Alaska. It appears George found work on the Alaskan railroad then being constructed between Seward and Anchorage. That same year, Mary's brother Harry was born. By 1918, the family had moved on to Anchorage where they opened George's Tailor Shop on Fourth avenue between "B" and "C" Streets. Flora was born in 1919, and the family was complete. The Mikamis were either the first or one of the first Japanese families to settle in Anchorage.

Prior to the 1940s, Anchorage's population never moved above 2,000. Alaska was still a territory and not a stopping ground for the faint of heart. It was peopled with pioneers and adventurers seeking wealth, anonymity or a new way of life. The Mikami family persevered and prospered in this still rough and tumble atmosphere. They met the challenges of a new business, a young family, assimilating into a different culture and mastering a new language.

The second daughter Alice Mikami Snodgrass, who still lives in Palmer, Alaska, remembers her mother as a strict disciplinarian. She recalls the lure of swing-sets and seesaws and clamoring friends, while her mother kept the Mikami kids inside until they finished their schoolwork. Even in summer, there were sums to do and chores before play.

In Japanese tradition, children were kept at home until they were five and then sent to school. Up to that point, the Mikami children spoke Japanese. Mary's relatives explain that she was highly traumatized when she entered school and realized she had to learn English.

But Mary's mother's dedication to her children's scholarship resulted in all four children being named valedictorian of their respective graduating classes in Anchorage's public high school. Mary Mikami took the honors first and subsequently attended the Alaska Agricultural College and School of Mines in Fairbanks. She graduated with highest honors in 1934. The next year the College was renamed the University of Alaska at Fairbanks. Her sister Alice recalls that Doctor Charles E. Bunnell, the first President of the University, at the time literally came to the towns, visited with the families, and recruited students by bringing along a University basketball team to play the local high school and community teams.

After graduating, Mary joined an anthropological expedition jointly sponsored by the college and the Department of the Interior to St. Lawrence Island, located in the windswept Bering Sea between Alaska and Siberia. The expedition studied Alaskan prehistory. She was the only woman on the team; another team member, Roland Snodgrass, was to become her brother-in-law.

After the expedition, she went to work for the University of Alaska Museum and was considering graduate school, perhaps at Columbia University. Instead, she met Froelich G. Rainey, a Yale graduate who became the head of the Museum. He influenced her to go to Yale instead and helped her make connections there. The intrepid Mary left Alaska for the first time in her young life and took the steamer to Seattle and then the train across country to a different challenge—a new world. Like her mother and father before her, she entered a new life with few connections to the past, and no one to greet her and ease the transition.

She adapted and continued her success. She met and married fellow graduate student Irving Rouse. Both received Ph.D's and remained at Yale for lifelong careers of learning and teaching. Mary Mikami Rouse was a visiting lecturer, an editor of translations, instruction assistant at the Institute of Oriental Languages and a research assistant. She also served as an editorial assistant for American Antiquity, Journal of the Society for American Archaeology. Her husband, now retired, was the editor of that journal and is a well known anthropologist specializing in the Caribbean.

Back in Alaska, her brother and sisters followed her to the University of Alaska and brother Harry also received a Ph.D from Yale. Sister Alice married Roland Snodgrass who later served as Director of the Division of Agriculture in Gov. Walter Hickel's first administration. Their son Jack is an attorney in Palmer. Mary's youngest sister, Flora Mikami Newcomb lives in Vancouver, B.C. Her brother, Harry, is deceased.

The elder Mikamis sold the tailor shop and retired to Los Angeles just before World War II. Instead of the surcease they sought in retirement, they were moved to a Japanese internment camp in Arizona—a fate the four children escaped. In honor of their parents, the four Mikami children established the Mikami Scholarship at the University of Alaska Fairbanks, and it is available today to any sophomore or junior student.

Mary and Irving Rouse were the parents of two boys, Peter M. Rouse of Washington, D.C. and David C. Rouse of Philadelphia. David is a landscape architect and urban designer. In this body, we are most familiar with Pete Rouse, who many of you will recognize as the Chief of Staff to our esteemed Minority Leader TOM DASCHLE. Mary may have been as stern about studies as was her mother because Pete has a B. A. from Colby College, an M.A. from the London School of Economics and an M. A. from Harvard University. In the mid-1970s, Pete and TOM DASCHLE were both legislative assistants to Sen. James Abourezk, D-S.D. While at the Kennedy School at Harvard, Pete became friends with an Alaskan named Terry Miller, who was to become an Alaskan Lt. Governor. In 1979, Miller asked Pete to come to Alaska and work for him in the State House, reestablishing Pete's family ties with the state.

The winds of political fortune soon brought him back to Capitol Hill and Chief-of-Staff positions with Representative RICHARD DURBIN, Representative THOMAS DASCHLE and then Senator DASCHLE. But Pete never forgot Alaska and his many friends there. His continuing efforts and interest in our State are greatly appreciated.

Mary Mikami's life was an American success story. Hers was an example of achievement against great odds. She honored both of her cultures and her family. She was a combination of Samurai pride, Alaskan fortitude and New England grit. Mary was her own woman before anyone had heard the term "women's liberation". She was also a lifelong Democrat, and I'm sure was always very proud of the path her son has followed. Today, I join my colleagues in expressing condolences to the family and friends of Mary Mikami Rouse. Alaska is proud to claim her as one of its pioneers.

Mr. DASCHLE. Mr. President, I join the Senator from Alaska in remembering Mary Mikami Rouse. Mary Rouse recently passed away, at the age of 87, leaving behind an accomplished family and a legacy of academic achievement.

She was born in the United States in 1912, the daughter of Japanese immigrants who had come to the United States to seek their fortune. Growing up in Alaska, Mary Mikami excelled academically and graduated with the highest honors from Alaska Agricultural College and the School of Mines, which later became the University of Alaska.

After completing her college work in Alaska, she traveled to New Haven, CT, where she attended Yale University, where she met and married Irving Rouse and earned her Ph.D. Throughout her life she continued living in New Haven, working as lecturer, translator, and instructor at Yale's Institute for Oriental Languages.

With her husband Irving, Mary had two sons, David Rouse, an urban landscape architect in Philadelphia, and Peter Rouse, my chief of staff and a man who has been my friend and closest adviser for now more than 15 years.

All of us who know and work with Pete are aware of the enormous influence his mother Mary had on him. His success in life stems from the legacy of his mother—a keen intelligence, unparalleled integrity and judgment, and basic human kindness.

The values he brings to this institution each day are, no doubt, the product of his upbringing and his mother's influence. In fact, it is her character we have the privilege of seeing reflected in her son each and every day.

For those of us who have the good fortune to work with Pete Rouse, there is no way we can thank his mother Mary for all that she has done to influence his life, for all that she did to ensure we have the good fortune to call Pete Rouse our friend, to call him, now, our coworker, and for me to rely upon him each and every moment of every day to the extent that I do.

I, and all who know Pete, share his loss now. We are grateful that she has had the good life, the successful life, the extraordinary life that she has had, and we all wish Pete and his family well under these circumstances.

IT CAME FROM SEATTLE: TRUE HORROR STORIES OF THE EPA

Mr. MURKOWSKI. Mr. President, there is a letter in your mailbox from the Internal Revenue Service. Your pulse quickens. Beads of perspiration break out on your brow as you tear open the envelope to see what the most feared agency in Washington has in store for you.

At least that's how it used to be. Now the Environmental Protection Agency appears determined to replace the IRS as the government agency you really don't want to hear from. Consider the following true stories from my office case files:

A small land owner in Ketchikan recently opened a letter from the EPA to learn that he had been assessed a $40,000 fine for a wetlands violation. He knew he had problems with the EPA, but he had been meeting with EPA officials and had been encouraged that an acceptable mitigation plan might be negotiated. The $40,000 fine hit him like a bolt of lightning our of a clear blue sky.

Meanwhile, in Anchorage the commanding general of the United States Army in Alaska received a letter from the EPA. The General knew he had a problem with the powerplant at Fort Wainwright that was not in full compliance with the Clear Air Act, but he and his staff had been working diligently to bring the plant into compliance. With the help of the Alaska Congressional Delegation, he had received a $15.9 million appropriation for new pollution control measures. He had budgeted another $22 million for additional upgrades next year. The Army had, of course, informed EPA of these efforts to bring the plant into compliance, and the EPA seemed satisfied. But the letter the General now held in his hand said that EPA was assessing the U.S. Army with a $16 million fine—a fine greater than the combined value of all EPA fines ever assessed against the U.S. Army nationwide. Another bolt of lightning out of a clear blue sky.

These stories suggest that the EPA hasn't learned a fundamental lesson understood by every decent cop—good law enforcement requires discretion. When you're pulled over by a trooper for going a few miles per hour over the speed limit and are calmly discussing the matter with the officer, you have every right to expect that you will not be beaten senseless with a nightstick. And when a small businessman, residential landowner, or U.S. Army general finds himself engaged with the EPA over an alleged violation and is making an effort to find a resolution, he should not be slammed with unprecedented, punitive fines.

We need laws to protect the environment, but the interpretation and enforcement of law must be blended with common sense and judgment. Take wetlands protection, for instance. Some wetlands perform critical roles in protecting water supplies and providing important wildlife habitat. Other wetlands are lower value muskeg. The letter of the law may not make the distinction, but human beings with the responsibility of enforcing the law should understand the difference.

These "bolt from the blue" letters that Alaskans are getting in their mailbox are postmarked Seattle. The EPA regional office "in charge" of Alaska is in Seattle. What the EPA folks in Seattle know of Alaska they get from their brief visits, or from their small staff in Anchorage. They aren't our neighbors. They aren't Alaskans. I want to change that.

At the risk of enticing the mad dog from an adjacent neighborhood to our own backyard, I am renewing my efforts to force EPA to create a separate region for Alaska. That way, the EPA officials writing these letters will at least have a chance to better understand the environment in which we live. They would live in our neighborhoods, and send their kids to school with ours. If you're going to get fined, they'll have to look us in the eye. There would be no more scary certified letters from distant bureaucrats in Seattle.

In the meantime, I'm inviting the Regional Administrator of the EPA to come and stand with me on Gravina Island, across from Ketchikan, where 13 feet of rain falls each year. As the rain from a driving rainstorm fills his wingtips and rivulets of water cascade down the hill into the Tongass Narrows, I'll ask him to point out where the wetlands end and the uplands begin. I'll also ask him to describe the irreplaceable environmental value of the muskeg that the EPA wants us to keep undisturbed. If I'm not satisfied with his answers I'll advise him to start looking at real estate in Alaska, and suggest he hold a garage sale in preparation for a move out of Seattle. Meanwhile, be afraid. Be very afraid.

NUCLEAR TROJAN HORSE

Mr. MURKOWSKI. Mr. President, physicians use a specially engineered radioactive molecule as sort of a nuclear Trojan horse in the battle against pancreatic cancer. The molecule is absorbed by the cancer cells and only by the cancer cells. Once inside, the radiation breaks up the DNA and kills the tumor cell—another amazing tool in the war on cancer.

The physicians, technicians and even clean-up crews must carefully dispose of the medium that stored the radioactive molecule and other items that may have come in contact with the radioactive materials. There are strict procedures for disposing of such wastes by hospitals, universities, power plants and research facilities.

But, in a way, that waste itself is a Trojan horse, sitting innocently in garages or closets in sites all over the country, waiting to be opened up and released on the public by an act of terrorism or of nature like the recent floods the East sustained, or the earthquakes and wildfires more common to the West coast. Most dangerous would be fire which would put the radioactive materials into smoke that could be breathed by anyone near the fire.

Why is this a problem? Because there are only three facilities in the entire country that safely can accept such low-level radioactive waste, LLRW: that is material contaminated as a result of medical and scientific research, nuclear power production, biotechnology and other industrial processes. In 1996, about 7,000 cubic meters of LLRW was produced in the nation.

A study released by the General Accounting Office at the end of September 1999, holds out little hope for the construction of any new low-level radioactive waste disposal sites as envisioned under the Low-Level Radioactive Waste Policy Act, signed by President Jimmy Carter in 1980. That legislation resulted from states lobbying through the National Governors' Association (NGA) to control and regulate LLRW disposal. An NGA task force, that included Governor Bill Clinton of Arkansas and was chaired by Governor Bruce Babbitt of Arizona, recommended the states form special compacts to develop shared disposal facilities.

The GAO study, which I requested, states, "By the end of 1998, states, acting alone or in compacts, had collectively spent almost $600 million attempting to develop new disposal facilities. However, none of these efforts have been successful. Only California successfully licensed a facility, but the federal government did not transfer to the state federal land on which the proposed site is located."

Secretary of the Interior Bruce Babbitt stopped the California facility at Ward Valley from ever becoming reality. National environmental groups and Hollywood activists made Ward Valley a rallying cry, claiming waste would seep through the desert to the water table and into the Colorado River. They claimed to believe this despite two complete environmental impact statements that found no significant environmental impacts associated with a disposal facility at Ward Valley in the Mojave Desert. Secretary Babbitt asked the National Academy of Science to convene an expert panel to determine whether the Colorado River was threatened, and said he would abide by their conclusions. In May 1995, the Academy scientists concluded that the Colorado River was not at risk. Yet, the property was never transferred.

But the importance of this issue extends well beyond the borders of the State of California or the borders of its fellow compact members, Arizona, and North and South Dakota, which thought they had a deal with the federal government. The losers are all Americans who believe the President and the executive branch should uphold federal law, not ignore it and obstruct it for the sake of campaign contributions.

The GAO states that several reasons are behind the rest of the states giving up on siting new waste disposal facilities. Public and political opposition is cited as the strongest prohibiting factor. Another reason is that, for the time being, states have access to a disposal facility at Barnwell in South Carolina, Richland in Washington State and Envirocare in Utah. A very positive reason cited is the reduction in the volume of low-level waste that is being generated, with waste management and treatment practices including compaction and incineration.

However, the report cautions, "Within 10 years, waste generators in the 41 states that do not have access to the Richland disposal facility may once again be without access to disposal capacity for much of their low-level radioactive wastes." Barnwell could decide to close or curtail access as early as 2000, and, at best, will only be open until 2010. The Utah facility disposes of wastes that are only slightly contaminated with radioactivity and thus is not available for all storage.

In ten years states will be searching for storage as well as disposal. That storage will be near every university, pharmaceutical company, hospital, research facility or nuclear power plant. It may be down the street from you or within your city limits. And we have the Clinton administration to thank for bringing the materials into our communities like a quiet Trojan horse instead of working with states to establish a secure waste facility. Let's hope nothing ever opens the belly of the beast accidentally.

TAKEOVER OF THE FISHERIES IN ALASKA

Mr. MURKOWSKI. Mr. President, the Secretary of the Interior today, under the authority of current law, has taken over the management of fisheries in my State of Alaska. Our State legislature has been trying to resolve this problem, along with the Governor and our delegation, for some time. Unfortunately, we were unable to resolve it within the timeframe, so the Feds have officially taken over beginning today.

I have directed a letter to the Secretary of Interior putting him on notice that, as chairman of the committee of oversight, chairman of the Energy Committee, I will be conducting a series of oversight hearings on the implementation of his regulations to ensure there is a cooperative effort and involvement of a public process with the State of Alaska, Department of Fish and Game, and the people of Alaska, as he promulgates his regulations, to ensure we are not taken advantage of by an overzealous effort by the Department of Interior to mandate procedures only in the State of Alaska.

We are the only State in the Union where the Federal Government has taken over the management of fish and game. Many Alaskans are wondering just what statehood is all about if, indeed, we are not given the authority to manage our fish and game.

I will save that for another day. I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I said Tuesday of last week that the series of votes the Senate took that day, in which we were unable to consider and vote on the nominations of Judge Richard Paez and Marsha Berzon, was unprecedented. I expressed my concern that the Senate not go so far off the tracks of our precedents that we end up creating a problem, not just for this administration, but for any future administration.

Today, we at least break out of the impasse of last week, and move forward toward voting on all the judicial nominations before the Senate. Just so we understand where we are, I said last week that Democrats were prepared to vote on all of the judicial nominations pending on the Senate Executive Calendar. Today we provided additional evidence of our resolve to do so. We did that by agreeing to a debate and a confirmation vote on the nomination of Brian Theadore Stewart to the United States District Court for the District of Utah, as well as other nominees pending before the Senate.

Of course, the Senate has confirmed Victor Marrero and James Lorenz. I congratulate, incidentally, Senator SCHUMER and Senator FEINSTEIN and Senator BOXER, for the efforts they have made on behalf of those nominees.

I thank the Democratic leader for all his efforts in resolving this impasse, in securing a vote on the nomination of Ray Fisher, and, in particular, a vote on the nomination of Justice Ronnie White. Justice Ronnie White is eventually, finally—I emphasize finally—going to get an up-or-down vote next Tuesday. Also, Ray Fisher and Mr. Stewart will be voted on next Tuesday.

But our work is not complete. I look forward to working with the majority leader to fulfill the Senate's duty to vote on the nominations of Judge Richard Paez and of Marsha Berzon. These are nominations that have been pending for a very long time.

This debate is about fairness and the issue that remains is the issue of fairness. For too long, nominees—judicial nominees such as Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and executive branch nominees like Bill Lann Lee, have been opposed in anonymity, through secret holds and delaying tactics—not by straight up-or-down votes where Senators can vote for them or vote against them.

They have been forced to run some kind of strange in-the-dark gauntlet of Senate confirmations. Those strong enough to work through that secret gauntlet and get reported to the floor are then being dealt the final death blow through a refusal of the Republican leadership to call them up for a vote. They should be called up for a fair vote. They may be defeated—the Republicans are in the majority; there are 55 Republican Senators; they could vote them down. But let them have a fair vote, up or down. Let all Senators have to stand up and vote aye or nay, and be responsible to their constituency to explain why they voted that way. Unfortunately, nominations are being killed through neglect and silence, not defeated by a majority vote.

So I ask, again, for the Senate to fulfill its responsibility to vote on all the judicial nominations on the calendar; vote for them or vote against them. We can vote them up or we can vote them down, but after 44 months or 27 months or 20 months, let us vote.

Judge Richard Paez has an extraordinary record. He was praised by Republicans and Democrats before our committee. He was nominated January 25—not January 25 of this year, 1999; not January 25 of 1998; not January 25 of 1997; but January 25 of 1996. He has been pending 44 months. Vote for him or vote against him, but do not put him in this kind of nomination limbo, which becomes a nomination hell.

Justice Ronnie White, an extraordinary jurist from Missouri, an outstanding African American jurist, he was nominated on June 26—not June 26 of 1999, not June 26 of 1998, but June 26 of 1997. After more than two years, this nomination remains pending. Vote up, vote down, but do not take such an insulting and arrogant and demeaning attitude on behalf of the Senate of not allowing this good jurist to come to a vote.

Marsha Berzon, again, nominated January 27, but not of this year, of last year. Her nomination has been pending for almost two years. Allow her to come to a vote.

I contrast this, even though we have a Democratic President and nominations are usually the prerogative of whoever the President is, of that party, with a nomination made on behalf of a Republican Senator who happens to be a dear friend of mine. That man was nominated on July 27 this year, barely two months ago. That nomination, the nomination of Brian Theadore Stewart, will be voted on next week. Good for him, I say.

He has been considered promptly and will be brought up for an up or down vote. There are some on this side of the aisle who oppose him and will vote against him. But every single Democrat, whether they are going to vote against him or for him, should allow him to be voted on and they will. That nomination has been pending 2 months.

Let us have the same fairness on the other side of the aisle for Marsha Berzon, after 20 months, Justice Ronnie White after 27 months, and Judge Richard Paez after 44 months, especially—and some people may wish I would not say this on the floor, but especially after the nonpartisan report which came out last week that confirmed what I have said on this floor many a time—especially for nominees who are women and minorities. I have observed before that if you are a minority or if you are a woman, this Senate, as presently constituted, will take far, far longer to vote on your confirmation than if you are a white male. That is a fact. That is fact, something that started becoming evident a few years ago and has now been confirmed in a nonpartisan report.

Let me repeat that. If you are a minority, if you are a woman, you will take longer to be confirmed than if you are a white male, by this Senate as presently constituted. And that is wrong. I advise Senators, I have checked on Judge Richard Paez, Justice Ronnie White, and Ms. Marsha Berzon, and nobody objects on the Democratic side of the aisle to them coming to a vote. We are prepared to vote at any time, any moment, any day. There are no holds on this side of the aisle.

I said last week I do not begrudge Ted Stewart a Senate vote. I do not. He is entitled to a vote. He went through the confirmation process. The Senate Judiciary Committee voted him out. It was not a unanimous vote, but he was voted out of the committee, and he is entitled to a vote. If Senators do not want to vote for him, vote against him. If Senators want to vote for him, vote for him. I intend to vote for him. I intend to give the benefit of the doubt both to the President and to the chairman of the Senate Judiciary Committee who recommended him.

But I also ask the same sense of fairness be shown to everybody else on the calendar. The Senate was able to consider and vote on the nomination of Robert Bork to the U.S. Supreme Court, as controversial as that was; in 12 weeks. The Senate was able to consider and vote on the nomination of

Justice Clarence Thomas in 14 weeks. We ought to be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years. Let us have a sense of fairness. Let us bring them up and let us remove this notoriety the Senate has received, the notoriety established and emphatically proven, that if you are a woman or a minority, you take longer to get confirmed, if you ever get confirmed at all. That is wrong. We should be colorblind; we should be gender blind. Most importantly, we should be fair.

I should note, in fairness to the distinguished chairman of the Judiciary Committee, in committee he did vote for Judge Paez, Justice White, and Ms. Berzon and, of course, Ted Stewart, as did I. Now I work with both he and the majority leader to bring them to a final vote by the Senate.

I also want to work with those Senators who are opposed to bringing Judge Paez or Marsha Berzon to a vote. I read in the papers where we have done away with secret holds in the Senate, but apparently not for everybody. Apparently, there are still secret holds.

In February, the majority leader and Democratic leader sent a letter to all Senators talking about secret holds. They said then: "members wishing to place a hold on any . . . executive calendar business shall notify the committee of jurisdiction of their concerns." I serve as the ranking member on the committee of jurisdiction for these nominations. I have not been told the name of any Senator at all who is holding them up. Yet they do not go forward.

The letter from the two leaders goes on to state: "Further, written notification should be provided to the respective Leader stating their intention regarding the * * * nomination." Senator DASCHLE has received no such notification. In spite of what was supposed to be a Senate policy to do away with anonymous holds, we remain in the situation where I do not even know who is objecting to proceeding to a vote on the Paez and Berzon nominations, let alone why they are objecting. I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. It is wrong and unfair to the nominees.

I do not deny each Senator his or her prerogative as a Member of this Senate. After 25 years here, I think I have demonstrated—and I certainly know in my heart—I have great respect for this institution and for its traditions, for all the men and women with whom I have served, the hundreds of men and women with whom I have served over the years in both parties. But this use of secret holds for extended periods to doom a nomination from ever being considered by the Senate is wrong, unfair, and beneath us.

Who is it who is afraid to vote on these nominations? Who is it who is hiding their opposition and obstructing these nominees? Can it be they are such a minority, they know that if it comes to a fair vote, these good men and women will be confirmed?

So rather than to allow a fair vote, they will keep it from coming to a vote. I would bet you that the same people who are holding these nominations back from a vote will go home on the Fourth of July and other holidays and give great speeches about the democracy of this country and how important democracy is and why we have to allow people to vote and express the will of the people—except in the Senate and, apparently, except if you are a minority or a woman.

If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. Let us vote up or down.

Once more I say, look where we are: There is Stewart, pending 2 months; Marsha Berzon, pending 20 months; Justice Ronnie White of Missouri, pending 27 months; Judge Richard Paez, pending 44 months. I look at those green lines of this chart showing the time that each of these nominations has been pending and I wish they could each be the short sliver that represents the Stewart nomination. With a name like PATRICK LEAHY, I want to see green on St. Patrick's Day; I do not want to see the long green lines on this chart that represent delay and obstruction of votes on women and minority nominees.

Judge Richard Paez is an outstanding jurist, a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the Federal bench several years ago. He is currently a federal district court judge. He has twice been reported to the Senate by the Judiciary Committee, twice reported out for confirmation. He spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote to the court of appeals. His nomination was first received 44 months ago, in January of 1996.

Justice Ronnie White, an outstanding member of the Missouri Supreme Court, has extensive experience in law and government. In fact, he is the first African American to serve on the Missouri Supreme Court. He has been twice reported favorably to the Senate by the Judiciary Committee. He spent a total of 7 months on the floor calendar waiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997—27 months ago. I am glad that finally, after all this time, the Democratic leader was able to announce a date for a vote on this long-standing nomination of this outstanding jurist.

As the St. Louis Post-Dispatch noted in an editorial last week:

> Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched [Justice] White, an African-American, be ushered to the back of the bus.

The words of the St. Louis Post-Dispatch.

Marsha Berzon has been one of the most qualified nominees I have seen in my 25 years. Her legal skills are outstanding. Her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Her opponents in litigation are praising her and asking for her to be confirmed.

She was long ago nominated for a judgeship within a circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, who was held up for so long; Ann Aiken, who was held up for so long; Margaret McKeown, who was held up for so long; Susan Oki Mollway, who was held up for so long. Marsha Berzon, too, has now been held up for 20 months.

The Atlanta Constitution, from Atlanta, GA, noted last Thursday:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. The Paez case seems especially egregious. . . . This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary. Chief Justice William Rehnquist is hardly a fan of [President] Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts. Tuesday's deadlock bodes ill for judicial confirmations through the rest of [President] Clinton's term. This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

That is from the Atlanta Constitution. I share that concern. I have been on the floor of this Senate when we have had Republican Presidents with Republican nominations, saying that they deserve to be brought forward for a vote one way or the other, including a couple instances of nominees I intended to vote against. I still said they deserved a vote. And they got their vote.

In fact, I probably voted for 98 to 99 percent of President Ford's, President Reagan's, and President Bush's nominees—three Presidents with whom I have served.

What we are currently experiencing is unconscionable and unprecedented, these kinds of delays. I think we hurt the Senate when we do this. We will have Republican Presidents; we will have Democratic Presidents. We will have Republican-controlled Senates; and we will have Democratic-controlled Senates. I have served here twice with the Democrats in control; twice with the Republicans in control. The precedents we establish are important if we are to go into the next century as the kind of body the Senate should be.

We should be the conscience of the Nation. On some occasions we have been. But we tarnish the conscience of this great Nation if we establish the precedence of partisanship and rancor that go against all precedents and set the Senate on a course of meanness and smallness. That is what we are doing with these nominations. We should establish, for future Senates, that we are above this kind of partisanship.

Nobody in this body owns a seat in the Senate. Every single person serving today will be gone someday. Every one of them will be replaced by others. As I said, in the relatively short time I have been here, hundreds of Senators have gone through this body. But every one of us are guided by what previous Senates have done.

Do not let us end this century and this millennium leaving, as guidance for the next century and the next millennium and the next Senate, partisanship that tears at the very fabric, not only of the Senate but of the independence of the Federal judiciary itself. So many judges, judges who are considered conservative, judges who are considered liberal, judges who have had a Republican background or a Democratic background, judges who have been appointed by Republican Presidents, judges who have been appointed by Democratic Presidents, have been united in saying: Stop this. Do not go on with this. Because you are tearing at the very core of our independent judiciary, the most independent judiciary on Earth, a judiciary whose very independence allows us to maintain a balanced country, a country that is the most powerful on Earth, but a country that is also the most free and the most respected democracy. And a main factor guaranteeing that freedom and that democracy is our independent judiciary.

So, against this backdrop, I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations, and that is not fair.

Let me tell you what the Chief Justice of the U.S. Supreme Court wrote, a man who is widely considered a conservative Republican, also a man who, as we saw when he presided over the Senate earlier this year, is a man of fairness, of integrity and of great learning. He wrote in January of last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

I could not agree more with Chief Justice Rehnquist. We should follow his advice. Let the Republican leadership schedule up-or-down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

The response to the Senate action last week was condemnation of the Republican leadership's refusal to proceed to vote on the nominations of Judge Paez, Justice White, and Ms. Berzon. A Washington Post editorial characterized the conduct of the Republican majority as "simply baffling" and noted:

> [T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

The editorial speaks to the responsibility of the Senate, and it is right. On our side of the aisle, we have lived up to the responsibility. Again, I tell all Senators, no matter how an individual Democratic Senator may vote on any one of the pending nominees, no Democratic Senator has a hold on any judicial nominee. We are all prepared to vote.

It is October 1, and the Senate has acted on only 19 of the 68 judicial nominations the President has sent us this year. We have only 4 weeks in which the Senate is scheduled to be in session for the rest of the year. By this time last year, the committee had held 10 confirmation hearings for judicial nominees and 43 judges had been confirmed. By comparison, this year there have been only 4 hearings and only 19 judges have been confirmed. We are at less than half the productivity of last year and miles behind the pace of 1994, when by this time we had held 21 hearings and the Senate had confirmed 73 judges.

The Florida Sun-Sentinel said last Monday:

> The "Big Stall" in the U.S. Senate continues, as Senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies in a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick.

For the last several years, I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly, without the months of delay that now accompany so many nominations. Moreover, in the last couple weeks, as I said earlier, independent studies have verified the basis for many of my concerns.

According to the report recently released by the Task Force on Judicial Selection of Citizens for Independent Courts, the time it has taken for the Senate to consider nominees has grown significantly, from an average of 83 days in 1993 and 1994 during the 103rd Congress, to over 200 days for the years 1997 and 1998 during the last Congress, the 105th. In fact, if we look at the average number of days from confirmation to nomination on an annual basis, we would see that the Senate has broken records for delay in each of the last 3 succeeding years, 1996, 1997, and 1998. In fact, in 1998, the average time for confirmation was over 230 days.

That independent report also verifies that the time to confirm women as nominees is now significantly longer than to confirm men as nominees. That is a difference that defies any logical explanation except one, and that one explanation does not shed credit on this great institution. They recommend that "the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender"—because they know that today they are.

I recall too well the obstacle course that such outstanding women nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, and Susan Oki Mollway were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because everybody knows that if she had a fair up-or-down vote, she would be confirmed.

I am angered by this, quite frankly, Mr. President. I think how I would react if this was my daughter being held up like this, or the daughter of someone I knew.

The report of Citizens for Independent Courts recommends the Senate should eliminate the practice of allowing individual Members to place holds on a nominee. We ought to consider that.

This summer, Prof. Sheldon Goldman and Elliot Slotnick published their most recent analysis of the confirmation process in President Clinton's second term in Judicature magazine. They note the "unprecedented delay at both the committee and floor stages of Senate consideration of Clinton judicial nominees" and conclude:

> It is impossible to escape the conclusion that the Republican leadership in the Senate is engaged in a protracted effort to delay decisionmaking on judicial appointments whether or not the appointee was, ultimately, confirmable.

In fact, I can think of a number of these people, having been held up month after month after month, who finally got a vote and ended up being confirmed overwhelmingly. Margaret Morrow is an example of that. She was held up for so long that it became a national disgrace that a woman so qualified, backed by both Republicans and

Democrats in California, was held up apparently because she was a woman. And when finally the shame of it would not allow her to be held up any longer, she came to a vote on the floor and was confirmed overwhelmingly.

In spite of efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary remain at 63, with 17 on the horizon. The vacancies gap is not being closed. We have more Federal judicial vacancies extend longer and affecting more people. There will be more in the coming months. Judicial vacancies now stand at approximately 8 percent of the Federal judiciary. If you went to the number of judges recommended by the judicial conference, the vacancy rate would be over 15 percent and total over 135.

Nominees deserve to be treated with dignity and dispatch, not delayed for 2 and 3 years. We are talking about people going to the Federal judiciary, a third independent branch of Government. They are entitled to dignity and respect. They are not entitled automatically for us to vote aye, but they are entitled to a vote, aye or nay.

How do we go to other countries and say: You need an independent judiciary; you have to have a judiciary that people can trust; you have to treat it with respect; when we are not doing that in the Senate?

They deserve at least that. No nominee gets an automatic "aye" vote, but every nominee ought to be heard and at least voted on one way or the other.

One of our greatest protections as Americans is an independent judiciary, one the American people can respect and whose decisions they can respect. We have built in all kinds of counterweights: the district court, the courts of appeal, the Supreme Court. We have this to make sure that there is this independence and balance. Yet we seem to be putting a break on it. The Senate's actions undermine our independent judiciary by the way we mistreat judicial nominations and perpetuate unnecessary vacancies.

We are seeing outstanding nominees nitpicked and delayed to the point that good men and women are being deterred from seeking to serve as Federal judges. Some excellent lawyers are being asked to serve as Federal judges and they say: No, I do not want to go through that. Why should I?

In private practice, it is announced they are going to be nominated to be a Federal judge. All their partners will come in and say: This is wonderful, congratulations. We are going to have a great party for you Friday. And when are you going to move out of that corner office, because we want to move in? We realize you cannot take on any new clients. We would be a little bit better off if you were out of the office now so that we do not have any conflicts of interest.

Then, for 2 or 3 years, they sit there, no income, no practice, neither fish nor foul. In a Senate that is constantly voting to say we are in favor of family values—as though anybody is against them—maybe we ought to also consider the families of nominees, who might want to plan, and who need to know where that nomination is headed without unnecessary delay.

I have been here with five Presidents—I respected and know them all—President Ford, President Reagan, President Carter, President Bush, and President Clinton. I have been on the Judiciary Committee during that time. I know for a fact that no President, Republican or Democrat, has ever consulted more closely with Senators of the party opposite from his on judicial nominees. No other President has consulted as much with members of the other party as President Clinton has, and that has greatly expanded the time it takes to make these nominations. But he has done that.

Having done that, the Senate at least should go about the business of voting on confirmation for the scores of judicial nominations that have been delayed for too long without justification.

This summer, in his remarks to the American Bar Association, the President again urged us to action. He said:

> We simply cannot afford to allow political considerations to keep our courts vacant and to keep justice waiting.

We must redouble our efforts to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

I continue to urge the Republican leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. I urge that they schedule a vote on Judge Paez and Marsha Berzon without further delay. Again, I note for the record that no Democratic Senator objects to them going forward for a vote—none. We are prepared to go forward with a vote on the shortest of notice at any time. So the continuing delays on both Judge Paez and Marsha Berzon, are on the Republican side.

I do appreciate what the distinguished Republican leader and the distinguished Democratic leader worked out today. And I appreciate the efforts of the distinguished senior Senator from Utah. It is my hope that the example the four of us have set today will move the Senate into a new productive chapter of our efforts to consider judicial nominations.

We took the action of initiating the calling up of a judicial nominee last week to demonstrate where we were. We have urged the taking up of a judicial nominee today whom some Democratic Senators oppose in order to demonstrate our commitment to fairness for all.

There is never a justification to deny any of these judicial nominees a fair up-or-down vote. There is no excuse for the failure to have a vote on Judge Paez and Marsha Berzon.

I ask unanimous consent that copies of the recent editorials from the Florida Sun-Sentinel, the Atlanta Constitution, the St. Louis Post-Dispatch, the Denver Post, and the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sun-Sentinel, South Florida,
Sept. 20, 1999]

PACE OF JUDICIAL CONFIRMATIONS LAGS

The "Big Stall" in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges.

More than eight months into 1999, the Senate has only confirmed 14 of President Clinton's judicial nominees. By this time in 1998, 39 judges had been confirmed. In 1997, it was 58 judges.

This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. Even after three new judges were confirmed Sept. 8, 11 nominations are still pending before the Judiciary Committee and 35 before the full Senate. The president has not yet nominated candidates to fill 24 other vacancies.

The vacant seats, 70 of 846, represent 8.3 percent of all federal judges.

The stalling, in many cases, is nothing more than a partisan political dirty trick. Judiciary Committee Chairman Orrin Hatch, R–Utah, has inexcusably delayed several confirmation hearings and refused to hold others. Conservatives like Hatch hate the idea of Clinton continuing to put his stamp on the federal judiciary with more lifetime appointments.

One of the newest people winning confirmation is Adalberto Jose Jordan of Miami, who will join the bench on the U.S. District Court for the Southern District of Florida.

This is the first time in many years that the court will be operating at full strength. At one time, it had four empty spots, with some vacancies going unfilled four years.

Jordan's nomination process moved much faster than most. The Senate got his nomination on March 15, held a confirmation hearing July 13 and confirmed him Sept. 8. That's still on the slow side; three months should be more than enough. Miami Judge Stanley Marcus won confirmation to the 11th U.S. Circuit Court of Appeals in only 33 days.

Senate stalling on confirmations came under deserved attack from Sen. Patrick Leahy of Vermont, the senior Democrat on the Judiciary Committee.

"Nominees deserve to be treated with dignity and dispatch, not delayed for two or three years," Leahy said. "We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges."

Leahy called it a scandal and a shame that one nomination has been stalled 3 years and 8 months, despite two Judiciary votes to confirm. Many vacancies have been unfilled 18 months or more.

Senators should heed the request of U.S. Supreme Court Justice William Rehnquist, who urged them to expedite confirmation hearings and votes. A good bill by Florida Sens. Bob Graham and Connie Mack requires a Judiciary Committee vote within three months, then allows any senator to bring the matter to the Senate floor. The full Senate would have to vote one month after Judiciary action.

"We are not doing our job," Leahy told his colleagues. "We are not being responsible. We are really being dishonest and condescending and arrogant toward the judiciary. It deserves better and the American people deserve better."

Empty judicial benches and the Senate's Big Stall cause severe problems.

They worsen an already high judicial caseload. burning out overworked current judges.

They put off many civil lawsuits for years, delaying and thus denying justice to litigants.

They force a hurry-up in criminal cases that can lead to reversible error on appeal.

They force some talented nominees to drop out, or not even apply.

They cripple urgent efforts to get tough on crime.

And they weaken an important branch of government.

[From the Atlanta Constitution, Sept. 23, 1999]

GOP Won't Warm Jurists' Benches

President Clinton struck a bad bargain two months ago. He caved in to an insistent Sen. Orrin Hatch (R-Utah) and nominated a Hatch buddy with no judicial experience to be a U.S. judge in Salt Lake City.

Clearly, Clinton hoped Hatch, chair of the Senate Judiciary Committee, and other Republicans would appreciate the gesture and reciprocate in kind—let's say, by finally freeing some of the multitude of Clinton judicial nominees stranded in the upper chamber.

Surprise, surprise. Clinton's peace offering has sparked no such magnanimity. His partisan foes want to have their cake and eat the president's lunch, too.

The issue came to a head Tuesday when Republicans attempted to confirm Hatch's chum and right-wing soulmate, Ted Stewart. Democrats blocked the procedure, contending justifiably that Stewart had been pushed to the front of the line for Senate consideration when other Clinton appointees have waited in vain for a confirmation vote—some for years.

That's right, years. Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver.

The Paez case seems especially egregious. He has been kept in limbo this long, Democrats contend, because his GOP foes would rather not cast a recorded vote against a Hispanic jurist.

This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary.

Chief Justice William Rehnquist is hardly a fan of Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts.

Tuesday's deadlock bodes ill for judicial confirmations through the rest of Clinton's term. This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

[From the St. Louis Post-Dispatch, Inc., Sept. 24, 1999]

Confirm Ronnie White

Missouri Supreme Court Judge Ronnie White, in limbo more than 800 days awaiting his confirmation hearing, saw his long road to the federal bench take its most bizarre turn yet this week. Senate Republicans resorted to a highly unusual cloture vote to try to force Democrats to vote on the nomination of Ted Stewart, a friend of Republican Sen. Orrin Hatch who was nominated, at Mr. Hatch's personal request, just two months ago. The motion failed by five votes.

The irony of Democrats stalling their President's nominee was plain, as they have been pleading for years for votes on candidates. In a political deal gone wrong, President Bill Clinton nominated Mr. Stewart—an environmentalist's nightmare—in the apparent belief this would jump-start the long-stalled confirmation process. The world record holder in this wait-a-thon is Richard A. Paez (more than four years), followed by Marsha L. Berzon (three years) and Mr. White (more than two years). Instead of bringing these nominations to the floor, the maneuver resulted in Mr. Stewart being moved to the head of the line. Democrats refused to consider him, and are digging in their heels until they are assured their top three limbo inmates will be freed.

Cloture is a dramatic, desperate maneuver that has been used only a handful of times. Even the hotly contested nominations of Robert H. Bork and Clarence Thomas did not require such hostile arm-twisting. It is unthinkable that Republicans would resort to this over people like Mr. Paez.

But Democrats now fear Republicans would stall the process until after the 2000 elections rather than vote on Mr. Paez. Democrats say Republicans don't like Mr. Paez, but don't want to be cast as voting against a Hispanic. Gosh, who would ever get that impression? Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched Mr. White, an African-American, be ushered to the back of the bus.

The Limbo Three are political prisoners. They are unquestionably qualified. If anything, Mr. Stewart—chief of staff to Utah Gov. Mike Leavitt—is the one who looks thin on courtroom credentials. Even if it delays the process further, Democrats should not give in to this ridiculous double-dealing and wave Mr. Stewart through until they are assured Republicans will allow the process to go forward.

Believe it or not, we're getting tired of saying this: Confirm Ronnie White.

[From the Denver Post Corp., September 26, 1999]

Erase Judicial Backlog

Confirmation of federal judges has become slower than molasses and more contentious than a thicket of barbed wire, turning judicial nominees into pawns in a political process that has become a national disgrace.

Colorado's vacancy of U.S. District Court is frozen since President Clinton named Patricia Coan at the recommendation of Rep. Diana DeGette and other state Democrats, but Sen. Wayne Allard of Colorado refused to back Coan and sent Clinton a list of his five nominees instead.

Even uglier was last week's battle in the Senate Judiciary Committee, where Chairman Orrin Hatch, R-Utah, tried to push his nominee, Ted Stewart, through a Senate vote after leaving Democrats' nominees twisting in the wind for years.

Would-be California appeals judges Richard Paez and Marsha Berzon have waited four and nearly two years, respectively, for a Senate vote. Ronnie White, the first African-American state Supreme Court Justice in Missouri, has been on hold for more than a year.

But Hatch, who won Clinton's appointment of Stewart by freezing action on the others, then tried to slip his man through without a vote on those who have waited so long. Democrats retaliated by filibustering Stewart's nomination, and all progress had come to a complete halt as of this writing.

While Hatch's conduct was unconscionable, there is plenty of blame to go around here. Clinton has taken an average of 315 days—the most of any president ever—to choose nominees to fill judgeships. By comparison, President Carter averaged 240 days.

The Senate also is taking far longer than ever, from 38 days, in 19777–78 to 201 in 1997–98.

Ideally, senators name a candidate, whom the president can accept or reject. If accepted, the nominee's name goes to the Senate Judiciary Committee and, if approved, then to the full Senate. The Senate should be able to vote within two months after the president's nomination. These days, it takes years.

Even U.S. Supreme Court Chief Justice William Rehnquist has criticized the Senate for moving too slowly.

Almost one in 10 positions weren't filled at the end of 1997. Today, 63 of the 843 federal judgeships are open—23 in appellate courts, 38 in district courts and one in international trade courts.

'Vacancies cannot remain at such high levels of indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary,' Rehnquist said. 'Fortunately for the judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.'

That isn't fair to overworked senior judges or to those whose cases gather dust on backlogs. Both are common in Colorado. And it is an injustice to the nominees whose careers are frozen as they await appointment or rejection. The president and senators should make the selection of judges a high priority and stop staging delays as strategic moves. The federal judiciary is at stake.

[From the Washington Post, Thurs., September 23, 1999]

A Vote for All the Judges

The nomination of Ted Stewart to a federal district judgeship in Utah has been a strange affair from the beginning. Tuesday it turned into a circus.

Mr. Stewart, a favorite of Judiciary Committee Chairman Orrin Hatch, was nominated by President Clinton after Sen. Hatch essentially froze consideration of the nominees to force his appointment. When the White House finally gave in, hoping to free some long-waiting appeals court judges, Mr. Hatch moved Mr. Stewart through committee within days—even though other nominees have waited years to get confirmed.

Now Mr. Stewart is awaiting a floor vote, as are several nominees who should have had one long ago. Yet on the Senate floor last week, Majority Leader Trent Lott, announced that he planned to move Mr. Stewart to a vote without also holding votes for Richard Paez or Marshal Berzon, two of the most abused administration nominees. Mr. Stewart, if Mr. Lott had his way, would be confirmed a few weeks after his nomination, while nominees who have waited around endlessly will continue to wait.

Democrats understandably balked at this, so on Tuesday they took the extraordinary step of filibustering a judicial nomination from the Clinton White House—not in order to prevent his confirmation but rather to ensure that other nominees get votes. Afterward, Democrats sought to force consideration of Judge Paez and Ms. Berzon, but Republicans stopped this in two more party-line votes. The result is that nobody is getting considered, though all of the nominees on the floor likely have the votes for confirmation.

The filibuster of a judicial nomination is a very bad precedent, one we suspect Democrats will come to regret, but it's hard to see what choice they had. The conduct of the Republican majority here is simply baffling—and the rhetoric equally so. Mr. Hatch pleaded with the Senate Tuesday evening to "stop playing politics with this nomination and allow a vote expeditiously"—as though he had not himself played games to get Mr. Stewart nominated in the first place. Trent Lott last week expressed dismay that a minority of only 41 senators would be able to block a nomination. But as Sen. Patrick Leahy pointed out in response, there is a deep irony in fretting about the ability of a minority of 41 senators to stop a nomination when Judge Paez has been held up for more than three years by a tiny group of senators who do not even have to give their names to keep his nomination from coming to a vote.

Mr. Lott's other comments were worse still. He made it clear that confirming judges is something he would rather not do at all. "There are not a lot of people saying: Give us more federal judges," the majority leader said on the floor last week. "I am trying to help move this thing along, but getting more federal judges is not what I came here to do." The honesty of this comment, at least, is refreshing. But the Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

Mr. LEAHY. Mr. President, again, I make this heartfelt plea. I have made the same plea in private to the Republican leader, the Democratic leader, and others. I love the Senate for what it can and should do. I know that, like everybody else my time here is only as long as the voters and my health allow. I also know that someday I will be gone and somebody else from Vermont will fill this seat.

I look at the Senate as the conscience of this great Nation. It is a body moving by precedence, moving sometimes by what some would say is an overformalized ritual, but moving in a way that the country can respect and in which the best of the country can be reflected, a body that is built on precedence.

A famous Thomas Jefferson story spoke of the Senate as the saucer that allows cooling of passions, the Senate also allows us to step above partisan politics because of our 6-year terms. We have not done that with the judiciary. We have a duty to protect the Senate, but also, because of our unique role in the confirmation process, we have a duty to protect the integrity and independence of the Federal judiciary. We are failing both in our duties as Senators and we are failing in our duty to the Federal court.

Let us all take a deep breath and think about that and go back to doing what we should—not for this President or any past incident, but for all Presidents, present and future, and for all Senates, present and future, and for the American people, and for the greatest Nation on Earth, present and future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON. Mr. President, the Communist party is celebrating the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people have little reason to celebrate. Indeed, this is not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade at Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power; to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement, to the massacre at Tiananmen Square just ten years ago—the Communist party has sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society, those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone has been swept aside to cast a glamorous light on the Communist party. But the reality is quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people have been rounded up and forced into Custody and Repatriation centers across the country. They are beaten, they are given poor food in unsanitary conditions, and they must pay rent.

In fact, only 500,000 people will be allowed to participate in the celebration in Beijing. Non-Beijing residents cannot enter the city and migrant workers have been sent home. They will not be able to see the Communist Party in all its glory, as it displays the DF-31 intercontinental ballistic missile and other arms, nor will they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly do not want to celebrate, are being forced to participate under threat of losing their pay or their pensions.

This gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must be realistic when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ". . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion.”

Mr. President, it is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of democracy.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 30, 1999, the federal debt stood at $5,656,270,901,615.43 (Five trillion, six hundred fifty-six billion, two hundred seventy million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents).

Five years ago, September 30, 1994, the federal debt stood at $4,692,750,000,000 (Four trillion, six hundred ninety-two billion, seven hundred fifty million).

Twenty-five years ago, September 30, 1974, the federal debt stood at $481,743,000,000 (Four hundred eighty-one billion, seven hundred forty-three million) which reflects a debt increase of more than $5 trillion—$5,174,527,901,615.43 (Five trillion, one hundred seventy-four billion, five hundred twenty-seven million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents) during the past 25 years.

REAUTHORIZING THE NATIONAL FISH AND WILDLIFE FOUNDATION

Ms. COLLINS. Mr. President, I rise today in strong support of S. 1653, which would reauthorize the National Fish and Wildlife Foundation. As an original cosponsor of this important legislation, I would like to applaud the excellent work of Senator CHAFEE and the Foundation to conserve the fish, wildlife, and plant resources of the United States.

The Foundation was created by Congress in 1984 to promote improved conservation and sustainable use of our country's natural resources. Since then, it has awarded over 2,400 grants, using $101 million in federal funds, which it matched with $189 million in nonfederal funds, putting a total of over $290 million on the ground to promote environmental education, protect habitats, prevent species from becoming endangered, restore wetlands, improve riparian areas, and conserve native plants. The hallmark of this outstanding organization is forgoing partnerships between the public and private sectors—involving the government, private citizens, and corporations—to address the root causes of environmental problems. This reauthorization will allow the Foundation to continue its valuable work throughout the country.

Besides being an important link between groups with differing interests in natural resources, the Foundation is an extremely effective tool for stretching scarce federal dollars. The Foundation was created by the National Fish and Wildlife Foundation Establishment Act, which stipulates that the Foundation must match any federal money appropriated to it on a one-to-one basis. The Foundation does the Act one better. It has an internal policy of matching federal funds at least two-to-one with money from individuals, corporations, state and local governments, foundations, and nongovernmental organizations. Furthermore, all of the federal money appropriated to the Foundation supports on-the-ground conservation—its operating funds come strictly from private donations. The Foundation does not use federal funds for lobbying; nor does it support projects that entail political advocacy or litigation.

In my home state of Maine, the Foundation has invested over $3.4 million in federal funds in 109 projects, generating an additional $6.9 million in matching funds from private, corporate, and other state sources. Most notably, the Foundation has funded projects in Maine to help fishermen cope with the collapse of traditional groundfish fisheries, build a program to preserve Maine's native Atlantic salmon, and protect habitat for breeding Neotropical migratory birds.

Mr. President, I strongly support this bill to reauthorize the National Fish and Wildlife Foundation. Year after year, the Foundation consistently performs valuable conservation work, not only in my state, but throughout the country. Its ability to triple the power of federal funding for conservation is unique, making it one of the most effective means we have for preserving our natural resources. I urge my colleagues to join me in supporting expeditious passage of this important measure.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The messages also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2910. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes.

H.R. 2436. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2910. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2436. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5469. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to new feasibility investigations for three water resource development projects within the Pacific Northwest; to the Committee on Energy and Natural Resources.

EC–5470. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation relative to major facility projects and major facility lease programs for fiscal year 2000; to the Committee on Veteran's Affairs.

EC–5471. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the annual report on activities under the Denton Program for the period July 1, 1998 to June 30, 1999; to the Committee on Foreign Relations.

EC–5472. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Flights To and From Cuba" (RIN1515–AC51), received September 30, 1999; to the Committee on Finance.

EC–5473. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the annual report on the Caribbean Basin Economic Recovery Act (CBERA)—Impact on the United States, and the Andean Trade Preference Act (ATPA)—Impact on the United States; to the Committee on Finance.

EC–5474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mutual Assurance, Inc. v. Commissioner", received September 7, 1999; to the Committee on Finance.

EC–5475. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to the State of North Carolina; to the Committee on Health, Education, Labor, and Pensions.

EC–5476. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Interim Rule Titled: Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers" (RIN1557–AB73), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5477. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "International Disclosure Standards" (RIN3235-AH62), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5478. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imazapic-Ammonium; Pesticide Tolerances for Emergency Exemptions" (FRL #6382-3), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5479. A communication from the Acting Assistant Secretary, Land and Minerals, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Application Procedures" (RIN1004-AC83), received September 29, 1999; to the Committee on Energy and Natural Resources.

EC–5480. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plan: Alaska" (FRL #6450-8), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5481. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District" (FRL #6446-2), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5482. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions from Phosphogypsum Stacks" (FRL #6443-7), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5483. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization for State Hazardous Waste Management Program Revision" (FRL #6449-8), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5484. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance-Revision of Polychlorinated Biphenyls (PCBs) (FRL #6450–5), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5485. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Amateur Service Rules to Provide for Greater Use of Spread Spectrum Technologies, Report and Order" (FCC 99–234; WT Docket No. 97–12), received September 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5486. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 99–022)" (RIN2115–AA97) (1999–0064), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5487. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay (CGD 01–99–163)" (RIN2115–AA97) (1999–0063), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5488. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: Winston Offshore Cup, San Juan, PR (CGD 07–99–056)" (RIN2115–AE46) (1999–0039), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5489. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: Tall Stacks 1999 Ohio River Mile 467.8–475.0, Cincinnati, OH (CGD 08–99–052)" (RIN2115–AE46) (1999–0038), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5490. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (USCG 1999–6216)" (RIN2115–ZZ02) (1999–0002), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5491. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "High Density Airports; Allocation of Slots" (RIN2120–AG50), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5492. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Transition Regulations; Approach of Final Compliance Date" (RIN2120–ZZ20), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5493. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Center, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–14 (9–23/9–30)" (RIN2120–AA66) (1999–0318), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5494. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Pikeville, NY; Docket No. 99–ASO–13 (8–24/9–30)" (RIN2120–AA66) (1999–0316), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5495. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Procedures; Miscellaneous Amendments (12), Amdt. No. 1950 (9–23/9–30)" (RIN2120–AA65) (1999–0046), received

September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5496. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Procedures; Miscellaneous Amendments (72), Amdt. No. 1951 (9–23/9–30)" (RIN2120–AA65) (1999–0047), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–357. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, the Philippine Islands, as a result of the Spanish-American War, were a possession of the United States between 1898 and 1946; and

Whereas, in 1934, the Philippine Independence Act (P.L. 73–127) set a 10-year timetable for the eventual independence of the Philippines and in the interim established a government of the Commonwealth of the Philippines with certain powers over its own internal affairs; and

Whereas, the granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

Whereas, between 1934 and the final independence of the Philippine Islands in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Franklin D. Roosevelt, by Executive order of July 26, 1941, brought the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, under the Executive Order of July 26, 1941, Filipinos were entitled to full veterans benefits; and

Whereas, approximately 200,000 Filipino soldiers, driven by a sense of honor and dignity, battled under the United States Command after 1941 to preserve our liberty; and

Whereas, there are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called "Old Scouts," who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945. Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the islands against foreign invasion, and during the war, they participated in the defense and retaking of the islands from Japanese occupation.

(3) Special Philippine Scouts, called "New Scouts," who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

Whereas, The first two groups, Filipinos who served in the regular components of the United States Armed Forces and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans benefits; and

Whereas, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain veterans benefits, some of which are lower than full veterans benefits; and

Whereas, United States veterans medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, The eligibility of Old Scouts for benefits based on military service in the United States Armed Forces has long been established; and

Whereas, the federal Department of Veterans Affairs operates a comprehensive program of veterans benefits in the present government of the Republic of the Philippines, including the operation of a federal Department of Veterans Affairs office in Manila; and

Whereas, The federal Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippine Islands were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Philippine Commonwealth Army was called into the service of the United States Armed Forces during World War II (1941–1945); and

Whereas, Our nation has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, The Congress passed legislation in 1946 limiting and precluding Filipino veterans that fought in the service of the United States during World War II from receiving most veterans benefits that were available to them before 1946; and

Whereas, Many Filipino veterans have been unfairly treated by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the federal Department of Veterans Affairs; and

Whereas, All other nationals who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos, as American nationals at the time of service, were and still are denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside allied forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States during the First Session of the 106th Congress to take action necessary to honor our country's moral obligation to provide these Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Clerk of the Assembly transmit a copy of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–358. A joint resolution adopted by the Legislature of the State of California relative to child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 21

Whereas, Children are a precious gift and responsibility; and

Whereas, The spiritual, physical, and mental well-being of children is our sacred duty; and

Whereas, No segment of our society is more critical to the future of human survival and society than our children; and

Whereas, Children who have been sexually abused often experience health problems, eating disorders, learning difficulties, behavioral problems, fearfulness, social withdrawal, anxiety, depression, and suicidal thoughts; and

Whereas, Psychologists, as researchers, educators, service providers, and policy advocates, have played important roles in advancing knowledge regarding the consequences, effective treatment, and prevention of child sexual abuse; and

Whereas, It is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families, and children; and

Whereas, Information endangering to children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas, Elected officials have a duty to inform and counter actions they consider damaging to children, parents, families, and society; and

Whereas, California has made sexual molestation of a child a felony and has declared parents who sexually molest their children to be unfit; and

Whereas, Virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas, The American Psychological Association repudiates and disassociates itself from any organization or publication that advocates sexual interaction between children and adults; and

Whereas, The American Psychological Association in July 1998, published a review of 59 studies of college aged students that indicates that some sexual relationships between adults and children may be less harmful than believed, and that some of the college students viewed their experience as positive at the time they occurred or positive when reflecting back on them; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully urges the President and Congress to reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; and be it further

Resolved, That the Legislature condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicates sexual relationships between adults and "willing" children are less harmful than believed and might even be positive; and be it further

Resolved, That the Legislature encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information; and be if further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the majority leader of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-359. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 18

Whereas, Prescription drugs are an important component of modern medical treatment; and

Whereas, Many elderly patients cannot afford necessary prescription drugs because of their limited and fixed incomes; and

Whereas, The Medicare program, provided for pursuant to Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.), generally does not provide coverage for the cost of prescription drugs; and

Whereas, Many medical insurance plans, including senior health maintenance organization plans, medical insurance plans for public and private employees, and medicaid, provide coverage for the cost of prescription drugs; now, therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the California delegation in the Congress of the United States.

POM-360. A joint resolution adopted by the Legislature of the State of California relative to the alternative minimum tax; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, The federal Alternative Minimum Tax (AMT) is intended to assure that wealthy income taxpayers do not avoid taxation by using various credits, deductions, and other tax preferences; and

Whereas, The AMT requires an increasing number of taxpayers to calculate their taxes twice, under two different sets of rules, and pay whichever tax is higher; and

Whereas, The AMT affected 134,000 taxpayers in 1988, it now affects nearly one million and will affect five million by 2006; and

Whereas, More than 20 percent of those now paying AMT have adjusted gross incomes of less than one hundred thousand dollars ($100,000), and nearly 2 percent have adjusted gross incomes of between thirty thousand dollars ($30,000) and forty thousand dollars ($40,000); and

Whereas, Families in the lowest income tax bracket of 15 percent who cut their tax bills by taking advantage of the new tuition and child credits could be forced to pay some taxes at the higher AMT minimum rate of 26 percent; and

Whereas, The sharp increase in the number of moderate income earners affected by the AMT is attributable to inflation indexing of personal exemptions, the standard deduction and tax-bracket break points, while AMT exemption amounts and tax brackets are not so indexed; and

Whereas, The AMT's inclusion of lower and lower-adjusted gross incomes is exacerbated by a strong economy; and

Whereas, The AMT disallows many deductions, credits, and other tax preferences that taxpayers could otherwise use, such as state and local taxes; and

Whereas, The AMT distorts economic decisions, especially in relation to capital formation, by raising marginal tax rates; and

Whereas, Compliance costs related to the AMT amount to at least 30 percent of its current revenue; and

Whereas, The inconsistent tax results between regular income tax and the AMT create hidden, onerous tax choices, produce conflicting goals for tax and financial planning, and vastly increase the complexity of compliance with the income tax law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, the Chair and ranking minority member of the Senate Finance Committee, the Chair and ranking minority member of the House Committee on Ways and Means, and each Senator and Representative from California in the Congress of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. KERRY, Mr. BAUCUS, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mr. REID, Mr. KERREY, Mr. TORRICELLI, Mr. CLELAND, Mrs. BOXER, Mr. JOHNSON, Mr. REED, Mrs. MURRAY, Mr. SCHUMER, Mr. BREAUX, Mr. DODD, Mr. LEVIN, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. BRYAN, Mr. DORGAN, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. ROBB, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. KERRY, and Ms. MIKULSKI):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRAIG:

S. 1681. A bill to extend the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 194. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN (for himself and Mr. KERRY):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1988; to the Committee on Finance.

BREAST RECONSTRUCTION IMPLEMENTATION ACT OF 1999

• Mr. BIDEN. Mr. President, I am pleased to introduce the Breast Reconstruction Implementation Act of 1999. This bill amends the Internal Revenue Code to require that all health plans provide coverage for breast reconstruction surgery after a woman has had a mastectomy for breast cancer.

Breast cancer is a frightening disease for women. It is common: a very high percentage of women who live long enough will eventually develop the disease. It is insidious: it can remain asymptomatic for many years before it is discovered. It is stealthy: it can recur many years after it has been thought to be cured. It is devastating: surgical treatment can be not only physically mutilating but psychologically devastating to a woman's sense of femininity and self-esteem. And it is everywhere: there is hardly anyone in this country who does not have a close friend or loved one who has been through an experience with breast cancer.

Fortunately, there has been tremendous progress in the treatment of breast cancer, and many women can now be cured. However, as these breast cancer survivors attempt to resume their normal lives after their treatment, they can still be impacted by the physical damage that follows mastectomy. Breast reconstruction surgery after mastectomy is thus a key part of restoring the breast cancer patient back to a satisfying and fulfilling life; it is not simply a cosmetic procedure to satisfy one's vanity.

In recognition of the importance of breast reconstruction after mastectomy, last year the Senate passed the Women's Health and Cancer Rights Act as part of the Omnibus Appropriations Bill. This legislation, which was signed into law by the President, amended the Public Health Service Act and the Employee Retirement Income Security Act to require that health plans provide coverage for breast reconstruction after mastectomy. This coverage also includes surgery on the unoperated breast, if necessary, as well as the cost of breast prostheses and repair to physical complications following mastectomy (e.g. lymphedema or arm swelling).

However, if we don't pass further legislation, the enforcement mechanisms available to the Department of Labor to ensure that health plans comply with the breast reconstruction requirement are generally limited to requesting a court to issue an injunction. The Breast Reconstruction Implementation Act will incorporate the breast reconstruction requirement into the Internal Revenue Code in order to enable civil monetary penalties to be imposed on violators of the law. Passage of this bill would continue the precedent established by all previous mandates on health plans (those in the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Health Parity Act), which were incorporated into all three statutes: Public Health Service Act, Employee Retirement Income Security Act, and the Internal Revenue Code.

Mr. President, I encourage my colleagues to finish the work that we began last year to ensure that women can be fully restored to health after fighting breast cancer, and I urge them to support the Breast Reconstruction Implementation Act of 1999 that I am introducing today.●

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

VETERANS BENEFITS ADMINISTRATION IMPROVEMENT ACT OF 1999

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Administration Improvement Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

SEC. 3. IMPROVEMENT OF PROCESSING OF VETERANS BENEFITS CLAIMS.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(d) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (a) commencing 60 days after the date of the submittal of the plan under that subsection.

(e) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (a).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(f) REPORTS.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (a) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (b)(4) are being achieved.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAFFIC MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, 2 weeks ago I came to the Senate floor to talk with my colleagues in the Congress about the troubled state of our nation's air traffic control system. After a long summer of dramatically increased congestion in the skies and delays on the ground, I implored my colleagues to join me in putting a new and renewed emphasis on aviation, and to commit ourselves to modernizing, reforming, and, if need be, restructuring our air traffic system in order to meet surging travel demands in the new millennium.

Today I am pleased to join with Senator GORTON in offering my colleagues a first step in that process by introducing the Air Traffic Management Improvement Act of 1999—a modest but meaningful bill that would improve current management and operation of the system, without prejudging the ongoing and important debate about whether and how to more fundamentally restructure the air traffic over the long term.

The Air Traffic Management Improvement Act of 1999 is focused in two key areas—the first being internal FAA management reforms and the second being modernizing of the nuts and bolts of the system itself.

With respect to management reforms, this bill would create a new air traffic control oversight committee, as a subcommittee of the FAA's Management Advisory Committee, and a new Chief Operating Officer (COO) position, with central responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and putting together a budget for air traffic services. For both the COO and the FAA Administrator, the bill would authorize performance bonuses in order to allow us to attract and retain the highest caliber leadership possible for running this essential national system.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system, without compromising the FAA's primary safety mission, and asks the Administrator to report on and provide milestones for the agency's new cost allocation system.

With respect to air traffic modernization, the bill calls for a comprehensive review and redesign of our airspace nationwide, based on input from the aviation community, and provides the resources necessary to get the job done in a timely fashion. The bill also includes an emergency authorization of up to $100 million to speed up the purchase and fielding of modernization equipment and technologies that could have made a difference in the gridlock of this past summer but have been held up by inadequate funding.

Finally, the bill would set up an innovative pilot program to facilitate public-private joint ventures for the purchase of air traffic control equipment. It would create a not-for-profit Air Traffic Modernization Association with a three-member executive panel representing the FAA, commercial air carriers, and primary airports. Ten projects for modernization equipment would be selected from among applications made by airlines and airports, or a consortium of interested parties, who are willing to share financial responsibility for FAA-approved modernization equipment—and who can't and don't want to wait for the congressional budget process to catch up with air traffic demands. In effect, the Association would leverage a relatively small amount of FAA seed money to more quickly procure and field ATC modernization equipment through leasing and bond arrangements. The pilot program allows for up to $50 million in FAA funding per project, with a total cap of $500 million. It also allows a sponsoring airport to use a portion of a passenger facility charge to meet their commitment and provides incentives for airport participation.

In closing, I want to say how thankful I am for the good and sound leadership of my friend and colleague Senator GORTON and of FAA Administrator Garvey and the outstanding FAA employees who work with her and whose expertise, ideas, and technical assistance are reflected in this bill. To my mind the problems of the current system are shared problems—we all bear some responsibility for them and we all need to step up to the plate to do something to fix them. The FAA does a very commendable job with an incomprehensibly difficult task—and they have a terrific safety record to show for it. But the current system isn't working as well as it could or should, and we can't wait to do something about it.

My goal in the Air Traffic Management Improvement Act of 1999 is to give the FAA additional tools to get the job done in today's more challenging aviation environment—and to give the Congress and the country some time to consider in a very deliberate and careful way some of the proposals for more far-reaching change.

It is our intention to offer this bill as an amendment to the FAA and AIP reauthorization bill, S. 82, when it comes to the Floor in the near future. I look forward to talking more about the details and great potential of these modest reforms at that time. I hope my colleagues will join me in working to improve our air traffic system for the benefit of the traveling public and of the national economy.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Traffic Management Improvement Act of 1999".

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Department of Transportation.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The nation's air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation's critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access, and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation's communities effectively and efficiently.

(5) The Federal government's role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation's airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation's airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration's ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government's cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration's ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration's primary mission of protecting the safety of the travelling public.

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

"(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

"(B) laws, regulations, orders, directives, agreements, and licenses;

"(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

"(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.".

SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.

(a) Section 106 is amended by adding at the end the following:

"(r) Chief Operating Officer.—

"(1) In general.—

"(A) Appointment.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, after consultation with the Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

"(B) Qualifications.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

"(C) Term.—The Chief Operating Officer shall be appointed for a term of 5 years.

"(D) Removal.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

"(E) Compensation.—

"(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

"(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

"(2) Annual performance agreement.—The Administrator and the Chief Operating Officer shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

"(3) Annual performance report.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.".

"(4) Responsibilities.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

"(A) Strategic plans.—To develop a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

"(i) a mission and objectives;

"(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

"(iii) annual and long-range strategic plans.

"(iv) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

"(B) Operations.—To review the operational functions of the Federal Aviation Administration, including—

"(i) modernization of the air traffic control system;

"(ii) increasing productivity or implementing cost-saving measures; and

"(iii) training and education.

"(C) Budget.—To—

"(i) develop a budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administration;

"(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

"(iii) ensure that the budget request supports the annual and long-range strategic plans developed under paragraph (4)(A) of this subsection.

"(5) Budget submission.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.".

SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

"(a) Membership.—Section 106(p)(2)(C) is amended to read as follows:

"(C) 13 members representing aviation interests, appointed by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.".

"(b) Terms of Members.—Section 106(p)(6)(A)(i) is amended by striking "by the President".

"(c) Air Traffic Services Subcommittee.—Section 106(p)(6) is amended by adding at the end thereof the following:

"(E) Air traffic services subcommittee.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

"(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

"(ii) long-range and strategic plans for air traffic services;

"(iii) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

"(iv) review and make recommendations to the Administrator's plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

"(v) review, and make recommendations the Administrator's cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

"(vi) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

"(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.".

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

(1) by inserting "(1)" before "The"; and

(2) by adding at the end the following:

"(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary's evaluation of the Administrator's performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.".

SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) Findings Relating to the National Airspace.—The Congress makes the following additional findings:

(1) The National airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers including more than 700 different sectors.

(3) Redesign and review of the National airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the National airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) Redesign Report.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) Report on the Cost Allocation System.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

(b) Independent Assessment.—

(1) In general.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) Assessment of adequacy and accuracy of Federal Aviation Administration cost data and attributions.—

(A) In general.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FEDERAL AVIATION ADMINISTRATION FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

‘‘§ 44516. Air traffic modernization joint venture pilot program

‘‘(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation's air transportation system by facilitating the use of joint ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

‘‘(B) DEFINITIONS.—As used in this section:

‘‘(1) ASSOCIATION.—The term ‘Association’ means the Air Traffic Modernization Association established by this section.

‘‘(2) PANEL.—The term ‘panel’ means the executive panel of the Air Traffic Modernization Association.

‘‘(3) OBLIGOR.—The term ‘obligor’ means a public airport, an air carrier or foreign air carrier, or a consortium consisting of 2 or more of such entities.

‘‘(4) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project relating to the nation's air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

‘‘(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements and control towers;

‘‘(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

‘‘(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and off-shore flight tracking.

‘‘(5) SUBTANTIAL COMPLETION.—The term ‘substantial completion’ means the date upon which a project becomes available for service.

‘‘(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

‘‘(1) IN GENERAL.—There may be established in the District of Columbia a private, not for profit corporation, which shall be know as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

‘‘(2) NON-FEDERAL ENTITY.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a ‘wholly-owned Government controlled corporation’ as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on the actions of the Association.

‘‘(3) EXECUTIVE PANEL.—

‘‘(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

‘‘(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

‘‘(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

‘‘(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council

‘‘(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

‘‘(4) POWERS, DUTIES AND LIMITATIONS—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

‘‘(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization;

‘‘(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

‘‘(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

‘‘(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

‘‘(I) may not exceed $500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

‘‘(II) shall be used for not more than 10 projects; and

‘‘(III) may not providing funding in excess of $50,000,000 for any single project; and

‘‘(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

‘‘(5) PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

‘‘(A) The eligible project's contribution to the national air transportation system, as outlined in the Federal Aviation Administration's modernization plan for alleviating congestion, enhancing mobility, and improving safety.

‘‘(B) The credit-worthiness of the revenue stream pledged by the obligor.

‘‘(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

‘‘(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

‘‘(d) AUTHORITY TO ENTER INTO JOINT VENTURE.—

‘‘(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

‘‘(2) COST SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

‘‘(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

‘‘(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

‘‘(f) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

‘‘(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

‘‘(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

‘‘(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

‘‘(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

‘‘(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency's share of the organizational and administrative costs for the Air Traffic Modernization Association:

"(1) $500,000 for fiscal year 2000;

"(2) $500,000 for fiscal year 2001; and

"(3) 500,000 for fiscal year 2002.

"(l) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.".

"(b) CONFORMING AMENDMENT.—

"(1) Section 40117(b)(1) is amended by striking "controls." and inserting "controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.".

"(2) The analysis for chapter 445 is amended by adding at the end the following:

"44516. Air traffic modernization pilot program.".

SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended—

"(1) by striking "a total of the following amounts" and inserting $100,000,000 for fiscal year 2000 to fund critically needed, and already developed, air traffic control equipment that can be efficiently installed into the National airspace to more safely and efficiently move traffic"; and

"(2) striking "title:" and all that follows and inserting "title.".

ADDITIONAL COSPONSORS

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 740

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1133

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1448

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1454

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1473

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SHELBY), the Senator from New York (Mr. SCHUMER), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1574

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1574, a bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes.

S. 1609

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1609, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 1617

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 188

At the request of Mr. EDWARDS, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 188, a resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

AMENDMENT NO. 1824

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1824 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE RESOLUTION 194—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK TAIWAN ON SEPTEMBER 21, 1999

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earthquake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

NICKLES (AND OTHERS) AMENDMENT NO. 1889

Mr. NICKLES (for himself, Mr. GREGG, Mr. GRAMM, and Mr. ASHCROFT) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

RESOLUTION REGARDING ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD

EDWARDS (AND HELMS) AMENDMENT NO. 1890

Mr. LOTT (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; as follows:

On page 4, line 14, after "Maryland," insert "Delaware,".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 14, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county; S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, a bill to provide for the exchange of certain land in the State of Oregon; S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

POLISH AMERICAN HERITAGE MONTH

• Mr. REED. Mr. President, I rise today to recognize the city of Pawtucket, Rhode Island's celebration of October as Polish American Heritage Month.

Famous leaders, musicians and scientists of Polish descent have made numerous contributions to society. Pope John II, of Wadowice, Poland was the first non-Italian Pope chosen by the Roman Catholic Church in more than 400 years. Fryderyk Chopin of Zelazowa Wola, Poland is remembered for his unique approach to the piano and is considered one of the greatest composers of all time. Marie Curie, of Warsaw, Poland was awarded a Nobel Prize for physics in 1903 and in 1911, a second Nobel Prize for chemistry. Madame

Curie is still the only woman in history to be awarded two Nobel Prizes.

The Polish heritage is so alive today because Polish Americans play an active role in their cities, towns and communities. Millions of Polish immigrants have settled in cities like Pawtucket all across America. The Polish people brought their traditions, faith and pride to communities across the country and established schools, churches and organizations to help celebrate their heritage in America. With over 47,000 people of Polish descent in Rhode Island alone, one cannot talk about the history of Rhode Island or the history of America without recognizing the contributions of people of Polish descent.

Therefore, I urge my colleagues to join with the Polish community of Pawtucket in celebrating the city's Polish American Heritage Month.•

HONORING THE 75TH BIRTHDAY OF PRESIDENT CARTER

• Mr. LIEBERMAN. Mr. President, I rise to recognize a milestone in the extraordinary life of one of America's most distinguished statesmen, former President Jimmy Carter, who celebrates his 75th birthday today.

Twenty-three years ago, in the turbulent aftermath of Watergate, Americans yearned for a leader of honesty and integrity who would steward the country into an uncertain future. We found that man in James Earl Carter, Jr., a submariner and farmer-turned-Georgia-Governor who we elected our 39th President.

President Carter served very honorably and ably during his term in office, earning distinction for diplomatic successes such as overseeing in the signing of the Panama Canal Treaty and the Camp David Accords. And in his 19 years since leaving office, President Carter has demonstrated himself to be one of the world's great humanitarians.

In 1982, he founded the Carter Center—a nonprofit, nonpartisan center dedicated to promoting democracy, human rights, and conflict-resolution throughout the world. The center's work has been remarkable. In the past two decades—whether fighting to eradicate Guinea worm disease, thwarting conflict in Haiti, or helping to free political prisoners across the globe—President Carter has carved out a deserved reputation as one of the most active, humane, and accomplished ex-Presidents in American history.

President Carter talked candidly about his Presidential legacy and his gratifying years after office in a profile recently written by White House correspondent Trude B. Feldman to commemorate his 75th birthday. To pay tribute to one of America's eminent leaders, I ask that Ms. Feldman's article be printed in the RECORD.

The article follows:

[From Los Angeles Times Syndicate International]

PRESIDENT CARTER AT 75

(By Trude B. Feldman)

ATLANTA, GA.—Former U.S. President Jimmy Carter turns 75 on October 1st and says he is in good shape and determined not to let aging get the better of him.

In an interview to mark the milestone, he adds: "My health is fine. I've had a full and gratifying life, but now is the best time of all."

Does the energetic Carter feel 75 years of age?

"Not really," he tells me. "I feel young. I'm still doing the same things I did twenty years age. I haven't given up active sports, although I cut back on some. I run fewer miles a day and play less tennis. In softball, my pitch is as accurate as ever, but I have little power in my drives, and base running is slower. Still, I don't feel tired and worn out. I continue to explore new opportunities, so I don' feel I'm growing old. But I do know what the calendar says."

Twenty years ago when Carter turned 55, October 1st, by striking coincidence, fell on Yom Kippur, the holiest day in Judaism. Reflecting on that unusual concurrence in 1979, then President Carter told me: "Reassessment of the past and plans for the future are important on one's birthday. So all the more important when a birthday falls on the same day as Yom Kippur—a supreme moral and spiritual moment, a time to take stock of one's personal life as well as to evaluate one's role in society . . . We all need a new spirit, a new heart . . . and we can do better by reviewing our past . . . to discover where we went wrong."

America's 39th president, Jimmy Carter lost his re-election bid in 1980 to Ronald Reagan, and was "devastated, disappointed and frustrated" at not being able to complete his goals.

Two years later, with his disappointment diverted by the writing of his memoir, Carter reverted to his passion for the power of positive thinking, and established, with his wife Rosalynn, The Carter Center, within which he could pursue some of the programs and interests that "were interrupted when I was forced into involuntary retirement."

The Carter Center, located on 30 acres of a now landscaped hill in Atlanta, from which General William Tecumseh Sherman watched the fledgling city burn in 1864, consists of The Carter Presidential Library and Museum and The Carter Center in four linked circular pods. It is governed by an independent Board of Trustees and yet is a part of Emory University. It brings people and resources together to resolve conflict, promote peace, democracy, and human rights, as well as to fight disease, hunger, poverty, and oppression worldwide.

It was at The Carter Center that President William J. Clinton last month presented, separately to Rosalynn and Jimmy Carter, the Presidential Medal of Freedom, America's highest civilian honor. "They have done more good things for more people in more places than any other couple," Clinton stated. "The work they do through this extraordinary Center to improve our world is unparalleled in our Nation's history . . . Their journey is one of love and faith, and this Center has been their ministry."

Clinton also remarked that to call Jimmy Carter the greatest former president in history, as many have, doesn't do justice either to him or his work. "For, in a real sense, this Carter Center . . . is a continuation of the Carter presidency," he said. "The work he did in his four years (1977–81) in the White House not only broke important new ground, it is still playing a large role in shaping today's world."

In accepting the Medal, Carter told the assembled guests—family and friends—that President Clinton's words made him "almost speechless with emotion," and he described the event as "one of the most beautiful of my life."

Carter went on to say that he and Rosalynn find much satisfaction in The Carter Center, and that it has given them, in effect, a new life, a life of pleasure, challenge, adventure, and unpredictability. "We have formed close relationships with people in small villages in Africa, and those hungry for freedom and democracy in Indonesia, Haiti, Paraguay, and other countries," he stated. "We try to bring them the blessings of America in an unofficial, but personal way."

He added that he and Rosalynn visited some 115 foreign countries and learned about the people—their despair, hopelessness and lack of self respect. "We also learned that close relations are necessary between governments throughout the world and civilian organizations—non-governmental ones like The Carter Center."

During his birthday interview, I asked Carter if his 75 years were his to live over (again), what would he have done differently?

"As for my life in the White House, the one thing I would have handled differently is the hostage crisis," he says. "From a human aspect, it was the most infuriating experience of my presidency. And had I been successful in rescuing the 52 American hostages in Iran, I believe I would have been re-elected president.

"I don't feel grieved that I lost the second term, but what I would have done differently during that ordeal is to send one more helicopter to the desert, one which would have likely resulted in a successful rescue operation."

In Nov. 1979, after the Islamic Revolution in Iran, and one year before Carter's defeat for re-election, radical students seized the U.S. embassy in Tehran and took some 66 Americans as hostages. Although some were subsequently released, 52 were held captive for 444 days—till the end of Carter's presidency.

On April 24, 1980, he ordered a covert snatch operation to pluck them out of the embassy. During the operation, two aircraft collided in a desert staging area, killing eight servicemen. In Nov. 1980, the militants relinquished the hostages to the Iranian government. With Algeria acting as an intermediary, a deal was finally struck as Carter's presidency was ending. The hostages were released at noon—U.S. time—on Jan. 20, 1981, just as Carter turned over the U.S. government to its 40th president, Ronald Reagan.

When the freed hostages arrived in Wiesbaden, Germany, Carter was there to greet them; and today, he still remembers each of their names, knows their whereabouts and remains in touch with most of them. And they still show their appreciation to him, emotionally, for the political toll that his "wisdom and patience" meant for their ultimate safe release.

"I often think about that ordeal," Carter says. "From the outset I felt responsible for their well being. And I remain convinced that the wisest course for a strong nation, when confronted with a similar challenge, should be one of caution and restraint."

As to what he would have done differently in his personal life, Carter says his marriage to Rosalynn has been the best thing that happened to him. "So, even though she didn't accept my first proposal, I would not have married any differently," he adds. "Rosalynn is the only woman I ever loved. We married 53 years ago and are still bound together with increasing bonds as we grow older and need each other more. When we're apart for even a day, I have the same hollow feeling of loneliness as when I was at sea (in the Navy) early in our marriage. Now, in our golden years, our primary purpose is not just to stay alive, but to savor each opportunity for fulfillment."

Carter admits that, yes, they still argue, but are mature enough not to dwell on disputes, and after a cooling off period, they either ignore their differences or reason with each other.

They are close to their three sons, Jack, 52; James Earl 3d (Chip), 49; and Jeffrey, 47; and daughter, Amy. Their ten grandchildren are "an indescribable blessing . . ."—the most recent one born July 29 to Amy and her husband.

Carter muses: "You remember Amy. She was like a separate family for us because she was born when our youngest son was 15 years old. I think that made her special in the minds of people around the world who knew her as a nine year old child in the White House. Now they see her as a 31 year old mother and realize they, too, are now 22 years older. So Amy is a kind of measuring stick for about how much we all have aged."

Also remembered for having brought a child's book to read at a State Dinner, Amy Carter told me that celebrating her dad's 75th birthday means a lot to her because she looks up to him as "very special" and one who has always been there for her.

"Dad has always made me feel like I was his priority," she says. "When we lived in the White House, there wasn't a door I couldn't open or a meeting I couldn't interrupt, if it was important that I talk with him.

"He is also wonderful at telling people that he cares about them. That trait is what I hope I have inherited from him."

She adds: "I'm also grateful that when I was young, he shared with me his love of books because reading has been such a pleasure, and I intend to pass that on to my son. I have fond memories of sitting on my dad's lap while he would help me sound out words in the newspapers.

"There are other nice memories, but one of the least well-known things about my dad is one of the greatest—he has a hilarious and unflinchingly sarcastic sense of humor . . . often directed at himself. Days later, I will suddenly remember something he said, and I laugh out loud. He is still a lot of fun."

Amy's grandmother, Allie Smith, who will celebrate her 94th birthday on Christmas, has known Jimmy Carter since he was born. (The Carters lived next door to the Smiths until the Carters moved to a farm when Rosalynn Smith was one year old.) "I've watched Jimmy as a boy and as a man, and especially when he began courting Rosalynn," Mrs. Smith told me. "He was a handsome midshipman, and I was pleased when they married.

"At first, he was pretty dominant, but over the years, he and Rosalynn developed into equal partners. Now they share almost everything. Watching them grow older together has been a blessing to me. Jimmy is a fine son in law, just like one of my own sons. He has always worked hard and has been a success in whatever he did."

What is it that drives Jimmy Carter to care about other human beings to the extent that he now does?

"What I do now is what I've done most of my life—to take my talents, abilities, and opportunities and make the most of them," he responds. "It is exciting, challenging, and adventurous. I try new things, go to different countries, make new friends and take on various projects for The Carter Center. I don't consider my activities a sacrifice because they are all personally satisfying."

Asked if the satisfactions are that good, he says, "Yes, they really are. I am not exaggerating. And what also drives me to stay busy is that I know the time will come—because of health reasons or because of deterioration, physically and mentally—when I will have to somewhat back off. For now, I'm still as aggressive, active, and innovative as I was years ago, and this is the kind of life I enjoy."

Rosalynn Carter, who joins her husband in most of his activities and travels, and shares his work at The Carter Center, says that several things drive him. "As a boy, Jimmy worked on the family farm with his father, who was a taskmaster," she recalls. "Later, in the Navy, he worked for Admiral (Hyman) Rickover, who had a major influence on him. The Admiral was a driving force, demanded long hours and perfection, and wouldn't waste a moment.

"With that background and the Navy discipline, Jimmy always tried to make his life count for something. He has been given extraordinary opportunities, and he wants to use them . . . As a governor and president, he saw the enormity of the world's problems, and has been driven by his faith and his belief that he needs to help less fortunate people."

Terrence B. Adamson, Senior Vice President for Law, Business & Governmental Affairs of the National Geographic Society, met Carter in 1968 when Terry was a high school senior and Carter was a State Senator in the Georgia General Assembly.

Now a close confidant, Adamson says that Carter's love of humanity and of God is what drives him. "His basic Judaic Christian underpinning is at his core," he adds. "Awards and accolades and wealth aren't important to him. He has grown comfortable with The Carter Center as his legacy—as a viable ongoing institution pursuing advances in health and democracy."

Asked what has motivated Carter in his post presidency, Adamson's response is that Carter is no different now in his core beliefs and values from when he was president. "Of course, he has matured and grown wiser," he says. "But in 1976, he was a sudden entrant on the national scene, not well-known. Over the past 18 years, he has validated, by his conduct, the values he espoused during his presidency. At the time, they were too frequently seen by a cynical public soured by the Watergate scandals as just the mouthings of another politician."

Perhaps Jimmy Carter, an idealist and a realist, was President of the United States before his time. In his final Oval Office interview in Jan. 1981, President Carter told me that he agreed with President Kennedy that no matter what you expect before you become president, there is nothing that prepares you for the difficulties, complexities, or satisfactions of the job.

"Sitting and working in this office is awesome, but I never felt overcome by it," he then said. "I tried to minimize the trappings so that people would be comfortable and not intimidated. I always wanted frank assessments of what was going on around me so I would be aware of the attitude people had towards me and my administration. I liked this job of being President. I didn't find it toilsome. I discovered that when problems were the most severe, that is when my advisers were most often split 50–50 with their advice. And the solution was left to me, as President."

Regarding the qualities a president should have, Carter says: "A willingness to work hard, a sense of the importance of the office historically and a sense of the common good and general welfare, above and beyond specific interests and pressures."

He adds that a president's responsibilities are constant because something is always happening in some part of the world with which he must concern himself. "In an emotional, intellectual, and, in some ways, a physical sense, the job is very taxing," he relates. "But so are other important, worthwhile positions which involve much pressure, effort, and conscientiousness."

What specifically had Carter learned from his presidency?

"One thing I learned is that an incumbent president discovers that there are no answers which make everyone happy," he replies. "And sometimes there are no answers that make anyone happy."

Carter went on to say that, had he merely wanted to get rich, he would have remained in the peanut warehouse business or pursued other business opportunities.

"But I've never cared about financial gain. I've always cared about the people in our country and the world," he says. "I wanted to make a difference in people's lives and wanted to change—for the better—the world situation."

When asked how he wants history to regard his presidency, Carter puts it this way: "As one who did my best to act in the long-term interest of America, and one who did so with an understanding of—but without too great a consideration of—whatever adverse political consequences might flow from it . . .

"You know, the presidency has enriched my life in that I am a better man for having served. And in all humility, I hope that America will consider itself a better place because of my service as president."

In Carter's view, what were the misconceptions of him?

"First, when I was a presidential candidate, I think many people underestimated my tenacity and determination," he reflects. "There were some formidable candidates, including (former Senators) Hubert Humphrey, Henry Jackson, Mo (Morris K.) Udall, Edmund Muskie, Frank Church, and Birch Bayh. They too, underestimated how hard I would work and my desire to win. That was one misassessment of me.

"As President, some people got the impression that I was weak because I didn't send armed forces into battle and didn't bomb or fire missiles at anyone. When there was a serious problem, I tried to work it out through negotiation and mediation, and peaceful, patient policies. I spent much time working on the Panama Canal Treaties, the Mid East Peace process, normalizing relations with China, and helping Rhodesia become an independent nation in southern Africa.

"So, because I was working for peace, emphasizing human rights and not launching missile attacks, the perception was promoted by some that I was weak and not a strong, macho president."

However, former President Gerald R. Ford, who in 1976 lost the Presidency to Jimmy Carter, told me that President Carter had earned high marks in foreign diplomacy in his White House years. "Today, he should be highly complimented for his continuing leadership in foreign policy under the auspices of The Carter Center," Mr. Ford adds. "America has had an excellent diplomat in Jimmy Carter on a global basis."

And President Clinton recently stated that Carter's noteworthy foreign policy accomplishments include the Panama Canal treaties, the Camp David Accords, the Treaty of Peace between Egypt and Israel, the Salt II treaty with the Soviet Union, and the establishment of U.S. diplomatic relations with the People's Republic of China.

". . . And I was proud to have Carter's support when we worked together to bring democracy back to Haiti and to preserve stability on the Korean Peninsula," Clinton observed. "I'm grateful for the detailed incisive reports he sent me from his trips to troubled nations all across the globe, always urging understanding of their problems and their points of view, always outlining practical steps to progress."

Further citing Carter's influence, Clinton said, "Any elected leader in Latin America today will tell you that the stand Jimmy Carter took for democracy and human rights in Latin America put America on the right side of history in our hemisphere. He was the first president to put America's commitment to human rights squarely at the heart of our foreign policy. Today, more than half of the world's people live in freedom, not least because he had the faith to lend American support to brave dissidents like Andrei Sakharov, Vaclav Havel, and Nelson Mandela. And there were thousands of less well known political prisoners languishing in jails in the 1970's who were sustained by a smuggled news clipping of Carter championing their cause."

Rosalynn Carter concurs with her husband about the misconceptions of him, namely that working for peace and human rights gave the impression of weakness. "War is popular," she notes, "but peace takes time, often with an appearance of inaction."

Another misconception, she adds, is that he was not an affective president, "But I think so much attention was paid to problems that were not of his making, that people were unaware of how much was accomplished," she says citing, for instance, the oil crisis that caused the inflation that he inherited and that only began to improve as he left the presidency.

"Yet," Mrs. Carter concludes, "despite the misconceptions, history will treat him well . . . as one of America's best presidents."

Jimmy Carter's clout continues to span some of today's headlines. In the controversy surrounding President Clinton's conditional commutation of the sentence of the Puerto Rican activists, White House aides defend his decision by singling out Carter's support of the President's clemency.

Carter considers the pardon a correct decision, but is surprised at the attention focused on his support. He says that he did not personally contact President Clinton on the matter, but that 2 years ago he wrote letters about it to Attorney General Janet Reno.

He points out that some of the interest in Clinton's pardon of the Puerto Ricans has been heightened by the fact that his pardon power "has rarely been exercised" during his Presidency.

For some 6 years, Carter has pursued—directly with President Clinton—a presidential pardon for Patty Hearst, the newspaper heiress. As President, Carter commuted her sentence for bank robbery to the approximately 2 years she had served. But he has long believed that Hearst, who was kidnapped and brutalized by radicals in 1974 as a college student, should receive a presidential pardon because of the "model" life she has led for the 20 years since her prison release.

Of special concern to Carter today is the chaos and violence in East Timor. He had traveled to Indonesia twice this year, as recently as in July, to lead an international delegation to observe the national election after 38 years of military dictatorship in the world's most populous country—striving to be the third most populous democracy.

He says that The Carter Center was also involved, at Indonesia president B.J. Habibi's invitation, in monitoring the August election on independence in East Timor. And his recent personal involvement has contributed to the United Nations peacekeeping mission to East Timor.

Even while a resident in the White House, Carter was not impressed with the trappings of pomp and circumstance that surrounded the presidency. He brought informality to the Executive Mansion. He would often carry his own luggage to and from helicopters. Also, when he saw how members of the media were "contained" behind ropes while covering his events, he would often walk over and remove the iron chain or untie the ropes.

Yet, Carter's National Security Adviser, Dr. Zbigniew Brzezinski, now Counselor at The Center for Strategic & International Studies (CSIS), says that the mass media were extremely unfair regarding President Carter's tenure . . . his performance as former President should generate a reassessment of his presidency."

Thomas P. ("Tip") O'Neill, former Speaker of the House of Representatives, once said that when it comes to understanding the issues of the day, Jimmy Carter is the "smartest pubic official I knew—the range and extent of his knowledge are astounding. He can speak with authority on almost any topic."

Carter, who has been knighted in Mali and made an honorary tribal chief in Nigeria and Ghana, singles out international human rights as his greatest foreign policy achievement.

"Before I was president, the only president who had emphasized human rights to any degree was Harry Truman," Carter notes. "Now, much attention is paid to global human rights . . . so I hope my legacy as President will include protection of human rights."

Secretary of State Madelein Albright, who worked in the Carter White House as a staff member of the National Security Council, told me that President Carter created an outstanding foreign policy record. "He put human rights at center state, and the principle has stood the test of time," she says. "Those who worked for him reflect those achievements with great pride. And not only does he have the respect of Americans, but of citizens throughout the world."

Today, Jimmy Carter says he is convinced that he made a difference—in the U.S. and abroad—a difference that is reflected in the work of The Carter Center, now in 35 different nations and Africa. "In most of the 35 countries, the people see America as a country that may well be on a different planet—a rich, strong, arrogant, and self-satisfying country," he says. "I represent The Carter Center at villages in backward nations in Africa and let the people know that the U.S. really cares about them; that they don't need to suffer from a particular disease, or that they can increase their production of coal, rice and wheat, or that they can find peace . . . for the first time."

What difference has Carter made in Latin America, where his popularity is among the highest in the world?

"The primary difference is the result of my commitment to human rights," he responds. "If you note the history of most of the Latin American countries, including Guatemala, El Salvador, Nicaraqua, Panama, Columbia, Ecuador, Argentina, Chile, Brazil, and Paraquay, each had military dictatorships. When I became President, we impressed on the political leaders and private citizens the significance of basic human rights, democracy and freedom. Now, almost everyone of these countries is a democracy. America's commitments, public and private, are to promote human rights and demand them—not only for Americans but also for others."

Argentina's Ambassador to the U.S. Diego Ramiro Dueler, has often publicly credited Carter for having saved his life, as well as the lives of many current leaders of Argentina.

"During my presidency, thousands of people in Argentina were imprisoned, disappeared while in jail, or were executed," Carter says, "and no one yet knows what happened to them."

He adds that his administration put pressure on the military dictators in Argentina, Chile, and others in Latin America that ultimately forced them to honor human rights and led to the development of democracy in the Americas.

"Frequently," Carter humbly notes, "someone, now in business or government in Latin America, will approach me to say that he owes his life to my emphasis on human rights—and that's quite moving and gratifying."

Robert M. Gates, former Director of the CIA under President George Bush, points out in his book, "From the Shadows" (Simon & Schuster, 1996) that Jimmy Carter's contribution to the collapse of the Soviet Union and the end of the Cold War had been under appreciated. "Carter was the first President during the Cold War to challenge publicly and consistently the legitimacy of Soviet rule at home," Gates writes. "His (Carter's) human rights policy, building on the important and then largely unrecognized role of the Helsinki Final Act, by the testimony of countless Soviet and East European dissidents and future democratic leaders, challenged the moral authority of the Soviet government and gave American sanction and support of those resisting that government. . ."

Five years ago at The Carter Center, Richard H. Solomon, President of the U.S. Institute of Peace, presented Jimmy Carter its first Spark M. Matsunaga Medal of Peace.

The Institute recognized his "efforts to advance the cause of human rights by making it a cornerstone of U.S. foreign policy" and his "leadership, determination, and personal diplomatic skills in concluding the Camp David Accords."

On a par with his human rights accomplishments, Carter believes that another of his achievements was initiated at Camp David, the presidential retreat in Maryland's Catoctin Mountains, which he made a household name.

There, for 13 days and nights in Sept. 1978, Carter provided the mechanism by which Israel's Prime Minister Menachem Begin and

Egypt's President Anwar Sadat came together . . . "to realize their own commitments and hopes."

The intense summit—originally suggested by Rosalynn Carter—resulted in two agreements: establishing a framework for peace in the Mideast; and a framework for the conclusion of a peace treaty between Egypt and Israel. Premier Begin and President Sadat were subsequently awarded the Nobel Peace Prize for their joint achievement.

Harold Saunders, then Assistant Secretary of State for Near Eastern and South Asian Affairs, says that the agreement at Camp David and the Peace Treaty "could not have been achieved without President Carter's tenacity, his personal command of the issues and the relationships he developed with the two leaders and key members of their teams."

On the second anniversary (1980) of the Camp David Accords, Carter told me that when the history books are written, one thing he hopes to see is that he, an American President—representing the United States—"contributed successfully to the security of Israel on a permanent basis and to the peace in the Mideast between Israel and all her neighbors."

Now, as Jimmy Carter reaches his 75th, birthday, I asked him about his vision for the next century.

"My vision for America is that, as the only unchallenged superpower in the world, it will become a true champion of the moral values that have made ours a great nation—involving peace, freedom, democracy, human rights, environmental quality, and the alleviation of human suffering," he tells me. "We should be known by everyone as dedicated to the peaceful resolution of disputes, both involving ourselves and others. If two antagonists are willing, especially among the poorer and more ignored nations, we should be ready and eager to provide assistance, in mediation or negotiation, and our government should reach out to non-governmental organizations to help."

Carter notes, for instance, what the Norwegian government did with an academic group of social scientists to achieve the Oslo peace agreement between the Israelis and Palestinians.

"America should be just as eager to promote freedom and democracy among people now afflicted with totalitarian and abusive regimes," he adds. "This issue should be on the table when our leaders have discussions with others."

He adds that as a non-governmental organization, and with no authority at all, The Carter Center has many such requests each year, and is able to respond only to a few of the most compelling.

Carter went on to say that the U.S. should always "raise high the banner of human rights," and be as consistent as possible in the application of this policy.

"No other nation can take an effective lead in carrying out commitments made at the international environmental meeting (held in Rio de Janeiro) in eradicating land mines, in eliminating nuclear arsenals, in protecting the rights of children, or in establishing an effective international Criminal Court."

He concludes: "The most important single issue to be addressed in the next century is the widening gap between rich people and poor people, both within nations and between the richest and poorest countries. Few Americans know that all other industrialized nations are more generous than we in giving development assistance to the most needy people in the world. In fact, whenever a Norwegian gives a dollar, one of our citizens gives a nickel. To be generous to others would not be a financial sacrifice for us, but a great investment that would pay rich dividends."

Born James Earl Carter, Jr. of English heritage on October 1st, 1924 in Wise Hospital, in Plains, Ga., Jimmy Carter was the first president to be born in a hospital.

There was no running water or electricity in his home during his early childhood. At age 5, he was selling boiled peanuts to neighbors and friends.

His father, a stern disciplinarian, often spanked him for wrong doings, like taking a penny from his church's collection plate, and for shooting his sister with a BB gun.

Nicknamed "Hot Shot," and then "Hot," Jimmy Carter's behavior in elementary school was excellent. He was eager to learn almost anything, but his interests then were history and literature.

At age 12, when a teacher told him about a book named WAR AND PEACE, he thought it was about cowboys and Indians. With his mother's urging, he became a book enthusiast, and has long been a speed reader.

While in the Navy in 1951, Carter began to work for Hyman G. Rickover, who was leading America's nuclear submarine fleet. Carter had responsibility for building the nuclear power plant that would go into the second atomic submarine, the U.S.S. Sea Wolf. "Admiral Rickover had a tremendous effect on my life," Carter says. "He led the program that developed the world's first use of atomic power for peaceful uses, the production of electricity, and the propulsion of ships."

When Rickover was past 80 and still in charge of the Navy's nuclear power program, President Carter awarded him the Presidential Medal of Freedom. And recently the Navy recognized Carter, a graduate of the Naval Academy, by naming a Seawolf-class submarine for him.

Jimmy Carter cites three turning points in his long, dynamic and fruitful life: (1) In 1953, when he resigned from the Navy because of his father's death and returned home to run the family peanut warehouse business. (2) In 1962, when he first ran for public office—the State Senate in Georgia. And (3), in 1981, when he left the White House after one term as President of the United States.

Looking back, does he still have regrets about losing his re-election bid?

"Well, yes, I do," he tells me. "Anyone who is once elected President of the U.S. certainly prefers to have a second term. At first, there is the disappointment about the unfinished promise of your goals. When my four years ended, I was disheartened. I had not expected to be defeated and I had no plans, at a relatively young age, of how to utilize my time and be productive."

Rosalynn Carter describes his defeat as a startling regret, adding: "Although I now know that Jimmy is pleased that he had the opportunity to establish The Carter Center—because through it, much has been accomplished—he also believes that if he had been re-elected president, the Center, which has exceeded all of our expectations, probably never would have come into being."

Reflecting on the changes—over the years—in his philosophy, Carter says, "I think I've become more tolerant of opposing views, and I have learned to accommodate the opinions of people who disagree with me. One reason is that I'm not now in a competitive world. I can live side by side with those who think and act differently from me. I'm not competing with anyone for money, political office, or publicity."

Carter, a lay preacher, adds: "I'm also more broadminded about things not so narrowly defined in my religious philosophy. As you know, my basic religious faith has never changed. It has been fairly constant. As a Christian, I remain devout, and I read and teach the Bible. I feel an inner peace, an inner sense of commitment and calm that comes from my religious beliefs."

In 1976, then Chicago's Mayor Richard Daley remarked: "Jimmy Carter talks about true values. He also has a religious tone in what he says . . . and maybe we should have a little more religion in our communities. . . ."

The Rev. Billy Graham—who remembers that Jimmy Carter predicted that he would be President before he even became a candidate—describes Carter as "a man of faith and sterling integrity . . . who was one of our most diligent presidents—persistent and painstaking in his attention to his responsibilities."

In his book, JUST AS I AM (Harper Collins, 1997), Rev. Graham also writes that he respects Jimmy Carter's intelligence and his genuine and unashamed Christian commitment. "After the disillusionment of Watergate, Americans were attracted by Carter's summons to a moral revival," Rev. Graham states . . . "And other political leaders would do well to learn from his moral and spiritual ideals."

Rosalynn Carter says that her husband has mellowed and is now more relaxed than she has ever seen him. "Yet," she adds, "I notice that he has become more concerned about the various problems in the world—more so than even before he was elected governor of Georgia (1970)."

One issue that Carter continues to be genuinely concerned about is the moral and spiritual crisis that has gripped America since before he was in the White House.

"In today's world, the main difference is that what was then referred to as 'political malaise' is much worse," he says. "As I stated twenty years ago in a speech on the crisis of confidence, that is even more relevant and pertinent today. Together, we need to commit ourselves to a rebirth of the American spirit. There is still a crisis of confidence, a crisis that strikes at the heart and soul and spirit of our national will. We see this crisis in the growing doubt about the meaning of our lives and in the loss of unity of purpose for our nation. The erosion of our confidence in the future is threatening to destroy the social and political fabric of America."

How has the presidency evolved since Carter left the White House?

"There are major changes," he emphasizes. "The presidency was once respected as a place of honor. I think our political community has deteriorated tremendously since Gerald Ford and I served as presidents, and we often talk about our concerns and those changes. Rather than politics as usual, strong leadership and honest answers are needed."

He says that, for instance, as President, he had gotten along with the Republicans in the House and Senate; that he had often gotten the support of many Republicans on major legislation, sometimes even better than with the Democrats. "Now, the two parties are bitterly divided, with little cooperation between them," he adds. "Also, nowadays, the success of many political campaigns is predicated on how well you can damage the reputation of your opponent. That turns off the average citizen, and leads to a partisan and personally destructive situation.

He also points out that Congress continues to be pulled in all directions by well financed and powerful special interests. "But we cannot change the course until we face the truth," he says. "Restoring faith and confidence to America is now still our most important task . . . and now it is a solid, significant challenge."

In recent years, Carter has given a lot of thought to the virtues of aging, especially as it relates to Social Security. He notes that in 1935, when Social Security legislation was passed, its purpose was to give older people a subsistence income.

"Today," he says, "because of improvements in health and health care, many senior citizens are still in a position to contribute to society. We elderly should be allowed to work as long as we wish—or are able to."

However, Carter voices concerns about the future of Social Security. "The oldest baby boomer will start to receive Social Security in the year 2010," he notes. "By the time my newest grandson, now two months old, is a middle aged wage earner, one in four Americans will be over 65."

Emphasizing that our Social Security system is in trouble and that something will have to change, he recalls that when Social Security was established there were about 40 wage earners supporting each retiree with tax contributions. "By 2010, only two persons will be paying for the retirement and medical expenses of one senior citizen," he says.

"We should be more vigilant and forceful in protecting those who are in need of financial assistance. Today, there are numerous senior citizens who cannot afford health care and many older citizens with little money, or whose savings are expended before their lives end."

Carter says he tries to practice what he preaches. In his book, "The Virtues of Aging" (Times Books, 1998), he notes that the virtues of aging include the blessings that come as one grows older and what we have to offer that might be beneficial to others.

"Each of us is old when we think we are," he writes. "When we accept an attitude of dormancy, dependence on others, a substantial limitation on our physical and mental activity, and restrictions on the number of people with whom we interact. . . . As I know from experience, this is not tied closely to how many years we live."

He cites, as one example, his mother—a compassionate woman who always tried to help others. She joined the Peace Corps at age 68 in 1996 and served for two years in the village of Vikhroli, near Bombay, India. In Feb. 1977, Lillian Carter as First Mother revisited that village when she represented the U.S. at the funeral of India's President Ali Ahmed Fakhruddin. And during hundreds of speeches about her experiences in the Peace Corps, she encouraged others not to allow old age to put a limit on their lives.

"You know," Carter says, "There is a huge difference between getting older and growing old." When my father died, my mother was 55 years old, past retirement age for most registered nurses. Yet she continued to age for 30 more years, but she never grew old. Until she died of cancer at age 85, she was full of life and determined to make each day a new adventure.

"Mother had the most influence over me, and was an inspiration for me. Except for Rosalynn, she affected my life more than any other person."

If there is any secret to Carter's looking and feeling younger than his years, he reveals that perhaps it is because Rosalynn is a stickler for nutrition and an expert on "exactly what we should or should not eat . . . and how much and when. . . .

"Then, I'm always exercising," he adds, "and luck could also be a factor."

For exercise and recreation, Carter keeps fit and trim by hiking, bicycling, cross-country skiing and bowling. He also jogs, fly fishes, does woodworking, cabinet making and plays tennis. Behind his home he built—by himself—a tennis court. (It was the topic of conversation with network commentators when he attended the recent Women's Finals of tennis' U.S. Open in New York).

He also says that, so far, he and Rosalynn have been blessed with good health—"perhaps because of our various activities—living a diverse life, with different elements to it—that kind of life is less likely to be afflicted with illness."

He adds: "Today, we combine taking care of our farm with other activities. One nice aspect about having been president is that we have an unlimited menu because different people invite us to join in their projects, and now we are free to do what gives us pleasure.

"We have climbed mountains in Nepal, to the tops of Kilimajaro and Mt. Fuji. We visited game preserves in Tanzania and have become bird watchers."

And as a hunter, Carter says he still tries to harvest two wild turkeys each year for his family's thanksgiving and Christmas meals.

Jimmy Carter, the most visible member of Habitat for Humanity, also says that every year he goes to a different site to help build at least one house for a poor family. For one week, he works with the family and other volunteers. They start with a concrete slab and by week's end, they complete the job as a finished landscaped house. "Habitat and I get a lot of publicity for each other even though I only work one week a year," he explains. "But the satisfaction is great."

Last year, he chose the Philippines, where he and two former and a current president of the Philippines joined together to build one house for a large family. In the same week, 293 other houses were built in the Philippines by some 10,000 volunteers.

Asked if he considers himself a role model for other senior citizens, Carter says he believes that we all can learn from one another. "With few exceptions," he says, "anyone can find an exciting and fulfilling life after reaching retirement age. I think senior citizens who have setbacks or a surprising retirement—as I had—ought to analyze what they have and decide how to live a meaningful life. Sometimes, an unanticipated life, one you thought would be a disappointment, can turn out to be even better than the one you wanted to cling to.

Carter sums up: "As we get older, senior citizens need to avoid mental dormancy and keep our minds occupied. Mental and physical activities strengthen us and give us a foundation for successful aging. Even though my health is now good and I'm still active in sports, I am often reminded that I face inevitable changes in health as I grow older."

All in all, does aging bother Jimmy Carter?

"Aging doesn't bother me—yet," he replies with a wry smile, "but I'm already preparing for a reduced capacity. I expect to cut the time I devote to overseas work—from peace negotiations; to monitoring elections; to eradicating disease, to eliminating suffering . . . and then I can spend more time at home in Georgia.

"There is a leadership succession plan for The Carter Center, but any transition is a high priority of mine."

For some 17 years, Carter has been a "distinguished professor" at Emory University, where he spends one week each month during the academic year. He lectures on numerous topics, including theology, medicine, journalism, creative writing, business, political science, history, and anthropology.

He also meets with undergraduate and graduate students, adding a different kind of rigor to doctoral examinations. At times, he deals with current history—history that he himself helped to make.•

REINSDORF STEPS UP TO THE PLATE FOR EDUCATION

• Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to a column by Raymond Coffey which appeared in the Chicago Sun-Times on September 30, 1999. Mr. Coffey describes the efforts undertaken by Chicago White Sox owner Jerry Reinsdorf to improve literacy among children in Chicago's public schools.

Mr. Reinsdorf is assisting Chicago School Board President Gery Chico and Chicago Public Schools CEO Paul Vallas in the implementation and financing of Direct Instruction, a program that uses phonics to teach reading in the schools. This summer, Mr. Reinsdorf also designated White Sox manager Jerry Manuel and rookie sensation Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by Target stores and Sox Training Centers that is seeking to donate a million children's books to needy kids. Mr. Reinsdorf has also worked with Mr. Vallas to provide free tickets to public school students who have distinguished themselves through their academic achievements.

Mr. President, it is important to recognize individuals in our community who go beyond the call of duty to improve the lives of people who are less fortunate than them. Chicago can be proud of the winning efforts undertaken by Mr. Reinsdorf throughout the city. I ask that my colleagues join me in honoring Mr. Reinsdorf's charitable efforts by having Ray Coffey's column from the Chicago Sun-Times printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Chicago Sun-Times, Sept. 30, 1999]

OUT TO PROVE KIDS CAN LEARN

(By Raymond Coffey)

As his "The Kids Can Play" White Sox close out the baseball season this weekend, Jerry Reinsdorf himself gets my vote as one of the most valuable players Chicago kids have going for them.

Though they played before mostly empty seats at Comiskey Park and drew little serious attention or respect, the rebuilding Sox did win more games than the hapless last-place Cubs who, thanks to the Sammy Sosa phenomenon, set an all-time attendance record.

More significant than won-lost and tickets-sold records in my score book is what Reinsdorf, who never toots his own horn, is doing for kids.

Perhaps most valuable is the working relationship he has established with Chicago School Board President Gery Chico and CEO Paul Vallas in supporting and helping finance literacy programs in the schools. Reinsdorf has, as Sox director of community relations Christine Makowski put it, "a genuine heartfelt belief" that literacy is a survival skill without which inner-city kids cannot succeed in making their future.

He has worked with Vallas on pushing a program called Direct Instruction—basically a way to teach reading in the schools via phonics. He volunteered to serve as Principal for a Day at Doolittle Middle School near Comiskey Park and regularly has dispatched Sox players to the school to talk with students about the value of education.

When Vallas wants to recognize and reward students for scholastic achievement, Reinsdorf regularly arranges free tickets for him to bring sizable groups of kids of a ballgame.

Chico and Vallas are in "constant communication" with Reinsdorf, Makowski says. "They can call him anytime" and get help on the schools.

This summer Reinsdorf assigned Sox manager Jerry Manuel and rookie star Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by the Target stores and the Sox Training Centers for youngsters to donate a million children's books to needy kids.

Reinsdorf takes a lot of media heat for the way he operates the Sox and his Chicago Bulls. And there is, obviously, some self-interest in what he does for kids in connection with his sports franchises and through the separate Sox and Bulls Charities.

This season, the Sox gave away 35,000 free tickets, worth about $600,000, to such inner-city social welfare organizations as Boys and Girls Clubs, Mercy Home for Wayward Kids, Hull House and Maryville Academy. The tickets weren't selling anyway, but they went to kids unlikely to be able to buy them and also otherwise unlikely to get to see a big league game.

Reinsdorf also has donated 3,000 autographed Sox items to charity raffles and auctions. Members of the current "Kids" roster have made 60 appearances before community groups.

Through White Sox Charities, Reinsdorf also has distributed more than $3 million to nonprofit organizations, including $1 million to the Chicago Park District to refurbish and maintain 800 baseball diamonds. White Sox Charities also funds the Inner City Little League baseball season. And it has raised hundreds of thousands of dollars for cancer research and treatment at Children's Memorial and Northwestern Memorial hospitals.

Some 3,000 kids were offered baseball instruction this summer at 160 weeklong camps in the Chicago area and neighboring states. At Comiskey Park itself, before the Sox take the field, kids can get free coaching in batting and pitching cages inside Gate 3.

As Makowski acknowledges, Reinsdorf and the Sox franchise hope the focus on kids will generate a new generation of baseball fans. "We'd like to give them their first major league experience," she said. "We want them to have fun." If they go home "a Sox fan, so much the better."

Even better, they might sometime soon see that indeed "The Kids Can Play."●

REVISED REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United States	Dollar				2,742.53				2,742.53
Senator Sam Brownback:									
Kenya	Dollar		1,470.00						1,470.00
United States	Dollar				6,961.15				6,961.15
Senator Christopher Dodd:									
Belgium	Dollar		100.00						100.00
United States	Dollar				5,975.97				5,975.97
United States	Dollar				3,029.00				3,029.00
Senator Chuck Hagel:									
United States	Dollar				4,971.37				4,971.37
Senator John Kerry:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		121.00						121.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		280.00						280.00
United States	Dollar				11,006.92				11,006.92
Frank Jannuzi:									
Taiwan	Dollar		955.50						955.50
United States	Dollar				3,277.55				3,277.55
Michael Miller:									
South Africa	Dollar		1,003.10						1,003.10
United States	Dollar				5,600.99				5,600.99
Janice O'Connell:									
Belgium	Dollar		150.00						150.00
France	Dollar		332.00						332.00
United States	Dollar				5,397.79				5,397.79
Nancy Stetson:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		130.00						130.00
Vietnam	Dollar		393.00						393.00
United Kingdom	Dollar		281.00						281.00
United States	Dollar				6,959.40				6,959.40
Michael Westphal:									
South Africa	Dollar		914.78						914.78
United States	Dollar				5,600.99				5,600.99
Total			7,166.38		61,523.66				68,690.04

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 27, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United States	Dollar				7,310.13				7,310.13
Italy	Lira		646.00						646.00
Germany	Deutschmark		420.00						420.00
Curtis Silvers:									
United States	Dollar				5,402.13				5,402.13

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Christopher Ford:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Senator Susan Collins:									
United States	Dollar				812.81				812.81
Northern Ireland	Pound	50.62	81.00						81.00
Ireland	Pound	172.17	229.00						229.00
England	Pound	171.31	273.00						273.00
Senator Thad Cochran:									
Scotland	Pound		273.00						273.00
Belgium	Franc		269.00						269.00
Dennis Ward:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Dennis McDowell:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Michael Loesch:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Mitchel Kugler:									
United States	Dollar				4,882.76				4,882.76
United Kingdom	Pound		2,540.00		197.00				2,737.00
Total			8,552.00		24,006.96				32,558.96

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, June 30, 1999.

NATIONAL STAMP COLLECTING MONTH

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 182, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) designating October 1999 as "National Stamp Collecting Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our Nation's history;

Whereas in 1999, more than 22,000,000 Americans, including children, collect and learn about our Nation through stamps, making stamp collecting one of the most popular hobbies in our Nation and the world;

Whereas as we stand on the threshold of the 21st century, it is important that we pause to reflect on our Nation's history;

Whereas stamps honor statesmen and soldiers who fought for freedom and democracy, recognize our Nation's scientific and technological achievements, pay tribute to our Nation's artistic legacy, and celebrate the strength of our Nation's diversity;

Whereas starting October 1, 1999, "National Stamp Collecting Month" will transform more than 100,000 schools, libraries, and post offices into learning centers where our Nation's young people can honor the past and celebrate the future through stamps;

Whereas the founders and participants of "National Stamp Collecting Month" include millions of adult and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service;

Whereas the people, places, and events shaping America today will be United States commemorative stamps tomorrow;

Whereas "National Stamp Collecting Month" will help empower our Nation's children and future generations to study and learn from our Nation's history; and

Whereas as our Nation's children learn the lessons of the past, the children will be better prepared to guide our Nation in the future: Now, therefore, be it

Resolved, That the Senate designates October 1999 as "National Stamp Collecting Month".

* * *

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 323) entitled "An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term "Map" means the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99". The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term "Park" means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as "Tract A" and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of the enactment of this Act in studies

of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as "BLM Withdrawal (Tract B)" (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled "Proposed Additions to the Curecanti National Recreation Area," dated 01/25/99, totaling approximately 1,065 acres and entitled "Hall and Fitti properties".

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYMPATHY FOR VICTIMS OF EARTHQUAKE THAT STRUCK TAIWAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 194 submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 194) expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am pleased to rise today to offer this Senate resolution, expressing sympathy by the Congress for the victims of the devastating earthquake in Taiwan on September 21. A similar resolution was introduced in the House and passed yesterday as House Resolution 297.

I personally want to express my sadness and deepest sympathy for the many victims of the devastating earthquake that struck Taiwan so unexpectedly last week, causing much destruction and many deaths. I ask that the Senate convey to the people of Taiwan our most sincere sympathies about the tragic losses that they have suffered, in both lives and property. With this resolution we call upon the Clinton administration and other members of the international community to do everything possible to assist Taiwan in its time of need so that it may recover rapidly from its terrible losses due to this act of nature.

Accordingly, Mr. President, I urge all of my colleagues in the Senate to join with me in expressing our sympathy and support to the people of Taiwan during this tragic and devastating time.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earth-quake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

ASSISTANCE TO VICTIMS OF HURRICANE FLOYD

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. Res. 188, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1890

Mr. LOTT. Mr. President, Senator EDWARDS and Senator HELMS have an amendment at the desk to the resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. EDWARDS, and Mr. HELMS, proposes an amendment numbered 1890.

On page 4, line 14, after "Maryland," insert "Delaware,".

Mr. LOTT. Mr. President, let me say that I live in an area of Mississippi that has also had to deal with hurricanes. Three of them have hit my hometown over the last 15 years. We have had to deal with droughts, ice storms, floods, and everything but the plague and locusts. I know how difficult it is for people who are faced with disasters such as the one with which North Carolina is now dealing. I know how tough it is for the people who are trying to dig out from under mud, with dead carcasses, and all that goes with disasters.

All of us extend our sympathy to the people of North Carolina and want to reassure them that the Federal Government will do its part, as we always do when people are hit by natural disaster.

Mr. President, I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the resolution, as amended, and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1890) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas from September 14 through 16, 1999, Hurricane Floyd menaced most of the southeastern seaboard of the United States, provoking the largest peacetime evacuation of eastern Florida, the Georgia coast, the South Carolina coast, and the North Carolina coast;

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the worst recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing flooding, tornadoes, and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known deaths of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, and in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 9 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 235, 247, 248, 249, 258 through 266, and all nominations on the Secretary's desk in the Coast Guard and the National Oceanic and Atmospheric Administration.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

NATIONAL CONSUMER COOPERATIVE BANK

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Paul L. Hill, Jr., of West Virginia, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

NUCLEAR REGULATORY COMMISSION

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David S. Belz, 7006
Rear Adm. (lh) James S. Carmichael, 7626
Rear Adm. (lh) Roy J. Casto, 8656
Rear Adm. (lh) James A. Kinghorn, Jr., 8699
Rear Adm. (lh) Erroll M. Brown, 1778

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 9691

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, United States Code, section 12203:

To be rear admiral

Rear Adm. (lh) Carlton D. Moore, 0938

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 3535

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 8559

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 9704

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 2213

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 8189

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 7892

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

National Oceanic and Atmospheric Administration nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, I want the Senate to know we are still working to get an agreement to take up consideration of the Comprehensive Test Ban Treaty. We originally wanted to bring it up next week on October 6. That was objected to by the Democratic leadership. They indicated they thought more time was needed and they needed more time designated for debate. We have now offered to begin on October 8, next Friday, with debate. The debate would go up to 14 hours. We will conclude action on that treaty no later than the close of business on Tuesday, October 12.

We are willing to agree to more time on behalf of the leader's amendments if that is necessary. I believe the Democratic leader has indicated his willingness to go to the treaty debate on the 8th and be on it the 12th and conclude it by the 12th, but we are still working on details.

There were statements made by the President of the United States in 1998, I believe in his State of the Union Address, and again in 1999, that he wanted the Senate to take up the treaty. I have statements from a number of Democratic Members of the Congress calling for this to be done.

We have said to our colleagues on the other side of the aisle we don't think this is a good treaty; we think it puts safety in jeopardy; we think it puts us in a weakened condition internationally; and we think it is dangerous. However, since there have been calls and demands for a vote, we have offered to vote, and we have offered two different dates. We have offered time and more time.

I am a little bit puzzled why the Democrats now are saying: We don't want to vote. I presume they are saying it because it may fail. The Senate will have a debate, and the Senate will vote. If there is not a two-thirds vote, it is over; it is defeated.

It is hard for me to understand. Do they want it or not? Do they want to debate or not? Do they want to vote or not? I think it shows a little bit about what has been going on all along.

I want to assure the Senate, there will be some hearings in the Armed Services Committee with experts in this field. There will be plenty of information on the record. If they want a vote, let's vote; if they don't, let's move on. I don't want to hear more about it for a while.

Having said that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATIONS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I commend the Presiding Officer on what an outstanding job he is doing. We appreciate the fact that on this beautiful Friday afternoon, approaching 3 o'clock, the distinguished Senator from Kentucky is here, on duty, and enjoying every moment of it.

Now, may I proceed to the closing?

Thank you for not responding, Mr. President, to my comments.

ORDERS FOR MONDAY, OCTOBER 4, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 4. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m. with Senators speaking for up to 10 minutes each, and the time equally divided between the two leaders, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. I remind Senators that on Monday, at 5:30 p.m., the Senate will proceed to the Transportation appropriations conference report, and a vote will occur immediately on adoption of that conference report, so there will be at least one recorded vote at 5:30 on Monday, and it is on the Transportation appropriations conference report. I think a lot of credit, once again, goes to our Transportation appropriations subcommittee members. Senator SHELBY of Alabama has done a great job with a very important bill.

There may be other votes. There could be a vote on or in relation to relevant amendments on the FAA reauthorization bill, since that bill will be debated early in the day Monday. It could be that an amendment or amendments will be available for consideration at that time. But I wanted Senators to be on notice we do have the one vote for sure.

Also, all Senators should be aware we will convene at 12 noon and we will have a period for morning business until 12:30. We will take up the FAA reform bill the remainder of that day, then, on Monday, until 4:30, when we will go to, I believe it is, the judicial nominations discussion. We will very likely have recorded votes on Tuesday morning, and then we do have an agreement, I believe, to have recorded votes stacked on three nominations at 2:15 on Tuesday.

For the remainder of the week, the Senate will continue debate on the FAA reform bill and complete its action on Tuesday. Then we will return to the Labor-HHS appropriations bill and consider nominations and conference reports that are available. I understand that the Agriculture appropriations conference report will be available on Monday. We could have that vote Monday or Tuesday, if a recorded vote is necessary. We are hoping the Interior appropriations bill will be on the heels of that one, and I believe we are still waiting for the foreign operations conference report. We will interrupt or take as quick action as possible on the conference reports once they are received and we get notification that we intend to have a vote.

I do have one further unanimous consent request. I wanted the distinguished Senator from South Dakota to be here. We have continued to work to see if we can get an agreement to vote on the test ban treaty.

UNANIMOUS CONSENT AGREEMENT—COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of Treaty Document 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I should note, that is something that was requested by the Democratic leadership, and we think it is a reasonable request.

I further ask consent that at 9:30 a.m. on Friday, October 8, the Senate begin consideration of Treaty Document 105–28 and the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader.

There was a request for additional time for that debate. Therefore, I ask consent that there be a total of 14 hours of debate on the treaty itself, to be equally divided in the usual form, and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order, and that amendments be filed at the desk 24 hours before they are called up.

I think it is fair. If we are going to have an amendment on our side and the other side, we need some notification of its content.

There was a thought we might need additional time for discussion on those amendments. Therefore, I ask there be a time limitation of 4 hours equally divided on each amendment, in addition to the 14 hours, for a total of 18 hours over a 2-day period, but spread over a period of time that I believe will run about 6 days.

I further ask consent that following the use or yielding back of time and disposition of the amendments, the Senate proceed to vote on the adoption of the resolution of ratification, as amended, if amended, all without any intervening action or date.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, and I will not object, I think this unanimous consent request represents progress from the first request made by the majority leader. But I still believe this procedure is unfair, and I would even say dangerous.

This is the most significant treaty with which we will deal on nuclear proliferation maybe in the time that the majority leader and I will be leaders. We are going to be taking this up on the Senate floor without one hearing in the Foreign Relations Committee. We have looked back. We do not know when that has ever happened before, when the Foreign Relations Committee has not acted upon a treaty, even though it has been pending for 2 years.

We are hoping that the Committee on Armed Services will take up the treaty next week, but I believe that alone is irresponsible. But we believe we have no choice. Our choice is to send the message as an institution that this treaty is not important, it does not even deserve a hearing, or to send the message, God forbid, that the Senate would reject this treaty and say it was not the U.S. intention to send the message around the world that we will ban nuclear weapons testing. Those are the options on the negative side.

On the positive side, the option might be between now and October 12, we can convince the necessary two-thirds of the Senate to support this treaty. We still hope, we believe, that might be within our reach. But I know what some of the debate will be, and the Presiding Officer or the majority leader will mark my words. We will hear somebody say this treaty is not verifiable, in spite of the fact that expert after expert has noted that it is verifiable, but there will have been no hearings to verify the fact that, indeed, this treaty is subject to all the verification elements required of a treaty of this kind.

We are going to hear all kinds of complaints and all kinds of allegations and rumors about what this treaty does or does not do, and when you do not have hearings, that is what is going to happen.

So we are extremely disappointed with the way this has been handled. As I said, I believe it is irresponsible and dangerous. But we also note this may be the best we can get, and if it is the best we can get, as troubled as we are, we will take it. We will have our day in court. We will make our best arguments. We will let the judgment of this Senate prevail.

I am very hopeful the administration will be engaged. I am very hopeful those who care as deeply as we care about this issue will join us in making the arguments and in dealing with the issue. I also say it is my intention, as Democratic leader, to conduct hearings of my own as part of the Democratic Policy Committee to ensure that we do have experts in Washington to express themselves. We will do that at the appropriate moment.

I do not object, but I must express very grave reservations.

Mr. LOTT. Has the Chair ruled?

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the leader's request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate the Democratic leader has agreed to this request. We have worked back and forth now over 2 or 3 days. This is a fair approach, especially with the two leaders' amendments, if they are needed, and a guarantee we will file them in time to take a look at them.

It is serious. I take it very seriously. I do want to make the Senator aware that at least one chairman has notified me he intends to have three hearings before the final vote—Senator WARNER of the Armed Services Committee, which certainly has an interest in this because of what it does involve, weapons.

I believe—I cannot confirm the exactness of these dates or that they will be able to do them all—he is thinking in terms of hearings on the 6th, 9th, and 12th, and that is a committee which has a great deal of jurisdiction. I do not know yet if Senator HELMS plans additional hearings before the 12th, although certainly that is a possibility now that we have a time agreed to.

In addition, I understand there have been discussions with regard to this treaty in the Foreign Relations Committee on February 10, 1998; May 13, 1998; June 3. 1998; June 18, 1998; July 13, 1998; February 24, 1999; and March 23, 1999. Perhaps it was not a full-blown hearing just on that subject; I cannot say, but I refer to these dates that were included in the RECORD just yesterday by Senator HELMS.

There will be at least a couple, if not more, hearings in the appropriate committee or committees prior to the final vote.

I see Senator WARNER is here. He might want to comment on his thinking as to the witnesses and how he plans to proceed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with my distinguished leader and Senator HELMS, we met today for the better part of an hour—and through Senator LEVIN. As my colleague knows, he is absent for reasons of a personal need today. We have carefully laid the foundation for a very thorough hearing by the Armed Services Committee. Our committee has supervision over the stockpile, and really the stockpile is a central body of fact which I urge each Senator to study very carefully.

What we have proposed to do on Tuesday of next week is to have the experts from the Central Intelligence Agency, from the various laboratories, in closed hearing to lay out the facts with regard to this stockpile. The following Wednesday, we are going to invite the Secretary of Defense, the Chairman of the Joint Chiefs, and former Secretaries of Defense and former Chairmen of the Joint Chiefs, and Senator LEVIN, of course, will have his selection of witnesses.

The following day, on Thursday, we again, with the directors of the laboratories and others, will cover more details about the stockpile issue and the efforts by this country to put in place testing to be a substitute—that is, computer analysis, and so forth, as a substitute for actual testing.

Our committee will have a very thorough set of hearings. We will distill the facts, provide them for the record, and bring them to the respective leaders, and hopefully perhaps the Senate, as a whole, can consider parts or all of this important testimony.

Mr. LOTT. I thank Senator WARNER for that information and for his plan and for his working and discussing this with Senator HELMS. I believe it will add a great deal of vital and interesting information for the Senate, and I am sure he will have testimony based on what he just said on both sides of the issue. That will be helpful.

I have no further business at this time.

Mr. President, does Senator DASCHLE have anything further at this time?

Mr. DASCHLE. Mr. President, I do not. I appreciate the majority leader yielding.

The majority leader made reference to meetings where the CTBT has been discussed. Certainly we were not in any way acknowledging that this issue has never come up. But I think it is important for the record, once again, to say that in the time that this treaty has been before the Senate, not one hearing has been held.

I am grateful for the chair of the Armed Services Committee at least taking this initiative, as late as the date may be. It sounds to be a very comprehensive set of hearings. That will be helpful.

But I must say, it is equally irresponsible for us to be here at this moment without 1 day where the committee of jurisdiction has held hearings on an issue of this import and then ask our colleagues—the Senate—to pass judgment.

The majority leader knows we have attempted to bring the Senate to this point now for some time. We are pleased that we have made this progress. But, frankly, this isn't the way to do it. We should have had hearings in the committee. We are glad we are having hearings in the Armed Services Committee. But to rush to judgment on an issue of this importance is not the way to do business.

I yield the floor.

Mr. WARNER. Mr. President, I say most respectfully to my good friend, the minority leader, each year the Armed Services Committee reviews the stockpile issues. Each year we go through our normal oversight hearings. A part of it relates to the very issues that we will again bring to the Senate by virtue of the hearings in our committee and the record that we will put together.

So I must say, most respectfully, our committee annually looks at these issues. So for members of our committee, and to the extent others have been interested, in fact, the record is there.

Mr. DASCHLE. Mr. President, let me just respond quickly.

I acknowledge that. But I believe there is a huge difference between looking at the issue of stockpile and looking at the importance of the treaty per se, at the language of the treaty, and whether or not we ought to ratify a treaty, whether or not we ought to send the message to the rest of the world that we want them to ratify the treaty, whether the treaty is in our long-term interests, and what the ramifications of the treaty are. That is what I am suggesting ought to be the subject of these hearings.

We ought to be looking at stockpiles, and we ought to be looking at the ramifications of our current nuclear weaponry. And certainly the chairman has done an admirable job of that, as has the committee as a whole, but we have not held hearings until now. I think they are long overdue. I think we as a Senate have made a very big mistake in calling this treaty to the floor prior to the time we have had that kind of consideration in the Foreign Relations Committee or, for that matter, in the Armed Services Committee.

Mr. LOTT. Mr. President, if I could respond on that.

I do think that a critical part of our decision involves the armed services aspect of it. The review of nuclear weapons—what their condition is, what it will be, what it means for the future—that is at the heart of the concerns that a lot of Senators have, including this Senator. I have enough background, having been on the Armed Services Committee in the House and the Senate, to be able to assess, as most Senators, after reading the documentation, the ramifications around the world.

But if we cannot be assured of the safety and the reliability of these weapons, then that goes right to the heart of the whole issue. Before you get to discussion about what it means to

Pakistan or India or North Korea, you need to know what is going to happen over a period of time in terms of safety, the risk to people in the areas, or the surety that we will have these weapons if, in fact, we do need them.

I say to Senator WARNER, you and I have discussed this already. I know that is the crux of what you are saying.

Mr. WARNER. Mr. President, my concern, as you have said, is a decade hence. Will there be some leader in the world or, indeed, some rogue or some other individual who wants to challenge our country who will have any basis to believe we have less than 100-percent reliability in that arsenal of weapons we will have in a decade or 15 years out? That is the critical period of time.

I say to my good friend, Senator DASCHLE, everyone knows my very strong opposition to this treaty. Frequently, colleagues on both sides of the aisle engage me in informal debate of what it is about the treaty, what it is about the facts that lead me to this conclusion.

So, yes, perhaps we could have been more formalized at some point in time. But I think it is important that we focus on it at this critical time, and that we are going to have very thorough hearings in our committee. I have looked over the hearings of the Foreign Relations Committee over the year and they, indeed, covered many of the subjects relating to this treaty in that period of time.

ADJOURNMENT UNTIL MONDAY, OCTOBER 4, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, October 4, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1999:

UNITED STATES POSTAL SERVICE

ALAN CRAIG KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2008, VICE J. SAM WINTERS.

LAGREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2007. (REAPPOINTMENT)

SOCIAL SECURITY ADMINISTRATION

WILLIAM A. HALTER, OF ARKANSAS, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

GRETA JOY DICUS, OF ARKANSAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

DEPARTMENT OF STATE

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE PHYLLIS E. OAKLEY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. CRAPA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JILL B. BUCKLEY.

DEPARTMENT OF STATE

AVIS THAYER BOHLEN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ARMS CONTROL). (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1999:

NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. BOWIE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

NUCLEAR REGULATORY COMMISSION

RICHARD A. MESERVE, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

M. JAMES LORENZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

VICTOR MARRERO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DAVID S. BELZ, 7006.
REAR ADM. (LH) JAMES S. CARMICHAEL, 7926.
REAR ADM. (LH) ROY J. CASTO, 8656.
REAR ADM. (LH) JAMES A. KINGHORN, JR., 8699.
REAR ADM. (LH) ERROLL M. BROWN, 1778.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. RALPH D. UTLEY, 9691.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) CARLTON D. MOORE, 0938.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARY P. O'DONNELL, 3535.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. VIVIEN S. CREA, 9704.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KENNETH T. VENUTO, 2213.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES W. UNDERWOOD, 8189.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES C. OLSON, 7892.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

KURT A. SEBASTIAN, 8559.

COAST GUARD NOMINATIONS BEGINNING ERNEST J. FINK, AND ENDING WILLIAM J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING DONALD A. DREVES, AND ENDING KEVIN V. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1999.

HOUSE OF REPRESENTATIVES—*Friday, October 1, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 117:

Praise the Lord, all you nations!
Extol Him, all you peoples!
For great is His steadfast love toward us, and the faithfulness of the Lord endures forever.
Praise the Lord!

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. VITTER) come forward and lead the House in the Pledge of Allegiance.

Mr. VITTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one minutes at the end of business.

CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 318 provides for the consideration of the conference report to accompany H.R. 2084, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 2000.

The rule waives all points of order against the conference report and against its consideration. The rule also provides the conference report will be considered as read.

Mr. Speaker, this bill provides for appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. The legislation before the House this morning is vitally important to both the safety and the efficiency of travel and transportation in the United States.

The bill provides for the necessary resources for America's highways and airports, our railroads and public transportation facilities, and safety in all forms of transportation.

Mr. Speaker, ensuring the safety of American motorists, fliers, and travelers is this Government's highest responsibility, and clearly this bill addresses those needs and concerns. Indeed, the underlying legislation represents an increase in safety measures and resources in every area of America's transportation system, from the Coast Guard, to the Federal Aviation Administration, to the National Highway Traffic Safety Administration.

And even while we ensure adequate and appropriate financial resources to meet those needs, our conferees have met the challenge, while practicing fiscal responsibility and bipartisan cooperation, maintaining the fiscal restraints adopted in the Balanced Budget Act of 1997.

I commend my friend and colleague, the gentleman from Virginia (Mr. WOLF), the chairman of the Committee on Appropriations Subcommittee on Transportation, and the gentleman from Minnesota (Mr. SABO), for their hard work in crafting a responsible bipartisan bill.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I do not oppose the rule, the transportation appropriations conference report for fiscal year 2000, but the conference report itself should be the subject of vigorous debate today as members of the authorizing committee and the Committee on Transportation and Infrastructure express their serious concerns about provisions added to the conference report by the other body. There are also issues which will be discussed on the floor today relating to unfunded mandates and numerous legislative provisions which appear in the conference report.

Mr. Speaker, there is no question but that the transportation system of this Nation helps us to maintain our competitive edge worldwide. There is no question but that the very same system must be maintained, repaired, and upgraded constantly for that competitive edge to remain. This is a goal shared by both the Committee on Transportation and Infrastructure and the Subcommittee on Transportation of the Committee on Appropriations. This debate might be described as a difference not of where we are going, but how we get there.

I wish to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure, and the gentleman from Virginia (Chairman WOLF), and the ranking member, the gentleman from Minnesota (Mr. SABO) of the Committee on Transportation and Infrastructure Subcommittee on Appropriations, for sharing strong support of and commitment to our transportation system for the people of America, unmatched anywhere in the world.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 318, I call up the conference report on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 1999, at page H9077).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2084, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House an excellent conference report on the transportation appropriations bill for the coming fiscal year. We have worked long and hard in truly a bipartisan fashion, and I want to thank the gentleman from Minnesota (Mr. SABO) for that, with the Senate conferees to hammer out a conference agreement which hopefully will easily pass this body.

We said earlier that this House would pass individual appropriation bills in a timely manner and send them to the President for signature. We have fallen a little bit behind, but here is a way to get us back on track.

This is a bill which provides funding increases for all our vital transportation systems and infrastructure and gives the President another bill he can sign just as the new fiscal year begins.

Mr. Speaker, I include the following for the RECORD.

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses:						
Immediate Office of the Secretary	1,624	1,967	1,867	1,900	1,867	+243
Immediate Office of the Deputy Secretary	585	612	612	600	600	+15
Office of the General Counsel	8,750	9,150	9,000	9,000	9,000	+250
Office of the Assistant Secretary for Policy	2,808	2,924		2,900	2,824	+16
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	7,700	7,650	
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	6,870	6,870	+521
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	2,000	2,039	+98
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	18,600	17,767	-1,955
Office of Public Affairs	1,565	1,836	1,836	1,800	1,800	+235
Executive Secretariat	1,047	1,102	1,102	1,110	1,102	+55
Board of Contract Appeals	561	520	520	560	520	-41
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	1,222	1,222	+202
Office of Intelligence and Security	1,036	1,574	1,454		1,454	+418
Office of the Chief Information Officer	4,875	5,075	5,000	5,100	5,075	+200
Office of Intermodalism	957	1,187			1,062	+105
Office of the Assistant Secretary for Transportation Policy & Intermodalism			3,781			
Subtotal	60,490	62,577	60,602	59,362	60,852	+362
Y2K conversion (emergency funding)	(7,754)					(-7,754)
Office of civil rights	6,966	7,742	7,742	7,200	7,200	+234
Transportation planning, research, and development	9,000	6,275	2,950	3,300	3,300	-5,700
Transportation Administrative Service Center	(124,124)		(157,965)	(169,953)	(148,673)	(+24,549)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	(13,775)	(13,775)	
Minority business outreach	2,900	2,900	2,900	2,900	2,900	
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)					(+815)
Total, Office of the Secretary	81,256	81,394	76,094	74,662	76,152	-5,104
Coast Guard						
Operating expenses	2,400,000	2,607,039	2,491,000	2,238,000	2,481,000	+81,000
Defense function	300,000	334,000	300,000	534,000	300,000	
Title I - Readiness (emergency funding)	(100,000)					(-100,000)
Title IV - Counterdrug (emergency funding)	(16,300)					(-16,300)
Y2K conversion (emergency funding)	(27,715)					(-27,715)
Y2K conversion (emergency funding)	(4,058)					(-4,058)
Emergency funding (P.L. 106-31)	(200,000)					(-200,000)
Acquisition, construction, and improvements:						
Vessels	219,923	165,760	205,560	123,560	134,560	-85,363
Aircraft	35,700	22,110	38,310	33,210	44,210	+8,510
Other equipment	36,569	53,726	59,400	52,726	51,626	+15,057
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	63,800	63,800	+8,977
Personnel and related support	48,450	52,930	50,930	52,930	50,930	+2,480
Deepwater replacement project revolving fund				44,200		
Integrated Deepwater Systems					44,200	+44,200
Subtotal, A C & I appropriations	395,465	350,326	410,000	370,426	389,326	-6,139
Offsetting collections (user fees)		-41,000				
Title I - Counterdrug (emergency funding)	(100,000)					(-100,000)
Hurricane Georges (emergency funding)	(12,600)					(-12,600)
Title IV - Counterdrug (emergency funding)	(117,400)					(-117,400)
Environmental compliance and restoration	21,000	19,500	18,000	12,450	17,000	-4,000
Alteration of bridges	14,000		15,000	14,000	15,000	+1,000
Retired pay	684,000	721,000	721,000	730,327	730,327	+46,327
Reserve training	69,000	72,000	72,000	72,000	72,000	+3,000
Title I - Readiness (emergency funding)	(5,000)					(-5,000)
Research, development, test, and evaluation	12,000	21,709	21,039	17,000	19,000	+7,000
Title I - Readiness (emergency funding)	(5,000)					(-5,000)
Total, Coast Guard	3,895,465	4,084,574	4,048,039	3,988,203	4,023,653	+128,188
Federal Aviation Administration						
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000		5,857,450	5,900,000	+337,442
Y2K conversion (emergency funding)	(14,946)					(-14,946)
Y2K conversion (emergency funding)	(13,852)					(-13,852)
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	2,045,652	2,075,000	+175,000
Title II - Antiterrorism (emergency funding)	(100,000)					(-100,000)
Y2K conversion (emergency funding)	(106,612)					(-106,612)
Y2K conversion (emergency funding)	(15,521)					(-15,521)
Rescission				-299,500	-30,000	-30,000
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	150,000	156,495	+6,495
Y2K conversion (emergency funding)	(147)					(-147)
Y2K conversion (emergency funding)	(220)					(-220)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(1,750,000)	(1,750,000)	(+150,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(2,000,000)	(1,950,000)	
(Obligation limitation reduction) (P.L. 105-277)				(-290,000)		
Rescission of contract authority			-300,000			
Total, Federal Aviation Administration	7,612,558	8,531,000	2,373,000	8,053,102	8,131,495	+518,937
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(1,710,000)	(1,950,000)	
Total budgetary resources	(9,562,558)	(10,131,000)	(4,623,000)	(9,763,102)	(10,081,495)	(+518,937)
Rescission			-300,000	-299,500	-30,000	-30,000
Net total	(9,562,558)	(10,131,000)	(4,323,000)	(9,463,602)	(10,051,495)	(+488,937)
Federal Highway Administration						
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(370,000)	(376,072)	(+48,659)
Limitation on transportation research			(422,450)			
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(26,245,000)	(26,245,000)	(+734,000)
(Revenue aligned budget authority) (RABA)		(1,456,350)	(1,456,350)	(1,456,350)	(1,456,350)	(+1,456,350)
(RABA transfer under Title III)		(-502,120)				
(Adjustment)		(63,000)				
Domestic Discretionary						
Highway safety initiative (transfer to NHTSA)				(-14,500)		
Section 405(b) grant (transfer to NHTSA)				(-7,500)		
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(27,679,350)	(27,701,350)	(+2,190,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(26,300,000)	(26,000,000)	(+2,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(RABA transfer under Title III)		(50,000)				
National motor carrier safety program (highway trust fund)				50,000		
Additional provisions - Division A P.L. 105-277:						
Surface transportation projects, Massachusetts	100,000					-100,000
Surface transportation projects, Arkansas	100,000					-100,000
Appalachian development highway system, Alabama	100,000					-100,000
Appalachian development highway system, West Va	32,000					-32,000
State infrastructure banks (rescission)	(-6,500)					(+6,500)
Total, Federal Highway Administration	332,000			50,000		-332,000
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(27,784,350)	(27,806,350)	(+2,195,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(28,966,466)	(28,938,466)	(+1,571,419)
National Highway Traffic Safety Administration						
Operations and research			87,400		87,400	+87,400
Operations and research (Highway Trust Fund)	87,400			72,900		-87,400
Subtotal	87,400		87,400	72,900	87,400	
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	
(RABA transfer under Title III)		(125,450)				
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	(72,000)	(72,000)	
Y2K conversion (emergency funding)	(752)					(-752)
(Transfer from FHA)				(14,500)		
National Driver Register (highway trust fund)	2,000	2,000	2,000	2,000	2,000	
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	(161,400)	(161,400)	
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(206,800)	(206,800)	(+6,800)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(152,800)	(152,800)	(+2,800)
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(36,000)	(36,000)	(+1,000)
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(8,000)	(8,000)	(+3,000)
Child passenger protection education grants (transfer from FHWA)				(7,500)		
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	74,900	89,400	
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(300,800)	(278,800)	(+6,800)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(375,700)	(368,200)	(+6,800)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Railroad Administration						
Office of the administrator	21,215					-21,215
Railroad safety	61,488					-61,488
Safety and operations		95,462	94,448	91,789	94,288	+94,288
Offsetting collections (user fees)		-66,461				
Subtotal	82,703	29,001	94,448	91,789	94,288	+11,585
Railroad research and development	22,364	21,800	21,300	22,364	22,464	+100
Offsetting collections (user fees)		-21,300				
Pennsylvania Station Redevelopment project (advance approp, FY 2001)		20,000		20,000		
Next generation high-speed rail	20,494	12,000	22,000	20,500	27,200	+6,706
Alaska Railroad rehabilitation	10,000			14,000	10,000	
Alaska Railroad capital improvements (Division A)	28,000					-28,000
Rhode Island Rail Development	5,000	10,000	10,000	10,000	10,000	+5,000
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	571,000	571,000	-38,230
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):						
(Liquidation of contract authorization)		(35,400)				
(Limitation on obligations)		(35,400)				
Total, Federal Railroad Administration	777,791	642,477	718,724	749,653	734,952	-42,839
(Limitations on obligations)		(35,400)				
Total budgetary resources	(777,791)	(677,877)	(718,724)	(749,653)	(734,952)	(-42,839)
Federal Transit Administration						
Administrative expenses	10,800	12,000	12,000	12,000	12,000	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(43,200)	(48,000)	(48,000)	(48,000)	(48,000)	(+4,800)
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+6,000)
Y2K conversion (emergency funding)	(250)					(-250)
Formula grants	570,000	619,600	619,600	619,600	619,600	+49,600
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(2,478,400)	(2,478,400)	(+198,400)
(RABA transfer under Title III)		(212,270)				
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(3,098,000)	(3,098,000)	(+248,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	
Transit planning and research (general fund)	19,800	21,000	21,000	21,000	21,000	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(86,000)	(86,000)	(+7,800)
(RABA transfer under Title III)		(4,000)				
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	
Metropolitan planning	(43,842)	(49,632)	(49,632)	(49,632)	(49,632)	(+5,790)
State planning and research	(9,158)	(10,368)	(10,368)	(10,368)	(10,368)	(+1,210)
National planning and research	(27,500)	(33,500)	(29,500)	(29,500)	(29,500)	(+2,000)
Subtotal	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4.638,000)	(4,638,000)	(4,929,270)	(+677,470)
Capital investment grants (general fund)	451,400	490,200	490,200	490,200	490,200	+38,800
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(1,960,800)	(1,960,800)	(+155,200)
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(490,200)	(490,200)	(+38,800)
(New starts)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)					(-2,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)		(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	15,000	15,000	-20,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+20,000)
(RABA transfer under Title III)		(75,000)				
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)	(75,000)	(75,000)	
Washington Metropolitan Area Transit Authority (general fund)	50,000					-50,000
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)					(+665)
Interstate transfer grants - transit (rescission)	(-600)					(+600)
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	1,159,000	1,159,000	+20,800
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(5,797,000)	(5,797,000)	(+407,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496		12,042	11,496	12,042	+546
Mandatory proposal		(12,042)				
Subtotal	(11,496)	(12,042)	(12,042)	(11,496)	(12,042)	(+546)
Research and Special Programs Administration						
Research and special programs		33,340			32,061	+32,061
Hazardous materials safety	16,063		17,813	16,960		-16,063
Emergency transportation	997		1,459	1,275		-997
Research and technology	3,676		3,547	3,297		-3,676
Program and administrative support	8,544		9,542	9,220		-8,544
Subtotal, research and special programs	29,280	33,340	32,361	30,752	32,061	+2,781
Offsetting collections (user fees)		-4,575				
Y2K conversion (emergency funding)	(182)					(-182)
Y2K conversion (emergency funding)	(100)					(-100)
Pipeline safety:						
Pipeline Safety Fund	29,000	33,939	30,598	30,000	30,000	+1,000
Oil Spill Liability Trust Fund	4,248	4,248	5,494	4,704	5,479	+1,231
Pipeline safety reserve	(1,400)		(1,300)	(1,400)	(1,400)	
Subtotal, Pipeline safety program (incl reserve)	(34,648)	(38,187)	(37,392)	(36,104)	(36,879)	(+2,231)
Y2K conversion (emergency funding)	(150)					(-150)
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	
(Limitation on obligations)	(11,000)		(14,300)	(11,000)		(-11,000)
Total, Research and Special Programs Administration	62,728	67,152	68,653	65,656	67,740	+5,012
(Limitations on obligations)	(11,000)		(14,300)	(11,000)		(-11,000)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(76,656)	(67,740)	(-5,988)
Office of Inspector General						
Salaries and expenses	43,495	44,840	44,840	5,000	44,840	+1,345
Surface Transportation Board						
Salaries and expenses	16,000	17,000	17,000	15,400	17,000	+1,000
User fees		-2,600				
Offsetting collections	-2,600	-14,400	-1,600		-1,600	+1,000
General Provisions						
Transportation Administrative Service Center reduction	-15,000		-11,000	-60,000	-15,000	
Transit discretionary grants (rescission of contract authorization)	(-392,000)					(+392,000)
National Aviation Review Commission (rescission)	(-849)					(+849)
Amtrak Reform Council	450	750	450	950	750	+300
Urban discretionary grants (rescission)	(-4,026)					(+4,026)
Net total, title I, Department of Transportation	14,486,343	14,613,187	8,294,642	13,888,522	14,310,424	-175,919
Current year, FY 2000	(14,486,343)	(14,593,187)	(8,294,642)	(13,868,522)	(14,310,424)	(-175,919)
Appropriations	(14,043,239)	(14,593,187)	(8,594,642)	(14,168,022)	(14,340,424)	(+297,185)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,559)					(-848,559)
Advance appropriation, FY 2001		(20,000)		(20,000)		
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,006,190)	(50,131,453)	(44,414,208)	(49,464,788)	(50,115,690)	(+2,109,500)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,847	4,633	4,633	4,500	4,633	+786
Y2K conversion (emergency funding)	(60)					(-60)
National Transportation Safety Board						
Salaries and expenses	53,473	57,000	57,000	51,500	57,000	+3,527
Rental payments (supplemental P.L. 160-31)	2,300					-2,300
Offsetting collections		-10,000				
Emergency fund	1,000			1,000		-1,000
Total, National Transportation Safety Board	56,773	47,000	57,000	52,500	57,000	+227
Total, title II, Related Agencies	60,680	51,633	61,633	57,000	61,633	+953
Appropriations	(60,620)	(51,633)	(61,633)	(57,000)	(61,633)	(+1,013)
Emergency appropriations	(60)					(-60)
Grand total	14,547,023	14,664,820	8,356,275	13,945,522	14,372,057	-174,966
Current year, FY 2000	(14,547,023)	(14,644,820)	(8,356,275)	(13,925,522)	(14,372,057)	(-174,966)
Appropriations	(14,103,859)	(14,644,820)	(8,656,275)	(14,225,022)	(14,402,057)	(+298,198)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,619)					(-848,619)
Advance appropriation, FY 2001		(20,000)		(20,000)		
(Limitation on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,066,870)	(50,183,086)	(44,475,841)	(49,521,788)	(50,177,323)	(+2,110,453)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-2,000	-3,000	-4,400
General Provision (Sec. 329)	4,000					-4,000
FTA: Job access (mass transit category)	-25,000					+25,000
FTA: Job access (non-defense discretionary)	25,000					-25,000
Emergency funding	-848,619					+848,619
FY 1999 adjustments to CBO rescissions	205					-205
Trans Admin Service Center adjustment			1,000			
Advance appropriations		-20,000		-20,000		
Total, adjustments	-843,014	-25,000	-2,000	-22,000	-3,000	+840,014
Net grand total (including scorekeeping)	13,704,009	14,639,820	8,354,275	13,923,522	14,369,057	+665,048
Appropriations	(14,109,464)	(14,639,820)	(8,654,275)	(14,223,022)	(14,399,057)	(+289,593)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(44,473,841)	(49,499,788)	(50,174,323)	(+2,950,467)
RECAP BY FUNCTION						
Mandatory	684,000	721,000	721,000	730,327	730,327	+46,327
Discretionary:						
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(28,085,150)	(28,085,150)	(+2,202,150)
Mass Transit category	721,200	1,159,000	1,159,000	1,159,000	1,159,000	+437,800
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total, Mass Transit category	4,973,000	6,088,270	5,797,000	5,797,000	5,797,000	+824,000
General purpose discretionary:						
Defense discretionary	300,000	334,000	300,000	534,000	300,000	
Nondefense discretionary	11,998,809	12,425,820	6,174,275	11,500,195	12,179,730	+180,921
Total, General purpose discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921
Total, Discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I hope we pass it. As always, a bill does not reflect everything each of us might want or what either the House or the Senate might want, but is a compromise. This is a reasonable bill within the money available. I think it treats the various programs fairly. It treats the huge array of requests we had for funding fairly on a bipartisan basis, and I urge support of the conference report.

I just want to take a moment to express my thanks to my staff, the minority staff, Cheryl Smith and Marge Duske from my personal office, and the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone. They do outstanding work on behalf of us.

I rise in strong support of the conference report on the FY2000 Transportation Appropriations conference report. I want to commend the gentleman from Virginia for his tireless work in hammering out fair and sensible compromises on the many difficult and controversial issues that the transportation conferees were faced with this year.

One of the most difficult issues we faced concerned driver privacy and the release of photographs and personal information contained on driver records. I am not convinced that we arrived at the best solution, but there was strong interest in the conference in restricting the release of sensitive, information such as social security numbers that are included on these records.

The gentleman from Virginia has touched on the significant funding provisions in the bill. I would just reiterate that this conference report includes $4.0 billion for the Coast Guard, an increase of $129 million over 1999, and funds the Coast Guard's highest priorities.

It provides $5.9 billion for FAA air traffic control and other operations, an increase of $337 million over 1999. While we were not able to provide as much as the Administration wanted for FAA operations due to severe budget constraints, I am satisfied that we have fully provided for safety of the travelling public and have addressed some of the concerns that the air traffic controllers have had regarding funding for this account.

The conference report funds both highways and transit at the guaranteed amounts specified in TEA21 and includes all the projects identified in TEA21. The conference report also includes the additional $1.456 billion gas taxes for the highway program—the so-called Revenue Aligned Budget Authority. This conference report ensures that every state will receive additional highway dollars under the highway funding formula allocation in TEA21, while protecting an additional $90 million in revenue aligned budget authority for the highway demonstration projects in TEA21.

I know that members of the California and New York delegations have had concerns about provisions in the Senate conference report capping the amount of transit funds those states would receive. This conference report maintains the House position and does not include those provisions.

With regard to truck safety, I believe the approach developed by the gentleman from Virginia will contribute greatly to making our highways safer. The conference report provides funding for motor carrier safety operations as provided in the House-passed conference report, but leaves the judgment of where this office should be relocated within DOT to the Secretary.

Amtrak is also fully funded at its budget request of $571 million in the conference agreement. This will enable Amtrak to continue its critical investments in its infrastructure and improve passenger rail service in the Northeast and other parts of the country where there is strong support for retaining and improving rail service.

Mr. Speaker, in closing, I want to again commend the chairman of the Subcommittee, the gentleman from Virginia, for the way he has handled the transportation subcommittee's business this year. He has been fair and open to suggestions as to how we could improve this bill and develop a final product that we all could support.

I also want to thank the majority staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone. They do a great job in attending to all the tedious detail and legwork that goes into this conference report.

In closing, Mr. Speaker, this is a fair and balanced conference report. I strongly urge a "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I close, let me just also again thank all the Members for their help and their support in working on this very important bill. We had emphasized safety, which I think has been addressed very, very well.

I again want to thank the gentleman from Minnesota (Mr. SABO), and I want to thank the staff members. John Blazey, who did an outstanding job; along with Rich Efford, Stephanie Gupta; Linda Muir; and David Whitestone from my office; Cheryl Smith from Mr. SABO's side; Marjorie Duske. Also from the Senate side, because we worked with them, Wally Burnett, Joyce Rose, Paul Doerrer, Peter Rogoff, and Denise Matthews. I just want to thank all of them. It has been a long, hard effort.

Mr. LIPINSKI. Mr. Speaker, I rise in strong opposition to the conference report for H.R. 2084, the Fiscal Year 2000 Department of Transportation Appropriations Act. There are many, many reasons why I oppose this conference report, not the least of which is the fact that most Members, including myself, have not even seen the report. Other Members have merely been able to glance at it, making it nearly impossible for my colleagues and I to make an informed decision on how to vote for this conference report. However, what I do know about the details of this conference report, I do not like.

One of the main reasons why I oppose this conference report is the fact that the conferees have decided to eliminate the general fund contribution to aviation funding. Historically, approximately 30 percent of the Federal Aviation Administration's funding has come from the general fund, rather than the aviation trust fund. The general fund payment is used to fund a variety of FAA services that benefit society as a whole. In fact, every American, whether he or she knows it or not, benefits from our national aviation system. The safe and efficient operation of a strong national aviation system allows our economy to grow and thrive. Therefore, the general fund contribution to aviation is more than justified. That is why, on June 15, 1999, the House of Representatives voted two-to-one in favor of retaining the general fund contribution in AIR 21, the Aviation Investment and Reform Act for the 21st Century. However, with this conference report, the appropriators have decided to ignore this decisive vote and eliminate the general fund contribution to aviation funding in Fiscal Year 2000.

Another reason why I am opposed to this conference report is the inadequate and shameful level of funding for the Chicago Transit Authority. The CTA, one of the oldest transit systems in the United States, needs significant New Start funding to complete two important projects—reconstruction of the 102-year-old Douglas Branch on the Blue Line and capacity expansion of the Ravenswood Line. Both projects are critical to Chicago's transit system and cannot be completed without federal New Start funding, despite the substantial investments already made by the City of Chicago and the State of Illinois.

The Chicago region is currently the third most congested metropolitan area in the United States. Each day the CTA serves a population of approximately 3.7 million in Chicago and 38 of its surrounding suburbs. In fact, ridership on the CTA has reached new levels, increasing system-wide for the first time in more than a decade. Yet, at least 12 cities with much lower congestion, smaller transit systems and vastly lower ridership than the Chicago region are provided substantially more—most more than double—than Chicago's allocation of new start funds in this conference report. This is just not right.

This conference report virtually ignores the capital needs of the CTA. It ignores the outstanding needs of our national aviation system by eliminating the general fund contribution. And, these are just two examples of what is—or, more accurately, what is not—in this conference report. I cannot even imagine what else this conference report might contain. As a result, I must vote against this conference report and I urge my colleagues to do the same.

Ms. KILPATRICK. Mr. Speaker, today I rise in strong support of the FY 2000 Conference Report on Transportation Appropriations. I would like to commend the work of my Chairman, Mr. WOLF and My Ranking Member, Mr. SABO, as well as all of the other members of the Subcommittee and staff who worked extremely hard to make this a good bill.

THE FY 2000 TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT ADDRESSES THE NEEDS OF THE NATION

As members of Congress and this Subcommittee it is our job to focus on the present and future transportation needs of the country. Today our communities face old and deteriorating transit systems. Our green spaces shrink in the shadow of urban sprawl, and massive commuter traffic flows have turned our freeways and highways into rolling parking lots. As our economy continues to grow there is more and more pressure on our highways, skyways, roads and railways. Increased trade with our neighbors in Canada and Mexico means that we in Congress will have to work harder to maintain the quality and safety of our roads, highways and borders.

We have worked hard in Subcommittee to address these problems. This bill increases funding for the Coast Guard by $129 million dollars to $4 billion. The job of defending our coastline from the creative tactics used by drug smugglers has become more and more difficult. I will personally seek to find funding that allows the Coast Guard to address these difficulties and prevent drugs from reaching our neighborhoods.

The Conference Report provides over $20 billion for highway obligations for TEA 21 guaranteed levels. These funds will go to important highway projects aimed at upgrading deteriorating highways and eliminating gridlock.

THE FY 2000 TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT ADDRESSES THE NEEDS OF THE CITY OF DETROIT AND THE STATE OF MICHIGAN

The state of Michigan will receive an outstanding $27.5 million dollars in funding for buses and bus facilities. In Detroit, the city I represent, these funds will go to projects like Time Transfer Centers to help those transitioning from welfare to work. By providing child care, retail, training, government and other needed services, these Centers will give people the tools they need to successfully empower themselves.

In 1999, Detroit was hit by paralyzing snow storms that shut down city streets for days on end. This bill provides funding that will help efficiently deal with weather emergencies. Funding provided in this measure will aid in the Development of Intelligent Transit Systems that use computer aided technology.

I have also secured funding to aid in the development of High Speed Rail between the City of Detroit and Chicago. High Speed Rail will give the citizens of Michigan an added choice in travel along this vital national corridor.

During the debate on the Transportation Appropriations Conference Report of FY 1998 I voiced my dissatisfaction with the level of funding provided the state of Michigan. Today, as a member of the Appropriations Subcommittee on Transportation, I stand poised to rectify this situation.

I strongly support the passage of H.R. 2084.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on the conference report will be postponed until later today.

The pending business is the question of agreeing to the conference report on the bill, H.R. 2084, on which the yeas and nays are ordered.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 304, nays 91, answered "present" 1, not voting 37, as follows:

[Roll No. 466]

YEAS—304

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Becerra
Bentsen
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holt
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Kanjorski
Kaptur
Kennedy
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sawyer
Saxton
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—91

Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bereuter
Berkley
Berry
Blagojevich
Blumenauer
Boehlert
Borski
Boswell
Brady (PA)
Cardin
Coble
Condit
Conyers
Cook
Cooksey
Cubin
Davis (IL)
DeFazio
Dingell
Doggett
Doolittle
Duncan
Filner
Frost
Gilchrest
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hefley
Herger
Hoeffel
Holden
Horn
Hostettler
Hutchinson
John
Johnson, E. B.
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
Klink
Kucinich
LaHood
Lampson
LaTourette
Lipinski
Maloney (NY)
Manzullo
McDermott
Metcalf
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Oberstar
Paul
Pease
Peterson (MN)
Petri
Phelps
Rahall
Royce
Salmon
Sanchez
Sandlin
Sanford
Schaffer
Schakowsky
Sensenbrenner
Shows
Shuster
Slaughter
Snyder
Stearns
Sweeney
Terry
Thune
Traficant
Waters
Weiner
Wise

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—37

Ackerman
Barton
Berman
Brown (FL)
Burton
Chenoweth
Clay
Cummings
Delahunt
Ehrlich
Fattah
Ford
Fossella
Gejdenson
Goodling
Hinchey
Hinojosa
Hooley
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Kleczka
Levin
McHugh
Meeks (NY)
Mollohan
Northup
Pickering
Porter
Quinn
Rush
Scarborough
Velazquez
Waxman
Wu
Young (AK)

□ 0957

Mr. BEREUTER, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. SHOWS, KUCINICH, BOEHLERT, Ms. BERKLEY, Messrs. LaHOOD, JOHN, HALL of Texas, SNYDER, GREEN, of Texas, and Mrs. KELLY changed their vote from "yea" to "nay."

Messrs. WATT of North Carolina, BACHUS, ENGLISH, UDALL of Colorado, and HOYER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, during rollcall vote 466, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted "yea."

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 466, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. PICKERING. Mr. Speaker, on rollcall No. 466, I was inadvertently detained. Had I been present, I would have voted "yes."

Ms. VELÁQUEZ. Mr. Speaker, I was unavoidably detained during rollcall vote No. 466, which provided for consideration of H.R. 2084, Conference Report for FY 2000 Transportation Appropriations. If I had been present I would have voted "yes."

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall No. 466 for the Conference Report accompanying H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. I was unavoidably detained and therefore, could not vote for this conference report. Had I been present, I would have voted "yes" on rollcall No. 466.

Stated against:

Mr. KLECZKA. Mr. Speaker, during rollcall vote No. 466, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. CUMMINGS. Mr. Speaker, I was unavoidably detained during rollcall vote No. 466. Had I been present, I would have voted "nay."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

☐ 1000

Mr. Speaker, House Resolution 317 is the standard rule waiving points of order for the conference report to accompany H.R. 1906, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill for Fiscal Year 2000.

The rule waives points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

I strongly support the rule. I also strongly support the underlying conference report. There are many important programs which are being funded. I commend the conferees for their dedication to their work and to the American farmer.

Mr. Speaker, I include for the RECORD an editorial from the Miami Herald.

The document referred to is as follows:

[From the Miami Herald, Sept. 24, 1999]

FOOD SALES TO CUBA—WILL BENEFIT ONLY THE REPRESSIVE REGIME

The idea of allowing U.S. firms freely to sell food and medicine to Cuba seems unassailable from afar, a humanitarian gesture toward deprived people, as well as good business for American farmers.

But that's a huckster's pitch being promulgated by U.S. business interests that either misunderstand the way Cuba's politically regimented economy works, or that are trying to break the U.S. trade embargo. Congress shouldn't fall for the pitch to legalize unrestricted food and medicine sales to Cuba.

This isn't about humanitarianism: Selling supplies to the totalitarian regime responsible for so much human misery in no way ensures that any benefits would trickle down to the people of Cuba. This is about money—including money for the regime's repressive machinery.

In Washington this week, the U.S. farm lobby is bringing to a climax its orchestrated campaign against trade sanctions in general and to open Cuba to grain sales specifically. Dreaming about yearly sales that they think could reach $2 billion within five years, farm groups appear eager to extend plenty of credits and take Cuban sugar or rum in barter. Listen to David Frey, the Kansas Wheat Commission administrator: "With Cuba's stressed economic situation, we are talking about a long-term deal before they are paying cash for a lot of wheat. There will be a time when they will be able . . . to pay cash."

Mr. Frey and his allies are deluding themselves if they believe that selling wheat to a government with no hard currency and a history of stiffing business partners is going to save America's farmers. Equally deluded are those well meaning people who think that selling such materials will alleviate the suffering of the average Cuban.

Remember that this is the regime that ruined Cuban agriculture and other industry in the first place. While Cuba's fertile soil and waters no longer produce enough to feed its ration-card weary people, the regime serves lobster to tourists. While Cuban children can't get asthma medication on any given night, foreigners paying for surgery get first-world medicines.

Measures to allow licensed sales of food and medicine were attached to an agriculture appropriations bill by the Senate last month. U.S. Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both from Miami, helped kill the deal by attaching a provision that would make such sales contingent on Cuba having free elections.

That should end it. Better access to food and medicine isn't going to solve Cuba's biggest problem. Ridding itself of an odious state will.

Mr. Speaker, as many of my colleagues will recall, this was the first appropriations bill to come to the House floor for the fiscal year 2000 cycle. It passed the House in June. I think it is important and appropriate that we commend the subcommittee chairman the gentleman from New Mexico (Mr. SKEEN) and the ranking member the gentlewoman from Ohio (Ms. KAPTUR) and all the conferees and those who worked so hard along with them to move this process along. They have done an extraordinary job. They have worked extremely hard to produce legislation which provides approximately $60 billion in total budget authority for agriculture. We know that spending levels are tight, but I believe the conferees did a very good job of working within their limits.

The agriculture appropriations bill funds programs that help benefit each of us each and every day. From improving nutrition, to helping ensure safe and nutritious food to put on our tables, to fund in this bill so many programs. The reality is that less than 2 percent of the American population provide food that is safe and nutritious and affordable for the over 270 million Americans as well as for countless millions of others abroad.

Much of the funding in this conference report goes towards food stamps, over $21 billion; child nutrition programs, almost $10 billion; farm assistance programs, $1.2 billion; the supplemental nutrition program for women, infants and children, known as WIC, over $4 billion.

I have consistently supported agriculture, Mr. Speaker, and I commend the hard work of the conferees. Again, I think it is so just and proper that we thank the gentleman from New Mexico for his hard work on this conference report. There are many, many programs that are being brought forth that are important. It is important that this legislation be acted on as soon as possible.

That is why, Mr. Speaker, I urge the adoption of both this rule bringing forth this conference report and of the conference report itself.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time, and I yield myself such time as I may consume.

This rule makes in order consideration of the conference report to accompany H.R. 1906 which is the agriculture appropriations bill for fiscal year 2000. The rule waives all points of order against the conference report.

Mr. Speaker, the conference report was not written by the members of the conference committee. It was pretty much written by the House and the Senate leadership. Frustration among Democrats is running so high that a few days ago, the ranking Democrat on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the gentlewoman from Ohio (Ms. KAPTUR), took out a special order to detail this process for the record.

The conference report contains many shortcomings. The measure fails to include a Senate provision exempting food and medicine from unilateral embargoes. This policy, I think, hurts the weakest and most needy people in foreign countries, and we should never use food as a weapon.

Leaving out this exemption also hurts the American farmers whom we are trying to help through this bill. The $1.2 billion in natural disaster assistance is inadequate for drought-stricken farmers and victims of Hurricane Floyd. The drought was particularly hard hitting for farmers in the Midwest and Northeast.

I am afraid the conferees, or whoever wrote this bill, missed a wonderful opportunity to assist farmers and help the needy at the same time. There is a natural link between support for farmers and the food safety net, and this measure does little to strengthen it. By buying commodities for humanitarian aid, we would boost prices for farmers, provide new markets for America's agriculture industry, and help the hungry here and abroad.

Despite my concerns about this bill, I think that the rule is in good shape. It is a standard rule for conference reports. I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time. I am opposed to the agriculture appropriations bill. This is a difficult issue for me as a member of the Committee on Appropriations to stand before this body and advocate opposition to an appropriation bill. Unfortunately, I have such great respect for our chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies the gentleman from New Mexico (Mr. SKEEN) and the chairman of the full committee is my colleague from Florida who is just across the Skyway Bridge from me. But unfortunately this conference report when we sent it over to the Senate, it was a total of $60.7 billion. It has now grown to over $69 billion. There have not been any hearings on this. $8 billion. We are trying to live with a budget that was agreed to back in 1997 with the gentleman from Ohio (Mr. KASICH) to live within some constraints. What are we doing but spending $8 billion more without the hearings? They are saying it is the disaster. I am not opposed to supporting disasters in agriculture, if we have floods, if we have drought. I think we have a responsibility to step forward. But that is not most of this money. Most of this $8 billion in more spending is going to help destroy what Freedom to Farm created, which was the marketplace. That is what is unfortunate about this bill. It was approved last night, they got the signatures, we really have not had a chance to really look at the details in the bill, and that is unfortunate and disappointing. I supported the Freedom to Farm back in 1996 because it was a giant step in the right direction, so that the farmers were freed up from growing for the government but growing for the marketplace. The idea was we were going to have declining subsidies over the years to allow the farmers to free up and address the marketplace. We are only talking about approximately a third of the farmers in this country, because over two-thirds of the farmers are not dealing with these issues.

For example, in my area, I have a lot of agriculture in my area, a lot of citrus, Tropicana is headquartered in my area, we have lots of citrus groves in my area, we are the largest tomato grower in the State of Florida. We have two tomato crops a year in my area, November and December and again in April and May. These crops do not get help from the Federal Government. Two-thirds, as I say, of the farmers do not get help. So what is happening is for the one-third, they are getting dependent on the Federal Government when we try to develop a plan to get them not dependent on the Federal Government. In theory it was a good idea, but what we are doing now is we are just locking people in to dependency on these programs. There are over 400 major crop products in the Federal Government and only a few dozen get this subsidy.

Now, when this bill got into conference, it became a Christmas tree, and everybody said, "I want something of that pie." Let me give my colleagues one illustration. Sugar. Sugar is the sugar daddy of all corporate welfare. It is costing consumers over $1 billion a year. What do they get? $80 million. Sugar, $80 million. They are the ones making the most money. These sugar plantations in Florida are rolling in the money and we give them $80 million. Because everybody deserves a piece of this pie once the conference, which is a small group of people on both sides of the aisle came together with.

It is unfortunate this bill was allowed to be brought to the floor today especially so quickly. For those of us opposed to it we just found out early this morning that it was going to be on the floor. I plan to seek time in opposition to the bill when it comes up. I will not be calling for a vote on the rule even though I will be voting against it. I look forward to further debate on the appropriation bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 13 minutes to the gentlewoman from Ohio (Ms. KAPTUR), who is the ranking minority member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Ms. KAPTUR. Mr. Speaker, I want to thank the distinguished gentleman from Ohio for yielding me this time. I would say to my colleagues that I rise in opposition to the rule and I urge my colleagues to vote against the bill. For me, this is a very sad day personally, I think it is a sad day for our committee, it is a sad day for this institution, and it is really a sad day for the people that this bill is meant to assist, the farmers in rural communities across this country that are being pounded by the lowest prices in the last decade and a half, and by horrendous weather conditions.

Now, why do I ask my colleagues to vote against the rule and this bill? I believe that if we do this, the leadership of this institution—that should feel very bad about what it has done in this bill—the President of the United States, and the rest of the membership of this institution will do what is necessary to meet the needs of the farmers and rural dwellers of this country.

Let me tell my colleagues what the process has done over the last week and a half. I have been here 17 years. This has never happened in a committee on which I have served. Twice last week we were recessed because the majority could not reach agreement on some of the amendments that our committee was duly debating. And so we were sent out into the woods, and we were never called back. And all of a sudden the deal began to be brokered in the offices of the gentleman from Texas (Mr. DELAY) and Speaker HASTERT. There were a lot of special interests that were accommodated as these discussions ensued, but the truth is that the needs of the American people were shelved as people took care of their regional interests.

I do not have a problem with milk. I do not have a problem with citrus. I do not have a problem with hogs or specialty crops or corn or wheat or beans. But the issue is really bigger than that. The issue really is, will all interests of this country get a fair hearing in the normal committee process? That has not happened. This rule and bill were discussed after midnight last night up in the chambers here. Who was really present to hear that? And members of our committees never even had the text of the bill. Now, at some point, somebody has to say, stop, this game ought to be over.

Members of our committee were appointed in good faith by the members of this institution to discharge our duties. We have a crisis situation in rural America where today the suicide rate is three times as great as it is in urban America. The pain is really deep. So we have even more of an obligation to produce a bill that meets the needs of our country. I do not have a bone to pick with our chairman, the gentleman from New Mexico (Mr. SKEEN), because his members were divested of their power, too, and that is not how this institution should work. Who is really afraid of open debate? Who is really afraid of that, and letting the normal committee process work?

Let me just say, what are some of the issues that should have been brought up, that cannot be brought up under the process under this tourniquet rule and narrow-focused process that we have been forced to go through? We should be talking about targeting this assistance to the people that really need the help. At least 20 percent of the assistance that is in this bill is going to go to people that really do not need it. And people who really need it are not going to be able to get it because we have not had an opportunity to amend. People who serve on the Committee on the Budget ought to be concerned about that. Somebody ought to be taking a look at these formulas. We never had a chance to debate that in our committee.

□ 1015

Now, what about adequate financing for victims of hurricanes and natural disasters across our country? This bill is a fig leaf for them. Yesterday in the Labor HHS appropriations the gentleman from North Carolina (Mr. PRICE) whose district is devastated was able to tuck in an additional $500 million in a Labor, Health, and Human Services appropriation bill to try to make up for what is not in this bill. Procedurally we cannot wed those two bills on this floor today, but that was just another sign of how inadequate this bill really is.

The question really is, is it just North Carolina that needs help? What about the bill's inadequacies in terms of covering those who raise apples or specialty crops or vegetables or happen to be in the livestock industry like up in my part of the country, in the hog industry where they are on their knees? Are they second class producers, that they do not get in this bill? They did not get in the room with the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT)? Somehow they were not in the line? Should we close our eyes to their needs? Are we really going to take care of the fundamental problem here, which is low prices and bad weather? There are not provisions in this bill really to clear our markets and to lift commodities off these markets through humanitarian shipments and monetized sales to other countries at the level that is necessary to begin to give some easing in prices in the markets here at home.

So, this bill will not meet the needs of our country. We do not have any measure before us that will prevent the very same kind of chaos today next year in the market. If I look at the numbers, in the Commodity Credit Corporation over the last few years, we have spent more in this year trying to plug holes in Freedom to Farm. Rather, we should be going back and altering that, adding to it, changing it so we are not hemorrhaging in terms of the budget next year in trying to plug the holes in the dike in rural America.

Just in this year alone, 1999, we will spend $18.4 billion to try to make up for the insufficiencies of Freedom to Farm. People are worried about Social Security and everything else, and Mr. Speaker, I can tell my colleagues the bill before us today is not going to do a thing to change the fundamentals.

There were a host of other provisions that Members wanted us to debate and, on the merits, vote up or down in the committee. We never had a chance to do that. On economic sanctions relative to countries like Cuba and others in the Middle East, in Africa, there was a royal debate. And it should have continued, and we should have had a right to vote. That did not happen. The democratic process was squelched by the leadership of this institution.

In addition to that, we had Members who wanted to offer provisions dealing with protection of the American people on imported meats, making sure they were inspected and that plants were licensed in other places. Guess what? They never had a chance to bring those provisions up.

What about poultry inspections and all the outbreaks that we have had across this country in salmonella and trying to get amendments in here to deal with the health and safety of the American people? Could not do it. Those were squelched too. Those Members left the committee room as we were asked to leave.

Again I want to say we have no criticism of the gentleman from New Mexico (Mr. SKEEN). And I do not have any criticism of our subcommittee staff because they were poised to do a good job, but they were disposed of their duties. In many ways they are victims like the rest of us.

My parents always said to do good, do not ignore the needs of others if you hope that some day they will respond when you have needs of your own. This vital life lesson got lost in this whole process.

Mr. SANDERS. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, I hope that the Members are listening to what the gentlewoman from Ohio (Ms. KAPTUR) was saying about process, and I hope that regardless of our political philosophy, we will oppose this bill if for no other reason than we think the Committee on Appropriations itself should be making the decisions and not a hand full of people in the House leadership.

I would like to ask the gentlewoman a question. I am concerned about dairy. All Members know that last week by a vote of 285 to 140, the Members of this body overwhelmingly defeated the administration's market reform proposal and voted for option 1 A. I wonder if the gentlewoman will tell me how much time the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee of the Committee on Appropriations spent in debating and discussing the bill that was passed on the floor of the House by two to one; was it 5 hours? Was it 10 hours? I wonder if the gentlewoman could inform our Members on this issue?

Ms. KAPTUR. Mr. Speaker, I would just have to say that on the issue of milk, the committee was dismissed. A private meeting was held somewhere; I was not invited to that, and a decision was made. Do not ask me what they did, but of course the issue never came before our committee.

Mr. SANDERS. So what the gentlewoman is saying, that despite the fact that 285 Members of this body, Democrats, Republicans, Independent, voted overwhelmingly to reform our milk marketing order. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee did not spend 1 minute in discussing that issue, and of course what we voted for is not part of the bill that we are supposed to be voting on now.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for that comment.

I thank the gentleman, and I apologize for taking this many minutes, but it is the only time I have been able to be unmuzzled through this whole process, so it feels sort of good.

I just want to also want to state for the RECORD that in terms of the way this committee functions, when I first got to Congress, and I used to go to Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee meetings, there would be people that would come in and testify from around the country. They would talk about the country's needs. In addition to that we heard from Members of Congress, and they would come in, and they would talk to us about how they view the situation, whatever it might be in their area. And then we heard from people from the Executive Branch, and they would come in and they would make their plea. I always thought that the Committee on Appropriations ought to leave Washington and go out into the country and hold some hearings out there too. We never did that.

But in the last 3 years, what has happened is all outside witnesses have been asked not to come to our committee, and so we began to hear from the narrower band of people. And then this year, even the Members of Congress were not brought into our committee; they were told we will just send a letter. And so we were left only, Mr. Speaker, with dealing with people from the administration.

But the point is, whether it is the way this bill was handled or whether it is the way we are receiving information about the needs of rural America and agriculture in our country the viewing lens has gotten extremely myopic, Mr. Speaker, and that affects the way a bill looks when it comes forward here onto the floor of Congress.

So, Mr. Speaker, I would beg my colleagues to vote "no" on the rule based on the way we have been treated. This is an emergency situation. If the leadership hears us, we can produce a bill that meets the needs of our country. We have had no conference report to look at. Members on our side, and I would daresay I would guess Members on the other side on our committee, have had no materials to really review. Then late last night after midnight, the Rules Committee met and then we were directed to come to the floor first thing in this morning. Members are saying to us, "Jeez, are you really up at 10 o'clock in the morning with the agriculture appropriation?"

But yes, we are, and yet we have not had the opportunity even for an orderly briefing by our own conferees. Then some members ask us to put in the $500 million for natural disaster in that was inserted in the Labor, Health, and Human Services bill yesterday into this bill, but procedurally we cannot do it. So we are asking the Members to help us produce a good bill.

We can do this. Give us the chance to do this. Please vote no on the rule. Please vote no on the bill when it comes before the membership.

Mr. Speaker, with the crisis in rural America, the country knows we need to do the right job here. Give us the chance to do it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that we have just seen in the last two distinguished speakers a beautiful example of democracy genuinely at work. The first speaker that we heard said that he was opposing this legislation because he feels that it is spending approximately $10 billion too much; a very distinguished Member of this House, the gentleman from Florida (Mr. MILLER).

We then heard another very distinguished Member of this House, the gentlewoman from Ohio (Ms. KAPTUR) explain in detail why she is opposing this legislation, one of the reasons being why, it is, in her estimate, not spending billions enough.

There is obviously a disagreement, but that is democracy. Some feel too much is being spent, others feel too little is being spent.

I think it is appropriate at this time, if I may, if I could take just a few minutes to explain what the bill is doing. It has been on line since we finished meeting in the Committee on Rules last night and has been available for reading.

Thirteen, almost 14, billion dollars, $13.988 billion, are in this conference committee report for agriculture; $8.7 billion to provide emergency aid to help farmers, including 1.2 billion for natural disasters; 5.5 billion for market loss payments, including 125 million for dairy producers; 650 million for crop insurance premium subsidy and for crop insurance associated costs.

With regard to supporting farmers in rural America, the Farm Service Agency, salaries and expenses are increased by $80 million over last year to continue the delivery of the farm ownership, farm operating, and disaster loan programs. Total funding is $796.8 million, which is the same as the President's request. Total loan authorization levels for agricultural credit programs are increased by $798.3 million over last year. Total loan authorization funding is $3.083 billion which is 74.6 million above the President's request. Rural housing loan authorizations are increased by $337.7 million over last year, including 334.7 million for single family housing. Total loan authorization funding is $4.589 billion which is $14.3 million above the President's request. Rental assistance programs are restored to the fiscal 1999 level of 640 million, an increase of 200 million over the President's request. The rural electric and telephone loans are 1.05 billion above the fiscal year 1999 levels. Total loan authorization funding is $2.612 billion, which is 1.54 billion above the President's request. The Distance Learning and Telemedicine Program loan authorization is increased by $50 million over last year, bringing fiscal year 2000 loan level to $200 million, which is the same as the President's request. Agricultural research activities are increased by $76 million over last year. Total funding is 1.837 billion, which is 12 million over the President's request.

Conservation operations activities are increased by $20 million over last year, bringing them to 661 million, 19 million below the President's request. Protecting human health and safety, the Food Safety Inspection Services, increased by $32 million over fiscal year 1999 for a total of 649 million, approximately the same as the President's request. The Food and Drug Administration is funded at $1.186 billion, $83 million more than fiscal year 1999, $69 million below the President's request.

Fulfilling commitments to important food and nutrition programs, the child nutrition programs are funded at almost $10 billion, an increase of $377 million over fiscal 1999, 11 million below the President's request. The special Supplemental Nutrition Program for Women, Infants, and Children, WIC, is funded at $4.032 billion, an increase of $108 million, 73 million below the President's request. The Food Stamp Program is funded at $21.073 billion. The Food For Peace Program is funded at 976 million, an increase of 38.7 million above the President's request, and yet a decrease of 105 million below the fiscal year 1999.

□ 1030

Title IX of the bill provides provisions regarding mandatory livestock price reporting which will provide information regarding the marketing of cattle, swine, lamb, and livestock prices that can be easily understood by packers and will encourage competition.

My colleagues saw I had not mentioned the issue of sanctions, and I feel very strongly about that issue. The authorizing committee feels very strongly. The chairman, the gentleman from New York (Mr. GILMAN), sent a letter saying that if there is one issue that should not be dealt with in the Committee on Appropriations as a rider but that should be dealt with by the authorizing committee, it is an issue as sensitive as authorizing and financing sales to terrorist states. Yet the issue has been brought up. I just want to make one point with regard to Cuba, because the distinguished gentlewoman from Ohio (Ms. KAPTUR) mentioned it.

One word to those interests who feel that it is appropriate now to sell to and finance to the Cuban dictatorship: irrespective and over and above the ethical questions, which obviously are important, it is not good business practice to do business, to make sales and finance them, with the jailers of the Vaclav Havels and Lech Walesas of that imprisoned island. They will be the future leaders of Cuba that will be making the decisions that are of so much import, that are so important, to so many interests.

If you do not want to base yourselves on ethics, base yourselves on the fact that the future leaders of democratic Cuba, many of them are in prison today, and it is not good business practice to be cozying up and financing sales with their jailers. I bring that point up because it was brought up previously; secondly, because the authorizing committee made its views known very clearly; and, thirdly, because the Committee on Appropriations as well voted earlier in the summer on that issue and rejected it. So I wanted to bring that out on the RECORD.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time and also for the great leadership that he has shown on the Committee on Rules.

I rise in support of the rule, Mr. Speaker, to the conference report on the agriculture appropriations bill. I applaud the work of the conferees in submitting a clean bill and one which upholds U.S. law and furthers U.S. domestic and humanitarian priorities.

As the gentleman from Florida (Mr. DIAZ-BALART) pointed out, the lifting of sanctions would not have really helped American farmers, but would have helped to extend the suffering of people by providing a lifeline to their oppressor.

As it stands now, the bill before us strengthens the position of human rights dissidents and the expanding political opposition by telling them that the world's remaining superpower supports their struggle for freedom and that it stands firm in its commitment to see democracy flourish; that it defends the human, political and civil rights of all oppressed people, and that dictators should not use food as weapons.

This bill underscores the humanitarian concerns enshrined in U.S. law which allows for the donations of food and medicine, rather than promoting the perception of greed at the expense of slave labor.

We look forward to the day when freedom reigns eternal and a democratic government is in power everywhere. Then we will be proud to trade and have relations with those in leadership.

This bill promotes America's interests, it helps America's farmers, it helps the poor who are on food stamps, and I am proud to support it.

I thank the gentleman for his leadership. I especially thank the gentleman from New Mexico (Chairman SKEEN), the gentleman from Texas (Mr. DELAY), and so many who have worked in the conference committee to bring this agriculture appropriations rule and bill to the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to begin by concurring with much of what the gentlewoman from Ohio (Ms. KAPTUR) had to say a few minutes ago about the process that we undertook.

I am very glad that our friend from Florida informed us about some of what was in the bill. It is good to know some of the things that are in the bill, because there is not a Member of the House who has yet seen the bill.

Here is the bill. This bill is hundreds and hundreds of pages, and it ended up on our desks this morning. I dare say that there is not one Member of the House who has a deep understanding of what is in the bill, and yet we are asked this morning to vote for it, which is why I strongly oppose the rule and even more strongly oppose the legislation.

Mr. Speaker, there are two main issues involved: one is process and one is content. In terms of process, I would hope that every Member of this body, progressive, conservative, Democrat, Republican, believes that there should be full and free discussion in a committee on appropriations, a consensus reached, and the bill come back to the floor for a serious vote by the Members.

That did not happen in the Subcommittee on Agriculture of the Committee on Appropriations. This bill was dictated by the Republican leadership, the gentleman from Texas (Mr. DELAY), the gentleman from Illinois (Mr. HASTERT). They are the ones who called the tune, and it was not the members of the Subcommittee on Agriculture of the Committee on Appropriations, whether they were Republicans or Democrats. Deals were made in the back room; and at a time when the American people are more and more cynical about the political process, that is not the type of legislation we should be bringing before them today.

Mr. Speaker, my particular concern, coming from the State of Vermont and coming from New England, is dairy. In the State of Vermont and throughout the northeast, in fact, throughout this country, our dairy farmers are going out of business because the price that has been paid to them in recent years in real dollars is going down and down and down while their expenses and their costs go up. The bottom line is that the total number of dairy operations dropped by almost 26 percent in the last 6 or 7 years.

Now, last week on the floor of this House we spent an entire day, six or seven amendments came up. There was a major debate on dairy; and at the end of the day, by an overwhelming vote of 285 to 140 the Members of this House rejected the Agricultural Department's option 1-B, which the Members believed would be a disaster for farmers in almost every region of this country. And we said no, we do not want that. We want to see the price that farmers get for their milk go up, we want stability, we want to protect the family farmers.

All over, liberals, conservatives, people voted for that bill. I would ask the gentleman from Florida, I would ask the gentleman from Florida, after a full debate on dairy on the floor of the House, would the gentleman tell the Members how much time was spent in the conference committee discussing the 285 to 140 vote? My understanding is not one minute was spent discussing that. I hear no response, so I am assuming that the gentleman from Florida concurs. Of course he does; he is an honest man.

I ask my friends on the Democratic side, how much time was spent discussing the dairy issue that passed the House 285 to 140 that had the votes to pass the Senate? Is anyone going to tell me that 1 minute was spent discussing that issue? I am listening. I do not hear it.

So I say to all of my friends in this House, Republicans, Democrats, those of you who believe in a fair process, those of you who voted for option 1-A, reject this legislation. The gentlewoman from Ohio (Ms. KAPTUR) was right. Let us send a loud signal to the leadership and say that is not the way we want to do business.

Now, all over this country family farmers are crying out for help. We are seeing a tragedy of utmost proportions. From one end of this country to the other we are seeing the struggling family farmers who are maintaining rural America, who are maintaining our rural economies, working 60, 70, 80 hours a week, they are going out of business. And what does this legislation do for them? It does nothing.

Mr. Speaker, let me simply conclude by saying this: for those Members of the body, Republicans, Democrats, who are concerned about the family farmer, vote no on this bill. Send it back, and let us develop legislation that can save the family farm and help rural America.

For those Members of this body who are concerned about the democratic process, honest debate, real discussion, I urge you to vote "no" on this legislation. Send it back and let us have a real debate, an honest debate, as to how we can save family farmers.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, if you want to save the family farm, I suggest that you vote for this rule and vote for this bill. This bill helps family farms.

I represent one of the largest agricultural districts in the country, 14 counties in central Illinois, hog producers, corn producers, soybean producers, people who have made their living for years and years and years on the good black soil of central Illinois.

What I have been doing is traveling around my district throughout the summer and the fall, and what I found is there are two economies in America. There is the booming economy, where you drive around your district and every fast-food restaurant says "hiring for all positions." Americans are doing well; they are investing in the stock market. That is the one economy.

The other economy is the agriculture economy, which is in a recession; and if you are a hog producer, you are in a depression. Many of the hog producers in my districts have gone out of business, and many of the corn and soybean producers in my district are hurting very badly.

This bill helps them. Just because you feel you were shut out or you were not a part of the final negotiations, why should we sell short then those people who badly need this assistance? I say to all of you who represent agriculture, all of you who represent hard-hit farmers, this is the time to step up and vote for a bill that provides the needed assistance.

Now, you can say all you want about Freedom to Farm. You can criticize it. Many people have. I have not heard any criticism of Freedom to Farm for the first 3 years that it was in existence. Not one word have I heard.

This year we have. You know why? Because we got lousy markets. The Asia market is lousy, Russia is a mess, we never passed Fast Track. That is the reason behind Freedom to Farm.

One of the successes of Freedom to Farm is you have to have markets. We do not have the markets. Every time I have met with Secretary Glickman, Secretary Bill Daley, they ask, when are we going to pass Fast Track to open up the South American market? We need trade. We need markets in order for our farmers to survive.

So I say to the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), thank you for agreeing to hold hearings next year on Freedom to Farm. We are going to have a debate on that. But because you do not like Freedom to Farm, do not vote against the rule, do not vote against the bill.

We have farmers all over America, either because of a drought, which we have not experienced in central Illinois, or because of lousy prices because we do not have the markets which are in a recession, and this bill helps them. So if you want to help hard-hit farmers, this is your opportunity today to do it. Vote for the rule, vote for the bill, and we will help them get out of this recessionary period.

This is an opportunity for Congress and the government to step up and help those who need the help. I say vote for the rule, vote for the bill, and we will help our hard-hit farmers.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

□ 1045

Mr. HINCHEY. Mr. Speaker, if the previous speaker has not heard any criticism of Freedom to Farm, he has not been listening. The criticism has been loud and clear from the moment that bill came to the floor. In fact, so much so that over the past several years people in the farm belt are calling it no longer Freedom to Farm but freedom to starve, but that is not the issue before us today.

The issue before us right now is the rule governing the agricultural appropriations bill. There are good things in that agricultural appropriations bill, and they were put in there by the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies in this House and the other body.

I want to say that I have the greatest respect for the chairman of our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I do not think there is a man in this body who is held in greater affection than is the gentleman from New Mexico (Mr. SKEEN), but the process was wrested from his hands just as it was wrested from the hands of all of the rest of us all who were members of that conference committee; and the result is disaster and this rule continues that disaster because it does not give us the opportunity to offer to the full body here, all the Members of this House, the opportunity to vote up or down on critical issues.

Ought we not open some of these markets? The market in Cuba alone represents $800 million a year for agricultural producers in this country. We are providing $5.5 billion of subsidies, some of it going to people telling them not to grow anything, while we are depriving them of an $800 million-a-year market right offshore. That is true of other markets as well that are closed to us, open to our allies but closed to us only because we adhere to an archaic principle founded in the Cold War that is no longer relevant to anyone anywhere on this planet, except for a narrow group of people in this country who are controlling this process. It is the height of absurdity.

Furthermore, we are deprived from having the opportunity to vote up or down on a dairy provision which will save dairy farms in New England, in New York, in Pennsylvania, New Jersey, and the coastal Atlantic States. We are deprived of that because this is a bad rule. Vote "no" on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield an additional 2 minutes to the distinguished gentleman from Florida (Mr. MILLER), in the spirit of democracy.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this additional time.

Mr. Speaker, since I am not going to be able to get time under the general debate on the conference report, I appreciate the opportunity to speak once again. I think the process, I have to agree with my colleagues on the other side of the aisle, it is very limited and everybody gets what they want within that small group. I do not agree with my colleagues on everything because I think one of the good things in the bill is they did not put a dairy provision in there. That is the utter nonsense of the whole agriculture program is dairy, and I am delighted that that was not included in that.

I am also glad that the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies will be having hearings on Freedom to Farm and I will be able to bring up issues of sugar and peanuts and such.

One of the problems about this whole agricultural subsidy program is that only one-third of the farmers in this country get to benefit from this. I am not advocating that the other two-thirds get it. I think we should open up to the free market.

Let me give some numbers we have here. The third that get benefit out of this receive an average subsidy of $24,000 a crop year. Now they are going to get $35,000 a year in subsidies, $35,000 a year per farmer for just those one-third of the farmers.

Now, we had a debate under Labor-HHS and on the welfare issue that the average welfare family of three gets $12,000 a year, but we are going to give $35,000 a year to the farmer and the statistics will show only 57 percent of it goes to families of limited resource and small family farms; 43 percent of it goes to these big corporate farms, retirement farmers, residential life-style, the hobby farmer.

So it is not really helping the small farmer as much because we are just providing $8 billion. That is what is frustrating about this bill. I voted for it, I believe, when it came originally on the floor of the House, keeping the process moving forward; but we had $8 billion added without any hearing, without any participation, getting it in the middle of the night, and it is very frustrating.

So for fiscal conservatives, I urge their opposition to this particular appropriation bill. I do this, as I say, with great reluctance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. I rise in opposition to this conference report. There is not a Member on either side of this aisle that can go home and look their farmers in the eye and say that we brought home a fair deal. There is not enough money in this conference agreement to take care of all of the natural disasters across the United States.

I know that some of my colleagues on the other side of the aisle think that they have the power to add an additional month to the calendar year and in some cases have even invoked Scottish law in terms of U.S. law. I know there has even been an attempt to try to change the Constitution and say that the census is an emergency, but the fact of the matter is that there are disasters and droughts that are going on throughout this country that cannot be controlled, even though some think that they can control the weather.

The drought and those disasters are impacting throughout this country even to today, and just in the Northeast alone we are talking about $2.5 billion in crop losses; Pennsylvania, $700 million, less than $3 million being allowed for in this bill; New York, $370 million. How much money is in this bill to help New York? Maine, $31 million. Less than $1 million is available in this legislation. Virginia, $200 million; Ohio, $600 million. Disasters that have occurred on the East Coast in 13 East Coast States, very little, if any, assistance is being provided or available to them. Those are natural disasters.

Those pigs that are floating in the waters in North Carolina are real. We see them on our TV screens every night, and we talk to our friends here in the House that have been impacted, not to say anything of the toxic waste and the underground piles that are floating throughout the country both in North Carolina and in the South.

We do not have enough assistance, and a promise that $500 million additional in a Labor-HHS bill is going to be available for disaster assistance is not good enough.

I am encouraging Members to vote against the rule, vote against the conference report, and send this back.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking minority member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding the time.

Mr. Speaker, in the end I will be voting for the bill and the rule, but before I do I would like to get some things off of my chest about what I think the real problems are.

I do not think that the committee was wrong not to include dairy in this bill because there were no provisions on dairy, and they would have been not germane to the bill to begin with. I think the committee made the proper decision.

I think a number of things happened in the conference that should not have happened. Example: we had a serious debate on the issue of sanctions. I think this country's sanctions policy is deeply flawed. I think it makes no sense to use farmers as pawns in foreign policy. I did not agree with the Senate language on sanctions because I thought it was open sesame and I thought it was carelessly applied; and it could have made available to a number of dictatorial regimes around the world items which they could use to build their own foreign exchange, and we do not want to do that.

I think we could have, if we had had the opportunity in conference, worked out a recalibrated sanction program to meet the national interests of the country without making farmers be the infantrymen in every argument we have with a foreign power, but we did not get the chance because the conference was shut down.

I think that the distribution of money under the emergency bill should have been along the lines of the suggestions by the gentleman from Texas (Mr. STENHOLM), because that would have guaranteed that the aid would go to people who are actually farming; but we did not get a chance to deal with that issue because the conference was shut down before we were able to offer amendments.

I agree, there is not enough money in this bill for disasters, for the Carolina region and for other areas. I think the basic problem in this bill is not the Committee on Appropriations. All we can do is deal with funding issues. The basic problem is that we are dealing with an underlying law that makes no sense because it is based on ideology rather than real-world economics.

Somebody said once that economists are people who spend their time worrying about whether what works in real life could actually work in theory, and that certainly is the case when we are dealing with agricultural economics.

We have a law right now, the Freedom to Farm Act, which basically says we are going to let the market work, but there is no true market in agriculture for the most part. There is not a country on this globe that does not play games with trade to the detriment of somebody else's farmers.

Processors have a fundamental advantage in dealing with farmers in the exchange of most commodities. Markets need to recognize that there are weather problems, there are pest problems, there are disease problems, and we need to try to use government to even out what happens to farmers when they get hit with those problems. Otherwise, we are not going to have family farmers left to produce any commodities in this country.

What ought to happen is that the Freedom to Farm bill, which in my opinion has become the freedom-to-lose-your-shirt bill, that bill ought to be tossed out and we ought to start over and produce a bill that makes long-term sense for American farmers.

Until that is done, the Committee on Appropriations cannot fix up the problem.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we saw a magnificent, as I said before, demonstration of the clash of views in a democratic process. Again and again, we saw the gentleman from Florida (Mr. MILLER) feeling so strongly about the fact that in his view the bill spends too much money; and despite the fact that it breaks usual tradition, I allowed him time to speak twice with regard to that point of view. He believes it spends too much money, and we had a number of speakers on the other side of the aisle say that this bill spends too little money. That is a clash. That is what democracy is about.

We had some allegations made which I think deserve reference, some of which because I believe they were incorrect. For example, one of the speakers mentioned that with regard to the Cuban market a billion dollars of sales are possible there.

Let us remember that a few years ago, even after the Cuban dictator had destroyed that economy, he was receiving $6 billion a year in subsidies from the Soviet Union, and that is why he could maintain his tyranny functioning and purchasing things. He does not have that subsidy anymore. How could he now have a billion dollars from American farmers? It would seem that any intelligent analysis would see how illusory that is and how patently absurd that is, and yet we hear it.

Now, the distinguished gentleman from Wisconsin (Mr. OBEY) made one point which was very important, and I disagree with his conclusion; yet I think it is important to mention it. He said that while he disagrees with our sanctions policy, the Senate language, the Senate rider which was on this legislation, the gentleman from Wisconsin (Mr. OBEY) mentioned, I think correctly, it was very sloppily drafted and overly broad and it would have facilitated terrorist states obtaining hard currency.

That points to the fact of why the authorizing committee, the Committee on International Relations that has hearings on this issue, was so adamant, as made clear through a letter by its chairman, that this rider-way of legislating on appropriations bills on such delicate issues is not the appropriate way to proceed.

☐ 1100

So wisely I believe because of the point brought out by the gentleman from Wisconsin (Mr. OBEY), the sloppiness of the Senate language and the underlying seriousness of the issue as brought out by the authorizing committee why it was wise that legislating through a rider was not permitted by the conference committee.

So I now close and urge support for this rule because of the importance of the underlying legislation, Mr. Speaker. My colleagues know very well that this legislation is needed by American farmers, that there are a myriad of critical programs in this legislation that are going to be funded; that there are many families that will benefit directly and immediately in our country from this legislation.

That is why we need to bring it to the floor, and that is why we need to vote for the rule, and that is why we need to vote for this underlying legislation, and that is why I support it, and that is why I urge my colleagues to vote for it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 188, not voting 16, as follows:

[Roll No. 467]

YEAS—230

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Evans
Everett
Ewing
Fletcher
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Pastor
Paul
Pease
Petri
Phelps
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Cardin
Carson
Clayton
Clement
Condit
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Hoyer
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Price (NC)
Quinn
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Saxton
Schakowsky
Scott
Sherman
Sherwood
Shows
Shuster
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—16

Bass
Berman
Chenoweth
Clay
Ford
Goodling
Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Pomeroy
Rush
Scarborough
Waxman
Wu

☐ 1122

Mrs. CLAYTON, and Messrs. COYNE, CAMP, SHOWS and COOKSEY changed their vote from "yea" to "nay."

Mr. McINNIS and Mr. MINGE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was unavoidably detained for rollcall votes 466 and 467. Had I been present, I would have voted "yes" on rollcall vote 466 and "no" on rollcall vote 467.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 298

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Ohio (Mr. SAWYER) be removed as a cosponsor of H. Res. 298.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. SKEEN. Mr. Speaker, pursuant to House Resolution 317, I call up the conference report on the bill (H.R. 1906), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, September 30, 1999, at page H9141.)

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1906, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel somewhat like Mrs. Custer, and how she would have felt about Indian relief, after we have gone through this exercise earlier. But I am pleased to bring before the House today the conference report on H.R. 1906, providing appropriations for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies.

This bill does a lot of good for important nutrition, research, and rural development programs and still meets our conference allocations on discretionary and mandatory spending.

Basic research on agriculture, food safety and nutrition has been increased by $80 million. The Farm Service Agency budget is also increased by $80 million, and this will be especially important to farms affected by the drought, the floods and the low prices.

Loan authorizations for the Rural Housing Service are increased by $330 million. The program to provide loans and grants for rural schools and medical facilities, to allow them to access the resources of large urban institutions, is increased by two-thirds to $20.7 million.

Our feeding and nutrition programs are all increased or maintained at the 1999 levels. This report has $108 million for the WIC program over last year, and the direct appropriation for Food and Drug Administration is $70 million over last year.

We were able to make these increases by cutting administrative and management costs and by benefiting from lower loan costs in our farm and rural development programs.

Finally, this bill carries an additional title this year that provides about $8.7 billion in emergency assistance, including $1.2 billion for farm losses caused by natural disaster.

OMB Director Lew has promised an assessment of Hurricane Floyd damage but indicated it may be some time before the assessment is completed. I expect we will be dealing with additional disaster needs in a future bill.

Once again I would like to thank all the members of our subcommittee and their staffs for their hard work and cooperation on this bill, which began with the budget presentation back in February.

I want to offer special thanks to the ranking member of the Committee on Appropriations, the distinguished gentleman from Wisconsin (Mr. OBEY), for his support, and a special thanks also to my good friend, the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the distinguished gentlewoman from Ohio (Ms. KAPTUR). I know she has strong concerns regarding the conference report, but I want to make clear to every Member that she is a strong supporter of rural America and that she deserves a share of the credit for the good that this bill will do.

Mr. Speaker, this is a bill that benefits every American every day, no matter where they live, whether it is FDA protecting the safety of our foods and medicines, or the nutrition programs for children and the elderly, or creating economic development in rural America. This bill is for urban and suburban Americans just as much as it is for the farmer and the rancher.

And, by the way, I think that everybody, every member of the United States, is a farmer by acquisition, because everybody I know knows more about farming than most farmers do.

I know some of our colleagues are concerned for what is not in the bill, particularly dairy policy and the relaxation of export sanctions to certain countries.

□ 1130

But if we all voted on the basis of what is not in a bill, I am not sure any legislation would ever get passed here. I would say to my colleagues that this is a good bipartisan bill, and it will benefit every one of their constituents.

This is the first day of the new fiscal year, and we need to put this bill to work immediately. Please support the good that is in this bill today and vote aye on the conference report.

Mr. Speaker, I include the following for the RECORD:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,836	2,942	2,836	2,836	15,436	+12,600
Executive Operations:						
Chief Economist	5,620	6,622	5,620	6,411	6,411	+791
National Appeals Division	11,718	12,699	11,718	11,718	11,718	....
Office of Budget and Program Analysis	6,120	6,583	6,583	6,583	6,583	+463
Office of the Chief Information Officer	5,551	7,998	5,551	5,551	6,051	+500
Y2K conversion (emergency appropriations)	46,168	....	....	....	....	-46,168
Office of the Chief Financial Officer	4,283	6,288	4,283	5,283	4,783	+500
Total, Executive Operations	79,460	40,190	33,755	35,546	35,546	-43,914
Office of the Assistant Secretary for Administration	613	636	613	613	613	....
Agriculture buildings and facilities and rental payments	137,184	166,364	140,364	145,364	140,364	+3,180
Payments to GSA	(108,057)	(115,542)	(115,542)	(115,542)	(115,542)	(+7,485)
Building operations and maintenance	(24,127)	(24,822)	(24,822)	(24,822)	(24,822)	(+695)
Repairs, renovations, and construction	(5,000)	(26,000)	....	(5,000)	....	(-5,000)
Hazardous waste management	15,700	22,700	15,700	15,700	15,700	....
Departmental administration	32,168	36,117	36,117	34,738	34,738	+2,570
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	3,000	3,000	....
Office of the Assistant Secretary for Congressional Relations	3,668	3,805	3,668	3,668	3,568	-100
Office of Communications	8,138	9,300	8,138	8,138	8,138	....
Office of the Inspector General	65,128	68,246	65,128	65,128	65,128	....
Office of the General Counsel	29,194	32,675	29,194	30,094	29,194	....
Office of the Under Secretary for Research, Education and Economics	540	2,061	540	540	540	....
Economic Research Service	65,757	55,628	70,266	82,919	65,419	-338
National Agricultural Statistics Service	103,964	100,559	100,559	99,355	99,405	-4,559
Census of Agriculture	(23,599)	(16,490)	(16,490)	(16,490)	(16,490)	(-7,109)
Agricultural Research Service	785,518	836,868	823,381	809,499	834,322	+48,804
Buildings and facilities	56,437	44,500	....	53,000	52,500	-3,937
Total, Agricultural Research Service	841,955	881,368	823,381	862,499	886,822	+44,867
Cooperative State Research, Education, and Extension Service:						
Research and education activities	481,216	468,965	467,327	473,377	485,698	+4,482
Native American Institutions Endowment Fund	(4,600)	(4,600)	(4,600)	(4,600)	(4,600)	....
Extension activities	437,987	401,603	438,987	422,620	424,922	-13,065
Integrated activities	....	72,844	....	35,541	39,541	+39,541
Total, Cooperative State Research, Education, and Extension Service	919,203	943,412	906,314	931,538	950,161	+30,958
Office of the Under Secretary for Marketing and Regulatory Programs	618	641	618	618	618	....
Animal and Plant Health Inspection Service:						
Salaries and expenses	425,803	435,445	444,000	439,445	441,263	+15,460
AQI user fees	(88,000)	(95,000)	(87,000)	(90,000)	(87,000)	(-1,000)
Buildings and facilities	7,700	7,200	7,200	5,200	5,200	-2,500
Total, Animal and Plant Health Inspection Service	433,503	442,645	451,200	444,645	446,463	+12,960
Agricultural Marketing Service:						
Marketing Services	48,831	60,182	49,152	51,229	51,625	+2,794
Standardization user fees	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	....
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	(60,730)	(60,730)	....
Funds for strengthening markets, income, and supply (transfer from section 32)	10,998	12,443	12,443	12,443	12,443	+1,445
Payments to states and possessions	1,200	1,200	1,200	1,200	1,200	....
Total, Agricultural Marketing Service	61,029	73,825	62,795	64,872	65,268	+4,239
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	26,787	26,448	26,448	26,287	26,448	-339
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	(42,557)	(42,557)	....
Office of the Under Secretary for Food Safety	446	469	448	446	446	....
Food Safety and Inspection Service	616,986	652,955	652,955	618,404	649,411	+32,425
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	....
Total, Production, Processing, and Marketing	3,447,877	3,572,986	3,434,435	3,476,948	3,542,426	+94,549
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	595	572	572	572	....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	714,499	794,839	794,839	794,839	794,839	+80,340
(Transfer from export loans)	(589)	(672)	(672)	(589)	(589)	....
(Transfer from P.L. 480)	(815)	(845)	(845)	(815)	(815)	....
(Transfer from ACIF)	(209,861)	(209,861)	(209,861)	(209,861)	(209,861)	....
Subtotal, Transfers from program accounts	(211,265)	(211,378)	(211,378)	(211,265)	(211,265)	....
Total, salaries and expenses	(925,764)	(1,006,217)	(1,006,217)	(1,006,104)	(1,006,104)	(+80,340)
State mediation grants	2,000	4,000	4,000	2,000	3,000	+1,000
Dairy indemnity program	450	450	450	450	450	....
Subtotal, Farm Service Agency	716,949	799,289	799,289	797,289	798,289	+81,340
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(85,651)	(128,049)	(128,049)	(128,049)	(128,049)	(+42,398)
Guaranteed	(425,031)	(431,373)	(431,373)	(431,373)	(431,373)	(+6,342)
Subtotal	(510,682)	(559,422)	(559,422)	(559,422)	(559,422)	(+48,740)
Farm operating loans:						
Direct	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)	....
Guaranteed unsubsidized	(948,276)	(1,697,842)	(1,697,842)	(1,697,842)	(1,697,842)	(+749,566)
Guaranteed subsidized	(200,000)	(97,442)	(97,442)	(200,000)	(200,000)	....
Subtotal	(1,648,276)	(2,295,284)	(2,295,284)	(2,397,842)	(2,397,842)	(+749,566)
Indian tribe land acquisition loans	(1,000)	(1,028)	(1,028)	(1,028)	(1,028)	(+28)
Emergency disaster loans	(25,000)	(53,000)	(53,000)	(25,000)	(25,000)	....
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	....
Total, Loan authorizations	(2,284,958)	(3,006,734)	(3,006,734)	(3,083,292)	(3,083,292)	(+798,334)
Loan subsidies:						
Farm ownership loans:						
Direct	12,822	4,827	4,827	4,827	4,827	-7,995
Guaranteed	6,758	2,416	2,416	2,416	2,416	-4,342
Subtotal	19,580	7,243	7,243	7,243	7,243	-12,337
Farm operating loans:						
Direct	34,150	29,300	29,300	29,300	29,300	-4,850
Guaranteed unsubsidized	11,000	23,940	23,940	23,940	23,940	+12,940
Guaranteed subsidized	17,480	8,585	8,585	17,620	17,620	+140
Subtotal	62,630	61,825	61,825	70,860	70,860	+8,230
Indian tribe land acquisition	153	21	21	21	21	-132
Emergency disaster loans	5,900	8,231	8,231	3,882	3,882	-2,018
Boll weevil loans subsidy	1,440	....	....	....	....	-1,440
Total, Loan subsidies	89,703	77,320	77,320	82,006	82,006	-7,697
ACIF expenses:						
Salaries and expense (transfer to FSA)	209,861	209,861	209,861	209,861	209,861	....
Administrative expenses	10,000	4,300	4,300	4,300	4,300	-5,700
Total, ACIF expenses	219,861	214,161	214,161	214,161	214,161	-5,700
Total, Agricultural Credit Insurance Fund	309,564	291,481	291,481	296,167	296,167	-13,397
(Loan authorization)	(2,284,958)	(3,006,734)	(3,006,734)	(3,083,292)	(3,083,292)	(+798,334)
Total, Farm Service Agency	1,026,513	1,090,770	1,090,770	1,093,456	1,094,456	+67,943
Risk Management Agency	64,000	70,716	70,716	64,000	64,000	....
Support Services Bureau	....	74,050	....	....	....	....
Total, Farm Assistance Programs	1,091,085	1,236,131	1,162,058	1,158,028	1,159,028	+67,943
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	1,504,036	997,000	997,000	997,000	997,000	-507,036

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	8,439,000	14,368,000	14,368,000	14,368,000	14,368,000	+5,929,000
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	
Total, Corporations	9,943,036	15,365,000	15,365,000	15,365,000	15,365,000	+5,421,964
Total, title I, Agricultural Programs	14,481,998	20,174,117	19,961,493	19,999,976	20,066,454	+5,584,456
(By transfer)	(211,265)	(211,378)	(211,378)	(211,265)	(211,265)	
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(3,083,292)	(3,083,292)	(+798,334)
(Limitation on administrative expenses)	(108,287)	(108,287)	(108,287)	(108,287)	(108,287)	
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	693	721	693	693	693	
Natural Resources Conservation Service:						
Conservation operations	641,243	680,679	654,243	656,243	661,243	+20,000
(By transfer)		(44,423)				
Watershed surveys and planning	10,368	11,732	10,368	10,368	10,368	
Watershed and flood prevention operations	99,443	83,423	99,443	99,443	99,443	
Resource conservation and development	35,000	35,265	35,265	35,000	35,265	+265
Forestry incentives program	6,325			6,325	6,325	
Debt for nature		5,000				
Farmland protection program		50,000				
Total, Natural Resources Conservation Service	792,379	866,099	799,319	807,379	812,644	+20,265
Total, title II, Conservation Programs	793,072	866,820	800,012	808,072	813,337	+20,265
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	588	612	588	588	588	
Rural community advancement program	722,686	670,103	669,103	718,006	718,837	-3,849
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(965,313)	(1,100,000)	(1,337,632)	(1,100,000)	(1,100,000)	(+134,687)
Unsubsidized guaranteed	(3,000,000)	(3,200,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+200,000)
Housing repair (sec. 504)	(25,001)	(32,396)	(32,400)	(32,396)	(32,396)	(+7,395)
Farm labor (sec. 514)	(20,000)	(25,001)	(25,000)	(25,001)	(25,001)	(+5,001)
Rental housing (sec. 515)	(114,321)	(100,000)	(120,000)	(114,321)	(114,321)	
Multifamily housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	
Site loans (sec. 524)	(5,152)	(5,152)	(5,152)	(5,152)	(5,152)	
Credit sales of acquired property	(16,930)	(7,503)	(7,503)	(12,824)	(7,503)	(-9,427)
Self-help housing land development fund	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	
Total, Loan authorizations	(4,251,717)	(4,575,052)	(4,832,687)	(4,594,694)	(4,589,373)	(+337,656)
Loan subsidies:						
Single family (sec. 502)	114,100	93,830	114,100	93,830	93,830	-20,270
Unsubsidized guaranteed	2,700	19,520	19,520	19,520	19,520	+16,820
Housing repair (sec. 504)	8,808	9,900	9,900	9,900	9,900	+1,092
Multifamily housing guarantees (sec. 538)	2,320	480	480	480	480	-1,840
Farm labor (sec. 514)	10,406	11,308	11,308	11,308	11,308	+902
Rental housing (sec. 515)	55,160	39,680	47,618	45,363	45,363	-9,797
Site loans (sec. 524)	17	4	4	4	4	-13
Credit sales of acquired property	3,492	674	674	1,499	674	-2,818
Self-help housing land development fund	282	281	281	281	281	-1
Total, Loan subsidies	197,285	175,877	204,083	182,185	181,560	-15,725
RHIF administrative expenses (transfer to RHS)	360,785	383,879	375,879	360,785	375,879	+15,094
Rental assistance program:						
(Sec. 521)	577,497	434,100	577,500	634,100	634,100	+56,603
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	
Subtotal	583,397	440,000	583,400	640,000	640,000	+56,603
Advance appropriation, FY 2001		200,000				
Total, Rental assistance program	583,397	640,000	583,400	640,000	640,000	+56,603
Total, Rural Housing Insurance Fund	1,141,467	1,199,756	1,163,362	1,182,970	1,197,439	+55,972
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(4,594,694)	(4,589,373)	(+337,656)
Mutual and self-help housing grants	26,000	30,000	28,000	26,000	28,000	+2,000
Rural housing assistance grants	41,000	54,000	50,000	41,000	45,000	+4,000
Subtotal, grants and payments	67,000	84,000	78,000	67,000	73,000	+6,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RHS expenses:						
Salaries and expenses	60,978	61,979	61,979	60,978	61,979	+1,001
(Transfer from RHIF)	(360,785)	(383,879)	(375,879)	(360,785)	(375,879)	(+15,094)
Total, RHS expenses	(421,763)	(445,858)	(437,858)	(421,763)	(437,858)	(+16,095)
Total, Rural Housing Service	1,269,445	1,345,735	1,303,341	1,310,948	1,332,418	+62,973
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,667)	(4,594,694)	(4,589,373)	(+337,656)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(33,000)	(52,495)	(52,495)	(38,256)	(38,256)	(+5,256)
Loan subsidy	16,615	22,799	22,799	16,615	16,615	
Administrative expenses (transfer to RBCS)	3,482	3,337	3,337	3,337	3,337	-145
Total, Rural Development Loan Fund	20,097	26,136	26,136	19,952	19,952	-145
Rural Economic Development Loans Program Account:						
(Loan authorization)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	
Direct subsidy	3,783	3,453	3,453	3,453	3,453	-330
Rural cooperative development grants	3,300	9,000	6,000	5,500	6,000	+2,700
RBCS expenses:						
Salaries and expenses	25,680	24,612	24,612	25,680	24,612	-1,068
(Transfer from RDLFP)	(3,482)	(3,337)	(3,337)	(3,337)	(3,337)	(-145)
Total, RBCS expenses	(29,162)	(27,949)	(27,949)	(29,017)	(27,949)	(-1,213)
Total, Rural Business-Cooperative Service	52,860	63,201	60,201	54,585	54,017	+1,157
(By transfer)	(3,482)	(3,337)	(3,337)	(3,337)	(3,337)	(-145)
(Loan authorization)	(48,000)	(67,495)	(67,495)	(53,256)	(53,256)	(+5,256)
Alternative Agricultural Research and Commercialization Revolving Fund	3,500	10,000		3,500		-3,500
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Direct loans:						
Electric 5%	(71,500)	(50,000)	(121,500)	(71,500)	(121,500)	(+50,000)
Telecommunications 5%	(75,000)	(50,000)	(75,000)	(75,000)	(75,000)	
Subtotal	(146,500)	(100,000)	(196,500)	(146,500)	(196,500)	(+50,000)
Treasury rates: Telecommunications	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	
Muni-rate: Electric	(295,000)	(250,000)	(295,000)	(295,000)	(295,000)	
FFB loans:						
Electric, regular	(700,000)	(300,000)	(1,500,000)	(700,000)	(1,700,000)	(+1,000,000)
Telecommunications	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	
Subtotal	(820,000)	(420,000)	(1,620,000)	(820,000)	(1,820,000)	(+1,000,000)
Total, Loan authorizations	(1,561,500)	(1,070,000)	(2,411,500)	(1,561,500)	(2,611,500)	(+1,050,000)
Loan subsidies:						
Direct loans:						
Electric 5%	9,325	450	1,095	643	1,095	-8,230
Telecommunications 5%	7,342	560	840	840	840	-6,502
Subtotal	16,667	1,010	1,935	1,483	1,935	-14,732
Treasury rates: Telecommunications	810	2,370	2,370	2,370	2,370	+1,560
Muni-rate: Electric	25,842	9,175	10,827	10,826	10,827	-15,015
Total, Loan subsidies	43,319	12,555	15,132	14,679	15,132	-28,187
RETLP administrative expenses (transfer to RUS)	29,982	31,046	31,046	29,982	31,046	+1,064
Total, Rural Electrification and Telecommunications Loans Program Account	73,301	43,601	46,178	44,661	46,178	-27,123
(Loan authorization)	(1,561,500)	(1,070,000)	(2,411,500)	(1,561,500)	(2,611,500)	(+1,050,000)
Rural Telephone Bank Program Account:						
(Loan authorization)	(157,509)	(175,000)	(175,000)	(157,509)	(175,000)	(+17,491)
Direct loan subsidy	4,174	3,290	3,290	2,961	3,290	-884
RTP administrative expenses (transfer to RUS)	3,000	3,000	3,000	3,000	3,000	
Total	7,174	6,290	6,290	5,961	6,290	-884

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Distance learning and telemedicine program:						
(Loan authorization)	(150,000)	(200,000)	(200,000)	(200,000)	(200,000)	(+50,000)
Direct loan subsidy	180	700	700	700	700	+520
Grants	12,500	20,000	16,000	12,500	20,000	+7,500
Total	12,680	20,700	16,700	13,200	20,700	+8,020
RUS expenses:						
Salaries and expenses	33,000	34,107	34,107	33,000	34,107	+1,107
(Transfer from RETLP)	(29,982)	(31,046)	(31,046)	(29,982)	(31,046)	(+1,064)
(Transfer from RTP)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)	....
Total, RUS expenses	(65,982)	(68,153)	(68,153)	(65,982)	(68,153)	(+2,171)
Total, Rural Utilities Service	126,155	104,698	103,275	96,822	107,275	-18,880
(By transfer)	(32,982)	(34,046)	(34,046)	(32,982)	(34,046)	(+1,064)
(Loan authorization)	(1,869,009)	(1,445,000)	(2,786,500)	(1,919,009)	(2,986,500)	(+1,117,491)
Total, title III, Rural Economic and Community Development Programs	2,175,234	2,194,349	2,136,508	2,184,449	2,213,135	+37,901
(By transfer)	(397,249)	(421,262)	(413,262)	(397,104)	(413,262)	(+16,013)
(Loan authorization)	(6,168,726)	(6,087,547)	(7,686,682)	(6,568,959)	(7,629,129)	(+1,460,403)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	576	554	554	554	....
Food and Nutrition Service:						
Child nutrition programs	4,128,747	4,620,768	4,611,829	4,611,829	4,611,829	+483,082
Transfer from section 32	5,048,150	4,929,268	4,935,199	4,935,199	4,935,199	-112,951
Discretionary spending	....	15,000	....	13,000	7,000	+7,000
Total, Child nutrition programs	9,176,897	9,565,036	9,547,028	9,560,028	9,554,028	+377,131
Special supplemental nutrition program for women, infants, and children (WIC)	3,924,000	4,105,495	4,005,000	4,038,107	4,032,000	+108,000
Food stamp program:						
Expenses	19,909,106	20,109,444	20,109,444	20,098,744	19,605,751	-303,355
Reserve	100,000	1,000,000	100,000	100,000	100,000	....
Nutrition assistance for Puerto Rico	1,236,000	1,268,000	1,268,000	1,268,000	1,268,000	+32,000
Discretionary spending	....	7,000	....	....	....	....
The emergency food assistance program	90,000	100,000	100,000	97,000	98,000	+8,000
Advance appropriation, FY 2001	....	4,800,000	....	....	....	....
Total, Food stamp program	21,335,106	27,284,444	21,577,444	21,563,744	21,071,751	-263,355
Commodity assistance program	131,000	155,215	151,000	131,000	133,300	+2,300
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	....
Elderly feeding program	140,000	150,000	140,000	140,000	140,000	....
Total, Food donations programs	141,081	151,081	141,081	141,081	141,081	....
Food program administration	108,561	119,841	108,561	111,561	111,561	+3,000
Total, Food and Nutrition Service	34,816,645	41,381,112	35,530,114	35,545,521	35,043,721	+227,076
Total, title IV, Domestic Food Programs	34,817,199	41,381,688	35,530,668	35,546,075	35,044,275	+227,076
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service and General Sales Manager:						
Direct appropriation	136,203	137,768	137,768	136,203	109,203	-27,000
(Transfer from export loans)	(3,231)	(3,413)	(3,413)	(3,231)	(3,231)	....
(Transfer from P.L. 480)	(1,035)	(1,093)	(1,093)	(1,035)	(1,035)	....
Total, Program level	(140,469)	(142,274)	(142,274)	(140,469)	(113,469)	(-27,000)
Public Law 480 Program and Grant Accounts:						
Title I - Credit sales:						
Program level	(219,724)	(150,324)	(214,582)	(159,089)	(176,000)	(-43,724)
Direct loans	(203,475)	(138,324)	(200,582)	(142,840)	(155,000)	(-48,475)
Ocean freight differential	16,249	12,000	11,000	16,249	21,000	+4,751
Title II - Commodities for disposition abroad:						
Program level	(837,000)	(787,000)	(837,000)	(787,000)	(800,000)	(-37,000)
Appropriation	837,000	787,000	837,000	787,000	800,000	-37,000
Title III - Commodity grants:						
Program level	(25,000)	....	....	....	....	(-25,000)
Appropriation	25,000	....	....	....	....	-25,000
Loan subsidies	176,596	114,062	165,400	117,786	127,813	-48,783

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Salaries and expenses:						
General Sales Manager (transfer to FAS)	1,035	1,093	1,093	1,035	1,035	
Farm Service Agency (transfer to FSA)	815	845	845	815	815	
Subtotal	1,850	1,938	1,938	1,850	1,850	
Total, Public Law 480:						
Program level	(1,081,724)	(937,324)	(1,051,562)	(946,089)	(976,000)	(-105,724)
Appropriation	1,056,695	915,000	1,015,338	922,885	950,663	-106,032
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,231	3,413	3,413	3,231	3,231	
Farm Service Agency (transfer to FSA)	589	672	672	589	589	
Total, CCC Export Loans Program Account	3,820	4,085	4,085	3,820	3,820	
Total, title V, Foreign Assistance and Related Programs	1,196,718	1,056,853	1,157,191	1,062,908	1,063,686	-133,032
(By transfer)	(4,266)	(4,506)	(4,506)	(4,266)	(4,266)	
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	970,867	1,109,950	1,052,950	1,035,538	1,040,638	+69,771
Prescription drug user fee act	(132,273)	(145,434)	(145,434)	(145,434)	(145,434)	(+13,161)
Subtotal	(1,103,140)	(1,255,384)	(1,198,384)	(1,180,972)	(1,186,072)	(+82,932)
Limitation on payments to GSA	(82,866)	(100,180)	(100,180)	(100,180)	(100,180)	(+17,314)
Buildings and facilities	11,350	31,750	31,750	8,350	11,350	
Total, Food and Drug Administration	982,217	1,141,700	1,084,700	1,043,888	1,051,988	+69,771
DEPARTMENT OF THE TREASURY						
Financial Management Service: Payments to the Farm Credit System Financial Assistance Corporation	2,565					-2,565
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	61,000	67,655	65,000	61,000	63,000	+2,000
Y2K conversion (emergency appropriations)	356					-356
Farm Credit Administration (limitation on administrative expenses)	(35,800)		(35,800)		(35,800)	
Total, title VI, Related Agencies and Food and Drug Administration	1,046,138	1,209,355	1,149,700	1,104,888	1,114,988	+68,850
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships			1,000	3,000	2,000	+2,000
Sec. 388 Fair Act - NH				250	250	+250
Total, title VII, General provisions			1,000	3,250	2,250	+2,250
TITLE VIII - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L. 105-277)	5,916,655					-5,916,655
Emergency appropriations (P.L. 106-31)	700,630					-700,630
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Crop loss (contingent emergency appropriations)					1,200,000	+1,200,000
Market loss (contingent emergency appropriations)					5,544,000	+5,544,000
Specialty Crops:						
Peanuts (contingent emergency appropriations)					42,000	+42,000
Suspend sugar assessments (contingent emergency appropriations)					42,000	+42,000
Tobacco (contingent emergency appropriations)					328,000	+328,000
Subtotal, Specialty crops					412,000	+412,000
Oilseeds (contingent emergency appropriations)					470,000	+470,000
Livestock and dairy (contingent emergency appropriations)					322,000	+322,000
Upland cotton competitiveness (contingent emergency appropriations)					201,000	+201,000
Extend milk price supports (contingent emergency appropriations)					-102,000	-102,000
Crop insurance (contingent emergency appropriations)					400,000	+400,000
Crop insurance discount associated costs (contingent emergency appropriations)					250,000	+250,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Water and waste loan forgiveness (contingent emergency appropriations)					2,000	+2,000
Total, title VIII, Emergency appropriations	6,617,285				8,699,000	+2,081,715
SEC. 748 EMERGENCY APPROPRIATIONS						
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Market loss (contingent emergency appropriations)				5,544,000		
Specialty Crops:						
Fruits and vegetables (contingent emergency appropriations)				50,000		
Peanuts (contingent emergency appropriations)				42,000		
Suspend sugar assessments (contingent emergency appropriations)				42,000		
Tobacco (contingent emergency appropriations)				328,000		
Subtotal, Specialty crops				462,000		
Oilseeds (contingent emergency appropriations)				470,000		
Livestock and dairy (contingent emergency appropriations)				322,000		
Upland cotton competitiveness (contingent emergency appropriations)				201,000		
Crop insurance (contingent emergency appropriations)				400,000		
Crop insurance discount associated costs (contingent emergency appropriations)				250,000		
Total, Sec. 748 Emergency appropriations				7,649,000		
Grand total:						
New budget (obligational) authority	61,127,644	66,883,182	60,736,572	68,358,618	69,017,125	+7,889,481
Appropriations	(54,463,835)	(61,883,182)	(60,736,572)	(60,709,618)	(60,318,125)	(+5,854,290)
Emergency appropriations	(6,663,809)					(-6,663,809)
Contingent emergency appropriations				(7,649,000)	(8,699,000)	(+8,699,000)
Advance appropriations		(5,000,000)				
(By transfer)	(612,780)	(681,569)	(629,146)	(612,635)	(628,793)	(+16,013)
(Loan authorization)	(8,453,684)	(9,096,281)	(10,695,416)	(9,650,251)	(10,712,421)	(+2,258,737)
(Limitation on administrative expenses)	(144,087)	(108,287)	(144,087)	(108,287)	(144,087)	

1/ In addition to appropriation.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me commend my colleague, the gentleman from New Mexico (Mr. SKEEN), for his hard work on this bill, though I cannot support the bill. I think it is like a two-legged dog being brought to the floor of the Congress today.

Mr. Speaker, I will reserve my remarks until closing.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the great State of Minnesota (Mr. PETERSON), who has fought harder than any other Member here to try to get the needs of not just his district but rural America recognized.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise today to ask my colleagues to oppose this conference report. And I do that reluctantly.

I want to commend the chairman. He has been very fair and works hard on this. But I represent a part of America that has had disasters. Some of these people have lost their crops 6 years out of the last 7. And this bill does not address their problems. Frankly, I do not know what we are going to do if we do not get some help for these people up in this area.

There is a disaster component in this bill. In my judgment, it is not enough money to cover all of the things that have gone wrong with this country. I also do not think that it is structured in a way that is going to get at what people really need.

Also, we have got a price problem in this country, as everybody knows, in agriculture. Some of us that oppose Freedom to Farm said that we thought this was going to happen eventually, and it is here right now. And we all want to address that. But I do not know how I can go home and tell the people in Roseau County or Kittson County that it is more important that we put out money to people that have not been damaged by disaster, that have had bumper crops year after year after year and have sold those bumper crops, received the AMPTA payments and then we are going to give them additional AMPTA payments, and we are not going to go out and help the people that have lost crops 5 or 6 or 7 years out of the last 7 years.

I do not know how I can go home and tell the people that this is a good bill, that this is something we should support. I do not know how my colleagues can do that. I wish they could come up and look in the eyes of these people and see what they are up against. We are not dealing with this the way we should. We are spending this money the wrong way. We are not spending enough money.

I would just implore my colleagues to defeat this bill, give us a chance to go back to the committee, and address these issues.

As I understand it, this was basically taken away from the subcommittee, and there was not even a chance for people to debate these multiple-year problems, to debate these other disaster problems. Defeat this conference report.

Mr. SKEEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank my chairman, the gentleman from New Mexico (Mr. SKEEN), for yielding me the time and for the hard work that he has done on this very important bill.

Mr. Speaker, I rise today to take the unusual step of opposing my chairman and also opposing this bill, a bill that I have spent a good deal of my time on this year trying to resolve some of the real issues in farm country.

I am very disappointed with the way this bill came out. I am disappointed with the process. We had assurances all the way along through subcommittee and full committee and then going into conference that we would be able to address the dairy issue, but that was denied us. In fact, the conference never actually concluded its work. We did not have the opportunity even to offer amendments or to debate these critical issues. That is very disappointing, and it is very unusual. I hope we do not see a lot of this in the future.

But more to the point than just the process are the issues. The absence of dairy legislation in this bill is going to hurt farmers all over the country. It may benefit two States, but it will definitely hurt over 40. Dairy farmers who work 24 hours a day, 7 days a week, who never get a break, are going to lose money. It is estimated as much as $8,000 a family in my State.

And believe me, I do not know a dairy farmer in my State on a regular size farm that is putting $8,000 in their pocket after a year of dairy farming. It just is not a cash-flow business.

Disaster relief. My colleagues, I have no envy for what the Midwest has accomplished in this bill. I praise them. I admire them. I wish we could have done the same for farmers in the Northeast. But the fact is Midwestern farmers will receive $7.5 billion in disaster payments because they did not get the price they wanted for the crops.

Our farmers in the Northeast had no crops. In fact, they have no topsoil because of drought and now flood. They will get pennies on the dollar, $1.2 billion for all the Northeast for weather-related disaster; and the Midwest gets $7.5 billion. That is not fair. It is not right.

Sanctions reform. My colleagues wanted to open up new markets to the farmers so that we could sell our crops and get the price that we need. Would they rather open up and sell food to Iran and Iraq, where people are starving, or would they rather spend all of our taxpayers' dollars to give the farmers the price that they want through an artificial means? Let us open up our markets. But we did not do it.

The dairy compact, which provides price stability, supported by consumers and farmers in the Northeast, we cannot have that anymore because this does not allow it to be extended.

Mr. Speaker, the pricing option that the Secretary has promulgated is a presidential policy, this is the Clinton policy on dairy, helps two States and it harms 40. I do not get it. I mean, I thought these people were good politically down at the White House. This makes no sense. It hurts 40 States to benefit two.

But we do not have to do that. There is another option, Option 1–A, that holds Minnesota and Wisconsin harmless and it helps the other States. But that is not available to us, either.

So, Mr. Speaker, in conclusion, I thank the chairman for yielding me the time to speak against our own bill. I respect him highly. I regret that I have to oppose this bill, but I can take no other action.

I urge my colleagues to voice their objection to the process and the policy by voting no on this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee, who has worked so diligently on this bill and, as the rest of the members on our subcommittee, was actually robbed of his rights as a Member of this institution because our committee was recessed and never called back to complete work on this bill.

Mr. HINCHEY. Mr. Speaker, first of all, I want to express my appreciation and respect for the chairman of the subcommittee and the hard work that he has done, the diligent and conscientious work that he has done to try to put an effective bill together. The gentleman from New Mexico (Mr. SKEEN) is an example for all of us in this House. I also thank the staff of the subcommittee for the work that they have done, as well.

For those reasons, I wish I could support the bill. But I cannot. I cannot support it for the same reasons which were enunciated just a moment ago by the gentleman from New York (Mr. WALSH), my friend and colleague from the other side of the aisle.

I would focus my remarks in the brief time that I have on the dairy issue alone. As the gentleman from New York (Mr. WALSH) pointed out, the provisions that fail to appear in this bill would have benefited the dairy industry in 40 States across this country. They are suffering so that perhaps two States can benefit, and that is only perhaps. Because the real beneficiaries of this legislation and the failure to act in a responsible way with regard to the agriculture dairy industry in our country, the real beneficiaries are those who seek to consolidate the dairy industry, those who seek to rob consumers of the opportunity to buy fresh, wholesome dairy products from local producers in their own State and the surrounding region.

The real beneficiaries are a handful of people who are seeking increasingly to consolidate the dairy industry in the hands of fewer and fewer people so that they can control where dairy is produced, where it is shipped, under what conditions and at what price.

Dairy farmers in New York and New England and New Jersey and Pennsylvania, the middle Atlantic States, and elsewhere in this country are suffering because of the failure to put effective dairy provisions in this legislation, and that failure is due entirely to the fact that the bill was wrested from the subcommittee by the leadership of this House which adheres to an ideological imperative which is outdated and always has been wrong, and that is let the free market system run agriculture in this country.

It will not work because the free market is run by a handful of people. They control it, and they will continue to do so. Therefore, we must defeat this bill.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman of our subcommittee (Mr. SKEEN) for yielding me the time. He is a fine gentleman and has been eminently fair with me and I thank every other member of the subcommittee. I thank him for his dedication to agriculture.

Mr. Chairman, I speak today in support of this bill. I am going to vote for it. I think it is a good bill. It could be a much better bill, for the reasons that the gentleman from New York (Mr. WALSH) stated and I think the reasons that other Members may state here today, as well.

My concern has been not only with process but with policy relative to this particular measure as it relates to me as a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I felt for a long time that, in order to have the Freedom to Farm approach to agriculture policy succeed, we have to have freedom to market. Our farmers need to market overseas.

My State of Washington, the east side of the State of Washington, grows some of the best wheat crops and peas and lentil crops and potatoes and other commodities, apples and others, to compete with anybody in the world. But we are restricted, Mr. Speaker, because of an antique kind of a sanctions policy, unilateral sanctions policy, that hurts our farmers.

The power to change this policy rests with Congress. And we tried to do that on this bill, but the process did not allow it. I felt frustrated, frankly, that we could not have a good vote on this issue and let the Senate speak, as they have, Senator ASHCROFT, Senator HAGEL and others, Senator BROWNBACK, Senator DURBIN, Senator DORGAN, who spoke in favor of this change in policy, as well as people on our side, like the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from New York (Mr. WALSH) and the gentleman from Arkansas (Mr. DICKEY) and others who feel that that policy is outdated.

It is nonsense, in my judgment, that we should not sell food and medicine to countries that others can sell to around the world. It hurts our farmers. It hurts us as a country I believe. And we can open up dictatorships and open up terrorist regimes, for that matter, if we can engage them and engage the people.

The measure that was ready to pass the subcommittee and the conference was no funding for government-to-government assistance. Absolutely not one dollar would go to the governments of Iran, Iraq, Cuba, or anyplace else. But there would be a funding option allowed in order to allow our farmers to get some coverage for the sale of their product overseas.

I fought the President on this in some respects. This administration threw up a roadblock with respect to completing the sanction relief that we had imposed. We want to work with the administration and the Democrats and the Republicans and our leadership to try to have this sanctions policy relief become a reality.

So I would urge my colleagues to support this policy in the future.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a distinguished member of the subcommittee who also was robbed of her rights to offer an amendment, as these proceedings were recessed.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the agriculture appropriations conference report.

The process was unprecedented and heavy-handed. But the substance and the policy and final version reflects the majority leadership's lack of concern for farmers of America.

The summer's droughts and hurricanes have devastated thousands of farming families. In my own State of Connecticut, farmers suffered $41.6 million in losses. The pastures dried up. Fruit dropped. Trees and bushes and dairy production plummeted.

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Farmers across the country are begging Congress to do something and we must do something. It is our responsibility. It is why we were elected. We come here to give voice to the people that we represent. Our constituents can only conclude from this conference report that we have been silent on their behalf.

This report includes only $1.2 billion in much needed emergency aid. But this is a short-term fix to a long-term problem, the lack of markets promised when the Freedom to Farm bill eliminated the farmers' safety net.

Committee members on both sides of the aisle were ready to address this issue with sanction relief, but the opportunity was snatched away. It is wrong to deny our farmers over $1 billion in new sales abroad, and it is wrong to punish innocent families, children, in other countries who suffer under repressive regimes by denying them food and medicine.

Finally, this report fails to reauthorize the Northeast Dairy Compact. Without that compact, Connecticut's farmers will lose $4.2 million a year as well as the security of stable prices to guarantee safe futures.

We are here to help farmers address short-term disasters and the long-term problems that threaten their survival. The health of our Nation is directly linked to agriculture's future. We must do more. I urge my colleagues to oppose the conference report.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, understanding the immediate need for assistance that our farmers have, I have signed the conference report, and I am supporting this bill. However, there were several issues that were left undecided, and I want to discuss one of them, that is, sanctions on our agricultural products with other countries.

Let us take Cuba, for example, and in this context, we have to understand that our Arkansas farmers are the finest and the largest producers of rice there is in this country. For 37 years, it has been proven that the embargo on food and medicine in Cuba does not work. Fidel Castro and the members of his Communist regime have never missed a meal, but the poor have gone hungry. Those are who the embargo is affecting.

But the effects of this embargo are not only felt 90 miles off of Florida's coast, it has had much more of a local effect. An enormous market for our agricultural products has been deemed off-limits. Our Arkansas farmers sit facing one of the largest financial crises that we have ever encountered. They are the best farmers in the world and produce an excellent crop, but they need more places to market it. The USDA estimates that Cuba will import 570,000 metric tons of long grain, rough rice from countries all across the world. Conversely, the United States has over 630,000 metric tons of this very type of rice from the 1998 harvest still in storage. The USDA anticipates this number to drastically increase and next year our farmers will have 1.5 million metric tons of carryover stock from the 1999 harvest, all of which will bring prices down. The Cuban rice market has an estimated value of $125 million annually. Allowing our rice producers to trade with Cuba would not only enable them to collect the lion's share of the $125 million but it would also reduce our yearly carryover stock which would increase the commodity's market price.

The Congressional Research Service estimates that current economic sanctions on agricultural goods for sanctioned countries in 1996 reduced farm income by $150 million, overall U.S. economic activity by $1.2 billion, and U.S. jobs by 7,600. This is an issue that America cannot afford to ignore any longer. Even though I am going to vote for this bill, I want us to be aware of the fact that we must do something about these sanctions to help our farmers in America.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL) who represents such a major share of U.S. agriculture.

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me this time. First off, let me say that I am supporting this bill. I think that I have to associate myself with those who made other comments about the inadequacies. I do not understand why we did not have an opportunity to have the full discussion. But there is where we are at.

We have got two economies in our country right now, a robust economy and an ag economy. The ag economy is in bad, bad shape. We have to address these things. The farmers are desperate out there. I am supporting this to get the movement going and get this money to those producers. They need it now. I would say to the Secretary and anybody else that is listening that this money needs to go to those producers that have had losses. They are the ones that need it. I would trust and hope that we are doing everything we can to get it to them.

I also appreciate the fact that my colleague and friend the gentleman from Texas (Mr. STENHOLM) is offering something that will be coming up I hope very soon, the Supplemental Income Protection Act that will help all of us put the money where it belongs and help the farmers move ahead. Support the bill.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise in support of the agriculture appropriations conference agreement. This agreement will keep America's family farms afloat, fund critical research and protect the environment in some of our most fragile regions. Furthermore, this legislation includes language that dramatically improves competition for livestock producers.

Thanks to the cooperation of the gentleman from New Mexico (Mr. SKEEN), the gentleman from Texas (Mr. COMBEST) and determined colleagues in the Senate, in the other body, we were able to include mandatory price reporting for livestock in this package. This legislation will contribute to our efforts to revive the current farm economy. As anyone in Iowa can tell you, the difficulties associated with low grain prices have been compounded by low livestock prices to a devastating level last December and January.

Today, America's farmers want to know if they are receiving fair compensation for their hard work. With this agreement, we have made the first step in assuring that they can. It is important that accurate information be available to the livestock industry in order for competitive markets to function properly. Without this pricing information, we risk supporting a business environment that gives too much control to a few. We cannot allow our Nation's farmers to be left without the tools they can use to make sure they receive the best possible price for their livestock.

It is important to note that mandatory price reporting language included is the result of significant negotiations and represents a concerted effort to find consensus. Title 9 of the bill is identical to legislation that was ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry on July 29, 1999. The intent of these provisions and their attendant legislative history are explained in detail in that committee's report on the reported bill, S. 1672, and Senate Report 106–168.

Much of the language in this report was also the subject of painstaking negotiations and represents the consensus of a number of parties interested in mandatory price reporting legislation. I join all of these interested parties in directing the Department of Agriculture and the administration generally to this document for use in the correct interpretation and administration of this important law.

Mr. Speaker, this is an extremely important provision, and this bill does truly address as best we can under the budget constraints that we have the real problem we have in agriculture today, trying to get in a very timely manner dollars in the hands of farmers who so desperately need it. I just want to thank the chairman and the ranking member of the subcommittee, the chairman and ranking member of the full Committee on Appropriations, the staff on the subcommittee and my personal staff for doing an outstanding job. There are problems obviously, but a lot of the issues that were not addressed should never be on this bill to start with.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the able gentleman from Pennsylvania (Mr. HOLDEN) who has worked so hard with us to try to make sure that the producers of Pennsylvania and the drought affected areas of this country are treated fairly in this measure.

Mr. HOLDEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to the conference report. There is not a Member from either side of the aisle from the mid-Atlantic or northeastern States that can go home and look their farmers in the eye and say that this is a fair piece of legislation. It simply is not. $1.2 billion for all weather-related disasters simply does not add up to meet the needs of our farmers throughout the country. We have experienced a 100-year drought in the Northeast. In Pennsylvania alone, $700 million of damage; New York, $370 million; Maine, $31 million; Ohio, $600 million. Combined in the mid-Atlantic and northeastern part of the country, $2.5 billion of losses from drought. Then we look at the terrible situation in North Carolina, what they are facing in flooding and how we need to help our friends and colleagues from North Carolina; early on in the year, the flooding in the upper Midwest.

Mr. Speaker, we were not trying to be greedy in this bill, we were just trying to ask for what our friends in other parts of the country received before in other emergency appropriation bills. We wanted 42 percent of our losses that were uninsured to be paid for with cash assistance and livestock assistance. $1.2 billion, Mr. Speaker, simply does not get there. I urge my colleagues to reject this conference report and give us the opportunity to do what is fair for the mid-Atlantic and northeastern States.

Ms. KAPTUR. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 1906. Let me say I am grateful to the conferees for their recognition of the economic plight of American agriculture and I commend the chairman and the ranking member for their efforts. I cannot, however, feel good about the way in which we are helping our farmers and ranchers. For the second year in a row, we are using emergency spending to compensate producers for low prices. This fact is a stark admission that our basic farm program is not working. Our Nation deserves a long-term reliable farm policy. Taxpayers have a right to know what the Nation's agriculture programs will cost and agriculture producers should be able to know up-front what kind of assistance they can expect and what the rules will be for distributing it. I wonder how much longer we can go on like this, how much more our government will spend on ad hoc, supplemental AMTA payments before we realize that a more rational, predictable policy needs to be in force.

Mr. Speaker, last year we waited until the last hour to debate the omnibus appropriation bill and the emergency agricultural spending it contained. Many of us spoke at that time about the need to prepare for this year. Instead of preparing, however, we waited, and today we respond with off-budget spending to address a problem that was entirely foreseeable. I would like to once again thank the appropriators for delivering a bill that recognizes many of the needs. The deficiencies contained in the bill are a result of a lack of coherent agricultural policy which is impossible to address in one year's spending.

Let me say to my friend from Pennsylvania who spoke a moment ago, his request is reasonable. We should treat the northeastern States no different than any other States were treated last year, and it is my belief that in a supplemental we will do so. Dairy policy, I agree, but we passed a bill here. It is now up to the Senate to deal with it in the regular legislative process. Sanctions, we ought to be doing more, but we cannot do it all on an appropriations bill. We need to do most of this in the regular legislative process. I am dedicated to working with my colleagues on that.

I am very grateful that the gentleman from Texas (Mr. COMBEST) has announced that we start full committee hearings early next year to address this problem so we do not find ourselves back in the same position next year at the same time.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I thank the gentleman from New Mexico for his extraordinarily good work in very, very unordinary circumstances on this bill. As everyone has said, our farmers are facing the worst financial crisis in decades because of low prices, because of weather-related disasters, and unfortunately our current farm law does not provide a safety net for our producers. And so we will lose a lot of them this year, causing the very fabric, the very essence of our rural way of life to be at risk.

And so with reluctance I say yes, we must pass this bill today. But I also want to say, as my colleagues have, as an ag conferee, the last 2 weeks have been gut wrenching, they have been heart wrenching, as our rights to write this bill were stolen from us. That makes me angry. I am deeply disappointed that we were not allowed to vote on lifting food and medicine embargoes against six foreign countries. We should have learned the lesson from the Soviet grain embargo that food should not be used as a tool of foreign policy, that our farmers in America are the only losers in this battle. And we could not vote on fixing a problem for our dairy producers even though the vast majority of this body supports that fix.

Yes, Mr. Speaker, I am greatly disappointed, but the bill does have many good things in it for America's producers, for our ranchers and our farmers. They need our help today. They need financial assistance today. And so I urge a "yes" vote on the bill. I can only say in closing that we will continue the fight to lift embargoes and sanctions, we will continue the fight for our dairy farmers, because that fight, Mr. Speaker, has only just begun.

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Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE) who has been such an advocate for the needs of farmers in his State as well as around our Nation.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for her hard work to focus attention and action on disaster relief in the bill. I think everyone in this body is aware of the disaster that has befallen our farmers, our citizens in North Carolina and other States up and down the Eastern Seaboard with Hurricane Dennis and Hurricane Floyd. Our communities have been severely damaged, our infrastructure, our farms.

Mr. Speaker, it is already estimated that the overall damages in North Carolina for this hurricane will exceed the 6 billion in damages we experienced with Hurricane Fran, which was our historical high point up to this year. Too many North Carolinians are still in shelters, and many have returned home or will return home to find out they have lost everything. Estimates from the United States Department of Agriculture and the North Carolina Department of Agriculture now are approaching 2 billion in agricultural losses alone for North Carolina alone, $2 billion.

Now, consider the amount of disaster relief in this bill. When we look at that, Mr. Speaker, we realize how pitifully inadequate it is. It is $1.2 billion, and it is supposed to meet the needs of both drought and flood relief.

The State Departments of Agriculture in the Southeastern and Eastern States, drought States, have estimated that the need for drought assistance alone is $2.5 billion. That is before anyone had ever heard of Hurricane Floyd. And unlike aid to homeowners and businesses, direct aid cannot go to farmers unless we appropriate it in this or a comparable bill.

Farmers need immediate assistance, and we ought to give it to them, yet there was never any real opportunity for the conference to consider disaster assistance. Before the conference had sufficient opportunity to take up this issue, the bill was taken by the majority leadership from the hands of the conferees. So, Mr. Speaker, we are forced to ask, what are we going to do? How are we going to get this assistance to the people who so desperately need it?

Yesterday I offered, and the Committee on Appropriations approved, an amendment to the Labor HHS appropriations bill to provide 508 million for direct assistance to farmers in all the states affected by Hurricane Floyd for crop and livestock losses. The Labor-HHS bill is not the normal vehicle for agriculture disaster assistance, but fortunately, Appropriations Committee leaders, Mr. YOUNG and Mr. PORTER, as well as Mr. OBEY, accommodated us, and we got this done.

That is not the way this process is supposed to work, but it was made necessary by the inadequacy of this agriculture appropriations bill. Farmers in North Carolina and the other states affected by natural disasters need our help now, and that need is greater than what is provided in this bill.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly rise in support of the conference report. And I want to thank my colleagues on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee of the Appropriations Committee for their very hard work. This bill, especially the emergency provisions, is very badly needed by our farmers and ranchers.

Mr. Speaker, we have got a unique problem in agriculture. It is a cash flow crisis, and this conference report will help ease that situation by providing farmers with the financial resources to close out this year's growing season and prepare for the next.

I specifically want to commend the conferees for maintaining the AMTA payment mechanism. This will allow producers to receive payments in possibly less than 2 weeks after it is enacted, and I charge the Department of Agriculture to meet this goal.

I strongly encourage the President to sign the bill. Our producers do not have the time for political games as they are making decisions today which will affect their families for many years to come. We have got the right bill, and now is the right time to sign it.

Mr. Speaker, I think it is critical that the House agree to this conference report, and I urge an aye vote.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY) who has been such an active participant in these negotiations.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding this time to me, and I appreciate her hard work along with the hard work of all the other people that have worked on this bill, Mr. Speaker.

Mr. Speaker, our farmers need the assistance in this bill, and they need a lot more. The funding in this bill is just simply not enough.

The other side of the aisle comes to the well over and over to criticize the lack of action on trade issues, yet when they have the opportunity, they fail to lift the sanctions on Cuba and other countries for food and medicine for only political reasons. Mr. Speaker, this is shameful.

This bill is inadequate. I will vote for it, but once again we are forcing America's farmers to pay for the political and foreign policy failures. The majority leadership should be ashamed of this bill because they did not accomplish what they should have for America's farmers.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, we have heard a lot this morning about, obviously, the wants and desires of Members in regards to the process, in regards to things that were in the bill, that were not in the bill, and if we spent, made all of those decisions, based upon that and those Beltway issues, we would probably never pass anything. Let me just mention a few of the people that are out there that this bill has tried to intend to help that support it:

The Southwest Peanut Growers Association of Virginia, North Carolina Peanut Growers Association, the American sheep industry, the American Farm Bureau, the National Cotton Council, the American Soybean Association, the U.S. Rice Federation, the National Grain and Sorghum Association, the United States Sugar Beet Association, the American Sugar Beet Growers, the Hawaiian Sugar Growers, the Florida Sugar League, the Rio Grande Valley Sugar Growers, the National Corn Growers Association are the ones that have just come in since we started debating this bill.

Mr. Speaker, let me mention one other thing, if I might, as well. I agree with those people who have said that this is probably inadequate in terms of disaster money. We do not know how much that is. In fact, in some instances and in some cases the waters have not even receded enough to know what the damage is.

But I will tell my colleagues that as this bill started off at $500 million, we had a hearing in the Committee on Agriculture, and we asked the administration and the Secretary how much would they need, and they said they had no idea. But they guessed, and they would estimate at this time between 800 million and 1.2 billion.

Mr. Speaker, this bill has 1.2 billion. It is at the top end of what the administration suggested that they would need. If that is not enough, then at some point in the process I think we should come back and revisit that issue. But I will tell my colleagues that the farmers of America see the opportunity in a very short order to begin to get some very needed assistance in their hands. This is the way to do it, and I would encourage Members on both sides to give strong support to this bill. I think the American farmers deserve it, and I think they anticipate it.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON) who has done such a tremendous job as a member of the authorizing committee.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding the time, and I want to thank her for her leadership and her strong advocacy for rural America and for her due process, and I want to thank the gentleman from New Mexico (Mr. SKEEN), the chair of the subcommittee, for his fairness and his advocacy for rural America and for agriculture.

Mr. Speaker, this bill does have things that many of our farmers are advocating. I, too, have received the notice from my peanut farmers, said they would like to have this bill passed. But I also have received notice from people who need disaster relief saying: Is that all the disaster relief they have? I have my farm bureau, which I am very strongly supported by, call and say, yes, this is insufficient, but vote for it.

Here we have a bill. Not only did we have an opportunity to respond to the disaster, but we refused to. I heard the gentleman from Texas (Mr. COMBEST) say $1.2 billion was the up side of what USDA suggests, but that was before we had Hurricane Floyd. Now we have had such disaster in large proportions. We have lost in North Carolina alone the agriculture has estimated to be over $3 billion. Over 120,000 hogs have died, 2.5 million chickens have died; that is just agriculture, and all of the crop has gone.

One third of agriculture production is said to be lost in North Carolina, and we have $1.2 billion both for the drought and for Hurricane Floyd from the Northeast and to the Midwest.

How can we even think that is indeed sufficient response? We had a unique opportunity to respond. That is almost an insult, Mr. Speaker, to suggest that that is sufficient.

Now do I find that there are things in this bill that my farmers want? I would be less than honest to say yes, they do. The process really is important. Process in a democracy is important. Even when we lose, we would like to think that people have had an opportunity to have a full discussion. I am amazed that we have refused to have the opportunity to talk about the disaster that we so desperately need.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to offer my strong support for H.R. 1906, the agriculture appropriations conference report. Let us pass this bill today and show our unwavering commitment to all agricultural producers across this country.

I am extremely proud of this legislation, of what it does, and what it provides for Oklahoma agricultural producers. The 100-percent bump-up on the 1999 AMTA payment is desperately needed by our producers who have faced some unbelievable challenges this past year including Mother Nature, low commodity prices, and the worldwide financial situation. I am proud that this Congress has decided to take the necessary steps to combat these obstacles.

I am also pleased to see funding for the Cotton Step 2 program and the inclusion of much needed livestock price reporting language. We have worked with producers over the past several months to ensure that these items were included in the conference report. This is just one more indication that this Congress is listening and responding to the needs of our producers.

Finally, Mr. Speaker, this Congress expects the USDA to allow producers to collect a payment equal to their LDP on their wheat crop.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS) who has just been vigilant throughout this process to be fair to all segments of the United States.

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

I strongly oppose this legislation, and I urge all of my Democratic and Republican Members and friends to oppose it.

This bill should be opposed from both a process point of view and a policy point of view.

In terms of process, there is no disagreement that this bill, as a Republican member, the gentlewoman from Missouri (Mrs. EMERSON), just told my colleagues a few moments ago was quote, unquote, stolen away from the committee by the Republican leadership. That is what she said, and what the Republican leadership then did is went behind closed doors, where, heavily influenced by special interests, they wrote the bill. We received the bill this morning, hundreds of pages, and now we are supposed to support it.

This process is undemocratic, it is an outrage, and no Member should vote for this bill on that ground alone. But we should also oppose this bill because of its content.

Last week we had an all-day debate upon the crisis of dairy farming in this country. There were six or seven amendments, and we went on and on, and at the end of the day, by a 285 to 140 vote, the Members of this body, Republicans and Democrats, said we need to reform the milk market order system in order to protect family farmers all over this country; 285 Members voted for it. When that issue came to the conference committee, they did not spend 1 minute discussing that issue. We spent all day; we voted for it; they did not spend 1 minute.

☐ 1215

How can you support legislation which ignores an attempt to address the crisis facing dairy farmers? Please vote "no."

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again to the gentleman from New Mexico (Mr. SKEEN), for whom I have the highest respect, the chairman of our committee, I know that no member of our committee could be proud of the bill that is on the floor today. Many have referenced that in their remarks.

I would urge the membership to recommit this bill back to our subcommittee where it belongs to fix its flaws.

In the years that I have been here in the Congress, I have never seen a conference report that comes to the floor where over one-third of our members do not even sign it. There was pressure put on a number of these people who did sign. This is not the way that one of the bills out of appropriations ought to come to the floor.

I want to say a word about how this overall legislation is structured. Our concern does not necessarily go to the fundamental appropriations for the Department of Agriculture that are in the bill for the Year 2000. Our problem goes to the heart of the emergency package, the disaster assistance package, which is so fundamentally unfair.

I would beg my colleagues to listen. I am going to spend a few minutes here and lay out some numbers.

There are two parts to that portion of the legislation. There is $7.5 billion that goes out in economic assistance. That basically means low prices—trying to help people, as one of the gentlemen here said, the gentleman from Nebraska (Mr. BARRETT), meet cash flow problems in rural America. Of that $7.5 billion, $5.5 billion of it goes out under the AMTA formula. But, remember, AMTA is based on the planting of program crops in the years 1991 to 1995. It is not tied at all to what was planted this year, to what is planted now, prices received, or economic loss. In fact, there is no requirement to have planted a crop at all in order to get these dollars!

In fact, there is nothing in that section of the bill for fruits and vegetables. Many of our Members are coming up here and saying we want a fair bill. There are provisions that are in there for sugar, for cotton, for peanuts, for tobacco, for oil seeds, for honey, for mohair. But there are no provisions for vegetables, for fruits, for revegetation.

In fact, in that section of the bill, if we look at livestock, hog farmers, an industry that is on its knees, it only gets a chance to compete for up to $200 million nationally. Other claimants in that fund are livestock producers, including those suffering from natural disasters. So their ability to be made "whole," or to even be helped to be made "half" or even "40 percent," is almost nothing when you look at the losses that are out there.

I will submit for the RECORD from the Governors of over a dozen States what they believe the losses to be in their areas. Or look at a State like Ohio, my own State, where over $600 million of losses is documented, with a letter from our Governor. Dollars in the bill for livestock amount to almost nothing as we try to keep some family farmers whole as they try to transition in this difficult rural economy.

SEPTEMBER 10, 1999.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader,
House of Representatives, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE AND REPRESENTATIVES HASTERT AND GEPHARDT: On behalf of farmers and agricultural communities in more than 12 states, we request your help in obtaining immediate federal emergency grant assistance to address the economic losses caused by this year's severe drought. Farmers and rural communities along the eastern seaboard—from Rhode Island to South Carolina and west to Ohio—are experiencing the worst drought in decades. The drought of 1999 is compounded by the farm crisis caused by low agriculture commodity prices. This combination is placing tremendous financial stress on farmers throughout the region.

Initial estimates indicate that these states will experience agricultural losses in excess of $1.64 billion because of the severe and extended drought conditions. This will have a ripple effect on the economy. The USDA Disaster Declarations which have been issued for our states enable farmers to apply for emergency low interest loans; however, loan assistance programs do not adequately respond to this year's unexpected economic impact on the farm communities. Many farmers are simply not in the financial position to assume more debt when they have lost their income. We urge you to act quickly to include direct payment assistance to those producers impacted by the drought.

The recently passed Senate Agriculture Appropriations bill provides assistance for the commodity price disaster, but does not address the natural disaster impacting our farmers. We request that the final aid package be augmented to provide adequate funding for USDA disaster assistance programs such as the Crop Loss Disaster Assistance Program, the Non-insured Crop Disaster Assistance Program, the Livestock Assistance and the Emergency Conservation Programs. These programs can provide the rapid response we are looking for and the agricultural community deserves. We further request that this disaster funding be earmarked for drought-impacted states.

We appreciate your assistance in helping our farmers in this time of crisis.

Sincerely,

Bob Taft, Parris N. Glendening, Jim Hodges, Cecil H. Underwood, James S. Gilmore III, Lincoln C. Almond, George E. Pataki, Jim Hunt, John G. Rowland, Tom Carper, Tom Ridge, Christine T. Whitman.

MEMORANDUM

Re: Latest Estimates of Agriculture losses in 13 State Drought Region (revised 9/21/99 4:30 pm).
Date: September 21, 1999.
To: Agriculture Appropriations Conferees.
From: DC Offices of Drought-Affected States.

Following, you will find our most recent estimates of agriculture losses in our states due to the recent drought. You will note these estimates reflect increases from our August numbers due to the inclusion of specialty crops, livestock, aquaculture and dairy that had not been accounted for in our previous estimates. Some states were unable to provide specific estimates per commodity at this time. The recent Hurricane has caused constraints on staff resources. Our states believe these numbers are conservative estimates of what is expected to be the eventual effect of this devastating drought, but represent the best information we can provide at this date.

We also request the following programs be activated to deliver immediate and direct emergency assistance to our agriculture communities:

(1) Crop Loss Disaster Assistance
(2) Emergency Livestock Feed Program
(3) Emergency Conservation Program
(4) Dairy Loss Assistance Program
(5) Non-Insured Crop Disaster Assistance Program
(6) Tree Assistance Program

The Secretary should be directed to release funds to our farmers and producers in need within a reasonable, but expedited timeframe, based on estimated crop losses. We suggest 30–90 days.

	In millions
State Losses:	
Connecticut	$41
Delaware	30
Maryland	78
Maine	31
New Jersey	80
New York	370
North Carolina	53
Ohio	600
Pennsylvania	700
Rhode Island	10
South Carolina	150
Virginia	200
West Virginia	200
Total	2,543

STATE OF OHIO, WASHINGTON OFFICE,
Washington, DC, September 21, 1999.
Hon. MARCY KAPTUR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KAPTUR: On behalf of Ohio's farm families, I am writing to request your help in contacting House leadership to secure federal emergency assistance to overcome drought losses. This summer's drought not only has devastated crops, but has caused corresponding economic loss of livestock and dairy producers.

In the past month I have notified you of the State of Ohio's response to the drought emergency and expressed my hope that additional appropriations might be made available to provide the help that Ohio farmers badly need. Ohio's drought losses already are approaching a projected $600 million and will continue to grow (see attached Ohio Drought Impact Fact Sheet and memo to the Agriculture Appropriations conferees for estimated crop loss breakout).

I understand that Agriculture Appropriations conferees will soon meet to discuss a final bill and will consider providing meaningful drought assistance to states such as Ohio where it is sorely needed. I hope that you can support this effort and work with your House colleagues and the leadership to ensure that this happens.

As you know, the USDA has made available low interest loans to disaster designated areas. However, loan assistance programs do not adequately respond to this year's unexpected economic impact on the farm communities of the Drought affected states. Rather, producers impacted by drought require dedicated direct payment assistance. A farm aid package should provide adequate funding for USDA disaster assistance programs, such as the Crop Loss Disaster Assistance Program, the Non-Insured Crop Disaster Assistance Program, the Livestock Assistance Program and the Emergency Conservation Program. Further, this disaster funding should be earmarked for drought-impacted states.

In addition, I hope you will agree that in order for our farmers to receive the help they need, Congress should include emergency grant assistance for drought disaster in the FY 2000 Agriculture Appropriations Bill.

I appreciate your efforts with this important issue.

Sincerely,

BOB TAFT.

FACT SHEET: IMPACT OF 1999 DROUGHT ON OHIO CROP AND LIVESTOCK FARMS, SEPTEMBER 21, 1999

Drought Loss—Governors' recent estimate for 12 northeastern states: $2.5 billion.

Natural Disaster Loss—National Assn. Of State Departments of Agriculture (U.S.) estimate for all affected states: $3.56 billion.

Drought loss—Projected estimate for Ohio: $600 million (While harvest has just begun, there are projections that Ohio's losses could be in the range of $600 million of agricultural products. This represents about 10 to 15 percent of the nearly $4.7 billion of Ohio agricultural products sold in 1997. The FSA's July estimate was $422 million.)

Estimated direct USDA assistance payments

Drought Assistance—Estimated direct USDA assistance payments for which Ohio producers would be eligible: $164.8 million.

Breakdown of potential USDA funding to program assistance grants:

Crop Loss Disaster Assistance Program (CLDAP) and Noninsured Assistance Program (NAP), $80.6 million;

Livestock Assistance Program (LAP), $82.3 million;

Emergency Conservation Program (ECP), $1.9 million.

According to the Palmer Drought Severity Index, the long-term forecasting tool used by the NOAA's Climate Prediction Center, all of Ohio is now in either severe or extreme drought. Rainfall needed to end the drought, according to the Index, ranges regionally from about 6 to 10 inches. Topsoil moisture in Ohio is now 78 percent short to very short, compared to the five-year average of 41 percent short to very short. (See Palmer Index map.)

Eighty-seven Ohio counties have been designated natural disaster areas by U.S. Agriculture Secretary Glickman, enabling qualified farmers in those counties to apply for federal disaster assistance loans. Of those, 66 counties were designated primary natural disaster areas.

Hay Shortage: There is a significant shortage of hay in southern Ohio (estimated need is 325,000 tons).

MEMORANDUM

Re: Latest Estimates of Agriculture losses in 12 State Drought Region.

Date: September 17, 1999.

To: Agriculture Appropriations Conferees.

From: DC Offices of Drought-Affected States.

Following, you will find our most recent estimates of agriculture losses in our states due to the recent drought. You will note these estimates reflect increases from our August numbers due to the inclusion of specialty crops, livestock, aquaculture and dairy that had not been accounted for in our previous estimates. Some states were unable to provide specific estimates per commodity at this time. The recent Hurricane has caused constraints on staff resources. Our states believe these numbers are conservative estimates of what is expected to be the eventual effect of this devastating drought, but represent the best information we can provide at this date.

We also request the following programs be activated to deliver immediate and direct emergency assistance to our agriculture communities:

(1) Crop Loss Disaster Assistance

(2) Emergency Livestock Feed Program

(3) Emergency Conservation Program

(4) Dairy Loss Assistance Program

(5) Non-Insured Crop Disaster Assistance Program

(6) Tree Assistance Program

The Secretary should be directed to release funds to our farmers and producers in need within a reasonable, but expedited timeframe, based on estimated crop losses. We suggest 30–90 days.

	In millions
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Delaware	30
Maryland	78
New Jersey	80
New York	370
North Carolina	53
Ohio	600
Pennsylvania	700
Rhode Island	10
South Carolina	150
Virginia	200
West Virginia	200
Total	2,512

NET EXPENDITURES OF THE COMMODITY CREDIT CORPORATION

[In billions of dollars]

	Total	Commodity programs (incl. AMTA)	Other
FY 1990	6.5	4.5	2.0
FY 1991	10.1	7.8	2.3
FY 1992	9.7	6.9	2.8
FY 1993	16.0	11.9	4.1
FY 1994	10.3	6.1	4.2
FY 1995	6.0	4.1	2.0
FY 1996	4.6	4.5	0.1
FY 1997	7.3	5.3	2.0
FY 1998	10.1	8.0	2.2
FY 1999 est.	18.4	13.2	5.2
FY 2000:			
Budget estimate	14.1	10.1	4.0
Emergency package	7.3	....	....
Total	21.5		

FY 1999 and FY 2000 estimates are from the OMB mid-session review.

Figures for FY 2000 emergency package is CBO estimate of outlays resulting from the package (which is $8.7 billion in budget authority).

"Other" includes export programs (EEP, MAP, export credit, etc.), conservation programs (CRP, etc.), various disaster assistance programs, among other items.

Then if you look at the natural or weather-related disaster portion of the emergency bill, there is only $1.2 billion in that, $1.2 billion. And these estimates are pre-hurricane Floyd. As Members have verified these numbers were put in the draft bill before North Carolina happened. So the natural disaster section is woefully inadequate. These are weather-related losses, and the funds are seriously short of what would be needed to assist those faced with disasters this year.

Why should producers in the Northeast and the middle Atlantic States that have had droughts this year not get some attention in this bill, as have producers in Texas who had droughts last year? If you look at the way the formulas work, there is not fair treatment for these States. Had our conference not been suspended, we would have offered amendments that would have attempted to fix these formulas and constructs that give such unequal treatment.

We know what this will mean are more bankruptcies and more loss of equity, which is so unfair. This bill should be targeted at people who are suffering hardship, not just some formula that was cooked up 3 or 4 years ago that does not meet current needs.

I wanted to put this on the RECORD and beg my colleagues, it would not take us long to go back to subcommittee to try to fix this, to make sure that we meet fairly the current needs of our country, and also help to position ourselves for the long term because of the fundamental inadequacy of Freedom to Farm alone to deal with the volatility that we have experienced with the downturn in the markets and what has happened with our lack of access to overseas markets.

There are longer-term solutions here that we are not being given the opportunity to address in this bill. Please do not do this. Please do not do this. Next year we are going to be back here again with more requests for supplemental credit, as we were this year.

This is not the way to deal with this problem. This is important enough and the gun is at our head, that if the Members of this Congress recommit this bill, we can do it right. Just do not bar us from the opportunity to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I cannot get two pennies to help disadvantaged children in the area of education, but we can put $7 million into this bill to make sure your children, my children, and every other child of a Member of Congress, can have a free breakfast. That really makes a lot of sense.

They will tell you well, it has been authorized. It has been on the books, yes, but it has never been funded. Why? Because we have done something a darn sight better. What we have done is said that any school district that feeds a lot of free and reduced-price children in lunch can also serve free breakfast, and we know that 85 percent of all children eating free and reduced-priced meals at noontime are now eating breakfast.

Others will tell you, oh, well, the rich and those almost rich do not have time to give their children breakfast. What a sorry state that is; the Government should do it.

Give the money to the farmers who are caught in drought problems. Give the money to those of us who are trying to educate those who are disadvantaged. But, for goodness' sake, don't give $7 million to feed your children or my children free breakfast.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the Chair for doing a beautiful job of allowing equal time during this debate, which is something we were not allowed by the leadership of this institution in subcommittee. I would like to know how much time we have remaining on each side.

The SPEAKER pro tempore (Mr. BEREUTER). There are 6½ minutes remaining on either side at this moment.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, this is a good bill. I am from North Carolina. We have a serious problem, a huge problem; but this bill helps our farmers now. We can do more for them later, and we will. But, please, support this conference report. It helps North Carolina farmers and it helps them now.

I come to the floor today along with my fellow colleagues from North Carolina to educate Congress on the state of dire emergency in North Carolina. I support this conference report. As you know, Mr. Speaker, North Carolina has experienced the most destructive natural disaster ever to hit our State, It is already estimated that damages from Hurricane Floyd will exceed $2 billion in agricultural losses alone, not to mention loss of homes, businesses, roads, schools and other services.

The extent of damage is currently still being assessed and will not be known for sure until the water recedes. It is for that reason that I implore this body, as Representatives of the United States, to work with us from North Carolina, as well as with those suffering in New Jersey, New York and other States from the destruction of Hurricane Floyd, when we came back to you in the upcoming weeks and ask for your assistance in passing a package which will accurately address the needs of these people who have literally lost everything.

In light of the fact we do not have a clear idea of how much money will be needed to aid these hurricane victims, I believe it is wise for us to press forward with the emergency farm assistance package we are voting on today. Farmers from North Carolina, as well as farmers from all the nation, will greatly benefit from this bill. We need to pass this bill and pass it quickly so that farmers can begin receiving assistance as soon as possible.

I urge you to vote in favor of this conference report.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I have the greatest respect for the chairman of this committee, a man with his roots deep in agriculture, and he has worked long and hard on this bill with his committee. But there are some fundamental problems if you are from the Northeast or mid-Atlantic. This does not address our drought relief. I wish the people that could have decided to shortchange us could have been to Bradford County, Pennsylvania, with me and looked at the corn this high and the barns empty of forage.

This bill is bad for us for three reasons: it does not address the drought; it does not address option 1-A, which means we are going to allow Secretary Glickman's mistake to put our farmers out of business, and it does not address the compacts.

Mr. Speaker, the only thing that this bill is good for in the Northeast is the auctioneers. I hate to go home and see the hammer fall on another Northeastern dairy farm.

I ask Members to oppose this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), who has been such an outspoken advocate for fairness to all people.

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, there is no doubt that we should be doing something and doing it quickly for our farmers in America, because they are in distress. At times of economic prosperity, we go to some of our agriculture regions in this country, and we find that farmers are having to close down their shop, and there are fewer and fewer farmers independently farming in this country, and that has to stop.

But this bill, unfortunately, is very troubling for someone like me who comes from California, where right now, with a State prospering so much, and you find unemployment rates have plummeted in a State that for the longest time was suffering higher unemployment rates than the rest of the Nation, right now, while we are doing well in California, if you walk into the agricultural regions of California, you will find unemployment rates above 10 percent, up to 15 to 20 percent in some of our rural areas where there are farm workers desperate to work. Yet in this particular conference report we have a particular provision that was added with regard to guest worker programs where we get to import workers to do work here in America.

This provision would allow us to go out and seek people from other countries to do the work that Americans can do today by simply saying that for 3 to 4, maybe up to 8 days, we searched for someone to do the job out there in the fields.

That is unfortunate, because those unemployment rates for farm workers still exist. They are very high. Yet right now this bill would say rather than give those American workers a chance to work in those fields, to earn a decent living, even if sometimes it may be a low wage, no, instead we are going to allow some of these mega-corporations to go out and say we tried for 3 days to find an American worker to work that crop, but we could not find anyone, so now let us go abroad and hire the cheap labor to come in here and do the work for us.

How can we do that right now, when not just farmers, but farm workers are hurting, to say we are going to cut the throats of agriculture? This is not the way to do it.

This is a good bill with many good features to it, but why we had to go about doing it this way I do not know. It makes it very difficult for someone who, by the way; has not a piece of farmland in his congressional district, to get up here and say this; but I think we may have to oppose this bill.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, in the brief time I have, I simply want to say this: I have spent the last several weeks working with the committee and working with the members of the committee to impress upon them the needs of the dairy farmers of the northeastern part of our State.

To my colleagues who will come to this floor to vote on this bill, I want to make this very clear: because we have been threatened by a veto and because we have followed a misguided path set for us by the Secretary of Agriculture on option 1-A and because we have decided to ignore the fact that the Northeast Dairy Compact, which provides for minimum supports for farmers in the Northeast so that they can maintain their process, we have decided to put forward a bill today that promotes the worst kind of regional divisions in this body. We have decided to put forth a bill today that promotes and benefits singular Members, singular states, at the expense of others.

So, with that, I would urge all of my colleagues to strongly oppose this bill and let us make sure we come back and do the right thing for all of our farmers.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from New York for his remarks and again plead with my colleagues, as we move to a motion to recommit, to support the motion to recommit and go back to subcommittee where it belongs and fix this bill.

As you have listened to the speakers today, you have heard Members like the gentleman from Minnesota (Mr. PETERSON). We look at the farmers in the Red River Valley. We can do better for them. They have had no crops. Just because some areas of the country have been benefited by this current conference report before us, simply because of who was in the room writing it, does not mean that other parts of America that have been deeply hurt by drought and by crop loss do not also deserve the attention of this broader membership. We need to fix what was done improperly by those who took the bill away from our committee where it rightfully belonged.

How can you turn down someone like the gentleman from Maine (Mr. BALDACCI), an area of the country in the Northeast that really has not had a lot of losses in years past.

□ 1230

Yet if we look at the specialty crop area, it is given almost no consideration in this legislation. Speaking for our region of the country, the heart of the midwest, for those people who are literally going bankrupt in the pork industry, why should they not be treated similarly to those who are in the row crop business?

These are good Americans, too. They deserve the attention of this Congress. It is not going to take a Ph.D. or 6 years of education for us to go back into committee and fix this. All we need is people who are sensitive to the differing needs across this country to do a good job.

I want to say to our chairman, the gentleman from New Mexico (Mr. SKEEN), no chairman could have treated his committee members more fairly than he has. To the staff who has worked with us throughout, they have my highest admiration on both sides of the aisle.

However, what was done to us is unforgivable, and it is the reason that we have a two-legged dog bill before us today. Give us the opportunity next week to go back and do what is right for America, for those who are hurting today and to help position this marketplace for the future.

No less is expected of us as leaders who know more about these subjects, frankly, than anyone else in the United States. So to produce a bill that is half baked just does not do credit to this institution. I beg my colleagues who are listening today, to those who are with us here on the floor, to support our motion to recommit. Let us go back and fix this thing and bring it back next week. America deserves better than we are able to produce today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN), the chairman of the Committee on Agriculture, is recognized to close. He has 4 minutes remaining.

Mr. SKEEN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I would like to restate the points that I have made earlier. This is a bill that benefits every American every day, no matter where they live. Whether it is FDA protecting the safety and foods and medicines or the nutrition programs for children and the elderly or creating economic development in rural America, this bill is for urban and suburban America just as much as if it were for the farmer or the rancher.

I know that some colleagues are concerned for what is not in the bill, particularly dairy policy and the relaxation of export sanctions to certain countries, but if we all voted on the basis of what is not in a bill then I am not sure that any legislation could get passed here.

I would like to say to my colleagues that this is a good, bipartisan bill. It will benefit every one of our constituents. I have letters from a number of farm groups supporting this conference report: The American Farm Bureau Federation, the National Cotton Council, USA Rice Federation, National Grain Sorghum Producers, and the National Corn Growers Association.

Mr. Speaker, there has been talk of a motion to recommit. I think that recommitting this bill to conference would be a serious mistake. There is $8.7 billion in assistance to rural America in this bill. Sending this bill back to conference for weeks or months of more haggling would deny any money at all to the people that we are trying to help.

A motion to recommit, in effect, says we want more money for farm assistance so we will send no money at all, farmers and ranchers will just have to wait while we talk.

I would say to my colleagues, some folks cannot wait. They need assistance now. They do not need more talking from Congress. They need the help that is in this bill, and they need it now. Vote no on any motion to recommit.

This is the first day of the first fiscal year, and we need to put this bill to work immediately. Please support the good that is in the bill today and vote aye on the conference report, and hopefully, Mr. Speaker, this will finally come to an end.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the Agriculture Appropriations conference report. I am especially concerned about the Senate rider, not included in the House version of the bill, which would deny jobs to United States farmworkers by allowing agricultural employers to secure vulnerable foreign guest workers without any meaningful recruitment of U.S. farmworkers. This rider makes a mockery of the obligation of employers to show a labor shortage before gaining access to temporary foreign agricultural workers.

The General Accounting Office has reviewed the unemployment rates in America's counties where there are major populations of migrant farmworkers and found that in most, there were double-digit unemployment rates. From this, one would expect that agricultural employers would develop new methods of recruiting this readily available pool of unemployed and underemployed farmworkers.

But that is not what has happened.

Instead, they have sought this legislation to permit employers to escape the requirement that they recruit U.S. workers before gaining access to vulnerable foreign workers. This proposal, offered by Senator MCCONNELL of Kentucky, (where many tobacco growers use the H–2A guest worker program), would drastically shorten the time period for recruitment of U.S. workers before the Department of Labor must decide whether the growers actually faces a labor shortage.

Agricultural employers, under this provision, will apply for guest workers 45 days before the first day of work. The Department of Labor then will have 7 days to make sure that the wages and working conditions meet applicable standards. If they do meet applicable standards, then the employer begins recruitment inside the state and in other states where migrant workers reside. That leaves just 38 days before the season begins. But the Department of Labor must decide whether recruitment was successful no more than 30 days before the season begins. So in reality, employers have just 8 days to recruit U.S. farmworkers.

This would be bad enough, but there are even more problems: Often, the employer offers wages and working conditions that do not meet DOL standards. The Department must then give such an employer 5 additional days to correct the job terms. Recruitment does not begin until that approval is granted, at about 33 days before the season begins. But DOL is still bound to decide whether a labor shortage exists no more than 30 days before the season begins. This leaves only three days to recruit U.S. workers—a scenario utterly designed for failure.

In the meantime, many agricultural employers have elaborate recruitment networks that have been seeking foreign guestworkers for months.

I recognize that the H–2A law contains job preference requirements for U.S. workers. But there exist great economic incentives for H–2A program employers to hire foreign guest workers rather than domestic farmworkers. Guestworkers are far more docile and compliant than U.S. workers who have legal protections. Also, employers save money because guestworkers' wages are not subject to unemployment taxes or Social Security contributions. Once DOL has give approval to hire foreign guestworkers, U.S. farmworkers know that they usually won't be welcome at those jobs.

The General Accounting Office report on the H–2A program made recommendations about the very issues the McConnell rider addresses, and the McConnell amendment is inconsistent with the GAO recommendations. The GAO recommended shortening the H–2A progress, which the Department of Labor recently did through regulation changes. But the GAO warned that recruitment of U.S. workers should not be reduced and that is precisely what the McConnell amendment does.

I am firmly opposed to the conference committee report because this appropriations bill contains the McConnell amendment that unjustifiably denies jobs to the poorest of the working poor, America's farmworkers.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 1906, the Agriculture Appropriations Conference Report. If everyone in Congress is serious about locking away Social Security, we simply can not afford to pass this bill. I urge all of my colleagues to exercise fiscal responsibility, and vote "no" on this conference report.

This agreement is a perfect example of the type of legislation that pushes us down the path towards raiding the Social Security trust fund. The Agriculture Conference agreement provides $69 billion for the Department of Agriculture and related programs—including $8.7 billion in "emergency" funds for disaster relief.

Emergency funding aside, the conference report is approximately $100 million over its allocation. That increase will be paid for through the projected surplus.

Indeed, since the emergency relief funds do not count against the 1997 spending caps, those, to, will be paid for with the surplus. In fact, the emergency funds alone consume more than half of the expected non-Social Security surplus for fiscal year 2000.

If we continue to chip away at the surplus, beginning with H.R. 1906, Congress will begin to dip into Social Security. As someone who is committed to locking away Social Security and living within the budget caps, I urge all of you to vote No on this and every bill that leads us down a fiscally irresponsible path.

Mr. CROWLEY. Mr. Speaker, I rise in support of H.R. 1906 the agriculture Appropriations Bill for FY2000.

Mr. Speaker, I understand the concerns of my colleagues on both sides of the aisle who have concerns about this bill. Farmers truly are facing a crisis in his country. From the drought of the Northeast to the recent flooding in North Carolina, more federal funding is needed to insure the livelihood of the American family farmer.

But there is also an agriculture crisis in our cities. This bill funds important agriculture programs which help provide more greenery in our cities, trees to fight pollution and make the air cleaner and Federal research monies against plant and tree pests.

I am supporting this bill because it addresses the needs in urban areas, and New York City in particular, which have been severely impacted by the Asian Long Horned Beetle. This predator, which is a non-native species came to New York and other areas through packaging materials in shipping crates. This infestation has led to the destruction of thousands of trees in Queens, New York and most recently was found in Central Park in Manhattan.

I thank Chairman SKEEN, Ranking Member KAPTUR, and the House and Senate Conferees for including $2.1 million for the Animal Plant Health Inspection Service (APHIS) for eradication of the Asian Long Horned Beetle in New York City. This money is an important step to stop this pest which left unchecked will destroy the trees of New York City which provide my constituents with much needed shade and greenery.

Mr. BONILLA. Mr. Speaker, Mr. Chairman I rise in support of this Conference Report for the Agriculture Appropriations bill for fiscal year 2000. We members of the subcommittee were charged with developing an appropriations bill, not a bill to address every agriculture authorization issue pending before Congress.

There are several very important agriculture issues that call for attention. They should be addressed, and considered on the House floor. But these are not issues that should hold up a badly needed appropriations bill. In fact, I do not recall over the last two weeks hearing any complaints regarding the regular appropriations bill.

There are some very good provisions in this appropriation. Each one of us would probably like to change some part of this bill, but we have to remember this bill provides for $8.7 billion in emergency assistance for agriculture producers.

I have had calls streaming into my office from producers, and I am talking the producers, not the Washington lobbyists, asking me to support the bill. They know that the items in the disaster package are too important to lose.

In this bill there is $5.5 billion in direct emergency financial assistance. There is help for cotton's step 2 program, help for livestock producers and $1.2 billion for disaster funding.

No, this bill may not be perfect, and there are things that may not be in the bill that we would like to have seen in the bill, but I do not believe we can turn our backs on $8.7 billion in financial assistance and our producers.

Mr. GILMAN. Mr. Speaker, I rise to express great disappointment on behalf of our farmers throughout the State of New York and the entire northeast region.

In my home State of New York, agriculture is the largest industry. With abundant rainfall, productive soil, and proximity to the Nation's largest markets, the outlook for the future of New York's dairy farmers is of great potential. However, as a result of the recent drought, natural disasters, and fluctuating market prices, New York farmers are in dire need of assistance; which is not provided in this legislation.

Apple and onion producers in New York State have suffered severe weather conditions in three out of the last four years, including this year's drought. Nevertheless, the USDA has been ineffective in providing needed, equitable crop loss disaster assistance for onion and apple producers.

Due to 1998 onion and apple losses in New York State, repeated and intense communications transpired between producers, Congress and the USDA. Over the past few months, communications with the Secretary of the USDA, Dan Glickman, have failed to address most of our producers concerns.

Our agricultural producers have received sympathy from the Department of Agriculture, but USDA has stated that they do not have a clear direction from Congress on how to proceed with the complicated, untraditional questions which are unique to these nonprogram crops.

In 1999, estimates of drought losses to onions and apples in New York are again substantial. In fact, the loss in yield at $12CWT for onions on the 5,000 acres in Orange County, New York will translate into an approximate $15 million loss.

The $15 million loss in 1999, coupled with the $15 million dollar loss in 1998 for onion producers in Orange County, will prove devastating not only for the Hudson Valley's family farms, but also for those businesses dependent upon the onion and vegetable $100 million industry in New York.

Furthermore, New York's dairy farmers, which make up 60% of our agricultural base in my home State, have been cut out of this legislation. Producers and their organizations have been concerned about the viability of the dairy industry in the northeastern states for several years.

Declining herd and cattle numbers, combined with drought and fluctuating market prices, have led to loss of infrastructure and revenue for our New York dairy farmers. Our farmers are facing the implementation of option 1B milk pricing, a plan that reduces farm income in 45 states and will force New York producers to lose at least $200 million annually. Our dairy farmers are relying on their inclusion in the Northeast Dairy Compact, to provide them with stability in pricing. However, that measure is not only missing from this legislation, it was not even permitted to be discussed. Time and time again, our Nation's dairy farmers have had to face the challenges of nature and an unstable market.

In response to these challenges, these distressed farmers looked to the Congress to provide them with a crucial milk price safety net, by extending the Northeast Dairy Compact, and offering the preferred milk pricing structure, option 1A.

Accordingly, along with my colleagues from New York and throughout the region, I anticipated the opportunity to respond to our farmers by negotiating for the inclusion of favorable dairy language in this legislation. However, in an effort to force this legislation through, this opportunity was not afforded to us.

Therefore, on behalf of farmers throughout our Nation, I cannot support this legislation and, in the name of the thousands of farmers forgotten today, I urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Speaker, agriculture is Pennsylvania's number one industry and Pennsylvania has one of the largest rural populations in the nation. There are 45,000 farms in the state and Pennsylvania is second in the nation in the number of acres of farmland preserved for agricultural use. We all depend on the food that these hard working citizens produce for our tables.

As we all know, 1999 has been a bad year for farmers. Month after month brought no rain. September brought hurricane rains.

There is a small dairy farmer in my district who raises fresh market sweet corn to sell from a roadside stand. His normal production is about 28,000 ears. This year, his production was 500 ears. This farmer has already purchased hay from out of state for his dairy herd and will do so repeatedly through the winter. This is one small example of the effect of the devastating 100-year drought in Pennsylvania.

Pennsylvania farmers have lost $700 million. This bill provides an anemic $58 million for our farmers. Our farmers need a combination of direct assistance, emergency livestock feed assistance and low interest disaster loans. Unfortunately, this bill does not adequately meet these needs.

This conference report provides only $1.2 billion for crop losses due to all natural disasters in the 1999 crop year. This includes the damages due to Hurricanes Dennis and Floyd, natural disasters in Texas and the Northern Plains in addition to the 13 states affected by the drought.

This bill leaves our northeastern farmers without enough help, and I will therefore vote against this conference report.

Mr. SKEEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BEREUTER). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the conference report?

Ms. KAPTUR. We are, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. KAPTUR moves to recommit the conference report on the bill H.R. 1906 to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 228, not voting 18, as follows:

[Roll No. 468]

YEAS—187

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Barcia
Bartlett
Becerra
Bentsen
Berkley
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Frank (MA)
Franks (NJ)
Gejdenson
Gephardt
Gilman
Gonzalez

Goodling
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hoyer
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Moran (VA)

Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Sherman
Sherwood
Shows
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Strickland
Sweeney
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Waters
Watt (NC)
Weiner
Weygand
Woolsey
Wynn

NAYS—228

Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter

Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton

Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Coble
Coburn
Collins

Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson

Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula

Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berman
Boucher
Carson
Chenoweth
Clay
Ford

Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Rush

Scarborough
Stupak
Taylor (NC)
Waxman
Weldon (FL)
Wu

□ 1257

Messrs. MILLER of Florida, HAYES, BONILLA, BARRETT of Wisconsin, PITTS, EHLERS, and HOUGHTON changed their vote from "yea" to "nay."

Messrs. MURTHA, DOYLE, NADLER, LAMPSON, BENTSEN and GOODLING changed their vote from "nay" to "yea."

Mr. WALSH changed his vote from "present" to "nay."

Messrs. SWEENEY, SAXTON and KING changed their vote from "present" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 18, as follows:

[Roll No. 469]

YEAS—240

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Horn
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson (IL)
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Schaffer
Schakowsky
Scott
Sessions
Shadegg
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Talent
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Walden
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—175

Ackerman
Allen
Andrews
Baird
Baldacci
Ballenger
Barr
Bartlett
Bass
Becerra
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Collins
Conyers
Cox
Coyne
Crane
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Ehlers
Ehrlich
Engel
English
Eshoo
Fattah
Filner
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodling
Green (TX)
Gutierrez
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Inslee
Istook
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Kucinich
LaFalce
Lantos
Larson
Lazio
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Quinn
Rangel
Reynolds
Rivers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Slaughter
Smith (NJ)
Stark
Stearns
Sununu
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thurman
Tierney
Toomey
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Weiner
Weldon (PA)
Weygand
Woolsey
Wynn

NOT VOTING—18

Berman
Boucher
Carson
Chenoweth
Clay
Ford
Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Rush
Scarborough
Stupak
Taylor (NC)
Waxman
Weldon (FL)
Wu

□ 1315

Ms. MILLENDER-McDONALD and Mrs. MALONEY of New York changed their vote from "yea" to "nay."

Ms. SCHAKOWSKY changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on the Agriculture Appropriations Conference Report due to a family emergency. However, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, I was unable to vote on several items today, the 1st of October.

Had I been present, I would have voted: "Yea" on rollcall No. 466; "no" on rollcall No. 467; "yea" on rollcall No. 468; "yea" on rollcall No. 469.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, yesterday during the vote on H.R. 2910, the National Transportation Safety Board Amendments Act of 1999, I was unavoidably detained. If I had been present and voting, I would have voted "aye" on rollcall vote 462.

TRIBUTE TO LILLIE DRAYTON ON HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, I would ask Members in the Chamber to join me for just a moment in honoring a very important American who is in the gallery to my left today, Lillie Drayton, who for the last 39 years has served the American public and us running the elevators in our office buildings. I want to recognize her on her day of retirement. I do not know anyone who has epitomized public service as much as Lillie. When Americans have come to their Capitol, she has been the one to let them know that people care about them and they are doing a fine job of them.

I would like to recognize and respect her for all her fine work, Lillie Drayton.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Regrettably, Members are reminded not to introduce guests in the gallery.

ADJOURNMENT TO MONDAY, OCTOBER 4, 1999

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE RIGHT TO SUE AN HMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, in a few days this House is going to vote on an issue that will impact the health of every family in this country. The managed care lobby will do their best to confuse the Members of this body as to the real effect of the Bipartisan Consensus Managed Care Improvement Act that I introduced along with the gentleman from Michigan (Mr. DINGELL).

I urge all Members to simply read the bill. The HMO lobby is telling Members that employers can be sued for simply offering a health plan, for their choice of a health plan, for the actions of that health plan. But yesterday Members heard in this Chamber the truth, the actual language of the bill, that dispels every one of these falsehoods.

The managed care lobby has also tried to tell Members that employers and insurers can be sued for not buying or providing a specific benefit, and that this bill would mandate all kinds of new coverage. Read the bill, page 61 beginning on line 24. Read the bill. Employers and insurance companies cannot be sued for, and I would like to quote:

> "The decision to include or exclude from the plan any specific benefit.

How can we be any clearer than that?

The managed care lobby has told Members that this bill opens the door for unlimited punitive damages against health plans with jury awards soaring into the hundreds of millions of dollars.

To begin with, 30 of our States have already capped punitive damages. In my home State of Georgia, if the consensus bill becomes law, when it becomes law, there will be no punitive damages allowed regardless of the circumstances.

It is for precisely this reason that the consensus bill puts these court remedies back into the hands of the States, where tort reforms have been far more effective than here at the Federal level.

Read the bill. We have left a way for insurance companies to remain shielded from any punitive damages. Not a penny. If there is a dispute and the health plan agrees to settle it fairly with external appeals, they remain shielded from all punitive damages. Read the bill, on page 60 beginning line 3. I quote again:

> The plan is not liable for any punitive, exemplary or similar damages if the plan or the issuer complied with the determination of the external appeal entity.

How can we be any simpler than that? As a matter of fact, read the whole section of this bill of who can sue for what. It is just three pages. But those simple three pages overturn 25 years of injustice, and they close the door on unscrupulous health plans using this loophole in the law to breach their contracts and kill people with impunity.

The HMO lobby has one last chance to defeat this legislation and that is to distort the issue. If they were successful, I believe they would find the end result of their success would be far less agreeable than the reasonable reforms of this bill.

We can correct the problems of managed care with responsible legislation right here in the People's House, or it will be corrected by the courts and the States, without the carefully crafted provisions to ensure that we do not disrupt our current health care system in the process.

For those who would oppose reforms, take your choice. But either way, the people, the Constitution and the rule of law will prevail in this room next week.

WORLD SMILE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, today I rise to recognize one of Worcester, Massachusetts' favorite sons, Mr. Harvey Ball, on the occasion of the first annual World Smile Day.

Born and raised in Worcester, Mr. Ball worked as a free-lance commercial artist. He first designed the yellow smiley face in December of 1963 as part of a campaign to enhance morale in his workplace. Since then, the smiley face has taken on a life of its own, developing into an international symbol of friendship, love and peace.

In the early 1970s, the smiley face image became a symbol for an entire generation of Americans, emerging as one of the most well-known images in the country. Recently, the smiley face was chosen to represent the 1970s as a part of the Celebrate the Century commemorative stamp program.

This morning, the United States Postal Service unveiled the smiley face stamp in Worcester, Massachusetts. The stamp will be officially issued this November.

Mr. Speaker, there are few symbols which so fully represent the American spirit of friendship, happiness and peace as the smiley face. It is therefore my great pleasure to congratulate my friend Mr. Harvey Ball, and the entire Worcester community, on the occasion of World Smile Day.

NO EPA OR IBWC EXTORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to talk about a situation in San Diego, California on the border with Mexico, and I rise to object to a move by our very own Environmental Protection Agency to attempt to block a plan, a plan to treat 50 million gallons a day of raw sewage that flows from Mexico into the United States, a plan that was unanimously supported by this House of Representatives. The plan involves treating Mexican sewage that is flowing into the United States in Mexico. What can make more sense?

But the EPA supports a less comprehensive plan to build sewage treatment ponds in the United States. And to get its way, the EPA seems to be extorting support for the U.S. plant from Mexico. In fact, the EPA has told Mexico that if the sewage treatment ponds are built in the United States by their plan, rather than the House of Representatives plan, the EPA would have $9 million left over to help Mexico with Tijuana-area sewage projects. And if the treatment plant were to be built in Mexico, according to the plan approved by this House, with a private firm's money, EPA says Mexico gets no money from the U.S. Government for their infrastructure needs.

Mr. Speaker, that simply does not make sense. It is extortion, if I may speak bluntly. If a private firm builds a plant in Mexico, then the EPA would have its entire fund of $54 million available for infrastructure improvements in the Tijuana/San Diego area. It is hard to believe that the Environmental Protection Agency would not even consider working together with Mexico in this way to solve an international problem.

And to make matters worse, the International Boundary and Waters Commission, known as the IBWC, is a partner in this extortion. This is the bureaucratic sabotaging of a plan that the House voted unanimously to pursue. It thwarts the Mexican government's fair and open review of a proposal that promises environmental benefits to the United States and clean water for Mexico.

It is an outrage, Mr. Speaker, that this win-win international solution for the problem of sewage that has plagued us and our area for 50 years may never be fully explored. The EPA has a 2-year history of obstructing the consideration of any other proposal to conduct sewage treatment at our border. Mexico is where the sewage starts and Mexico, by right, owns the water from any treatment plant. Why is the EPA opposed to building treatment ponds, then, in Mexico? I cannot understand how an agency such as EPA, which I support in the main and which is charged with protecting the environment of the United States, can be preventing a long-term or comprehensive solution to this problem.

The gentleman from California (Mr. BILBRAY) and I share the problem of Mexican sewage on the beaches and in the riverbeds of our districts. We have asked EPA, we have asked IBWC to work with us and to work with this House to solve the problem. We want those agencies to assure the Mexican government that they can undertake a fair review of this House's proposal without facing the possibility of loss of infrastructure help. We want the Mexican government, as supported by the gentleman from California (Mr. BILBRAY) and myself and hopefully with EPA and IBWC, to get Mexico to do a fair, objective review of this proposal and tell us how long it would take and what steps have to be done to implement it.

□ 1330

Mr. Speaker, the bureaucrats in EPA and IBWC have employed spectacularly poor judgment on this issue. Let us hope that they come to their senses soon. We look forward to continuing to work with them to create a long-term solution that will protect the environment of our districts in San Diego, of the international border in the southwest corner of our Nation.

RESOLUTION ON POTENTIALLY LETHAL FOOD ALLERGIES

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as we complete this week of business here in Congress, I wanted to remind my colleagues of a resolution I introduced a little earlier; it is H. Res. 309, because it is an important resolution expressing the sense of the House regarding strategies to better protect the millions of Americans with food allergies from potentially fatal allergic reactions and to further assure the safety of manufactured food from inadvertent allergen contamination.

The majority of the 5.2 million people who have serious and potentially fatal allergic reactions to foods such at peanuts, fish, shellfish, tree nuts are children. These children will never outgrow their allergies, and there is no vaccine to prevent these deadly allergic reactions. All that these children can do is avoid eating or coming in contact in any way with peanuts, fish, shellfish or tree nuts.

Even a small trace of peanuts or shellfish can produce a severe allergic reaction. Many children spend their day at school in fear, afraid to touch a door knob or a desk top that might have a smear of peanut butter. While it would be difficult to control the school or the work environment, there are steps that can be taken to protect children and adults from severe allergic reaction to food.

For instance, major commercial food processors and producers should produce products on separate dedicated manufacturing lines. Allergens in food should be identified in terms that are clear, understandable to the average citizen. Most consumers have no idea that products that are labeled with ingredients such as natural flavors contain peanuts or that shrimp extract is used to enhance the flavor of frozen beef teriyaki. Any food product that lists natural flavors as part of the ingredients should specify on the package that the product includes peanuts. Foods which are common, life-threatening allergens should not be added gratuitously to products where their taste is negligible.

Industry, consumer and scientific groups should voluntarily work together on initiatives to better educate food industry workers and the public on the issues of food allergy safety, and after 1 year an assessment should be made of the success of these initiatives.

Mr. Speaker, every year about 125 people die from fatal allergic reactions to food in the United States, and every year the number of people who have potentially fatal allergic reactions to food is increasing. I have a number of constituents who fall into that category, and I am sure that all of my colleagues will find the same in their districts.

H. Res. 309 will increase awareness of the serious impact of severe food allergies on the American people and the need to address this very important health problem.

ALTERING TAX CREDIT FOR WORKING FAMILIES IS WRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, while I have not heard many cries of Happy New Year or singing of Auld Lang Syne, today is New Year's day for the Federal fiscal year. This is day number one, and we find ourselves in this new year with the Government being able to operate only because a stop-gap emergency measure was approved earlier this week.

As we begin this new year, the Federal Government is supposed to have some 13 appropriation bills approved for its normal operation. Fewer than half of those at this late date have even been sent to the President. The measure that funds all of our Federal education programs, our health research, a number of other very important programs for seniors, and for Americans of all ages, that bill has not even been presented for consideration on the floor of this House, much less sent to the President.

I have just come from a press conference with the Concord Coalition with the national debt clock, which displays by the second how the national debt continues to rise. Billions of dollars of new national debt are being incurred as we fail in the Congress to deal responsibly with our budget.

Instead of responsibility, what we have seen throughout this year has been one budget gimmick after another. We have had more budget emergencies designated here, I think more emergencies than the EMS has to deal with; the census being declared an emergency; an emergency on fuel assistance, since it still turns hot in the summer and cold in the winter, as it always has. All these gimmicks just like the proposal to go to a 13-month Federal fiscal year are designed solely to circumvent the spending limitations established in the Balanced Budget agreement.

This year the Republicans have dipped some $18 billion into the Social Security Trust Fund just to fund the measures that they themselves have advanced this year without even getting to their irresponsible tax bill.

Particularly indicative of the problems that we have been dealing with in this Congress is what has happened just within the last 24 hours. The latest of these gimmicks is to turn to the working poor in this country, the starting police officer or teacher, the fast-food worker, the nursing home worker, those who earn an earned income tax credit and get a tax refund at the end of the year as an incentive to continue working and providing for their families.

The Republicans voted yesterday in committee and plan to present perhaps as early as this next week a deferral of that earned income tax credit. Instead of providing it to the folks that are working hard to make ends meet, they want to defer it. They have had the audacity to suggest that this gimmick to gain $8 billion right out of the hides of working families; the Republicans defended that in the Washington Post this week saying their plan "would encourage better monthly planning for the beneficiaries."

They want better monthly planning for the nurse who is looking forward to that tax refund in order to make a down payment on a car, for the police officer that is looking forward to that money to pay for her child's tuition.

I think that that is wrong, and I am pleased to see within the last few hours that another person who thinks it is wrong is Governor George Bush of Texas, who said "I don't think they ought to balance their budget on the backs of the poor." Another Texan responded to that, an indication of the problems we have here in this House.

The majority whip, my colleague from Texas (Mr. DELAY), is reported to have said "It is obvious that Governor Bush needs a little education on how Congress works. I don't think he knew what he was talking about." I happen to believe that when you choose between these two Texas Republicans, Governor Bush has the better of it, and the American people will have the worst of it, if this Congress proceeds next week to balance the budget on the backs of those people who are there working hard trying to make ends meet, entitled to receive this earned income tax credit, House Republicans would deny working families from receiving that refund on a timely basis in the way that they have in prior years in what even Ronald Reagan called one of the "most effective anti-poverty programs we have," the earned income tax credit. Because of their irresponsibility, because of their failure to budget in a proper and timely way, Republicans have turned to this gimmick.

Mr. Speaker, let us hope the House will reject it next week.

OMISSION FROM THE RECORD OF THURSDAY, SEPTEMBER 30, 1999

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1051. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Commerce.

OMISSION FROM THE RECORD OF THURSDAY, SEPTEMBER 30, 1999

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HOOLEY of Oregon (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. LEVIN (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. FORD (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. PICKERING) to revise and extend their remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, today.

ADJOURNMENT

Mr. DOGGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 4, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4599. A communication from the President of the United States, transmitting a request and notification of the availability of appropriations for the Department of Health and Human Services' Low Income Home Energy Assistance Program to made available for the needs of North Carolina in the wake of Hurricane Floyd; (H. Doc. No. 106-138); to the Committee on Appropriations and ordered to be printed.

4600. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement, Part II [DFARS Case 98-D021] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4601. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement [DFARS Case 98-D007] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4602. A letter from the Deputy Assistant Judge Advocate General, Department of the Navy, Department of Defense, transmitting the Department's final rule—United States Navy Regulations (RIN: 0703-AA55) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4603. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7293] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4604. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determination—received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4605. A letter from the Acting Director, Mine Safety and Health Administration, transmitting the Administration's final rule—Safety Standard for Preshift Examinations in Underground Coal Mines (RIN: 1219-AB10) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4606. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—Federal Enforcement in Group and Individual Health Insurance Markets [HCFA-2019-IFC] (RIN: 0938-AJ48) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4607. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided to be Eligible for Importation [Docket No. NHTSA-99-6239] (RIN: 2127-AH88) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4608. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Tennessee [TN 222-1-9928a; FRL-6448-3] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4609. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plans [DC040-2016; FRL-6448-9] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4610. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program [DE039-1026; FRL-6449-2] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4611. A letter from the Director, Office of Regulatory Mangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District [CA 033–0171; FRL–6446–2] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4612. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Alaska [AK21–1709; FRL–6450–8] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4613. A letter from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting the Commission's final rule—International Disclosure Standards (RIN: 3235–AH62) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4614. A letter from the Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more as of June 30, 1999, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4615. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Adminitration's final rule—Safeguarding Classified National Security Information (RIN: 3095–AA95) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4616. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–082–FOR] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4617. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Application Procedures [WO–350–1430–00–24 1A] (RIN: 1004–AC83) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4618. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Wyoming Regulatory Program [SPATS No. WY–028–FOR] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4619. A letter from the Assistant Secretary of the Interior, Land and Minerals Management, Department of Interior, Bureau of Land Management, transmitting the Department's final rule—Leasing of Solid Minerals Other Than Coal and Oil Shade [WO–320–1990–01–24 A] (RIN: 1004–AC49) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4620. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod [Docket No. 990304063–9063–01; I.D. 092299A] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4621. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and the Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 091499F] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4622. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Effective Data Notification and Office of Management and Budget (OMB) Control Numbers [Docket No. 990330083–9166–02; I.D. 091499E] (RIN: 0648–AK32) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4623. A letter from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Office of the Chief Administrative Hearing Officer; Executive Office for Immigration Review; Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Employment Practices, and Document Fraud [EOIR No. 116F; A.G. ORDER No. 2255–99] (RIN: 1125–AA17) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4624. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Structured Approach for Profit or Fee Objective—received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4625. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Advance Payments and Lump-Sum Payments of Educational Assistance; Miscellaneous Nonsubstantive Changes (RIN: 2900–AI31) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4626. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last—in, First-out Inventories [Rev. Rul. 99–42] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4627. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–49] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1381. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments; with an amendment (Rept. 106–358). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2884. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; with an amendment (Rept. 106–359). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 764. A bill to reduce the incidence of child abuse and neglect, and for other purposes (Rept. 106–360). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COMBEST (for himself, Mr. Stenholm, Mr. DeLay, Mr. Portman, Mr. Ewing, Mr. Watkins, Mr. Holden, Mr. Boehner, Mr. Berry, Mr. Chambliss, Mr. Thomas, Mr. Camp, and Mr. Blunt):

H.R. 2991. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. Camp):

H.R. 2992. A bill to amend the Indian Gaming Regulatory Act to protect Indian tribes from coerced labor agreements; to the Committee on Resources.

By Mr. BERRY:

H.R. 2993. A bill to require congressional approval of unilateral United States agricultural and medical sanctions and to provide for the termination of agricultural and medical sanctions currently in effect; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 2994. A bill to provide for the conveyance of various reclamation projects to local water authorities, and for other purposes; to the Committee on Resources.

By Mr. EVERETT (for himself, Mr. Aderholt, Mr. Callahan, Mr. Deal of Georgia, Mr. Farr of California, Mr. Foley, Mr. Hinchey, Mr. Kucinich, Mr. Sensenbrenner, Mr. Shows, and Mrs. Thurman):

H.R. 2995. A bill to amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. Goode, Mr. Combest, Mr. Stenholm, Mr. Tancredo, and Mr. Chambliss):

H.R. 2996. A bill to provide incentives for the Forest Service to improve its accounting and financial reporting systems by temporarily capping discretionary appropriations for the Forest Service until improvements are made; to the Committee on Agriculture.

By Mr. HILLEARY:

H.R. 2997. A bill to provide grants to certain rural local educational agencies; to the Committee on Education and the Workforce.

By Mr. McCOLLUM (for himself and Mr. Diaz-Balart):

H.R. 2998. A bill to amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BILBRAY, and Mr. OSE):

H.R. 2999. A bill to permit the Attorney General to grant relief to certain permanent resident aliens of good moral character who are adversely affected by changes made in 1996 to the definition of aggravated felony under the Immigration and Nationality Act, and to amend certain provisions of such Act relating to detention of an alien pending and after a decision on whether the alien is to be removed from the United States; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, and Mr. JACKSON of Illinois):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 3001. A bill to amend the Federal Food, Drug, an Cosmetic Act to promote clinical research and development on dietary supplements and foods for their health benefits; to establish a new legal classification for dietary supplements and food with health benefits, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. FOSSELLA, Mr. KING, Mr. TAYLOR of Mississippi, Mrs. NORTHUP, Mr. TRAFICANT, Mr. LARGENT, Mr. LAHOOD, Mr. DELAY, Mr. BLILEY, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. SAXTON, Mr. ARMEY, Mr. TAUZIN, Mr. SESSIONS, Mr. GIBBONS, Mr. POMBO, Mr. FLETCHER, Mr. PAUL, Mr. ROGAN, Mr. QUINN, Mr. REYNOLDS, Mr. MCHUGH, Mr. NEY, Mr. COBURN, Mr. MANZULLO, Mr. WHITFIELD, Mr. GOSS, Mr. TANCREDO, Mr. SENSENBRENNER, Mr. JENKINS, Mr. LAZIO, Mr. WAMP, Mrs. BIGGERT, Mr. TAYLOR of North Carolina, Mr. CRANE, Mr. COBLE, Mr. TIAHRT, Mr. LUCAS of Oklahoma, Mrs. KELLY, Mrs. ROUKEMA, Mr. SHOWS, Mr. BOEHNER, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. TALENT, Mr. MCINTOSH, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. CONDIT, Mr. PICKERING, and Mr. SMITH of New Jersey):

H. Con. Res. 191. Concurrent resolution expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its upcoming exhibit featuring works of a sacrilegious nature; to the Committee on Education and the Workforce.

By Mr. CUMMINGS (for himself, Mr. SPRATT, Mr. WATTS of Oklahoma, Ms. PELOSI, Mr. BRADY of Pennsylvania, Mr. SANDLIN, Mr. FROST, Ms. STABENOW, Mr. SAWYER, Mr. TRAFICANT, Mr. KLECZKA, Mr. ENGLISH, Mr. SABO, Mr. ROMERO-BARCELÓ, Mr. KENNEDY of Rhode Island, Mr. BARRETT of Wisconsin, Mr. CARDIN, Mr. GEJDENSON, Mrs. MINK of Hawaii, Ms. BERKLEY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. ETHERIDGE, Mr. MCDERMOTT, Mr. HINCHEY, Mr. UDALL of Colorado, Mr. FOLEY, Mr. BERMAN, Mrs. THURMAN, Mr. GEPHARDT, Mrs. MORELLA, Mr. BROWN of Ohio, Ms. DELAURO, Mr. LIPINSKI, Mr. NADLER, Mr. HOYER, Mr. SHOWS, Ms. BALDWIN, Mr. RUSH, Mr. MEEKS of New York, Mr. HILLIARD, Mr. CLAY, Mr. DIXON, Mrs. JONES of Ohio, Mr. SCOTT, Mr. JEFFERSON, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mrs. MEEK of Florida, Ms. NORTON, Mr. CONYERS, Ms. CARSON, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. OWENS, Ms. WATERS, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. WATT of North Carolina, Mr. WYNN, Mr. PAYNE, Mr. BISHOP, Mr. FORD, Mr. GONZALEZ, Mr. CLYBURN, Ms. LEE, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. CLAYTON, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. COSTELLO, and Mrs. TAUSCHER):

H. Res. 319. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in honor of Thurgood Marshall; to the Committee on Government Reform.

By Mr. EWING:

H. Res. 320. A resolution recognizing the Korean War Veterans National Museum and Library in Tuscola, Illinois, as a National Korean War Veterans Museum; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Ms. ESHOO.

H.R. 110: Ms. ESHOO.

H.R. 133: Mr. MASCARA.

H.R. 135: Mr. WEINER.

H.R. 354: Mr. LINDER.

H.R. 405: Mr. GONZALEZ.

H.R. 406: Mr. GONZALEZ.

H.R. 460: Mr. WELDON of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LIPINSKI.

H.R. 528: Mr. BURR of North Carolina.

H.R. 534: Mr. BOEHNER, Mr. ROYCE, Mr. KIND, Mr. GILLMOR, Mr. BOEHLERT, and Mr. BAKER.

H.R. 568: Ms. LOFGREN.

H.R. 601: Mr. GOODE and Mr. DEAL of Georgia.

H.R. 623: Mr. BRADY of Texas.

H.R. 670: Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. MOORE, Ms. BALDWIN, AND MR. BLILEY.

H.R. 728: Mr. BARR of Georgia.

H.R. 798: Mr. MENENDEZ.

H.R. 957: Mr. CLEMENT, Mr. BASS, Mr. COSTELLO, and Mr. RODRIGUEZ.

H.R. 1001: Mr. MORAN of Kansas.

H.R. 1067: Mr. VITTER.

H.R. 1083: Mr. DUNCAN and Mr. VITTER.

H.R. 1091: Mr. BRADY of Texas.

H.R. 1103: Mr. CLYBURN, Mr. HALL of Ohio, Mr. PRICE of North Carolina, Mr. BONIOR, Mr. KILDEE, and Mr. RUSH.

H.R. 1115:. Mr. FARR of California, Mr. REYES, Mr. LAMPSON, Mr. DAVIS of Illinois, Ms. SANCHEZ, Mr. SISISKY, Mr. EDWARDS, Mr. MCDERMOTT, Mr. THOMPSON of California, Ms. BERKLEY, Mr. MENENDEZ, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. KIND, Mr. MORAN of Virginia, Mr. LEVIN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. CLEMENT, Mr. HOLDEN, Mr. LANTOS, Mr. FORBES, Mr. KUCINICH, Mr. BARCIA, Mr. SCOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. SABO, and Mr. PICKETT.

H.R. 1180: Mr. GONZALEZ.

H.R. 1344: Mr. PETRI, Mr. GONZALEZ, and Mr. ALLEN.

H.R. 1423: Ms. RIVERS.

H.R. 1424: Ms. RIVERS.

H.R. 1494: Mr. VITTER.

H.R. 1504: Mr. GARY MILLER of California, Mr. MANZULLO, and Mr. DOOLEY of California.

H.R. 1505: Mr. BARCIA.

H.R. 1644: Mr. SANFORD.

H.R. 1657: Mr. RANGEL.

H.R. 1693: Mr. COOK.

H.R. 1697: Ms. DEGETTE, Mr. FRANK of Massachusetts, Mr. HUTCHINSON, Mr. SOUDER, and Mr. WISE.

H.R. 1728: Mr. DUNCAN.

H.R. 1785: Mr. RUSH, Mr. CAPUANO, Mr. BONIOR, Mr. DOYLE, and Mr. KILDEE.

H.R. 1794: Mr. COX and Mr. TANCREDO.

H.R. 1869: Mr. WELLER.

H.R. 1899: Ms. VELÁZQUEZ, Mr. SHAYS, and Ms. NORTON.

H.R. 1987: Mr. HAYES, Mr. WELDON of Florida, Mr. GARY MILLER of California, Mr. MANZULLO, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. COBLE, Mr. ADERHOLT, Mr. CUNNINGHAM, Mr. BUYER, and Mr. BLUNT.

H.R. 2005: Mr. ROGAN.

H.R. 2101: Ms. CARSON, Mr. STUMP, Mr. BAIRD, Mr. CUMMINGS, and Mr. SOUDER.

H.R. 2247: Mr. COMBEST.

H.R. 2300: Mr. BONILLA, Mr. TOOMEY, Mr. KOLBE, Mr. GIBBONS, and Mr. GOSS.

H.R. 2303: Mr. BRADY of Texas and Mr. MINGE.

H.R. 2328: Mr. GUTIERREZ, Mr. ISAKSON, Mr. HINCHEY, Mr. BARR of Georgia

H.R. 2418: Mr. OXLEY and Mr. DUNCAN.

H.R. 2534: Ms. STABENOW.

H.R. 2539: Mr. CALVERT and Mr. MCKEON.

H.R. 2562: Mr. HYDE.

H.R. 2634: Mr. RANGEL.

H.R. 2636: Mr. VITTER.

H.R. 2720: Mr. GEKAS.

H.R. 2739: Mr. LANTOS.

H.R. 2741: Mr. FILNER.

H.R. 2743: Mr. HALL of Ohio.

H.R. 2764: Mr. UDALL of Colorado.

H.R. 2824: Mr. PICKERING.

H.R. 2890: Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, and Mr. BONIOR.

H.R. 2892: Mr. BAKER.

H.R. 2926: Ms. PRYCE of Ohio, Mr. PETERSON of Pennsylvania, and Mr. BAKER.

H.R. 2933: Ms. STABENOW and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2934: Ms. STABENOW and Mr. SHAYS.

H.R. 2960: Mr. STUMP, Mr. NEY, and Mr. METCALF.

H.R. 2980: Ms. DEGETTE and Ms. WOOLSEY.

H. Con. Res. 51: Mr. WEXLER.

H. Con. Res. 120: Mr. BLUNT and Mr. NORWOOD.

H. Con. Res. 133: Ms. NORTON.

H. Con. Res. 189: Mr. COOK and Mr. METCALF.

H. Res. 107: Mr. WU.

H. Res. 298: Mr. EVERETT.

H. Res. 303: Mr. CANNON, Mr. COBURN, Mr. HASTERT, and Mr. OXLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 298: Mr. SAWYER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: Mr. PAUL E. KANJORSKI, Mr. JIM MCDERMOTT, and Mr. TIM HOLDEN.

EXTENSIONS OF REMARKS

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research:

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Massachusetts, Mr. TIERNEY, for offering this amendment today to focus on the need for universal health care in the United States. Our amendment clarifies that the Agency for Health Research and Quality should allow for studies that would compare the effect of a single-payer plan on national health expenditures with the health expenditures under the current system.

Our Nation spends more per capita on health care than any other Western nation. And yet, we have 43 million Americans with no health coverage. This is absurd.

We know that a universal, single-payer system will save the United States billions of dollars a year. Now let's prove it.

Earlier this year, a study commissioned by the Massachusetts Medical Society reported that in Massachusetts alone, a single-payer system could save over a billion dollars and eliminate more than 80 percent of patients' out-of-pocket costs. Not to mention covering hundreds of thousands of uninsured residents of that state. Imagine what the savings could be on a national basis.

Specifically, cutting the bureaucratic overhead by creating a single-payer system would have saved about $3.6 billion in Massachusetts. The added cost savings under this model would add up to a $5 billion reduction in the $36 billion the state spends on health care each year. The report further states that it would then only cost $4 billion of the $5 billion in savings to cover all of the uninsured in the state and expand health benefits to those who have insurance. While this is the high-end estimate, the low-end estimate still finds the state saving $170 million while increasing coverage for its residents.

The group that commissioned Massachusetts study, its state Medical Society, has traditionally not been a supporter of a single-payer system. And yet they had the insight to at least study how much their state could save under the program. That is what we are asking under the Tierney amendment today.

Should we live in a society in which all people, because they are human beings, have access to the best quality health care that the society can offer, or do we live in a society where health care is a commodity offered to people on ability to pay—with the wealthy in this country getting, probably, the best health care in the world—while middle class, working class and poor people receive a lower quality of health care or none at all?

At a time when our health care costs continue to skyrocket while the availability of care declines, single-payer is becoming an even more attractive option and the best, most cost-effective solution to insuring all Americans.

I hope that my colleagues will support this amendment.

RECOGNIZING THE OUTSTANDING DEDICATION OF THE CITIZENS OF INDIANAPOLIS TO CURING BREAST CANCER

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Ms. CARSON. Mr. Speaker, I rise today to applaud the commitment the citizens of Indianapolis have shown toward reaching a cure for breast cancer.

Breast cancer is more than just a women's issue, it is a family issue. Too many families have lost mothers and daughters, aunts and sisters to this hideous disease. In the 1990's it is estimated that 2,000,000 women will be diagnosed with breast cancer resulting in nearly 500,000 deaths. In 1999 alone, an estimated 175,000 women will be diagnosed with breast cancer with 43,300 estimated deaths.

Excluding skin cancers, breast cancer is the most common form of cancer among women, and the leading cause of cancer death among women between the ages of 40–55. When breast cancer strikes, it strikes at families, hopes, and dreams.

Thanks to the monumental effort of Hoosiers and Americans across the country, we are beginning to strike back against breast cancer. The cornerstone of this effort is the emphasis of early detection. Mammograms can reveal the presence of cancers up to 2 years or more before a regular clinical examination or breast self examination, reducing mortality by more than 30 percent.

Education on the benefits of early detection are critical to reducing the breast cancer mortality rate. The Cancer Institute recommends routine mammography for women in their 40's and older. Early detection increases treatment options and survival rates. This message is particularly important for African-American women because they have the highest mortality rate for breast cancer and for Hispanic women because breast cancer incidence rates are increasing faster among Hispanics than other women.

On Saturday, October 16, 1999, 4,500 Hoosiers will participate in a 5K walk sponsored by the American Cancer Society to celebrate Breast Cancer Awareness Month. In honor of these heroes, I proclaim and declare the 16th day of October, 1999, to be "Making Strides Against Breast Cancer Day" in Indiana's 10th Congressional District.

RECOGNITION OF LOCUST GROVE MAYOR JERRY MICHAEL ELKINS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. COLLINS. Mr. Speaker, I rise to pay tribute to Jerry Michael Elkins for the contributions he has made to the small town of Locust Grove, Georgia, in Henry County. A lifelong resident of Locust Grove, he has served the city in an elected capacity since 1976, first elected to the city council in that year. He served in that position for seven years before he was elected mayor in 1983, he accepted a position as city manager in 1995 and served as both city manager and mayor up until this year. His performance led the town of Helen, from the northern part of the state, to offer him a job as their city manager. Mayor Elkins resigned as Locust Grove's city manager in August, and will step down as mayor on December 31, 1999, when his term expires.

When he leaves for Helen, he leaves behind strong friendship, and many achievements. He served in the Georgia Army National Guard for five years, was a member of the board of directors for the Atlanta Regional Commission. He was past president of the Henry County Municipal Association, a member and president of the Locust Grove Lions club, and a master mason. He was a member of the board of directors for the United Way in Henry County, and a past chief of the Henry County Fire Department Station No. 2. In short, he was an extremely active member of the Locust Grove community.

His leadership has won him awards, both from Locust Grove, and from the Georgia Municipal Association. One of the greatest honors was bestowed upon him in 1996, when Locust Grove's city council named the city pavilion in his honor.

Too often our news dwells on trouble and troublemakers but not on positive people. Mayor Elkins' hard work on behalf of his fellow citizens in Locust Grove provides an example of true participatory democracy. Let us highlight those who contribute to our lives—people like Mayor Jerry Elkins.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THOMAS HARTMAN

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize Thomas Hartman of Chestefield, who has been chosen to participate in the 1999–2000 Congress-Bundestag Youth Exchange (CBYX) program.

CBYX program was inaugurated in 1983 to commemorate the Tricentennial year of German settlement in the United States. Since then, more than 11,000 American and German students have spent a year studying in their host country. CBYX is designed to strengthen ties between the young generation of both countries and to create a better understanding among American and German youth of the importance of the partnership between the United States and the Federal Republic of Germany.

Prior to departure, Mr. Hartman completed a two-month orientation in Washington, DC. While in Germany, he will learn the German language, study in German schools, and work as a trainee in a German business. At the conclusion of his academic year, Mr. Hartman, will participate in a Bundestag sponsored program whereby participants spend a full day in panel discussions on current events and German-American relations.

Mr. Speaker, I hope you will join me in commending Mr. Hartman for his interest in the United States and her foreign affairs, as well as congratulations for his acceptance to this important international youth program.

DOD AUTHORIZATION CONFERENCE REPORT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, I rise today in strong support for S. 1059, the Department of Defense Authorization Conference Report. I believe this bill is a step in the right direction—a step towards a strong military, heightened readiness, and a bolstered national security.

Among the bill's many critical provisions is a well-deserved and long-overdue pay raise for our military men and women in recognition of their hard work and dedication to their country. This bill provides for a 4.8 percent pay raise, .4 percent above the Administration's request. this critical pay raise provision will help ensure that increases are tied more to performance and promotion than years of service and will reduce the pay gap between military and civilian pay. Moreover, this salary increase is a step towards preventing the loss of the best and brightest men and women who find it increasingly difficult to manage on a military salary.

This legislation would also reform the military retirement system and provide service members an opportunity to choose which system better suits their individual needs. It would also extend pay and bonus authority, expand recruiting and retention, and add additional funds for military housing. In addition, this bill addresses our nation's veterans and recognizes their contribution to this country by guaranteeing their burial benefits, providing retirement flags for reservists and all the uniformed services, and restoring equity to widows' entitlement.

This conference report also adds $2.7 billion to the procurement account for weaponry modernization, a crucial increase for improving military readiness. It adds $2.8 billion in operations and maintenance and repair facilities and builds upon the President's proposal to increase defense spending by $112 billion over the next 6 years. It also restores procurement funding for the essential F–22 fighter jet, a critical part of ensuring our military forces maintain their air superiority.

The Defense Authorization Conference Report significantly increases funding for the procurement of weapons, ammunition, and equipment, and for military construction and will enable the armed forces to modernize while maintaining a high level of readiness and training.

AGRICULTURAL RISK PROTECTION ACT OF 1999

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for Agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes:

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 2559, the Agricultural Risk Protection Act, which provides for the reform of our Federal crop insurance program, and urges his colleagues to vote for it.

This Member would like to begin by expressing appreciation to the distinguished gentleman from Texas (Mr. COMBEST), the Chairman of the Agriculture Committee, and the distinguished gentleman from Texas (Mr. STENHOLM), the Ranking Member of the Committee, for their assistance in expediting this legislation. This Member would also like to express his sincere appreciation to the distinguished gentleman from Illinois (Mr. EWING), the Chairman of the Risk Management Subcommittee, and the distinguished gentleman from California (Mr. CONDIT) the Ranking Member of the Subcommittee, for their assistance with this legislation.

As an original cosponsor of H.R. 2559, this Member is pleased that this important legislation is being considered today. Agricultural producers throughout the country continue to suffer from disastrously low commodity prices and in some regions from adverse weather conditions. Clearly, an emergency agriculture relief package is needed immediately. Producers are in desperate need of a quick infusion of cash to help them deal with low prices and increasing costs. However, as important as that relief is, it is only a temporary fix. A long-term approach is needed.

This Member believes that H.R. 2559 is an important component of that long-term approach. It is certainly not the only solution to current problems, but it does provide a more adequate safety net to farmers who are too often confronted with natural disasters and low prices.

The Agricultural Risk Protection Act will make crop insurance coverage more affordable at every level. It will offer producers significant incentives to purchase higher levels of protection and provide farmers with the flexibility to purchase the coverage that best meets their needs.

It is important to note that this crop insurance reform bill also improves the current risk management structure by providing better coverage for both production and revenue. It does so by making possible more affordable policies to protect farmers against price and income loss. The legislation also initiates a livestock pilot program to test the effectiveness of risk management tools to protect livestock producers.

This Member's constituents have made it clear that crop insurance is a necessary risk management tool. Unfortunately, it is often too expensive or offers too little protection to be of real value. This legislation takes these concerns into account and offers agricultural producers what they need—meaningful and more affordable crop insurance.

This Member urges his colleagues to vote for H.R. 2559.

IN HONOR OF DR. WOJCIECH ROSTAFINSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Dr. Wojciech Rostafinski as he is being honored for promoting his Polish Heritage through his outstanding accomplishments by the Polonia foundation.

In 1961 Dr. Wojciech Rostafinski began working for the National Aeronautics and Space Administration's Lewis Center. While working as a scientist for NASA, his work on the motion of waves in nonlinear conduits was published in the Journal of the Acoustical Society of America. In a series of five papers, Dr. Wojciech Rostafinski solved one of the fundamental problems of acoustics. Following this achievement he went on to make more scientific discoveries. In addition to his work with NASA, he has published several new developments in applied mathematics, including a new indefinite integral that is now incorporated in all U.S. mathematical tables. While Dr. Rostafinski worked with NASA he received five NASA awards and certificates of recognition.

For his contribution to the Polish culture, Dr. Rostafinski was decorated in 1992 at the Polish Embassy in Washington, with Commander

Cross of the Order of Polonia Institute. Recently he was awarded the Commander Cross of the Order of Merit of the Republic of Poland.

My fellow colleagues, please join me in honoring Dr. Wojciech Rostafinski for his scientific achievements.

TRIBUTE TO BLANCHE MOYSE ON HER 90TH BIRTHDAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDERS. Mr. Speaker, I would like to congratulate Blanche Moyse, from Brattleboro, Vermont, on the celebration of her 90th birthday. Thirty years ago, Blanche founded the New England Bach Festival and has served as conductor since that founding. Ms. Moyse has made it possible for people from all over the world to come to Vermont year after year, and under the spectacular canopy of autumn, be enriched by both her art and her person.

If Blanche, or "the Blanche" as some affectionately call her, had done nothing but be ousted at 16 from Conservatory violin competitions to give others a chance; survive WWII in mid France; move a household to South America one year to North America the next in search of work and peace; change artistic direction at 40 because of an increasingly uncooperative bow arm, and awaken a sleepy New England hamlet to the joys of music, she would be a remarkable person. But in fact, Blanche has done much more: She has managed, throughout a life of tempest and tumult, to remain an eternal optimist, and to remain both inspired and inspiring! Thus, year after year musicians from near and far—old and new friends alike—say "Yes" to repeat requests for work and play. Year after year, the Blanche Moyse Chorale sings like a lark.

Congratulations and thank you Blanche Moyse for your vision, for your tenacity, for your love of music and for your years of sharing. Happy Birthday.

IN SPECIAL RECOGNITION OF ARDETH CHUPP IN CELEBRATION OF HER RETIREMENT AS HURON COUNTY TREASURER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of the truly outstanding individuals from Ohio's Fifth Congressional District, Ms. Ardeth Chupp. On Thursday, September 30, 1999, Ardeth Chupp will retire after twenty years of service as Treasurer of Huron County.

Over the last two decades, Ardeth Chupp has certainly been a valuable asset to Huron County. Since becoming the first woman to hold the office of Huron County Treasurer twenty years ago, Ardeth Chupp has worked diligently to serve Huron County and each of its residents in every manner possible. Her generosity has been unparalleled and her assistance to all in the community unwavering. Without question, Ardeth Chupp has given unselfishly of her time to help make Huron County a great place to live.

Ardeth Chupp embodies the very spirit of American workmanship through her kindness and conscientious attention to detail. She has upheld the high standards of the Office of Treasurer and maintained the integrity expected from our public officials. Through her job as Treasurer, Ardeth Chupp has epitomized the word that describes her best—service. Although she is stepping down after twenty years, her hard work, commitment, and dedication to the citizens of Huron County will continue long into the future.

Mr. Speaker, it has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Ardeth Chupp has given freely of her time and energy to assist in the preservation of American ideals. For that, we owe her a debt of gratitude that mere words cannot sufficiently express.

Mr. Speaker, at this time, I would ask my colleagues of the 106th Congress to stand and join me in paying special tribute to Ardeth Chupp. On the occasion of her retirement as Huron County Treasurer, we thank her for her dedicated service and we wish her all the best in the future.

TRIBUTE TO SENIOR NETWORK SERVICES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. FARR of California. Mr. Speaker, I rise today to commemorate the 25th anniversary of Senior Network Services. A private nonprofit agency, Senior Network Services has facilitated the delivery of services to seniors in Santa Cruz County since 1974.

Senior Network Services is a community resource that links senior citizens with support services essential to their physical and mental well-being. The focus of this establishment is to help elderly individuals continue to lead independent, fulfilling lives at home by giving them access to necessary information and resources.

Over the years, Senior Network Services has grown to house several programs in addition to their core information and assistance services. These programs aid senior citizens with numerous facets of everyday life including Medicare, health insurance, housing options, home care and maintenance, fiduciary matters as well as advocacy on behalf of older adults. Furthermore, Senior Network Services was recently selected to provide Linkages, a new state-funded case management program that will ensure that senior citizens and functionally impaired adults will have access to resources and receive assistance coordinating services to maintain independent living.

It is with great pleasure that I commend Senior Network Services on its 25th anniversary. For its exemplary record of service to senior citizens and their families, I would like to extend best wishes for success in the future as this establishment continues to make invaluable contributions to our community.

"GREAT KIDS MAKE GREAT COMMUNITIES" CAMPAIGN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SOUDER. Mr. Speaker, I rise today on the occasion of the Tenth Annual Conference on Youth to applaud the city of Fort Wayne, Indiana for its efforts to reduce juvenile delinquency and improve the lives of children through its "Great Kids Make Great Communities" campaign, which has greatly benefitted from the efforts of Judge Charles F. Pratt of the Allen County Superior Court.

The "Great Kids Make Great Communities" campaign challenges adults in the community to abandon their negative stereotypes of adolescents and instead view themselves as potential asset builders in the lives of area youth. This initiative is based on research that has identified 40 developmental assets that all youth need to become responsible, caring and successful adults. These assets include family support, religious activity, commitment to learning, community service and other character traits which reduce the likelihood of delinquency among young people.

I strongly endorse the community's commitment to encourage adults to pro-actively build relationships with area youth. It is clear to me that regardless of how well intentioned, federal programs alone cannot deliver the results our youth deserve. I am convinced that only through the combined efforts of parents, the young people themselves, churches, our schools, and other mentoring organizations can society fully equip our young people with the building blocks necessary for success.

Mr. Speaker, I submit the following resolution regarding this initiative in the RECORD. I commend it highly.

WHEREAS, research by the Search Institute has identified 40 Developmental Assets that All youth need to grow into healthy productive adults; and

WHEREAS, the research demonstrates that children receiving thirty or more of the developmental assets are more likely to excel in school, embrace cultural diversity, resolve conflicts nonviolently, and resist the temptations of drugs and alcohol; and,

WHEREAS, the Search Institute has laid the framework for communities to shift their thinking from problem solving to vision building, from seeing the problems some children present to embracing the opportunities we have to improve the lives of the children, from focusing only on troubled youth to focusing on ALL youth; and,

WHEREAS, the community should be encouraged to work together to serve as resources to parents and families to secure the 40 assets each child needs; and,

WHEREAS, the GREAT KIDS MAKE GREAT COMMUNITIES campaign is Allen County's initiative to communicate the promise and vision of the 40 developmental asset concept in our community; and,

WHEREAS, all of the youth of Fort Wayne are important; and

WHEREAS, the value our children have to Fort Wayne should be communicated to our children in meaningful ways; and,

WHEREAS, the Tenth Annual Conference on Youth is an opportunity for this community to affirm to all youth their importance and value as citizens of this community;

Now therefore, all the children and youth of Fort Wayne are great kids and are a part of what makes Fort Wayne a great community.

IN HONOR OF REVEREND MONSIGNOR LEO TELESZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Reverend Monsignor Leo Telesz as he is being recognized by the Polonia Foundation of Ohio, Inc. for promoting his Polish Heritage through his accomplishments.

In 1988, Reverend Monsignor Leo Telesz was named Prelate of Honor by His Holiness Pope John II, receiving the title of Reverend Monsignor. In addition, he has time to serve as chaplain of Polish Army Veterans Post #1 and #2 as well as the Polish Legion of American Veterans, G Washington Post.

Reverend Monsignor has been blessed with the unique gift of being able to touch the lives of all he encounters. Through his tireless compassion for others he has been able to assist the needs of many throughout his pastoral vocation. The City of Cleveland is quite grateful to him for his devotion to his duties.

My fellow colleagues, please join me in honoring Reverend Monsignor Leo Telesz for his achievements in the City of Cleveland.

THE REPUBLICAN TAX BILL

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, the Republican tax bill is the definition of fiscal recklessness. It seeks to enact a tax cut that is based only on projected surpluses under ten and fifteen year estimates. Budget projections for the next ten years have improved by nearly $2 trillion in the last twelve months—they could go the other way just as quickly. If budget projections turn out to be wrong, the budget will return to deficits financed by borrowing from the Social Security surplus. Even the Congressional Budget Office—the source of budget projections upon which the Republicans' tax cuts are based—says these projections could vary as much as $100 billion a year. That's an extremely wide margin of error, wide enough to cause deep concerns among fiscal conservatives like me.

Furthermore, even though Republicans are spending money they can't guarantee will exist, their tax plan still leaves no resources to meet important needs in education, agriculture, or defense, as well as funding for our veterans and other priorities. It is based on the assumption that discretionary spending will be cut by $595 billion below 1999 levels adjusted for inflation over the next ten years. This will require a cut in all discretionary programs of ten percent below current levels. Any increased spending in any area will require even deeper cuts in all other spending. The exploding costs of the tax bill will place an even greater squeeze on discretionary spending in later years.

If these massive tax cuts are passed, education will suffer greatly. The Republican tax bill includes a change to the tax-exempt bond arbitrage rules that largely fails to meet the stated objective of modernizing schools, especially in rural areas. Under H.R. 2488, school districts would have four years to spend school construction bond proceeds rather than the two years currently permitted. According to Republicans, this would enable school districts to invest bond proceeds for a longer period and recognize greater arbitrage profits. The Republicans contend that their plan is universal, covering cities, suburbs, and farms.

The truth is, many suburban and city school districts will receive NO BENEFITS from the Republican proposal. Schools with urgent needs, forced to teach children in trailers and dilapidated buildings, would not benefit from H.R. 2488. Their backlog of unmet needs means that they do not have the luxury of waiting four years before completing school construction. The Republican proposal also largely excludes some of our most needy schools—those in rural areas. The provisions in the Republican tax bill may benefit a few large, wealthy school districts with the financial capacity to issue large bonds four years in advance of need, but it WILL NOT help rural districts.

The bottom line is simple: this bill will only serve to hurt the American people by jeopardizing the stability of our economy and the prosperity of future generations for the instant gratification of tax cuts that are not only irresponsible, but dangerous. In reality the best tax cut we can give to all Americans is keeping interest rates low by paying down our debt. Reducing our national debt will provide a tax cut for millions of Americans because it will restrain interest rates, thereby saving them money on variable mortgages, new mortgages, auto loans, credit card payments, etc. Each percentage point increase in interest rates would mean an extra $200–$250 billion in mortgage costs to Americans. Paying down the national debt will protect future generations from an increasing tax burden to pay interest on the debt run up by current generations. More than 25% of individual income taxes go to paying interest on our national debt. Every dollar of lower debt saves MORE than one dollar in taxes for future generations.

Secure a prosperous future by paying down the debt and saying no to fiscally reckless tax cuts.

CENTRAL NEW JERSEY RECOGNIZES WINLAB'S 10TH AND MARCONI'S 100TH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. HOLT. Mr. Speaker, I rise today in celebration of Guglielmo Marconi's historic radio transmission from the North Tower of the Twin Lights Lighthouse in Highlands, NJ. WINLAB, an industry-sponsored wireless research laboratory at Rutgers University, is sponsoring a "Marconi Day" celebration at the transmission site in Highlands on September 30, 1999.

Marconi, the inventor of the wireless telegraph, was invited to America by James Gordon Bennett, the publisher of the New York Herald, to publicize the 1899 America's Cup Races and to demonstrate the wireless telegraph. The confident Marconi promised New York reporters that, "We will be able to send the details of the yacht racing to New York as accurately and as quickly as if you could telephone them. The distance is nothing." The first wireless messages actually did not report the America's Cup Races but rather followed the progress of Commodore George Dewey's victorious return from the Spanish-American War along the Hudson River.

The transmission between Twin Lights Beacon and the Navy's Great White Fleet on September 30, 1899 marked the first demonstration of practical wireless telegraphy in our history. Marconi became a national hero when the wireless telegraph, known simply as a "Marconi", was required on all sea-going ships and was responsible for saving many lives at sea, including 705 survivors of the Titanic. He received the Nobel Prize in Physics in 1909.

The centennial celebration features distinguished speakers, a reception and ceremonial reenactment, and a celebration of WINLAB's 10 year contribution to wireless communication. A ceremony and re-enactment will take place at the Twin Lights above Sandy Hook. Antique radio equipment will be displayed at Twin Lights, which commands a magnificent view of Sandy Hook and the entrance to New York Harbor. The evening concludes with a river-view dinner in the town of Highlands to celebrate WINLAB's 10th anniversary.

Rutgers WINLAB, the Wireless Information Network Laboratory, is a particularly appropriate sponsor for this event. WINLAB is an educational institution committed to advancing wireless communications through education and research. For ten years, WINLAB, founded by Dr. David Goodman, has been a National Science Foundation Industry/University Cooperative Research Center at Rutgers, the State University of New Jersey. WINLAB is renowned for its role in technology creation, evaluation, education and information exchange. It serves private industry, government agencies, academic and standards organizations. As they share both significant anniversaries and missions, WINLAB honors Marconi for providing the basis for wireless communications and creating the very object of their research.

I urge all of my colleagues to join me in recognizing WINLAB's commitment to Guglielmo

Marconi's vision and continued contribution to wireless technology throughout the world.

RECOGNIZING THE BOYS HOPE GIRLS HOPE ORGANIZATION

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize the Boys Hope Girls Hope organization, who were among recipients of the Daily Points of Light Awards.

Boys Hope Girls Hope was formed to address the needs of children whose families can no longer provide for them. Volunteers live with the children and staff and help maintain an orderly, safe, and caring home environment. The Daily Points of Light Award honors individuals or organizations that make a positive lasting difference in the lives of others, and Boys Hope Girls Hope is such an organization.

Mr. Speaker, I have had the privilege of visiting Boys Hope Girls Hope often. It is a phenomenal program that offers so much to the children of St. Louis. Mr. Speaker, I hope that you will join me in offering congratulations to Boys Hope Girls Hope for receiving this award, and thank them for their continuing devotion to children in need.

DR. ARTHUR LEVINSON, PRESIDENT OF GENENTECH, DISCUSSES THE HUMAN IMPACT OF BIOTECHNOLOGY AT HEARING OF THE JOINT ECONOMIC COMMITTEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. LANTOS. Mr. Speaker, biotechnology is leading our world into a new century of improved health and happier and productive lives through revolutionary science. Today at a hearing of the Joint Economic Committee, my distinguished friend Arthur Levinson, the President and CEO of Genentech, testified about the life-saving results and remarkable growth of the biotechnology industry. That hearing was chaired by our colleague from the Senate and the Chairman of the Joint Economic Committee, Senator CONNIE MACK of Florida.

Mr. Speaker, I am proud that Genentech has deep roots in my Congressional District. It was in South San Francisco that Genentech originally pioneered the research and therapies that generated the biotechnology industry.

Genentech's President, my friend Dr. Levinson, has been a key force behind the firm's humanitarian mission to save lives. He earned his doctorate from Princeton University and was a post doctoral fellow in the department of microbiology at the University of California at San Francisco. He has served on the editorial boards of the journals Molecular Biology and Medicine, Molecular and Cellular Biology, and Virology. An outstanding active leader of the biochemistry community, there is no one more qualified than Arthur Levinson to discuss the merits and the mission of biotechnology.

Mr. Speaker, Arthur Levinson delivered an excellent statement to the Joint Economic Committee, highlighting the importance of continued federal involvement in the industry in order for biotechnology to continue its progress in saving and improving the quality of our lives.

Mr. Speaker, I submit the full text of Dr. Arthur Levinson's testimony to the Joint Economic Committee to be placed in the RECORD, and I urge my colleagues to give his testimony thoughtful consideration.

PUTTING A HUMAN FACE ON BIOTECHNOLOGY

Mr. Chairman and distinguished members of the Committee. Thank you for the opportunity to testify today regarding the most important topic of biotechnology and its impact on people like you and me. It is truly an honor to testify before you today. Your leadership on issues related to innovation, and medical research and development has been critical to the on-going development of new life-saving drugs and breakthrough technologies.

Without your commitment to such important policy initiatives as funding for the National Institutes of Health (NIH) and permanent extension of the research & experimentation tax credit (commonly known as the research and development tax credit), many remarkable products would not be made available to those in need.

The subject of today's hearing cuts to the core of what the biotech industry is all about. As Carolyn Boyer and Lance Armstrong's testimony demonstrates—the human face of biotechnology is very real. All the cutting-edge science and innovative technology of our industry is valuable only when it ultimately results in the alleviation of human suffering and the overall enhancement of human life.

Our mission at Genentech is to be the leading biotechnology company, using information and human genetic engineering to develop, manufacture and market pharmaceuticals that address significant unmet medical needs. We are committed to working with patients, families, providers and payers to improve patient care.

At Genentech we say that we are "In business for life". Our commitment to this is reflected in our history—a history that marks the genesis of the biotechnology industry. Genentech's founders, Herb Boyer and Bob Swanson, were the first to conceptualize the process of cloning human proteins for the purpose of manufacturing life-saving therapies. In 1976, Genentech was founded as the pioneering biotechnology firm with research and development, manufacturing and sales capabilities. By the early 1980s, Genentech had developed and licensed the first two products of biotechnology—recombinant insulin and alpha interferon.

As a testament to our commitment to saving lives, Genentech is among the most research intensive companies in the world. In 1996, we invested $471 million, or 49% of our income, on research and development. We reduced that amount to $396 million in 1998, or 34% of income, partially because investors are hesitant to support one-half of income going to research. But research is our lifeblood. It gives life to the ideas we test to treat serious, unmet medical needs. Our strong portfolio of products is a direct reflection of the ideas our scientists have brought from the lab to the patient. And, as evidenced by our robust pipeline, I firmly believe the best of our science is yet to come.

In an effort to further our commitment to our patients, Genentech devised a "Single Point of Contact" (SPOC) program to assist patients and their physicians in gaining reimbursement for their care. In addition Genentech instituted our own "Uninsured Patient Program" in 1986 when we marketed our first product, Protropin. The program provides free drugs to patients ensuring that a lack of financial resources will not prevent anyone from gaining access to our products.

With this brief background in mind, there are a few issues on which I wish to focus today, particularly: federal support for research and development, permanent extension of the R&D tax credit, and the Medical Innovation Tax Credit (MITC).

Federal Support for Biomedical Research and Innovation is Crucial. The scientific underpinnings of the industry itself—namely, the discovery of recombinant DNA technologies—was developed in the 1970s at Stanford University and the University of San Francisco with the help of federal funding.

As the industry has matured and grown, the ability of the federal government to either constructively nurture or inadvertently harm the industry has increased commensurately. The Joint Economic Committee (JEC)—particularly in hosting the national high technology summit earlier this summer—has played an enormously important role in highlighting some of the critical ways the federal government can advance our country by creating a more supportive environment for high-technology.

Permanent Extension of the R&D Tax Credit. Except for small increases in the past three years, direct federal support for overall research has, for the most part, been declining for over a decade. While a long-term commitment to increasing funds available to the federal government for basic research is important, maximizing private industry R&D through a permanent R&D tax credit is a necessity. Numerous studies have shown that a permanent R&D credit is a cost-effective means of ensuring that high levels of private-sector investment will continue to take place.

A short-term extension of the credit is clearly preferable to allowing the credit to lapse, however the lack of permanence severely compromises the effectiveness of the credit for the biotechnology industry. With biotechnology R&D programs often planned five to ten years in the future, uncertainty regarding the credit can prove detrimental. The industry is required to work under the assumption that the credit may not be in effect for the entire life of the research project, which in turn means less revenue can be committed to R&D. And, this translates into fewer scientific discoveries—fewer therapies like Herceptin.

Returning to our theme of "Putting a Human Face on Biotechnology", this uncertainty regarding the credit has profound implications for the patients since our industry spends much of its revenue on R&D. This uncertainty may necessitate a small firm furloughing scientists engaged in promising research. For a large firm it may mean making the hard choice to terminate or curtail a significant project. Either way, patients lose. I dare say that without the R&D tax credit, Herceptin simply would not be a reality. Mr. Chairman, you have long been the champion of this cause and I know that others on the Committee have been long time supporters of the credit. It is our desire to work with you to make the credit permanent.

Medical Innovation Tax Credit (MITC). Over the years, the federal government has invested billions of dollars to create a biomedical establishment of medical schools and teaching hospitals deemed the finest in the world. The growth of managed care, coupled with cuts in Medicare payments, threatens the ability of these medical schools and teaching hospitals to carry out their vital social mission of research, training of health professionals, and the provision of indigent care.

The Medical Innovation Tax Credit would establish an incremental 20 percent tax credit for clinical trials performed at medical schools, teaching hospitals that are under common ownership or affiliated with an institution of higher learning, or non-profit research hospitals that are designated as cancer centers by the National Cancer Institute (NCI). This credit would partially offset the roughly 30 to 50 percent greater cost of doing clinical trials at these institutions. It would encourage biomedical firms to do clinical trials here in the United States while providing a revenue source for medical schools, teaching hospitals, and NCI-designated cancer centers. Clinical trials at these crown jewels of our health care system have dropped from 82% of clinical trials in 1985 to an estimate of 27% in 1996.

This narrow credit is designed to complement the R&D tax credit and has been scored by the Joint Committee on Taxation as having negligible cost so long as the R&D credit is in effect. The legislation—H.R. 1039 in the House and S. 1010 in the Senate—has attracted strong bipartisan sponsorship and support. Mr. Chairman, thank you for your vital leadership on this important issue. I know others on the Committee are co-sponsors of this legislation, and we appreciate their support and efforts as well.

The Future of Biotechnology. The first quarter century of biotechnology has been a period of astounding advance. The next quarter century promises revelation and quantum leaps forward. The industry is on the cusp of major breakthroughs, breakthroughs that would have been the stuff of science fiction—not science—a few short years ago.

One example of where Genentech is headed in the future is our use of computers and the new technologies of bioinformatics to search large databases of information to advance our own research and medical science. Genentech's Secreted Protein Discovery Initiative (SPDI) builds on our world-class expertise in cloning and expressing genes from the human genome that encode proteins. SPDI focuses—through the brilliance of computer technology—on identifying the minority of proteins that are most likely to be of therapeutic interest. And because SPDI is just that—"speedy," it has dramatically enhanced our scientific capabilities and is leading to new candidates for research. For example, SPDI has already helped identify proteins that may be useful as cancer therapies through a process called "apoptosis," which means the genetic programming of the death of cells or, in the case of cancer, tumor cells. This technology would not have been possible 5 years ago. Both the Human Genome Project and the increases in computational capability through smaller, more powerful computers make bioinformatics work. Both the Human Genome Project and the advances in computer capability rely on federal research as the platform for future breakthroughs.

Our pipeline is very exciting and robust. In addition to apoptosis, we are making headway on an advanced form of our original product, tPA, which is effective in the treatment of heart attack and stroke victims. We are also moving forward with research on a product designed to block the cascade of health problems associated with asthma and other allergies, and are in the process of testing Herceptin on other forms of non-breast cancers as well as on earlier stages of breast cancer.

As I hope I have illustrated for you today, the biotech industry holds tremendous promise for the future and lives of so many patients facing serious illnesses. Our resolve to better their lives is unwavering, even in the context of an unpredictable financial and regulatory environment.

However, two things are predictable as we look toward the future of biotechnology. As in the industry's first 25 years, the next 25 years will require federal policies that are supportive of biomedical research and innovation. And finally, the industry as a whole will only succeed if we continue to keep the patient—the human face in biotechnology—first and foremost in all our decisions.

GRANTING THE VIRGIN ISLANDS GREATER FISCAL AUTONOMY

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 2841, an act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 28, 1999.

HON. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2841, an act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226-2860.

Sincerely,
DAN L. CRIPPEN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SEPTEMBER 28, 1999

H.R. 2841—An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes—as passed by the House on September 27, 1999

H.R. 2841 would provide the government of the Virgin Islands, a territory of the United States, more flexibility in issuing general obligation debt (that is, debt that the Virgin Islands secures by pledging its full faith and credit). Specifically, the legislation would allow the Virgin Islands to issue general obligation debt for any public purpose authorized by its legislature. It also would remove certain types of debt from the territory's limit on aggregate debt and would allow its government to pay bondholders on a monthly or quarterly basis. The Joint Committee on Taxation estimates that enacting H.R. 2841 would decrease governmental receipts by about $2 million over the 2000-2004 period, with the amount of forgone receipts totaling less than $500,000 for each year. The estimates loss of receipts would occur as a result of the government of the Virgin Islands increasing its amount of tax-exempt debt. Because the legislation would affect governmental receipts, pay-as-you-go procedures would apply.

In addition, the legislation would authorize the Secretary of the Interior to enter into an agreement with the Governor of the Virgin Islands to establish financial controls and performance standards for the territory. Subject to the availability of appropriated funds, CBO estimates that providing the technical assistance would not significantly increase costs at the Department of the Interior.

H.R. 2841 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The legislation would provide significant benefits to the government of the Virgin Islands.

The CBO staff contact is John R. Righter, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONGRATULATING MEGAN SMITH, DARLENE TURNER AND DAWN YERGER ON THEIR SELECTION AS PARTICIPANTS IN THE VOICES AGAINST VIOLENCE TEEN CONFERENCE IN WASHINGTON, DC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. VISCLOSKY. Mr. Speaker, I am pleased to announce today, the selection of three teens from Northwest Indiana to participate in the Voices Against Violence Teen Conference in Washington, D.C.

Megan Smith, a senior at Chesterton high school was selected along with Darlene Turner and Dawn Yerger, both seniors at Emerson School of the Performing Arts in Gary. These three teens will join over 400 youths from across the country as they work with lawmakers to develop youth violence prevention strategies.

The interest that has surrounded this conference is proof enough to me that our teenagers believe that preventing youth violence is a top priority, and want to be empowered in creating solutions to this emerging national crisis.

These three students represent the very best in our young people and I eagerly look forward to working with them during their trip to Washington. I have the utmost confidence that these three students will represent Northwest Indiana and the First Congressional District with dignity and leadership.

Megan Smith is a senior at Chesterton High School in Chesterton. Megan ranks first in her class of 439 students. She has excelled in varsity basketball and soccer at Chesterton. Megan is also active in her church, student government, SADD, and Chesterton's academic superbowl team.

Darlene Turner is a senior at the Emerson School of the Performing Arts in Gary where she ranks in the top quarter of her class. Darlene is active in a number of extracurricular activities at school, including the academic superbowl and spellbowl teams, Christians in Action, and the National Honor Society. She is also involved in her community as a church youth leader and a member of the Gary Civic Youth Orcestra.

Dawn Yerger is also a senior at Emerson School of the Performing Arts in Gary. Dawn ranks in the top quarter of her class and is active in extracurricular activities including National Honor Society, Spanish Club, Science Club, and Christians in Action. She is also involved in The Jesus Club, the International Thespian Society, and the Delta Teen Lift Organization.

Congratulations to these three exceptional young ladies and I look forward to their trip to our Nation's Capital.

TRIBUTE TO DR. PIYUSH AGRAWAL ON HIS RETIREMENT FROM PUBLIC EDUCATION

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of America's unsung heroes, Dr. Piyush Agrawal. The celebration of his retirement from public education, particularly in his role as Superintendent of Piscataway Township Public Schools in Piscataway, New Jersey, this Saturday, October 2, 1999, will certainly leave a great void in our public school system.

During the years that I have known Dr. Agrawal as an administrator par excellence in the Miami-Dade County Public Schools, he truly epitomized the preeminence of a caring public servant who genuinely exuded the virtues of a gentleman and a scholar. I want to express my gratitude for all the efforts and sacrifices he consecrated to the thousands of children and their parents, as well as the administrators, teachers and paraprofessionals working in our Nation's fourth largest school system.

He has been in the field of education since 1955. His career has spanned over four continents from Asia to Europe, to Africa and to North America. His broad range of assignments included a stint as a United Nations expert on education, and has likewise served as a Consultant for the United Nations Development Program (UNDP), the United Nations Educational, Scientific & Cultural Organization (UNESCO), the National Science Foundation (NSF), the new American Schools Development Corporation (MASDC) and the American Association of School Administrators (AASA). He has also served on several prestigious national task forces and panels such as the Presidential Awards for Excellence in Science and Mathematics, the Florida Speaker's Task Force on Mathematics, Science and Computer Education, and the National Council of Supervisors of Mathematics.

Many of his colleagues admire him for his leadership in ensuring equality of opportunity in our schools. At the same time, his forceful advocacy in adhering to the tenets of equal treatment under the law for all has been unequivocal not only in the halls of academia, but also in every government agency geared toward the responsible and productive well-being of our children. In fact, countless others have been touched by his untiring commitment to this agenda.

Dr. Agrawal is the consummate educational activist who abides by the dictum that those children who have less in life through no fault of their own should be helped at all costs in their quest for mastery of the basic skills and academic achievement. He has not faltered one iota in his belief that all children can learn and can succeed, given the appropriate affective and cognitive assistance from their parents and teachers. The numerous accolades with which he has been honored by various state and national organizations succinctly represent a genuine testimony of the utmost respect he enjoys from the academic community.

Blessed by a down-to-earth common sense, he is also imbued with the uncommon wisdom of subtly recognizing the strengths and limitations of those who have been empowered to govern over the well-being of others. It is this quality that endears him to many of his colleagues. And it is this superlative rapport that buttresses his leadership over several civic and social organizations, which have so wisely depended upon his vision and commitment.

Presently, he serves as Vice-President of the National Advisory Council for South Asian Affairs, a public interest foreign policy group recognized by the U.S. State Department. In 1994 he was appointed by the then Secretary of Commerce Ron Brown to the U.S. 2000 Census Advisory Committee on the Asian and Pacific Islander Populations for a three-year term. In 1997, he was reappointed to another three-year term by current Secretary of Commerce William M. Daley.

He thoroughly understands the accouterments of power and leadership. And he is wont to exercise this knowledge alongside the mandate of his convictions and the wisdom of his conscience, sagely focusing their elements upon the good of the community he has learned to love and care for so deeply. His word is his bond to those he deals with—not only in his moments of triumphal exuberance, but also in his quest to help transform our communities into the veritable mosaic of vibrant cultures and diverse people converging into the great promise and optimism that is America.

Dr. Piyush Agrawal truly exemplifies this unique leadership whose courageous vision and firm belief appeal to our noble character as a nation. At the risk of being presumptuous, I want to extend to him the gratitude of our community. I sincerely bid him good luck on his well-deserved retirement and wish him Godspeed in all his endeavors. He will certainly be missed.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BECERRA. Mr. Speaker, on September 30, 1999, I was unavoidably detained during three rollcall votes: number 460, H. Res. 312 on Agreeing to the Resolution Providing for Consideration of H.R. 2910, National Transportation Safety Board Authorization; number 461 on Approving the Journal; and number 462 on Passage of H.R. 2910, the National Transportation Safety Board Authorization. Had I been present for the votes, I would have voted "aye" on rollcall votes 460, 461, and 462.

TRIBUTE TO OHIO CITIZENS AGAINST LAWSUIT ABUSE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BOEHNER. Mr. Speaker, the week of September 19–25, 1999 was recently observed in my home State of Ohio as Ohio Lawsuit Awareness Week (LAAW). As the House prepares to vote on the critical issue of managed care reform, there is perhaps no more appropriate time to focus attention on the importance of preventing lawsuit abuse and reversing our Nation's transformation into an overly litigious society.

Ohio Citizens Against Lawsuit Abuse (OCALA) has been a leader in this regard in recent years. We owe a debt of gratitude to the more than 5,000 consumers, physicians, taxpayers, small business operators and other professionals associated with OCALA who have dedicated their time and resources to increasing public awareness of lawsuit abuse and the need to improve America's civil justice system. We owe particular thanks to Dr. David Rummel, DDS; Peter Beck; Ken Blair, Jr.; Gerald Miller; and Claire Wolfe, MD, all of whom are members of OCALA's Board of Directors.

In recent years Congress has made great strides in the effort to reform our Nation's justice system and ensure that it is structured to protect the rights of citizens, rather than simply the prosperity of the trial bar. Whether the issue has been securities litigation, medical malpractice, or the "Y2K" problem, we have been steadfast in our support for bipartisan reforms that seek to restore fairness to the legal system and limit frivolous litigation. Next week, as the House faces the highly politicized challenge of protecting patients and expanding access in our Nation's healthcare delivery system, we must strive to be consistent in that posture.

Mr. Speaker, I would like to offer my congratulations to all of the individuals associated with OCALA, and to express my strong support for the cause for which OCALA exists. Through the courage and dedication of organizations like OCALA across the United States and the courageous support of legislators who support its vision, we will continue to move toward an American civil justice system that will truly meet the need of its citizens in the 21st century.

TRIBUTE TO VALLEY COLLEGE

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BERMAN. Mr. Speaker, my colleague, Representative HENRY A. WAXMAN, and I, rise to pay tribute to Los Angeles Valley College, which this year is celebrating its 50th anniversary. Over the past five decades, Valley College has exemplified the best in American public education. Despite charging nominal fees to its students, the college has a top-notch faculty, the largest library in the San Fernando Valley and today offers more than 50 academic majors. Forty percent of the students who attend Valley College view it as a pathway to facilitate transfers into four-year colleges and universities.

When Valley College opened its doors in 1949, the San Fernando Valley was a suburban/rural community. The changes in the college since that time have paralleled the changes in the Valley, which is much more diverse than it was at the end of the Second World War. The College had done an outstanding job of adapting its curriculum and facilities to new and different circumstances.

Valley College has also kept up with the rapid pace of technological change at the end of the 20th century. The library recently completed its automation project and is now online with access to four separate databases. The College currently maintains a Bio-Tutorial Lab, Computer Science Lab, Music Listening Lab, Speech Lab, Foreign Language Lab, Statistics Lab and several open labs with Internet access for all students.

Valley College has developed a program that provides a number of one- and two-year technical programs such as accounting, business administration and computer sciences. Through the years, thousands of students have used these programs to enter rewarding careers.

Valley College has also made a concerted effort to meet the educational needs of high school students in the San Fernando Valley. The Afternoon College enables these young people to improve their basic skills before they graduate, which helps ensure that they will succeed in college. The Early-Start Program allows college-bound high school students to earn college credit while still attending high school.

We ask our colleagues to join us in saluting Dr. Tyree Wieder, President of Valley College, and the entire faculty and staff on this special occasion. Thanks to these dedicated educators, Valley College is a superb example of the best that California's Community College System has to offer. With the continued hard work of such committed individuals, the next 50 years at Valley College will be equally successful in serving our community.

PREMIUM SUPPORT: DO WHAT I SAY, NOT WHAT I DO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. STARK. Mr. Speaker, in March, the Bipartisan Commission on the Future of Medicare voted 10 to 7 on a plan known as Premium Support. The law establishing the Commission required that for a formal report to be issued, 11 votes were needed.

One of the 10 votes for Premium Support was by Samuel Howard of Nashville, Tennessee.

Premium Support is a proposal to use higher premiums in traditional Medicare to push beneficiaries into private, managed care HMO-type plans. It is based on the theory that the private sector is more efficient and can do a better job—save money and offer extra benefits—than the traditional Medicare program.

Mr. Howard was one of the leading proponents of the idea that the business sector is always better than the government sector, and that government is inept and stupid. His comments in the Commission's public meetings never varied from that theme.

I submit for the RECORD an article from The Tennessean of September 4, 1999:

STATE BLAMES XANTUS CHIEF FOR INSOLVENCY

(By Keith Snider)

Xantus Corp. Chairman Samuel H. Howard used TennCare money to finance other business deals, misled state regulators and presided over a health plan that routinely lost claims, a report filed yesterday alleges.

State receivers who have been running insolvent Xantus HealthPlan of Tennessee blamed Howard for much of its demise, saying his business decisions left the TennCare plan disorganized and vulnerable.

Xantus disregarded a state law that requires health maintenance organizations to maintain a minimum net worth, the report says, and used cash from the health plan to pay debts and expand its parent firm, Xantus Corp., into Mississippi and Arkansas.

"Xantus HealthPlan of Tennessee was not managed in a compliant, operationally sound, or financially sound manner for several years," leaving it unable to meet its obligations, the report concludes.

Howard released a short statement challenging the report and saying he hasn't had time to read it in detail.

"I could not disagree more with its findings and conclusions," said Howard, former chairman of the Nashville Area Chamber of Commerce and one of the city's most prominent African-American businessmen. "I am deeply disappointed that our voluntary entry into rehabilitation has resulted in a report of this nature."

The Tennessee Bureau of Investigation said it is continuing a probe of possible wrongdoing at Xantus, but spokesman Mark Gwyn would not say whether the report will affect the investigation.

Officials in the attorney general's office and in the state Department of Commerce and Insurance couldn't be reached late yesterday for comment.

David Manning, a former state official who co-wrote the report with Manhy Martins, would not say whether the receivers have shared information with the TBI. "Obviously, we're making public filings and they're available for anybody who has an interest," he said.

Xantus, the state's third-largest TennCare plan with 160,000 members, has been in the hands of receivers since March 31.

On Thursday, Manning and Martins asked a Davidson County Chancery Court judge to approve a rehabilitation plan that would replace the health plan's management and begin paying creditors with $30 million in state funds.

The new report, supported by a thick stack of documents, describes a business that gradually was run into the ground.

Among other things, Howard used money from Xantus HealthPlan in 1994 to repay a $1 million start-up loan and used at least $2.8 million in 1996 to open a health plan in Mississippi, the report says.

Howard explained the 1994 transaction as a "management fee" paid by Xantus HealthPlan to Xantus Corp., but the report says no management agreement existed at the time and would have required state approval.

Xantus Corp. overcharged the health plan by millions of dollars in management fees to replace money it had originally invested in Xantus HealthPlan, the report says. That left the health plan relying only on TennCare payments to keep its net worth above state minimums.

After the state warned Xantus in April 1998 that it was undercapitalized, Howard approved a $10 million transfer from the health plan to the parent company to pay the $9 million balance of a Nations-bank loan, the report says.

And in September 1998, Xantus diverted an additional $350,000 from the health plan to its Mississippi business despite reporting a negative net worth of $3.4 million in the same quarter, the report says.

Xantus misreported its net worth for that year, the report says, and financial reports for that year show "a pattern of questionable financial 'recovery' at the end of the first three calendar quarters" and that the health plan "recurrently 'rallied' at the end of each quarter."

Howard misled Commerce and Insurance officials on management fees, the source of loans, intercompany transfers, his salary, and about how he intended to finance the acquisition of Health Net's TennCare business two years ago, the report alleges.

Xantus didn't properly investigate loss-plagued Health Net before buying it, the report says, and limped along with inexperienced managers and a clams processing system that paid claims to the wrong provider, paid the wrong amount, lost claims and denied claims that had been preauthorized.

The receivers said earlier this week that their estimate of how much Xantus owes doctors and hospitals has grown from $50 million-$60 million to $80 million because the processing system hasn't been sorted out.

Manning characterized the findings as "a factual report that reaches reasonable conclusions."

State Sen. Thelma Harper, who called a June news conference along with other prominent African-American leaders to express concern about the investigation of Xantus, couldn't be reached for comment.

Howard, who has blamed flaws in the $4.3 billion TennCare program for Xantus' problems, said yesterday he's learned "that the gap between the business world and government is deep and wide."

But the report says Howard's contention that Xantus had an unfair share of very sick enrollees was contradicted by a state review and by data from Xantus itself.

It concedes the state didn't allow Xantus to close its rolls to new members and also rejected a plan in August 1998 that would have cut management expenses from 17% to 11%.

The state should shoulder some of the blame, said Craig Becker, Tennessee Hospital Association president, who represents hospitals that have unpaid Xantus claims.

"The ultimate responsibility belongs to the state," he said. "It was their lack of oversight that allowed it to happen."

AGRICULTURAL RISK PROTECTION ACT OF 1999

SPEECH OF

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes:

Mr. NUSSLE. Mr. Chairman, I rise today in strong support of H.R. 2559, the Agricultural Risk Protection Act. I would like to start by saying how impressed I am with the progress the House has made this year in transforming the concept of Federal crop insurance reform into the legislation we have in front of us today.

In 1994, as a member of the House Agriculture Committee, I had the opportunity to help write the last revision of the Federal crop insurance program. While the 1994 bill was a step in the right direction, that reform was done under the old Depression-era farm policy. I said then that the crop insurance program needed to become more farmer friendly by providing participation incentives for farmers.

As everyone in this chamber should recall, on February 1, 1999, the President submitted to Congress his fiscal year (FY) 2000 budget which failed to include a single dollar for crop insurance reform. After the President submitted his budget, I began working with House Budget Committee Chairman KASICH to provide funds for crop insurance reform in the House's FY 2000 budget. After a long hard-fought battle, on March 25, 1999, the House took a critical step in securing the necessary funds to reform crop insurance this year by providing $6 billion over five years for crop insurance in the FY 2000 budget. This decision by the Budget Committee gave the House and Senate Agriculture Committees the flexibility to address the need for workable risk management tools that are available to all farmers.

I applaud the House Agriculture Committee for the legislation they have brought before the House today. This legislation will provide future stability in the farm safety net by increasing premium assistance to producers, rewarding the productive capability of farmers, and creating new coverage for falling crop values and livestock losses. This legislation simply offers more choices to more farmers and less cost to farmers and taxpayers.

This bill addresses the need for workable risk management tools that are available to all farmers. This is the kind of long-term help the Federal Government can and should provide to American farmers in the 21st century, without turning back the clock to Depression-era programs that had Washington bureaucrats telling farmers what to plant and where to plant it. By passing this legislation, establishing strong foreign markets, reducing burdensome regulations, and improving access to affordable financing for farmers, I believe our government can give farmers the tools they need to compete in a world market. I ask my colleagues to join me in supporting H.R. 2559.

HONORING STEPHEN PROCTOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GOODLING. Mr. Speaker, I rise today to honor Stephen Proctor, Chief Executive Officer for Presbyterian Homes, Inc., who is stepping down from the chairmanship of the American Association of Homes and Services for the Aging. I am proud to be able to pay tribute to a man who has such a strong commitment to assisting in the care of the elderly.

For the last two years, Stephen Proctor has served as the chair of the American Association of Homes and Services for the Aging (AAHSA). AAHSA consists of over 5,300 organizations for care of the elderly such as non-profit nursing homes, assisted living, senior housing facilities and community service organizations. Everyday, Mr. Proctor contributed to serving one million older persons across the country through his chairmanship of this organization.

In 1971, Mr. Proctor began his career with the aging as a Director of Nursing for the Schock Presbyterian Home but soon became its Administrator, a position that he served until 1975. The following year, Mr. Proctor became the Administrator at the Oxford Manor Presbyterian Home where he worked for three years before becoming the Chief Operating Officer for Presbyterian Homes, Inc. in 1979. After 16 years in this position, Mr. Proctor became the Chief Executive Officer in 1995, a position that he currently holds.

In addition to having begun his career in long-term care as a nurse, Mr. Proctor has dedicated himself to serving elders in many official capacities. He became an accomplished member of the Pennsylvania Association of Non-Profit Homes for the Aging, becoming its president in 1982. Beginning in 1983, he chaired the Pennsylvania Department of Welfare's Medical Assistance Advisory Committee's Long-Term Care Subcommittee, an honor that he served for eleven years. Furthermore, Mr. Proctor currently holds a position on the Pennsylvania Intra-Governmental Council on Long-Term Care.

Mr. Speaker, I salute Stephen Proctor as he steps down from his chairmanship of the American Association of Homes and Services for the Aging. I commend him not only for his many accomplishments but also for his continuing service for the elderly. I send him my very best wishes for his future.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. COBLE. Mr. Speaker, on Wednesday, September 22, I had to return to North Carolina due the death of my father and was absent for votes the remainder of the week.

During my absence, on September 22, 23, and 24, 1999, I missed rollcall votes 430 through 447. Had I been present, I would have voted "no" on rollcalls 430, 431, 432, 433, 434, and 435, "yes" on rollcalls 436 and 437, "no" on rollcalls 438, 439, 440, 441, and 442, "yes" on rollcalls 443 and 444, "no" on rollcalls 445, "yes" on rollcall 446, and "no" on rollcall 447.

POLICE STILL KILLING SIKHS IN PUNJAB

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. DIAZ-BALART. Mr. Speaker, on September 22, Burning Punjab reported that Devinder Singh, a young Sikh, died in police custody at the Ropar police station on September 18. A witness said that third-degree methods were used to extract "false information" from him. His brother and two associates said that he died of injuries inflicted by the police. The two associates were unable to walk due to injuries from torture.

About a week earlier, another young Sikh was killed by the police in the Sarhali police station. On August 16, Lakhbir Singh Lakha was tortured to death in police custody at police post, Chohla Sahib. Mr. Inder Singh, father of the deceased said they had to wait for the body as his son had died 48 hours earlier. Gurpreet, a 17½-year-old Sikh girl, was abducted and raped repeatedly by the son of a Punjab Akali minister and his brother-in-law. Another Catholic priest was murdered in Orissa by allies of the governing party.

The Indian government says that there are no more human-rights violations occurring in Punjab, yet incidents like these keep coming to light.

These terrible incidents are just part of a pattern that has seen the Indian forces allegedly murder over 250,000 Sikhs since 1984, as well as more than 200,000 Christians in Nagaland since 1948, over 65,000 Muslims in Kashmir since 1988, and thousands of other minorities such as Tamils, Manipuris, Dalit "untouchables," and Assamese people.

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing these terrible incidents to my attention. These incidents show that for minorities like the Sikhs and others, there is no security in India. That is why the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and others seek their independence.

I call on my colleagues to support an internationally-supervised plebiscite in Punjab on the question of independence. These people should be given the same opportunity that citizens of Puerto Rico and Quebec have received—the chance to decide their political future and status in a democratic vote.

Many believe that the breakup of India is inevitable. Since India now has nuclear weapons, the democratic countries of the world, led by the United States, must work to make sure that if this happens, it happens peacefully like in Czechoslovakia (now the Czech Republic and Slovakia), not violently like in Yugoslavia. We can prevent another Yugoslavia type crisis from breaking out in South Asia by encouraging the democratic process in the subcontinent. Let us take this stand and help ensure democracy and stability throughout the region.

TRIBUTE IN HONOR OF VERN AND NORMA BATES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BARCIA. Mr. Speaker, I rise today in honor of Mr. and Mrs. Vern and Norma Bates on the occasion of their 50th wedding anniversary celebration. The Bateses were married in my home town of Bay City, Michigan, on June 3, 1950, thus beginning the marriage which would see them to the close of this century, and into the next millennium. During this half century together they have developed a marriage which remains one that all of us in the Fifth Congressional District aspire to and admire.

In July 1950, Vern and Norma Bates began their married life together in Caro, Michigan, where Vern established his own barber business, and together, the couple began their many civic contributions. During these early years, they were blessed with a kind and loving family, with the arrival of their three children, Annette, Timothy, and James. Today, the Bateses are proud grandparents of Chad, Eric, Jodi, and Scott.

In 1962, Vern Bates accepted a position with the Michigan Department of Licensing and Regulation, first as a barber, and later as a hearing officer. He remained there until his retirement in April 1992. For 12 years, Mr. Bates was a member of the Caro School Board, where he served as President.

In 1988, Norma Bates was elected County Commissioner for the Village of Caro, Indian Fields and Wells Townships. Previously, she had served as Board Chairperson as well as on numerous other boards and committees in the community. She is currently serving in her fifth term in office.

Vern and Norma Bates have contributed greatly to the Caro community. They are active members of the St. Paul Lutheran Church of Caro, where both have held numerous offices and positions. They are leaders in the local Little League. Their civic contributions to the community and public service are exemplary. Indeed, Vern and Norma Bates are beloved by their family, honored by their neighbors, and venerated by the Caro community.

Mr. Speaker, I am sure that you will agree that both Vern and Norma's many life accomplishments can be attributed to their great commitment to each other, to their commitment to a marriage which weathers any storm and upholds all sacred vows. Mr. Speaker, I urge you and our colleagues to join with me in honoring Mr. and Mrs. Vern and Norma Bates, on this celebration of their 50 years of marriage.

IN HONOR OF TOMASZ WYSZYNSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Tomasz Wyszynski as he is being honored for promoting his Polish Heritage through his outstanding accomplishments by the Polonia Foundation.

Tomasz Wyszynski is a man of many personal and career accomplishments. After joining the Army, Tomasz had the opportunity to live in Russia, Iraq, India, South Africa, France, and England. In addition, he has exhibited a tremendous aptitude for languages, he learned to speak not only his native Polish, but English and enough Russian, German, and Hindi to make himself understood to communicate.

When Tomasz Wyszynski later settled in Akron, Ohio, he joined the Polonia of Akron Lodge and took his first position as a Trustee. Soon after, he developed an interest in insurance sales to assist others in providing necessities and security.

Tomasz Wyszynski has been a tireless worker, coordinator, and recruiter for the Polish National Alliance. To date he has recruited over 2,000 people to the Polish National Alliance membership in addition to being a member since the organization's inception. His contributions to the Polonia Society have been continuous and awe-inspiring, he has always been willing to help others.

I ask that my distinguished colleagues join me in commending Tommy Wyszynski for his dedication, service, and leadership in the Cleveland community. Our community has certainly been rewarded by the true service displayed by Tomasz Wyszynski.

RECOGNIZING DALE CURTIS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize Dale Curtis of Ellisville, Kenneth Jewson of St. Charles, and Richard Stevens of Fenton, who have completed their rigorous training at the FBI National Academy in Quantico, Virginia. The National Academy's 11-week training program prepares men and women in law enforcement to meet their challenges of the future.

The FBI's National Academy students are selected from the managerial ranks of the state, local, and international police agencies. The academy's graduates set the standard for integrity, competence, and dedication throughout the law enforcement profession. I am pleased that these law enforcement officers from the second district attended the FBI National Academy.

Mr. Speaker, I hope you will follow me in offering these outstanding officers our congratulations, and the best of luck in their future endeavors as law enforcement professionals.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BALLENGER. Mr. Speaker, on September 23, 1999, on the first Lofgren motion (rollcall No. 438) to instruct conferees on H.R. 1501, the Juvenile Justice Reform Act of 1999, I was recorded as voting "yea" when I intended to vote "nay."

TRIBUTE TO ALBERT CHEN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize Mr. Albert Chen of Chino, California, a constituent of mine from the 41st congressional district.

Mr. Chen is the founder and Chief Executive Officer (CEO) of Telamon Electronics, which provides pre-installation assembly, material management and other services to the high-tech industry in Southern California. This 10-year old company has annual revenues in excess of $140 million and is headquartered in Chino. As one of the highest tax-generators of the 2,100 businesses in the region, Telamon Electronics currently adds approximately $1 million annually in tax revenue to our area.

Under Mr. Chen's capable leadership, Telamon Electronics recently brokered a $120 million business deal with two other leading national high-tech companies, GTE and Nortel Networks. This new working relationship will provide new jobs, new opportunities, and new services for the residents of Chino, western San Bernardinio County and eastern Los Angeles County. I believe this is a perfect example of big business working with small business to the mutual benefit of the economy and our diverse society.

I congratulate Mr. Chen on his recent successes, and I welcome the new business partnerships between Telamon, GTE and Nortel Networks to my congressional district. Together, this new "team" will be providing a valuable service to the high-tech industry, while continuing to develop and implement cutting edge Internet technology.

INTRODUCTION OF LEGISLATION TO PROTECT OUR GREAT LAKES

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. CAMP. Mr. Speaker, I rise to introduce legislation that will protect our Great Lakes and ensure an effective strategy for conserving our water resources.

One hundred and sixty-six million people in 18 countries are suffering from water scarcity. Almost 270 million more in 11 additional countries are considered water stressed. By 2025, one fourth of the world will suffer from lack of water. These are a few of the reasons that experts are hypothesizing that water will soon change from a resource to a commodity.

Given these disturbing statistics, it's becoming very clear that we need to develop a better strategy for water management. One problem that is facing environmentalists, scientists and policy makers is the lack of sufficient and reliable information on water availability and quality. Efforts to balance supply and demand, and plans for a sustainable future, are severely hampered by this lack of information. That is why this legislation is so necessary.

The Great Lakes comprise ⅕ of the Earth's fresh water resources. Over the past few years, there have been numerous proposals to withdraw bulk quantities of water from the Great Lakes Basin. The Great Lakes hold over 6 quadrillion gallons of water. However, before we begin mass exports of bulk water from this giant resource, we must be very clear on how this will impact the Great Lakes region. We cannot allow commercial exploitation of such a precious resource.

Last year, the House passed a Resolution calling on the President and the other Body to work to prevent the sale or diversion of Great Lakes water in mass quantities. That resolution was an important first step. The legislation that I'm introducing today takes the necessary second step. This bill will impose a two year moratorium on exports of bulk fresh water. The moratorium will give the governors of the Great Lakes, who for the past fifteen years have effectively managed the Basin, the opportunity to effectively evaluate how and if bulk exports from the Great Lakes Basin should proceed.

Prudent management of our natural resources means looking ahead and planning for the future. As we enter a new millennium, we need to be responsible stewards of our environment, to ensure that our children are not denied the resources that we today are able to enjoy. Our water resources must be carefully conserved, and this legislation will allow the Great Lakes governors to develop an effective strategy to ensure our water supply and ecosystem are protected. I urge my colleagues to join me in support of this legislation.

CONGRATULATIONS TO JEANNE CAMERON'S CLASS AT OGDEN MIDDLE SCHOOL

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. HANSEN. Mr. Speaker, I wish to bring before the Congress a marvelous example of a classroom of children at the Mt. Ogden Middle School in Ogden, UT. Mt. Ogden is an inner city school of approximately 880 children from both wealthy and economically disadvantaged homes. It is predominately Hispanic. Last year, the school wanted to create a new reading program for those students whose reading level is below that of their age level. That program would have cost $20,000, and the school simply didn't have the money. That's where the kids came in.

This year, the Channel One Network, and educational program provider for schools around the country sponsored a current events knowledge competition, with a prize of $25,000 to the school with the winning class. The contest involved identifying and describing the context of a series of current events images from around the world over a period of weeks. Well these kids and their teacher, Ms. Jeanne Cameron, got together and entered the contest along with nearly 2,000 other classes, and they won. The money will probably be used to create the special reading program and to buy new books for the school.

I understand that the class and its teacher were unaware of their success until they were filmed live upon receipt of the prize last week. I ask my colleagues to join me in extending warmest congratulations to Ms. Cameron's class and the Mt. Ogden Middle School for their learning and competitive spirit, and their partner, the Channel One Network, for making this program a reality.

INTRODUCTION OF THE "STATE INITIATIVE FAIRNESS ACT"

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mrs. BONO. Mr. Speaker, today I rise to reintroduce the "State Initiative Fairness Act." This commonsense judicial reform is legislation that is already well-known to my colleagues and courtwatchers. It passed the House of Representatives twice in recent memory. First, it passed as the free-standing bill, H.R. 1170, during the 104th Congress in 1995. And again, it passed as part of the Judicial Reform Act in 1998 during the 105th Congress where it was one of the first issues I considered upon joining this institution. This measure gained bipartisan and broad support in the past. This procedure contained in the bill establishing a three-judge panel review is simply the restoration of a judicial procedure that was the norm in the federal system for most of the twentieth century.

Strong voting rights are the keystone of our democratic system. It is noted that "A system which permits one judge to block with the stroke of a pen what 4,736,180 state residents voted to enact as law tests the integrity of our constitutional democracy." (*See The Coalition For Economic Equity* v. *Wilson,* 110 F3d 1431, 1437 (9th Cir. 1997)). The unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in propositions concerning immigration, medical marijuana, and affirmative action is well-known. This bill provides that requests for injunctions in cases challenging the constitutionality of measures passed by a State referendum must be heard by a three-judge court. Like other Federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the bill is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that any state-passed initiative or referendum voted upon and approved directly by the citizens of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 where an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

It is not my intent to change the outcome of any litigation concerning the past propositions passed by the electorate. The goal of the bill is to secure the judicial process and guarantee to the people it is as objective as possible. For example, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a State is redistricted for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these 3-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the Federal judiciary, while substantially protecting the rights of the voters of a State.

This bill recognizes that State referenda reflect, more than any other process, the one-person-one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in Federal-State relations.

In closing, I wish to express my gratitude to my many colleagues who join me today as cosponsors and their support as we strive to amplify and secure the will of the people.

H.R. 415: EXPAND AND REBUILD AMERICA'S SCHOOLS ACT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to one of the most pressing difficulties facing our schools: overcrowded and run-down facilities.

Last month, 53.2 million young people went back to school. The facilities that greeted them were not up to par. One-third of all public schools are in serious need of repair or replacement, and nowhere is that problem more obvious than my home district in Orange County, California.

Our schools are simply run down and out of room, and California is feeling the crunch. Facilities are so crowded in our state that we would have to spend $4 billion by 2002 in order to provide enough space. In fact, high school enrollment is projected to grow by a full one-third between 1998 and 2008.

Right now our children attend schools with leaking roofs, dangerous wiring and chipping paint, crammed into storage closets, libraries and gyms for lack of classroom space. By neglecting to provide an environment appropriate for learning and teaching, we are sending our youth a message that their academic success is unimportant to us. This tragically short-changes our students.

That's why I have introduced H.R. 415, the Expand and Rebuild America's Schools Act.

H.R. 415 will help local education agencies (LEAs) with limited financial resources by creating a new class of tax-exempt bonds, interest-free for LEAs. A financial institution that issues these bonds would receive a tax credit in the amount of the interest that would otherwise be paid by the LEA. So the school district only has to repay the principal, no interest. The Secretary of Education will be responsible for direct distribution of the bond program to the LEAs, avoiding any state bureaucracy involvement in funding decisions or program administration.

To be eligible to participate in the school construction bond program, LEAs must: (1) have at least 35 percent of students eligible for the free or reduced-cost lunch program; (2) be involved in a public/private partnership with a local private enterprise, to provide an amount equal to at least 10 percent of the interest-free capital provided; (3) maintain high educational standards; (4) have a projected growth rate at or above 10 percent over the next five years; (5) have a student-teacher ratio of 30 to 1 or higher; and (6) have already made an attempt to alleviate overcrowding.

These qualifying factors will ensure the bond program assists the most impacted, high-quality schools. Simultaneously, it will encourage schools to seek out private contributions to improve curriculum and equipment, enhancing the impact of the bond initiative. H.R. 415 will provide our children with an environment that is more conducive to learning, and prevent this facilities crisis from continuing into the next century.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CAPUANO. Mr. Speaker, I rise in support of H.R. 2396, the Small Business Innovation Research Program Reauthorization Act of 1999. This important program has had a significant impact not just in Massachusetts, but many other states around the country.

Literally thousands of companies have benefited from the SBIR program since its establishment in 1982. With the exception of some Internet and biotechnology companies, small technology businesses generally do not have the financial resources necessary to develop their most innovative ideas. Many businesses, in their early years and without much of a track record, have a difficult time finding the capital necessary to bring ideas to the marketplace, regardless of how good these ideas might be. The SBIR program provides these businesses with an opportunity to develop and implement their ideas with the goal of enabling these businesses to fully realize their commercial potential. When these companies succeed, they in turn strengthen the economy by providing the type of high quality jobs our country needs to prosper.

While the SBIR program has been a tremendous help to the small business technology community, more can be done to improve upon the success of the program. Through H.R. 2396, we are promoting a number of program changes that will increase the chances of success for small businesses operating in the technological fields.

In order for SBIR recipients to achieve success, it is important that participating agencies allocate a sufficient portion of its administrative expense budgets to the SBIR program. By reserving these funds, agencies could (1) conduct site visits to companies which have won Phase I or Phase II awards; (2) provide the opportunity for agencies to review a company's work; and (3) provide those firms with such assistance in meeting the requirements of the program as they may require. Such expenses require agency investment in SBIR beyond set aside funds. However, this investment is a necessary agency administrative expenditure if agencies and participating companies are to get maximum value out of the program. A great example of this type of investment already exists at the Department of Defense.

Another change this legislation will make to the SBIR program is the addition of a National Research Council study. The Science Committee asked the NRC to examine a variety of questions which I and other Committee members feel will lead to a better understanding of the program's potential and encourage other beneficial program changes in the future. It is important that this study is done objectively, with a true understanding of the problems facing SBIR winners. We expect that the NRC panel that oversees this project will embody a wide range of expertise and experience, and include a respectable number of small high technology businessmen who have participated in the program.

In closing I would like to reiterate the importance of this program and the need to pass this bill this session. In the Boston area, we have a number of great research universities and laboratories; each filled with bright, technically oriented people who are willing to take a chance on an idea that possesses great potential. It is in our best interest to do what we can to encourage these individuals to pursue their ideas to the fullest. With this in mind, I urge each of my colleagues to give this bill their strongest support.

MR. EDWARD BRENDER HONORS SYNAGOGUE IN POEM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GILMAN. Mr. Speaker, I rise today to recognize one of my constituents. Edward Brender of Kauneonga Lake, New York, wrote a poem honoring his Temple Beth-El which celebrated its 75th anniversary last year. The congregation first started meeting in a barn. When their numbers grew, additions were built. The congregation is still growing today.

Mr. Speaker, I submit Mr. Brender's poem into the CONGRESSIONAL RECORD at this point:

"THE BARN THAT BECAME A HOUSE OF WORSHIP"

(By Edward Brender)

The temple once a farmer's barn; part of America's rural farm Furnished with a century-old church's pews, yet filled with devout and dedicated Jews.
At Temple Beth-El, we like to stay with American uplifted heart's we spay.
For 75 years, the temple filled our spiritual needs, while rabbis planted righteous seeds.
The halls resounded with Chief Justice Lawrence H. Cook's praise, reminding us of Hebrew sacrifices during America's revolutionary phase.
During the time of our country's greatest need, recounting tales of Jewish patriots' deeds.
High on a majestic verdant hill stands stately Temple Beth-El; For 75 years a beacon of freedom's faith, spreading boundless love and tales to tell.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RILEY. Mr. Speaker, on Monday September 27 and Tuesday September 28 of 1999, I was unavoidably detained by a family medical emergency and missed the following votes. Had I been present, I would have voted "aye" on rollcall votes No. 448 regarding the EU ban of U.S. Hushkitted and Reengined Aircraft, "aye" on No. 449 supporting free elections in Haiti, "aye" on No. 450, conveying land to San Juan College, "aye" on No. 451

preserving affordable housing for senior citizens, "aye" on No. 452, the Energy and Water Appropriations Conference Report, "aye" on rollcall vote No. 453, the Continuing Resolution for FY 1999, "aye" on No. 454 regarding East Timor, "aye" on No. 455 expressing sympathy for Taiwanese earthquake victims, "aye" on No. 456 to protect Social Security, and "aye" on No. 457, the Health Research and Quality Act.

TRIBUTE TO HEALTH HILL HOSPITAL FOR CHILDREN

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. LATOURETTE. Mr. Speaker, it is with great pride that I announce the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children's Hospital for Rehabilitation.

Since 1998, Health Hill Hospital for Children has been part of the Cleveland Clinic Health System. Devoted entirely to pediatric development, Health Hill has one of the largest teams of pediatric therapists in the nation. In addition to being one of the world's preeminent medical research and educational facilities, the Cleveland Clinic Health System is northeast Ohio's foremost provider of comprehensive medical and rehabilitative services to children requiring long-term treatment. In 1983, the Cleveland Clinic Foundation became the first medical center in the United States to be designated as a National Referral Center by the Health Care Financing Administration (HCFTA), Department of Health and Human Services. More specifically, Cleveland Clinic Children's Hospital for Pediatric Rehabilitation—Health Hill—is a national health resource for pediatric rehabilitation.

The primary goal for Health Hill is to create a more independent lifestyle for these children and their families. Not only does the hospital's pediatric staff provide excellent care to critically ill and disabled children, but they do so in a comforting and caring environment that eases the children's fears and worries. For example, by providing unique programs, like the Day Hospital Program, children can receive daily intensive therapy without having to be hospitalized. Day Hospital patients receive therapy, nursing and medical care, yet are able to return home to their families each evening and weekend. Providing patients with the opportunity to maintain their routines and home lives is so important in making a sick child feel as "normal" as possible. The hospital serves children with a variety of illnesses, ranging from spinal cord and head injuries, respiratory problems, feeding disorders, and burns to chronic or congenital medical conditions.

Mr. Speaker, Health Hill Hospital has proven to be more than just a "hospital." Their commitment to providing the highest standards of medical services for special needs children is why they continue to be a shining example of one of the best children's specialty hospitals. Cleveland Clinic Children's Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the ten best hospitals in the nation by U.S. News and World Report's annual guide to "America's Best Hospitals." It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children's Hospital for Rehabilitation's new designation, and commend the Foundation's outstanding achievements throughout the past 78 years.

INTRODUCTION OF BILL TO ENSURE FREER AND FAIRER TRADE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. COMBEST. Mr. Speaker, I am introducing a bill that provides the United States Trade Representative with additional tools to ensure freer and fairer world trade.

For U.S. agriculture, trade is an essential part of their livelihood. Currently exports account for 30 percent of U.S. farm cash receipts and nearly 40 percent of all agricultural production is exported. U.S. farmers and ranchers produce much more than is consumed in the United States, therefore exports are vital to the prosperity and success of U.S. farmers and ranchers.

For years, United States agriculture has provided a positive return to our balance of trade. In order to continue this positive balance, and to improve upon it, markets around the world must be open to our agricultural exports.

One of the biggest threats to trade policy is the inability to make certain the trade agreements are adhered to and other countries live up to their commitments. This weakens support across the country for trade agreements. This is true for farmers and ranchers, and others interested in exporting United States goods around the world.

The bill my colleagues and I are introducing today addresses this issue by requiring that the United States Trade Representative (USTR) periodically revise the list of goods subject to retaliation when a foreign country fails to comply with a WTO ruling. The goal of this legislation is implementation of the recommendations adopted in the WTO dispute settlement proceedings or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute.

Right now retaliation is the only authorized tool for persuading countries to comply with WTO decisions. No matter how selective USTR is in applying this retaliation tool, American jobs and businesses are affected. The preference is obviously that countries comply with WTO decisions and provide market access for the products of United States agriculture.

That is the goal of this bill and I urge my colleagues to join me in this effort.

BILL EXPLANATION

This bill amends section 306 of the Trade Act of 1974 by: Requiring that if the United States imposes duties or withdraws the benefits of a trade agreement because a country fails to implement a World Trade Organization (WTO) decision, the United States Trade Representative (USTR) must review and revise its action 4 months after the date of the action and every 6 months thereafter.

The revision may be minor ("in whole or in part").

Exceptions: USTR may waive the requirement if: (1) USTR determines that the targeted country is ready to implement the WTO decision; or (2) USTR determines, in consultation with the affected U.S. industry or petitioner in the case, that revision of the action is unnecessary.

Standard for revision: USTR shall act in a manner that is most likely to result in implementation of the recommendations adopted in the dispute settlement proceeding, or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute.

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research:

Mr. CAPUANO. Mr. Chairman, I rise in support of the Pediatric Graduate Medical Education (GME) amendment offered by Mrs. JOHNSON of Connecticut. The amendment, identical to H.R. 1579, The Children's Hospital Research and Education Act of 1999, would provide targeted Graduate Medical Education funding to our nation's freestanding children's hospitals by creating a fair and equitable financing system for pediatric physician training.

In today's increasingly competitive health care marketplace, independent children's teaching hospitals face serious challenges in receiving adequate patient care reimbursement to cover the added costs of their GME program. Unlike other teaching hospitals, freestanding children's hospitals do not qualify for the one remaining, stable source of GME financing—Medicare—because they care for children, not the elderly. As a consequence, these hospitals receive less than 0.5% of the level of Medicare direct and indirect medical education support that all teaching hospitals receive. Boston Children's Hospital, located in my district, estimates the cost of GME to be in excess of $20 million of which only $2–3 million is reimbursed from the state's Medicaid program. This leaves $17 million in unreimbursed expenditures that the hospital is forced to absorb. This gap in federal support jeopardizes highly successful pediatric training programs and places these children's hospitals at increasing competitive risk.

Comprehensive GME financing reform is needed by all hospitals, however, its achievement is several years away at best. This bill addresses the need for interim federal GME support for these children's teaching institutions which although accounting for less than

1% of all hospitals, train nearly 30% of all pediatricians and nearly half of all pediatric specialists. The passage of H.R. 1579 would allow for freestanding children's hospitals to receive an immediate source of financial assistance through a capped, time-limited appropriation that would provide GME payments to children's hospitals. The measure would authorize a $280 million grant in FY2000 and $285 million in FY2001. The passage of this bill would help sustain the vital role played by our Nation's freestanding children's teaching hospitals and would make payments to children's hospitals commensurate with those provided to other teaching facilities.

Without a consistent source of financial support, children's hospitals cannot fulfill their mission—providing clinical care for the sickest and poorest children, training the next generation of care givers for children, and investing in research to improve children's health care. If we really care about our children's future, we must ensure that they have access to the best medical care in the world. With this in mind, I urge each of my colleagues to give this amendment their strongest support.

UNCOMMON COURAGE FIGHTING OUR FIGHT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GILMAN. Mr. Speaker, eighteen months ago a courageous and fearless Colombian National Police (CNP) anti-narcotics operations Captain stayed overnight in the Colombian jungle to protect a downed excess-Vietnam-era, single engine Huey helicopter from the Revolutionary Armed Forces of Colombia (FARC) narco-terrorists in that troubled nation. Taken captive and dragged through Colombian jungles for more than 18 months, this courageous police captain was fighting America's fight against illicit drugs upfront and personal.

CNP Captain Wilson Quintero broke loose from his FARC captors this month after killing several of them during his escape. He stayed on the run through the tough jungles of Colombia for more than 12 days, where he was killed fighting his narco-guerillas captors after being shot 35 times. Two other CNP anti-drug officers, without weapons, were also found executed by the guerillas near Quintero's body.

The Colombian National Police used every aerial asset in its aged and ill-equipped helicopter fleet to try to save its courageous comrade. Captain Quintero leaves a wife and son to whom we extend our deepest sympathies. May Captain Quintero and all those CNP officers who have died fighting illicit drugs rest in peace and remind us of their courageous service in their and our drug war.

NATIONAL REFLEX SYMPATHETIC DYSTROPHY AWARENESS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise to recognize the promise of medical research. With the advancements in medical research being announced every day, the possibilities for improving the length and quality of life for all Americans appear impressive and unprecedented. We can maintain hope, buoyed by good science, that improved treatments and cures can be found for cancer, diabetes, AIDS, arthritis, Alzheimer's, Parkinson's and spinal cord injuries to name a few. However, to take full advantage of this possibility we must increase our funding for the National Institutes of Health and all federally funded medical research.

I could marvel you with the achievements in medical research that I have seen in the last year through my role as a member of the Appropriations Subcommittee on Labor, Health and Human Services and Education. However, I would instead like to focus on those individuals that experience pain in their daily lives. The National Arthritis Foundation tells me that nearly one in six Americans will suffer from some form of arthritis and according to the American Chronic Pain Association, pain is part of the daily lives of one in three Americans.

I am blessed to know a wonderful lady in San Marcos, California, Alfie Burns. Alfie is President of the Reflex Sympathetic Dystrophy Syndrome Association of California, serves as an Appeals Board Member on the California Department of Rehabilitation, is involved in her community and still has time to raise a family.

It is for people like Alfie that I have recognized the month of October as Reflex Sympathetic Dystrophy Awareness Month in the 51st District of California. I encourage my colleagues to join me in promoting unity in the chronic pain community to provide sound public education, cohesive medical information and bring compassion for those who experience chronic pain. I wish for all Americans to live self-supporting and fulfilling lives free from the ravage of pain.

IN HONOR OF NATIONAL REFLEX SYMPATHETIC DYSTROPHY AWARENESS MONTH, OCTOBER 1999

Whereas, Reflex Sympathetic Dystrophy (RSD) is a complex and extremely painful neurogenic medical condition that afflicts millions of Americans annually. RSD is a multiple symptom condition which may simultaneously affect nerves, muscles, bones, skin, and the circulatory system; and

Whereas, Reflex Sympathetic Dystrophy (RSD) was officially assigned an International Category of Diseases Code Number, ICD-9337.2, in October 1993, allowing accurate statistics on this condition to be collected. According to a recent survey by the National RSD Hope Group, 65% of RSD sufferers contract the disease in their thirties or forties and three out of every four RSD patients are women; and

Whereas, Alfie C. Burns founded the Reflex Sympathetic Dystrophy Syndrome Association of California in 1992. The mission of the not for profit organization is to promote education and awareness of this debilitating disorder. The RSDSA-CA is the longest standing organization of its kind in the state and it serves as an RSD information resource; and

Whereas, Reflex Sympathetic Dystrophy (RSD) involves numerous medical procedures and a variety of medications if the disease becomes chronic and there is no single standard treatment for the condition. Additionally, medical costs for treatment of the disease can be prohibitive. One of my goals is to double funding for medical research so that new treatments may be found and costs may be curtailed for all Americans with health problems; Now therefore, be it

Resolved, that in recognition of the numerous accomplishments of the RSDSA-CA, the month of October 1999, is hereby proclaimed "Reflex Sympathetic Dystrophy Awareness Month" in the cities and communities of California's 51st Congressional District.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FORBES. Mr. Speaker, I strongly support H.R. 202 and urge its adoption. The House Committee on Banking and Financial Services has incorporated three other worthy bills into H.R. 202. Together, this bipartisan legislation assures affordable housing and needed services for low-and-moderate income senior citizens. This bill will provide a continuum of care to our seniors by making certain that our seniors can afford to live independently in their own homes, and continue to preserve their dignity and self-sufficiency by obtaining services in an assisted living facility as an alternate to nursing home care.

Like other areas around our country, Suffolk County, NY is plagued with high property taxes and very expensive real estate prices. Even middle class senior citizens run out of money and the ability to afford to live on their own, in an assisted living facility, or in a nursing home. In some of our towns, such as Riverhead, Long Island, 25% of our citizens are senior citizens. Some senior citizens are only able to live in their apartments because of the assistance provided through Section 8 vouchers. Others need the supportive services provided by an assisted living facility, but these services are not always available. Although assisting living facilities are being constructed every day, more are needed.

Today, I would like to focus on some particularly important aspects of this bill that will help to address this problem in eastern Long Island and everywhere else in our country.

As contracts with the federal government expire in increasing numbers, landlords can "opt-out" of the Section 8 voucher program that makes housing more affordable for low-income residents, particularly elderly and disabled individuals. Through its "mark-up-to-market" initiative, HUD recently began to offer increased rents for below market projects whose market rents are between 110% and 150% of Fair Market Rent. This encourages owners not to "opt-out" of the Section 8 program. H.R. 202 expands HUD's "mark-up-to-market" initiative, facilitating even more owners to remain in the program. Even where owners do "opt-out," however, HUD will be able to provide "enhanced vouchers" so that seniors who have been living independently in their homes for years can remain there. The expansion of the mark-up-to-market initiative and these enhanced vouchers are critical to keeping our seniors from having to face relocation or loss of their housing.

The Section 202 program also provides capital to nonprofit organizations to finance construction and rehabilitation for rental housing with supportive services for the low-income elderly. It also provides rent subsidies for sponsors of projects to help make these assisted-living facilities affordable. The Section 811 program provides capital and subsidies for similar housing programs for disabled individuals. H.R. 202 allows refinancing or canceling of this debt for certain older facilities. If the project sponsor accepts these new financial terms, it must put at least 50% of that savings into increasing supportive services, rehabilitation, modernization, or retrofitting of structures for the elderly. Through this innovative process, this bill will help to create more assisted living facilities for our elderly and disabled individuals in all of our communities.

Mr. Speaker, as the newest Member of the House Committee on Banking and Financial Services, I am proud of this bill and urge its passage.

TRIBUTE TO BYRON AND DOROTHY DAVIDSON GERSON ON THE DEDICATION OF THE SECOND TEMPLE PERIOD TRIPLE GATE MONUMENTAL STAIRS AND OBSERVATION PLAZA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday October 1, 1999.

Mr. LANTOS. Mr. Speaker, I would like to pay tribute to the outstanding civic contributions of Dorothy Davidson Gerson and Byron Gerson. The Gersons and their wonderful family have, for decades, supported a wide range of civic and philanthropic causes. I am honored to know them and welcome the opportunity to pay tribute to them for their unusual devotion to advancing Jewish community life.

The most recent example of the Gersons' generosity will be inaugurated this weekend. On Sunday, October 3, in Jerusalem the Second Temple period Triple Gate Monumental Stairs and Observation Plaza will be dedicated. Israeli Prime Minister Ehud Barak, Jerusalem Mayor Ehud Olmert, and other Israeli leaders and scholars will participate in this celebration. The Triple Gate restoration project, located in the Jerusalem Archeological Park and developed by the Israel Antiquities Authority, was realized thanks to the strong support of the Gersons. It will be dedicated in loving memory of Dorothy's parents, Sarah and Ralph Davidson, both highly respected for their own contributions to the Jewish community and to civic life.

The historical significance of the Gersons' altruism will be appreciated for generations to come. The Triple Gate and the Double Gate, also known as the Huldah Gates, were one of the principal entrances to the Temple Mount for pilgrims during biblical times. This area of the southern wall was badly damaged following the destruction of the Second Temple. The western Huldah Gate, or Double Gate, now lies below the Al-Aqsa Mosque. The eastern Huldah Gate, or Triple Gate, consisted of three arched entryways at the time of the Second Temple. Now parts of the threshold and the doorjamb are all that remain of the Triple Gate. A monumental staircase was earlier located in front of the Triple Gate. Much of this staircase has now been reconstructed, affording visitors the opportunity to envision the southern entrances to the Temple Mount as it was during the Second Temple period.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the generosity of Byron and Dorothy Davidson Gerson, and in congratulating them on the forthcoming dedication of the Triple Gate Monumental Stairs and Observation Plaza. This project will serve not only as a historical treasure, but also as an appropriate monument to the Gersons' passionate devotion to ensuring that the lessons and legacy of our past are preserved for centuries to come.

RECOGNIZING BASF

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize BASF for its outstanding contributions to the community.

BASF is one of the world's leading agriculture product companies. Its products range from natural gas, oil, petrochemicals and innovative intermediates to high-value-added chemicals, crop protection agents and pharmaceuticals. Among BASF'S Hallmarks are its comprehensive know-how, highly developed integrated systems, which are called Verbund and a significant proportion of specialities.

BASF has an enviable and long history of innovative crop protection technologies and agronomic systems. But perhaps nowhere is the rich legacy of BASF more evident than in the soybean industry. BASF also helps cotton growers around the world solve costly insect, disease, weed control and plant physiology problems in more than 50 crops. When it comes to weed control, BASF is the peanut producer's oldest and most reliable partner. BASF is also instrumental for its agricultural products in the crops of corn, rice, apples, citrus and fruits, and vegetables.

All of BASF's products and services help to conserve and maintain values. As a company that operates throughout the world, BASF is responsible for the effects of its products and processes on humans and the environment. BASF is constantly looking for improvements in safety, environmental protection, and health.

Founded in 1965, BASF is committed to being the best provider of knowledge and innovative solutions for crop protection, in the eyes of its customers, employees and the public.

Mr. Speaker, I recognize BASF for its service to the community, nation and world. I urge my colleagues to join me in wishing BASF many more years of continued success.

NONSENSE CONTINUES TO DOMINATE THE 106TH CONGRESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. OWENS. Mr. Speaker, there are strong rumors that Actor Warren Beatty may run for President in order to highlight the "real issues" facing our great nation. Beatty produced and starred in the movie, "Bulworth," which was a nonsense presentation seeking to ridicule our present political environment. When we listen to the posturing and slogans of the leadership of this 106th Congress it is difficult to distinguish the nonsense on the floor from the nonsense in "Bulworth." Perhaps the political process would benefit from a presidential run by Warren Beatty. He could hold up a mirror for us to see the "bull" we tolerate.

WELCOME BULWORTH

Bulworth welcome
To the Capitol dome
For folks full of bull
This is your home
Manure is splattered
Over the Congress floor
Bring a shovel
Push the grit
Out the Chamber door
Medicare prescriptions
Will bankrupt the nation
BULL
Postpone school construction
Til the next generation
BULL
Money equals free speech
Guns have great
Manhood lessons to teach
BULL
Tobacco smoke is not a pest
Get government out of the medicine chest
Unborn children need protection
Single mothers deserve rejection
BULL
Moral decay killed the kids
At Columbine
Our hi-tech army
Still needs the land mine
BULL BULL BULL.

HONORING A FALLEN DRUG WAR HERO

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. BURTON of Indiana. Mr. Speaker, in March of 1998, Colombian National Police (CNP) Captain Wilson Quintero left his base in San Jose del Guaviare for the last time. As he took off in his Vietnam-era UH–1H Huey helicopter, he saluted the ground crew, and left on his mission to fly cover for U.S.-sponsored eradication spray planes. Something all too familiar happened that day. Captain Quintero's aging chopper was shot down by the terrorist group, the Armed Revolutionary Forces of Colombia (FARC).

As his chopper was going down, Captain Quintero radioed for help, and proceeded to crash-land his helicopter without severely injuring his crew. Another helicopter landed to take away the injured CNP officers. The helicopter had parts which were deemed to be salvageable, and the decision was made to leave six CNP officers overnight to guard the aging Huey. Captain Quintero chose to stay with his chopper, feeling it was his responsibility.

At dawn the next morning, several CNP Hueys landed near the crash site to pick up Captain Quintero. The sight they came upon was gruesome. Three of the six CNP officers were found with their hands tied behind their backs, face down with bullet holes in the back of their heads. They had been executed by the FARC terrorists. Captain Quintero and the others had been taken hostage by the FARC terrorists.

Over the next 18 months his family waited for any word that he was alive. None came.

In early September 1999, Captain Quintero escaped from his FARC terrorist captors. He stayed on the run through the triple canopy jungles of northeastern Colombia for the next two weeks. The FARC, fearing a successful escape, launched an all-out effort to find Captain Quintero. Captain Quintero did not give-in easily. He was shot 35 times in his last stand-off, finally murdered by FARC terrorists. Two fellow CNP counter-narcotics officers were also found executed near Captain Quintero's body.

The CNP, who knew he was on the run, did everything in their power to find him. Every ill-equipped helicopter and aging aircraft was given the recovery of Captain Quintero as a top priority. Unfortunately these aircraft were not able to find him in time.

Captain Quintero is survived by his wife, Carmen Elisa Quintero and two-year old daughter Laura Andrea Quintero Nunez. I extend to his family my deepest sympathy. Mr. Speaker, I ask that Congress take a moment to recognize the service Captain Wilson Quintero has done for our country. Captain Quintero is truly a hero. May he rest in peace.

A TRIBUTE IN HONOR OF MR. BILL BOWEN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to an exceptional manager and good friend, Mr. Bill Bowen, on the occasion of his retirement from the General Motors Powertrain Plant, located in my hometown of Bay City, Michigan. Bill Bowen's distinguished career spans 39 years, and I believe it is not an understatement to say that many of our families in the Fifth Congressional District owe in part their secure, well-paying jobs to Bill's wise stewardship of the plant.

Those who know Bill say that his strong sense of integrity underscores all their interactions with him. I certainly am well-acquainted with his unflagging commitment to honesty and hard work, for these two qualities have always been associated with his name. Bill began his career with General Motors in 1956, shortly after graduating from Alma College. While still working, he managed to continue his education and received a master's degree from the University of Detroit in 1966.

Bill held a variety of positions at General Motors Corporation before moving to Bay City in 1977, when he accepted a position as quality manager, and, in 1979, he became a production manager in Brighton, Michigan. In 1990, he was offered, and accepted, the top position of plant manager. This was widely considered unusual, as GM usually slated outside executives for these positions, but it shows the extent of Bill's reputation, and the vast confidence that others had in him.

Over the next decade, Bill and GM-Powertrain continued to shift toward strategic product lines and maintaining a technological edge. GM invested nearly $1 billion in equipment and tooling for the Bay City plant, and Bill and the Powertrain community delivered. Today, they produce about 40,000 connecting rods daily—although three years ago they produced none. And in 1986, they did not produce camshafts, but now, thanks to Bill's leadership and the Powertrain team, they produce 25,000 daily.

I have great admiration for Bill, as does everyone who has worked with him over the years. Under his leadership, GM-Powertrain has been at the forefront of management/labor relations. The plant has one of the few "living agreement" contracts in the country, which means that the contract never expires; rather, disputes are addressed, and resolved, as they arise. Bill's expertise is not limited to management relations, however, I've worked closely with him on such issues as air quality control standards and Corporate Average Fuel Economy [CAFE] regulations. I hope to continue seeking his excellent advise and expertise during his retirement.

Although Bill would never hint to his extensive civic involvement and community volunteer activities, everyone in Bay City has benefited at one time or another from Bill's kindness. For instance, he has led the campaign for the Bay County Women's Center, in the process raising almost two million for the three million dollar facility, all in less than a year. He has been very involved in the United Way of Bay County, where he served as General Campaign Chairman in 1994 and on the Board of Directors for six years. The list of his civic activities is too long to speak about today, but to name a few: Bay Area Chamber of Commerce, BaySail, Bay Health and Junior Achievement of Northeastern Michigan, and of course, the local Little League. Despite these many community activities, despite his commitment to his work, Bill's greatest pride is in his family. Anyone who meets Bill, knows shortly thereafter of his great dedication to his wife Sally, and their two sons, Robert and David.

Mr. Speaker, Bill is indeed a great leader, a kind person, and devoted husband and father. I have no doubt that he will continue to inspire others with his selfless contributions to our community. Today, I urge you and our colleagues to join with me in congratulating Bill Bowen on his retirement from GM-Powertrain in Bay City, Michigan.

TRIBUTE TO THE BUDDHIST CHURCH OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to the Buddhist Church of Sacramento. On October 16, 1999, this church will be celebrating its 100th year anniversary. As the church members gather to celebrate, I ask all my colleagues to join with me in saluting this monumental achievement.

The Buddhist Church of Sacramento was established on December 17, 1899. The first meeting was held that day at 1221 Third Street, and the next year, a temple building was purchased at 418 O Street. Today, this small gathering of people has grown to over 1,200 families from throughout Sacramento, Yolo, and Solano counties.

In the past, this church has not been without its share of tragedy. On April 15, 1923, an arson fire destroyed the dormitory housing for children of working parents. Ten children perished in that fire. Additionally, after the outbreak of World War II and the issuance of Executive order 9066, Japanese-Americans from Sacramento were relocated to internment camps throughout the United States. During that time, the U.S. government assumed responsibilities for the church and used it as a military induction center.

However, the members of the Buddhist Church of Sacramento have persevered. Two years after the infamous arson fire, the church members constructed a new temple. A social hall was constructed in 1937 to provide additional recreational and social facilities for the Japanese-American community. As a result of the Sacramento Redevelopment Project, a new temple complex was constructed. It was dedicated on June 27–28, 1959.

Today, the church has grown to host several youth programs and events. For instance, over 200 community youths participate as members of Boy Scout Troop 50, Cub Scout Pack 50, and Girl Scout Troop 569. The church also sponsors various youth sports programs including basketball, volleyball, and golf.

Community programs at the Buddhist Church of Sacramento are not limited to youth activities. The church hosts the Tanoshimi-kai, a weekly lunch program attended by 150 seniors. The church's facilities are open to various Bonsai and other Japanese cultural groups for meetings and gatherings. In addtion, the church conducts Japanese language classes, which are attended by over 100 students of all ages.

One crowning achievement of the Buddhist Church of Sacramento is its involvement in the Triple R Day Care Program. The program, sponsored by the city of Sacramento since Spring, 1999, chose the church as its first satellite site, the first Asian program, and the first site hosted by a church. Currently, there are nine program participants.

As a theme for this year's Centennial Celebration, the Buddhist Church has chosen: "Gratitude, Dedication, Aspiration." This theme symbolizes the relationships of the past, present, and future at the church. It represents a time to reflect on the past, a time to celebrate the present, and a time to plan for the future.

Mr. Speaker, as the exceptional people of the Buddhist Church of Sacramento gather to celebrate their church's centennial anniversary, I am honored to pay tribute to one of Sacramento's most outstanding organizations. The Buddhist Church of Sacramento's contributions to the youth and overall community are commendable. I ask all of my colleagues to join with me in wishing the church continued success in all its future endeavors.

IN MEMORY OF DR. DAVID N. JONES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today in memory of Dr. David N. Jones, a former professor of Russian and Soviet History at California State University, Fresno (CSUF). David was also actively involved in the Fresno County Republican Central Committee.

Dr. Jones is a native of West Virginia, grew up in North Carolina and was educated at the University of North Carolina at Chapel Hill. He joined the faculty at CSUF in 1970, after teaching at the University of California, Santa Barbara and Duke University. He was a demanding but sought-after teacher. The University and the community will sorely miss his erudition. He served the History Department in many capacities, most notably as Chair and as Graduate Advisor. He was an avid violinist and performed for many years with the Fresno state orchestra. He also enjoyed amateur theatricals and performed in many local productions. Many will remember him as Lesgate in "Dial M. for Murder" or Mr. Radley in "To Kill a Mocking Bird." At the time of his death he was preparing to try out for the role of the fiddler in "Fiddler on the Roof" with the Roger Rockas Music Hall.

David Jones was active in Republican Party Affairs from 1996–1998 as an elected member of the Fresno County Republican Central Committee.

David is remembered by his wife, Laura; his stepchildren, Amber, Christopher, and Justin Weatherby of Fresno; his brother, Joseph Jones of Chapel Hill, NC; his sister, Karin Jones of Denver, CO, and numerous nephews, nieces, and cousins.

Mr. Speaker, in remembrance of David N. Jones, I would like to acknowledge the happiness he brought to others and the respect so many held for him. I urge my colleagues to join with me in extending my condolences to the Jones family.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Friday, September 24, 1999, and Monday, September 27, 1999, and as a result, missed rollcall votes 444 through 452. Had I been present, I would have voted "yes" on rollcall vote 444, "yes" on rollcall vote 445, "no" on rollcall vote 446, "yes" on rollcall vote 447, "yes" on rollcall vote 448, "yes" on rollcall vote 449, "yes" on rollcall vote 450, "yes" on rollcall vote 451, and "yes" on rollcall vote 452.

REGARDING THE RETIREMENT OF JOE REORDA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SCHAFFER. Mr. Speaker, today, because Republicans in the House of Representatives are working to ensure 100% of the Social Security Trust Fund is devoted to preserving Social Security instead of being used to pay for new big government spending, a friend and constituent came to my mind, Mr. Joe Reorda, Principal of Trinidad Catholic Schools, in Trinidad, Colorado.

Mr. Reorda, who plans to retire in 2000, served as a school principal for 31 years in Trinidad's public school system and for the last eight years, as principal of Trinidad Catholic Schools. During his tenure in the public schools, he contributed to Colorado's public retirement plan which provides solid, secure benefits at a reasonable cost. Unfortunately, when he went to work for the private school, he had no choice but to make payments to the Social Security system.

Upon retirement from Trinidad Catholic Schools, he will start receiving his pension from the state of Colorado but his benefit from Social Security will be greatly reduced because of the Windfall Elimination Provision. Mr. Reorda knows this is not fair. First of all, he was required to invest in the government's program instead of being able to choose his own individual retirement plan. An Individual Retirement Account, for example, would earn for him more than what the government can. In fact, all Americans could be earning a higher rate of return on retirement funds if they were allowed to invest in individually directed and professionally managed accounts.

Secondly, and more importantly, after a lifetime of hard work and paying taxes, Mr. Reorda should be able to trust he will receive full benefits when he retires. He made the required payments to the system in good faith so he should be able to expect the full measure of his Social Security benefits to be waiting for him when he retires.

This is a very challenging time for Members of Congress. For 32 years, Congress raided the Social Security Trust Fund to pay for Washington programs that had nothing to do with Social Security. It is time to put an end to this practice. It is time my colleagues on both sides of the aisle pledge not to pass any legislation that spends one penny of the Social Security Trust Fund.

Mr. Speaker, it is for this reason I rise today to tell you about my friend, Mr. Reorda. I would like to soon be able to report to him the funds he's been sending to Washington are secure and will be returned to him in full.

REMARKS ON THE TUSCOLA KOREAN WAR MUSEUM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. EWING. Mr. Speaker, I rise today in support of my resolution to recognize the Korean War Veterans National Museum and Library in Tuscola, Illinois as a National Korean War Veterans Museum.

The Korean War has often been referred to as the Forgotten War. Of all the conflicts in which our country has been involved, this one has received the least amount of attention or fanfare. However, the individuals who participated in this conflict fought just as bravely and sacrificed just as much as their fellow veterans from other wars.

The museum and library in Tuscola is dedicated to honoring the brave individuals who participated in this war. It provides a forum where individuals can view artifacts from the war as well as perform research and participate in educational programs relating to this often neglected event in our history. The individuals who served in this war have earned our respect and deserve recognition for the sacrifices they have made and this museum is a fitting tribute to their efforts.

I applaud the efforts of the administrators of the Tuscola museum. Their long hours and hard work has paid off, giving Korean War veterans a museum we can all be proud of. Please join with me in supporting this worthy resolution.

CONGRATULATING WALDWICK BOROUGH ON ITS 80TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Waldwick, New Jersey, on its 80th anniversary. This historic occasion will be marked this weekend with the celebration of Waldwick Day, Saturday, October 2, and the dedication of the borough's long-awaited new Administration Building.

The people of Waldwick this year are celebrating the many virtues of their wonderful community. Waldwick is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

On this occasion, I want to specifically acknowledge the outstanding leadership of Waldwick's elected officials. Waldwick has always enjoyed a history of good, sound local government—a tradition carried on today by Mayor Rick Vander Wende, Borough Administrator Gary Kratz, Borough Clerk Paula Jaegge, and Borough Council members Art Barthold, Robert Campbell, Frank McKenna, Joseph Musumeci, James O'Connell and Jim Toolen.

Waldwick has been a town of many names. The area traces its past to the settlement of New Barbadoes Township in modern-day northern New Jersey in 1693. The settlement changed its name to Franklin Township when it was incorporated in 1772, however, and by the late 1800s was known as Orvil Township. Orvil changed its form of government from township to borough in 1919, prompting another name change. A committee chose "Wald," German for "woods" and later refined the choice to Waldwick, meaning, "a light in the woods."

Transportation played a major role in the development of Waldwick. An Indian trail along the foothills of the Ramapo Mountains was used by European settlers and became part of the Albany Post Road. The Franklin Turnpike was developed and named for New Jersey Colonial Governor William Franklin, son of Benjamin Franklin. Railroads first came to the area in the 1840s, when the Paterson and Ramapo built a line to connect Suffern, New York, and Jersey City, but a depot wasn't built in Waldwick until 1886. The railroad brought dramatic improvements in Waldwick's connections to the outside world, including the first regularly scheduled deliveries of mail.

Several businesses developed around the railroad depot, including the Orvil Hotel, a printing shop, two butcher shops, a carpenter's shop, a livery stable, a machine shop, a general store, a dressmaker's shop, a funeral home and Hopper's Coal and Lumber Co.

By the 1920s, Waldwick had a thriving downtown district and growing residential neighborhoods. A large number of civic organizations, including the Ancient Order of Forresters, the Sylvandale Literary Society and the Waldwick Public Hall Association, among others, were formed. Italians were a prominent ethnic group within the community, forming a chapter of the Sons of Italy and staging an annual Assumption of the Virgin Mary celebration.

The Depression actually benefited Waldwick with the construction of a municipal pool and a municipal office building by the Works Progress Administration.

Today, under the leadership of Mayor Vander Wende and the other borough officials, Waldwick continues to be a thriving, modern community with much to offer to everyone. The new Administration Building being dedicated this weekend is the latest tangible sign of Waldwick's growth. The $1.9 million, 12,000-square-foot building, located at 63 Franklin Turnpike, will consolidate all borough administrative offices in one location. The old Municipal Building, built in 1927 at a cost of $40,000, will remain home to the Police Department headquarters and will continue to be the site of meetings of the Borough Council, the Planning and Zoning Board and sessions of Municipal Court.

My colleagues, I am certain you would agree with my conviction that Waldwick is one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

SPEECH OF

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes:

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2436, the Unborn Victims of Violence Act. Under current federal law, an individual who commits a federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the fetus. I think this is wrong and should be changed.

An incident that occurred in my district illustrates why this law is so desperately needed. In 1996, a man enlisted in the Air Force and stationed at Wright-Patterson Air Force Base—a jurisdiction which is governed by federal military law—severely beat his wife who was 34 weeks pregnant at the time. Although the woman survived the attack, her uterus split open, expelling the baby into her mother's abdominal cavity, where the baby died.

The man was arrested and charged with several criminal offenses for the attack. However, Air Force prosecutors concluded that they could not charge him with a separate offense for killing the baby because, although Ohio law recognizes an unborn child as a victim, federal law does not.

In 1998, that judgment was concurred in the U.S. Air Force Court of Criminal Appeals ruling on the case. The court said, "Federal homicide statutes reach only the killing of a born human being . . . (Congress) has not spoken with regard to the protection of an unborn person."

Mr. Chairman, I believe it is time that Congress speaks on this issue by passing H.R. 2436. Many states, like Ohio, have passed laws to recognize unborn children as human victims of violent crimes. However, these laws do not apply on federal property. I think they should and therefore would urge my colleagues to pass the Unborn Victims of Violence Act.

THURGOOD MARSHALL COMMEMORATIVE STAMP RESOLUTION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. CUMMINGS. Mr. Speaker, today, I introduced legislation urging the Citizen's Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the late great Justice Thurgood Marshall.

I'd like to start my tribute with a brief story. This story was told by Marshall during the installation of Wiley Branton as Dean of Howard University's Law School. It clearly exemplifies what Marshall's legacy means to me. You'll see what I mean when you hear the story.

This guy took a trip to Las Vegas and did what so many others do—he lost his money, including his fare home. While figuring out what to do, as sometimes happens, he had to go. When he got to the bathroom, he discovered that they had not a nickel or dime but quarter stalls. He didn't have any money, so he was in pretty bad shape. And then a gentleman came by and he told the gentleman his problem. The guy said, "I'll give you a quarter . . . I don't care if you give it back to me or not, it's no problem." He took the quarter and went back into the restroom, and just as he was about to put the quarter in, he realized the door had been left open. So he put the quarter in his pocket and he went in . . . He realized that a quarter wasn't going to get him back to Los Angeles and wouldn't even feed him. So, he put the quarter in a slot machine.

And it wouldn't be a story if he didn't hit the jackpot.

Then he hit the bigger jackpot . . . and he went to the crap table; he went to the roulette table. He ended up with about ten or fifteen thousand dollars. He went back home and invested in the right stock. He got the right business together. And in pretty short order, about fifteen years, he became the second wealthiest man in the world. He was asked about this story on television and began by saying, "I am so indebted to that benefactor of mine. That man who made all of this possible. And if he comes forth and proves who he is, I will give him half my wealth in cash. So a man came forth . . . . He said, "Are you sure you are the one I'm looking for?" "Of course, he said, I'm the man who gave you that quarter," The millionaire said "I'm not looking for you. I'm looking for the man who left the door open." You see, if he hadn't left the door open, I would have put the quarter in the stall."

Marshall epitomizes the man who left the door open. We are all millionaires—even billionaires—rich from Marshall's legacy of opening doors for those less fortunate. As we close this era, we must not forget his impact on the events of the 20th Century.

Marshall was instrumental in supporting the rights of minorities and immigrants; limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and the right to privacy; and in creating new protections under the law for women, children, prisoners, and the homeless.

His legacy has inspired Americans to name educational institutions, Federal Buildings, legal societies, libraries, and numerous academic achievement awards in his honor. It is indeed my honor to recognize a man whose career is a monument to our judiciary system and who has inspired so many to continue his quiet crusade.

Marshall was born and raised in the Congressional District I represent—Baltimore City, Maryland—and lived in a home about eight blocks from where I live now. We both attended Howard University and, more significantly, he was once turned away from the law school I attended and graduated from—the University of Maryland. As such, I am especially proud to honor Thurgood Marshall, as I share a common background with him.

Through his knowledge, advocacy and devotion to the cause of civil rights, Marshall contributed to the battle fought in the United States courts to eradicate the legacy of slavery. I believe, however, that he should be revered most for his courage and independent judiciary and for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices concerning voting, housing, education and travel.

In 1954, he argued the case of Brown v. Board of Education of Topeka, Kansas before the Supreme Court, where racial segregation in public schools was declared unconstitutional.

He won 29 of the 32 cases he argued before the Supreme Court, including, cases in which the court declared unconstitutional:

A Southern state's exclusion of African-American voters from primary elections (Smith v. Allwright, 1944); state judicial enforcement of racial "restrictive covenants" in housing (Shelley v. Kraemer, 1948); and "separate but equal" facilities for African-American professionals and graduate students in state universities (Sweatt v. Painter and McLaurin v. Oklahoma State Regents, both 1950).

I honor and praise him for his civil rights and professional achievements within our judicial system.

President John F. Kennedy appointed Marshall to the United States Court of Appeals for the Second Circuit in 1961. Four years later, President Lyndon B. Johnson appointed him Solicitor General of the United States.

President Johnson nominated Marshall to the Supreme Court of the United States and the Senate confirmed the appointment on August 30, 1967, making Marshall the first African-American justice to sit on the Court. Marshall served 23 years on the Supreme Court, retiring on June 27, 1991, at the age of 82.

After his death an article in the Washington Afro-American stated, "We make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live the legacy of Justice Thurgood Marshall."

PULL FEDERAL FUNDING FROM BROOKLYN MUSEUM OF ART

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SWEENEY. Mr. Speaker, today I am introducing a resolution along with Mr. FOSSELLA, that calls for an elimination of federal funds for the Brooklyn Museum of Art if it proceeds with an exhibit that desecrates religion.

The Museum, which has come under fire for using taxpayer money to host an exhibit featuring a portrait of the Virgin Mary smeared with elephant dung, has received more than $700,000 from the National Endowment for the Arts and the National Endowment for the Humanities over the past three years.

John Cardinal O'Connor, in published new accounts, called the exhibit "an attack on religion itself and, in a special way, on the Catholic Church." In fact, it is an is an affront to the more than one billion Catholics worldwide!

In addition to the Virgin Mary painting, the art show titled, "Sensation: Young British Artists from the Saatchi Collection," also features a portrait of a convicted child murderer fashioned from small hand prints. Do we really want to glorify convicted murderers?!

I wholeheartedly agree with my colleague, Mr. FOSSELLA, who describes the exhibit as "little more than publicly-funded bigotry." He was correct in saying that "the American people have a right to know that their tax dollars are not being used to desecrate religion and promote bigotry."

When taxpayers decide to support the arts, I doubt these are the kinds of exhibits they have in mind. Our resolution will give a voice to the millions of Americans who are disgusted that they are being forced to fund this offensive exhibit. Furthermore, I believe that most of my constituents would join me in saying that this exhibit goes too far and is devoid of culturally redeeming value, by any standard.

Our federal tax dollars should not be spent on images that glorify immoral and criminal behavior. They should be used to defend not offend. Further, if we are to subsidize the expression of art, let that expression carry a message of education, not defecation.

We have no obligation to call it art and the American people don't have to subsidize it. While these so-called artists have a right to create their "art," and galleries have a right to display it, the First Amendment does not guarantee that the American people must subsidize it.

The City of New York has threatened to pull the museum's funding, and so too should the federal government.

Again, I urge my colleagues to continue to cosponsor this important resolution.

INDEPENDENCE DAY FOR CYPRUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to the Republic of Cyprus on the 39th anniversary of its independence.

As we celebrate this important day, we are sadly reminded of the political impasse which continues to divide the island into two communities. However, recent seismic shifts in the region give hope to optimists who believe that for the first time in many years we could see progress towards a fair and just settlement on this island nation.

Even before the recent tragic earthquakes that rocked Turkey and Greece in August and September, we were seeing fissures in the previously frozen relations between the two nations. The far sighted leadership of Foreign Ministers Papandreou and Cem brought them together to talk in a meaningful way about coordinating policy in the wake of the crisis in Kosovo—breaking the silence which had stifled dialogue between Athens and Ankara since the invasion of Cyprus.

Little could they have imagined that serious earthquakes this year would take the lives of thousands in the region and elicit such profound and heartfelt responses from the peoples of each country towards their neighbors in times of crisis. The outpouring of assistance and sympathy during these consecutive tragedies demonstrated that the citizens of Greece and Turkey were following the lead of their respective foreign ministers in acknowledging that no country is an island.

Neither political tremors touched off by Slobodan Milosevic's military aggression nor geological tremors caused by tectonic shifts stayed confined within international borders. The peoples of Greece and Turkey worked together during these crises because there was no other feasible option. Now they must work together as must Greek Cypriots and Turkish Cypriots to find a solution in Cyprus.

Both Turkey and the people of Northern Cyprus have much to gain from an end to the strife which has divided the island for a quarter of a century. The United States, the United Nations, the G–8 nations, and the Council of Europe are united in urging a settlement in Cyprus that establishes a stable bizonal, bicommunal federation with adequate security guarantees for all citizens on the island nation.

Restarting serious talks in Cyprus without stymying pre-conditions would produce enormous progress for Turkey towards solving an impediment to its relations with the international community and for the people of Northern Cyprus to emerge from their painful isolation from the rest of the world.

Greece has built on "earthquake diplomacy" to send signals that it would not oppose Turkish entry into the European Union. Ankara could build on this momentum by urging Turkish Cypriots to reestablish crucial cultural and business exchanges between the two communities and restart negotiations immediately. Because of past history, Turkish Cypriots have every right to demand strong security guarantees when the partition of the island is removed. But this legitimate concern cannot be a rationalization for preserving the status quo by evading the responsibility to find a solution.

Thirty-nine years ago Cyprus gained its independence from colonial status only to find itself torn apart by violence fifteen years later. I hope that soon we can stand together in this body and celebrate an anniversary of independence for Cyprus that sees its two communities reunited and working together towards the future.

CELEBRATING THE BIRTH OF JORDYN MACKENZIE MOUDY

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SHOWS. Mr. Speaker, I rise today to announce the grand arrival of Jordyn Mackenzie Moudy. She's a new little Democrat of the 4th congressional district in Mississippi.

The proud parents are Jerry and Kristi Moudy from Terry, Mississippi. Grandparents include Joe and Annette Gallaspy from Clinton, Mississippi. Annette happens to be a member of my staff in my Jackson office.

Granny Annette reports that Jordyn arrived on September 29, 1999, at 5:30 p.m., weighing in at 7 pounds, 7 ounces and 19 inches long, and sporting lots of black hair. Mother and daughter are doing fine but Annette can barely contain herself and I do not know when she will return to earth.

I send a hearty "welcome" to Miss Jordyn, and my best wishes go out to the Moudy and Gallaspy families.

HONORING FENMORE AND PHYLLIS SETON FOR THEIR DEDICATED SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize my good friends, Fenmore and Phyllis Seton, as they are honored by the New Haven Colony Historical Society with the Seal of the City Award.

The Seal of the City Award is presented annually to an individual or individuals who have strived to improve the quality of life for New Haven residents and have demonstrated a commitment to the overall improvement of the community. First presented to Mayor Richard C. Lee in 1992, this award reflects the dedication which we, the New Haven community, have toward the continued growth and revitalization of our city. Today, Fen and Phyllis will receive this award as a token of our sincere appreciation for their contributions to our community.

For over fifty years, Fen and Phyllis have been active community leaders in Greater New Haven. Recognized both locally, nationally, and internationally, they share a common interest in community revitalization. Fen has had a remarkable career in rehabilitation services as Past President of Rehabilitation International, lecturer at the United Nations, and recipient of the Presidential Award from President George Bush. Within her own distinguished career, Phyllis has served as both an officer and director of the New Haven Easter Seals—Goodwill Rehabilitation Center, and has been honored for her work at an international assembly in Nairobi, Kenya.

The Setons conceived and endowed the Elm-Ivy Award Program which for twenty years has recognized Town-Gown relationships. This local initiative honors individuals whose efforts have had a positive impact on both the City of New Haven and Yale University. They have been recognized jointly with Yale University's highest honor, the Yale Medal, as well as recently named "Connecticut's Philanthropists of the Year" by the National Society of Fund Raising Executives.

Their support of and active participation with non-profit organizations has served to enhance the quality and prosperity of the City of New Haven. Their outstanding record of service sets a brilliant example for other community leaders—an embodiment of the very spirit of the Seal of the City Award. I am proud to join with family, friends, and community members to recognize my dear friends, Fen and Phyllis Seton, as they are honored with this very special award. The City of New Haven is indeed fortunate to have such dedicated individuals working on behalf of our community.

TRIBUTE TO FRED ROTI

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the passing of former Alderman Fred Roti of the old first ward which included the downtown loop area of Chicago.

Alderman Roti or Freddie as he was known was one of eleven children born in an apartment over a store in Chinatown. His father, Bruno, was known as Bruno the bomber for his work as a small time gangster under Al Capone.

Fred Roti was reported to have ties to organized crime throughout his life, yet he was elected and served as Alderman of the 1st ward from 1968 to 1990. Several members of Alderman's Roti's political group were convicted of crimes and ultimately, Alderman Roti was indicted in 1990 and convicted of fixing a murder trial, zoning case and a civil court case. Notwithstanding, his alleged and ultimate criminal conviction, Fred Roti remained a popular figure in Chicago civic, political and social circles until his death from lung cancer at the age of 78.

Fred Roti was convicted of corruption and was probably corrupt. He was eventually caught, convicted, went to jail, served his time, came home to Chinatown and died.

He never stopped being witty, he never stopped living in Chinatown, and he never stopped expressing a love for Chicago.

SENATE—*Monday, October 4, 1999*

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Source of all the blessings, of life, You have made us rich spiritually. As we begin this new week, we realize that You have placed in our spiritual bank account, abundant deposits for the work of this week. You assure us of Your everlasting, loving kindness. You give us the gift of faith to trust You for exactly what we will need each hour of the busy week ahead. You promise to go before us, preparing people and circumstances so we can accomplish our work without stress or strain. You guide us when we ask You for help. You give us gifts of wisdom, discernment knowledge of Your will, prophetic speech, and hopeful vision. Help us to draw on the constantly replenished spiritual reserves You provide. Bless the Senators this week with great trust in You, great blessings from You, and great effectiveness for You. You are our Lord and Savior. Amen.

The PRESIDENT pro tempore. We are glad to have the Chaplain back with us.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Ohio is recognized.

WELCOME BACK

Mr. VOINOVICH. Mr. President, first of all, all of us welcome back our Chaplain, Lloyd Ogilvie. We are thankful to Almighty God that the Holy Spirit inspired the medical providers so that he could be back with us to continue to inspire us and keep our feet to the ground and our eyes to the heavens.

SCHEDULE

Mr. VOINOVICH. Today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin consideration of the Federal Aviation Administration reform bill. By previous consent, the Senate will also begin debate on three judicial nominations with votes scheduled to occur on those nominations at 2:15 p.m. on Tuesday in a stacked sequence. Also by previous consent, the Senate will conduct a rollcall vote at 5:30 today on the adoption of the Transportation appropriations conference report. Following that vote, Senators can also expect votes with respect to the FAA bill. For the remainder of the week, the Senate will continue debate on the FAA reform bill, complete action on the Labor-HHS bill, and consider nominations and conference reports that are available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak up to 10 minutes each and the time to be equally divided between the two leaders or their designees.

The Senator from Ohio.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S.J. Res. 35 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I understand that Senators are permitted to speak 10 minutes now and we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO JAMES THOMAS "TONY" ANDERSON

Mr. ROBERTS. Mr. President, those of us who are privileged to serve in the Senate are also privileged to become associated with a great many people who also serve our Nation's Capitol and, in turn, better enable us to meet our responsibilities.

They also serve the true "owners" of this Capitol Building, the many men, women, and children who visit this very historic place to see firsthand "their" Capitol, their symbol of America, and the freedoms that we all enjoy.

Despite the fact they do a good job, they are mostly unsung. I am talking about the 1,600 employees of the Senate. If you count our fine U.S. Capitol Police force, that number goes over 2,000.

Today, I rise to pay tribute to one such employee, former Hill staffer, James Thomas "Tony" Anderson, who passed away this past August.

For the past 5 years, the Senate's appointment desk, just one floor from this Chamber, was where Tony always greeted people with a smile and made them feel very special. In this tribute to him, I also speak for his coworkers and friends, Joy Ogdon, Christine Catucci, and Laura Williams.

Mr. President, I first met Tony Anderson when I worked for Kansas Senator Frank Carlson and was a good friend with his mother, Margaret, who was a long-time and valued member of the Carlson staff.

Like many of our dedicated employees, Mr. Anderson was never far from Capitol Hill. He was born in the old Providence Hospital at Third and E Streets N.E., and Tony got his training early and from some of the best. While still in high school, and later in college, he worked in various capacities for many Senators; the list reads similar to a Who's Who of the Senate during those years. I am talking about Senator Russell Long, Senator Leverett Saltonstall, Senator John Kennedy, Senator George Murphy, and Senator Frank Carlson.

He graduated from Anacostia High School and later attended Federal City College, Montgomery College, and later the University of the District of Columbia.

James Thomas Anderson was also Brother Bernard, junior Profess member of the Order of St. Francis, a Holy Order within the Episcopal Church, located at Little Portion Monastery in New York. His chosen service within the Order of St. Francis was commensurate with his strong support of human and animal rights. Upon his return from the monastery, he worked for the Architect of the National Cathedral.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. Anderson's life took a turn from Washington as a result of being a waiter at the old Carroll Arms Hotel Restaurant, where his interest in wines led him to a successful career that took him to the vineyards of Italy, France, Germany, and Spain. With his knowledge of wine and cheeses, he helped to open the Capitol Hill Wine and Cheese Shop, one of the first business successes that led to the revitalization of Capitol Hill.

He later became the sommelier at the Watergate Terrace, the Four Seasons, Jean Louis at the Watergate, and then to the Hay Adams Hotel. Mr. Anderson was instrumental in getting the Four Seasons' wine and beverage program started.

Tony Anderson then returned to the Capitol, working in the Senate Restaurant and Banquet Department. He could tell many accounts of serving First Ladies, visiting dignitaries, and even a luncheon for the Queen of England. No one did it better or with more elegance and propriety than Tony.

Mr. Anderson left the Senate Restaurant, and for the past 5 years served on the Senate Appointments Desk. In that capacity, he was a natural. Tony Anderson was born in the city, grew up in the city. He loved the city and the Senate dearly. He truly enjoyed people, made them feel welcome, and if they had a moment, he made their visit to our Capitol special with all of his stories and experiences.

I am not sure when he told me who he was. As I indicated, we were friends when I worked for Senator Frank Carlson a long time ago. For me and for most who have worked here as pages, interns, employees, and staffers—and, yes, also as Members of Congress—each experience, each person and, yes, even the places, are like a special collage etched in your memory.

I can't remember exactly when it was, but I know I was coming from the Hart Building; I decided not to take the elevator to get to the first floor but to take the old stairs that I used when I was an intern for Senator Frank Carlson; they lead to the Senate Foreign Relations Committee room. Well, I turned right and was hurrying on my way, glancing at those ever-present appointment cards, when I heard Tony:

> Hey, Pat, remember me? I'm Tony Anderson, Margaret Anderson's son.

And there he was, with a bow tie and a smile, the same smile and always pleasant demeanor that made him special to his family, coworkers, and friends—not to mention everyone he ever served and helped, from the Queen of England to John Q. Public, visitor to our Nation's Capitol.

Mr. Anderson died at the age of 57. He is survived by his sister, Karen Anderson Cramer of Ocean Pines, MD. He was preceded in death by his parents, James and Margaret Anderson, and Edward Brodniak, his life partner of 32 years.

Tony, thanks and godspeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AIR TRANSPORTATION IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Air Transportation Improvement Act, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 82) to authorize appropriations for the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Air Transportation Improvement Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Reprogramming notification requirement.
Sec. 105. Airport security program.
Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.
Sec. 202. Innovative use of airport grant funds.
Sec. 203. Matching share.
Sec. 204. Increase in apportionment for noise compatibility planning and programs.
Sec. 205. Technical amendments.
Sec. 206. Report on efforts to implement capacity enhancements.
Sec. 207. Prioritization of discretionary projects.
Sec. 208. Public notice before grant assurance requirement waived.
Sec. 209. Definition of public aircraft.
Sec. 210. Terminal development costs.
Sec. 211. Airfield pavement conditions.
Sec. 212. Discretionary grants.

TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.
[Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.**]**
Sec. 302. Limited transportation of certain aircraft.
Sec. 303. Government and industry consortia.
Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
Sec. 305. Foreign aviation services authority.
Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
Sec. 307. Extension of Aviation Insurance Program.
Sec. 308. Technical corrections to civil penalty provisions.
Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 310. Nondiscriminatory interline interconnection requirements.

TITLE IV—MISCELLANEOUS

Sec. 401. Oversight of FAA response to year 2000 problem.
Sec. 402. Cargo collision avoidance systems deadline.
Sec. 403. Runway safety areas; precision approach path indicators.
Sec. 404. Airplane emergency locators.
Sec. 405. Counterfeit aircraft parts.
Sec. 406. FAA may fine unruly passengers.
Sec. 407. Higher standards for handicapped access.
Sec. 408. Conveyances of United States Government land.
Sec. 409. Flight operations quality assurance rules.
Sec. 410. Wide area augmentation system.
Sec. 411. Regulation of Alaska air guides.
Sec. 412. Application of FAA regulations.
Sec. 413. Human factors program.
Sec. 414. Independent validation of FAA costs and allocations.
Sec. 415. Whistleblower protection for FAA employees.
Sec. 416. Report on modernization of oceanic ATC system.
Sec. 417. Report on air transportation oversight system.
Sec. 418. Recycling of EIS.
Sec. 419. Protection of employees providing air safety information.
Sec. 420. Improvements to air navigation facilities.
Sec. 421. Denial of airport access to certain air carriers.
Sec. 422. Tourism.
Sec. 423. Equivalency of FAA and EU safety standards.
Sec. 424. Sense of the Senate on property taxes on public-use airports.
Sec. 425. Federal Aviation Administration Personnel Management System.
Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.

❚Sec. 427. Report on enhanced domestic airline competition.❚
Sec. 427. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 428. Aircraft situational display data.
Sec. 429. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
Sec. 430. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
Sec. 431. Allocation of Trust Fund funding.
Sec. 432. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 433. Airline marketing disclosure.
Sec. 434. Certain air traffic control towers.
Sec. 435. Compensation under the Death on the High Seas Act.
Sec. 436. FAA study of breathing hoods.
Sec. 437. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 438. Passenger facility fee letters of intent.
Sec. 439. Elimination of HAZMAT enforcement backlog.
Sec. 440. FAA evaluation of long-term capital leasing.

TITLE V—AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.
Sec. 502. Establishment of small community aviation development program.
Sec. 503. Community-carrier air service program.
Sec. 504. Authorization of appropriations.
Sec. 505. Marketing practices.
Sec. 506. Slot exemptions for nonstop regional jet service.
Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.
Sec. 509. Consumer notification of e-ticket expiration dates.
Sec. 510. Regional air service incentive options.
Sec. 511. GAO study of air transportation needs.

TITLE VI—NATIONAL PARK OVERFLIGHTS

Sec. 601. Findings.
Sec. 602. Air tour management plans for national parks.
Sec. 603. Advisory group.
Sec. 604. Overflight fee report.
Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

Sec. 701. Restatement of 49 U.S.C. 106(g).
Sec. 702. Restatement of 49 U.S.C. 44909.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) In General.—Section 106(k) is amended to read as follows:

"(k) Authorization of Appropriations for Operations.—

"(1) In general.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,631,000,000 for fiscal year 1999 and $5,784,000,000 for fiscal year 2000. Of the amounts authorized to be appropriated for fiscal year 1999, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

"(2) Authorized expenditures.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

"(3) University consortium.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 1999 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

"(A) may not be used for the construction of a building or other facility; and

"(B) shall be awarded on the basis of open competition.".

(b) Coordination.—The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) In General.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) for fiscal year 1999—

"(A) $222,800,000 for engineering, development, test, and evaluation: en route programs;

"(B) $74,700,000 for engineering, development, test, and evaluation: terminal programs;

"(C) $108,000,000 for engineering, development, test, and evaluation: landing and navigational aids;

"(D) $17,790,000 for engineering, development, test, and evaluation: research, test, and evaluation equipment and facilities programs;

"(E) $391,358,300 for air traffic control facilities and equipment: en route programs;

"(F) $492,315,500 for air traffic control facilities and equipment: terminal programs;

"(G) $38,764,400 for air traffic control facilities and equipment: flight services programs;

"(H) $50,500,000 for air traffic control facilities and equipment: other ATC facilities programs;

"(I) $162,400,000 for non-ATC facilities and equipment programs;

"(J) $14,500,000 for training and equipment facilities programs;

"(K) $280,800,000 for mission support programs;

"(L) $235,210,000 for personnel and related expenses; and

"(2) $2,189,000,000 for fiscal year 2000.".

(b) Continuation of ILS Inventory Program.—Section 44502(a)(4)(B) is amended—

(1) by striking "fiscal years 1995 and 1996" and inserting "fiscal years 1999 and 2000"; and

(2) by striking "acquisition," and inserting "acquisition under new or existing contracts,".

(c) Life-Cycle Cost Estimates.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) Extension and Authorization.—Section 48103 is amended by striking "$1,205,000,000 for the 6-month period beginning October 1, 1998." and inserting "$2,410,000,000 for fiscal years ending before October 1, 1999, and $4,885,000,000 for fiscal years ending before October 1, 2000.".

(b) Project Grant Authority.—Section 47104(c) is amended by striking "March 31, 1999," and inserting "September 30, 2000,".

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) In General.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

"§ 47136. Airport security program

"(a) General Authority.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative airport security systems and related technology.

"(b) Priority.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

"(1) evaluates and tests the benefits of innovative airport security systems or related technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, ❚test bed❚ *testbed* environment.

"(c) Matching Share.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

"(d) Terms and Conditions.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) Eligible Sponsor Defined.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

"(f) Authorization of Appropriations.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.".

(b) Conforming Amendment.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

"47136. Airport security program.".

SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§ 47135. Innovative financing techniques

"(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

"(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

"(c) LIMITATION—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

"(1) payment of interest;

"(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

"(3) flexible non-Federal matching requirements.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

"47135. Innovative financing techniques.".

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting "not more than" before "90 percent".

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking "31" each time it appears and [substituting] *inserting* "35".

SEC. 205. TECHNICAL AMENDMENTS.

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

"(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.".

(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) by striking "ALTERNATIVE" in the subsection caption and inserting "SUPPLEMENTAL";

(2) in paragraph (1) by—

(A) striking "Instead of apportioning amounts for airports in Alaska under" and inserting "Notwithstanding"; and

(B) striking "those airports" and inserting "airports in Alaska"; and

(3) striking paragraph (3) and inserting the following:

"(3) An amount apportioned under this subsection may be used for any public airport in Alaska.".

(c) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) DISCRETIONARY FUND DEFINITION.—

(1) Section 47115 is amended—

(A) by striking "25" in subsection (a) and inserting "12.5"; and

(B) by striking the second sentence in subsection (b).

(2) Section 47116 is amended—

(A) by striking "75" in subsection (a) and inserting "87.5";

(B) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

"(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

"(2) the remaining amounts based on the following:".

(e) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end thereof the following:

"(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.".

(f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended by—

(1) striking "or" at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) inserting after clause (i) the following:

"(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or".

(g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking "or reliever".

(h) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "payment." in subparagraph (C) and inserting "payment; [and";] and

(3) by adding at the end thereof the following:

"(D) in Alaska aboard an aircraft having a seating capacity of less than 20 [passengers.".] *passengers; and*

"(E) on flights, including flight segments, between 2 or more points in Hawaii.".

(i) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking "transportation." in paragraph (2)(D) and inserting "transportation; and"; and

(3) by adding at the end thereof the following:

"(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers enplaned on a flight to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.".

(j) USE OF THE WORD "GIFT" AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking "give" in subsection (a) and inserting "convey to";

(B) by striking "gift" in subsection (a)(2) and inserting "conveyance";

(C) by striking "giving" in subsection (b) and inserting "conveying";

(D) by striking "gift" in subsection (b) and inserting "conveyance"; and

(E) by adding at the end thereof the following:

"(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.".

(2) Section 47152 is amended—

(A) by striking "**gifts**" in the section caption and inserting "**conveyances**"; and

(B) by striking "gift" in the first sentence and inserting "conveyance".

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

(4) Section 47153(a) is amended—

(A) by striking "gift" in paragraph (1) and inserting "conveyance";

(B) by striking "given" in paragraph (1)(A) and inserting "conveyed"; and

(C) by striking "gift" in paragraph (1)(B) and inserting "conveyance".

(k) MINIMUM APPORTIONMENT.—Section 47114(c)(1)(B) is amended by adding at the end thereof the following: "For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting '$650,000' for '$500,000'.".

[*(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking "2.5 percent" and inserting "3 percent".*]

(l) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—

(1) Section 47114(c)(2)(A) is amended by striking "2.5 percent" and inserting "3 percent".

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(m) Temporary Air Service Interruptions.—Section 47114(c)(1) is amended by adding at the end thereof the following:

"(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

"(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

"(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

"(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.".

[(l)] *(n)* Flexibility in Pavement Design Standards.—Section 47114(d) is amended by adding at the end thereof the following:

"(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

"(A) safety will not be negatively affected; and

"(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.".

(o) Eligibility of Runway Incursion Prevention Devices.—

(1) Policy.—Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "activities".

(2) Maximum use of safety facilities.—Section 47101(f) is amended—

(A) by striking "and" at the end of paragraph (9); and

(B) by striking "area." in paragraph (10) and inserting "area; and"; and

(C) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(3) Airport development defined.—Section 47102(3)(B)(ii) is amended by inserting "and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end.

SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, *both technical and procedural*, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended by—

(1) inserting "(a) In General.—" before "In"; and

(2) adding at the end thereof the following:

"(b) Discretionary Funding To Be Used for Higher Priority Projects.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.".

SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) In General.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) Effective Date.—This section applies to any request filed on or after the date of enactment of this Act.

SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking "or" at the end of subclause (I);

(2) by striking the "States." in subclause (II) and inserting "States; or"; and

(3) by adding at the end thereof the following:

"(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.".

SEC. 210. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

"(j) Shell of Terminal Building.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).".

SEC. 211. AIRFIELD PAVEMENT CONDITIONS.

(a) Evaluation of Options.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) Report to Congress.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 212. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

"§ 40125. Severable services contracts for periods crossing fiscal years

"(a) In General.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) Obligation of Funds.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.".

(b) Conforming Amendment.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

"40125. Severable services contracts for periods crossing fiscal years.".

[SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

[The first sentence of section 47528(b)(1) is amended by inserting "or foreign air carrier" after "air carrier" the first place it appears and after "carrier" the first place it appears.]

SEC. 302. LIMITED TRANSPORTATION OF CERTAIN AIRCRAFT.

Section 47528(e) is amended by adding at the end thereof the following:

"(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order to—

"(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

"(B) conduct operations within the limitations of paragraph (2)(B).".

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

"(f) Government and Industry Consortia.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Bilateral Exchanges of Safety Oversight Responsibilities.—

"(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

"(A) Article 12 (Rules of the Air).

"(B) Article 31 (Certificates of Airworthiness).

"(C) Article 32a (Licenses of Personnel).

"(2) The agreement under paragraph (1) may apply to—

"(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

"(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

"(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

"(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.".

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

[Section 45301 is amended by striking "government." in subsection (a)(2) and inserting "government or to any entity obtaining services outside the United States.".]

Section 45301(a)(2) is amended to read as follows:

"(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than—

"(A) air traffic control services; and

"(B) fees for production-certification-related service (as defined in Appendix C of part 187 of title 14, Code of Federal Regulations) performed outside the United States.".

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking "subparagraph (C))" in subsection (a)(1)(B) and inserting "subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)";

(2) by striking "individual" in subsection (f)(1)(B)(ii) and inserting "individual's performance as a pilot"; and

(3) by inserting "or from a foreign government or entity that employed the individual," in subsection (f)(14)(B) after "exists,".

SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 is amended by striking "March 31, 1999." and inserting "December 31, 2003.".

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) by striking "46302, 46303, or" in subsection (a)(1)(A);

(2) by striking "*an* individual" the first time it appears in subsection (d)(7)(A) and inserting "*a* person"; and

(3) by inserting "or the Administrator" in subsection (g) after "Secretary".

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) In General.—Chapter 463 is amended by adding at the end the following:

"§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

"(a) Application.—This section applies only to aircraft used to provide air transportation.

"(b) General Criminal Penalty.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(c) Controlled Substance Criminal Penalty.—

"(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

"(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.".

(b) Clerical Amendment.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

"46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.".

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) In General.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41717. Interline agreements for domestic transportation

"(a) Nondiscriminatory Requirements.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the [agreement.".] *agreement.*

"(b) Definitions.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.".

(b) Clerical amendment.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

"41717. Interline agreements for domestic transportation.".

TITLE IV—MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) In General.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a payload capacity of 15,000 kilograms or more.

(b) Extension.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) Collision Avoidance Equipment.—For purposes of this section, the term "collision avoidance equipment" means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administration for collision avoidance purposes.

SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 404. AIRPLANE EMERGENCY LOCATORS.

(a) Requirement.—Section 44712(b) is amended to read as follows:

"(b) Nonapplication.—Subsection (a) does not apply to aircraft when used in—

"(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

"(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

"(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

"(4) showing compliance with regulations, exhibition, or air racing; or

"(5) the aerial application of a substance for an agricultural purpose.".

(b) Compliance.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

"(c) Compliance.—An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).".

(c) Effective Date; Regulations.—

(1) Regulations.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) Effective date.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 405. COUNTERFEIT AIRCRAFT PARTS.

(a) Denial; Revocation; Amendment of Certificate.—

(1) In general.—Chapter 447 is amended by adding at the end thereof the following:

"§ 44725. Denial and revocation of certificate for counterfeit parts violations

"(a) Denial of Certificate.—

"(1) In general.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

"(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

"(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

"(2) Exception.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

"(b) Revocation of Certificate.—

"(1) In general.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

"(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

"(B) knowingly carried out or facilitated an activity punishable under such a law.

"(2) No authority to review violation.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

"(c) Notice Requirement.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

"(1) advise the holder of the certificate of the reason for the revocation; and

"(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

"(d) Appeal.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

"(e) Aquittal or Reversal.—

"(1) In general.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

"(2) Reissuance.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

"(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

"(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

"(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

"(f) Waiver.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

"(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; or

"(2) the waiver will facilitate law enforcement efforts.

"(g) Amendment of Certificate.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

"(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

"(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.".

(2) Conforming amendment.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

"44725. Denial and revocation of certificate for counterfeit parts violations".

(b) Prohibition on Employment.—Section 44711 is amended by adding at the end thereof the following:

"(c) Prohibition on Employment of Convicted Counterfeit Part Dealers.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.".

SEC. 406. FAA MAY FINE UNRULY PASSENGERS.

(a) In General.—Chapter 463 [is amended by redesignating section 46316 as section 46217, and by inserting after section 46317 the following:] *(as amended by section 309) is amended by adding at the end thereof the following:*

"§ [46316.] *46318.* Interference with cabin or flight crew

"(a) In General.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

"(b) Compromise and Setoff.—

"(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

"(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.".

(b) Conforming Change.—The chapter analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

"46316. Interference with cabin or flight crew.

"46317. General criminal penalty when specific penalty not provided.".

SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) Establishment of Higher International Standards.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) Investigation of All Complaints Required.—Section 41705 is amended by—

(1) inserting "(a) In General.—" before "In providing";

(2) striking "carrier" and inserting "carrier, including any foreign air carrier doing business in the United States."; and [after "In providing air transportation, an air carrier"; and]

(3) adding at the end thereof the following:

"(b) Each Act Constitutes Separate Offense.—Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

"(c) Investigation of Complaints.—

"(1) In general.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall investigate each complaint of a violation of subsection (a).

"(2) Publication of data.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

"(3) Employment.—The Secretary is authorized to employ personnel necessary to enforce this section.

"(4) Review and report.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

"(5) Technical assistant.—Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall—

"(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

"(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.".

[(b)] *(c)* Increased Civil Penalties.—Section 46301(a) is amended by—

(1) inserting "41705," after "41704," in paragraph (1)(A); and

(2) adding at the end thereof the following:

["(7) Unless an air carrier that violates section 41705 with respect to an individual provides that individual a credit or voucher for the purchase of a ticket on that air carrier or any affiliated air carrier in an amount (determined by the Secretary) of—

["(A) not less than $500 and not more than $2,500 for the first violation; or

["(B) not less than $2,500 and not more than $5,000 for any subsequent violation, then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.".]

"(7) Violation of section 41705.—

"(A) Credit; voucher; civil penalty.— Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

"(i) not less than $500 and not more than $2,500 for the first violation; or

"(ii) not less than $2,500 and not more than $5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

"(B) Remedy not exclusive.—Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or to limit claims for compensatory or punitive damages asserted in such cases.

"(C) Attorney's fees.—In addition to the penalty provided by subparagraph (A), an individual who—

"(i) brings a civil action against an air carrier to enforce this section; and

"(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.".

SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) In General.—Section 47125(a) is amended to read as follows:

"(a) Conveyances to Public Agencies.—

"(1) Request for conveyance.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

"(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

"(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

"(2) Response to request for certain conveyances.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

"(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

"(B) notify the Secretary of the decision; and

"(C) make the requested conveyance if—

"(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

"(ii) the Attorney General approves the conveyance; and

"(iii) the conveyance can be made without cost to the United States Government.

"(3) Reversion.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.".

(b) Release of Certain Conditions.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

"(b) Release of Certain Conditions.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

"(1) determines that the property is no longer needed for aeronautical purposes;

"(2) determines that the property will be used solely to generate revenue for the public airport;

"(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

"(4) provides notice to the public of the requested release;

"(5) includes in the release a written justification for the release of the property; and

"(6) determines that release of the property will advance civil aviation in the United States.".

(c) Effective Date.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) Iditarod Area School District.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from [civil enforcement action under the program known as Flight Operations Quality Assurance.] *enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.* Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing those procedures.

SEC. 410. WIDE AREA AUGMENTATION SYSTEM.

(a) Plan.—The Administrator shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administration shall continue to develop and maintain a backup system.

(b) Report.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS Defined.—For purposes of this section, the term "WAAS" means wide area augmentation system.

(d) Funding Authorization.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 411. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

[SEC. 412. APPLICATION OF FAA REGULATIONS.]

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

[Section 40113] *(a) Application of FAA Regulations.—Section 40113* is amended by adding at the end thereof the following:

"(f) Application of Certain Regulations to Alaska.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.".

(b) Aviation Closed Circuit Television.—The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer that 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for preflight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated $2,000,000 for the purposes of this subsection.

(c) Mike-in-hand Weather Observation.—The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a "mike-in-hand" weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) Rural IFR Compliance.—There are authorized to be appropriated $4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

SEC. 413. HUMAN FACTORS PROGRAM.

(a) In General.—Chapter 445 is amended by adding at the end thereof the following:

"§ 44516. Human factors program

"(a) Oversight Committee.—The Administrator of the Federal Aviation Administration shall establish an advanced qualification program oversight committee to advise the Administrator on the development and execution of Advanced Qualification Programs for air carriers under this section, and to encourage their adoption and implementation.

"(b) Human Factors Training.—

"(1) Air traffic controllers.—The Administrator shall—

"(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

"(B) respond to the recommendations made by the National Research Council.

"(2) Pilots and flight crews.—The Administrator shall work with the aviation industry to develop specific training curricula, within 12 months after the date of enactment of the Air Transportation Improvement Act, to address critical safety problems, including problems of pilots—

"(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

"(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

"(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

"(D) in landing and approaches, including nonprecision approaches and go-around procedures.

"(c) Accident Investigations.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

"(d) Test Program.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

"(e) Advanced Qualification Program Defined.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.".

(b) Automation and Associated Training.—The Administrator shall complete the Administration's updating of training practices for *flight deck* automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) Conforming Amendment.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

"44516. Human factors program.".

SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) Independent Assessment.—

(1) Initiation.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) Assessment of adequacy and accuracy of FAA cost data and attributions.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) Deadline.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) Funding.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 415. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of Public Law 104-50 (49 U.S.C. 106, note) is amended by striking "protection;" and inserting "protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;".

SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 418. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) General Rule.—Chapter 421 is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

"(a) Discrimination Against Airline Employees.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or will testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) Department of Labor Complaint Procedure.—

"(1) Filing and notification.—

"(A) In general.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

"(B) Requirements for filing complaints.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

"(C) Notification.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

"(i) filing of the complaint;

"(ii) allegations contained in the complaint;

"(iii) substance of evidence supporting the complaint; and

"(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

"(2) Investigation; preliminary order.—

"(A) In general.—

"(i) Investigation.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

"(ii) Order.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

"(iii) Objections.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

"(iv) Effect of filing.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

"(v) Hearings.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted [expeditiously.] *expeditiously and governed by the Federal Rules of Civil Procedure.* If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) Requirements.—

"(i) Required showing by complainant.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) Showing by employer.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) Criteria for determination by Secretary.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) Prohibition.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) Final order.—

"(A) Deadline for issuance; settlement agreements.—

"(i) In general.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

"(I) provides relief in accordance with this paragraph; or

"(II) denies the complaint.

"(ii) Settlement agreement.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

"(B) Remedy.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

"(i) take action to abate the violation;

"(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

"(iii) provide compensatory damages to the complainant.

"(C) Costs of complaint.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

"(4) Frivolous complaints.—Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

"[(4)] *(5)* Review.—

"(A) Appeal to court of appeals.—

"(i) In general.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

"(ii) Requirements for judicial review.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

"(B) Limitation on collateral attack.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"[(5)] *(6)* Enforcement of order by Secretary of Labor.—

"(A) In general.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

"(B) Relief.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

"[(6)] *(7)* Enforcement of order by parties.—

"(A) Commencement of action.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

"(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the [United States.".] *United States.*

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking "subchapter II of chapter 421," and inserting "subchapter II or III of chapter 421,".

SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

"(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

"(A) the improvements primarily benefit the government;

"(B) are essential for mission accomplishment; and

"(C) the government's interest in the improvements is protected.".

SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

"(q) DENIAL OF ACCESS.—

"(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

"(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

"(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

"(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

"(C) is located within a 35-mile radius of an airport that has—

"(i) at least 0.05 percent of the total annual boardings in the United States; and

"(ii) current gate capacity to handle the demands of a public charter operation.

"(3) AIR CARRIERS DESCRIBED.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

"(4) DEFINITIONS.—In this subsection:

"(A) AIR CARRIER; AIR TRANSPORTATION; AIRCRAFT; AIRPORT.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

"(B) PUBLIC CHARTER.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.".

SEC. 422. TOURISM.

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the "Task Force").

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 423. EQUIVALENCY OF FAA AND EU SAFETY STANDARDS.

The Administrator of the Federal Aviation Administration shall determine whether the Administration's safety regulations are equivalent to the safety standards set forth in European Union Directive 89/336EEC. If the Administrator determines that the standards are equivalent, the Administrator shall work with the Secretary of Commerce to gain acceptance of that determination pursuant to the Mutual Recognition Agreement between the United States and the European Union of May 18, 1998, in order to ensure that aviation products approved by the Administration are acceptable under that Directive.

SEC. 424. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 425. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.".

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.".

SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA TO REQUEST INFORMATION FROM FOREIGN AIRCRAFT REPAIR STATIONS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) ANNUAL REPORT TO CONGRESS.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) DEFINITIONS.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

[SEC. 427. REPORT ON ENHANCED DOMESTIC AIRLINE COMPETITION.

[(a) FINDINGS.—The Congress makes the following findings:

[(1) There has been a reduction in the level of competition in the domestic airline business brought about by mergers, consolidations, and proposed domestic alliances.

[(2) Foreign citizens and foreign air carriers may be willing to invest in existing or start-up airlines if they are permitted to acquire a larger equity share of a United States airline.

[(b) STUDY.—The Secretary of Transportation, after consulting the appropriate Federal agencies, shall study and report to the Congress not later than June 30, 1999, on the desirability and implications of—

[(1) decreasing the foreign ownership provision in section 40102(a)(15) of title 49, United States Code, to 51 percent from 75 percent; and

[(2) changing the definition of air carrier in section 40102(a)(2) of such title by substituting "a company whose principal place of business is in the United States" for "a citizen of the United States".]

SEC. 427. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating, for the delivery of oil dispersants by air in order to disperse oil spills.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to sub- section (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 428. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person directly that obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 429. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CHARLOTTE-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) BERMUDA II AGREEMENT.—The term "Bermuda II Agreement" means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(3) CHARLOTTE-LONDON (GATWICK) ROUTE.—The term "Charlotte-London (Gatwick) route" means the route between Charlotte, North Carolina, and the Gatwick Airport in London, England.

(4) FOREIGN AIR CARRIER.—The term "foreign air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Charlotte-London (Gatwick) route;

(2) the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on September 12, 1997, and on May 7, 1998, US Airways announced plans to launch nonstop service in competition with the monopoly held by British Airways on the route and to provide convenient single-carrier one-stop service to the United Kingdom from dozens of cities in North Carolina and South Carolina and the surrounding region;

(3) US Airways was forced to cancel service for the Charlotte-London (Gatwick) route for the summer of 1998 and the following winter because the Government of the United Kingdom refused to provide commercially viable access to Gatwick Airport;

(4) British Airways continues to operate monopoly service on the Charlotte-London (Gatwick) route and recently upgraded the aircraft for that route to B–777 aircraft;

(5) British Airways had been awarded an additional monopoly route between London England and Denver, Colorado, resulting in a total of 10 monopoly routes operated by British Airways between the United Kingdom and points in the United States;

(6) monopoly service results in higher fares to passengers; and

(7) US Airways is prepared, and officials of the air carrier are eager, to initiate competitive air service on the Charlotte-London (Gatwick) route as soon as the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Charlotte-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom.

SEC. 430. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CLEVELAND-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(4) BERMUDA II AGREEMENT.—The term "Bermuda II Agreement" means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(5) CLEVELAND-LONDON (GATWICK) ROUTE.—The term "Cleveland-London (Gatwick) route" means the route between Cleveland, Ohio, and the Gatwick Airport in London, England.

(6) FOREIGN AIR CARRIER.—The term "foreign air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(7) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(8) SLOT.—The term "slot" means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Cleveland-London (Gatwick) route;

(2)(A) on December 3, 1996, the Secretary awarded the Cleveland-London (Gatwick) route to Continental Airlines;

(B) on June 15, 1998, Continental Airlines announced plans to launch nonstop service on that route on February 19, 1999, and to provide single-carrier one-stop service between London, England (from Gatwick Airport) and dozens of cities in Ohio and the surrounding region; and

(C) on August 4, 1998, the Secretary tentatively renewed the authority of Continental Airlines to carry out the nonstop service referred to in subparagraph (B) and selected Cleveland, Ohio, as a new gateway under the Bermuda II Agreement;

(3) unless the Government of the United Kingdom provides Continental Airlines commercially viable access to Gatwick Airport, Continental Airlines will not be able to initiate service on the Cleveland-London (Gatwick) route; and

(4) Continental Airlines is prepared to initiate competitive air service on the Cleveland-London (Gatwick) route when the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Cleveland-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom, including the right to commercially viable competitive slots at Gatwick Airport and Heathrow Airport in London, England, for air carriers of the United States.

SEC. 431. ALLOCATION OF TRUST FUND FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 432. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lakes Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 433. AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 434. CERTAIN AIR TRAFFIC CONTROL TOWERS.

Notwithstanding any other provision of law, regulation, intergovernmental circular advisories or other process, or any judicial proceeding or ruling to the contrary, the Federal Aviation Administration shall use such funds as necessary to contract for the operation of air traffic control towers, located in Salisbury, Maryland; Bozeman, Montana; and Boca Raton, Florida: *Provided*, That the Federal Aviation Administration has made a prior determination of eligibility for such towers to be included in the contract tower program.

SEC. 435. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended by—

(1) inserting "(a) IN GENERAL.—" before "The recovery"; and

(2) adding at the end thereof the following:

"(b) COMMERCIAL AVIATION.—

"(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

"(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

"(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

SEC. 436. FAA STUDY OF BREATHING HOODS.

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

SEC. 437. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

SEC. 438. PASSENGER FACILITY FEE LETTERS OF INTENT.

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

SEC. 439. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.

(a) FINDINGS.—The Congress makes the following findings:

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased $10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) ELIMINATION OF HAZARDOUS MATERIALS ENFORCEMENT BACKLOG.—The Administrator of the Federal Aviation Administration shall—

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(3) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) INFORMATION REGARDING PROGRESS.—The Administrator shall provide information to the Committee on Commerce, Science, and Transportation, on a quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

SEC. 440. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

Nothwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term capital leasing contracts. The Administrator shall establish criteria for the program, but may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic air traffic control, air-to-ground radio communications, and air traffic control tower construction.

TITLE V—AVIATION COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

“(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

“(2) FUNCTIONS.—The program director shall—

“(A) function as a facilitator between small communities and air carriers;

“(B) carry out section 41743 of this title;

“(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

“(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

“(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

“(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

“(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

“(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

“(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

“(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.”.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

“§ 41743. Air service program for small communities

“(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

“(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

“(1) will promote the development of a national air transportation system; and

“(2) will involve the participation of communities in all regions of the country.

“(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

“(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

“(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

“(3) the costs and benefits of providing jet service by regional or other jet aircraft.

“(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

“(1) may work with communities to develop innovative means and incentives for the initiation of service;

“(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

“(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

“(A) are acceptable to communities and carriers; and

“(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

“(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

“(5) take such other action under this chapter as may be appropriate.

“(e) LIMITATIONS.—

“(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

“(A) a public-private partnership exists at the community level to carry out the community's proposal;

“(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

“(C) the community has established an open process for soliciting air service proposals; and

“(D) the community will accord similar benefits to air carriers that are similarly situated.

“(2) AMOUNT.—The program director may not obligate more than **[**$30,000,000**]** *$80,000,000* of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

“(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

“(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

“§ 41744. Pilot program project authority

“(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

“(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

“(2) to facilitate better air service link-ups to support the improved access.

“(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

"(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

"(2) take such other action as may be appropriate.

"(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

"(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

"(2) collecting data on air carrier service to small communities; and

"(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

"(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

"§ 41745. Assistance to communities for service

"(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

"(1) 4 communities within any State at any given time; and

"(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

"(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

"(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

"(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

"(3) the pilot project will not impede competition; and

"(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

"(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

"(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

"(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

"(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

"(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

"(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

"(i) viable without further support under this subchapter; or

"(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

"(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

"(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

"§ 41746. Additional authority

"In carrying out this chapter, the Secretary—

"(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

"(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

"(3) may accord priority to service by jet aircraft;

"(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

"(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

"§ 41747. Air traffic control services pilot program

"(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

"(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

"(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

"(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

"(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

"(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

"(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

"41743. Air service program for small communities.
"41744. Pilot program project authority.
"41745. Assistance to communities for service.
"41746. Additional authority.
"41747. Air traffic control services pilot program.".

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

[To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000—

[(1) there are authorized to be appropriated to the Secretary of Transportation not more than $10,000,000; and

[(2) not more than $20,000,000 shall be made available, if available, to the Secretary for obligation and expenditure out of the account established under section 45303(a) of title 49, United States Code.

[To the extent that amounts are not available in such account, there are authorized to be appropriated such sums as may be necessary to provide the amount authorized to be obligated under paragraph (2) to carry out those sections for that 4 fiscal-year period.]

There are authorized to be appropriated to the Secretary of Transportation $80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

SEC. 505. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting "(a) IN GENERAL.—" before "On"; and

(2) adding at the end thereof the following:

"(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

"(1) marketing arrangements between airlines and travel agents;

"(2) code-sharing partnerships;

"(3) computer reservation system displays;

"(4) gate arrangements at airports;

"(5) exclusive dealing arrangements; and

"(6) any other marketing practice that may have the same effect.

"(c) Regulations.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary [shall] *may* promulgate regulations that address the [problem.".] *problem, or take other appropriate action. Nothing in this section expands the authority or juridiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.".*

SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) In General.—Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

"§41718. Slot exemptions for nonstop regional jet service.

"(a) In General.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

"(1) an airport with fewer than 2,000,000 annual enplanements; and

"(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

"(b) Existing Slots Taken into Account.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

"(c) Conditions.—The Secretary may grant an exemption to an air carrier under subsection (a)—

"(1) for a period of not less than 12 months;

"(2) for a minimum of 2 daily roundtrip flights; and

"(3) for a maximum of 3 daily roundtrip flights.

"(d) Change of Nonhub, Small Hub, or Medium Hub Airport; Jet Aircraft.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

"(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

"(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

"(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

"(B) the air carrier can demonstrate unmitigatable losses.

"(e) Forfeiture for Misuse.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

["(f) Restoration of Air Service.—To the extent that—

["(1) slots were withdrawn from an air carrier under section 41714(b);

["(2) the withdrawal of slots under that section resulted in a net loss of slots; and

["(3) the net loss of slots and slot exemptions resulting from the withdrawal had an adverse effect on service to nonhub airports and in other domestic markets,

[the Secretary shall give priority consideration to the request of any air carrier from which slots were withdrawn under that section for an equivalent number of slots at the airport where the slots were withdrawn. No priority consideration shall be given under this subsection to an air carrier described in paragraph (1) when the net loss of slots and slot exemptions is eliminated.

"[(g)] *(f)* Priority to New Entrants and Limited Incumbent Carriers.—

"(1) In general.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

"(2) Limitation.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

"(3) Affiliated carriers.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

"[(h)] *(g)* Stage 3 Aircraft Required.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"[(i)] *(h)* Regional Jet Defined.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.".

(b) Conforming Amendments.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

"(28A) [Limited incumbent air carrier.—The term] 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.".

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

"41718. Slot exemptions for nonstop regional jet service.".

SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) In General.—Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

"§41719. Special Rules for Ronald Reagan Washington National Airport

"(a) Beyond-Perimeter Exemptions.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

"(2) increase competition *by new entrant air carriers or in* multiple markets;

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

"(4) not result in meaningfully increased travel delays.

"(b) Within-Perimeter Exemptions.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

"(c) Limitations.—

"(1) Stage 3 aircraft required.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) General exemptions.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than [2] *3* operations.".

"(3) Additional exemptions.—The Secretary shall grant exemptions under subsections (a) and (b) that—

"(A) will result in [12] *24* additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

"(B) will result in 12 additional daily commuter slot exemptions at such airport; and

"(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that [is not smaller than a large hub airport (as defined in section 47134(d)(2)).] *has 2,000,000 or fewer annual enplanements.*

"(4) Assessment of safety, noise and environmental impacts.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

"(5) Applicability with exemption 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and [extended.".] *extended.*

"(d) Additional Within-perimeter Slot Exemptions at Ronald Reagan Washington National Airport.—The Secretary shall by order grant 12 slot exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald

Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation.”.

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

“(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.”.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

“(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.”.

(e) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

“41719. Special Rules for Ronald Reagan Washington National Airport.”.

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

“§ 41720. Special Rules for Chicago O'Hare International Airport

“(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

“(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

“(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

“(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

“(B) 12 shall be air carrier slot exemptions.

“(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

“(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

“(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

“(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

“(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

“(d) UNDERSERVED MARKET DEFINED.—In this section, the term ‘service to underserved markets’ means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).”.

(b) STUDIES.—

(1) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT STUDY IN 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

“41720. Special Rules for Chicago O'Hare International Airport.”.

SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

“(d) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.”.

SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) PURPOSE.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) STUDY.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competititve implications of such a program; and

(7) the cost of such a program.

(c) REPORT.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

SEC. 511. GAO STUDY OF AIR TRANSPORTATION NEEDS.

The General Accounting Office shall conduct a study of the current state of the national airport network and its ability to meet the air transportation needs of the United States over the next 15 years. The study shall include airports located in remote communities and reliever airports. In assessing the effectiveness of the system the Comptroller General may consider airport runway length of 5,500 feet or the equivalent altitude-adjusted length, air traffic control facilities, and navigational aids.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and

natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

“§ 40126. Overflights of national parks

“(a) IN GENERAL.—

“(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

“(A) in accordance with this section;

“(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any effective air tour management plan for that park or those tribal lands.

“(2) APPLICATION FOR OPERATING AUTHORITY.—

“(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

“(i) the safety record of the company or pilots;

“(ii) any quiet aircraft technology proposed for use;

“(iii) the experience in commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the company;

“(v) any training programs for pilots; and

“(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

“(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

“(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

“(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

“(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT OF ATMPS.—

“(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

“(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

“(3) CONTENTS.—An air tour management plan for a national park—

“(A) may prohibit commercial air tour operations in whole or in part;

“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

“(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

“(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

“(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

“(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

“(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

“(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

“(c) INTERIM OPERATING AUTHORITY.—

“(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

“(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

“(A) shall provide annual authorization only for the greater of—

“(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

“(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

"(F) shall—

"(i) promote protection of national park resources, visitor experiences, and tribal lands;

"(ii) promote safe operations of the commercial air tour;

"(iii) promote the adoption of quiet technology, as appropriate; and

"(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(3) NEW ENTRANT AIR TOUR OPERATORS.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

"(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

"(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR.—The term 'commercial air tour' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

"(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(B) whether a narrative was provided that referred to areas or points of interest on the surface;

"(C) the area of operation;

"(D) the frequency of flights;

"(E) the route of flight;

"(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

"(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

"(2) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour.

"(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

"(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

"(5) COMMERCIAL AIR TOUR OPERATIONS.—The term 'commercial air tour operations' means commercial air tour flight operations conducted—

"(A) over a national park or within ½ mile outside the boundary of any national park;

"(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

"(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(6) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(7) TRIBAL LANDS.—The term 'tribal lands' means 'Indian country', as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

"(8) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(9) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) EXEMPTIONS.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) LAKE MEAD.—A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

⟦(2)⟧ *(3)* ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

⟦(3)⟧ *(4)* COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100-91 (16 U.S.C. 1a-1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

"40126. Overflights of national parks.".

SEC. 603. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 604. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking "40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304," and inserting "40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this afternoon the Senate begins consideration of a bill that will, if and when enacted, affect the constituents of every single Member of this body. An efficient air transportation system is critical not only to our commute home every weekend but, on a larger scale, to the functioning of a national and global economy.

The U.S. economy is becoming increasingly dependent upon a safe and efficient national air transportation system. Without a sound aviation infrastructure, the enormous flow of goods and services across the nation and over the oceans would slow to a trickle. Unfortunately, the air traffic delays experienced this past summer seem to be the first signs that the system is reaching its limits. It is vital, therefore, that Congress acts now to keep this essential form of transportation on a solid foundation.

S. 82, the Air Transportation Improvement Act, would reauthorize the programs of the Federal Aviation Administration (FAA), including the Airport Improvement Program (AIP), which expired last Friday. The AIP provides federal grants to support the capital needs of the nation's commercial airports and general aviation facilities. S. 82 establishes contract authority for the program. Without this authority in place, the FAA cannot distribute airport grants, regardless of whether an AIP appropriation is in place. It is imperative that airports receive the support that they need to operate both safely and efficiently.

In addition to grants for airport development, S. 82 includes numerous provisions designed to enhance aviation safety, to improve competition and service in the aviation industry, and to address the issue of commercial air tour flights over national parks.

On behalf of the aviation leadership of the Commerce Committee, I am offering an amendment in the nature of a substitute to S. 82. This managers' amendment does not dramatically change the provisions of the bill as it was reported. Rather, it makes technical changes and incorporates aviation-related provisions requested by many of our colleagues. The one notable difference between the bill as reported and as modified by the managers' amendment, is that the new version lengthens the term of the bill so that authorizations would be provided through fiscal year 2002.

At this point, let me take a moment to summarize some of the major provisions of the substitute amendment:

Title I provides 3-year authorizations for the AIP, the Facilities and Equipment account (F&E), and the Operations account. [Unlike the reported bill, S. 82 also includes an authorization for the FAA's Research, Engineering and Development (RE&D) account.]

Title II would amend various provisions of the Airport Improvement Program. Although the current allocation formulas for AIP monies would remain essentially the same, there are a few differences. For example, the set-aside for noise mitigation would increase from 31 percent to 35 percent. Another change would increase from $500,000 to $650,000 the minimum amount of entitlement funds that an eligible airport receives each year.

As recommended by the DOT Inspector General, airports would be required to use their entitlement funds for their highest priority projects before using them on lower priority projects. Title II also includes numerous technical amendments requested by the Administration.

Title II also establishes a five-year pilot program to allow more airports to have the benefit of air traffic control services. This pilot program would be akin to the existing contract tower program. The difference being that an airport would bear part of the costs of a contract tower if it does not meet the benefit/cost ratio established for the regular program.

Title III includes several technical and substantive amendments to current aviation law. The key provisions would do the following:

Give the FAA the authority to establish consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety.

Give the FAA broader authority to determine when a criminal history record check is warranted for persons performing security screening of passengers and cargo.

Reauthorize the "War Risk" aviation insurance program and implement an FAA suggestion to ensure timely payment of claims under the program.

Make it a crime for someone to pilot a commercial aircraft without a valid certificate.

Title IV includes a wide variety of provisions, all of which are intended to improve aviation safety, security, or efficiency. Notable provisions would do the following:

Require collision avoidance equipment to be installed on cargo aircraft.

Require more aircraft to be equipped with emergency locator transmitters.

Prohibit anyone convicted of a crime involving bogus aviation parts from working in the industry or obtaining a certificate from the FAA.

Give the FAA authority to impose fines on unruly passengers.

Require the DOT to step up its enforcement of laws and regulations related to the treatment of disabled passengers.

Require the FAA to accelerate its rulemaking on a program under which airlines and their crews share operational information. This new source of information may assist safety experts in identifying potential problems before they cause accidents.

Require the FAA to develop a plan to implement the Wide Area Augmentation System (WAAS), which enables aircraft to use the Global Positioning System for navigation.

Require the DOT Inspector General to initiate an independent validation and assessment of the FAA's cost accounting system, which is currently under development.

Title V contains provisions intended to promote aviation competition and service. Key provisions include the following:

A five-year pilot program would be created to help small communities attract improved air service. It is designed to facilitate incentives and projects that will help communities improve their air access to business markets, through public-private partnerships.

The bill as approved by the Commerce Committee also includes several provisions dealing with slot controls for high-density airports and the perimeter rule at Reagan National Airport. Although the managers' amendment does not alter those provisions as they came out of committee, we will soon offer an amendment to replace them with a compromise redraft. That amendment has been crafted to accommodate the concerns of several Senators.

One notable difference is, the number of slot exemptions at Reagan National will be reduced from 48 to 24. Another change is that the high density rule will eventually cease to apply to all of the slot control airports, with the exception of Reagan National. Before the slot controls are eliminated, access to the airports will be broadened for regional jet air service to smaller communities and new infant airlines.

Title VI contains consensus legislation developed by Chairman MCCAIN to regulate the overflight of national parks by air tour operators.

Title VII contains entirely technical amendments to address recodification and other errors in title 49 of the United States Code.

Title VIII contains new provisions that transfer the aeronautic charting activities of the National Oceanographic and Atmospheric Administration to the FAA.

The passage of this bill is crucial. We have a duty to the American people to provide support to the national air transportation system. Air travel and the aviation-related industries are a fundamental part of our social and economic structure, and their response will continue to grow. The Congress may play only one part in the overall workings of this system, but it is an essential part.

The Air Transportation Improvement Act gives an opportunity to renew commitment to the future of this country. I strongly urge my colleagues to support S. 82.

Before we start the amendments and begin debate, I note with great pleasure the presence of my friend and colleague, the Senator from West Virginia. Senator ROCKEFELLER and I are often together on one cause or another. The Senator is responsible for many of the good things that are included in this bill, which is the result of a true partnership.

I yield the floor.

Mr. ROCKEFELLER. I thank my distinguished colleague for those very generous comments. I feel no obligation to argue with him at this point. He and I have been on the floor many times before, sometimes successful, sometimes not. Today and tomorrow we hope to be more successful. Always I rely on the intelligence and the articulation of the good Senator from the State of Washington.

We are dealing with a new bill and a substitute for it which will come up shortly. Ordinarily in these matters, one doesn't talk about either Senators or staff or anybody else until everything is over. However, I think it would actually set a good tone for this debate if I thanked a few of my colleagues upfront. One, it may put them in a better mood; two, it will discharge a duty which I believe I have.

I have been very frustrated by this whole process because it has taken a long time and I don't like temporary extensions. We have had a history of short-term extensions. The FAA has suffered, the airports have suffered, my State has suffered, the Senator's State has suffered, a lot of it during the course of this past year.

My frustration spilled over as far as the junior Senator from West Virginia is concerned a few weeks ago when I came to the Senate floor and poured out my frustrations about the whole troubled state of our air traffic control system and the potential impact on our national economy, as well as the impact on my State and a lot of other things which I characterize as being fairly scary in terms of delays and congestion on what I consider to be an already enormously overburdened system. I am frightened about the prospects for the future. What we will do today is by no means the end of what we must do in the future.

Today I am feeling very good. It is very good to be on the floor. We are on the floor for a reason. We are on the floor introducing the Air Transportation Improvement Act of 1999, which we all know and love as the FAA and AIP reauthorization act.

The chairman of the Commerce Committee, JOHN MCCAIN, and the ranking member, FRITZ HOLLINGS, have been working around the clock with Senator GORTON and myself—the latter two being on the Aviation Subcommittee—to work out a number of long, lingering conflicts, some of which still linger but most of which do not with respect to this bill.

The majority leader and the Democratic leader were both extremely helpful and were very personally involved, showing their strong commitment to aviation by finding time in a very busy fall schedule. I do not know how long it will last, but a potential 2 days is generous, and I respect and appreciate that.

A whole host of other Senators have constituents who care enormously about this whole question from a variety of points of view—access to air service, lack of access to air service, noise, all kinds of other issues—and have been willing to roll up their sleeves and work very hard to find a compromise. I want to name some: Senator SCHUMER; the Iowa Senators, HARKIN and GRASSLEY; Senator WYDEN from Oregon; the Virginia Senators, both ROBB and WARNER; the Illinois Senators, both DURBIN and FITZGERALD. Everyone has had to give a little, and it hasn't been easy. I hope everyone has also gotten a little, and, in some cases, some have gotten quite a lot.

First, I extend my thanks to my colleagues and to the leadership for putting the Senate in a situation for a fair debate. We have at least gone this far. There is a lot of work to do, but first things first. As we begin Senate consideration of the FAA reauthorization bill, I am optimistic we can proceed in good order. I think we can do this in a couple of days.

I tend to think at a fundamental level the cooperation and hard work I have seen reflects a deep and abiding sense of responsibility on the part of my colleagues, which they can hardly ignore in the first place, for the continued safety and efficiency of our aviation system and the condition of our air traffic control system which is unknown to most but ought to be feared by all.

We have a number of issues to debate here, some of which, as I indicated, are still in controversy. The vast majority—and I think my colleague will agree—have been fully worked out and have been agreed to on all sides. "All sides" become very important words. Not all, but a majority.

Aviation, as my ranking chairman indicated, is a proven engine of economic growth in this country. People don't think of it that way. Similar to universities, sometimes people think of them in different ways. It is an enormous economic engine. Each day, 2 million people travel on U.S. commercial airlines and a quarter of million do the same thing on smaller, private planes that transport people for business. Sometimes they do it simply for the sheer pleasure of flying.

Every day and night, U.S. airlines carry more than 10 million packages and overnight letters. Every day, more than 10 million Americans go to work in aviation-related businesses. Ten million Americans? Yes. That makes America among the largest manufacturing exporters of any enterprise. To the great credit of the aviation industry and the Federal Aviation Administration, projected growth for aviation is unparalleled. Within 10 years, U.S. airlines will be carrying more than 1 billion passengers each year; that is up more than 50 percent from the records that were carried last year. The number of aircraft in the air, on the ground, moving about, will increase by 50 percent in the next decade. That can make you happy; that can also make you nervous.

The regional fleet, which is something I care about enormously, because that is the connection in the whole hub and spoke system, a connection which is very important, will grow by more than 40 percent. Worldwide, air cargo will more than triple. These are incredible figures, projections of which the FAA and the industry can and should be very proud.

Of course, there is a catch. We have to be able to handle this air traffic, and we have to be able to handle it safely, in order to realize this growth. By most accounts at the FAA and at airports across the Nation, we are simply not ready to do this. In fact, we are having trouble staying on top of the system. With every year and every month that we allow ourselves to fall further behind in our modernization effort, there are times when one wonders will we ever catch up, will we ever understand what it means to put into place a full infrastructure for an air traffic control system so we can take this doubling and tripling I have talked about before.

That is why, as Senator GORTON indicated, it is so critical we in Congress hold up our end of the bargain by making improvements where we can and provide a system with some kind of predictability. The FAA reauthorization bill is all about starting to chart a course for growth, with a focus on increasing efficiency, improving customer service, and facilitating competitive access, all the while staying focused on strengthening our strong safety record.

This is a 4-year authorization bill. It will cost about $45 billion in total in aviation funding. That sounds like an enormous sum. It is, but it is not. It is because it is. It isn't because it will not do the job, but it will help us. It will get us started on the right path.

Ours is an enormous and complex aviation system. People don't stop to think about it. They take it for granted. They did not take it for granted when there was enormous traffic congestion to get to the Redskin Stadium a couple of weeks ago, and they did take it for granted when there seemed to be none yesterday. I wasn't at either game so I have no idea. But people tend to take for granted things which they use frequently. That is not something we can afford to be doing in Congress.

For now, let me note this $45 billion authorization includes roughly $10 billion for airports under the Airport Improvement Program, $24 billion for the FAA's nearly 50,000 employees and for air traffic control operations, and $10 billion for air traffic equipment as part of the whole modernization effort.

Let me share some of the highlights of the bill and the agreed-upon committee substitute, which I believe Senator GORTON and I will want to introduce momentarily. In terms of changes in aviation law and policy and innovative new programs, the package includes some of the following: an important agreement worked out with the majority to authorize an increase of $500 million for the FAA's Air Traffic Control Modernization Program. We are grateful for every $50 million, $100 million, and $1 billion we can get our hands on.

Mr. President, $500 million is an increase; it is more than it was, and we are glad. There is an emphasis on improving air service to something we call small communities, which I imagine would be of interest to the Presiding Officer. That increase will take various forms such as an increase in the minimum Airport Improvement Program entitlement from $500 million to $650 million annually, a new $80 million pilot project to assist small communities that are struggling to restore air service, and an immediate and, hopefully, lasting priority for new service opportunities at the four slot-controlled airports: O'Hare, LaGuardia, Kennedy, and Reagan National, and a ban on smoking on all international flights to and from the United States. Here, actually, I give special thanks to the tireless efforts of Senator DURBIN.

There is whistle-blower protection for airline and FAA employees so none will fear losing their jobs for pointing out safety violations or concerns that are pertinent. This is an item Senator KERREY from Nebraska has been preaching on for quite a while. There is a series of specific safety improvements such as new runway incursion technologies and stronger enforcement of hazardous materials regulations, and a significant new agreement on noise and environmental issues arising from aircraft that fly over our National Parks. In one case, we have an airport in a National Park—only one, thank heavens. This reflects several years of very tough negotiations among Senator MCCAIN, Senator BRYAN, and others.

In addition, through the amendment process, I know we will be considering, and hopefully taking action on, several other very important provisions. For example, Senator GORTON and I will offer a painstakingly negotiated agreement among all parties for an overhaul of the slot rules at the four high-density airports: Reagan National, Chicago O'Hare, New York Kennedy, and LaGuardia. Under this deal, the slot rules will be phased out over time—phased out over time—in New York and Chicago. This was a rather bold idea at the time, put forward, actually, by the Secretary of Transportation last spring. Most important, from my perspective, these changes offer us an opportunity to increase access to these key airports. Once again, I am thinking of the constituents of the State of the Presiding Officer, and that is the name of the game: Can you get into some of these larger airports? This will give an extra boost of service to small communities and to new entrant airlines.

Several of us, further, will join together to offer an amendment to protect airline passenger rights—Senator GORTON and I and others will do that—to hold the airlines' feet to the fire on their promise to improve customer service and to reduce customer complaints. This last summer, I thought, was almost historic, not that it seemed to have enormous effect but it was a historic example of what happens when you get gridlock in the air. People were held up. It was all during the summer travel months. That period of time is going to keep growing as the congestion grows greater and greater.

Another amendment Senator GORTON and I will offer will propose incremental FAA management reform—that is something we feel very strongly about—and an innovative financing piece for air traffic equipment.

Finally, I expect we will see some amendments and debate related to airline competition. That will be controversial, the question of whether and how we should strengthen Federal competition laws and policies as they apply to the airline industry.

In closing, obviously, there are other important provisions in this bill. I will not go through them in full. Suffice it to say, Senator GORTON and I believe this is a truly balanced package, an inclusive FAA and AIP reauthorization package. There has been a lot of consulting, a lot of negotiating—an enormous amount of negotiating. I think it is a good bill.

I am glad to join my colleague, Senator GORTON, in offering the committee substitute today on behalf of ourselves, the chairman and ranking member, at the appropriate time. I look forward to the debate on it.

I thank the Presiding Officer.

• Mr. McCAIN. Madam President, I wish to express my strong opposition to the conference agreement on H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill as recently approved by the House and Senate conferees.

I recognize that there are very important provisions in the legislation, sections that appropriate funds for programs vital to the safety of the traveling public and our national transportation system over all. Yet despite that necessary funding, the legislation once again goes overboard on pork barrel spending.

It is extremely disappointing the conferees chose to meld the enormous number of listed projects that were earmarked in the House and Senate reports accompanying the transportation appropriations bill this year. Many additional projects were also included by the conferees. It seems that there is never a dearth of special projects that come to the attention of appropriators—even after both chambers have already passed their versions of the legislation.

One would have thought with the windfall enjoyed by most states due to the new budgetary scheme under Transportation Equity Act for the 21st Century, there would have been less project earmarking, but unfortunately that was not the case. And, there always seems to be a ready list of towns, airports, universities, or research organizations that appropriators want to reward with more money to work on a transportation project.

For example, many airports that failed to be included when the House and Senate considered the transportation funding legislation somehow managed to be included in the conference agreement. Some of the new entrants on the airport funding priority list are the Aurora Municipal Airport in Illinois, the Upper Cumberland Regional Airport in Tennessee, the Abbeyville Airport in Alabama, and the Eastern West Virginia Airport in West Virginia.

Like some airports, transit projects that failed to make the cut when the House and Senate considered their respective funding bills also somehow made the cut in the conference report. Further, the conferees deemed it necessary to provide specific recommendations to allocate 65 percent of the dollars set aside for the new jobs access and reverse grants program established under TEA-21. And, yet the House appropators had acknowledged in the House report accompanying the bill that this program was created "to make competitive grants." If the funding is to be competitively awarded, why did the conferees find the need to provide a listing of 47 specific recipients?

I have consistently fought Congressional earmarks that direct money to particular projects or recipients, believing that such decisions are far better made through nationwide competitive, merit-based guidelines and procedures. I continue to find this practice an appalling waste of taxpayer dollars. Bill after bill, year after year, earmarks continue to divert needed federal resources away from more meritorious and deserving projects. It is simply unconscionable that Congress condones wasting so much of our taxpayers dollars by funneling funds to special interest projects while at the same time, so many of our young men and women serving in the armed services go underpaid and in some cases, are forced to accept food by Congress, have been classic examples.

Let me share with my colleagues some of the university-related pork. $500,000 is provided for Crowder College in Missouri for a truck driving center safety initiative. $875,000 is set aside for the University of South Alabama to begin a research project on rural vehicular trauma victims. $250,000 is set aside for Montana State University at Bozeman to pilot real-time diagnostic monitoring of rail rolling stock. $250,000 is set aside for the University of Missouri-Rolla to work on advanced composite materials for use in repairing old railroad bridges.

As I have said previously, I do not question that some—perhaps all—of this research may be needed, but I do question whether the specifically selected universities are the best place to spend taxpayer dollars on those projects. It is conceivable that there may be other, more experienced entities, that could perform the research—but we will never know because earmarking ignores merit-based criteria.

I vehemently object to the expenditure of scarce transportation funds on projects that have not been subject to uniform, objective funding criteria. I further object to the expenditure of scarce transportation funds on unauthorized programs.

Section 365 provides $500,000 in grants to the Environmental Protection Agency to develop a program that allows employers in certain regions to receive credits for reduced vehicle-miles-traveled if that employer allows workers to telecommute. Section 365 was not in the House-passed bill. Section 365 was not in the Senate-passed bill. There have been no hearings on the provision in either the House or the Senate. I, for one, believe that the airport and surface transportation safety programs could far better use that half a million dollars than the Environmental Protection Agency.

I have asked the following question before and I will continue to on other appropriations bills. I ask my colleagues, why are the appropriators so reluctant to permit projects to be awarded based on a competitive and meritorious process that would be fair for all the states and local communities? I ask my colleagues, why are the appropriators so quick to slip in provisions creating brand new authorizations. I suspect it is due to the fact they may doubt the merits and worth of the very projects they are earmarking and of the programs they are authorizing.

I have only mentioned a few of the examples of earmarks and special projects contained in this measure and I will not waste the time of the Senate going over each and every earmark. However, a detailed listing of the many earmarked projects proposed in this bill and committee report are available from my office and can also be obtained from my website.

Finally, I would like to express my grave concerns over a provision that would prevent certain very critical motor carrier safety functions from being administered by the Federal Highway Administration. Such a prohibition could be of grave consequence to the road traveling public and is short-sighted at best.

Last year an attempt was made by the House Appropriations Committee to strip FHWA from its authority over motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

In my opinion, it is very short-sighted and a serious jeopardy to public safety if Congress shuts off funds for motor carrier safety activities within the Department of Transportation. For example, under the conference agreement, the Department would not be permitted to access civil penalties for motor carrier safety violations. According to DOT, "this provision would effectively shut down our safety enforcement program." While I am aware safety improvements are necessary and am working to accomplish those needed improvements, stipping critical authority is not in the interest of truck safety. I would urge the President to veto this legislation due to this unwise and unsound provisions and permit the authorization process to proceed responsibly.●

● Mr. REED. Madam President, I rise to address an issue of great importance for our Nation's environment and economic security.

Today the Senate will pass the fiscal year 2000 Transportation Appropriations bill. In that bill, for the fifth year in a row, is a House-passed rider that would block the Department of Transportation from conducting a legislatively-mandated study of Corporate Average Fuel Economy Standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for so-called "light trucks", including SUVs and minivans, remains at just 20.7 miles per gallon. Today, with SUVs and minivans accounting for almost half of all new cars sold in the United States, we need to give serious consideration to improving fuel economy standards for these vehicles. By doing so, we could cut harmful air pollution, help curb global warming, and reduce the amount of gasoline we consume. The existing CAFE standards save more than 3 million barrels of oil every day. Improving these standards, particularly for light trucks, is especially important when our nation is importing increasing amounts of oil every year.

For the past four years, Congress has denied the American people access to existing technologies that could save them thousands of dollars at the gas pump, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The House rider blocking consideration of improved CAFE standards was attached to the DOT spending bill without any hearings or debate. While I will not object to passage of this important appropriations measure today, I want to state in the strongest terms my disappointment, shared by many of my colleagues, that the statutory requirement to study ways to improve fuel efficiency standards is being blocked.

We should lift this gag order and give the Department of Transportation the opportunity to consider this important issue.●

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I now withdraw the committee amendments.

The committee amendments were withdrawn.

AMENDMENT NO. 1891

(Purpose: To authorize appropriations for the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Mr. President, I send a substitute amendment to the desk for Senator McCAIN, myself, and Senator ROCKEFELLER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. McCAIN, for himself, Mr. GORTON, and Mr. ROCKEFELLER, proposes an amendment numbered 1891.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold for a moment.

The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to and considered as original text for the purpose of further amendment.

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. An objection is heard.

Mr. GORTON. Mr. President, we will take such measures as are necessary to see whether or not the objection can be withdrawn or we will simply go ahead and debate the substitute amendment. Let me add three other matters.

First, we will attempt to get a unanimous consent agreement on the filing of amendments as early and as promptly as we possibly can so debate can be carried forward.

Second, as Senator ROCKEFELLER pointed out, there are two additional amendments to this substitute amendment that can be put up whether or not the substitute amendment has been agreed to. One has to do with the air traffic control system and its modernization.

Senator ROCKEFELLER and I and many others, as the Senator from West Virginia pointed out, have worked diligently in that connection, and we believe that proposal now is not controversial, though it is of vital importance and we hope it can be agreed to promptly.

The other amendment, of course, is the amendment dealing with slots at the four or five busiest airports in the country. There may be some controversy in connection with that amendment. In any event, we hope that each of those amendments will be adopted relatively promptly. Members are urged to bring their amendments to the floor or to speak to the managers about concerns they have that may be solved relatively easily.

Under the statement made earlier today when this session of the Senate began, it is at least possible there will be further votes on this bill today after the vote on the Transportation appropriations bill at 5:30 p.m. In any event, there certainly will be by tomorrow. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I appreciate the comments of the manager of the bill and also the distinguished Senator from West Virginia. One thing I want to make clear, contrary to the statement of the Senator from West Virginia, is that at least this Senator from Illinois does not believe he was involved in any of the negotiations, certainly not with respect to this last-minute attempt to entirely lift the high density rule that has governed three of our Nation's most crowded and congested airports since the late 1960s.

Going back to the 1960s, the FAA has had a rule in effect that limits operations at Chicago O'Hare International Airport to 155 operations an hour. The reason for that rule was that the airport was at capacity and adding more operations per hour would add to delays and jeopardize the safety of the flying public.

This original bill had an exemption for 30 new slots that the FAA could grant at O'Hare. I had misgivings about even those 30 exemptions for new flights at O'Hare, and I had been working with the chairman of the Commerce Committee on that issue, going back several months. But this was at the last minute. In fact, I read it in the newspaper today that a deal had been cut behind the scenes to go ahead and lift the high density rule altogether.

I think that is a grave mistake that could jeopardize the safety of our flying public in the United States. I fly out of O'Hare International Airport every week. In fact, I live 12 miles from it. As I grew up, that airport grew up. It grew into the busiest airport in the world. Anybody who has been there this year knows that it is so crowded and congested that there are constant delays at O'Hare. In fact, a report that came out earlier this year suggested there are more delays at O'Hare International Airport than at any other major airport in the country.

In 1995, when Congress considered lifting the high density rule, the FAA commissioned a study to look into what would happen if they lifted the high density rule. That study concluded it would be a great mistake to lift the high density rule because it would further add to delays at O'Hare and some of the Nation's other slot-controlled airports.

When there are massive delays at O'Hare, it pressures the air traffic controllers to hurry up and get more flights in the air to alleviate those delays. Sometimes there are 100 flights waiting to take off at O'Hare International Airport. Lifting the high density rule says that maybe sometimes we will have 200 flights waiting to take off on the runways at O'Hare. With that kind of pressure on the air traffic controllers, certainly there is the possibility to do something unwise and to make too many flights take off too close to each other, which could risk the lives of passengers in this country.

I am here to tell you that if one passenger dies in the United States because this Congress, going along with pressure from United and American Airlines, which already have 80 percent of the market in Chicago O'Hare and want more of it and are trying to block the construction of a third airport in Chicago because they do not want anybody else to have any of the market in Chicago, if in responding to pressure from those airlines, we are going to add so many more flights at O'Hare that we jeopardize the life of just one passenger in this country, then we have made a horrible, grave mistake.

Thus, I will be here everyday this bill is up, and I will fight doing that. I look forward to working with the managers of the bill to possibly address my concerns.

I was elected, in part, on this issue, and my predecessor, Carol Moseley-Braun, in fact, last year when there was a proposal to add just 100 more slots at O'Hare, fought that. She thought she had an agreement to lower that to 30 more slots that could be sparingly granted by the FAA, if all sorts of certain criteria were met.

Now it appears there is an effort on the part of those who have negotiated this bill to run roughshod over all those conversations with Senators from Illinois and go ahead and say the sky is the limit at O'Hare.

It is interesting; last week, Mayor Daley from Chicago was trying to fly to Washington. We had a Taste of Chicago party on the House side of the Capitol. It was a huge party. There were 500 people from Chicago willing to celebrate the Taste of Chicago in Washington. Unfortunately, the mayor of Chicago was stuck on the tarmac at O'Hare for 4 hours because of delays. It is too crowded and it is too congested.

Fortunately, thus far, the air traffic controllers have managed the traffic and the delays there, and they have not felt pressured into doing something unwise. But it is very possible that we could put so much pressure on those air traffic controllers and those pilots that a mistake could be made and we could jeopardize the safety of the flying public.

So I will be here to fight the lifting of those caps at O'Hare. We have to come up with some other solutions. I do agree we want competition amongst our airlines. Certainly with the situation at O'Hare, where you have two airlines, United and American, that control 80 percent of the slots, they don't want anybody else to cut into their monopoly there. Thus, they don't want any more air capacity outside of O'Hare in Chicago. I understand that. That has created problems. I want to work to solve those problems with the Members of this body. But I do not think we should do it in such a way that we cause more delays at O'Hare, which puts more pressure on our air traffic controllers, our pilots, and our whole infrastructure in aviation, and potentially jeopardizes the safety of the flying public.

Mr. President, thank you very much.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Stanley Bach of the Congressional Research Service be granted the privilege of the floor during the Senate's consideration of S. 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Evelyn Fortier of my office be granted the privilege of the floor during the Senate's consideration of S. 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FITZGERALD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am pleased to rise in support of S. 82, the Air Transportation Improvement Act of 1999. This measure will enhance the safety and efficiency of our air transportation system. The residents of Hawaii, a State that is perhaps more dependent on air transportation than any other, stand to benefit significantly from this legislation.

Today I want to speak to title VI of the bill which addresses the issue of air tour operations at national parks. Title VI establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. The legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with public input from stakeholders, to develop an air tour management plan for parks currently or potentially affected by air tour flights.

Under this process, routes, altitudes, time restrictions, limitations on the number of flights, and other operating parameters could be prescribed in order to protect sensitive park resources as well as to enhance the safety of air tour operations. An air tour plan could prohibit air tours at a park entirely, regulate air tours within half a mile outside the boundaries of a park, regulate air tour operations that impact tribal lands, and offer incentives for the adoption of quieter air technology.

S. 82 also creates an advisory group comprising representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

As embodied in the air tour management plan process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and commercial aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

In other words, an air tour management plan for Yosemite in California may differ significantly from a plan for the Florida Everglades, in order to take into account differences in terrain, weather, types of resources to be protected, and other factors. What is important about this bill is that it establishes a uniform procedure, with common regulatory elements, that will address overflight issues on a consistent basis across the nation, while allowing for local variations.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialogue among diverse stakeholders, mirrors key elements of legislation—the National Parks Airspace Management Act, cosponsored by my colleagues Senator INOUYE and Senator FRIST—that I promoted in several previous Congresses.

Title VI also reflects the hard-won consensus developed by the National Parks Overflights Working Group, a group comprising industry, environmental, and tribal representatives, which worked for many months to hammer out critical details embodied in the pending measure.

Adoption of this bill is essential if we are to address effectively the detrimental impacts of air tour activities on the National Park System. Air tourism has significantly increased in the last decade, nowhere more so than at high profile units such as Grand Canyon, Great Smoky Mountains, as well as Haleakala and Hawaii Volcanoes national parks in my own State. A major 1994 Park Service study indicated that nearly 100 parks experienced adverse park impacts. That number has assuredly risen since then. Such growth has inevitably conflicted with attempts to preserve the natural qualities and values that characterize many national parks, in some instances seriously.

While air tour operators often provide important emergency services, enhance park access for special populations such as the handicapped and elderly, and offer an important source of income for local economies—notably tourism-dependent areas such as Hawaii—unregulated overflights have the potential to harm park ecologies, harm wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations can also pose a safety hazard to air and ground visitors alike. The tragic crash of an air tour on the Big Island of Hawaii last week which killed nine people, is a stark reminder of the dangers inherent in air travel.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interest of the aviation and environmental communities. Congress and the administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress's initial, but ultimately limited, attempt to come to grips with the overflights issue. S. 82 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balancing the needs of air tour operators against the imperative to preserve and protect our natural resources.

The overflights provisions of this bill are the consequence of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group. whose consensus recommendations form the underpinnings of this legislation; representatives of aviation and environmental advocacy organizations such as Helicopter Association International, the U.S. Air Tour Association, the National Parks and Conservation Association, and the Wilderness Society; and, officials of the FAA and Park Service.

From the Park Service, in particular, I recognize Jackie Lowey, Wes Henry, Marv Jensen, Sheridan Steele, Ken Czarnowski, and Dave Emmerson, all of whom worked directly on this legislation. And I would be remiss if I did not recognize the unsung contributions of Ann Choiniere of the Commerce Committee staff and Steve Oppermann, formerly of my staff and more recently a consultant to the Park Service, who spent countless hours shaping the details in this bill.

However, title VI is, above all, the product of the energy and vision of my friend and colleague from Arizona, Senator McCAIN. As the author of the 1987 National Parks Overflights Act, Senator McCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has been relentless in his quest to impel progress on this subject. For his leadership in writing the overflights provisions of this bill, and for his decade-long fight to preserve natural quiet in our national parks, Senator McCAIN deserves the lasting appreciation of all those who believe in maintaining the integrity of the National Park System.

Mr. President, in conclusion, I am pleased to have been involved in developing legislation that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources that give value to a park, resources that must be protected at all costs. I believe that title VI of the pending measure reasonably and prudently balances these sometimes opposing considerations, and I urge my colleagues to support this legislation.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANAMA CANAL

Mr. SMITH of New Hampshire. Mr. President, there are a lot of things going on in the world. Sometimes there is so much going on that we forget some of the more important things. What I would like to do is to remind my colleagues and the American people that, as of today, there are 88 more days before the United States of America loses its right to the Panama Canal.

It is also interesting to point out that these little flags on this chart—in case someone may not know what they are—are Communist Chinese flags. So I am going to place another one over October 4 and note that in 88 days the Chinese Communists are going to have control over both ends of the Panama Canal.

It is amazing to me that in the Presidential debates—not formal debates but in the discussions of Presidential politics—we did not even hear anything about this. Yet here we are, the nation that is probably the largest threat to the United States of America is now going to control the Panama Canal and not a whimper comes from this administration.

So I am going to be on the floor of the Senate almost every day I can—at least every day that is a business day—to remind the American people and the administration that we are now going to allow the Communist Chinese flag to be hoisted over that canal, which we once controlled, which we, unfortunately, gave away during the Carter administration.

The Panama Canal Treaty requires the U.S., by the date of December 31, 1999, to relinquish its bases in Panama.

The Panama Canal—a monument to American engineering, American construction, American ingenuity—is among the world's most strategic waterways and remains critical to U.S. trade and national security.

In case anybody is interested, the United States has invested $32 billion of taxpayer dollars in that canal since its inception. It remains a critical artery for our Navy and Merchant Marine, with an estimated 200 Navy passages a year going through that canal.

On December 31, the Communist Chinese flag will control both ends of that canal.

Mr. President, 15 to 20 percent of total U.S. exports and imports transit the canal, including approximately 40 percent of all grain exports.

Before the canal was constructed, the voyage around Cape Horn required 4 or 5 months. The Colombian Government was assessing differential duties which made transisthmian travel prohibitive, even under ordinary circumstances.

Traveling the United States from coast to coast took 8 or 9 months and sometimes fighting Indians. That was how long ago. Today, that canal saves 8,000 miles and 2 weeks over the Cape Horn route.

Public opinion in the United States towards construction of a canal was galvanized by the voyage of the battleship U.S.S. *Oregon* from the Pacific around Cape Horn, joining Admiral Sampson's fleet in battle against the Spanish fleet of Cuba in 1898. The *Oregon* arrived just in time to engage in the last naval battle of the Spanish-American War, the Battle of Santiago.

In Teddy Roosevelt's first message to Congress, he described the canal as the path to a global destiny for the United States and said:

> No single great work which remains to be undertaken on this continent is of such consequence to the American people [as the Panama Canal].

In 1918, Teddy Roosevelt warned against internationalism of the canal:

> . . . we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant.

There has been lots of talk about the potential perils of Y2K, which is also going to take place on January 1 or at the end of this year. For me, the complete transfer of the Panama Canal by December 31 is the biggest Y2K challenge facing America, and the clock is ticking. There is the countdown—88 days until we lose not only the canal but the access, coming in and out of that canal.

This August, President Clinton awarded former President Jimmy Carter the Presidential Medal of Freedom. Now the Carter foreign policy legacy, the giveaway of the Panama Canal and normalized relations with the Communist People's Republic of China, has come full circle with ominous consequences.

Panama City's deputy mayor, Augusto Diaz, states:

> If Red China gets control of the canal, it will get control of the government. . . . The Panama Canal is essential to China . . . if they control the Panama Canal, they control at least one-third of world shipping.

Already the PRC is the largest goods provider into Panama's free zone, at $2 billion a year. The People's Republic of China is the largest user of the canal, after the United States and Japan, with more than 200 COSCO ships alone transiting the waterway annually.

The United States has already shut down its strategic Howard Air Force Base. Howard Air Force Base has also served as the hub of counternarcotics operations with 2,000 drug interdiction flights a year. By the approaching deadline, we will also have given up in Panama Rodman Naval Station, the Fort Sherman Jungle Operations Training Center, and other important facilities.

The Clinton administration was supposed to be working towards negotiating an arrangement with Panama that would have allowed for a counterdrug center, but even that option has fallen apart. In September, the administration announced the collapse of 2 years of talks on a multinational counternarcotics center.

More than 2 decades ago, then-Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer warned the Senate Foreign Relations Committee that the U.S. withdrawal from Panama would occasion a dangerous vacuum that could be filled by hostile interests. His comments were very prophetic.

In 1996, while China was illegally secreting millions of dollars through conduits into the Clinton reelection coffers, it is alleged that it was simultaneously funneling cash to the Panamanian politicians to ensure that Chinese front companies would control the Panama Canal.

When is America going to wake up? When are the American people going to wake up?

Hutchison Whampoa, a Hong Kong company controlled by Chinese operatives, will lease the U.S.-built port facilities at Balboa, which handle ocean commerce on the Pacific side, and Cristobal, which handle commerce on the Atlantic side. A Hong Kong company will control—remember, Hong Kong is now part of the PRC. Its chairman is Li Ka-shing, who has close ties to the Chinese Communist leaders and a de facto working relationship with the People's Liberation Army. Li is a board member of the Chinese Government's primary investment entity, CITIC, China International Trust & Investment Corporation, run by PLA arms trafficker and smuggler Wang Jun. That is the Hong Kong company that will control this canal in 88 days.

Insight magazine published an article maintaining that Li serves as a middleman for PLA business operations, including financing some of the controversial Hughes and Loral deals which transferred weapons technology to the PRC. He has also been an ally of Indonesia's Riady family and the Lippo Group, so deeply implicated in the illegal Chinese/Clinton fundraising scandal.

Hutchison Whampoa's subsidiary runs the Panama Ports Company which is 10-percent owned by Chinese Resources Enterprise. CRE was identified by the Senate Governmental Affairs Committee as a vehicle for espionage—economic, political, and military—for China. Does anybody care? One of the favorite expressions among preachers is: Hello. Does anybody care? Is anybody listening? This is Communist China in the Panama Canal that we built, that we maintained, for $32 billion. Not a whimper. Nobody is talking about it, let alone doing anything about it. Nobody cares. Where is the administration?

In addition to concerns about Chinese objectives in securing Balboa and Cristobal ports, Panama is in the front lines of the U.S. fight against narcoterrorism principally exported by the FARC, revolutionary armed forces of Colombia, in Colombia. A week after closure of Howard Air Force Base, heavily armed FARC members were interviewed in full combat regalia on Panamanian television, operating in Panamanian territory.

U.S. Southern Command Chief, General Charles Wilhelm, testifying before the Senate Foreign Relations Committee in June, said Panamanian security forces were undermanned and ill equipped to deal with growing threats from Colombian guerrilla incursions and drug traffickers. Colombia is the source of an estimated 80 percent of the world's supply of cocaine and the source of 75 percent of heroin seized in the United States. The FARC is known to have ties to the Russian mafia. That canal will be a great opportunity for them.

Public opinion polls in Panama indicate that between 70 and 80 percent of the Panamanian people support an ongoing U.S. security presence in their country. Alternative sites for counterdrug operations, the so-called FOLs, or forward operating locations, are expected to cost hundreds of millions of dollars for infrastructure building and fees. We have no assurance that even if we build the infrastructure, we can stay in the designated FOLs for any extended time.

Another issue that must be raised is that of the corrupt and unfair bidding process surrounding the 25-year-plus leasing arrangement, with an option for another 25 years, with Hutchison Whampoa. The then-U.S. Ambassador to Panama, William Hughes, protested this corrupt bidding process, and American and Japanese firms lost out because of the stacked deck. No help from the administration.

Ambassador Hughes came close to being declared persona non grata for protesting the rigged deal 3 years ago. It should be noted that Hughes is now parroting the administration's line on Panama and the PRC. President Clinton then appointed Robert Pastor, architect of the 1977 canal surrender. He appointed him, and Pastor's nomination was blocked by Foreign Relations Committee Chairman JESSE HELMS.

Six U.S. Senators, in May 1997, charged in a letter to the Federal Maritime Commission that there were irregularities in the bidding process, which denied U.S. firms an equal right to develop and operate terminals in Panama. The Commission acknowledged that the port award process was unorthodox and irregular by U.S. standards.

In 1996, Panama asked a Seattle-based company to withdraw a successful bid for Cristobal—a successful bid—on the grounds that it would give the U.S. firm a monopoly because of its existing business in Balboa. In 1997, Panama gave the leasing deal to Hutchison Whampoa for both ports. With the introduction of Hutchison Whampoa, there follows real concern that Chinese organized criminal organizations involved in drug trafficking, guns, and smuggling of illegal aliens will ensue. COSCO, mentioned earlier—another Chinese-run firm that tried to lease the Long Beach Naval Shipyard—owned the ship which entered Oakland containing smuggled AK-47s intended for the street gangs of Los Angeles. And we almost had that firm in control of the Long Beach Naval Shipyard. Two firms with ties to the PLA and the Chinese Government were under Federal investigation for the smuggling attempt. While the U.S. Government is equipped to deal with this type of threat, Panama, with no standing army, is not.

The United States and Panama have security provisions in existing treaties under which we could negotiate joint security initiatives to address our common interests.

Eighty-eight days, Mr. President. Eighty-eight days. That is what we have left to get it done.

The major obstacle appears to be an unwillingness of this administration to preserve a presence in Panama and a tendency to downplay the significance of Chinese acquisition of the twin ports.

The 1977 treaty gives the United States the right to defend the Panama Canal with military force. The United States attached a condition, known as the DeConcini condition, which stated that if the canal were closed, or its operations interfered with, the United States and Panama would have the right to take steps necessary, including use of military force, to reopen the canal or restore operations in the canal. This modification was never ratified in Panama and met with protest by the Torrijos regime. Panama's version of the treaty denies unilateral defense rights to the United States. Some believe that Panama and the United States cloaked the differences in order to avoid a Senate vote on the issue and a plebiscite in Panama. In fact, the Senate turned back a series of amendments that would have required the treaties to be renegotiated and resubmitted to the Panamanians for another referendum.

The DeConcini condition, because it was attached to the Neutrality Treaty, remains in force permanently. But as former Admiral and Joint Chiefs Chairman Thomas Moorer noted, how does the "right" to go into the canal with force compare to the advantage of defensive bases that could prevent the takeover of the canal by an enemy?

A new Panamanian law gives this company, Hutchison Whampoa, the "first option" to take over the U.S. Naval Station Rodman and other sites. Panamanian law also gives the Chinese company the right to pilot all vessels transiting the canal. Admiral Moorer warned the Senate last year that our Navy vessels could be put at risk since Hutchison Whampoa has the right to deny passage to any ship interfering with its business, including U.S. Navy ships.

It is of interest to note a 25-percent leap in immigration to Panama from the PRC over the past few years—a 25-percent increase in immigration to Panama from the PRC. Beijing has used large-scale emigration as the basis for future intelligence recruits, with Panama a key target. Stanislav Lunev, a defector and former Soviet military intelligence colonel, claimed Chinese intelligence succeeded because of their ability to exploit the vast emigration of Chinese to communities across the world.

Eighty-eight more days, Mr. President. Eighty-eight more days.

The Congressional Research Service's August 1999 Issue Brief on China addresses a Chinese immigrant scandal. Panamanian visas were sold for as much as $15,000 to Chinese citizens who would fly from Hong Kong to Costa Rica, where smugglers would guide them through Central America and Mexico into the United States. Then President Balladares fired his head of intelligence as a result of the scandal—another issue which causes consternation among Americans with regard to Panama's ability to deal with its China problem.

If I could put it bluntly, this administration has dropped the ball big time. The House Subcommittee on the Western Hemisphere stated in March 1995 that over 80 percent of Panamanians favor some sort of U.S. military presence in their country. A September 1997 poll found that 70 percent believe that some U.S. bases should remain after the end of this year.

Eighty-eight more days.

More recently, a May 1998 poll showed that 65 percent of Panamanians support the concept of a multinational counterdrug center.

Despite public support—as high as three-fourths of the people in Panama wishing for the United States to stay in some capacity—this administration appears wedded to an unconditional pullout, an unconditional surrender toward a "cooling off" period that could allow the PRC to consolidate a new strategic toehold in Panama.

The Panama Canal Treaty was negotiated between President Carter and Panamanian dictator Omar Torrijos. It doesn't reflect public opinion in Panama. It did not, arguably, reflect public opinion in the United States.

When Operation Just Cause was launched in 1989, following the deaths of American soldiers and civilians in Panama, the United States intervened to safeguard American lives, to defend democracy in Panama, to combat drug trafficking, and to protect the integrity of the Panama Canal Treaty. It would be a shame if, because we fail now to protect Panama and the common security interests of the United States, to risk military intervention in the future.

Finally, a Pentagon spokesman has dismissed the notion that the United States should even worry about Chinese encroachment in Panama. Don't worry about it. According to an AP story, Admiral CRAIG Quigley said:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

Hello. Is anybody listening out there in the administration? What are we saying? Eighty-eight more days and they will control both ends of it. But, according to Quigley:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

That is what he says: "It is a business issue." Yes, it is a business issue all right—between the Chinese Government and Panama, to our detriment. There isn't any private business in China. It is all done by the Government. That is business as usual in the Clinton White House. This is a serious mistake that will in the future cost us dearly in terms of our national security.

This is the same Red China that has labeled us their "No. 1 enemy;" the same China that has sought to steal all of our nuclear weapons secrets from our DOE labs; the same China that sought to buy the 1996 Presidential election, and massacred students at Tiananmen Square; the same China which has committed genocide in Tibet and which is supplying state sponsors of terrorism in Iran, Libya, Syria, and North Korea; the same China that has provided missiles and other weapons of mass destruction and technology to be sent around the world; the same China that threatened a nuclear attack on California and which has implied it would use the neutron bomb against Taiwan.

Here is the flag right here. Eighty-eight more days. In 88 more days, it will be hanging on a mast over that canal. That is the flag. That is also the flag of a country to which, right here in this Senate, a majority of my colleagues, I regret to say, said we should provide most-favored-nation status.

In conclusion, the United States should re-engage the new government of Moscoso on the issue of a continued U.S. presence. General McCaffrey, the drug czar, has shown a renewed interest on what he now calls an emergency situation in Colombia, albeit several years after the State Department and the Clinton administration stalled, thwarted, and blocked congressional efforts to assist Colombia's antinarcotics police in its fight against the FARC.

Despite these differences over tactics in the drug war, McCaffrey stands out in the Clinton administration as someone who cares about the drug problem. But this is bigger than drugs. This is drugs—there is no question about it—but it is also the national security of the United States.

We could also urge the new Panamanian Government to conduct a referendum on maintaining a U.S. presence. No one is talking to them about that. We could urge reopening of the bidding process to be more fair and equitable, and to ensure that no hostile powers are permitted to bid. We are not doing that either.

The canal was built at a tremendous expense—$32 billion—and at the sacrifice of thousands of American lives. What a pity, the good working relationship that has developed between Panama and the United States to be lost because of the ineptitude and indifference of people in the State Department and the Defense Department of this administration. If this administration remains blind to the threat facing Panama, it is incumbent upon this Congress to make the case to the American people, to the new government in Panama, and to the Panamanian people.

That is exactly what I intend to do on this floor every day that I can get the time and the floor to do it between now and December 31. I am going to be posting another flag each day to remind the American people that we are getting closer and closer and closer to the People's Republic of China—Communist China—controlling both ends of the Panama Canal—the country that has trampled the rights of Tibetans, that threatened to run over its peaceful protesters with tanks, that has stolen our nuclear secrets, that funneled money into our Presidential campaigns, and purchased or stolen other targeting devices to target our cities, and, frankly, threatened the country of Taiwan, and even threatened California if we step in. What do we do on the Senate floor? Not only do we let them take the canal, but we also give them most-favored-nation status.

At some point, the American people are going to have to wake up. I don't know when it is going to be. But I hope it is not too late.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

Mr. GORTON. Mr. President, we are trying to get moving on the FAA authorization bill. Will the Senator from Wisconsin agree to shorten his remarks, if we are ready to go? We are still trying to negotiate.

Mr. FEINGOLD. Mr. President, I would be happy to shorten my remarks in the necessity to move forward.

Mr. GORTON. I thank the Senator for his courtesy. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Washington.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. GORTON. Madam President, I now ask unanimous consent that the substitute amendment I presented earlier today be agreed to and be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1891) was agreed to.

AMENDMENT NO. 1892

(Purpose: To consolidate and revise the provisions relating to slots and slot exemptions at the 4 high-density airports)

Mr. GORTON. Madam President, I now send an amendment to the desk for myself, for Mr. ROCKEFELLER, for Mr. GRASSLEY, for Mr. HARKIN, and for Mr. ASHCROFT, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT, proposes an amendment numbered 1892.

Mr. GORTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GORTON. Madam President, I am going to explain this amendment in some detail, as it has been the subject of both long negotiations and much controversy internally in the Commerce Committee in the almost 7 months since the Commerce Committee bill was reported to the floor, and today.

I will say right now, for my friend and colleague from Illinois, after I have spoken on the amendment and Senator ROCKEFELLER has made any remarks on the amendment that he wishes, at the reasonable request of the Senator from Illinois, after any remarks he wishes to make, we will not take further action on this amendment today. The Senator from Illinois may have an amendment to this amendment. He may simply debate against and speak against the passage of this amendment. He prefers to do that tomorrow. At least informally, I will undertake that it will be the first subject taken up tomorrow. I am not certain I can give him absolute assurance of that, but I believe it should be the first subject taken up tomorrow, the debate to take place on it, and the positions of the Senator from Illinois presented.

There are other Members of the body who may also wish to amend this amendment. This amendment is central to this overall debate. Once we have completed action on this amendment, I suspect most of the other amendments to the bill will require much less time and will be much less controversial.

In any event, the background to the high density rule that is the central subject of this amendment is this: In 1968, that is to say, 31 years ago, the Federal Aviation Administration established a regulation to address serious congestion and delay problems at five of the nation's airports. That regulation, known as the high density rule and implemented in 1969, governed the allocation of capacity at Chicago O'Hare, Washington National, and JFK, LaGuardia, and Newark airports in the New York City area. Newark was later exempted from the rule, so it now applies only to four airports.

The high density rule allocates capacity at the four airports by imposing limits on the number of operations (takeoffs or landings) during certain periods of the day. The authority to conduct a single operation during those periods is commonly referred to as a "slot."

The Gorton/Rockfeller amendment consolidates all of the negotiated agreements to lift the high density rule, the slot rule, at Chicago O'Hare, LaGuardia, and JFK, and to ease the high density rule and the perimeter rule restrictions at Reagan National.

With respect to Chicago O'Hare, the amendment would eliminate the high density rule at O'Hare, effective April 1, 2003.

Regional jets and turboprops would be exempt from slot requirements effective January 1, 2000, for service to airports with fewer than 2 million annual enplanements. There are two additional conditions that would have to be met before carriers could take advantage of this interim regional jet/turboprop exemption. First, there could be no more than one carrier already providing nonstop service to that airport from O'Hare. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be exempt from the slot requirements at O'Hare, effective January 1, 2000. The terms "new entrant" and "limited incumbent" air carrier are often used interchangeably. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport. The limited incumbent would be exempt from the high density rule only if they were providing new service, or service that they were not already providing in a market

The Department of Transportation would be required to monitor the flights that are operated without slots under the exemption from the high density rule. If a carrier was operating a flight that did not meet the specified criteria, the Department of Transportation would be required to terminate the authority for that flight.

O'Hare is currently slot controlled from 6:45 a.m. to 9:15 p.m. The amendment would reduce the slot controlled window at O'Hare from 2:45 p.m. to 8:15 p.m., effective April 1, 2002.

International service to O'Hare would be exempt from the slot requirements beginning April 1, 2000, except or foreign carriers where reciprocal access to foreign airports for United States carriers is not available.

Carriers would be required to continue serving small hub and nonhub airports where the carrier "provides air transportation of passengers . . . on or before the date of enactment" of the bill using slot exemptions. This period of required service at O'Hare would last until March 31, 2007. A carrier could get out from under these requirements if it could demonstrate to DOT that it is losing money on the route.

The amendment would terminate the high density rule at LaGuardia and JFK, effective calendar year 2007.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. There are two additional conditions that would have to be met before carriers could get a regional jet slot exemption. First, there could be no more than one carrier already providing nonstop service to that airport from LaGuardia or JFK. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be eligible for slot exemptions at LaGuardia and JFK. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport.

The amendment would ease the current criteria that enable new entrant/limited incumbent air carriers to acquire slot exemptions. The Department of Transportation is currently authorized to grant these slot exemptions when to do so would be in the public interest, and when circumstances are exceptional. On most occasions, DOT has interpreted the "exceptional circumstances" criterion to mean that there is no nonstop service in the route proposed to be served. In other words, DOT would grant an exemption only when there is no service between the city proposed to be served and the high density airport. The amendment would eliminate the "exceptional circumstances" criterion.

The amendment would establish a 45-day turnaround for all slot exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

Carriers would be required to continue serving small hub and nonhub airports where the carrier "provides air transportation of passengers * * * on or before the date of enactment" of the bill using slot exemptions. This period of required service at LaGuardia and JFK would last until calendar year 2009. A carrier could get out from under these requirements it it could demonstrate to DOT that it is losing money on the route.

Next Reagan National. The amendment would establish 12 perimeter rule/slot exemptions for service beyond the 1,250-mile perimeter. To qualify for beyond-perimeter exemptions, the proposed service would have to provide domestic network benefits or increase competition by new entrant air carriers.

The amendment would establish 12 slot exemptions for service within the perimeter. Carriers could only apply to serve medium hubs or smaller airports from Reagan National.

The amendment would establish a 45-day turnaround for all slot exemption and perimeter rule exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

On another subject, safety and delays, the Department of Transportation concluded in a 1995 report entitled, "Report to the Congress: A Study of the High Density Rule", that changing the high density rule will not affect air safety. According to DOT, today's sophisticated traffic management system limits demand to operationally safe levels through a variety of air traffic control programs and procedures that are implemented independently of the limits imposed by the high density rule. The Department report makes assurances that Air Traffic Control, ATC, will continue to apply these programs and procedures for ensuring safety regardless of what happens to the high density rule.

Many improvements have been made in infrastructure and air traffic management in the 30 years since the high density rule was first implemented, which should allow for additional operations without additional delays.

Improvements on the ground, including high speed runway turnouts, additional taxiways, and larger holding areas at the ends of the runways allow more efficient utilization of the gates and ground facilities and thus increase the capacity at high density airports.

Enroute, approach and departure air traffic management improvements have increased the air space capacity above high density airports.

In 1968 there were no "flow control" measures. Aircraft stacked up in the air rather than being planned and routed for arrival. Modern ATC flow control has significantly increased the airspace capacityu, while improving safety.

Greater precision radar has decreased aircraft spacing requirements, thus increasing capacity without sacrificing safety. Further improvements are expected with the existing Global Positioning System, GPS, Technology, allowing for additional capacity increases.

Future initiatives at Chicago's O'Hare and New York's LaGuardia and JFK will permit growth without undue operational delays.

Airspace redesign, essentially the rethinking of the approach, departure and routing of aircraft, was proven effective in a recent pilot project a Dallas-Fort Worth. Redesign efforts are currently underway for the Chicago area and other airports.

Other FAA programs, such as RNAV (area navigation) and the National Route Program, already in use in some locations, will further enhance enroute and terminal capacity.

Technology improvements such as digital data transfer between controllers and pilots, automation tools for managing traffic flows, and precision location devices such as GPS will greatly increase capacity throughout the national airspace system.

The recent ATC problems were due in part to the unique combination of adverse weather and the introduction of new systems at key airports. The gradual phaseout of the high density rule will allow time to fix these problems, and for the growth in capacity to match the increased air traffic control capability.

The amendment allows 7 years before the slot rule is removed for the New York airports, and more than 3 years for Chicago. This phaseout allows adequate time for the FAA's initiatives to be in place.

Even if there is some increase in delays, in both Chicago and New York, competitive nearby airports such as Midway and Islip provide a natural safety valve.

Many new entrant carriers operating point-to-point have found that using nearby secondary airports is a profitable way to offer service to major cities. If delays and the associated costs do increase in Chicago and New York's major airports, more operations will naturally move to these secondary airports.

Madam President, that is an explanation both of the details of this amendment and the rationale for the amendment. Again, in connection with the bill as a whole, this represents the level of partnership between Senator

ROCKEFELLER and myself, but as broad consultation and as much agonizing discussion over the details as can possibly be imagined under circumstances on a subject so important.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I fully agree with my colleague from Washington. In fact, I have a whole series of pages about various States, various airports, various Senators, and the problems they had—and in one case may still have—with whom we worked out agreements. This was a very arduous process.

An airport is a very large employer when one is talking about the number of planes that can fly in and fly out. Every flight, in fact, represents two slots, a landing and a takeoff. It was a very controversial subject. This is probably the most controversial subject, but we worked a long time to try to work this out. We did it, as the Senator indicated, with an expedited review process in certain places, we did it in good faith, we did it slowly, and we did it over a period of time. We did it, we thought, trying to accommodate as much as possible the needs of individual Senators who, quite naturally, take these things particularly seriously. The Presiding Officer and I wish we had problems of this sort, but for those who do, it is a real problem. We recognized that, and we tried to deal with it in a fair manner.

First, I will not give the full explanation my colleague did, but I will say it is carefully crafted, it is based on compromise, and it balances both the questions of congestion and of noise. There are those who feel strongly about both or one or the other in various proportions. Obviously, all of them represent high-density airports, although it should be said there are a lot more than four high-density airports. Atlanta, for example, is neck and neck with O'Hare in terms of its density, but is not included in the high-density treatment.

I thought the handling of Reagan National was good because we went from 48 slots to 24 slots; 12 outside the perimeter and 12 inside the perimeter. That is good for the Presiding Officer and the present speaker because that allows more entrants into National, and that is desirable.

It also is a fact that this was in the original bill, and it was retained in the substitute. That speaks to something within the authorizing context. In other words, people on the Commerce Committee overwhelmingly believed this was a very important and fair treatment.

We did not make the treatment of every airport exactly the same in terms of the phasing out of the high density rule because not every airport is the same. We did not do it as a collection of our own air genius or mathematical equations; we did it because the FAA advised us very carefully as to what we ought to do on that according to their best calculations. The idea was, instead of gradually phasing out the high density rule altogether, to, rather, establish some interim rules to allow small communities—this is a very important point—to allow small communities and to allow new entrants to get a head start on this process.

If you come from rural America and if you believe in a competitive market system, that becomes extremely important. Small communities do get a head start to add flights and fill capacity in this compromise which has been worked out.

I have explained the Reagan Airport situation.

The amendment, again, specifically protects service to small communities—which is of interest to many of us—under slot exemptions that were previously granted by the Department of Transportation.

It requires that airlines continue the service until 4 years after the lifting of the high density rule at O'Hare—until the year 2007—and 2 years after the lifting of the high density rule at Kennedy and LaGuardia for that purpose.

Understandably, some Members were very concerned. When we began to talk about this, they were very worried it would come off that the airlines, therefore, would have no incentive to keep any of their business in smaller communities or in smaller markets; that they could simply pick up their slots and take them elsewhere.

This amendment prevents them from doing that. It prevents them from abandoning these markets unless, as Senator GORTON indicated, they can prove to the Department of Transportation—which will be under the majority of this body, which is rural or part rural in nature; a lot of pressure—that they are suffering, as they say, substantial losses on these routes. So that is a clear effort to protect service for small communities, and that is something which I value very much.

As Senator GORTON also explained, this amendment expands the definition of a "limited incumbent." These carriers are already serving one of the four high-density airports, but do so with only a very few number of flights. This was of particular value to many of our Midwestern colleagues. There are a whole series of them who, I think, are quite happy as a result of this.

The new definition will give more low-fare, new-entrant carriers access to these major airports. Again, I go back to the philosophy of all of this that, after all, we do have 15, 18 major airports in the country, but fundamentally we are a hub-and-spoke system. And the Presiding Officer and the junior Senator from West Virginia come from States that are spokes; we are not hubs. We never will be. We depend upon carriers that are in the hubs coming out, as they compete in this most competitive of all businesses—in our market system—to compete for new passengers. So they, in classic fashion, have to increasingly come out into the rural areas to draw passengers into their hubs. There will be an amendment about the nature of these hubs to attract them, so they can put them into the bloodstream, so to speak, the flow stream of their business.

In my opening statement, when I talked about the enormous increase in new regional jets which will be taking place in the next number of years, that is one of the reasons the number of these regional jets will be increasing—because they are being sent from hubs out to the smaller areas to pick up passengers, to bring them into the larger hub airports, and then going on to wherever they wish from there.

One very important thing. I am not sure the Senator from Washington said this or not; he probably did, knowing him. There is an important caveat for any change in the high density rule. This is not just something the Congress has such power to decide that we just abrogate or pretend the FAA does not have ultimate understanding of what constitutes safety in a system.

The FAA retains the ultimate authority for air traffic operations, and they have the ability to step in because of safety or delay. They can intervene. They can intervene when they think there is a problem or a crisis. And they can do so on a unilateral basis.

In addition, I might add, both the General Accounting Office and a number of economists, over a lot of years, have pointed out that slot rules, in effect, act as a major barrier to airline competition. That new entry at four airports—there are a lot of people who cannot get into those airports because of the slot rule. Again, the FAA would have to maintain the sureness of safety, and the rest of it, but you want people to be able to get in and out of airports.

As to new technology, if we would only make available the money, they have all kinds of new ways now of charting courses for airplanes, be they commercial or private, which allow a more efficient use of airspace, which we cannot now do because we do not have the technology. Each computer in all of these many centers across the country does not have the ability to differentiate the altitudes or whatever some of the other details are that allow the plotting of air courses. So there is room for more, and in not only the four high-density airports but also generally speaking.

Then, finally, this amendment does require noise studies. Noise is a factor. Noise is not the only factor in life, but it is a factor. It gives priority to high-density airports. There is the allocation of money for those noise abatement studies.

So I think it is a very good amendment. It certainly is a long-worked-at amendment. I urge my colleagues to join in the adoption of this amendment.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, does the Senator from Illinois wish to make any remarks now or should we just go on to another subject?

Mr. FITZGERALD. Madam President, if I could just take a moment now, I say to the Senator from Washington, I would be happy to take my time tomorrow when we consider the amendment on lifting the high density rule. But if I could just reiterate my opposition to lifting the high density rule.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. As was noted earlier, the FAA imposed the high density rule back in the late 1960s. It was an internal FAA rule. I guess I am a little perplexed as to why Congress would come in and rewrite, with statute, an FAA rule.

If the FAA thinks it is a good idea to lift the slot rules at O'Hare, if they think it is safe to do that, they are confident it will not add to any delays at the most congested, most delay-filled airport in the country, then the FAA can go in and do that. So I guess the threshold issue is, I am perplexed why we would come in and write a statute that overrides a Federal Aviation Administration rule.

I do believe, while the proponents of this proposal have good intentions; they would like to increase competition and access to the Chicago market; and certainly it could be argued that would benefit the whole Nation and could even benefit Chicago—a basic law of physics says that you cannot have two objects occupying the same space at one time.

Right now, O'Hare, which has over 900,000 operations a year, is already at capacity. The FAA commissioned a study in 1995. That study concluded that the absolute maximum number of flights or operations one could have at O'Hare in an hour was 158. Today, we are at 163 operations at O'Hare in an hour. This proposal before the Senate is to lift any restrictions at all.

A flight lands and takes off every 20 seconds at O'Hare. If we want to cram more flights into O'Hare International Airport, are we going to close that 20 seconds that divides each flight going in and out of O'Hare? What is a safe amount of time? Ten seconds between flights? How would you like to be coming in 10 seconds behind the plane in front of you with another flight 10 seconds behind you? Would you feel safe flying that jumbo jet in that compact air space?

Going into O'Hare right now, one can look in every direction and see planes lined up as far as the eye can see waiting to land at O'Hare. In the morning hours at O'Hare, there are typically as many as 100 flights waiting to take off.

I hope the Members of this body will give thought to what we are doing. With this lifting of the high density rule, we are saying it is safe to cram more flights into the most congested airport in the country; that it is not endangering the safety of the flying public and that it won't add delays.

I never did take physics in high school. I have to admit it. I was a classics major. I majored in Latin and Greek. I took a lot of humanities courses and my great interest was not science. But I am going to be interested to hear whether there is some scientific evidence that we can keep packing more and more flights into the most congested, dense, delay-filled, crowded air traffic space in the world. I will be interested to learn why other Members of this body think that is a good policy and why it would be safe.

With that, I look forward to being afforded the opportunity to speak on this matter tomorrow. I thank the distinguished Senators from West Virginia and the State of Washington for conferring with me this afternoon. I look forward to being given the time to address this matter to the full Senate body tomorrow. Hopefully, at that time, more of my colleagues will have arrived, many of whom will have passed through O'Hare and probably some, quite a few, who will have incurred delays on their way passing through O'Hare.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I ask unanimous consent that all first-degree amendments to S. 82 be filed at the desk by 10 a.m. tomorrow, Tuesday, with all other provisions of the consent agreement of September 30 still in effect. This has been cleared on all sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1893

(Purpose: To amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Madam President, I send an amendment to the desk for Senator ROCKEFELLER and myself, and I ask unanimous consent that the pending amendment be set aside so we may consider this one.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 1893.

Mr. GORTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GORTON. Madam President, last Friday, I joined my friend and colleague, Senator ROCKEFELLER, in introducing S. 1682. This measure is the culmination of input from a broad range of aviation interests. Senator ROCKEFELLER and I have been holding a series of meetings with industry representatives searching for input on how we can make a positive legislative impact on the current air traffic control system.

Three common themes emerged from these meetings: First, there will be a crisis in the aviation industry if we continue to experience the delays that plagued the system this summer. Second, the Federal Aviation Administration is doing a better job of responding to these problems under Administrator Garvey. The third point is, incremental changes are probably the best approach to take in reforming the system, as much as the Senator from West Virginia and I might very well prefer a more drastic reform.

The amendment we have just introduced is the text of that S. 1682.

Madam President, by now I am sure you have heard the analogy that fixing the air traffic control system is similar to trying to change a flat tire while traveling down the highway at 60 miles per hour. While I don't view the problem as being that daunting, I certainly think we can use a few good mechanics to help get the FAA back on the right track. I think the legislation Senator ROCKEFELLER and I have introduced is a step in the right direction. While I am in favor of an end result that goes much further, positive action is needed. At this time, we cannot let the perfect be the enemy of the good.

Our approach would attack the problem from the management side. It is no secret that the FAA has a history of problems controlling costs and schedules on large-scale projects. We hope the creation of the chief operating officer position, with responsibility for running and modernizing our air traffic control system, will inject the necessary discipline into that system. S. 1682, the current amendment, would also create a subcommittee of the Management Advisory Committee to oversee air traffic control services. Of course, in order for there to be a subcommittee of the MAC, we must first have an MAC. I am assured by the FAA that the Management Advisory Committee will be appointed soon. Let me assure you that this subcommittee chairman will not look favorably on any further delays on this question.

As we prepare to move into the 21st century, the NAS must be prepared to meet the challenges of increasing demand on an already strained system. A blueprint for this system should be a top priority for the FAA. S. 1682, this amendment, authorizes $12 million a year for the FAA to develop a long-term plan to provide direction. The most radical portion of this bill and the amendment deal with an innovative financing pilot project. This provision would set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for ATC modernization equipment will be selected, $5 million per project, with a total cap of $500 million. FAA seed money would be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment.

As I stated earlier, this is not the final solution to our air traffic control system woes. We hope, however, that this will be the first step in a long journey to ensure Americans continue to enjoy the safest, most efficient aviation system in the world. I urge my colleagues to join me in support of this amendment.

An oversight committee for air traffic control: The bill and the amendment provide the FAA Administrator with authority to create a subcommittee of the current Management Advisory Committee, a 15-member panel appointed by the President, with the advice and consent of the Senate, to oversee air traffic control services.

A COO for air traffic: The bill and the amendment create a new chief operating officer position with responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and the budget for air traffic services. The COO reports to and serves at the pleasure of the Administrator for a 5-year term. Compensation is comparable to the Administrator's but with the possibility of up to a 50-percent performance bonus at the discretion of the Administrator.

Performance bonus for the FAA Administrator: The bill and the amendment provide a performance bonus for the FAA Administrator at the discretion of the Secretary of Transportation of up to 50 percent of the Administrator's salary.

National Airspace Review and Redesign: The bill and the amendment mandate a review and redesign of the entire country's airspace. They authorize $12 million per year to carry out the project, require industry and State input, and impose periodic reporting.

Cost allocation milestones report: The bill and the amendment require the FAA to provide a report on the progress it is making on the cost allocation system.

ATC joint venture: The bill and the amendment set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for air traffic control modernization equipment will be selected, $50 million per project, with a total cap of $500 million. FAA seed money will be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment. A portion of the passenger facility charge, 25 cents, could also be used for financing.

That is a brief explanation of the bill and, of course, of this amendment. The Senator from West Virginia and I believe we will probably be able to accept this amendment by a voice vote tomorrow. But we do want it before the body at the present time, so that if anybody has any questions about it or about any of the provisions of the amendment, they may contact us before the proposal comes back up tomorrow. My present intention would be to bring this up for discussion and vote after we have disposed of the early amendment on slots and any amendments to that amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I agree with everything my colleague from Washington has said. I should say that he and I began working on this amendment in earnest a number of months ago when we were in the midst of the summer and the headlines were full of all the problems of the air traffic control system, which were becoming manifest to anybody reading a newspaper, watching television, or listening to the radio.

When I use the word "troubled" to describe our air traffic system, I need to be very careful and clear because the FAA, our air traffic controllers, the pilots, and flight attendants in this country have had an air safety record that is extraordinary. It is not only safe but it is a very secure air traffic operation. So people say: Fine. Then why worry about the future?

As I explained in my opening statement, the future is going to bring double, or triple, or quadruple virtually everything—whether it is air cargo, letters, passengers, numbers of aircraft, international traffic, and the rest of it.

Let me assure my colleagues that the word "troubled" is not about safety, although we always have to keep our eye on that, but it is about productivity, about capacity, about efficiency, about outdated equipment, about insufficient runways, and insufficient runways that are insufficiently distant from one another; if there happen to be two, or if they happen to be parallel, you can't use them efficiently to land two airplanes at the same time. It is about surging traffic demand, about fractured organizational structure, and it is about us in the Congress; it is about a highly unpredictable, highly irregular process of funding.

Funding the FAA and its air traffic control operation is not at all unlike running IBM or Dell Computer. You are meant to have a business plan, a 5-year outlay of budget, and you are meant to know what kind of equipment you can buy 1 year from now, 2 years from now, 3 years from now, so you can begin to prepare for that. We in this Congress, have specialized in declining to make that ability available to the people who fly 2 million of our people around every day. So what Senator GORTON and I have done today is not to offer, as he indicated, dramatic reform or restructuring of the FAA, because we know there is a lot to be worked through, that it would be premature to do that today.

In fact, on the floor of this body and in the Halls of this Congress, there is very little discussion, if any, on what ought to be discussed at great length about the FAA—about equipment, about computers, about what is the state of stress, or lack of stress, for the people who are in our towers, whom both the Senator from Washington and I have visited.

So we are trying to decide how best to proceed on FAA restructuring, and we have decided to try to get as much consensus from the Congress and industry and across the Nation as we can. Now, some believe we should create an independent FAA, a privatized FAA. Some believe we should privatize air traffic altogether. Some believe user fee funding is the key to improving efficiency. Some believe the FAA is slow and cumbersome because it is a Federal agency. And some believe they are kind of on the right track already, so why intervene—again, no catastrophic actions.

In any event, despite the fact that we are not ready to enact—Senator GORTON and I—a so-called big-bang solution, in no way is there reason to do nothing. It is to take steps to make air traffic control next year better than this year or next year for the FAA to be better than this year. It is clear that the FAA needs interim reform and interim direction and encouragement. So as the Senator indicated, we are offering a package of incremental reforms that will, in a sense, send the FAA both the tools and the message to improve current management and operation of the system without prejudging what the final long-term broad change might be.

The Air Traffic Improvement Act of 1999 is focused in two key areas, as my colleague discussed. The first is internal FAA management reforms, and the second is modernization of equipment and technology. Both are enormously important. On the management side, the bill builds on reforms enacted in 1996. It uses the management advisory committee, or MAC as it is called, which I will have to say the administration has not set records in putting in place, i.e., they have not. But they have said they are going to send the nominations for it very soon and designate a subcommittee to advise and oversee air traffic control services.

We create in this amendment a chief operating officer position, and that is very important. There isn't any corporation of any size that doesn't have that kind of person. You have the person who runs it, the CEO, and you might have the chief financial officer, but you always have a chief operating officer. We don't. The FAA has 55,000 people for whom it is responsible. That is a very large corporation. We believe that, together, the chief operating officer and the ATC Subcommittee will have central responsibility for running and modernizing air traffic control, developing a strategic plan, and implementing it.

I personally have enormous respect for the FAA and believe in and trust in the judgment, instincts, and actions of our Administrator, Jane Garvey. I think she is absolutely first class. I have spent a lot of time with her and talked a lot with her. She ran Boston airport. If you run Boston airport, you know what you are doing. She knows what she is doing. She has a strategic way of thinking. She listens a lot. She is around the country visiting people a great deal. We are very lucky to have her. But putting together a budget for air traffic services is very important and calls for a chief operating officer.

Having said that, let me say the Administrator will continue to always have the final say and always the accountability for air traffic. This is not a dilution of responsibility; it is simply making an organization more efficient, with no dilution of responsibility for the Administrator. We have to make sure we can attract and maintain the highest caliber leadership in our system. Again, I make the comparison to IBM or Dell Computer, which are very large corporations. Public service does not pay very well.

Senator GORTON and I believe it is very important that we have the highest caliber and that we retain the highest caliber leadership in running our system. That means including the possibility of a performance bonus for the chief operating officer and for the FAA Administrator at the discretion of the Secretary of Transportation. That is a very important point. Some people will say: Oh, that is going to be more salary.

Again, I remind you that there are 50,000 people, 2 million passengers, and all of these airplanes going all over the country. I have a chart, which I will not hold up because I don't believe in displaying charts on the Senate floor. I never have, and I hope I never do. But if I did, I would show you a chart which is basically the entire United States colored in red. The red is made up of very fine, little red lines, each one representing a flight. At a specific hour of a specific day—if you pick, for example, 5 o'clock in the morning, I am not one who would eagerly seek the opportunity to fly at 5 o'clock in the morning, but there are many Americans who do—if you look even at the west coast, it is colored red. If you look at 8 o'clock in the morning, you might as well forget anything in the country other than the color red.

I raise the suspicion that they must have left out West Virginia because we don't have a lot of flights at 5 o'clock or 8 o'clock in West Virginia. The point was made in clear logic that these are planes that are flying over the State of West Virginia and perhaps the State of Maine in the process.

In any event, I believe in the idea, when you have a system that is complicated requiring that much technology, requiring that much efficiency, and requiring planning, that you get and you retain the best people possible. That means, in my judgment, and in Senator GORTON'S judgment, the possibility of a performance bonus for the chief operating officer and the FAA Administrator.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system and the effectiveness of the agency. That is kind of a bland sentence, but within it is a lot of power.

It is a little bit similar to HCFA. I have dealt now with I don't know how many HCFA Administrators. But they all say: Just give me four or five good lieutenants and I will be able to control this agency. They all failed because there are 4,000 health care experts in HCFA who look upon each HCFA Administrator as somebody who is going to be there for 2 years, and they are usually right; and be gone within 2 years, and they are usually right; that they will be there forever, and they are usually right. They know about health care. But they choose not to make decisions rapidly or efficiently. That means the Administrator and the chief operating officer, if we have one, need to have a lot more authority in a sense to shake up the system.

Senator GORTON and I would encourage that because we think that efficiency within the system is tremendously important. We set deadlines. We set milestones. We can't tell you right now in this country how much it costs for an airplane to fly from Boston, MA, to Dallas, TX. Ask us that question. Ask the FAA that question. How much does it cost? What is the cost of that flight? Nobody can give you an answer. That is inexcusable. This is one of the things that has to be done. It is one of the things that the FAA desperately wants to be able to do. What does it cost to run the air traffic control system in order to allow that flight to take place? We need to know those answers so we can allocate these costs fairly among users.

That is a very important principle. Not all airlines are the same. Not all airlines use the same approaches or have the same number of people or charge the same. There are differences in what they pay. Their obligations to the system, in terms of financial input, have to be based upon what their costs are. Therefore, we need to know what those costs are.

With respect to air traffic modernization, the bill calls for a comprehensive review and design of our airspace on a nationwide basis. Are we using it effectively? Are there more creative ways of routing a plane safely? You can do that if you have new technology. They have the technology at Herndon, VA. But do they have it in all of the air traffic control centers across this country? The answer is no, they don't. Until they do, that is going to be hard.

But Senator GORTON and I have an obligation to push, to push the Congress and to push the Senate to want to focus on these problems: one, to care about these problems; and, second, to do something about this.

We have 29 million miles of national airspace. I don't know how many times that is around the world, but it is a lot. Twenty-nine million miles of airspace is an incredible amount. It is divided into more than 700 individually managed sectors. There are 25,000 of the 50,000 employees that I mentioned who use 575 facilities that run these individually managed sectors. And the air traffic control system manages 55,000 flights and almost 2 million passengers every day. That is an enormous management problem. In fact, it is quite a lot more difficult, I would think, than running Dell Computers or running IBM. Yes, they are international operations. I am talking about their national operations. There is so much more at stake. The life, the safety, the economy, and the convenience of passengers is what is at stake. There is so much more at stake in arranging for the planes to be flown safely and properly.

Having said all of this, of course, I add on, as I always should, that the capacity is going to double in the next decade. We are looking at an ever increasing problem. The FAA has already begun to redesign the process. They are not sitting around. They are working hard. They have established a dedicated airspace redesign office.

Thanks to Senator LAUTENBERG, they received $3 million last year to get started with the redesign work in the New York airspace. That in itself is a national service because it is far and away the most congested airspace in the Nation. Is $3 million going to do that even for the New York area? No, but again, it is a start. It is not the Big Bang theory. But $3 million is enough to get going. Once you start moving, then people start taking a little bit more notice.

We need a nationwide approach to this problem—not just in New York but across the country—rather than doing it on a piecemeal basis, especially since segmented thinking is considered by many, in fact, to be a part of the problem; that we do things by chunks or segments of the country rather than thinking of the country as a whole and how we can best provide a safe air carrier service for people, for packages, for letters, and the rest of it.

The amendment we have offered would do all of this. That makes me happy. It makes me feel that it is a very good amendment.

We direct the FAA to engage in comprehensive nationwide space redesign. We insist that there be industry and stakeholder input. Stakeholder is not shareholder necessarily. Stakeholder means people who ride on these airplanes. And we give them the resources they need to complete the work in a timely fashion.

To realize the full potential of an airspace redesign, we have to have all of the advanced air traffic control equipment in place. Of course, we don't. We are very slow in that today, partly because of the technology development and procurement problems the FAA needs to fix internally. We talk a lot with Jane Garvey about that. She is acutely aware of that and has been working to change that. It is partly because of the vagaries of Congress; that is, the Federal budget process. We are impossible. We have been through so many extensions of a couple of months. It is like we are going out of our way to drive the whole process of this planning and the FAA crazy.

That is why Senator GORTON and I are so glad we have these 2 days, hopefully, to even discuss this. A month and a half ago I wouldn't have bet that we would even be able to take this up this year. And we are. That is a gift to the nation, I think.

If we can't bring it up, then the FAA obviously cannot make budget changes. We are on our way. Our amendment puts in place what Senator GORTON referred to earlier, a new financing mechanism. This is a creative, good thing in this amendment. It is for more rapid purchase of sought-after air traffic control equipment. The amendment sets up a pilot program to facilitate public-private joint ventures for the purpose of buying air traffic control equipment. It is not for profit. It is the Air Traffic Modernization Association. It is a three-member executive panel representing the FAA, commercial carriers, and primary airports.

A lot of airports are very aggressive. I suspect there are several in the State of Maine that want to get going and are being held up. Maybe they have a little bit set aside. Perhaps they want to use some of their passenger service fee. Maybe they want to take 25 cents of that and leverage it into a rather large purchase for some air traffic control equipment which, in their judgment, they need. This allows them to do that. Don't wait for the priority list to come to Bangor, ME, or Charleston, WV. If they have the gumption, they can save up or they can use part of the passenger service fee, say, 25 cents of it, and leverage it and buy modern equipment and jump ahead of the pack. That is what this is about.

Obviously, the FAA will continue to oversee that process. This will not be just a creative exercise by a few happy souls. All projects would have to be part of the FAA's capital plan. There is a cap of $50 million in FAA funding per project. That is pretty good. Most won't use that much. Sponsoring airports can use a portion of their passenger facility charge to meet the commitment. I think that will be very important.

I am sure the Senator from Washington remembers, I got in great trouble on this side of the aisle. I talked with Jane Garvey, Liddy Dole, and others. They said they spent 25 percent of their time as FAA Administrators working solely on concessionaire problems and negotiation problems at Dulles and National. If that was an exaggeration, give them 5 percent. That is when I broke away from our pack and said set up an independent, quasi-public-private authority and let National and Dulles go to the bond market; they will certainly get triple-A rating. They certainly did. We can see what happened to both airports. Dulles will have to do it all over again because they are so successful.

That is what an airport needs to believe they can do. If an airline and its hub airport want new instrument landing equipment, six more precision runway monitors, and aren't on the FAA's list for that equipment or are still years away on the funding schedule, maybe they will decide to get together with the ATM Association on the proposal, the FAA will put up seed money and the airports will do the same. They go to the bond market, get financing for the whole project, and use 25 cents—the PFC charge—to pay for it over 5 or 10 years. That is a great idea.

I am excited about this approach as I am sure is obvious. We have only heard positive feedback from all parties—the industry and the airport community. They say, given the change, they are ready to go if we pass the amendment.

Finally, the Air Traffic Management Improvement Act also includes authorization up to $100 million to speed up purchases and fielding of modernization equipment and technologies. I am happy to note we have dropped that provision because of the agreement reached with the majority—thank you to the majority—to increase authorization for FAA equipment and facilities by $500 million annually.

We are on the move if we pass this. Over time, we will have to spend even more of our Federal dollars on air traffic control and modernization effort. I know we will be considering some ideas for solving FAA's budgetary problems when we go to conference.

I—and I suspect I differ with my friend and colleague across the aisle from me—am supportive of Congressman SHUSTER's idea of off-budget. I don't think we can mess around with this situation; it is fraught with danger, and catastrophe is around the corner if we are not willing to spend the money we need to spend. We did it with the highway trust fund. We can put up a firewall, do it off-budget. There are ways to do it. A person can go to some of the air traffic control facilities and see what they are doing, see the stress under which they are working. We have 2 million people in the air, and we want them to be safe.

I am glad we are able to make a strong, tangible commitment to the needs of the system. I think these problems are all shared. We all bear some responsibility for them. We all need to step up to the plate to fix them. The FAA does a very commendable job with a very difficult task. They have a terrific safety record to show for it. I don't want to press their luck, ours, or the system's. The system, as it stands now, is not working as well as it could be or as it ought to be. We can't wait to do something about it.

I yield the floor.

Mr. GORTON. Madam President, we have now a unanimous consent agreement pursuant to which all amendments must be filed by 10 a.m. tomorrow. We appreciate the managers being apprised of those amendments to determine whether or not we can agree with some of them, unchanged or with modifications. We will probably go back to the fundamental amendment on slots to which the Senator from Illinois has objected and to which at least one Senator from Virginia, if not other Senators, have amendments to propose first thing tomorrow when we return to this bill.

If, however, there are amendments that can be agreed to relatively quickly, we may do that later on this evening after the votes at 5:30.

We will not debate either the Department of Transportation appropriations bill or nominations, so Members can come with amendments to this bill until 5:30 this afternoon. If they do, we will attempt to deal with them. If they don't, we will begin tomorrow. I know the leadership and certainly the managers of the bill want to finish this bill some time tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1893 offered by the Senator from Washington, Mr. GORTON, for himself, Senator ROCKEFELLER, and others.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1898

(Purpose: To require the reporting of the reasons for delays or cancellations in air flights)

Mr. BAUCUS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1898.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act), each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the report.

Mr. BAUCUS. Madam President, I am offering today an amendment to address what I believe is a complicated and growing problem for all Americans—flight delays and flight cancellations.

The problem is not that delays and cancellations occur. Of course they do. That is only natural. But with different weather conditions, and with the country as large and complicated as it is, and airlines trying to maintain a tight schedule, it is only obvious that schedule can sometimes be deeply affected—by weather or equipment problems—so we must expect occasional delays and occasional cancellations.

Right now, it is always a mystery why these delays and cancellations happen. We can guess. We can conjecture. Perhaps it is because of weather. Perhaps it is because of mechanical problems. Perhaps it is the fault of air traffic controllers. There are lots of reasons. But nobody knows—at least the public does not know—precisely the reasons for these delays and for these cancellations.

Why is that? It is very simple. The airlines do not have to tell you. There is no requirement. So when you are stuck in an airport in the middle of the night, the airlines might let you know what is going on or they might not tell you. And after you finally reach your destination there's a pretty good chance that you are never going to know why it was you were stranded thousands of miles away from home, or why you missed that important business meeting. The airlines are not required to tell you the reasons for the delays and cancellations.

You are probably wondering: Why does this matter? If you are stuck, you are stuck. So what is the big deal? What is the difference? The big deal is that it does matter. It does make a difference, a great deal of difference. Speed and efficiency are not only in the interest of the airline, they are also in the interest of all Americans in this modern society.

Time really is money. Flights are often canceled or delayed for economic reasons, and not for mechanical or weather-related reasons. And when these economic delays or cancellations occur, it's usually rural America that gets the short end of the stick.

This is no secret. Domestic airlines sometimes have delays not only for mechanical reasons, not only for reasons caused by air traffic controllers, not only for weather reasons, but for purely economic reasons. They do not want that plane to go because it is not filled up enough; it is not economical enough. The airlines do not have to tell you that.

I have the headline of an article written by Christene Meyers from the front page of the Billings Gazette last week. The headline reads: "Enduring Plane Misery, Montana Air Passengers Often Grounded by Economics."

Let me read you a hypothetical situation from the article, a situation that is not so hypothetical and is happening with increasing frequency:

You fly out of Los Angeles at 6:10 p.m., arriving at Salt Lake City at 9 p.m., a minute earlier than estimated. You are delighted and hurry to your gate, to catch the last flight to Billings.

It happens all the time.

You watch, astonished, as the Billings plane is moved from the gate. You're told that your flight is canceled. You're told that your plane has a mechanical problem.

How often have we heard "mechanical problems" given to us by the airlines as the problem?

Further investigation discloses that the "mechanical problem" business was untrue. Truth is your perfectly functional plane was appropriated for a larger market. There were fewer people going to Billings than going to San Diego. You overnight from Salt Lake City and arrive the next day in Billings—12½ hours late.

That is if you are lucky because very often the next plane is booked; the next flight after that is booked; the next flight after that is booked; the next flight after that is booked.

I am not giving you isolated instances; this happens often in Montana. Montana depends primarily on two major carriers. When a flight is canceled or excessively delayed, there are big consequences. That flight may have been your only chance to get in or out of Montana that day. Again, the plane is not there. It is canceled. You say: OK. Book me on the next flight the next day.

Sorry. It is all booked up. It is overbooked.

Book me on the next flight.

Sorry. Can't.

I have talked to people in my State who had to wait 4 days—4 days—at Salt Lake City waiting for the next available flight. The same occurs in Minneapolis. People tell me they are there with several other people trying to get on a plane from Salt Lake City, and they say: Well, gee, why can't we just rent a car? Can Delta Airlines pay for the car rental? We'll drive from Salt Lake City to our home in Bozeman.

No. Sorry. It is against airline policy to do that.

So people frequently have to take another flight to another city in Montana and then drive or make some other connection. That is not uncommon.

Further into this article, a Delta agent from Salt Lake states:

If we have 40 people waiting for a flight for Billings and 120 waiting to go to San Francisco, it's a no-brainer. . . . It costs less for us to put 30 people up and send them on to Billings than it does to send 100 California-bound people to a hotel.

It is economics. That is wrong. That is not fair. That is not right. If flights are canceled for economic reasons, passengers deserve to know the truth. Let's not fool ourselves. This is not just an inconvenience for rural America; it is much more than an inconvenience. There is also a very direct, strong economic impact.

As my home State of Montana, my neighbors in North and South Dakota and Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable? It is a very basic question. There is a pretty obvious answer. Businesses around the country are going to think twice if reliable flight service cannot be guaranteed.

There are delays and cancellations in other parts of the country, but here is the difference. In other parts of the country, in urban parts of the country, there are other flights, there are other airlines; not so for Montana, for the Dakotas, and for Wyoming. There are not that many daily flights, and because the flights have less economic benefit, airlines often cancel flights for economic reasons; and it is not right.

Montana ranks near the bottom of per capita individual income right now. I am not saying it is because of airlines, but I am saying it is a factor which tends to discourage businesses from locating or expanding in Montana. How can we improve if we cannot guarantee a minimum standard of quality air service? This is not just a matter of inconvenience; it is a matter of jobs. It is a matter of income.

My amendment simply requires that airlines provide all flight information that they currently report and specify the reason why these flights were delayed or canceled. Today, airlines must provide to the Department of Transportation on a monthly basis if an airline flight is delayed, either on arrival or departure. They do not have to give the reasons. They have to disclose that fact.

So I am suggesting—not that they have to write a whole big book on the reasons for the cancellations or the reasons for the delays—that they just say why. What caused the cancellation? What caused the delay?

So in addition to the information shown on the left-hand side of this chart: the name of the airline; the flight number; the aircraft tail number; the origin and destination airport codes; and the date and day of week of flight—but that in addition—it can also indicate whether the cancellation or delay was caused by air traffic control, caused by mechanical failure or difficulty, caused by an act of God, caused by weather, or caused by economics.

It is a very simple amendment. It does not regulate airlines. It is not imposing new regulations; it is just simply a matter of disclosure—simply giving the reasons why an airline flight is delayed over 15 minutes or just outright canceled.

I realize that simply reporting the reasons for cancellations and delays is not going to stop the practice of delaying and canceling flights for economic reasons because airlines are businesses. They may still want to go ahead and cancel or delay a flight for economic reasons. But I do think the public has the right to know the reason for the cancellation or the delay.

If airlines have to start reporting the reasons for missed connections and disrupted lives, consumers will soon see that rural America is grounded so that the rest of the country can go about its business.

It may turn out that as a consequence there will be fewer cancellations for economic reasons. That is very much my hope, because for many parts of the country, particularly rural America, the airlines' actions are having a disproportionately adverse effect in parts of the country that don't have as much airline service as other parts of the country.

That is my amendment. I see one Senator on the floor. I do not know if he will speak to it or not, but I don't see him jumping up in his chair.

Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the pending amendments be set aside.

AMENDMENT NO. 1899

(Purpose: To provide for designation of at least one general aviation airport from among the current or former military airports that are eligible for certain grant funds, and for other purposes)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1899.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 is amended—

(1) in the second sentence of subsection (a), by striking "12" and inserting "15"; and

(2) by adding at the end the following new subsection:

"(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).".

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1899) was agreed to.

Mr. ROCKEFELLER. Madam President, for the RECORD, amendment No. 1899 was cleared by the majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE FLOYD RELIEF

Mr. HELMS. Madam President, it was on September 16 that Hurricane Floyd crashed into the North Carolina coast dumping 20 inches of rain that resulted in devastating floods. The region of Eastern North Carolina most affected was visited by another 4–6 inches of rain just a week later, making an already catastrophic situation even worse.

So I noted with great interest when President Clinton paid a visit to a group of elite international financiers at the annual World Bank and IMF meeting 13 days later (September 29) to make an important announcement. It was there that he disclosed with great fanfare his proposal to forgive 100 percent of the debt owed by some 40 foreign countries to the United States—and much of their debt owed indirectly to the U.S. through the World Bank and the IMF.

Thirteen days after Hurricane Floyd arrived, and when many communities in my state were still literally under water, President Clinton decided it was appropriate to make the following plea on behalf of debt relief to foreign governments—he said: ". . . I call on our Congress to respond to the moral and economic urgency of this issue, and see to it that America does its part. I have asked for the money and shown how it would be paid for, and I ask the Congress to keep our country shouldering its fair share of the responsibility."

No wonder my constituents are puzzled as to why, in the words of John Austin of Tryon, North Carolina, "we can help everyone else—but not our own people." North Carolinians understand instinctively that there is something odd about our national priorities when we have spent more—$27.9 billion—on foreign aid in the past two years than the $27.7 billion FEMA has expended in the past ten years. That's right: government aid through FEMA for such wide-ranging disasters as the Northridge earthquakes in California, Hurricane Andrew in South Florida and the catastrophic Midwestern floods doesn't even measure up to the past two years of foreign aid.

Now, I have been in constant communication with the Majority Leader, the Chairman of the Appropriations Committee, members on the other side of the aisle, and countless federal agencies seeking relief for thousands of North Carolinians who have been ruined by Hurricane Floyd. Helping these victims is the number one priority for those with whom I have spoken. And for the record, I am gratified by their cooperation and their determination to help.

With respect to the President's plan to forgive the debts of foreign governments, I remind Senators that every one of the governments whose debt the President proposes to forgive has no one to blame but themselves for pursuing socialist and statist policies, and often outright theft, that drove them in a hole in the first place.

Just how much is being taken away from victims in my state to fund the President's proposal? The Administration calculates that it will cost $320 million to forgive the $5.7 billion in mostly uncollectible debts owed to the U.S. Additionally, Uncle Sam is being asked to underwrite debt forgiveness to the World Bank and the IMF to the tune of $650 million.

That's a total of $970 million which North Carolina and other devastated regions desperately need, but will not get because money used to forgive the debts of foreigners is money that cannot and will not be used to assist hurricane victims.

Bear in mind, Mr. President, that the United States has already provided approximately $32.3 billion in foreign aid to just these countries since the end of World War II. And the U.S. Government has already provided $3.47 billion in debt forgiveness to these countries in the past several years alone.

If Senators study the list of countries, it turns out that the President seeks to reward governments who keep their people in economic and political bondage, and he proposes to do it at the expense of suffering Americans. The human rights organization Freedom House determined that only eight of the 36 proposed beneficiaries are "free" in terms of political expression. At least one on the World Bank's list of countries eligible to receive debt forgiveness is a terrorist state, and that's Sudan. Also included are the communist dictatorships in Angola, Vietnam and the military dictatorship Burma.

The Heritage Foundation determined that none of the countries in question are "free" economically. (The economies of the vast majority of the countries judged are either "repressed" or "mostly unfree" according to the Heritage Foundation's Index of Economic Freedom.) Some countries on the World Bank's list do not even have functioning governments, such as Somalia, Sierra Leone, and Liberia.

Only one of 36 countries voted with the United States more than half of the time at the United Nations in 1998 (that is Honduras, which supported the U.S. only 55 percent of the time). Make no mistake about it: this proposal diverts assistance from Hurricane Floyd victims to corrupt, economically and politically repressed foreign countries—many of whom are not even friendly to the United States.

Mr. President, my office has received a steady stream of visitors and mail urging Congress to support the "Jubilee 2000" debt forgiveness plan, which now includes the President's proposal. It has been a well-orchestrated lobbying campaign.

But since the day Hurricane Floyd slammed into the North Carolina coast and dumped 20 inches of rain on the eastern third of my state, the phone calls and mail from North Carolina in support of debt forgiveness to foreign governments has dried up. The reason is clear: we have a natural disaster unlike any seen in 500 years here at home, and our duty is to help suffering Americans first.

Mr. President, I'm putting the Administration on notice here and now that the first priority shall be helping victims of Hurricane Floyd. Not until sufficient resources are dedicated to this effort by the federal government will I agree to Senate consideration of President Clinton's debt forgiveness to foreign governments proposal.

THE COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Madam President, I was fascinated when I saw in the Washington Post this Sunday the front-page headline reading: "CIA Unable to Precisely Track Testing: Analysis of Russian Compliance with Nuclear Treaty Hampered."

The first paragraph of the story below that headline said it all:

> In a new assessment of its capabilities, the Central Intelligence Agency has concluded that it cannot monitor low-level nuclear tests by Russia precisely enough to ensure compliance with the Comprehensive Test Ban Treaty. . . . Twice last month the Russians carried out what might have been nuclear explosions at its . . . testing site in the Arctic. But the CIA found that data from its seismic sensors and other monitoring equipment were insufficient to allow analysts to reach a firm conclusion about the nature of events, officials said. . . .

This surely was devastating news for a lot of people at the White House. Our nation's Central Intelligence Agency had come to the conclusion that it cannot verify compliance with the CTBT.

Mercy. I can just see them scurrying around.

But more amazing than this was the response of the White House spin machine. I've seen a lot of strange things during my nearly 27 years in the Senate, but this is the first time I have ever seen an administration argue that America's inability to verify compliance with a treaty was precisely the reason for the Senate to ratify the treaty. Back home that doesn't even make good nonsense.

Yet this is what the White House has been arguing all day today. This revelation is good news for the CTBT's proponents, they say, because the CTBT will now institute an entirely new verification system with 300 monitoring stations around the world.

Madam President, I am not making this up. This is what the White House said.

I say to the President: What excuse will the White House give if and when they spend billions of dollars on a "new verification system with 300 monitoring stations around the world"—and the CTBT still can't be verified? Talk about a pig in a poke. Or a hundred excuse-makers still on the spot!

If the Administration spokesman contends that the CTBT's proposed "International Monitoring System," or IMS, will be able to do what all the assets of the entire existing U.S. intelligence community cannot—i.e., verify compliance with this treaty—isn't it really just a matter of their having been caught with their hands in the cookie jar?

Let's examine their claim. The CTBT's International Monitoring System was designed only to detect what are called "fully-coupled" nuclear tests. That is to say tests that are not shielded from the surrounding geology.

But the proposed multibillion-dollar IMS cannot detect hidden tests—known as "de-coupled" tests—in which a country tries to hide the nuclear explosion by conducting the test in an underground cavern or some other structure that muffles the explosion.

"Decoupling" can reduce the detectable magnitude of a test by a factor of 70.

In other words, countries can conduct a 60-kiloton nuclear test without being detected by this fanciful IMS apparatus, a last-minute cover up for the administration's having exaggerated a treaty that should never have been sent to the U.S. Senate for approval in the first place.

Every country of concern to the U.S.—every one of them—is capable of decoupling its nuclear explosions. North Korea, China, and Russia will all be able to conduct significant testing without detection by our country.

What about these 300 "additional" monitoring sites that the White House has brought for as a illusory argument in favor of the CTBT? They are fiction. The vast majority of those 300 sites already exist. They have been United States monitoring stations all along—and the CIA nonetheless confesses that it cannot verify.

The additional sites called for under the treaty are in places like the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, the Ivory Coast, Cameroon, Niger, Paraguay, Bolivia, Botswana, Costa Rica, Samoa, etc. The majority of these will add zero, not one benefit to the U.S. ability to monitor countries of concern. The fact is if U.S. intelligence cannot verify compliance with this treaty, no International Monitoring System set up under the CTBT will. This treaty is unverifiable, and dangerous to U.S. national security.

If this is the best the administration can do, they haven't much of a case to make to the Senate—or anywhere else—in favor of the CTBT. The administration is grasping at straws, looking for any argument—however incredible—to support an insupportable treaty.

We will let them try to make their case. As I demonstrated on the floor last week, the Foreign Relations Committee has held 14 separate hearings in which the committee heard extensive testimony from both sides on the CTBT—113 pages of testimony, from a plethora of current and former officials. This is in addition to the extensive hearings that have already been held by the Armed Services Committee and three hearings exclusively on the CTBT held by the Government Affairs Committee.

The Senate Foreign Relations Committee will hold its final hearings this Thursday to complete our examination of this treaty. We will invite Secretary Albright to make her case for the treaty, and will hear testimony from a variety of former senior administration officials and arms control experts to present the case against the treaty.

I have also invited the chairman of the Senate Armed Service Committee, Senator WARNER, to present the findings of his distinguished panel's review of this fatally flawed treaty.

Finally, the facts are not on the administration's side. This is a ill-conceived treaty which our own Central Intelligence Agency acknowledges that it cannot verify. Approving the CTBT would leave the American people unsure of the safety and reliability of America's nuclear deterrent, while at the same time completely unprotected from ballistic missile attack. That is a dangerous proposal, and I am confident that the U.S. Senate will vote to reject this dangerous arms control pact called the Comprehensive Test Ban Treaty.

I yield the floor.

MEDICARE BENEFICIARY ACCESS TO QUALITY HEALTH CARE ACT OF 1999

Mr. BAUCUS. Madam President, I am speaking in support of the Medicare Beneficiary Access to Quality Health Care Act of 1999.

Congress faces historic choices in the next few weeks: managed care reform, campaign finance legislation, whether to increase the minimum wage, Comprehensive Test Ban Treaty. But the problem is, Congress is long on disagreement and short on time. In all my years of Congress, I have scarcely seen a more partisan and divisive atmosphere than that which prevails today.

One area where Congress appeared ready to act this year is in addressing changes to the Balanced Budget Act, otherwise known as BBA, of 1997. I am disappointed that we have not yet done so. Rural States such as Montana have long battled to preserve access to quality health care. I daresay that the State so ably served by the Senator from Maine, Ms. COLLINS, is in somewhat the same condition.

By and large, and against the odds, it is a battle we have generally won. Through initiatives such as the Medical Assistance Facility and the Rural Hospital Flexibility Grant Program, Montana and other relatively thinly populated States have providers who have worked diligently to give Medicare beneficiaries quality health care, but now these providers face a new challenge—the impact of BBA Medicare cuts.

From home health to nursing homes, hospital care to hospice, Montana facilities stand to take great losses as a result of the BBA. Many already have. One hospital writes:

> Dear Senator BAUCUS:
>
> The BBA of 1997 is wreaking havoc on the operations of hospitals in Montana. Our numbers are testimony to this. The reduction in reimbursements of $500,000 to $650,000 per year is something our facility cannot absorb.

Another tells me:

> Senator BAUCUS: An early analysis of the negative impact to [my] hospital projects a decrease in reimbursements amounting to an estimated $171,200. My hospital is already losing money from operations and these anticipated decreases in reimbursements will cause a further immediate operating loss. If enacted and implemented, I predict that we will have no choice but to reduce or phase out completely certain services and programs. . . .

Home health agencies report to me that in a recent survey, 80 percent of Montana home health care agencies showed a decline in visits averaging 40 percent. Let me state that again. Of the home health care agencies in my State, 80 percent report a decline in visits averaging 40 percent. These are some of the most efficient home health care agencies in the Nation. It simply is not fair that they are punished for being good at managing costs.

As for skilled nursing care in Montana, I saw the effects firsthand in a visit to Sidney Health Center in the northeast corner of my State. A couple of months ago, I had a workday at Sidney. About every month, every 6 weeks, I show up at someplace in my home State with my sack lunch. I am there to work all day long. I wait tables. I work in sawmills. I work in mines—some different job. This time it was working at a hospital. Half of it is a skilled nursing home; the other half an acute care center.

At the skilled nursing center, I changed sheets. I took vitals. I worked charts. They even had me take out a few stitches. After a while, I felt as if I was a real-life doctor doing my rounds with my stethoscope casually draped around my neck. One patient actually thought I was in medical training; that is, until I treated that patient. They also had me read to about 20 old folks for about a half hour. I must confess that all but five immediately fell asleep.

At the end of the day, I had to turn my stethoscope in for a session with the administrators. The financial folks showed me trends in Medicare reimbursement over the last couple of years. They believe as I do, that the BBA cuts have gone too far.

So what do we do about it? Over the next few weeks, the Senate Finance Committee is likely to consider legislation to restore some of the funding cuts for BBA. Anticipating this debate, I introduced comprehensive rural health legislation earlier this year. The bill now has over 30 bipartisan Senate cosponsors.

Last week, I joined Senator DASCHLE and the distinguished ranking member of the Finance Committee, as well as Senator ROCKEFELLER, in support of a comprehensive Balanced Budget Act fix, a remedy to try to undo some of the problems we caused. The Medicare Beneficiary Access to Quality Health Care Act addresses problems the BBA has caused in nursing home care, in home health care, among hospitals and also physical therapy, as well as some other areas. In particular, I draw my colleagues' attention to section 101 of the bill.

Medicare currently pays hospital outpatient departments for their reasonable costs. To encourage efficiency, however, the BBA called for a system of fixed, limited payments for outpatient departments. This is called the outpatient prospective payment system, known as PPS. Thus far, it appears this PPS will have a very negative impact on small rural hospitals. HCFA estimates—the Health Care Financing Administration—that under this law, Medicare outpatient payments would be cut by over 10 percent for small rural hospitals. I don't have the chart here, but hopefully it is coming later. If you look at the chart, you will see some of the projected impacts on hospitals in my State.

Prospective payment is the system of the future, and Congress is right to use it where it works. But in some cases, prospective payment just doesn't work. Consider what happened with inpatient prospective payment about 15 years ago. In 1983, Congress felt, much as it does now, that Medicare reimbursements needed to be held in check. It implemented prospective payment for inpatient services. Enacting that law, it also recognized that for some small, rural facilities, there should be exceptions to prospective payment.

The basic reason is simple, because prospective payment is based upon the assumption that the efficient hospitals will do well and survive, and the nearby inefficient hospitals not doing well will fail, but that is OK because people can always go to the surviving efficient hospital. And the assumption, obviously, is invalid for sparsely populated parts of America because if there is a hospital in a sparsely populated part of America that fails under undue pressure because of reimbursement, there is no other hospital or health care facility for somebody in rural America. That is the essential failing in the assumption behind PPS.

Congress called these facilities "sole community hospitals," and 42 of the 55 hospitals in my State enjoy that status—that is, the security of being named a sole community provider or medical assistance facility.

Section 101 of the bill we introduced last week would provide similar security for outpatient services, and it should be enacted right now.

Just last week, the health care research firm, HCIA, and the consulting firm, Ernst and Young, released a study showing that hospital profit margins could fall from their current levels of about 4 percent to below zero by the year 2002. We must act now to ensure that this does not happen.

I might say, however, time is running out. We are already in the midst of a 3-week stopgap measure to keep the Government running. If we don't sit down and iron out our differences soon, we risk going home not having acted on the BBA and not correcting this problem, which I think is irresponsible.

Despite the partisan atmosphere that has prevailed here over the last several months, Congress does have a record of success in dealing with important health care issues in a bipartisan way.

A few years ago, we passed the Health Insurance Portability Act to prevent people from losing health insurance when they change jobs.

In 1997, we worked together—Members of all stripes—in passing the Children's Health Insurance Plan, legislation to provide children of working families with health insurance. Just last week, children in my State started enrollment in that program.

With some common sense on both sides of the aisle and with fast action on the issue, Congress can come together to solve some of the problems caused by the so-called BBA of 1997. We ought to do so, and we ought to do it right now.

Mr. President, you might be interested in what some of the conditions of the BBA 1997 are in the State of the Presiding Officer. In Maine, the hospital in Bangor would lose 24 percent of payments it would otherwise receive. Booth Bay Harbor would find about a 38-percent reduction. That is somewhat typical of hospitals of that size and in that situation around the country.

So I hope that at the appropriate time we can work with dispatch and expeditiously solve this problem before we adjourn.

Mr. LEVIN. Madam President, I rise today in support of the Medicare Beneficiary Access to Care Act.

I have traveled around my State of Michigan and I have heard from all types of health care providers. I consistently hear one message: all health care providers, big and small, are reeling from the cuts mandated under the 1997 Balanced Budget Act (BBA).

When Congress passed the BBA, it was estimated that it would save $112 billion in Medicare expenditures. The Congressional Budget Office has reestimated those savings at $206 billion. It is clear that the BBA has gone further than we intended.

This bill addresses some of the problems the health care community is facing. The bill provides some measure of relief to providers by committing $20 billion dollars towards addressing some of the BBA problems.

Here are some of the bill's provisions:

Medicare currently pays hospital outpatient departments for their reasonable costs, subject to some limits and fee schedules. To create incentives for efficient care, the BBA included a prospective payment system (PPS) for hospital outpatient departments. HCFA expects to implement this system in July 2000. When implemented, it is expected to reduce hospital outpatient revenues by 5.7 percent on average. Michigan hospitals have told me that this payment system will reduce annual hospital payments for out patient services by $43 million for Michigan hospitals.

This bill would protect all hospitals from extraordinary losses during a transition period. Each hospital would compare its payments under the PPS to a proxy for what the hospital would have been paid under cost-based reimbursement. In the first year, no hospital could lose more than 5% under the new system. This percentage would increase to 10% in the second year and 15% in the third year.

Prior to the BBA, a hospital's inpatient payments increased by 7.7% if the hospital had one intern or resident for every 10 beds. This percentage was cut to 7.0% in 1998, and phased down to be set permanently at 5.5% by 2001. This bill freezes Indirect Medical Education (IME) payments at the current level of 6.5% for 8 years.

Due to concern that Medicare+Choice managed care plans were not passing along payments for Graduate Medical Education (GME) to teaching hospitals, the BBA carved out payments for GME and IME from Medicare + Choice rates and directed them to those hospitals. However, the carve out was phased in over several years. This bill contains a provision that would speed up the carve-out, ensuring that teaching hospitals get adequate compensation for the patients they serve.

Teaching hospitals are critically important to Michigan. There are 58 teaching hospitals in Michigan, which constitutes one of the nation's largest GME programs.

The BBA reduced disproportionate share hospital (DSH) payments by 1% in 1998, 2% in 1999, 3% in 2000, 4% in 2001, and 5% in 2002. This bill would freeze the cut in disproportionate share payments at 2% for 2000 through 2002.

The BBA created a prospective payment system (PPS) for skilled nursing facilities. There has been a concern that the PPS may not adequately account for the costs of high acuity patients. This bill includes a number of provisions to alleviate the problems facing skilled nursing facilities. Importantly, this bill repeals the arbitrary $1500 therapy cap that was mandated under the BBA.

The BBA mandated a 15% cut to home health payments. Last year Congress delayed this cut to October 2000. Our bill would further delay this 15% cut for two years. In addition, our bill creates an outlier policy to protect agencies who serve high cost beneficiaries.

The BBA phased out cost based Medicaid reimbursement for rural health clinics and federally qualified health centers but did not replace it with anything to assure that these clinics would be adequately funded. Our bill creates a new system for clinic payments.

In summary, these provisions are vitally important to the health care community of Michigan, both providers and beneficiaries. We cannot afford to allow our health care system, the best in the world, to decline.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. INHOFE. Madam President, I submit a report of the committee of conference on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1999.)

Mr. SHELBY. Madam President, I am pleased that today the Senate has the opportunity to consider the conference agreement for the Fiscal Year 2000 Transportation Appropriations bill, and expect that we will reinforce the Senate's strong support for this legislation, which was passed just 18 days ago by a vote of 95 to 0.

The Transportation Appropriations bill provides more than $50 billion for transportation infrastructure funding, and for safe travel and transportation in the air and on our nation's highways, railroads, coasts and rivers. I am pleased that we have reached an accommodation between the House and the Senate Conferees on the Transportation appropriations bill. The House didn't win on every issue, the Senate didn't win on every issue, the Administration didn't get everything that they wanted—there was a fair amount of give and take on the part of all interested parties and I am confident that the result is a balanced package that is responsive to the priorities of the Congress and of the administration.

The 302(b) allocation was tight and constrained our ability to do some things that I would have liked to do—but we have stayed within the allocation agreed to by the House and the Senate and we have a bill that the Administration will sign. I believe this bill represents a balanced approach and a model for how appropriations bills should be constructed. It stays within the allocation, it stays pretty close to the budget request with the exception of denying new user fee taxes and making some firewall shifts that the authorizing committee objected to, it adheres to the commitment made in TEA-21 on dedicated funding for Highways and Transit, it provides adequate—but constrained—levels for FAA, it maintains a credible Coast Guard capital base and operational tempo, and it continues to focus on making further strides in increasing the safety of all our transportation systems.

At the same time, Chairman WOLF, Ranking Member SABO, the senior Senator from New Jersey and I have gone to great lengths to craft a bill that accommodates the requests of members and funds their priorities. Scarcely a day passes where one member or another does not call, write, or collar me on the floor to advocate for a project, a program, or a particular transportation priority for their state. I received over 1,500 separate Senate requests in letter form over the last six months. This bill attempts to respond to as many of those requests as possible.

As many of you know, the current fiscal constraints were especially felt in the transit account, where demand for mass transit systems is growing in every state, but funding is fixed by the TEA-21 firewall. I won't belabor that point other than to say we did the best we could under very difficult circumstances.

It has been a constant challenge this year to ensure adequate funding for FAA operations, facilities, equipment and research, and for the Airport Improvement Program; for the Coast Guard operations and capital accounts; and for operating funds for the National Highway Transportation Safety Administration. This clearly illustrates the pitfalls of firewalls and the disadvantages of trying to manage annual outlays in multi-year authorization legislation. Our experience this year with this bill is one of many reasons the Congress should reject a proposal to establish more budgetary firewalls around trust fund accounts in the future.

I want to mention one other issue that has been the topic of many conversations over the past couple of weeks. That is, the Senate provision concerning the release of personal information by state departments of motor vehicles. My concern is that private information is too available. The proliferation of information over the Internet makes it easy and cheap for almost anyone to access very personal information.

I think members would be shocked by what virtually anyone—including wierdos or stalkers—can find out about you, your wife, or your children with only a rudimentary knowledge of how to search the Internet.

I believe that there should be a presumption that personal information will be kept confidential, unless there is compelling state need to disclose that information. Most states, however, readily make this information available, and because states sell this information, a lot of information about you effectively comes from public records.

Section 350 of the conference protects personal information from broad distribution by requiring express consent prior to the release of information in two situations. First, individuals must give their consent before a state is able to release photographs, social security numbers, and medical or disability information. Of course, this excludes law enforcement and others acting on behalf of the government. Second, individuals must give their consent before the state can sell or release other personal information when that information is disseminated for the purpose of direct marketing or solicitations. I want to be clear: this applies only when the state sells your name, address, and other such information to people who are using that information for marketing purposes.

We recognize that states may need time to comply with this provision. And we've proposed to delay the effective date 9 months. In addition, there was concern expressed about this provision being tied to transportation funds under this bill, and the conference agreement eliminates the sanction language and expressly states that no states' fund may be withheld because of non-compliance with this provision. In addition, the Congressional Budget Office has performed a cost estimate analysis of this provision, and found that the total implementation cost for States is well below $50 million nationally.

I believe that the general public would be as shocked as my colleagues in the Senate if they learned that states were running a business with the personal information from motor vehicle records.

There are a few people I would particularly like to thank before we vote. My Ranking Member, Senator LAUTENBERG, has been a valued partner in this process, and I'm sorry that we only have one more year to do this together. Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs. My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta and Linda Muir, have been professional, accommodating, and collegial. This last week has been a blueprint for how conference negotiations should be conducted. Senator LOTT and his staff have been gracious and extremely helpful in moving this legislation forward. And on the Appropriations Committee staff, I want to recognize Steve Cortese and Jay Kimmitt for their invaluable assistance and advice.

I look forward to passing this bill and sending it to the President. I ask unanimous consent that the letter from OMB relating to this conference report be printed in the CONGRESSIONAL RECORD at the end of my remarks and after the table regarding federal highway aid. From the OMB letter, it is my expectation that the President will sign the bill in its current form.

Madam President, I also ask unanimous consent to include the following table for the RECORD which shows the estimated fiscal year 2000 distribution of Federal highway fund obligational authority. This table illustrates the state-by-state distribution of non-discretionary highway funds under the conference agreement. It is important to note that none of the discretionary programs, including public lands highways, Indian reservation roads, park roads and parkways, or discretionary bridge are included in this distribution, as these funds are granted on an individual application basis. In addition, these figures do not include the carryover balances from prior years, the final computation of administrative takedown, or the final minimum guarantee adjustments. However, these figures are very close to the actual state distribution that will be made by the Federal Highway Administration based on the agreement outlined in the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
Alabama	$471,711,405	$11,367,974	$483,079,379	$29,016,764	$512,096,143
Alaska	268,677,889	21,022,139	289,700,028	16,970,939	306,670,967
Arizona	375,629,521	14,116,557	389,746,078	23,285,789	413,031,867
Arkansas	380,148,116	8,870,348	317,018,464	19,016,257	336,034,721
California	2,135,937,494	41,571,122	2,177,508,616	131,247,260	2,308,755,876
Colorado	271,325,228	5,218,128	276,543,356	16,673,553	293,216,909
Connecticut	347,917,991	15,458,380	363,376,371	21,631,767	385,008,138
Delaware	102,256,467	2,516,824	104,773,291	6,301,112	111,074,403
Dist. of Col	92,495,095	99,255	92,594,350	5,634,683	98,229,033
Florida	1,065,315,963	49,989,815	1,115,305,778	66,321,154	1,181,626,932
Georgia	828,256,118	32,991,973	861,248,091	51,375,336	912,623,427
Hawaii	119,530,218	3,358,725	122,888,943	7,374,632	130,263,575
Idaho	178,383,500	6,424,871	184,808,371	11,043,615	195,851,986
Illinois	785,605,674	12,083,474	797,689,148	48,176,561	845,865,709
Indiana	579,109,909	21,891,566	601,001,475	35,894,907	636,896,382
Iowa	279,429,622	3,744,432	283,174,054	17,121,381	300,295,435
Kansas	273,194,168	2,007,662	275,201,830	16,691,012	291,892,842
Kentucky	401,970,692	10,003,210	411,973,902	24,735,491	436,709,393
Louisiana	391,418,740	11,102,273	402,521,013	24,151,481	426,672,494
Maine	123,317,168	2,925,145	126,242,313	7,592,996	133,835,309
Maryland	367,510,492	7,464,568	374,975,060	22,588,127	397,563,187
Massachusetts	436,472,391	7,583,988	444,056,379	26,790,453	470,846,832
Michigan	744,199,500	23,383,006	767,582,506	45,987,032	813,569,538
Minnesota	347,863,427	6,266,043	354,129,470	21,358,519	375,487,413
Mississippi	282,518,602	5,567,485	288,086,087	17,358,519	305,444,606
Missouri	569,625,340	12,728,657	582,353,997	35,047,859	617,401,856
Montana	227,145,762	10.546,766	237,692,528	14,140,666	251,833,194
Nebraska	180,760,739	1,864,558	182,625,297	11,062,788	193,688,085
Nevada	166,699,784	5,948,338	172,648,122	10,323,779	182,971,901
New Hampshire	120,134,397	3,111,027	123,245,424	7,402,980	130,648,404
New Jersey	598,730,322	11,286,798	610,017,120	36,776,405	646,793,525
New Mexico	227,824,334	7,169,730	234,994,064	14,079,572	249,073,636
New York	1,194,894,120	28,056,993	1,222,951,113	73,547,672	1,296,498,785
North Carolina	651,657,222	22,361,073	674,018,295	40,308,266	714,326,561
North Dakota	151,554,823	3,564,655	155,119,478	9,333,524	164,453,002
Ohio	859,342,925	22,507,807	881,850,732	52,959,163	934,809,895
Oklahoma	359,066,919	7,361,168	366,428,087	22,076,510	388,504,597
Oregon	289,181,685	3,630,769	292,812,454	17,707,362	310,519,816
Pennsylvania	1,174,935,166	20,690,226	1,195,625,392	72,033,420	1,267,658,812
Rhode Island	37,789,794	4,921,466	142,711,260	8,533,831	151,245,091
South Carolina	368,700,588	13,940,670	382,641,258	22,853,717	405,494,975
South Dakota	169,007,946	4,237,330	173,245,276	10,411,545	183,656,821
Tennessee	533,893,724	12,450,474	546,344,198	32,831,373	579,175,871
Texas	1,736,180,606	64,627,615	1,800,808,221	107,594,447	1,908,402,668
Utah	181,553,286	3,552,164	185,105,450	11,156,019	196,261,469
Vermont	105,918,243	2,146,701	108,064,944	6,512,509	114,577,453
Virginia	592,611,780	16,373,740	608,985,520	36,550,515	645,536,035
Washington	423,671,200	6,405,044	430,076,244	25,978,168	456,054,412
West Virginia	264,443,795	2,590,550	267,034,345	16,126,281	283,160,262
Wisconsin	458,224,706	16,164,680	474,389,386	28,368,743	502,758,129
Wyoming	161,572,167	3,732,038	165,304,205	9,947,966	175,252,171
Total	23,483,316,763	639,000,000	24,122,316,763	1,448,003,841	25,570,320,604

EXECUTIVE OFFICE OF THE
PRESIDENT, OFFICE OF MANAGEMENT
AND BUDGET,
Washington, DC, September 29, 1999.

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Transportation and Related Agencies Appropriations Bill, FY 2000, as passed by the House and by the Senate. As the conferees develop a final version of the bill, we ask you to consider the Administration's views.

The Administration appreciates the House and Senate's efforts to accommodate many of the Administration's priorities within their 302(b) allocations and the difficult choices made necessary by those allocations. However, the allocations of discretionary resources available under the Congressional Budget Resolution are simply inadequate to make the necessary investments that our citizens need and expect.

The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider other, similar proposals as the FY 2000 appropriations process moves forward. With respect to this bill in particular, the Administration urges the Congress to consider the President's proposals for user fees.

Both the House and Senate versions of the bill raise serious funding concerns. First, both versions of the bill underfund the Federal Aviation Administration's (FAA's) operations and modernization programs, reduce highway and motor carrier safety, and underfund other important programs. The conferees could partially accommodate the funding increases recommended below for these programs by adhering more closely to the President's requests for the Airport Improvement Program, High Speed Rail, Coast Guard Alteration of Bridges, Coast Guard capital improvements, and other programs.

In addition, both the House and Senate have reduced requested funding for important safety, mobility, and environmental requirements. The Administration proposes to meet these requirements through the reallocation of a portion of the increased spending resulting from higher-than-anticipated highway excise tax revenues. Under this proposal, every State would still receive at least as much funding as was assumed when the Transportation Equity Act for the 21st Century was enacted. The conferees are encouraged to consider the Administration's proposal as a means to fund these important priorities.

The Administration's specific concerns with both the House and Senate versions of the bill are discussed below.

AVIATION SAFETY AND MODERNIZATION

The funding provided by the House and the Senate is not sufficient to meet the rising demand for air traffic services.

The Administration strongly urges the conferees to fully fund the President's request for FAA Operations. The request consists of $5,958 million to maintain current operations and $81 million to meet increased air traffic and safety demands. Neither bill provides sufficient resources to maintain current service levels, let alone meet increased demands.

The Administration urges the conferees to provide at least the House level for the FAA's Facilities and Equipment account. The Senate reduction, including the rescission, would seriously compromise the FAA's ability to modernize the air traffic control system. At the Senate level, safety and security projects would be delayed or canceled, and critically-needed capacity enhancing projects would be postponed, increasing future air travel delays. In addition, the conferees are urged to provide the requested $17 million in critically-needed funds for implementation of a Global Positioning System (GPS) modernization plan to help enable transition to a more efficient, GPS-based air navigation system. This is a top priority, and the conferees are asked to fund this in addition to the FAA's other capital needs.

The Administration supports the decision, in both Houses, to eliminate the General Fund subsidy for FAA Operations and urges the conferees to enact the Administration's proposal to finance the agency. Such a system would improve the FAA's efficiency and effectiveness by creating new incentives for it to operate in a business-like manner.

CAFE STANDARDS

The Administration strongly opposes, and urges the conferees to drop, the House bill's prohibition of work on the corporate average fuel economy (CAFE) standards. These standards have resulted in a doubling of the fuel economy of the car fleet, saving the Nation billions of gallons of oil and the consumer billions of dollars. Because prohibitions such as this have been enacted in recent years, the Department of Transportation has been unable to analyze this important issue fully. These prohibitions have limited the availability of important information that directly influences the Nation's environment.

LIVABILITY PROGRAMS

The Administration is very disappointed that both versions of the bill fund transit formula grants at $212 million below the President's request and the Transportation and Community and Preservation Pilot Program at approximately $24 million below the request. Further, the Administration is disappointed that the House bill does not direct additional funding to the Congestion Mitigation and Air Quality Improvement program. These programs are important components of the Administration's efforts to provide communities with the tools and resources needed to combat congestion, air pollution and sprawl. The Administration also objects to the addition of unrequested and unreviewed projects within the Transportation and Community and Privatization Pilot Program formula grants. The conferees are strongly urged to fully fund the President's request for these programs.

HIGHWAY SAFETY

The Administration urges the conferees to provide funding consistent with the recently enacted reauthorization for the National Highway Traffic Safety Administration's operations and research activities. This would provide an increase of $20 million above the House and Senate funding levels. This funding would allow expanded Buckle Up America and Partners in Progress efforts to meet alcohol and belt usage goals. It would also provide enhanced crash data collection, increased defects investigations, and crucial research activities on advanced air bags, crashworthiness, and enhanced testing to make better car safety information more readily available to the public.

MOTOR CARRIER SAFETY

The Administration appreciates the Senate bill's funding of $155 million, the amended request, for the National Motor Carrier Safety Grant Program. This will allow the Office of Motor Carrier and Highway Safety to undertake improvements in the area of motor carrier enforcement, research, and data collection activities that are designed to increase safety on our Nation's roads and highways. The Administration strongly urges the conferees to continue to provide this funding as well as the additional $5.8 million requested for motor carrier operations.

JOB ACCESS AND REVERSE COMMUTE

The Administration is disappointed that both the House and Senate would provide only $75 million—half of the amount authorized and requested—for the Job Access and Reverse Commute program. This program is a critical component of the Administration's welfare-to-work effort and local demands far exceed available resources. Demand is expected to increase further as more communities around the country work together to address the transportation challenges faced by families moving from welfare to work and by other low income workers. The Administration urges the conferees to provide full funding at $150 million.

OFFICE OF THE SECRETARY

The Administration urges the conferees to provide the President's request of $63 million for the Office of the Secretary in a consolidated account and delete the limitation on political appointees in both bills. This is necessary to provide the Secretary with the resources and flexibility to manage the Department effectively. In addition, we request restoration of the seven-percent reduction to the Office of Civil Rights contained in the Senate version of the bill. This reduction would hamper the Department's ability to enforce laws prohibiting discrimination in Federally operated and assisted transportation programs.

LANGUAGE PROVISIONS

The conferees are requested to delete provisions in both bills that would restrict the Coast Guard's and Federal Aviation Administration's user fee authority. User fees can help the Coast Guard and Federal Aviation Administration by providing resources to meet their operating and capital needs without significantly reducing other vital transportation programs.

The conferees are requested to delete provisions in both versions of the bill that would impose DOT-wide reductions in obligations to the Transportation Administrative Service Center. These reductions, which are particularly severe in the Senate, would impose significant constraints on critical administrative programs.

The conferees are requested to delete Section 316 of the Senate bill, which would extend the traditional anti-lobbying provision in DOT appropriations acts to State legislatures. This broad, ambiguous provision would chill the informational activities of the Department and limit the ability of the Department to carry out its safety mandate. The existing requirements of Section 7104 of TEA-21 adequately address this issue.

There are several provisions in both bills that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS versus Chadha.

REPORT LANGUAGE ISSUE

The Administration is concerned with the House report language that would not fund the controller-in-charge differential, which was part of the carefully crafted air traffic controller agreement research last year.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

JACOB J. LEW, *Director*.

Mr. LAUTENBERG. Madam President, I rise in support of the conference report accompanying H.R. 2084, the Transportation appropriations bill for fiscal year 2000.

I am pleased that during this, the first day of the first full week of the new fiscal year, we are sending a free-standing Transportation bill to the President for his signature. Earlier this year I would not have predicted that we would succeed in getting a free-standing Transportation bill. Credit for his successful accomplishment belongs primarily to our subcommittee chairman, Senator SHELBY. This bill has had a number of difficulties along the way—difficulties that sometimes divided Senator SHELBY and myself. But I think it is fair to say that throughout the year, both Senator SHELBY and I showed a willingness to listen, as well as a willingness to compromise. As such, many of the problems that burdened this bill earlier this year have been worked out over time.

Senator SHELBY consulted the Minority throughout this year's process. We may not have agreed on every figure and every policy contained in this bill, but there were never any surprises. His door was always open to me and to the other minority members of the subcommittee. I especially want to thank Senator SHELBY for his attention to the unique transportation needs of my home state of New Jersey, the most congested state in the nation. Our congestion problem makes New Jersey the most transit-dependent state in the nation and Senator SHELBY recognized this fact by working with me to provide substantial investments in projects like the Hudson-Bergen waterfront, the Newark-Elizabeth rail link, Amtrak's Northeast Corridor, the West Trenton line, and a feasibility study of a new transit tunnel under the Hudson River.

The Transportation Subcommittee faced a very tight allocation. These funding difficulties were made more challenging by the spending increases mandated for the Federal Highway Administration and the Federal Transit Administration under TEA-21. These mandated increases put extraordinary pressure on the non-protected programs in the Coast Guard, the Federal Aviation Administration, and the National Highway Traffic Safety Administration.

The funding level provided for Amtrak represents the largest single cut in this bill below the fiscal year 1999 level. Amtrak is funded at a level fully 6 percent below last year's level. It is to Amtrak's credit, however, that Amtrak's financial turn-around has generated the kind of revenue that will allow the corporation to absorb this cut without any notable service reductions.

Funding for the operations budget within the Federal Aviation Administration is another area of concern. While this bill funds FAA Operations at a level fully 6 percent above last year's level, the amount provided remains 2.3 percent below the level requested by the Administration. Also, funding for highway safety within the operations and research account in the National Highway Traffic Safety Administration is 19 percent below the President's request. In this instance, the Administration's budget request depended upon the enactment of a new authorization bill raising the authorization ceilings for NHTSA. Unfortunately, by the time that authorization bill was enacted, our subcommittee ceiling had already been established and we did not have the funding to accommodate these funding increases for NHTSA. Mr. President, if I could identify one serious flaw with the Transportation Equity Act for the 21st Century (TEA-21), it would be the fact that several trust funded programs for highway construction are granted guaranteed increases over the next several years, while the safety programs from the trust fund are not granted similarly privileged budgetary treatment. We need to do better for these critical safety programs, both in the FAA and in NHTSA. I have not given up on the chance to do better for these programs. I intend to work with the Administration to see if additional funds can be included in an omnibus appropriations bill or, perhaps, in a Supplemental Appropriations bill.

In the area of truck safety, I am disappointed that this bill does not include the $50 million that I added during full committee markup for grants within the Office of Motor Carrier Safety. The tight funding allocation burdening the subcommittee just made it impossible to accommodate this item in Conference. However, I have to say that while money is important to our efforts to maintain truck and bus safety, guts and determination on the part of the Administration is of even greater importance. The Office of Motor Carrier Safety needs to be willing to shut down the most egregious safety violators to protect bus passengers and the motoring public.

There have been several hearings regarding the deficiencies of the Office of Motor Carriers this year. Within the Transportation Appropriations Subcommittee, we spent considerable time discussing the recent series of fatal bus crashes within New Jersey. The Commerce Committee also held hearings on the overall deficiencies with the OMC. Those hearings painted a very dismal picture of a largely impotent agency that is more interested in outreach than in ensuring safe truck and bus operations. More recently, we have seen indications of a new, more serious attitude at the Office of Motor Carrier Safety. This appropriations bill mandates that that office can no longer be operated within the Federal Highway Administration. Perhaps this will make a difference. In my view, the jury is still out on whether we have turned the corner on improving truck and bus safety. Over the course of the next year, we will need to review carefully whether the changes recently announced by the Office of Motor Carriers represent a true change in attitude or just a change in rhetoric.

In summary, Mr. President, I encourage all Members to vote in favor of this conference report. The conference agreement is a balanced and bipartisan effort to meet the needs of our nation's transportation enterprise within a difficult funding envelope. I believe it deserves the support of all Members.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will now proceed to vote on the adoption of the conference report accompanying H.R. 2084.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED), would vote "aye."

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—88

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Conrad
Enzi
Hagel

NOT VOTING—9

Daschle
Hatch
Hollings
Kennedy
Mack
McCain
Reed
Smith (OR)
Thomas

The conference report was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I commend Senators SHELBY and LAUTENBERG for this bill. It is really a monstrous bill, and they have come back with a very good compromise, a bill with which we can all live.

The staff on this bill deserves a great deal of credit, too. To my right is Wally Burnett, staff director of the Transportation Subcommittee for the Senate. He handles the highway and aviation accounts. Wally tops at 205 pounds now, but we call him Little Wally in Fairbanks. I thank him and Joyce Rose, who handles the railroad and transit accounts. She spent a lot of time away from her young kids. Paul Doerrer handled the Coast Guard and NTSB accounts. He did a great job on his first bill. I also thank Peter Rogoff and Carole Geagley of the minority. They have worked very hard on this bill. As I said, it is an extremely good bill.

I want to mention two items related to this bill. We do have a very difficult problem in Alaska on aviation safety. We are, after all, the largest State of the Union, one-fifth of the size of the United States. We use aircraft as other people use taxis or buses or trains. Over 80 percent of our inter-city traffic is by air. Seventy percent of our cities can be reached only by air. As a consequence, safety is one of our major concerns.

This summer, Director Hall of the National Transportation Safety Board came to Alaska. He met there with representatives of the Centers for Disease Control and their National Institute for Occupational Safety and Health, NIOSH. There are resources provided in this bill to implement the National Transportation Safety Board's recommendations and NIOSH's interagency initiative for aviation safety in my home State of Alaska. Senator SPECTER's bill, the Labor-HHS bill, provides the resources for NIOSH. They will have to be in the bill in order to put this plan into action.

The NIOSH initiative for the air taxi industry in Alaska is modeled after the highly successful 1993 helicopter logging study which produced recommendations for changes that implemented safety plans without Federal regulation. NIOSH recommended crew rest and crew duty schedules along with changes in helicopter logging equipment, and that has all but eliminated helicopter logging fatalities since those recommendations were implemented.

It is my hope that the NIOSH study on aviation can produce the same results—industry-led improvements to commuter aviation safety operations in Alaska—again, without the need for new Government-imposed mandates. The industry itself I believe will implement the NIOSH recommendations.

As the Senate knows, my family has known fatalities from airplane crashes. And I have many friends who have been involved in such crashes. As one who was lucky enough to walk away, it is my hope that these studies will lead to greater safety considerations for all who fly in Alaska. I am grateful to the chairman and the ranking member, Chairman SHELBY and Senator LAUTENBERG, for including in this bill these great, new safety initiatives.

I am happy to report on another matter. This bill ensures completion of the pedestrian footbridge that will span the Chena River in Fairbanks. Fairbanks is Alaska's second largest city.

The Alaska River Walk Centennial Bridge is the brainchild of Dr. William Ransom Wood. He is really the sage of Alaska. He is the executive director of Festival Fairbanks. This bridge is a small piece of an overall plan that Dr. Wood and the rest of the festival have developed to beautify Fairbanks and make it pedestrian friendly.

At 95, Dr. Wood has been one of Alaska's major players. He served as the president of the University of Alaska, mayor of Fairbanks, and on so many community councils and State task forces that I cannot here name them all. In honor of Dr. Wood's contribution to Fairbanks, the State of Alaska, and our Nation as a naval commander in World War II, Senator MURKOWSKI and I join together in introducing a Senate resolution which will urge Secretary Slater to designate this footbridge the William R. Wood Centennial Bridge.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to respond to some of the things the distinguished chairman of the Appropriations Committee just said, particularly his acknowledgment of the hard work done by the staff on both sides, the majority staff and the minority staff, and to say that I watch Senator STEVENS in action; I see how difficult it is to get some of these allocations in the shape we would like.

We are pleased that the Transportation bill was, if I may use the word, hammered out because there are still a lot of needs with which we have to be concerned. One is the FAA, of course, and our safety programs. I was pleased to hear the Senator mention that.

The other is the U.S. Coast Guard, in which Senator STEVENS has such an active interest. I share that interest. The State of New Jersey has a great deal of dependence—as well as the entire country—on the activities of the Coast Guard. And the fact is that their funding is presently on the short side. But decisions are made when resources are too spare, and, inevitably, some hard decisions have to be made.

I commend the chairman of the Appropriations Committee for being able to ensure that the Transportation bill was moved along. I know how hard he is working with some of the other bills that are still pending.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS. Mr. President, I send this resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) expressing the sense of the Senate concerning Dr. William Ransom Wood.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I express my gratitude to the secretary for the minority for clearing this resolution so quickly, and I ask for its consideration.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, Chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, President of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the Twentieth Century; and

Whereas it shall also be in Dr. Wood's words, "a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.": Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, pursuant to the consent agreement of Friday, October 1, I now ask unanimous consent that the Senate proceed to executive session for the consideration of judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

The legislative clerk read as follows:

THE JUDICIARY

Ronnie L. White, to be United States District Judge for the Eastern District of Missouri; Brian Theadore Stewart, to be United States District Judge for the District of Utah; and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have a number of judges to discuss tonight:

There is Brian Theadore Stewart—I see the distinguished Senator from Utah on the floor, who I am sure will be speaking of him.

There is Justice Ronnie L. White—I see the distinguished Senator from Missouri, who will be speaking about him and has specific reserved time for that.

And there is the nomination of Raymond C. Fisher.

Utilizing some of the time reserved to me and the distinguished chairman of the Senate Judiciary Committee, I will make sure that whatever amount of time the distinguished Senator from Utah wishes will be available to him.

I would like to start by mentioning how we got here. On Friday, the Democratic leader was able to get an agreement from the majority leader scheduling an up-or-down vote on Ray Fisher, Ted Stewart, and Ronnie White tomorrow afternoon, with some debate this evening. I thank the Democratic leader for his assistance in obtaining those agreements. I know that it was not easy to obtain a date certain for a vote on the Fisher nomination and I am especially grateful that at long last, after 27 months, the Senate will finally be voting on the White nomination.

I begin with the Fisher nomination. Raymond Fisher is a distinguished Californian. After being confirmed by the Senate in 1977, he has served as Associate Attorney General of the United States. He served on the Los Angeles Police Commission from 1995 to 1997. He chaired it from 1996 to 1997. In 1990, he was deputy general counsel for the Independent Commission on the Los Angeles Police Department, better known as the Christopher Commission, chaired by Warren Christopher.

He received his undergraduate degree in 1961 from the University of California at Santa Barbara; And he received his law degree from Stanford Law School in 1966, where he was president of the Stanford Law Review. Following law school, he clerked for the Honorable J. Skelly Wright on the U.S. Court of Appeals for the District of Columbia Circuit and for the Honorable William Brennan on the U.S. Supreme Court. In other words, a lawyer's lawyer.

For almost 30 years, he was a litigation attorney in private practice in Los Angeles at Tuttle & Taylor and then as the managing partner of the Los Angeles offices of Heller, Ehrman, White & McAuliffe. He is a highly respected member of the bar and a dedicated public servant.

He has the very strong support of both California Senators. He received a rating of well qualified—in other words, the highest rating—from the American Bar Association. He has the support of Los Angeles Mayor Richard Riordan, the Los Angeles police department, the National Association of Police Organizations, and the Fraternal Order of Police.

He was nominated back on March 15, 1999. He had a hearing before the Judiciary Committee and in July he was promptly and favorably reported. I do not know why his nomination was not taken up immediately and confirmed before the August recess, but it is still here and will now receive consideration. The Senate should vote to confirm him, as I fully expect we will.

I note that the Senate has before it ready for final confirmation vote two other judge nominees to the same court, the Ninth Circuit, Judge Richard Paez and Marsha Berzon. Also pending before the Judiciary Committee are the nominations of Ron Gould, first nominated in 1997; Barry Goode, first nominated in June 1998; and James Duffy to the Ninth Circuit. It is a Court of Appeals that remains one quarter vacant with 7 vacancies among its 28 authorized judges.

We should be voting up or down on the Paez and Berzon nominations today. I think we need to fulfill our duty not only to each of these outstanding nominees as a matter of conscience and decency on our part, but also for the tens of millions of people who are served by the Ninth Circuit. Unfortunately, as was brought out Friday, a few Republican Senators—anonymously—are still holding up action on these other important nominations.

To his credit, the majority leader has come to the floor and said he will try to find a way for the two nominations to be considered by the Senate. I know that if the majority leader wishes the nominees will come to a vote. The way is to call them to a fair up-or-down vote. We should find a way to do that as soon as possible.

I certainly have tried to work directly and explain what I have done on the floor in working with the majority leader on the nominations. I am happy to work with the Senators who are blocking them from going forward, but we do not know who they are. In fact, we had a policy announced at the beginning of this year that we would no longer use secret holds in the Senate. Unfortunately, Judge Paez and Marsha Berzon are still confronting a secret hold as their nominations are obstructed under a cloak of anonymity after 44 months and 20 months, respectively. That is wrong and unfair.

The distinguished Senators from California, Mrs. BOXER and Mrs. FEINSTEIN, have urged continuously over and over again on this floor, in committee, in caucuses, in individual conversations with Senators on both sides of the aisle, that the nominations of Berzon and Paez go forward. I see the distinguished Senator from California, Mrs. BOXER, on the floor.

I think I can state unequivocally for her, as for Senator FEINSTEIN, that no Democrat objects to Judge Paez going forward. No Democrat objects to Marsha Berzon going forward. If nobody is objecting on this side of the aisle to going forward, I strongly urge those who support—as many, many do—Judge Paez and Marsha Berzon's nominations, that they call each of the 55 Senators on the other side of the aisle and ask them: Are you objecting to them going forward? Would you object to them going forward? Find out who is holding them up. They are entitled to a vote.

To continue this delay demeans the Senate. I have said that I have great respect for this institution and its traditions. Certainly after 25 years, my respect is undiminished. But in this case, I see the treatment of these nominations as part of a pattern of what has happened on judicial nominations for the last few years. If you are a minority or a woman, it takes longer to go through this Senate as a judicial nomination. That is a fact. It is not just me noting it, but impartial outside observers have reported in the last few weeks that a woman or a minority takes longer to be confirmed by the Senate as it is presently constituted.

The use of secret holds for an extended period is wrong and beneath the Senate. We can have 95 Senators for a nominee but 5, 4, 3, 2, or 1 can stop that person—after 4 years with respect to Judge Paez; after 2 years with respect to Marsha Berzon.

Let us vote up or down. If Members do not want either one of them, vote against them; if Members want them, vote for them. But allow them to come to a vote. Do not hide behind anonymous holds. Do not allow this precedent to continue that we seem to have started that women and minorities take longer.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed by the Senate to the federal bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee in connection with his nomination to the Court of Appeals and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years and the Republican Chairman of the Judiciary Committee has said the same thing. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she was first nominated in January 1998, some 20 months ago.

The Atlanta Constitution noted recently:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried * * * to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. * * * This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair, It is not right, It is no way to run the federal judiciary. * * * This ideological obstructionism is so fierce that it strains our justice

system and sets a terrible partisan example for years to come.

It is against this backdrop that I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed 1 or 2 or 3 secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. * * * The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

At the time the Chief Justice issued this challenge, Judge Paez' nomination had already been pending for 24 months. The Senate received the Berzon nomination within days of the Chief Justice's report. That was almost 2 years ago and still the Senate stalls and refuses to vote. Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

Recently, the Washington Post noted: "[T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes * * * should receive them immediately."

Democrats are living up to our responsibilities. The debate over the last couple of weeks has focused the Senate and the public on the unconscionable treatment by the Senate majority of selected nominees. The most prominent examples of that treatment are Judge Paez and Marsha Berzon. With respect to these nominations, the Senate is refusing to do its constitutional duty and vote.

The Florida Sun-Sentinel wrote recently: "The 'Big Stall' in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick."

A recent report by the Task Force on Judicial Selection of Citizens for Independent Courts verifies that the time to confirm female nominees is now significantly longer than that to confirm male nominees—a difference that has defied logical explanation. The report recommends that "the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender." Those responsible are not on this side of the aisle. I recall all too well the gauntlet that such outstanding woman nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, Susan Oki Mollway, Sonia Sotumayor were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because she will be confirmed if allowed a fair up or down vote.

I likewise recall all too well the way in which other qualified nominees were held up and defeated without a vote. The honor roll of outstanding minority nominees who have been defeated without a vote is already too long, including as it does Judge James A. Beaty, Jr., Jorge C. Rangel, Anabelle Rodriquez and Clarence Sundram. It should not be extended further. Senate Republicans have chosen to stall Hispanic, women and other minority nominees long enough. It is wrong and should end.

Nominees deserve to be treated with dignity and dispatch—not delayed for 2 and 3 and 4 years. I continue to urge the Republican Senate leadership to proceed to vote on the nominations of Judge Richard Paez and Marsha Berzon. There was never a justification for the Republican majority to deny these judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I know the Senate will do the right thing and confirm Ray Fisher to the Ninth Circuit tomorrow and that he will be an outstanding judge. I will continue my efforts to bring to a vote the nominations of Judge Richard Paez and Marsha Berzon.

We also will get the opportunity tomorrow to vote on the nomination of Justice Ronnie White. As I reminded the Senate last Friday, he is an outstanding jurist and currently a member of the Missouri Supreme Court. We have now a judicial emergency vacancy on the District Court of the United States for the Eastern District of Missouri while his nomination has been held up for 27 months.

Ronnie White was nominated by President Clinton in June of 1997—not June of 1999 or 1998, but June of 1997. It took 11 months before the Senate would allow him to have a confirmation hearing. At that hearing, the senior Senator from Missouri, Mr. BOND, and Representative BILL CLAY, the dean of the State's congressional delegation, came forward with strong praise for the nominee. Senator BOND urged Members to act fairly on Judge White's nomination to the district court and noted Justice White's integrity, character, and qualifications, and concluded that he believes Justice White understands the role of a Federal judge is to interpret the law, not to make law.

Once considered at a hearing, Justice White's nomination was reported favorably on a 13-3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican Members voting for him, along with all Democratic Members.

Even though he was voted out 13-3, the nomination was held on the Senate Executive Calendar without action until the Senate adjourned last year, and returned to the President after 16 months with no Senate action. A secret hold had done its work and cost this fine man and outstanding jurist an up-or-down vote. The President renominated him back in January of this year. We reported his nomination favorably a second time this year a few months ago.

Justice White deserves better than benign negligence. The people of Missouri deserve a fully qualified and staffed Federal bench. He has one of the finest records and experience of any lawyer to come before the Judiciary Committee in my 25 years there. He served in the Missouri Legislature, the Office of the City Council for the city of St. Louis, and as a judge in the Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

I believe he will be an invaluable asset. I am pleased we are finally having a discussion, even though 27 months is too long to wait, too long to wait for a floor vote, on this distinguished African American justice. Finally he will get the respect he should have from this body.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its Members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

Let us show respect to the federal judiciary and to the American people to whom justice is being denied due to this unprecedented slowdown in the confirmation process. I am proud to support the nomination of Justice Ronnie White for United States District Judge for the Eastern District of Missouri. I was delighted when last Friday, the Democratic leader was able to announce that we had finally been able to obtain Republican agreement to vote on this nomination. I thank the Democratic leader and all who have helped bring us to the vote tomorrow on the nomination of Justice White. It has been a long time coming.

Tomorrow the Senate will act on the nomination of Brian Theadore Stewart, who has not had to wait a long time with the others. I have said over the last few weeks that I do not begrudge Ted Stewart a Senate vote; rather, I believe that all the judicial nominations on the Senate Executive Calendar deserve a fair up or down vote. That includes Judge Richard Paez, who was first nominated 44 months ago and Marsha Berzon who was first nominated 20 months ago.

Tomorrow we will vote on the Stewart nomination but Senate Republicans still refuse to vote on these two other qualified nominees who have been pending far longer.

The Senate was able to consider and vote on the nomination of Robert Bork to the United States Supreme Court in 12 weeks, the Senate was able to consider and vote on the nomination of Justice Clarence Thomas in 14 weeks. It is now approximately 2 months from the Senate's receipt of the Stewart nomination, and we are now about to vote on his confirmation. I feel even more strongly that we should also be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years.

Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates alike, I did not oppose the Stewart nomination in Committee. I noted Mr. Stewart's commitment to examine his role in a number of environmental matters while in the State government and to recuse himself from hearing cases in those areas. In response to questions from Chairman HATCH and Senator FEINGOLD, Mr. Stewart committed to "liberally interpret" the recusal standards to ensure that those matters would be heard by a fair and impartial judge and to avoiding even the appearance of impropriety or possible conflicts of interest.

I cooperated in Chairman HATCH's efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez and Marsha Berzon, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez each time he was considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those Senators whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who they are. Despite the policy against secret holds, there are apparently secret Senate holds against both Paez and Berzon. That is wrong and unfair.

As we prepare to vote on the nomination of Ted Stewart, the Senate should also be voting on the nominations of Judge Richard Paez and Marsha Berzon. The Stewart nomination has been pending barely 2 months, the Berzon nomination has been stalled for almost 2 years and the Paez nomination has set a new, all-time record, having now been pending for almost 4 years. The Paez nomination was referred to in the Los Angeles Times recently as the "Cal Ripken of judicial confirmation battles." What is most shameful is that the Senate is obstructing an up-or-down vote on these nominations without debate, without accountability and under the cloak of anonymity.

Certainly no President has consulted more closely with Senators of the other party on judicial nominations, which has greatly expanded the time this Administration has taken to make nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We should start by voting up or down on the Paez and Berzon nominations without further delay. That is the fair thing to do. The Majority Leader committed last Friday to finding a way to bring these two nominations to a vote. It is time for those votes to be occur.

This summer, in his remarks to the American Bar Association, the President, again, urged us to action. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility. I continue to urge the Republican Senate leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. The continuing refusal to vote on the nominations of Judge Richard Paez and Marsha Berzon demeans the Senate and all Americans.

It is my hope that the example we set here tonight and tomorrow will move the Senate into a new and more productive chapter of our efforts to consider judicial nominations. We are proceeding to vote on a judicial nominee that some Democratic Senators oppose in order to demonstrate our commitment to fairness for all. There was never a justification for the Republican majority to deny any judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I will close with this. Let us move to a new and more productive chapter in our efforts to consider judicial nominations. Let us erase what has become a badge of shame for the Senate: You are a judicial nominee, and if you are a minority or a woman, no matter how good your qualifications are, you take much longer to go through this body than does a white male. That is a badge of shame on this great institution. Before we finish this year, we should erase it. We should say the Senate does not have a gender or a race or ethnicity qualification for judges. The Senate will vote on men nominees; vote them up or vote them down, but we will vote on them. We will not say if you are a woman or a minority you have to wait longer than anybody else because that is what the Senate has been doing and it is wrong. It is shameful. It is inexcusable. It demeans this great and wonderful institution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know my colleague from Missouri is going to speak, as will others. But I did want to follow the great Senator from Vermont, Mr. PAT LEAHY, who has done such an admirable job as the ranking member of the Judiciary Committee in fighting for fairness. If you listen to his remarks carefully, what he is basically saying is: Bring to the floor of the Senate the nominees who have been voted out of the committee; let's debate them; let's talk about them; let's talk about their merits. If you have a problem with them, put it out there. But let's vote. That is the least we can do for these good people.

Every single one of these people who have gone through the committee, has a current job. When they were nominated, and especially when they were voted out of the committee, they assumed they would be going to a new job, to be a judge. They had every reason to assume that because a good vote out of that committee—getting the support of Senator HATCH and usually one or two or three more on the Republican side, and all the Democrats—means you had the votes to get to the floor of the Senate.

As my friend has pointed out, it is very sad. We have had some bad situations develop. I was very hopeful, in this new round of approvals we have gone through—and I am grateful for the fact we have moved a few judges through—I was hopeful we would break the logjam with Judge Richard Paez and with Marsha Berzon, for several reasons.

One, they are terrific people. They would make great judges. They were voted out of the committee several times. They deserve a vote. They have loving family members. I have had the wonderful opportunity to meet their families: In the case of Richard Paez, his wife and children; in the case of Marsha, her husband and children. They are waiting for something to happen. This is not fair.

So while I am glad we are moving some court nominees—I am pleased we are doing that—I think we need to do more in the interests of the country. We need to do more. In the interests of fairness to these people, we need to do more.

Let me go into a few details about Richard Paez. Currently, he serves on the Federal bench as a district court judge in the Central District of California. He was first nominated by President Clinton to the court of appeals on January 25, 1996. Seven months later, on July 31, 1996, the Judiciary Committee finally held a hearing on Judge Paez' nomination.

Let me point out something. This is the same Judge Paez who came right through this Senate when we supported him for district court. So he is not a stranger to the Judiciary Committee. He is not a stranger to the Senate. We already approved him when he was nominated and took his seat on the district court. So here we have a situation where it took him 7 months to get his first hearing and then the Senate adjourned for the year without having reported the nomination. That was 1996.

Now we get to 1997. The President nominates Judge Paez for the second time. On February 25, the Judiciary Committee held a second hearing on the nomination. That was 1997.

On March 19, 1998, 1 year and 2 months later, Judge Paez' nomination was finally reported by the Judiciary Committee to the full Senate. But in the 7 months following, the Senate failed to act on the nomination, and it adjourned with that nomination still on the Executive Calendar.

Again, this year, for the third time, the President nominates Richard Paez to the Ninth Circuit Court. May I say, there are several vacancies on that court, more than half a dozen. So we are looking at a court that is not running at full speed. When there are 28 members is when they are completely full. Now they have all these vacancies. So the nomination is reported favorably by the Judiciary Committee on July 29 of this year, but again the full Senate has failed to act.

So it brings us to this day, where we have a little bit of a breakthrough. We are going to move forward five judges. I am glad we are doing it. But we have to be fair and look at this terrific judge, Judge Richard Paez.

I think we have an obligation to him and his family, and frankly, to the President, who is the President who has nominated this gentleman several times.

Sure, if the shoe was on the other foot and we had a Republican President, I do believe my colleagues would be saying: Give us an up-or-down vote. I do not think that Richard Paez, the wonderful human being that he is, deserves to be strung out by the Senate—3½ years strung out. I cannot understand why. I looked back through the record, and there is no one else who has been treated like this.

I say to my Republican friends, we do not know who has put a hold——

The PRESIDING OFFICER. The time allotted to the Senator from Vermont has expired.

Mrs. BOXER. What is the agreement because Senator LEAHY's staff is surprised his time has run out. Can the Chair tell me how much time remains?

The PRESIDING OFFICER. There was to be 45 minutes equally divided between the Senator from Vermont and the chairman of the Judiciary Committee, Senator HATCH, with an additional 15 minutes reserved for the distinguished Senator from Missouri.

Mr. BENNETT. Mr. President, I will be happy to yield an additional 2 or 3 minutes to the Senator from California so she may finish her statement.

Mrs. BOXER. Can the Senator from Utah make that 7 minutes since we accommodated the Senator from Missouri? If I may have 7 minutes, I can conclude.

Mr. BENNETT. I accede to the unanimous consent request for 7 additional minutes, not coming off our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank my colleague. I will try to finish in 5. I have not gotten to Marsha Berzon yet.

We are setting a record of which we should not be proud. This man has been strung out for 3½ years. He is a good man. He has a solid record, and we have an obligation to him and his family, the members of the legal and law enforcement communities, to the judicial system itself, and to the Latino community that is so very proud of him. Again, the Senate approved him to the district court. He has served with distinction there.

Judge Paez not only served in the district court, but he also served 13 years as a judge on the L.A. Municipal Court, one of the largest municipal courts in the country. He is such a leader that his colleagues elected him to serve as both supervising judge and presiding judge.

His support in the law enforcement community is pretty overwhelming. The late Sheriff Sherman Block of Los Angeles, a Republican, supported him. He is supported by Sheldon Sloan, the former chairman of the judicial selection committees for both Senators Pete Wilson and John Seymour.

He is supported by Representative JAMES ROGAN, who was his colleague on the municipal court. Those who know me and JAMES ROGAN know we do not agree on a lot of things. We agree on Judge Paez.

He is supported by Gil Garcetti, district attorney for Los Angeles.

All these people have written wonderful things about him.

James Hahn, the Los Angeles city attorney, says "his ethical standards are of the highest caliber. . . ."

Peter Brodie, president of the Association of L.A. Deputy Sheriffs, a 6,000-member organization, wrote to Chairman HATCH in support of Judge Paez's nomination.

The commissioner of the Department of California Highway Patrol says that "Judge Paez . . . [is very] well qualified," and "his character and integrity are impeccable."

We have a good man here. Let's vote him up or down. I know the Senate will vote him in. I know that. I have not only spoken, I say to my friend from Vermont, to Democrats, but I have spoken to Republicans who intend to support him. So he will win that vote.

The second nominee, Marsha Berzon, is another example of a longstanding nominee who is being denied a vote by the full Senate.

In 1998—Senator LEAHY laid it out—she received an extensive two-part confirmation hearing, written questions, written answers, and she extensively answered every question of the committee. In 1999, she was favorably reported out of the committee.

Again, she is so well qualified. Marsha Berzon graduated cum laude from Radcliffe College in 1966, and in 1973, she received her Juris Doctor from UC Berkeley, Boalt Hall Law School, one of the greatest law schools in the country.

She has written dozens of U.S. Supreme Court briefs and has argued four court cases before the U.S. Supreme Court. She has had extensive experience appearing in Federal appeals courts, and it goes on and on.

She has received significant Republican support. Former Republican Senator James McClure of Idaho says:

> What becomes clear is that Ms. Berzon's intellect, experience and unquestioned integrity have led to strong and bipartisan support for her appointment.

J. Dennis McQuaid, an attorney from Marin County, my opponent when I first ran for the House of Representatives in 1982, says of Marsha:

> Unlike some advocates, she enjoys a reputation that is devoid of any remotely partisan agenda.

W.I. Usery, a former Republican Secretary of Labor under President Ford, has said that Marsha Berzon has all the qualifications needed, and he goes on.

Senator SPECTER has said very flattering things about Marsha Berzon. She has strong support from both sides of the aisle.

We have lots of vacancies on this court, and we have two fine people who are just waiting for the chance to serve. These people do not come along every day.

I want to address myself to the question raised by my friend from Vermont who has shared with me that there have been some independent studies that show, sadly, that if you are a minority, or if you are a woman, you do not seem to get looked at by the Senate; you do not seem to get acted on. You hang around; you wait around for a vote.

This is not a reputation the Senate wants. We want to give everyone a chance, and these are two candidates, a woman and a minority, who are so qualified that they were voted out in a bipartisan vote of the committee. I call on my friends on the other side of the aisle who may be holding up these nominees—I do not know who they are. I thought we said you have to come out and identify yourself, but so far I do not know who is holding these up.

I beg of you, in the name of fairness and justice and all things that are good in our country, give people a chance. If you do not think they are good, if you have a problem with something they said or did, bring it down to the floor. We can debate it. But please do not hold up these nominees. It is wrong. You would not do it to a friend. You would not do it to someone of whom you thought highly, so do not do it to these good people. They have families. They have jobs. They have careers. They are good people.

All we are asking for is a vote. I do not want to see people throughout the country coming to see us in our offices and claiming that women and minorities are not getting fair treatment. That is not what we should be about, and I do not think that is what we are about. But that is the kind of reputation this Senate is getting across this land.

We can fix it. We should follow the leadership of Senator LEAHY from Vermont because he has said very clearly for many months now: Bring these good people forward.

I want to say a kind word about Senator HATCH. Senator HATCH has said to me from day 1: Senator BOXER, when you bring me a nominee, I want you to make sure that not only are they well qualified, but that they have bipartisan support.

He looked me in the eye, even though he is a foot taller, and said: You promise me that.

I said: Senator HATCH, I will do that.

I have done that in these cases. These are two Ninth Circuit nominees who were nominated by the President, but I have supported them and Senator FEINSTEIN has supported them. They got the vote of Senator HATCH because he knows we have been very careful to nominate people who have mainstream support in the community. I promised him that. I have done that. He has been fair to me. I hope all of the Senate will be fair to these two nominees.

Mr. President, I thank Senator BENNETT for his kindness in giving me the additional time. I look forward to moving forward with these nominees we have before us and certainly, at a minimum, on Marsha Berzon, Richard Paez, and the others who are waiting in the wings for their day. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I believe I have 15 minutes on the nomination of Missouri Supreme Court Judge Ronnie White.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Mr. President, I rise today to oppose the nomination of Judge Ronnie White to the United States District Court for the Eastern District of Missouri.

Confirming judges is serious business. People we put into these Federal judgeships are there for life, removed only with great difficulty, as is evidenced by the fact that removals have been extremely rare.

There is enormous power on the Federal bench. Most of us have seen things happen through judges that could never have gotten through the House or Senate.

Alexander Hamilton, in Federalist Paper No. 78, put it this way:

> If [judges] should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

Alexander Hamilton, at the beginning of this Nation, knew just how important it was for us to look carefully at those who would be nominated for and confirmed to serve as judges.

A judge who substitutes his will or her will for the legislative will, by displacing the legislative intent in enlarging the Constitution or amending it by saying, it is an evolutionary document and I am going to say now it has evolved to this state or that state, as opposed to an earlier state—that kind of judge is involved in what I call "judicial activism." Judicial activism is simply the substitution of one's personal politics instead of the legislative will as expressed in our documents of the Constitution or in the law.

At no other place in our Republic do voters have virtually no recourse. This is an important thing for us to consider as we evaluate judges and we seek to determine whether or not their confirmation would be appropriate.

So as it relates to Judge Ronnie White, who serves now as a supreme court judge in the State of Missouri, upon his nomination I began to undertake a review of his opinions, and especially those circumstances and dissents where, as a judge on the Missouri Supreme Court, Judge White would have sought to change or otherwise extend or amend the law as it related to a variety of matters, especially in the area of criminal law. I also heeded carefully his answers during his confirmation hearing and his answers to followup questions.

I believe Judge White's opinions have been and, if confirmed, his opinions on the Federal bench will continue to be procriminal and activist, with a slant toward criminals and defendants against prosecutors and the culture in terms of maintaining order; he will use his lifetime appointment to push law in a procriminal direction, consistent with his own personal political agenda, rather than defer to the legislative will of the people and interpret the law rather than expand it or redirect the law.

I believe the law should be interpreted as written, as intended by the legislature, not as amended or expanded by the courts. I believe Judge White will, as Alexander Hamilton so aptly described in Federalist 78, improperly "exercise will instead of judgment." This is particularly true in the area of criminal law.

I am not alone in this view. Judge White's nomination has sparked strong concerns from a large number of Missouri law enforcement officials. Seventy-seven of the 114 sheriffs in the State of Missouri have decided to call our attention to Judge White's record in the criminal law. I do not take lightly the fact that 77 of these law enforcement, ground-zero sheriffs—people who actually are involved in making the arrests and apprehending those who have broken the law—would ask us to look very carefully at this nominee. They cite specific opinions he has written and say these are the kinds of opinions that give them great pause.

Anyone who knows something about Missouri's political system knows that 77 out of 114 sheriffs would be a bipartisan delegation. As a matter of fact, over 70 percent of all the public officials in Missouri who are nominated and elected are Democrats. So you have 77 of the 114 sheriffs of Missouri on record saying: Look carefully. Evaluate very carefully this nominee to the federal bench.

The Missouri Federation of Police Chiefs, an organization of police chiefs that spreads all across the State of Missouri, has indicated to us that we ought to tread very lightly here. As a matter of fact, they express real shock and dismay at the nomination. Prosecutors have contacted me with their public letters. And, frankly, other judges in the State have suggested to me I should think and consider very carefully whether or not we proceed in this matter.

The letter from the Missouri Federation of Police Chiefs is very direct. It says:

> We want to go on record with your offices as being opposed to his nomination and hope you will vote against him.

I want to express that the concern about Judge Ronnie White is far broader than some of us in the Senate; it goes to a majority of the sheriffs in the State, with an official letter of expression from the Missouri Federation of Police Chiefs. There are prosecutors who have come to me and asked me to think very carefully about the qualifications and the philosophy expressed by this nominee.

This opposition stems largely from Judge White's opinions in capital murder cases. These opinions, and particularly his dissents, reflect a serious bias against a willingness to impose the death penalty.

Judge White has been more liberal on the death penalty during his tenure than any other judge on the Missouri Supreme Court. He has dissented in death penalty cases more than any other judge during his tenure. He has written or joined in three times as many dissents in death penalty cases, and apparently it is unimportant how gruesome or egregious the facts or how clear the evidence of guilt. He has been very willing to say: We should seek, at every turn, in some of these cases to provide an additional opportunity for an individual to escape punishment.

This bias is especially troubling to me because, if confirmed, Judge White will have the power to review the death penalty decisions of the Missouri Supreme Court on habeas corpus. In the seat of district court, Judge White's sole dissents are transformed into a veto power over the judicial system of the State of Missouri. I do not think that should happen.

Let me give you an example of Judge White's sole dissent in the highly publicized case of Missouri v. Johnson.

James R. Johnson was a brutal cop killer. He went on a shooting rampage in a small town called Carolina, MO. It sent shock waves across the entire State in 1991—during the time I had the privilege to serve as Governor of the State. At that time, James Johnson stalked and killed a sheriff, two sheriff's deputies, and Pamela Jones, a sheriff's wife.

Johnson first shot a deputy who had responded to a call about a domestic dispute at Johnson's house. He shot the deputy in the back and then walked over, as the deputy lay on the ground, and shot him in the forehead, killing him.

Johnson then reloaded his car with guns and drove to the local sheriff's home. There the sheriff's wife, Pamela Jones, was having a Christmas party. Johnson fired a rifle repeatedly through the window, hitting Mrs. Jones five times. Mrs. Jones died of those wounds in her home in front of her family.

Then Johnson went to another deputy sheriff's home and shot him through a window as the deputy spoke on the phone. That deputy was lucky and survived.

Johnson then went to the sheriff's office, where other law enforcement officers had assembled to try to address the ongoing rampage that was terrorizing the town. Johnson lay in wait until officers left the meeting and then opened fire on them, killing one officer.

Then as another officer arrived on the scene in her car, Johnson shot and killed her. It was then that Johnson fled to the house of an elderly woman who he held hostage for 24 hours. She eventually convinced Johnson to release her, and she notified the authorities who apprehended Johnson. He was tried and convicted on four counts of first degree murder and given four death sentences, convicted on all counts, received four separate death sentences. In a sole dissent urging a lower legal standard so that this convicted multiple cop killer would be allowed a second bite at the apple to convince a different jury that he was not guilty, Ronnie White sought to give James Johnson another chance.

Sheriff Jones, obviously, opposes this nomination. He is urging law enforcement officers to oppose it because he believes there is a pattern of these kinds of decisions in the opinions and dissents of Judge White. He believes there is a pattern of procriminal opinions, and I think if one looks carefully, one might see that pattern.

Judge White was also the sole dissenter in a case called Missouri v. Kinder. In that case, the defendant raped and beat a woman to death with a lead pipe. White voted to grant the defendant a new trial, despite clear evidence of guilt, including eyewitness testimony that Kinder was seen leaving the scene of the crime at the time of the murder with a pipe in his hand, and genetic material was found with the victim. White dissented based on the alleged racial bias of the judge, which he urged was made evident by a press release the judge had issued to explain his change in party affiliation. The judge changed parties at sometime prior to this case, and the judge, in explaining his change of party, said he was opposed to affirmative action, discriminating in favor of one race over another race. He left the one party he was in because he disagreed with their position on affirmative action. That was the only basis for Judge White to provide a new opportunity for this individual to get a second bite at the apple, not the evidence about his conduct, the genetic material, or the eyewitness testimony.

Judge White's procriminal jurisprudence is not limited to murder cases. It extends to drug cases as well. In the case of Missouri v. Damask, Judge White's sole dissent in a drug and weapons seizure case, I think, reveals this same tendency on the part of this judge to rule in favor of criminal defendants and the accused in a procriminal matter and procriminal manner.

This was a case, Missouri v. Damask, about a drug checkpoint set up by the Missouri State police. The State police had erected a traffic sign on the highway in the middle of the night indicating "drug checkpoint ahead." The sign was placed just before a remote exit, one which only local residents would have cause to use. Those seeking to avoid the "drug checkpoint" by exiting met with a real drug checkpoint at the top of the exit ramp. There were no gas stations, no restaurants or facilities at that exit. Motorists exiting at that exit were stopped and asked why they exited. If police were able to determine from their answers that they were suitably suspicious to warrant a search, they searched their cars. It was a very successful program, netting numerous arrests.

The Missouri Supreme Court upheld the practice as a reasonable search and seizure under the fourth amendment, consistent with many rulings of our Federal courts interpreting the fourth amendment.

Judge White was the sole dissenter in an opinion that seemed less concerned with the established fourth amendment precedent than with whether the search was intimidating. Judge White's opinion would have hamstrung this effective tool in the war on drugs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I yield the Senator an additional 10 minutes.

Mr. ASHCROFT. I thank the Senator from Utah.

It is these opinions and other opinions like them that have generated the concern in the Missouri law enforcement community about Judge White and have caused me to conclude that I must oppose his confirmation. It doesn't mean I oppose his coming to the floor. I am entirely willing to let the Senate express itself in this respect. But I urge my fellow Senators to consider whether we should sanction the life appointment to the responsibility of a Federal district court judge for one who has earned a vote of no confidence from so many in the law enforcement community in the State in which he resides. Many of my fellow Senators on the Judiciary Committee determined we should not and voted against his nomination.

I ask my fellow Senators to review Judge White's record carefully. Keep in mind that he will not only sit for life, but he will still have occasion to vote on death penalty cases reviewed by the Missouri Supreme Court.

Again, as a district judge, he will be able to hear habeas corpus petitions challenging death sentences that have been upheld by the Missouri Supreme Court; only, as a district judge, his sole dissenting vote will be enough to reverse a unanimous opinion by the Missouri Supreme Court. He will have a veto over the Missouri Supreme Court in death penalty cases. And based on Judge White's track record, this is not a situation that the law-abiding citizens of Missouri should have to endure.

As I conclude my remarks, I will read some of the text of communications I have received concerning this nominee. Sheriff Kenny Jones, whose wife was murdered by James Johnson, put it this way: Every law enforcement and every law-abiding citizen needs judges who will enforce the law without fear or favor. As law enforcement officers, we need judges who will back us up and not go looking for outrageous technicalities so a criminal can get off. We don't need a judge such as Ronnie White on the Federal court bench.

I quote again from another paragraph: The Johnson case isn't the only antideath penalty ruling by Judge White. He has voted against capital punishment more than any other judge on the court. I believe there is a pattern here. To me, Ronnie White is clearly the wrong person to entrust with the tremendous power of a Federal judge who serves for life.

A letter from a prosecutor: Judge White's record is unmistakably antilaw enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on fourth amendment issues should be disqualifying factors when considering his nomination.

A letter from the Missouri Sheriffs Association: Attached please find a copy of the dissenting opinion rendered by Missouri Supreme Court Judge Ronnie White in the case of State of Missouri v. James R. Johnson.

Then a recitation of how James Johnson murdered Pam Jones, the wife of the Moniteau County sheriff, Kenny Jones. And then: As per attached, the Missouri Sheriffs strongly encourage you to consider this dissenting opinion in the nomination of Judge Ronnie White to be a U.S. district court judge.

Mr. LEAHY. Will the Senator yield for a question? Mr. President, will the Senator from Missouri yield for a question?

Mr. ASHCROFT. Yes, I will.

Mr. LEAHY. It is my understanding that Justice White has voted 17 times for death penalty reversals. Is that the understanding of the Senator from Missouri?

Mr. ASHCROFT. I don't have the specific count.

Mr. LEAHY. The numbers I have seen are that he has voted 17 times for reversal. Justice Covington, however, has voted 24 times for reversal in death penalty cases; Justice Holstein, 24 times; Justice Benton, 19 times; and Justice Price, 18 times. It would appear to me that at least Justices Covington, Holstein, Benton and Price, all on the Supreme Court, have voted many more times to reverse death sentences than Justice White has. Are these numbers similar to what the Senator from Missouri has?

Mr. ASHCROFT. Mr. President, I think I can go to the question here that I think the Senator is driving at. I will be happy to do that. The judges that the Senator from Vermont has named have served a variety of tenures, far in excess of the tenure of Judge White.

The clear fact is that, during his tenure, he has far more frequently dissented in capital cases than any other judge. He has, I believe, participated in 3 times as many dissents as any other judge. To try to compare a list of dissents or items from other judges from other timeframes, longer intervals, and a variety of different facts, with the tenure that Judge Ronnie White has served is like comparing apples and oranges. And the numerics thereof, without that additional aspect of the situation being revealed, may appear to cause a conclusion that would be different.

With that in mind, if you will think carefully about what I said, I believe I thought carefully when I said "Judge White's record during his tenure"; that is what you have to be able to compare, judges during the same interval of time. With that in mind, during that same interval of time, he has been the champion of those dissenting in death penalty cases and has dissented in ways which, very frankly, have occasioned an outcry from the law enforcement community in Missouri. None of the other judges that I know of have been the recipients of that kind of outcry.

There is one final point that I will make. Those are other notable judges and they have records and serve on the Missouri Supreme Court. They are not persons against whom the law enforcement community has raised issues. But they are also not persons who have been nominated for service on the U.S. District Court, a court which could set aside the verdicts of the Missouri Supreme Court in habeas corpus cases. So while I think those particular judges are important—and if they are nominated for the Federal Court, I think we ought to look carefully at their work product.

So there are two points to be made here. One, the relevance of the numbers is only relevant in the context of the interval. To suggest that the numbers are out there, without defining the interval, would be inappropriate and misleading. So I would not do that.

Secondly, I think the relevance of a record that is unsatisfactory is directly appropriate to the judge who has been nominated. So we are not here to talk about other judges so much as we are to talk about whether or not Ronnie White ought to be confirmed as a member of the U.S. District Court. In my judgment, the law enforcement community in Missouri has expressed serious reservations about his lean toward defendants, and I think we should not vote to confirm him. I urge my colleagues not to vote to confirm Judge White, based on this understanding of the Missouri law enforcement community and a reading of his judicial papers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to.

Mr. LEAHY. I just note that Justice Ronnie White is far more apt to affirm a death penalty decision than to vote as one of many members of the Supreme Court to reverse it. He has voted to affirm 41 times and voted to reverse only 17 times.

Mr. BENNETT. Mr. President, the Senator from Alabama has asked for 5 minutes. I yield 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership in this matter. I want to share a few thoughts with Members of this body. I do believe in the rule of law. I believe that we ought to maintain it. I practiced full time in Federal Courts throughout my career, for almost 17 years. I respect Federal Judges and Federal law deeply. When appropriate, I have tried to support President Clinton's nominees for Federal Judgeships, because I believe a President should have some leeway in deciding who should serve on the Federal bench.

But I want to say a couple things about the Ninth Circuit. Since I have been in this body—a little over 2 years now—having left the practice of law as a full-time Federal prosecutor, I have had an understanding of the Ninth Circuit better than a lot of other people. I see Ninth Circuit criminal cases cited in Alabama and other areas very frequently because they are usually very pro-defendant. There will be no other criminal case in America that has been partial to a defendant in a given situation—for example a search and seizure, or something like that—and they will find a pro-defendant case in the Ninth Circuit.

I can say with confidence, from my experience, that the Ninth Circuit authorities are not well respected by the other circuits in America. They are out of the mainstream. In fact, the Supreme Court has begun to really rap their knuckles consistently. In 1996 and 1997, 28 cases from the Ninth Circuit went up to the U.S. Supreme Court for review, and 27 of them were reversed. In 1997 and 1998, 13 out of 17 were reversed. In 1998 and 1999, it was 14 out of 18. In the past, the numbers have been equally high—for over a decade.

The New York Times recently wrote that a majority of the members of the U.S. Supreme Court consider the Ninth Circuit to be a "rogue" circuit, a circuit out of control based on the history of their reversal rates. This is not me making this up; that is according to the New York Times.

I have been urging the President of the United States to nominate mainstream judges for the Ninth Circuit. That is what we are asking for. Let's get this circuit back into line so that we can have the largest circuit in

America give the 20 percent of the people in the United States who are under the Ninth Circuit's jurisdiction justice consistent with the other circuits in America. These people are currently denied this justice because of their extremely liberal, activist circuit. There is no other way to say it. There was an Oregon Bar Bulletin article that studied this issue. The article examined the question of why the Ninth Circuit was being reversed so much in 1997. The article says: "There is probably an element of truth to the claim that the Ninth Circuit has a relatively higher proportion of liberal judges than other circuits." It goes on to note how many are Carter and Clinton nominees. Already, a substantial majority—12 of the active 21 judges—were Carter or Clinton nominees. There is nothing wrong with that per se, however the nominees the White House has been sending to us from California have been even more liberal than the nominees President Clinton has nominated in other circuits. I don't see this kind of activism in nominees to other circuits. So the way I see this thing—and this is important for the members of this Senate to realize—we have the responsibility of advice and consent on judicial nominations. That is a responsibility given to us. We have to exercise it.

What I have been saying to President Clinton is, Mr. President, listen to us. Let's get this circuit—this rogue circuit—back into line. Give us mainstream nominees.

Mr. Fisher is, in my view, a fairly liberal Clinton appointee.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. If I could have 1 more minute.

Mr. BENNETT. I yield the Senator an additional minute.

Mr. SESSIONS. It is part of our responsibility to advise and consent. It is our duty to examine the state of justice in America, and to tell President Clinton that we are not going to continue to approve activist nominees for the Ninth Circuit. We have to have some mainstream legal talent on that circuit, not ACLU members or the like. And, if he will give us that, we will affirm them. If he does not, this Senator will oppose them.

I thank the Chair. I yield my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am somewhat unfamiliar with the assignment of handling judicial nominees, that being the daily bread of my senior colleague, Senator HATCH. He is unable to be here, and therefore has asked me to step in in his place. I am glad to do whatever I can to help.

Ted Stewart has a background that, in my view, qualifies him to be a Federal judge, a view shared by the American Bar Association that has labeled him as qualified, and by a large number of Utahans of both political parties.

I first met Ted Stewart when I decided to run for the Senate. I found that he had beat me in that decision and was already in the field. I knew little or nothing about him. But I quickly learned as we went through the process of traveling the State in tandem with the other candidates that he was a man of great wisdom, an articulate man, and a man of good humor. We became fast friends even though we were opponents for the same seat.

One of the proudest moments in my campaign was the fact that after the State convention had narrowed the candidates to two, eliminating Ted Stewart, his organization became part of my organization. He maintained an appropriate judicial neutrality between me and the other candidate. But our friendship was established and has gone forward until this day.

I point out that judicial neutrality because it is typical of Ted Stewart. I know he had a personal preference. I will not disclose what it was. He was appropriately judicial, however, in keeping that personal preference to himself and taking the position that was right and proper under those circumstances. That demonstrates what we hear referred to around here from time to time as "judicial temperament."

The Senator from Alabama has talked about the reversal rate of the Ninth Circuit. We have had experience with the reversal rates in the State of Utah from Federal judges.

I remember on one occasion where I was in the presence of a young woman who had served on a jury of a highly celebrated case in the State of Utah and had voted in a way that was reversed when the case got to the circuit court. I asked her about it because it was interesting to me. She said: Well, I didn't want to vote that way, and neither did any other member of the jury, but the charge we received from the judge made it impossible for us to vote any other way.

After the trial was over, she said she and the other members of the jury were visiting with the lawyer who had supported the losing side, and they apologized to him for voting against him. They said: We thought you had the best case. But under the charge we were given by the judge, we had no choice but to vote against you. The lawyer smiled, and said: I know. And I expected that to happen because the judge in this case has such a high record of reversal that I didn't want to run the risk of having won a trial in his court. I knew my chances of winning on appeal were far greater if I had this judge on record against me.

Those who know this judge rated him as one of the most brilliant men ever appointed to the bench. He may have had that great intellect, but he did not have the common sense and the judicial temperament that made it possible for him to do his job. Tragically, the circuit court did his job for him again and again and again at great expense and inconvenience not only to the judicial system but to those plaintiffs and defendants who came before him.

I cite that because I am convinced in Judge Stewart's court you will not find that kind of bullheadedness and determination to have his own way as we saw in this other court.

In Judge Stewart's court, you will find the kind of levelheadedness, the desire to find the right answer, and the willingness to work things out wherever possible as he has demonstrated throughout his career up to this point.

He has already had experience on a commission that required him to demonstrate that kind of judicial temperament. He handled his assignment there in such a way as to win him the endorsement of Democrats as well as Republicans.

I know there is some controversy surrounding him because he is the Governor's chief of staff. There are many people who, looking at the things he has done in his loyalty to the Governor, have said: Well, his opinions are not acceptable to us.

They have been critical of him. They do not know the man if they maintain that criticism because he will never depart from his conviction that the law comes first. He has demonstrated loyalty to those who have appointed him. But he has also demonstrated a capacity to handle the law and handle the regulations that he is charged with enforcing in a way that will make all Americans proud.

I am happy to join my senior colleague in endorsing the nomination of Ted Stewart for the Federal bench. I look forward with great enthusiasm to voting for him tomorrow.

I am grateful to the senior Senator from Vermont for his announcement that he, too, will vote for Ted Stewart. I hope, with both the chairman and the ranking member of the Judiciary Committee solidly in Judge Stewart's behalf, that we will have an overwhelmingly positive vote for him.

NOMINATIONS OF RAY FISHER, MARSHA BERZON, AND RICHARD PAEZ

Mrs. FEINSTEIN. Mr. President, I want to first thank our minority leader for all of his effort in bringing public attention to the plight of pending judicial nominees.

Thanks to Senator DASCHLE's efforts, we have made some progress. Jim Lorenz, a fine California attorney who served seven years on my judicial selection committee, was confirmed on Friday along with Victor Marrero of New York.

Jim Lorenz's confirmation will help address a desperate shortage of judges in the Southern District of California. I have spoken several times with Marilyn Huff, Chief Judge of the Southern District of California, about the District's caseload crisis.

A recent judicial survey ranked the Southern District as the most overburdened court in the country. The weighted average caseload in the Southern District is 1,006 cases per judge, more than twice the national average.

It is also a significant step forward for the Senate that we will have a vote tomorrow on Associate Attorney General, Ray Fisher, to be a Circuit Judge on the Ninth Circuit Court of Appeal.

Ray Fisher is an extraordinary nominee who will add some support to the skeleton crew of judges currently presiding on the Ninth Circuit.

Currently, the Ninth Circuit has seven vacancies, which is 25 percent of the total judgeship positions on the circuit.

Each one of these judicial vacancies qualifies as a judicial emergency. The Chief Judge of the Ninth Circuit reports that the Circuit could handle 750 more cases right now if the vacancies were filled.

Prior to his appointment as Associate Attorney General, Ray Fisher was considered one of the top trial lawyers in Southern California. His legal skills are so highly regarded that he recently was inducted into the American College of Trial Lawyers, an honor bestowed on only the top one percent of the profession.

During his 30 year career in private practice, Ray Fisher specialized in the toughest of cases, complex civil litigation, and in alternate dispute resolution. In 1988, he founded the Los Angeles Office of Heller Ehrman, White and McAullife, an office that has grown from 6 attorneys to 48.

The Standing Committee on Federal Judiciary of the American Bar Association has deemed Mr. Fisher "Well Qualified" for appointment as Judge of the United States Court of Appeals.

Ray Fisher graduated from Stanford Law School in 1966, where he was president of The Stanford Law Review and awarded the Order of the Coif. Following law school, he served as a law clerk for Judge J. Skelley Wright of United States Court of Appeals for the District of Columbia Circuit and Supreme Court Justice William Brennan.

I am confident Ray Fisher's acute interest in public service, specifically in public safety, and his overarching concern for fairness will serve the Ninth Circuit well.

However, I am disappointed that the Senate could not confirm other pending Ninth Circuit nominees. Ray Fisher is a start, but six vacancies remain on the Ninth Circuit Court of Appeals.

Two of those vacancies should be filled by Marsha Berzon and Judge Richard Paez.

It is a disturbing fact that women and minority nominees are having a difficult time getting confirmed by the Senate.

A report by the independent, bipartisan group Citizens for Independent Courts released last week found that during the 105th Congress, the average time between nomination and confirmation for male nominees was 184 days, while for women it was 249 days—a full 2 months longer.

This disturbing trend continues this year. Women and minorities constitute over 55 percent of the President's nominees in 1999; by contrast, only 41 percent of the nominees confirmed this year by the Senate are women or minorities.

All we have ever asked for Marsha Berzon and Richard Paez is that both nominees get an up-or-down vote. If a Senator has a problem with particular nominees, he or she should vote against them. But a nominee should not be held up interminably by a handful of Senators.

Let me assure my colleagues, this does not mark the end of a fight. At some point, legislation is not going to move until Marsha Berzon and Judge Richard Paez get an up-or-down vote. Let me take a moment to discuss the nominations process that these two nominees have experienced.

Judge Richard Paez, the first Mexican-American District judge in Los Angeles, was nominated on January 25, 1996—almost four years ago. He still hasn't made it to the Senate Floor for a vote. Any problem with his nomination can't be with his legal background.

He has 17 years of judicial experience. The American Bar Association found him to be "well-qualified." He is also strongly supported by the legal community in Los Angeles including Gil Garcetti, the District Attorney, the Los Angeles County Police Chiefs' Association and the Association for Los Angeles Deputy Sheriffs. Judge Paez has described this interminable nominations process as a "cloud" hanging over his head. Litigants in his court constantly query him if the case is going to be continued, if his case is going to be assigned to someone else, or if Judge Paez is going to keep it. No nominee should have to face this uncertainty. His family has been thrust into the public limelight, and for four years every action he has taken has been subject to microscopic scrutiny.

Marsha Berzon was nominated almost a year and a half ago. She had her first hearing on July 30, 1998, and a second hearing in June 1999. Only in July 1999 was she reported out of committee and her nomination is pending before the Senate. Nationally renowned appellate attorney with over 20 years of appellate practice, clerked for Supreme Court Justice Brennan and U.S. Court of Appeals Judge James Browning. She graduated Order of the Coif from Boalt Hall, has the support of law enforcement including the National Association of Police Organizations (NAPO) and the International Union of Police Organizations, has strong bipartisan support including former Idaho Senator James Mclure and former EPA Administrator William D. Ruckelshaus.

The slow pace of this nomination has caused an incredible burden on Marsha Berzon both personally and professionally. Due to uncertainty over her future, she has significantly curtailed her private practice, and no longer is representing clients before the Supreme Court or the Ninth Circuit.

Chief Justice Rehnquist recently said that "[t]he Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

Richard Paez and Marsha Berzon do not deserve to have their distinguished careers and personal lives held in limbo. Our institutional integrity requires an up-or-down vote.

Until Marsha Berzon and Richard Paez get votes, this nominations process will remain tainted.

I assure my colleagues in the Senate that the nominations of Marsha Berzon and Richard Paez will not fade away. We will keep pressing for these nominees until they get the vote they deserve.

• Mr. HATCH. Mr. President, it is a great pleasure for me to support—on the Senate floor—the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues—who were motivated by the legitimate goal of gaining votes on two particular nominees—pursued a short term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees whose nominations either political party disagrees with.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and the judicial branch.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits of Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last two weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for six years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the legislative branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in state government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former president of the Utah State Bar, wrote, "Ted's reputation for good character and industry and his temperament of fairness, objectivity, courtesy, and patience [are] without blemish."

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, "[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires."

And I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who would contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

And consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, "Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results."

And Don Peay, of the conservation group Sportsmen for Fish and Wildlife, wrote, "I have nothing but respect for a man who is honest, fair, considerate, and extremely capable."

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So, I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.●

LEGISLATIVE SESSION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed legislative session.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there be a period of morning business with Senators to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOPE FOR AFRICA BILL

Mr. FEINGOLD. Mr. President, on September 24 I introduced a new Africa trade bill—S. 1636, the HOPE for Africa Act—a bill that will invigorate commercial relationships between the United States and African trading partners, with healthy results for both.

It expands trade between Africa and the United States, offers United States companies new opportunities to invest in African economies, and promises new HOPE for the people of Sub-Saharan Africa themselves, who are struggling against daunting odds to gain a foothold in the global marketplace and embrace the growth and stability it will bring.

It's important to say here that everyone proposing Africa trade legislation has the same goal—we all want to help expand trade and development with Africa in a way that is also good for American companies and workers—but it's equally important to point out how we differ in approach, and what those differences will mean for African economies.

For years Africa has gotten short shrift in the attention of the American public and of American policymakers, and I am very encouraged that there has been renewed interest in expanding opportunities for United States business in Africa.

But Congress shouldn't make up for those years of neglect by passing weak legislation that will have little impact on United States-Africa trade.

As a member of the Senate Subcommittee on Africa for more than 6 years, and its ranking Democrat for more than four, I know that now is the time for foresight and bold action, because Africa today is brimming with both tribulations and potential.

I offer this bill today because unfortunately, other proposals fall short of their goals by providing only minimal benefits for Africa and for Africans.

First and foremost, they fail to address two crises that are hobbling Africa's ability to compete—the overwhelming debt burden, and the deadly HIV/AIDS epidemic, both of which are so corrosive to African aspirations.

My legislation, which is similar in many respects to the HOPE for Africa bill introduced recently by Representative JESSE JACKSON, Jr., in the House of Representatives, takes a more comprehensive approach to our current trade relationship with Africa—the only kind of approach that can generate the kind of dramatic progress Africa needs to become a more viable partner in the global economy.

My HOPE for Africa legislation offers broader trading benefits than the other pending proposals, and just as importantly, it takes steps to address the debt burden and AIDS crisis that handicap African economies.

My bill extends trade benefits to selected African countries on a broader variety of products—and does not rely narrowly on textiles, as other proposals do. Broader benefits give African businesses and workers a better chance to establish sustainable trade-generated economic development.

My bill includes strong protections against the backdoor tactic of illegal transshipment of goods from China and other third countries through Africa to the United States, that would cheat workers and companies here and in Africa of hard-earned opportunities.

Provisions of my bill will help deter the influx to the African continent of lower-wage workers from outside Africa, ensuring that Africans themselves will be the ones to benefit from the provisions of this bill.

Another centerpiece of this bill is that it requires strict compliance with internationally-recognized standards of worker and human rights and environmental protections. The rights of Africa's peoples and the state of its environment may seem removed from life here in the United States. But if we are wise we will all remember that we are all affected when logging and mining deplete African rainforests and increase global warming, and we all reap the benefits of an Africa where freedom and human dignity reign on the continent, creating a stable environment in which business can thrive. American ideals and simple good sense require that we be vigilant in this regard.

The bill takes crucial steps to support the fight against the crushing HIV/AIDS epidemic, which has had a devastating impact in Sub-Saharan Africa. Of the 33.4 million adults and children living with HIV/AIDS worldwide in 1998, a staggering 22.5 million live in the 48 countries of sub-Saharan Africa. Since the onset of the worldwide HIV/AIDS crisis, more than 34 million sub-Saharan Africans have been infected, and more than 11.5 million of those infected have died. Since the onset of the HIV/AIDS crisis, approximately 83 percent of AIDS deaths have occurred in Africa. The vast tragedy of HIV/AIDS in Africa is daunting, overwhelming, but it must be overwhelmed with a massive effort that will have to be integrated with any Africa trade regime that hopes to succeed.

Finally, the bill provides for substantial debt relief for Sub-Saharan African nations. Debt, debt, debt is the finger on the scales that keeps that rich continent from achieving its economic potential and embracing a freer, more prosperous future. In 1997, sub-Saharan African debt totaled more than $215 billion, about $6.5 billion of which is owed to the United States government. The debt of at least 30 of the 48 Sub-Saharan African countries exceeds 50 percent of their gross national products. The international community must find a reasonable way substantially to reduce this debt burden so that the countries of sub-Saharan Africa can invest scarce dollars in the futures of the most precious of their natural resources—their people.

My HOPE for Africa bill can establish a framework to achieve these goals by relieving Sub-Saharan African nations of a significant piece of their current debt, supporting environmental protections and human rights in these developing economies, and giving African businesses—including small and women-owned businesses—a chance to share in the burgeoning global economy.

I was pleased to announce my intention to offer this legislation at a press conference recently in Milwaukee along with several representatives of the state legislature and the local business community.

Mr. President, the current level of trade and investment between the United States and African countries is depressingly small.

It is called the magic 1 percent. Africa represents only 1 percent of our exports, one percent of our imports, and 1 percent of our foreign direct investment.

That is a tragic 1 percent, the fruit of missed opportunities, wasted potential and simple neglect.

The history of U.S. trade on the African continent is a litany of lost opportunity with a smattering of bright spots concentrated among a few countries.

United States trade in Africa is not diversified. In 1998, 78 percent of U.S. exports to the region went to only five countries—South Africa, Nigeria, Anglola, Ghana, and Kenya, and the vast majority of imports that year came only from Nigeria, South Africa, Angola, Gabon, and Cote d'Ivoire.

In 1998, major U.S. exports to the region included machinery and transport equipment, such as aircraft and parts, civil engineering, equipment, data processing machines, as well as wheat.

Major United States imports from Africa include largely basic commodities such as crude oil which is the leading import by far, and some refined oils, minerals and materials, including platinum and diamonds, and some agricultural commodities such as cocoa beans.

U.S. exports were much more diversified than U.S. imports.

The top 5 import items represent 75 percent of all U.S. imports from the region.

That dire lack of diversity is discouraging, but the holes in the United States-Africa trade picture tell also of a wealth of opportunity.

The investment picture is no better.

United States foreign direct investment in Africa, including northern Africa, at the end of 1997 was $10.3 billion, or 1 percent of all United States foreign direct investment.

Over half of the United States direct investment in Africa was in the petroleum sector. South Africa received the largest share of United States foreign direct investment in sub-Saharan Africa, and manufacturing accounted for the largest share of that investment.

Nigeria received the second largest share of United States foreign direct investment in Sub-Saharan Africa, and petroleum accounted for almost all of that investment.

What is missing here is the coherent development that can make the countries of Africa into a growing dynamic economic power with a healthy appetite for American products.

I hope my bill will help spark that development and drive up all of these meager trade statistics.

First, if offers trade benefits on a wider variety of products than is covered under competing proposals.

These provisions are designed to help African economies diversify their export base.

that's good for Africa, and good for us.

Second, as I have noted, my bill addresses the two biggest barriers to economic development in Africa—HIV/AIDS and debt.

In addition, it helps infuse into African economies a powerful engine of economic growth—small business.

The bill gives special attention to small- and women-owned businesses in Africa and it ensures that existing United States trade promotion mechanisms are made available to American small businesses seeking to do business in Africa.

That kind of attention to the economic fundamentals also is good for Africa and good for us.

My bill authorizes the Overseas Private Investment Corporation, OPIC, to initiate one or more equity funds in support of infrastructure projects in sub-Saharan Africa, including basic health services, including HIV/AIDS prevention and treatment, hospitals, potable water, sanitation, schools, electrification of rural areas, and publicly-accessible transportation.

It specifically requires that not less than 70 percent of equity funds be allocated to projects involving small- and women-owned businesses with substantial African ownership, thus ensuring that Africa truly gains from the provision.

It also specifies that a majority of funds be allocated to American small business.

Good for Africa and good for America.

This measure also ensures that the benefits of economic growth and development in Africa will be broad enough to allow African workers and African firms to buy American goods and services.

My bill explicitly requires compliance with internationally recognized standards of worker and human rights and environmental protections in order for countries to receive the additional trade benefits of the legislation.

The requirements are enforceable and allow for legal action to be taken by United States citizens when an African country fails to comply.

The bill also includes strong protections against the illegal transshipments of goods from their countries through Africa, and authorizes the provision of technical assistance to customs services in Africa.

Transshipment is frankly a sneaky practice employed by producers in China and other third party countries, especially in Asia.

Here's how it works: they establish sham production in countries which may export to the United States under more favorable conditions than those producers enjoy in their own countries.

Then they ship goods made in their factories at home and meant for the United States market to the third country, in this case an African country, pack it or assemble it in some minor way, and send it on to the United States marked "Make in Africa," with all the benefits that label would bring.

If that happens in Africa, it will undermine our objectives—it will be bad for Africa, bad for the United States, and simply unjust.

These provisions are intended to ensure that the trade benefits in Africa accrue to African workers rather than non-African producers.

There is more talk of Africa in the Halls of Congress than we have heard in a long time.

I welcome that because we have hope for this kind of attention on the Senate Subcommittee on Africa for the seven years I have served on that committee.

The prospect of expanding trade with Africa has inspired many members to educate themselves about the changes taking place on the continent.

Now they have to accept the opportunity and the challenge those changes present.

Now they have to fix our trading relationship with Africa.

In our zeal to expand our trading relationship with selected countries, we must be mindful to do it in a manner that is sustainable.

I fear that some of the other alternatives that are out there are insufficient to meet and sustain the goals that we all share.

A better trade relationship for Africa has to be for the long term because its richest rewards will come in the long term.

Lasting, equitable, and effective expansion of commercial ties to the economies and peoples of Africa will require bold steps.

This legislation represents the first of those steps. I urge my colleagues to take up the tools we have to help the Nations of Africa build a more prosperous and just place on their continent. It is the right thing to do and the smart thing to do for America. Please join me in supporting the HOPE for Africa bill.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Deficit
Current Allocation:			
General purpose discretionary	534,542,000,000	544,481,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	860,544,000,000	883,023,000,000	
Adjustments:			
General purpose discretionary	+8,699,000,000	+8,282,000,000	
Violent crime reduction fund			
Highways			
Mass transit			
Mandatory			
Total	+8,699,000,000	+8,282,000,000	
Revised Allocation:			
General purpose discretionary	543,241,000,000	552,763,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	869,243,000,000	891,305,000,000	
I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:			
Current Allocation: Budget Resolution	1,429,491,000,000	1,415,863,000,000	−7,781,000,000
Adjustments: Emergencies	+8,699,000,000	+8,282,000,000	−8,282,000,000
Revised Allocation: Budget Resolution	1,438,190,000,000	1,424,145,000,000	−16,063,000,000

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 1, 1999, the Federal debt stood at $5,652,679,330,611.02 (Five trillion, six hundred fifty-two billion, six hundred seventy-nine million, three hundred thirty thousand, six hundred eleven dollars and two cents).

One year ago, October 1, 1998, the Federal debt stood at $5,540,570,000,000 (Five trillion, five hundred forty billion, five hundred seventy million).

Fifteen years ago, October 1, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million).

Twenty-five years ago, October 1, 1974, the Federal debt stood at $481,059,000,000 (Four hundred eighty-one billion, fifty-nine million) which reflects a debt increase of more than $5 trillion—$5,171,620,330,611.02 (Five trillion, one hundred seventy-one billion, six hundred twenty million, three hundred thirty thousand, six hundred eleven dollars and two cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1606. An act to reenact chapter 12 of title 11, United States Code, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5497. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Request for Comments; Docket No. 99–NM–216 (9–28/9–30)" (RIN2120–AA64) (1999–0370), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5498. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–270 (9–24/9–30)" (RIN2120–AA64) (1999–0369), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5499. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 Series Airplanes; Docket No. 99–NM–48 (9–24/9–30)" (RIN2120–AA64) (1999–0368), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5500. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT9D–7R4 Series Turbofan Engines; Docket No. 99–NE–06 (9–24/9–30)" (RIN2120–AA64) (1999–0366), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5501. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney PW2000 Series Turbofan Engines; Docket No. 99–NE–02 (9–24/9–30)" (RIN2120–AA64) (1999–0365), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MACK, from the Joint Economic Committee:

Special report entitled "The 1999 Joint Economic Report" (Rept. No. 106–169).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1236: A bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho (Rept. No. 106–170).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S.J. Res. 3: A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. Res. 195. Expressing the sense of the Senate concerning Dr. William Ransom Wood; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

RURAL ALASKA ACCESS RIGHTS ACT OF 1999

• Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to make technical amendments to the Alaska National Interest Lands Conservation Act (ANILCA).

This legislation is a Rural Alaska Bill of Rights.

This legislation is the direct result of no less than six hearings I have held on this issue since becoming chairman of the Committee on Energy and Natural Resources.

During these hearings I was continuously assured by the administration that many of the frustrations Alaskans face because of the interpretation of ANILCA could be dealt with administratively. Unfortunately, many of the problems remain unresolved today.

Some background on this issue is appropriate.

Nineteen years ago Congress enacted ANILCA placing more than 100 million acres of land out of 365 into a series of vast parks, wildlife refuges, and wilderness units.

Much of the concern about the act was the impact these Federal units, and related management restrictions, would have on traditional activities and lifestyles of the Alaskan people.

To allay these concerns, ANILCA included a series of unique provisions designed to ensure that traditional activities and lifestyles would continue, and that Alaskans would not be subjected to a "Permit Lifestyle," as the senior Senator from Alaska has often said.

It is for these reasons that ANILCA is often called "compromise legislation" and indeed it was—part of the compromise was that lands would be placed in CSU's and the other part was that Alaskans would be granted certain rights with regard to access and use in these units.

These rights were not only granted to the individuals that live in Alaska but were designed to allow the State itself to play a major role in the planning and use of these areas.

However, the Federal Government has not lived up to its end of the bargain—many of the Federal managers seem to have lost sight of these important representations to the people of Alaska, specifically on issues such as access across these areas and use in them.

Federal managers no longer recognize the crucial distinction between managing units surrounded by millions of people in the Lower 48 and vast multi-million acre units encompassing just a handful of individuals and communities in Alaska.

The result is the creation of the exact "permit lifestyle" which we were promised would never happen.

The delegation and other Members of this body warned this could be the case when the legislation passed.

As one Member of this body noted in the Senate report on this bill:

> This Piece of Legislation, if enacted will prove to be the most important legislation ever affecting Alaska . . . While we in Congress may be reading the provisions one way . . . regulatory tools are all laid out in the bill to give rise to future bureaucratic nightmare for the people of Alaska . . . Frankly, I am expecting the worst . . . the use of massive conservation system unit designations to block exploration, development, and recreation of these lands and on adjacent non-federal lands.

How prophetic!

The Committee on Energy and Natural Resources has held extensive hearings in Alaska on the implementation of ANILCA in Anchorage, Wrangell and Fairbanks.

In these hearings we have heard from nearly 100 witnesses—representing every possible interest group.

Four clear themes have emerged from those hearings:

Federal agencies have failed to honor the promises made to Alaskans when ANILCA was passed into law;

Agencies are not providing prior and existing right holders with reasonable use and access in the exercise of their property right;

Agency personnel manage Alaska wilderness areas and conservation units the same way that similar units are being managed in the Lower 48—contrary to the intent of Congress; and

Agencies, while stating their willingness to address complaints, fail to act in a reasonable and timely fashion when it comes to dealing with specific issues.

Some of the specific issues identified include such absurdities as:

Indivdiuals and corporations are asked to pay hundreds-of-thousands of dollars to do an EIS for access to their own properties when none is required by law.

Millions of acres of public lands are closed to recreationists without ever having identified a resource threat.

When a tree falls on somebody's cabin or a bear destroys it Federal regulators will not let a person make reasonable repairs.

At field hearings the administration asked for time to address these problems—we gave them time—and little has happened.

We have not "jumped" to a legislative solution, rather we have acknowledged that oversight has failed to produce meaningful administrative change.

Does it make sense that:

When land managers are assigned to Alaska they are not required to have any formal ANILCA training?

When a tree falls on somebody's cabin or a bear destroys it that Federal regulators will not let a person make reasonable repairs.

People are told they will have to pay ridiculous sums of money to access their inholdings?

The answer to all these questions is clearly no. These are some of the problems that have to be resolved and are included in this legislation.●

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR

Mr. HARKIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOODS MADE WITH FORCED OR INDENTURED LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) in the second sentence, by striking "; but in no case" and all that follows to the end period; and

(2) by adding at the end the following new sentence: "For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a)(1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) CHILD LABOR.—The amendment made by subsection (a)(2) takes effect on the date of enactment of this Act.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

GOLDEN SPIKE/CROSSRODS OF THE WEST NATIONAL HERITAGE AREA ACT OF 1999

Mr. BENNETT. Mr. President, I am pleased to introduce legislation today which authorizes the creation of the Golden Spike/Crossroads of the West National Heritage Area in Ogden, Utah.

Utah has a rich railroad heritage that stems from the earliest days when the Central Pacific and Union Pacific railroads met at Promontory Point, Utah in 1869 and completed the transcontinental railroad. With the coming of the railroad, Utah's mining industry boomed and our economy grew and the once isolated Desert Kingdom became forever connected to the rest of the United States. Diverse peoples and cultures would come to or through Utah. Mormon immigrants from Europe, Chinese laborers working for the Central Pacific Railroad and Greek coal miners on their way to the coal fields in Central Utah. All of them would pass through the rail station in Ogden on their way to settle the Intermountain West. It truly is a heritage area for us all.

Fire destroyed the original rail station first built in 1889. In 1924 the current Union Station Depot was then built and remained the hub of transcontinental rail traffic for another 40 years. The current building, which is a registered historic site, has been refurbished and is an outstanding example of reuse and redevelopment of industrial areas. The facilities at Union Station also house some of the finest museum collections in the West including the Browning Firearms Museum and the Utah State Railroad Museum.

It is the intent of this legislation to preserve the historical nature of the area, increase public awareness and appreciation for the pivotal role Ogden played in the settlement of the Intermountain West. By general standards, this will be a very small Heritage Area, encompassing just a few city blocks around the Union Station building. While it may be small, it also has a very colorful history. There were no businesses which were more famous, or infamous than those that dotted 24th and 25th Streets.

The legislation would allow Ogden City to operate as the management entity for the area, working in closely with the National Park Service. The City will be responsible for developing a management plan which will present comprehensive recommendations for the conservation and management of the area while the National Park Service will work closely with the partners to help with interpretation and the protection of this valuable cultural and historical resource. Working with railroad enthusiasts from all over the country we can develop a long-term management plan which will provide better interpretation of the historical and cultural opportunities.

I hope my colleagues will support me in sponsoring this legislation. Congressman HANSEN has introduced similar legislation and I look forward to working with him and my friends on the Energy Committee to hold hearings and eventually move this bill through the Senate.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

DISAPPROVING THE LEGALIZATION OF MARIJUANA FOR MEDICAL TREATMENT INITIATIVE OF 1998

Mr. VOINOVICH. Mr. President, I rise today to introduce a joint resolution that will prevent the implementation of an initiative in the District of Columbia that would allow the use of marijuana for medical treatment.

As many of my colleagues know, the voters of the District of Columbia passed a ballot initiative—Initiative 59—last November that would legalize marijuana use for "medicinal" purposes.

Supported by the Mayor and many elected officials in the District, Initiative 59 would permit marijuana use as a treatment for serious illness including "HIV/AIDS, glaucoma, muscle spasms, and cancer."

Because physicians are not allowed to prescribe marijuana under federal law, Initiative 59 would allow individuals to use marijuana based on a doctor's "written or oral recommendation." The initiative would also allow the designation of up to four "caregivers" who would be able to cultivate, distribute and possess marijuana for the purpose of supplying an individual with marijuana for medicinal purposes.

Proponents of the D.C. initiative, and similar initiatives elsewhere in the country, have argued that marijuana is the only way that individuals can cope with the effects of chemotherapy and AIDS treatments.

However, according to the U.S. Drug Enforcement Administration (DEA), individuals who are using marijuana for AIDS, cancer or glaucoma may actually be doing damage to themselves:

> AIDS: Scientific studies indicate marijuana damages the immune system, causing further peril to already weakened immune systems. HIV-positive marijuana smokers progress to full-blown AIDS twice as fast as non-smokers and have an increased incidence of bacterial pneumonia.
>
> Cancer: Marijuana contains many cancer-causing substances, many of which are present in higher concentrations in marijuana than in tobacco.
>
> Glaucoma: Marijuana does not prevent blindness due to glaucoma.

In addition, Dr. Donald R. Vereen, Jr., Deputy Director of the Office of National Drug Control Policy (commonly referred to as the office of the "Drug Czar"), in an article titled, "Is Medical Marijuana an Oxymoron?" and printed in Physicians Weekly on February 1, 1999, stated:

> No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real "medical marijuana." It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Mr. President, I ask unanimous consent that the entire article by Dr. Vereen be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

In an attempt to prevent this initiative from going into effect, last October, Congress passed and the President signed into law the fiscal year 1999 D.C. Appropriations bill which included a provision that blocked the District government from releasing the vote results of Initiative 59.

The provision was challenged in court, and last month, the prohibition was overruled by a federal judge and the results were made public.

Meanwhile, as the battle over releasing the ballot figures was being fought, Congress re-emphasized its opposition to Initiative 59 in the fiscal year 2000 D.C. Appropriations bill by prohibiting the use of funds to "enact or carry out any law, rule or regulation to legalize or otherwise reduce penalties associated with the possession use or distribution of any Schedule I substance under the Controlled Substances Act."

Mr. President, under federal law, marijuana is a controlled substance, and as such, possession, use, sale or distribution is illegal and is subject to federal criminal sentences and/or fines. Possession of marijuana is a crime in the District as well, with the possibility of 6 months in jail and a $1,000 fine.

Congress merely sought to uphold current law by saying no to the implementation of Initiative 59, and no to the use of marijuana.

Nevertheless, the President vetoed the D.C. Appropriations bill last Tuesday, issuing a statement that stressed that Congress was "prevent(ing) local residents from making their own decisions about local matters."

However, there appears to be some confusion over the Administration's direction on such legalization initiatives.

Last Wednesday, before the House D.C. Appropriations Subcommittee, Dr. Donald R. Vereen, Jr. of the Drug Czar's office stated that:

> The Administration has actively and consistently opposed marijuana legalization initiatives in all jurisdictions throughout the nation. Our steadfast opposition is based on the fact that: such electoral procedures undermine the medical-scientific process for establishing what is a safe and effective medicine; contradict federal regulations and laws; and in the Office of National Drug Control Policy's view, may be vehicles for the legalization of marijuana for recreational use."

I refuse to believe that the President wants the American people to think that he is more concerned about not violating Home Rule than he is about upholding federal law, particularly when experts within the administration are opposed to legalization.

In a June 29th article in the Washington Post, Director of the Office of National Drug Control Policy, Barry McCaffrey stated that:

> The term "drug legalization" has rightfully acquired pejorative connotations. Many supporters of this position have adopted the label "harm reduction" to soften the impact of an unpopular proposal that, if passed, would encourage greater availability and use of drugs—especially among children.

This past June, in testimony before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Donnie Marshall, Deputy Administrator of the Drug Enforcement Agency (DEA) stated "I suspect that medical marijuana is merely the first tactical maneuver in an overall strategy that will lead to the eventual legalization of all drugs." He went on to say "whether all drugs are eventually legalized or not, the practical outcome of legalizing even one, like marijuana, is to increase the amount of usage of all drugs."

Indeed, according to the DEA, 12–17 year olds who smoke marijuana are 85 times more likely to use cocaine than those who do not. Sixty percent of adolescents who use marijuana before age 15 will later use cocaine. If these usage figures are occurring now, I shudder to think what they will be if we expand marijuana's usage.

Assistant Chief Brian Jordan of the D.C. Metropolitan Police Department testified last Wednesday before the House D.C. Appropriations Subcommittee that "the Metropolitan Police Department opposes the legalization of marijuana. Marijuana remains the illegal drug of choice in the Nation's Capital, and crime and violence related to the illegal marijuana trafficking and abuse are widespread in many of our communities."

According to D.C. government estimates, Washington currently has 65,000 drug addicts. There are 1,000 individuals on a drug treatment waiting list who are likely continuing to abuse drugs right now.

I believe the loose wording of the initiative—which again, would legalize an individual's right to possess, use, distribute or cultivate marijuana if "recommended" by a physician—would present an enforcement nightmare to police in the District of Columbia, and would serve as a de facto legalization of marijuana in D.C., increasing its prevalence and the number of addicts citywide.

In the simplest of terms, illegal drug use is wrong. The District government and the United States Government should never condone it, regardless of the professed purpose.

That is why I am introducing this joint resolution. It's quite simple. It says that the Congress disapproves of the legalization of marijuana for medicinal purposes and prevents Initiative 59 from going into effect. Period.

It is identical to legislation that the House will likely take-up next week.

I agree with DEA Deputy Administrator Donnie Marshall that once society accepts that it's alright for individuals to smoke marijuana for, quote "medical purposes" unquote, we will start on the path towards greater social acceptance and usage of marijuana, which experts agree will lead to the use of harder drugs.

Mr. President, marijuana is an illegal drug according to federal, state and local laws. It would be unconscionable for the United States Congress not to exercise its Constitutional duty and prevent the District from going forward with this initiative no matter how well-intentioned the motive.

I urge my colleagues to join me in cosponsoring this resolution, and I urge its speedy adoption.

Mr. President, I ask unanimous consent to print the joint resolution in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Legalization of Marijuana for Medical Treatment Initiative of 1998, approved by the electors of the District of Columbia on November 3, 1998, and transmitted to Congress by the Council pursuant to section 602(c) of the District of Columbia Home Rule Act.

EXHIBIT 1

[Physicians Weekly, Feb. 1, 1999]

IS MEDICAL MARIJUANA AN OXYMORON?

(By Dr. Donald Vereen Deputy Director, White House Office of National Drug Control Policy)

No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real "medical marijuana." It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Objections about pills being difficult to swallow by nauseated patients are true for any antiemetic. If sufficient demand existed for an alternate delivery system, Marinol inhalants, suppositories, injections, or patches could be developed. Why isn't anyone clambering to make anti-nausea medications smokable? Why choose a substance and delivery system (smoking) that is more carcinogenic than tobacco when safer forms of the same drug are available? Patients deserve answers to these germane questions instead of being blind-sided by the "medical marijuana" drive.

The American Medical Association (AMA), American Cancer Society, National Multiple Sclerosis Association, American Academy of Ophthalmology, and National Eye Institute, among others, came out against "medical marijuana" initiatives as did former Surgeon General C. Everett Koop. Anecdotal support for smoked marijuana reminds me of the laetrile incident where a drug derived from apricot pits was believed to cure cancer. Scientific testing disproved such testaments. How do we know that testimonials touting marijuana as a wonder drug—on the part of patients under the influence of an intoxicant, no less!—may not simply demonstrate the placebo effect?

We shouldn't allow drugs to become publicly available without approval and regulation by the Food and Drug Administration (FDA) and National Institutes of Health (NIH). Such consumer protections has made our country one of the safest for medications. A political attempt to exploit human suffering to legalize an illicit drug is shameful and irresponsible. Voters should not be expected to decide which medicines are safe and effective. What other cancer treatments have been brought to the ballot box? Marijuana initiatives set a dangerous precedent. Decisions of this sort should be based on scientific proof, not popularity.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 63

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 74

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1139

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1375

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1375, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in acts of genocide and torture abroad.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Florida (Mr. MACK) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

SENATE RESOLUTION 195—EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, president of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the twentieth century; and

Whereas it shall also be in Dr. Wood's words, "a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.": Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

AMENDMENTS SUBMITTED

AIR TRANSPORTATION IMPROVEMENT ACT

McCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows:

[The amendment was not available for printing. It will appear in a future issue of the RECORD.]

GORTON (AND OTHERS) AMENDMENT NO. 1892

Mr. GORTON (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT) proposed an amendment to the bill, S. 82, supra; as follows:

Strike sections 506, 507, and 508 and insert the following:

SEC. 506. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(i) is amended to read as follows:

"(i) 45-DAY APPLICATION PROCESS.—

"(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section, section 41717, or 41719 shall include—

"(A) the names of the airports to be served;

"(B) the times requested; and

"(C) such additional information as the Secretary may require.

"(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 45 days after a slot exemption request under this section, section 41717, or section 41719 is received by the Secretary, the Secretary shall—

"(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

"(B) return the request to the applicant for additional information; or

"(C) deny the request and state the reasons for its denial.

"(3) 45-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns the request for additional information during the first 10 days after the request is filed, then the 45-day period shall be tolled until the date on which the additional information is filed with the Secretary.

"(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under subparagraph (2)(C) within the 45-day period beginning on the date it is received, excepting any days during which the 45-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 46th day after it was filed with the Secretary.".

(2) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—Section 41714 is further amended by adding at the end the following:

"(j) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section, section 41717, or section 41719 may be bought or sold by the carrier to which it is granted.".

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714, as amended by paragraph (2), is further amended by adding at the end thereof the following:

"(k) AFFILIATED CARRIERS.—For purposes of this section, section 41717, 41718, and 41719, the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for the application of any provision of those sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.".

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking "(1) IN GENERAL.—";

(B) by striking "and the circumstances to be exceptional,"; and

(C) by striking paragraph (2).

(5) LIMITED INCUMBENT; REGIONAL JET.—Section 40102 is amended by—

(A) inserting after paragraph (28) the following:

"(28A) The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998."; and

(B) inserting after paragraph (37) the following:

"(37A) The term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.".

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41720 and 41721; and

(2) by inserting after section 41714 the following:

"§ 41715. Phase-out of slot rules at certain airports

"(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

"(1) after March 31, 2003, at Chicago O'Hare International Airport; and

"(2) after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.

"(b) FAA SAFETY AUTHORITY NOT COMPROMISED.—Nothing in subsection (a) affects the Federal Aviation Administration's authority for safety and the movement of air traffic.

(c) PRESERVATION OF EXISTING SERVICE.—Chapter 417, as amended by subsection (b), is amended by inserting after section 41715 the following:

"§ 41716. Preservation of certain existing slot-related air service

"An air carrier that provides air transportation of passenger from a high density airport (other than Ronald Reagan Washington

National Airport) to a small hub airport or non-hub airport, or to an airport that is smaller than a small hub or non-hub airport, on or before the date of enactment of the Air Transportation Improvement Act pursuant to an exemption from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an airline conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 2 years (with respect to service from LaGuardia Airport or John F. Kennedy International Airport), or 4 years (with respect to service from Chicago O'Hare International Airport), after the date on which those requirements cease to apply to that high density airport unless—

"(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

"(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41720 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.".

(d) Special Rules Affecting LaGuardia Airport and John F. Kennedy International Airport.—Chapter 417, as amended by subsection (c), is amended by inserting after section 41716 the following:

"§41717. Interim slot rules at New York airports

"(a) In General.—The Secretary of Transportation may, by order, grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

"(1) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

"(2) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999.".

(e) Special Rules Affecting Chicago O'Hare International Airport.—

(1) Nonstop regional jet, new entrants, and limited incumbents.—chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

"§41718. Interim application of slot rules at Chicago O'Hare International Airport

"(a) Slot Operating Window Narrowed.—Effective April 1, 2002, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:15 post meridiem at Chicago O'Hare International Airport.

"(b) New or Increased Service to Smaller Airports; New Entrants.—

"(1) In general.—Effective January 1, 2000, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to—

"(A) any air carrier for the provision of nonstop regional jet or turboprop air service between Chicago O'Hare International Airport and an airport with fewer than 2,000,000 annual enplanements (based on the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997) that is an airport not served by nonstop service, or not served by more than 1 carrier providing nonstop service, from Chicago O'Hare International Airport; or

"(B) a new entrant or limited incumbent air carrier for the provision of service to Chicago O'Hare International Airport.

"(2) New or increased service required.—Paragraph (1)(A) applies only for the provision of—

"(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

"(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

"(3) New entrants and limited incumbents.—Paragraph (1)(B) applies only for the provision of—

"(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

"(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

"(c) Stage 3 Aircraft Required.—Subsection (a) does not apply to service by any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(d) DOT to Monitor Flights.—The Secretary of Transportation shall monitor flights under the authority provided by subsection (b) to ensure that any such flight meets the requirements of subsection (a). If the Secretary finds that an air carrier is operating a flight under the authority of subsection (b) that does meet those requirements the Secretary shall immediately terminate the air carrier's authority to operate that flight.

"(e) International Service at O'Hare Airport.—The requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations shall be of no force and effect at O'Hare International Airport after March 31, 2000, with respect to any aircraft providing foreign air transportation. For a foreign air carrier domiciled in a country to which a United States air carrier provides nonstop service from the United States, the preceding sentence applies to that foreign air carrier only if the country in which that carrier is domiciled provides reciprocal airport access for United States air carriers.".

(2) Prohibition of slot withdraws.—

(A) In general.—Section 41714(b) is amended—

(i) by inserting "at Chicago O'Hare International Airport" after "a slot" in paragraph (2); and

(ii) by striking "if the withdrawal" and all that follows before the period in paragraph (2).

(3) Conversions.—Section 41714(b) is amended by striking paragraph (4) and inserting the following:

"(4) Conversions of slots.—Effective April 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.".

(4) Immediate return of withdrawn slots.—The Secretary of Transportation shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, or the preceding provision of law, before the date of enactment of this Act, to that carrier no later than January 1, 2000.

(5) 3-year report.—The Secretary shall study and submit a report 3 years after the date of enactment of the Air Transportation Improvement Act on the impact of the changes resulting from the implementation of the Air Transportation Improvement Act on safety, the environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(f) Special Rules Affecting Reagan Washington National Airport.—

(1) In general.—Chapter 417, as amended by subsection (e), is amended by inserting after section 41718 the following:

"§41719. Special Rules for Ronald Reagan Washington National Airport

"(a) Beyond-Perimeter Exemptions.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

"(2) increase competition by new entrant air carriers or in multiple markets;

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of this title; and

"(4) not result in meaningfully increased travel delays.

"(b) Within-Perimeter Exemptions.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for service to airports that were designated as medium-hub or smaller airports in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997 within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

"(1) by new entrant and limited incumbent air carriers;

"(2) to communities without existing service to Ronald Reagan Washington National Airport;

"(3) to small communities; or

"(4) that will provide competitive service on a monopoly nonstop route to Ronald Reagan Washington National Airport.

"(c) Limitations.—

"(1) Stage 3 aircraft required.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) General exemptions.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.

"(3) Additional exemptions.—The Secretary shall grant exemptions under subsections (a) and (b) that—

"(A) will result in 12 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

"(B) will result in 12 additional daily air carrier slot exemptions at such airport for service within the perimeter; and

"(C) will not result in additional daily slot exemptions for service to any within-the-perimeter airport that was designated as a large-hub airport in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

"(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of the Air Transportation Improvement Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

"(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.".

(2) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

"(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.".

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(ii) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(B) WAIVER.—The Secretary of Transportation may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of enactment of this Act if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(4) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization of Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

(g) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

"(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

"(A) Chicago O'Hare International Airport;

"(B) LaGuardia Airport;

"(C) John F. Kennedy International Airport; and

"(D) Ronald Reagan Washington National Airport.".

(h) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(i) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (4).

(2) The chapter analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as relating to sections 41720 and 41721, respectively; and

(B) by inserting after the item relating to section 41714 the following:

"41715. Phase-out of slot rules at certain airports
"41716. Preservation of certain existing slot-related air service
"41717. Interim slot rules at New York airports
"41718. Interim application of slot rules at Chicago O'Hare International Airport
"41719. Special Rules for Ronald Reagan Washington National Airport.".

ROCKFELLER AMENDMENT NO. 1893

Mr. GORTON (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Traffic Management Improvement Act of 1999".

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Department of Transportation.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The nation's air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation's critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation's communities effectively and efficiently.

(5) The Federal government's role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation's airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation's airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration's ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government's cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration's ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration's primary mission of protecting the safety of the travelling public.

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

“(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

“(B) laws, regulations, orders, directives, agreements, and licenses;

“(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

“(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.”.

SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.

(a) Section 106 is amended by adding at the end the following:

“(r) Chief Operating Officer.—

“(1) In general.—

“(A) Appointment.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, after consultation with the Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) Qualifications.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

“(C) Term.—The Chief Operating Officer shall be appointed for a term of 5 years.

“(D) Removal.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

“(E) Compensation.—

“(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

“(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the Chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

“(2) Annual performance agreement.—The Administrator and the Chief Operating Officer shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

“(3) Annual performance report.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

“(4) Responsibilities.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

“(A) Strategic plans.—To develop a strategic plan for the Federal Aviation Administration for the air traffic control system, including the establishment of—

“(i) a mission and objectives;

“(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

“(iii) annual and long-range strategic plans.

“(iv) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

“(B) Operations.—To review the operational functions of the Federal Aviation Administration, including—

“(i) modernization of the air traffic control system;

“(ii) increasing productivity or implementing cost-saving measures; and

“(iii) training and education.

“(C) Budget. —To—

“(i) develop a budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

‘(i) submit such budget request to the Administrator and the Secretary of Transportation; and

“(iii) ensure that the budget request supports the annual and long-range strategic plans developed under paragraph (4)(A) of this subsection.

“(5) Budget submission.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.”.

SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) Membership.—Section 106(p)(2)(C) is amended to read as follows:

“(C) 13 members representing aviation interests, appointed by—

(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.”.

(b) Terms of Members.—Section 106(p)(6)(A)(i) is amended by striking “by the President”.

(c) Air Traffic Services Subcommittee.—Section 106(p)(6) is amended by adding at the end thereof the following:

“(E) Air traffic services subcommittee.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

“(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

“(ii) long-range and strategic plans for air traffic services;

“(iii) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

“(iv) review and make recommendations to the Administrator's plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

“(v) review, and make recommendations the Administrator's cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

“(vi) review the performance and co-operation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

“(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.”.

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

(1) by inserting “(1)” before “The”; and

(2) by adding at the end the following:

“(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary's evaluation of the Administrator's performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.”.

SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) Findings Relating to the National Airspace.—The Congress makes the following additional findings:

(1) The National airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers including more than 700 different sectors.

(3) Redesign and review of the National airspace may produce benefits for the traveling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the National airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) Redesign Report.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) Report on the Cost Allocation System.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

(b) Independent Assessment.—

(1) In general.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) Assessment of adequacy and accuracy of Federal Aviation Administration cost data and attributions.—

(A) In general.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) Components.—In conducting the assessment under this paragraph, the Inspector General shall assess the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(3) Cost effectiveness.—

(A) In general.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) Annual reports.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) Information to be included in Federal Aviation Administration financial report.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM.

(a) In General.—Chapter 445 is amended by adding at the end thereof the following:

"§ 44516. Air traffic modernization joint venture pilot program

"(a) Purpose.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation's air transportation system by facilitating the use of joint ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

"(b) Definitions.—As used in this section:

"(1) Association.—The term 'Association' means the Air Traffic Modernization Association established by this section.

"(2) Panel.—The term 'panel' means the executive panel of the Air Traffic Modernization Association.

"(3) Obligor.—The term 'obligor' means a public airport, an air carrier or foreign air carrier that operates a public airport, or a consortium consisting of 2 or more of such entities.

"(4) Eligible project.—The term 'eligible project' means a project relating to the nation's air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

"(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements and control towers;

"(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

"(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and off-shore flight tracking.

"(5) Substantial completion.—The term 'substantial completion' means the date upon which a project becomes available for service.

"(c) Air Traffic Modernization Association.—

"(1) In general.—There may be established in the District of Columbia a private, not for profit corporation, which shall be known as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

"(2) Non-federal entity.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a 'wholly-owned Government controlled corporation' as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code shall be allowable against the United States based on the actions of the Association.

"(3) Executive panel.—

"(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

"(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

"(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

"(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council.

"(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

"(4) Powers, duties and limitations.—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

"(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization.

"(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

"(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

"(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

"(I) may not exceed $500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

"(II) shall be used for not more than 10 projects; and

"(III) may not provide funding in excess of $50,000,000 for any single project; and

"(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

"(5) Project selection criteria.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

"(A) The eligible projects' contribution to the national air transportation system, as outlined in the Federal Aviation Administration's modernization plan for alleviating congestion, enhancing mobility, and improving safety.

"(B) The credit-worthiness of the revenue stream pledged by the obligor.

"(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

"(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

"(d) Authority To Enter into Joint Venture.—

"(1) In general.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

"(2) Cost sharing.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

"(3) Project specifications.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

"(e) Incentives for Participation.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

"(f) United States Not Obligated—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

"(g) Report to Congress.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate

Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

"(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

"(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

"(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

"(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency's share of the organization and administrative costs for the Air Traffic Modernization Association.

"(1) $500,000 for fiscal year 2000;

"(2) $500,000 for fiscal year 2001; and

"(3) $500,000 for fiscal year 2002.

"(i) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.".

(b) CONFORMING AMENDMENTS.—

"(1) Section 40117(b)(1) is amended by striking "controls." and inserting "controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.".

"(2) The analysis for chapter 445 is amended by adding at the end the following:

"44516. Air traffic modernization pilot program.".

BRYAN AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, add the following new section:

SEC. .—

Any regulations based upon the "Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park" adopted by the National Park Service on July 14, 1999 shall not be implemented until 90 days after the National Park Service has provided to Congress a report describing 1) the reasonable scientific basis for such evaluation methodology and 2) the peer review process used to validate such evaluation methodology.

INOUYE AMENDMENT NO. 1895

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the end of title IV, insert the following new section:

SEC. 441. CARRY-ON BAGGAGE.

(a) DEFINITIONS.—In this section:

(1) AIRPLANE.—The term "airplane" means an airplane, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(2) CARRY-ON BAGGAGE.—The term "carry-on baggage" does not include child safety seats or assistive devices used by disabled passengers.

(3) CERTIFICATE HOLDER.—The term "certificate holder" means a certificate holder, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(4) PASSENGER.—The term "passenger" includes any child under the age of 2 who boards an airplane of a certificate holder, without regard to whether a ticket for air transportation was purchased for the child.

(b) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall promulgate revised regulations to modify the regulations contained in section 121.589 of title 14, Code of Federal Regulations, to establish a uniform standard for certificate holders governing—

(1) the number of pieces of carry-on baggage allowed per passenger;

(2) the dimensions of each allowable carry-on baggage; and

(3) a definition of carry-on baggage.

REID (AND FRIST) AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the Bill, S. 82, supra; as follows:

At the appropriate place, add the following new title:

TITLE —PENALTIES FOR UNRULY PASSENGERS

SEC. 01. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

"§ 46317. Interference with cabin or flight crew

"(a) GENERAL RULE.—

"(1) IN GENERAL.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

"(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the 'Secretary') may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

"(b) REGULATIONS.—The Secretary shall issue regulations to carry out paragraph (2) of subsection (a), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.

"(c) COMPROMISE AND SETOFF.—

"(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

"(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 is amended by adding at the end the following:

"46317. Interference with cabin or flight crew.".

SEC. 02. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102.

(3) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i): Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing

Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ABRAHAM AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

"(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrumental landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT. States Code, section 4711(d), is amended by adding at the end:

"(4) The Secretary shall apportion an additional 5 per cent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airports compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports."

BAUCUS AMENDMENT NO. 1898

Mr. BAUCUS proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act), each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the airport.

LEVIN (AND ABRAHAM) AMENDMENT NO. 1899

Mr. ROCKEFELLER (for Mr. LEVIN (for himself and Mr. ABRAHAM)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a), by striking "12" and inserting "15"; and

(2) by adding at the end the following new subsection:

"(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).".

ROBB (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. ROBB (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CURFEW.

Notwithstanding any other provision of law, any exemptions granted to air carriers under this Act may not result in additional operations at Ronald Reagan Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.

ROBB (AND OTHERS) AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) submitted two amendments intended to be proposed by them to the bill, S. 82, supra; as follows:

AMENDMENT NO. 1901

At the appropriate place, insert the following new title:

TITLE —

SEC. 01. GOOD NEIGHBORS POLICY.

(a) PUBLIC DISCLOSURE OF NOISE MITIGATION EFFORTS BY AIR CARRIERS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall collect and publish information provided by air carriers regarding their operating practices that encourage their pilots to follow the Federal Aviation Administration's operating guidelines on noise abatement.

(b) SAFETY FIRST.—The Secretary shall take such action as is necessary to ensure that noise abatement efforts do not threaten aviation safety.

(c) PROTECTION OF PROPRIETARY INFORMATION.—In publishing information required by this section, the Secretary shall take such action as is necessary to prevent the disclosure of any air carrier's proprietary information.

(d) NO MANDATE.—Nothing in this section shall be construed to mandate, or to permit the Secretary to mandate, the use of noise abatement settings by pilots.

SEC. 02. GAO REVIEW OF AIRCRAFT ENGINE NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on regulations and activities of the Federal Aviation Administration in the area of aircraft engine noise assessment. The study shall include a review of—

(1) the consistency of noise assessment techniques across different aircraft models and ,aircraft engines, and with varying weight and thrust settings; and

(2) a comparison of testing procedures used for unmodified engines and engines with hush kits or other quieting devices.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to ensure consistent measurement of aircraft engine noise.

SEC. 03. GAO REVIEW OF FAA COMMUNITY NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the regulations and activities of the Federal Aviation Administration in the area of noise assessment in communities near airports. The study shall include a review of whether the noise assessment practices of the Federal Aviation Administration fairly and accurately reflect the burden of noise on communities.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures to improve the assessment of airport noise in communities near airports.

AMENDMENT NO. 1902

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON EXEMPTIONS.

Notwithstanding any other provision of law, no additional operations may be granted for Ronald Reagan Washington National Airport above the level that existed on January 1, 1999.

BAUCUS AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . AUDIT AND INVESTIGATION OF SUFFICIENCY OF INFORMATION REPORTED TO THE DEPARTMENT OF TRANSPORTATION ON DELAYS AND CANCELLATIONS OF AIR FLIGHTS.

(a) AUDIT AND INVESTIGATION.—The Inspector General of the Department of Transportation shall conduct an audit and investigation of the sufficiency of information transmitted by air carriers to the Department with respect to delays or cancellations in air flights caused by mechanical failure of aircraft, with special attention to the sufficiency of information on the reasons for such delays or cancellations.

(b) REPORT.—Not later than days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit a report to Congress setting forth the findings of the audit and investigation conducted under subsection (a).

SNOWE AMENDMENT NO. 1904

(Ordered to lie on the table.)

Ms. SNOWE submittted an amendment intended to be proposed by her to the bill, S. 82, supra; as follows:

At the end of title V of the Manager's substitute amendment, add the following:

SEC. . REQUIREMENT TO ENHANCE COMPETITIVENESS OF SLOT EXEMPTIONS FOR REGIONAL JET AIR SERVICE AND NEW ENTRANT AIR CARRIERS AT CERTAIN HIGH DENSITY TRAFFIC AIRPORTS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by sections 507 and 508, is amended by adding at the end thereof the following:

"§41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports

"In granting slot exemptions for nonstop regional jet air service and new entrant air carriers under this subchapter to John F. Kennedy International Airport, and La Guardia Airport, the Secretary of Transportation shall require the Federal Aviation Administration to provide commercially reasonable times to takeoffs and landings of air flights conducted under those exemptions.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by this title, is amended by adding at the end thereof the following:

"41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 6, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Science of Biotechnology and its Potential Applications to Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 7, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Regulation of Products of Biotechnology and New Challenges Faced By Farmers and Food Business.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public some changes to the agenda for the hearing that is scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources on Thursday, October 14, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county, has been deleted from the agenda; S. 1343, a bill to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery, has been added to the agenda.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

• Mr. HUTCHINSON. Mr. President, the Communist party celebrated the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people had little reason to celebrate. Indeed, this was not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade of Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power, to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement; to the massacre at Tiananmen square just ten years ago—the Communist party under Mao Tse-tung and Deng Xiaoping sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party under Jiang Zemin is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone were swept aside to cast a glamorous light on the Communist party. But the reality was quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people were rounded up and forced into Custody and Repatriation centers across the country. There they were beaten, they were given poor food in unsanitary conditions, and they had to pay rent.

In fact, only 500,000 carefully selected citizens were allowed to participate in the celebration in Beijing. Non-Beijing residents could not enter the city and migrant workers were sent home. They did not see the Communist Party in all its glory, as it displayed the DF–31 intercontinental ballistic missile and other arms, nor did they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly did not want to celebrate, were forced to participate under threat of losing their pay or their pensions. Mr. President, this was a celebration of the party, not the people.

But this gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this corrupt regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must face reality when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ". . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion."

It is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of a government accountable to the people. I hope that the self-congratulatory shouts of the Communist party will be drowned out by the voices of a free people.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Public Law 104–1, announces the joint appointment of the following individuals as members of the Board of Directors of the Office of Compliance: Alan V. Friedman, of California; Susan B. Robfogel, of New York; and Barbara Childs Wallace, of Mississippi.

ORDERS FOR TUESDAY, OCTOBER 5, 1999

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, October 5. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 82, the Federal aviation authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will resume consideration of the pending amendments to the FAA bill at 9:30 a.m. on Tuesday.

It is hoped those amendments can be debated and disposed of by midmorning so Senators that have amendments can work with the bill managers on a time to offer their amendments. Senators should be aware that rollcall votes are possible Tuesday prior to the 12:30 recess. By previous consent, first-degree amendments to the bill must be filed by 10 a.m. tomorrow. It is the intention of the bill managers to complete action on the bill by tomorrow evening.

As a reminder, there will be three stacked votes on nominations at 2:15 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, October 5, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 4, 1999:

DEPARTMENT OF DEFENSE

ALPHONSO MALDON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK F. Y. PANG, RESIGNED.

JOHN K. VERONEAU, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE SANDRA KAPLAN STUART.

INTERNATIONAL ATOMIC ENERGY AGENCY

BILL RICHARDSON, OF NEW MEXICO, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

HOUSE OF REPRESENTATIVES—*Monday, October 4, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 1999.

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 323) "An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes."

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN) for 5 minutes.

SPORTS MILESTONES FOR HOUSTON

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of two important sports milestones that were achieved yesterday in my congressional district in the City of Houston.

The first milestone was the Houston Astros' clinching the National League Central Division title for the third year in a row. While their 97-win season was impressive, equally impressive was the division race, which lasted until the final day of the regular season. Yesterday, Astros 22-game winner Mike Hampton took the mound on only 3 days' rest and delivered a decisive performance, guiding the Astros to the Central Division title.

Despite a year plagued by injuries, forcing the team to use the disabled list 16 times, the Astros managed to finish the season with the second highest win total in franchise history.

Starting with the loss of outfielder Moises Alou in the off season, this season was undoubtedly a test for Astros players and fans alike. The only Astros position players who did not spend time on the disabled list were first baseman Jeff Bagwell and second baseman Craig Biggio, both of whom who have had career years leading the National League in RBIs and doubles respectively.

The team also weathered the temporary loss of manager Larry Dierker, whose rapid recovery from brain surgery revealed the strength and breadth of his character. But in the end, what drove the Astros to victory was the team performance on the field: great pitching, fielding, defense and timely hitting.

Of particular note was the Astros' amazing pitching staff: Mike Hampton, who set a team record with 22 wins, the best in the National League; Jose Lima, whose animation and love for the game delighted fans and whose commitment to succeed resulted in 21 wins; Shane Reynolds, with 16 impressive, hard-fought wins; and Billy Wagner, the best closer in baseball, with 39 saves; and a bullpen that set a remarkable record for winning every game in which they held a lead after eight innings.

With the steady veteran presence of fan favorites Craig Biggio, Jeff Bagwell, Ken Caminiti, and Carl Everett, the Astros were able to overcome the adversity of injuries and find a way to win 97 games.

A second important Houston sports milestone was also achieved yesterday in the Astrodome, with the end of the 1999 regular season. It is special because, after 35 years, yesterday's division-clinching game was the last Astros regular season game in the place known in Houston as the Dome.

Next year, the Astros will begin play at Enron field, a new ballpark in the heart of downtown Houston. But the Astros' history, for better or worse, has been established in the Astrodome, the Eighth Wonder of the World. The brainchild of Judge Roy Hofheinz, the Astrodome has been the site of 35 years of great sports memories.

The Dome saw Elvin Hays meet Lew Alcindor for a classic college basketball game in 1968. Mohammed Ali fought there, Elvis and Selena performed there, Evel Knievel jumped, Billy Graham preached, and Billie Jean King and Bobby Riggs played a score-settling tennis match.

The Oilers won big games and lost a few there, the University of Houston Cougars called the Dome their home, and the Houston Livestock Show and Rodeo have maintained one of Houston's most important traditions with countless concerts and rodeos that have thrilled millions.

But the Astrodome will always be identified first with the Houston Astros. The Astrodome's opening in 1965 was so special that the New York Yankees traveled to Houston for an exhibition game, which saw the very first Dome home run hit by none other than Mickey Mantle, witnessed by President Lyndon B. Johnson, who attended the game with tens of thousands of his fellow Texans, including myself.

The scoreboard, unlike any other in sports, shared color, lights, and Texas pride for all who entered. The team, with their often colorful uniforms, played their hearts out, rain or shine, in the 72-degree comfort of the Dome.

The list of players who wore the Houston Astros uniform is legendary, from Jimmy Wynn to Joe Morgan, Larry Dierker to Rusty Staub, Nolan Ryan to Mike Scott, Art Howe to Dickie Thon, Phil Garner to Ken Caminiti, Don Wilson to Billy Wagner, Glenn Davis to Jeff Bagwell, Bill Doron to Craig Biggio, Craig Reynolds to Doug Rader, Cesar Cedeno to Jose Cruz, Joe Niekro to Alan Ashby, and J.R. Richard to Dave Smith.

There have been many unforgettable moments and unforgettable athletes who have played the game of baseball for the Astros. Now, as the final chapter of the 1999 Astros season is being written in the playoffs, this generation of Houston Astros players will have a chance to bring home the team's first World Series title to the city of Houston.

The next generation of Astros stars will play their games in the new ballpark, in itself a modern marvel. But there is only one Astrodome, and Houston fans and the athletes who performed so greatly there will never forget it or the franchise that proudly played there for the great fans of the city of Houston.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OPPOSE H.R. 782, OLDER AMERICANS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DeFAZIO. Mr. Speaker, I had hoped that today would be a day to celebrate. For 4 years, the Older Americans Act has languished in this House of Representatives. The authorization expired 4 years ago. We have been operating off of a continuing appropriations resolutions for 4 years.

Because of that, there has been no inflation adjustment in many crucial programs for our senior citizens. Because of that, there has been no review and addition to the Older Americans Act of new programs to serve the vital needs of our seniors.

I introduced bipartisan legislation the beginning of the session. We have more than half of the Members of this House of Representatives on that widely agreed-upon legislation.

But now, in rather a bit of a surprise move, the Republican leadership is popping out an Older Americans Act revision to the floor, H.R. 782, under suspension of the rules, no amendments allowed, that is extraordinarily controversial. Why is it controversial? Well, because in a pique, in a pique, the Republican leadership is very angry with one of the many senior groups which participates in the Older Americans Act employment programs, the National Council of Senior Citizens, who regularly advocate for progressive issues for seniors, for prescription drug coverage and other things. Yes, they ding the Republican leadership and the Republicans a bit.

So in a pique, to get at that one group that they hate, they are going to take and penalize all the other senior groups who actually do 90 percent of the senior employment and arbitrarily change the program.

What are the Republicans, the party of small government, the party of the private sector, the party of charitable nonprofit groups going to do? They are going to rip money away from a very successful program being operated now by dozens of other senior groups and give it to the States.

Well, one might say, what is wrong with that? Well, even in my own State, which is recognized as the leader on senior citizen issues, they are less efficient and less capable. They get fewer people placed for the same amount of money as the private nonprofit senior groups do. They get fewer people through this program. They serve a different clientele.

Actually, the States serve the easier-to-serve clientele, the urban clientele, the more educated clientele than do the disbursed groups like Green Thumb and others who go into rural areas where the States do not have the capability of going.

This is extraordinarily unfortunate that this bill should come forward in this form. It is going to come forward under the suspension of the rules. No amendments allowed. We could have at least had a fair fight over this issue. Given the fact that more than half of the House has cosponsored my legislation, bipartisan legislation, I believe we would have prevailed.

But we will not be allowed to offer an amendment to this bill. There will be 40 minutes of debate. We have waited 4 years. Only the people who are running this House of Representatives after 4 years could deliver a turkey like this, a bill that is going to hurt senior citizens.

Instead of helping them when this should have been a day to celebrate for America's senior citizens, it will be a day that we will look back upon and say how is it now that the Older Americans Act senior employment programs were destroyed, they were destroyed because a few people in the majority were mad at one senior group that gets a tiny fraction of the money under this bill. So they dumped money into State bureaucracies that were incapable of doing the job. That is a sad day.

In addition to that, we find that the administration is very opposed to this. Perhaps they can even get this on to the veto list if they try hard enough. The Secretary of Labor has said that they find unacceptable the changes that were made to the Senior Community Service Employment program authorized under title 5 of the Older Americans Acts. We believe this change would significantly diminish the effectiveness of the Senior Community Service Employment programs.

So why? Why are they doing this? It is so sad. Again, just to repeat one last time that, because they are angry at one senior citizen group that has advocated against some of their priorities, their misplaced priorities here, they going to penalize all the senior citizen groups, including Green Thumb, which has got one of the most successful employment programs for hard-to-serve rural low-income seniors in this country and provides vital services in thousands of communities across America.

They are going to have millions of dollars ripped out of their budget and delivered to State bureaucracies that will not spend it as efficiently and perhaps will not be able to spend it at all.

I urge people to oppose this bill under the suspension of the rules.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, in whom we live and move and have our being, we are grateful that Your blessings are over us and Your everlasting arms are beneath us. We know, O God, that Your spirit gives us strength when we are weak, chastens us when we miss the mark, forgives us and makes us whole. We are thankful that we can begin a new week energized by Your faithfulness and comforted by Your many mercies. Bless all Your people, O God, and may Your peace that passes all human understanding be with each one of us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNIZING ANDRE AGASSI FIFTH GRAND SLAM TITLE AND GRAND SLAM FOR CHILDREN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it is with great pleasure that I come to the floor today to recognize and congratulate a tennis superstar and fellow Nevadan for capturing his fifth Grand Slam title and his second in 1999. It was merely 2 years ago when the sports writers claimed that Andre Agassi was over the hill in world tennis competition. However, after a superb summer which consisted of his winning the French Open title, a second-place finish at Wimbledon, and winning the U.S. Open title, Agassi recaptured the number one ranking and once again the top of the tennis world.

Mr. Speaker, Agassi's unparalleled performances do not end on the court.

For the fifth consecutive year Andre Agassi's charitable foundation hosted a Grand Slam for Children that raises money to assist at-risk youth in Las Vegas. With Andre's dedication and tireless efforts, the event raised nearly $4 million to help these children.

So, to Andre Agassi I congratulate him on his fifth Grand Slam title and also thank him for his outreach and assistance to the children of Nevada. We are indeed proud of him.

STONE COLD PROMOTION OF GARBAGE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is not just about the Virgin Mary splattered with cow manure; it is about common decency. The Brooklyn Museum of Art is displaying a portrait of a pedophile that features the handprints of the children he murdered.

Think about it: on display in New York City, the handprints of America's murdered children.

Beam me up, Mr. Speaker. This is not freedom of expression; this is stone cold promotion of garbage. Congress should be supporting Mayor Giuliani's attempt to stop public funding of this type of trash.

I yield back the handprints of America's murdered children on display in the great City of New York.

CORRECT THE OLDER AMERICANS ACT TO REFLECT HIGHER PERCENTAGE OF SENIORS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I rise to express my concerns about the Older American Act that was supposed to be on the floor today and apparently will be delayed. This is reauthorization of some very, very important programs in this country, and as a Congressman who represents the largest number of seniors in a congressional district in the southwest part of Florida, it is of great concern for me because of programs like Meals on Wheels and other senior programs that need to be authorized, and they are essential programs.

The bill that was being proposed had some really good innovations and ideas, a care-giver program so that we need to expand upon and create a specialized program for it. However, the real problem in that bill was the funding formula. Florida, having the largest number of seniors, should get its proportionate share of money, but it is biased because it is Florida; and that was just plain wrong to say Florida gets less percentage-wise than other States. We have more seniors. The seniors keep moving to Florida, and they have got a program in the bill that says its 1987 census numbers are what we are living with.

Mr. Speaker, people keep moving to Florida, and we have got to keep allowing the money to follow the seniors, and that was the only real problem with that bill. Otherwise it is a very good bill, and I hope it is brought back to the floor with the correction.

THE OLDER AMERICANS ACT NEEDS MORE WORK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, actually H.R. 782, the reauthorization of the Older Americans Act which we have been awaiting for 4 years, had many other problems; and it is best that it was pulled. This is legislation that is vitally needed so we can better fund and prioritize programs for senior citizens.

But the bill was going to take money from the Older American Employment programs, away from the efficient, the private nonprivate providers and dump it on State bureaucracies that have no track record and in fact where they do have a track record, one that is less effective and less efficient. It also was going to cut congregant meals for seniors under the theory that they should just stay home; it is cheaper to serve them there than to have them come to congregant meal sites, missing out on the vital socialization function and others things that go on there.

It was a bad bill, and it is best that it was pulled. It needs more work before it comes to the floor of the House, and it should come under open rule so amendments can be offered. We have waited 4 years. It should not be under a closed procedure.

PROTECTING THE AMERICAN PEOPLE, PART OF RONALD REAGAN'S DREAM

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, back in the 1980's I had the honor of being one of Ronald Reagan's speech writers and worked with him closely in developing some of the ideas that were under attack then but nowadays seem to have come to fruition. And it is difficult for me to come here today and to just especially in light of what Edmond Morris has written about the President and is writing about the President, saying about President Reagan, but I think we should all remember that Ronald Reagan had a vision and set America in motion to do things that have put us in an era of prosperity and an era of peace.

I was there when Ronald Reagan, for example, launched the program aimed at developing a missile defense system for the United States of America. Everybody said that it could not be done. He was ridiculed. He wanted a system that, if someone were shooting a missile at us were armed with an atomic bomb, a nuclear warhead, that we could have protected from that, thus saving millions of Americans. And they said it could not be done. They ridiculed him, and of course this weekend I am proud to announce that we have had another successful test of an antimissile system to protect the American people, part of Ronald Reagan's dream.

DEMOCRATIC CALLOUSNESS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the do-nothing Democrats are at it again.

This morning the Census Bureau announced that the ranks of the uninsured have grown by one million people in this last year. How did the do-nothing Democrats respond to that news? Well, essentially, Mr. Speaker, they told the uninsured to drop dead. That is right. They scheduled a press conference for this afternoon to denounce our access bill for the uninsured. On the very day we learn that 44.3 million Americans went without health insurance last year, the Democrats announce that they are standing in the hospital door to make sure that no Republican gets credit for helping the uninsured.

How callous can they be?

And where are their solutions for the uninsured? Nowhere to be seen.

Meanwhile, they are calling our access bill for the uninsured a poison pill. How dare they.

Now I ask you, Mr. Speaker, what is poisonous about expanding community health centers for the poor? What is poisonous about giving the cashier at the hardware store the same tax deduction for health care that now a corporate CEO gets? What is poisonous about letting every American have a medical savings account? What is poisonous about letting small business band together to buy cheaper coverage for their workers? What is poisonous, Mr. Speaker, about giving hard-working families special relief for providing long-term care for their aging parents?

Mr. Speaker, there are 44.3 million Americans that do not think access to affordable health coverage is a poison pill. The only poison in this debate is the callousness of the do-nothing Democrats. They ought to be ashamed, Mr. Speaker.

REPUBLICANS DO LITTLE OR NOTHING ON ISSUES THAT CONCERN THE AMERICAN PEOPLE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, this term, do-nothing Democrats, is a curious term to me. As best I remember, the Republicans have a majority in this House, the Republicans have a majority in the United States Senate; and yet they have been unable to complete their work. We have begun this new Federal fiscal year without the necessary appropriations acts and they have yet to even present one of the largest of those appropriations acts for our consideration. Likewise, they have produced so far this year, perhaps, the most unique set of legislative accomplishments largely centering on naming a few places and buildings and memorial coins and doing little or nothing on the real issues that concern the American people.

One of those real issues is having a true patients' bill of rights for those in managed health care. With consideration of important consumer legislation delayed this month after month, week after week, we will finally this week have an opportunity to provide Americans some real protection with a genuine patients' bill of rights. That is what Democratic efforts, joined with a handful of Republicans who were willing to buck their leadership to stand up for the rights of ordinary Americans against mismanaged care, can accomplish.

Give us a Democratic majority, and my colleagues will really see what Democrats can do to address health care and other concerns of American Families.

UNDERSTAND THE FACTS ABOUT THE OLDER AMERICANS ACT

(Mr. GOODLING asked and was given permission to address the House for 1 minute.)

Mr. GOODLING. First of all, Mr. Speaker, I would tell the gentleman that I just read in the newspaper last week where the minority leader said that the Democrats are determining what the legislation is on the floor of the House, so that is kind of interesting. But that is not why I wanted to speak.

I have heard a lot of people, many, talking about the Older Americans Act, and unfortunately they do not know what they are talking about. The Older Americans Act, which we worked on for 6 months, the gentleman from California (Mr. McKEON) and the gentleman from California (Mr. MARTINEZ) and the gentleman from Nebraska (Mr. BARRETT), as a matter of fact does more than it has ever done before in an authorization as far as employment programs are concerned, as far as States are concerned. If my colleagues only understood the way the legislation is now and has been for years, says that 45 percent of all of the money will stay in Washington, 55 percent will go back to the State. That is not the way it has been appropriated. It has been appropriate 78 and 22. But that is not the way it is authorized. We improved that, and we said just reverse, 55 percent will stay here, 45 percent will go back.

So be sure to understand the facts about what it was we wanted to present which we will not present during this session of Congress again.

NEVER AGAIN

Mr. SENSENBRENNER. Mr. Speaker, my good friend from Texas (Mr. DOGGETT) has a very short memory. He tells the House and the American people to give us a Democratic majority and we will show them what we can do. Mr. Speaker, I remember the last time there was a Democratic majority and the Speaker from Texas, and the House passed no appropriations bills at all by the 30th of September, and all 13 appropriation bills ended up being put in one huge massive and continuing resolution that the President of the United States, Ronald Reagan, plunked on that desk there, stack after stack after stack, and said no way will I ever sign one of those continuing resolutions again.

Now that is what happened the last time there was a Democratic majority, and I hope that we never have that happen again under either a Republican or Democratic majority.

□ 1415

EARNING THE RESPECT OF AMERICA

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, perhaps the best thing to do, to sum up all of this, is let us get past the partisan rhetoric, get down to business, and do our jobs, and maybe then America will respect what we are doing here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any rollcall votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

COMMERCIAL SPACE TRANSPORTATION COMPETITIVENESS ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Transportation Competitiveness Act of 1999".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code, (Commercial Space Launch Activities) is necessary at this time to protect the private sector from uninsurable levels of liability;

(3) enactment of this extension will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(4) space transportation may eventually move into more airplane-style operations;

(5) during the next 3 years the Federal Government and the private sector should analyze and determine whether a more appropriate and effective liability risk-sharing regime can be achieved and, if so, develop and propose the new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(6) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(7) the Office of the Associate Administrator for Commercial Space Transportation should engage in only those promotional activities which directly support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Office of Commercial Space Transportation

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) $6,275,000 for fiscal year 1999;

"(2) $7,000,000 for fiscal year 2000;

"(3) $8,300,000 for fiscal year 2001; and

"(4) $9,840,000 for fiscal year 2002.".

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

"70119. Office of Commercial Space Transportation.".

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) $530,000 for fiscal year 2000;

(2) $550,000 for fiscal year 2001; and

(3) $570,000 for fiscal year 2002.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 6. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine whether it is appropriate for all space transportation activities to be deemed "ultrahazardous activities" for which a strict liability standard may be applied and, if not, what liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine how relevant international treaties affect the Federal Government's liability for commercial space launches and whether the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine whether and when the commercial space transportation liability regime could be conformed to the approach of the airline liability regime; and

(6) include recommendations on whether the commercial space transportation liability regime should be modified and, if so, what modifications are appropriate and what actions are required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall include—

(1) a section containing the views of—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense;

(D) the Office of Space Commercialization; and

(E) any other interested Federal agency, on the issues described in subsection (b);

(2) a section containing the views of United States commercial space transportation providers on the issues described in subsection (b);

(3) a section containing the views of United States commercial space transportation customers on the issues described in subsection (b);

(4) a section containing the views of the insurance industry on the issues described in subsection (b); and

(5) a section containing views obtained from public comment received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites on the issues described in subsection (b).

The Secretary of Transportation shall enter into appropriate arrangements for a non-Federal entity or entities to provide the sections of the report described in paragraphs (2), (3), and (4).

SEC. 7. STUDY OF APPROPRIATIONS IMPACT ON SPACE COMMERCIALIZATION.

Within 90 days after the later of the date of enactment of this Act or the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, the Comptroller General, in consultation with the Administrator of the National Aeronautics and Space Administration and United States commercial space industry providers and customers, shall transmit to the Congress a report on the impact of that appropriations Act on the future development of the United States commercial space industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2607, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2607, the Commercial Space Transportation Competitiveness Act of 1999, provides a 5-year extension for what is commonly referred to as indemnification. This extension is necessary to protect space transportation companies from uninsurable levels of liability and to enhance the international competitiveness of the American companies. The current indemnification provision expires at the end of this year, so we need to move quickly in order to get this extension enacted before the end of the year.

H.R. 2607 also includes a reporting provision on whether the current risk-sharing regime should be modified. The report calls for separate sections from the Federal Government, the U.S. space transportation providers and customers, the insurance industry and the general public. This report will provide the basis for Congressional hearings and public debate in the future and should provide the framework for the new regime in plenty of time before this extension expires in 2004.

The bill also includes authorizations for the Office of Commercial Space Transportation and the Office of Space Commercialization, and requires a report on the objectives, activities and plans of the Office of Space Commercialization.

In short, this is a straightforward bill. It only contains, one, the indemnification extension; two, a report on how indemnification might be structured in the future; three, authorizations for two small commercial space offices; and, four, a section requiring a GAO report.

I strongly support this bill, and urge my colleagues to vote in favor of it.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to rise in support of H.R. 2607. As the gentleman from Wisconsin (Chairman SENSENBRENNER) has very eloquently stated, this bill addresses a clear need of the U.S. commercial space industry.

A central feature of the bill is a 5-year extension of the commercial space launch indemnification authority that has existed in law since 1988. That authority has established a risk-sharing regime between the launch industry and the Federal Government. That indemnification authority has helped to level the international playing field with non-U.S. space launch companies whose governments have provided them with similar risk-sharing arrangements. The provisions have not cost the U.S. taxpayer a single dollar since they went into force a decade ago.

The indemnification authority has been renewed once since its initial establishment, and H.R. 2607 would extend that authority for another 5 years. I believe that extension of the indemnification authority is in our Nation's best interests, and I urge Members to vote to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Wisconsin, my friend and chairman of the Committee on Science, for discharging H.R. 2607 and bringing it to the floor today.

Mr. Speaker, this legislation is just one more thing that this Congress is doing to respond to the Cox Committee's report and strengthen America's space transportation industry. This bill authorizes two important offices which regulate and promote this industry and renews commercial launch indemnification authority for 5 years beyond its expiration at the end of this year.

America's space transportation industry is still in its childhood as far as maturity goes. It is becoming very dynamic. We are now experiencing and witnessing many reusable launch as well as expendable launch vehicles under development that in the future will serve America well.

In the future, I would hope that the government could shoulder less risk so that the industry is fully motivated to invest in more reliable and safe and reusable launch vehicles. In fact, as the reusables that are under development now and the expendables that are under development now come into fruition, as they are put into practice and they are put into service for the American people, we expect these space transportation systems to be developed and to be further improved so that indemnification will not quite be the issue that it is at this stage in America's space program.

Furthermore, this legislation sets in place an independent process to advise the Congress on how the government and the private sector should share the risk in space transportation activities in the future. So we are preparing for that day when this type of indemnification may no longer be necessary.

In particular, we are asking launch companies, their customers and their insurers as well, to serve and to give us input into how and when we might carefully change the current regime. By renewing the current regime for 5 years and giving industry the opportunity to shape the future, I believe we are serving the taxpayers well and giving America's space transportation companies a stable business environment so they can become more competitive and so that they can develop these new space transportation technologies that will keep America the number one power in commercial space as well as the number one power in some of the space projects that are being developed for dual use with the Defense Department and NASA as well as in the private sector.

Mr. Speaker, I again thank the gentleman from Wisconsin, the chairman of the committee, for discharging this bill, and for supporting it, and for the leadership he has provided for America's space industry.

Mr. GORDON. Mr. Speaker, I want to speak in support of H.R. 2607. This bill has as its central element a provision that would extend the launch indemnification authority that was established in the Commercial Space Launch Act, as amended. That authority established a predictable, well understood risk-sharing regime that has helped the growth of the U.S. commercial space launch industry over the intervening decade. The provision of limited indemnification has long been a cornerstone of our nation's approach to preserving a healthy and competitive launch industry.

However, under the existing statute, these provisions will expire at the end of the current calendar year unless renewed. H.R. 2607 would extend those provisions for another five years. At our hearings this year, there has been a broad consensus on the need to renew the indemnification authority. I hope that we will do so today.

In addition to the indemnification extension, the bill contains a number of other provisions that I am less enthusiastic about. For example, one finding of the bill would limit the Department of Transportation's ability to engage in non-regulatory activities that have done much to advance the state of the U.S. launch industry.

In addition, there are funding levels in the bill for the Department of Transportation's Office of Commercial Space Transportation that may not be commensurate with the regulatory responsibilities that Congress has levied upon that Office. However, since I am confident that those concerns can be addressed in Conference, I did not see any reason to prevent the bill from being considered on the suspension calendar. In my opinion, it is important that we move this bill forward and ensure that the launch indemnification authority is renewed in a timely manner.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 2607.

The U.S. commercial space launch industry currently leads the worlds, and we can all be proud of that.

At the same time, U.S. companies face tough competition from overseas launch providers.

And each of those non-U.S. companies have the support of their countries in sharing the risks associated with launching payloads into space.

One of the important ways that we have been able to keep the commercial playing field level is through the indemnification provisions contained in the Commercial Space Launch Act, as amended.

Unfortunately, those provisions are set to expire at the end of this year if they aren't renewed.

H.R. 2607 will extend the indemnification provisions for another five years.

I think that these provisions are critical to the continued health of the U.S. commercial space launch industry, and I urge my colleagues to support H.R. 2607.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 2607, the Commercial Space Transportation Competitiveness Act of 1999. This act will further support the development of America's commercial space transportation industry by bolstering our ability to compete in the international arena.

The commercial launch industry has grown tremendously during the last decade. Our nation's companies hold close to 50 percent of the world market share, and most important, our launch vehicles have a strong reliability record. With the incredible leaps that we have experienced in the technology field, the use of commercial satellites has increasingly become more and more important. In addition both NASA and the Department of Defense are increasingly making use of commercial launch services. Most notable experts predict continued growth in the industry.

As a Member of the House Science Committee, I attended the hearings that examined this bill and the barriers to commercial space launches. During those hearings, the space transportation industry expressed the opinion that we could do more. This bill begins to address these concerns and shows the industry that Congress has not lost focus on the bigger picture.

The measure most often mentioned by the industry was the extension of the commercial space launch indemnification provision. Begun in 1988 by an amendment to the Commercial Space Launch Act, this measure significantly lowered the barriers to growth in the commercial space transportation industry. These amendments in the wake of the Challenger disaster put forth a risk-sharing regime. This indemnification between the Federal government and the commercial industry was designed to help transition and foster growth within the commercial industry.

H.R. 2607 will provide for the extension of the Commercial Space Transportation Indemnification Extension. In addition, this act is asking the Transportation Department to examine and make a determination regarding a better risk-sharing regime.

This bill is an important step but we need to continue to answer the questions of how the federal government can continue to facilitate growth in the commercial industry five to ten years from now. As technology continues to advance many of our constituents and the industries in our districts will want affordable access to space and in order to further open the space frontier America needs to have a strong commercial space transportation industry.

Mr. LAMPSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2607, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STANISLAUS COUNTY, CALIFORNIA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 356) to provide for the conveyance of certain property from the United States to Stanislaus County, California, as amended.

The Clerk read as follows:

H.R. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as “NASA”) shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) Consideration.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) Environmental Remediation.—(1) The conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law, policy, or Federal interagency agreement for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) Retained Right of Use.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) Relinquishment of Legislative Jurisdiction.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) Additional Terms.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Texas (Mr. Lampson) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 356, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 356 requires NASA to convey property at the Ames Research Center to Stanislaus, California. NASA retains the right to use the property for aviation activities on mutually acceptable terms. The conveyance does not relieve any Federal agency of its responsibility for any environmental remediation of soil, groundwater, or surface water.

NASA relinquishes legislative jurisdiction over the property to the State of California. Any additional terms may be negotiated by the NASA Administrator to protect the interests of the United States.

The bill is sponsored by the gentleman from California (Mr. Condit). Last Congress, the Committee on Science supported this bill; and the House passed it. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to speak in support of H.R. 356. This bill was introduced by the gentleman from California (Mr. Condit). It has been favorably reported by the Subcommittee on Space.

Basically, the bill would convey a piece of excess property currently owned by NASA to Stanislaus County, California. The property was previously owned by the Navy and then transferred to NASA. NASA currently has no use for the property. This bill does, however, make provision for NASA to retain the right to use the property for aviation activities under terms and conditions mutually acceptable to NASA and to the county. In addition, it should be noted that the conveyance does not relieve the Federal Government of any responsibility for any environmental remediation.

This is a straightforward piece of legislation. I urge my colleagues to suspend the rules and pass the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. Sensenbrenner) that the House suspend the rules and pass the bill, H.R. 356, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 1999

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2681) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The Clerk read as follows:

H.R. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rail Passenger Disaster Family Assistance Act of 1999”.

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

“§ 1137. Assistance to families of passengers involved in rail passenger accidents

“(a) In General.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

“(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

“(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

“(b) Responsibilities of the Board.—The Board shall have primary Federal responsibility for—

“(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

“(2) communicating with the families of passengers involved in the accident as to the roles of—

“(A) the organization designated for an accident under subsection (a)(2);

“(B) government agencies; and

“(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

“(c) Responsibilities of Designated Organization.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

“(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

“(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

“(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

“(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

"(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

"(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

"(3) PASSENGER.—The term 'passenger' includes—

"(A) an employee of a rail passenger carrier aboard a train;

"(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

"(C) any other person injured or killed in the accident.

"(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1136 the following:

"1137. Assistance to families of passengers involved in rail passenger accidents.".

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 251—FAMILY ASSISTANCE

"Sec.

"25101. Plans to address needs of families of passengers involved in rail passenger accidents.

"§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

"(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1137(a)(2) of this title or the services of other suitably trained individuals.

"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

"(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1137(a)(1) of this title, and to the organization designated for the accident under section 1137(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

"(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

"(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

"(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) An assurance that the rail passenger carrier will work with any organization designated under section 1137(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

"(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1137(a)(2) of this title for services provided by the organization.

"(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

"(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

"(d) DEFINITIONS.—In this section—

"(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1137 of this title; and

"(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE .... 25101".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill before us, H.R. 2681, the Rail Passenger Disaster Family Assistance Act. This is a bipartisan measure, and it is the product of diligent efforts by our committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER) the committee's ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the Subcommittee on Ground Transportation's ranking member, the gentleman from West Virginia (Mr. RAHALL). I commend all of these gentleman.

Mr. Speaker, this bipartisan bill is closely patterned on similar aviation legislation which the Congress enacted after the TWA 800 crash in 1996. This bill sets up a basic procedural framework for giving timely information to rail accident victims and their families and for dealing sensitively with the families.

The bill puts the National Transportation Safety Board in the role of the central coordinator, but relies heavily on private nonprofit organizations to handle much of the direct dealings with victims and with their families.

□ 1430

Legislation is not based on any particular deficiencies in Amtrak's dealing with accident victims. In fact, Amtrak already has begun to adopt many of the procedures contained in this bill. Rather, we want to have in place a set of proven procedures for any and all future providers of interstate intercity rail services and of high-speed rail service.

The 1997 Amtrak Reform and Accountability Act ended Amtrak's former statutory monopoly of intercity rail passenger service, and allowed the States to choose alternative operators.

Since that law was enacted, a number of States have begun efforts to launch new conventional or high-speed rail passenger service. Therefore, we need to be prepared for a future of multiple rail passenger service providers.

This is highly effective and cost-conscious legislation. It builds on proven experience under the counterpart aviation law, and like that law, relies heavily on private, nonprofit organizations with a minimum of costs to our government.

The NTSB, for example, already has staff in place who deal with accident situations and relations with victims and with their families.

Mr. Speaker, I urge that this legislation be approved, and I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from West Virginia (Mr. RAHALL) is recognized to control the 20 minutes of time for the minority party.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Wisconsin (Mr. PETRI) has explained the nature of the pending measure. I would simply note that it is an important one because it recognizes the human pain and suffering associated with severe injury and loss of life that unfortunately does occur at times in passenger rail service, so I urge the adoption of the pending measure.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2681.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2681, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONGRATULATING THE AMERICAN PUBLIC TRANSIT ASSOCIATION FOR 25 YEARS OF COMMENDABLE SERVICE TO THE TRANSIT INDUSTRY AND THE NATION

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

The Clerk read as follows:

H. CON. RES. 171

Whereas public transportation is a fundamental public service and an integral component of the Nation's surface transportation infrastructure;

Whereas public transportation service results in productive jobs for the Nation's workers and provides broad support for business and economic growth;

Whereas public transportation provides safe and efficient mobility for millions of people in the United States each day;

Whereas the American Public Transit Association was established in 1974 to promote and advance knowledge in all matters relating to public transportation; and

Whereas, during a period of remarkable resurgence in public transportation, the American Public Transit Association has provided a quarter of a century of service to the Nation as the professional association representing the transit industry: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have this opportunity today to bring this concurrent resolution to the floor of our House. House Concurrent Resolution 171 congratulates the American Public Transit Association on its upcoming 25th anniversary.

APTA was formed on October 17, 1974, when the American Transit Association and the Institute for Rapid Transit were merged. Today APTA has over

1,200 members, including bus, rapid transit, and commuter rail systems, as well as transit suppliers, government agencies, State Departments of Transportation, academic institutions, and trade publications.

In 1997, there were 8.6 billion transit trips in the United States. Ninety percent of these trips occurred on transit systems that are APTA members. APTA has been a strong advocate for transit issues in our Nation's capital, as well as a resource for information and education for its member organizations.

I am pleased to have this opportunity to recognize APTA's efforts today.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 171, and I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we congratulate APTA on its 25 years of service, I would note that while the large transit systems such as Washington Metro and BART often attract the most attention, the backbone of public transportation in this country is still the providers in small communities and rural areas.

On a daily basis in small communities across our country, many Americans rely on their local bus systems, such as what we have in Huntington, West Virginia, for their transportation needs. Indeed, the Tri-State Transit Authority is a shining example of what makes transit so important in this country, and is one of the reasons why we are commending APTA today.

I would also be remiss if I did not note that another reason why we should be honoring public transportation today is the strong presence of the Amalgamated Transit Union. This organization represents the vast majority of transit workers who daily operate the trains and buses which get people to and from work in a safe manner and their leisure pursuits, as well, and their contribution to public transportation is also being commended today.

I urge the adoption of the pending resolution, Mr. Speaker.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to congratulate the subcommittee on moving this legislation, and express my appreciation to the gentleman from Pennsylvania (Mr. SHUSTER), for moving the bill, the gentleman from Wisconsin (Chairman PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their support in recognizing the American Public Transit Association on its silver anniversary year.

Mr. Speaker, it may seem unusual to be recognizing an organization of this nature on the House floor. Yet, there is nothing more important for the growth, strength, and quality of life in urban America than public transit.

I can remember very vividly as a junior staff member at the time in July, 1964, when President Johnson, on July 9, to be exact, signed into law the Urban Mass Transportation Act of that year. It was seen as an historic piece of legislation. It was the first time that the Federal Government had actually recognized the role of public transportation, transit, as it was called, or beginning to be called at that time, and this small step forward was seen as an important landmark for urban America.

Not that transit had just been discovered by the Federal Government in 1964. In fact, the first transit system was actually a ferry, the Boston ferry, in the 1600s. I think the exact time was 1630 when it began its operations. The longest continually operating transit system in America is the St. Charles Line in New Orleans.

In fact, the St. Charles Line began in 1835, and runs in front of my wife's family home in New Orleans, which is also the site of the annual Mardi Gras festival. The St. Charles Line continues to operate today with upgrades and with improvements and with each of the cars filled with travelers, without which people would not be able to get to work, people would not be able to hold jobs, people would not be able to have affordable transportation in this city that is so clogged with traffic because of the nature of the city streets and the nature of the layout of the community.

Over the years our committee, then the Committee on Public Works and Transportation, now the Committee on Transportation and Infrastructure, has continued to support and widen the role and widen the public support for transit.

Last year Americans made 8.7 billion trips on transit. About a fourth of those took place in New York City. The New York City transit system carries 2.2 billion passengers a year. Without transit in New York and Northern New Jersey, the area would need 10,400 miles of four-lane highway, which of course is impossible in New York City, it could not be done. And even then, if we could build all that highway, we would still be able to carry only one-third of the passengers that are carried by transit in New York City.

So let us recognize here not just the 25th anniversary of APTA, formed 10 years after President Johnson signed UMTA, the Urban Mass Transportation Act, into law, but let us recognize in so doing the extraordinarily critical role that urban transit systems play in the lifeblood of America's great metropolitan areas: affordable, high-quality alternative transportation choices for commuters, for people visiting cities, reducing congestion and improving travel time for motorists, reducing air pollution, enhancing the quality of life in neighborhoods.

Here in our Nation's Capitol, the Metro system has meant vast improvement in air quality and in access for welfare-to-work, for people who live in poor neighborhoods to get to the jobs that are necessary for their livelihood.

We could do better. We could do as the metro system does in Paris, which moves far greater numbers of people, and of course, that is a 9 million population metropolitan area. But the Paris metro system, for less than half the cost of monthly transit in Washington, D.C., moves three or four times as many people on a daily basis.

We can do better, and in TEA-21 our committee, with the support of the gentleman from Pennsylvania (Mr. SHUSTER), made the investments necessary to carry America into the 21st century, to balance transportation. There is an 80-20 split. Eighty percent of the bill goes to highways, 20 percent to transit, and we continue the growth of investment in transit systems as well as in commuter rail, in light rail systems.

In celebrating the 25th anniversary of the American Public Transit Association, we are also celebrating the progress that we have made in improving transit systems, making them more affordable, making them higher quality, making them available to more people, and in the welfare-to-work provisions of TEA-21, we passed another historic milestone.

It is not enough to say we have ended welfare. It is more important to say we have also provided access to jobs for people. My daughter, Annie, works at Jubilee Jobs in the Adams Morgan area of Washington, where she places people who have fallen through the welfare net, who are living in homeless shelters, who come into Jubilee Jobs in their location in Adams Morgan needing work. The biggest problem is not finding the job, but marrying the person and the job with a means to get to work. The job is meaningless if you do not have money in your pocket, if you do not have a way to get to work. We provided that linkage in the welfare-to-work provisions of TEA-21.

We have made a great start on the 21st century. APTA has helped us get there. This legislation, TEA-21, has moved us forward, and with this resolution today we recognize not only the 25th anniversary of APTA, but we recognize the enormous contributions that public transit is making in the quality of life of all Americans, particularly those neediest among us who have to rely on public transportation systems to get to their work.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 171.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 171.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1445

EXTENDING CHAPTER 12 OF THE BANKRUPTCY CODE FOR 9 MONTHS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1606) to extend for 9 additional months the period for which chapter 2 of title 11, United States Code, is reenacted.

The Clerk read as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill, S. 1606.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the record is complete on the necessity for the passage of this bill because only last week we gave the rationale for the need for quick action on this piece of legislation.

On October 1, the authority for family farmers to file for bankruptcy under Chapter 12, a separate and unique set of provisions to accommodate the special and unique needs of farmers in distress, ran out of authority.

It had been extended over a period of time in temporary chunks of time because, in reality, the bankruptcy reform movement has encompassed Chapter 12, the special provisions, and included in them a comprehensive bankruptcy reform in which this special set of provisions, as I have stated, will become permanent. We would not have to ever return to the well of the House to seek an extension of these benefits.

Now, we are in a position where the Senate acted in a little different way from the way we had on the number of months of extension. The current form, the one that is before us now, the Senate version extends that period from October 1 for 9 months. That is why we are here.

The bill that we passed was less than 9 months. The Senate made it 9 months. We will concur in the Senate amendment and, thus, ask for passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it feels like deja vu all over again. Just 1 week ago, I was on the floor reluctantly supporting a 3-month extension of the Chapter 12 bankruptcy title for family farmers. I did not particularly like last week's bill because it would have allowed Chapter 12 to expire so soon, on January 1, the year 2000.

I knew that Congress would have to come back again this session before we adjourned for the year to ensure that the bankruptcy protection in the form of Chapter 12 was continued. But I supported it because, otherwise, Chapter 12 would have expired on October 1, last Friday.

Well, guess what? Chapter 12 did expire last Friday. That means that, if a family farmer in my State of Wisconsin or, for that matter, anywhere in the United States needs the protection of Chapter 12 today, they do not have it. The law has expired.

The other body realized that a 3-month extension that this House approved was not prudent and passed a 9-month extension that we have before us today.

So once again, I come to the floor wishing we were doing a little more to provide a safety net for our family farmers. While this bill provides a 9-month extension of Chapter 12 bankruptcy protection for family farmers, it still does not give our family farmers a permanent law on which they can rely to protect their farm in the most dire economic circumstances.

I ask the Republican leadership to stop holding family farmers hostage to negotiations with the other body on other matters. The family farmers I represent need the help of this Congress more than the bankers and the credit card corporations on whose behalf we delay making Chapter 12 a permanent part of our Federal code.

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 1606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2401) to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

The Clerk read as follows:

H.R. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Holocaust Assets Commission Extension Act of 1999".

SEC. 2. AMENDMENTS TO THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998.

(a) EXTENSION OF TIME FOR FINAL REPORT.—Section 3(d)(1) of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 9 of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended—

(1) by striking "$3,500,000" and inserting "$6,000,000"; and

(2) by striking "1999, and 2000," and inserting "1999, 2000, and 2001,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer the U.S. Holocaust Assets Commission Extension Act of 1999. This bill amends the U.S. Holocaust Assets Commission Act of 1998 to extend the life of the commission for 1 year and authorize it to receive additional funding. As a member of the commission, I can say with confidence that this is a bill that ought to be passed unanimously.

Mr. Speaker, the horrors of the Holocaust are well known, 6 million Jews murdered, along with millions of others deemed undesirable by Adolph Hitler and his followers. What many do not now, however, is that the Holocaust was also the single largest organized theft in history. The Nazis stole, plundered, and looted billions of dollars of assets. A half century later, we are still looking for full accounting.

Though we can never right all the monstrous wrongs that took place during the Holocaust, we have an obligation to find out what happened. We have an obligation to do what we can to bring a measure of justice to the victims of the Holocaust and their families.

In some cases, justice can, indeed, be done. This past summer, for example, "The Seamstress," a painting by Lesser Ury, was turned over to Michael Loewenthal, whose grandparents were murdered during the Holocaust.

It turns out that a friend of Mr. Loewenthal's spotted the painting hanging in a museum in Linz, Austria, and realized it had once been part of the Loewenthal family collection. When Mr. Loewenthal learned of the painting's location, he contacted the New York State Holocaust Claims Restitution Office in New York City, which initiated negotiations on behalf of the Loewenthal family. Eventually the Linz City Council voted unanimously to return the painting.

When he received the painting in July, Mr. Loewenthal was overjoyed. He called the returned painting "absolutely fantastic, the only link that I have to my grandparents."

But for every story like this one, Mr. Speaker, there are hundreds of thousands of stories without happy endings. In recognition of this sad fact, 17 nations have established Holocaust historical commissions to investigate the extent to which its property was handled, or mishandled, by their countries.

I am proud to say that the United States has been one of the leaders of this movement. As part of this effort, Congress created the Presidential Advisory Commission on Holocaust Assets in the United States, a commission on which I serve.

This commission was given two tasks: one, to find out what happened to the assets of Holocaust victims that came into the possession of our Government; and, two, to issue a report to the President recommending action necessary to do justice.

While this mission might sound simple, it is anything but. The commission has found more than 75 separate United States Government agencies through which assets of Holocaust victims may have passed, many more entities than was generally thought. The records of each of these offices must first be located and then scoured page by page at the National Archives and other record centers across the United States.

Additionally, the Federal Government is in the process of declassifying millions of pages of World War II era information that may shine additional light on policies and procedures at that time. In total, the Commission will need to examine more than 45 million pages of documents if it is to carry out its mandate.

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Members of the Holocaust Assets Commission were named only last November, and the Commission began its work just 10 months ago. Given the enormous volume of material that needs to be examined, and the tremendous importance of being thorough, the Commission needs another year to accomplish its tasks. And I think by citing the sheer volume, Mr. Speaker, of materials that have to be evaluated, we can understand why. This is why myself and my colleagues on the Commission, including the gentleman from New York (Mr. GILMAN); the gentleman from Connecticut (Mr. MALONEY); and the gentleman from California (Mr. SHERMAN) introduced the Holocaust Assets Commission Extension Act along with the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services and a man who has led the way on this issue; and as well, my friend, the gentleman from New York (Mr. LAFALCE), the ranking member on the full panel. This measure simply extends the sunset date of the Commission to December 2000 and authorizes it to receive additional funding.

The effort to create the Holocaust Assets Commission last year was a bipartisan one, and the effort to extend its life is as well. There are no partisan differences when it comes to honoring the memories of victims of the Holocaust and pursuing justice in their names. It is in that spirit that I urge every Member of this House to vote for this bill and, thereby, help the Holocaust Assets Commission complete its important work.

Mr. Speaker, Holocaust survivors are aging and dying, and if we are ever to do justice to them and the memory of the millions who perished at the hands of the Nazis, we must act quickly. In this case, justice delayed is, in fact, justice denied. And with the end of the Cold War, as we have the opportunity to look at the immediate post-World War II period with fresh perspective, we know that additional work needs to be done quickly.

We know that in Europe banks sat on dormant accounts for five decades. We know that insurance companies failed to honor policies held by Holocaust victims. We know that unscrupulous art dealers sold paintings that were extorted from Jews who feared for their lives. We know that gold from Holocaust victims was resmelted, often becoming the basis for financial dealings between large corporate entities. And now each one of these contemptible practices demands a full investigation, daunting as the task may be.

The noted poet and philosopher George Santayana observed that, "Those who cannot remember the past are condemned to repeat it." But the truth must be established before it can be remembered. That is why we created the United States Holocaust Assets Commission, and that is why the life of the Commission must be extended. Given the necessary time and funds, I am confident that the United States Holocaust Assets Commission will establish that America is doing all it can to return all manner of assets to their rightful owners. In so doing, we will confirm our leadership in the international effort to obtain justice for the victims of the Holocaust and their families.

Finally, once again, Mr. Speaker, I want to applaud the efforts of the full panel chairman, the gentleman from Iowa (Mr. LEACH), for conducting hearings and his tenacity in seeking justice.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2401, a bill that would extend the life of a commission charged with the important responsibility of recommending to the President the appropriate course of action on the recovery of Holocaust-era assets to their rightful heirs.

We have had a number of committee hearings and have learned from those hearings that the more we exhume the horrors of the Holocaust, the more we learn about the need to do more to redress the wrongs of the past. The harder we work to provide restitution to aggrieved victims of that period, the more legitimacy we add to victims' claims and the further along we move in the path toward preventing these horrible events from ever occurring again.

The bill we take up today extends the life of the United States Holocaust Assets Commission and authorizes additional needed resources to complete the daunting tasks the Commission is currently undertaking. As we have learned from our committee hearings, the challenges of achieving just compensation for Holocaust victims are significant.

For one thing, no amount of money can undo the injustices and horrors suffered by Holocaust victims. But in the ongoing effort to achieve justice and to render accountable those who committed crimes against humanity, we have become aware of very difficult legal and logistical challenges in bringing about a meaningful process to compensate those victims. For example, existing documentation is often sketchy, misleading, incomplete, or anecdotal, which makes it difficult to arrive at a full and complete historical record. But, Mr. Speaker, the need to reach meaningful conclusions as to how best to compensate Holocaust victims fully justifies the extension of the Commission's life and the authorization for additional funds.

Let me also point out that under the very able leadership of Deputy Treasury Secretary Stuart Eizenstat worldwide Jewish organizations, the German government, and a group of German companies will meet this week in Washington in an effort to agree on a just level of compensation for victims of forced labor during the Holocaust. The chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), and I recently wrote German Chancellor's special representative on these matters to urge just compensation and utmost generosity and expeditiousness, particularly given the advanced age of so many victims of forced labor. We are united in full support of Mr. Eizenstat on this process, and we want everyone who will be coming to the table this Wednesday to know and understand that. And I hope it will yield the best results for victims.

Mr. Speaker, the difficulties faced in the process of compensating victims of forced labor only exemplifies the importance of our full support for organizations such as the U.S. Holocaust Assets Commission. I therefore urge each and every one of my colleagues to support H.R. 2401.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of this 1-year extension of the Holocaust Assets Commission and the important work that it is engaged in.

I think of the events that have occurred in this century, and certainly the Holocaust stands out as one of the most shameful in human history and certainly in this century. As the philosopher said, it demonstrates man's inhumanity to man.

And clearly, with the Commission's work and the cooperation that has been achieved on a global basis, I think that the attempt here to try and restore the property, the gold, the financial assets and arts and cultural property, and, of course, the new issue that has arisen, the whole issue of slave labor by these individuals that were subjected to such horrific treatment during that era in our history is being addressed.

I think these are very complex issues and clearly the responsibility lies with that face of industry as well as with the countries that are involved, but it obviously has roots that move well beyond Germany and into other countries where financial arrangements and indifference, to some extent, permitted this to work in all of its horror.

So I think that the additional year that is provided here will help us. It has been said before, but it can be said again, that we cannot put this behind us until it is all in front of us. And clearly those that have the most experience and who experienced these tragic circumstances, we are losing them. But the living history that they have provided and the insights, I think, are very much honored by the effort of this Commission and the global effort to try to rectify in some small way the trespasses that occurred in this century of human history.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Once again I would ask, based on the bipartisan support that we have for 2401, and in the interest of justice, that we move this ahead with the approval on the part of the House.

Mr. GILMAN. Mr. Speaker, I rise in strong support to suspend the rules and pass H.R. 2401, amending the U.S. Holocaust Assets Commission Act of 1998 extending the period by which the final report is due and to authorize additional funding. I have strongly supported efforts to compensate Holocaust survivors since Edgar Bronfman and Israel Singer of the World Jewish Restitution Organization first informed me of the issue of unclaimed communal property in Eastern Europe in 1995.

Since then, our State Department and organizations such as the World Jewish Restitution Organization, an umbrella group for a number of major Jewish organizations both here in the U.S. and abroad, have worked to further that goal. Under their leadership, progress has been made; however that progress has been slow due to the complexity of the issues among many different governments, companies, banks, and individuals.

I was a cosponsor of the U.S. Holocaust Assets Commission Act of 1998, which was a landmark in efforts to make progress in the area of compensation for Holocaust victims.

It is unfortunate that, though the legislation which created the U.S. Holocaust Assets Commission was signed into law by President Clinton back in July of 1998, the first meeting of this Commission did not take place until March of 1999, nine months later. At that first meeting I expressed my belief that the December 31st reporting deadline provided insufficient time to tackle the various issues required by the legislation, and that extending the life of the Commission was an absolute necessity.

We in the Congress must recognize the grave responsibility which our nation has to the Holocaust survivors and their families, many of whom are American citizens, and treat the issue of Holocaust era assets as a high priority, encouraging other governments to do the same. In order to do this, it is necessary to allow additional time for the Commission to conduct essential research on the collection and disposition of these Holocaust-era assets.

Accordingly, I urge my colleagues to support this legislation.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 2401, legislation that would extend the authorization for the Presidential Advisory Commission on Holocaust Assets through December 21, 2000. As a cosponsor of this bill, I am pleased that Congress will be acting in time to ensure that this important Commission has both the resources and additional time it needs to complete its investigation and present a report to Congress.

Under current law, the authorization for this Commission would expire on December 31, 1999. Imposition of this deadline would mean that the Commission has sufficient time to comply with all of its archival information and prepare a report to Congress on the disposition of Holocaust assets that came into the possession of the U.S. government. This bill would provide $2.5 million in additional federal funding to ensure that this investigative work continues.

The House Banking Committee created this Commission as part of our ongoing effort to help Holocaust victims and their families to recover their assets which were lost during the Holocaust. I believe we must ensure that the U.S. government has properly reimbursed these victims and their families for any assets which they may have received. For many of these victims, the search for truth has already taken too long and this report to Congress may help to clear up one area of concern. In my district, there are many Holocaust victims and their families who would benefit from these recovered assets and who are seeking redress for past actions.

Just recently, the House Banking Committee held another hearing on Holocaust issues. At this hearing, the U.S. Department of Treasury Deputy Secretary Stuart Eizenstat, a member of this Commission, testified about the progress being made in securing information from government agencies. Treasury Deputy Secretary Elizenstat stated that the Commission recently released a map of the 75 total federal agencies which had some knowledge of Holocaust assets. This map shows how much information will have to be reviewed before a report to Congress can be completed and I believe that this legislation will help provide the necessary time and resources to meet this challenge. Deputy Secretary Eizenstat also strongly expressed the Clinton Administration's view that we should approve this legislation in a timely manner to ensure that the Commission's work continues without delay.

I urge my colleagues to support H.R. 2401, legislation to ensure that the Holocaust Assets Commission completes its valuable investigation.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 2401, legislation to extend the life of the U.S. Holocaust Assets Commission and to authorize additional funds necessary for the Commission. I want to commend our colleague from New York, Mr. LAZIO, the author of this legislation, as well as Chairman of the Banking Committee, Congressman JIM LEACH of Iowa, who introduced the original legislation establishing the U.S. Holocaust Assets Commission, which this body adopted in April of 1998.

Mr. Speaker, this legislation is important and necessary. Because of delays that are normal in starting any new organization as well as the enormous amount of information that the Commission must review, the Commission requires another year to complete its tasks. This legislation provides an extension of time and authorizes the additional funding necessary for the Commission to complete its work.

Mr. Speaker, my colleagues know well the horrors of the Holocaust—six million news brutally and systematically murdered, hundreds of thousands of others slaughtered because they were deemed "inferior" by the Nazis. What is less well known is that the Nazis, as part of this horrendous effort, also stole and looted billions of dollars of assets from many of these same victims. Over half a century after these atrocities were brought to an end, we still do not have a full accounting of these plundered assets.

Under the outstanding leadership of Deputy Secretary of Treasury, Stuart Eizenstat, the United States has been the leading nation in establishing which Holocaust-era assets may have been plundered and in establishing policies for dealing with such assets. I want to pay tribute to Ambassador Eizenstat for his careful and thoughtful attention to these issues.

Mr. Speaker, resolving the issue of Holocaust-era assets is a moral issue. This is a final opportunity to bring a small measure of justice to Holocaust survivors, who lost families and their way of life over half a century ago. These victims are getting older, and their numbers are constantly diminishing. This is our last brief opportunity to help them.

I urge my colleagues to join in supporting this important legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 2401, The U.S. Holocaust Assets Commission Extension Act of which I am a proud cosponsor. Last year Congress passed legislation creating the Presidential Advisory Commission on Holocaust Assets in the United States. The creation of the Commission made clear the Congress' belief that knowledge of the whereabouts of Holocaust assets in the possession of the U.S. Government should be documented and those assets should be dealt with in a just and prompt manner.

At a time when Holocaust survivors are aging and the U.S. Government is engaged in reparations negotiations on several fronts, we should certainly remain committed to a timely and thorough resolution of Holocaust assets issues in which the U.S. Government may be involved. H.R. 2401 will ensure that the President's Advisory Commission on Holocaust Assets in the United States is given the time and resources necessary to complete its work. While a timely resolution is indeed of the utmost importance, it is reasonable to grant a year-long extension of the Commission. This one-year extension will facilitate a thorough and fair assessment of the United States' efforts to return Holocaust era assets of which our government is in possession.

While we are actively pursuing reparations internationally on behalf of Holocaust victims and survivors, we also need to look carefully at the role of the United States. The United States has been a strong leader on Holocaust claims issues. We should also set an example of what it means to conduct transparent self-evaluation.

Passage of H.R. 2401, and the subsequent extensions of the President's Advisory Commission on Holocaust Assets in the United States, will allow the U.S. to continue to play a leadership role. Hopefully, in the year to come we will witness some measure of justice for Holocaust survivors and family members of Holocaust victims.

I commend the work the Commission has done to date as well as the sponsors of this legislation. I urge all members to vote in support of H.R. 2401.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of the U.S. Holocaust Assets Commission Extension Act of 1999, which amends the U.S. Holocaust Assets Commission Act of 1998 to extend the life of the Commission for one year and authorize it to receive $2.5 million in additional funding.

I applaud Representatives RICK LAZIO, BENJAMIN GILMAN, JIM MALONEY and BRAD SHERMAN for their leadership on this issue. These four gentlemen are members of the Holocaust Assets Commission and original cosponsors of this important bill. In addition, Banking Committee Chairman JIM LEACH and Banking Committee Ranking Member JOHN LAFALCE are also original cosponsors of the bill.

Seventeen nations have established Holocaust historical commissions to investigate the extent to which the assets of victims of the Holocaust were handled, or mishandled, by their countries. As part of this effort Congress passed legislation last year creating the Presidential Advisory Commission on Holocaust Assets in the United States. H.R. 2401 extends by one year (from December 31, 1999 to December 31, 2000) the deadline for the Commission to issue its final report to the President. The bill also authorizes the Commission to receive an additional $2.5 million to cover expenses for the additional year.

Congress established the Holocaust Assets Commission (P.L. 105–186) last year to (1) study and develop a historical record of the collection and disposition of specified assets of Holocaust victims if they came into the possession or control of the federal government, including the Board of Governors of the Federal Reserve System or any Federal Reserve bank, at any time after January 30, 1933; (2) coordinate its activities with those of private and governmental entities; (3) review research conducted by other entities regarding such assets in the U.S.; and (4) report its recommendations to the President.

Members of the Holocaust Assets Commission were named only last November, and the Commission began its work just ten months ago. The Commission requested an additional year to complete its work due to the unexpected volume and complexity of the material it needs to examine.

The effort to create the Holocaust Assets Commission last year was a bipartisan one, and the effort to extend its life has been as well. Accordingly, I urge my colleagues to support this measure.

Mr. LAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 2401.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2401, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION (WHO)

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1794) concerning the participation of Taiwan in the World Health Organization (WHO), as amended.

The Clerk read as follows:

H.R. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right.

(2) Direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS.

(3) The World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people.

(4) In 1977, the World Health Organization established "Health For All By The Year 2000" as its overriding priority and reaffirmed that central vision with the initiation of its "Health For All" renewal process in 1995.

(5) Taiwan's population of 21,000,000 people is larger than that of 3/4 of the member states already in the World Health Organization.

(6) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to

those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to be rid of polio and provide children with free hepatitis B vaccinations.

(7) The World Health Organization was unable to assist Taiwan with an outbreak of enterovirus 71 which killed 70 Taiwanese children and infected more than 1,100 Taiwanese children in 1998.

(8) In recent years Taiwan has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but has ultimately been unable to render such assistance.

(9) The World Health Organization allows observers to participate in the activities of the organization.

(10) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(11) In light of all of the benefits that Taiwan's participation in the World Health Organization could bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization.

(b) REPORT.—Not later than January 1, 2000, the Secretary of State shall submit a report to the Congress on the efforts of the Secretary to fulfill the commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in international organizations, in particular the World Health Organization (WHO).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises in support of H.R. 1794, a resolution calling for Taiwan's participation in the World Health Organization, WHO. This is a bipartisan resolution, Mr. Speaker, which was approved unanimously by the Subcommittee on Asia and the Pacific of the Committee on International Relations on June 23, 1999. This Member congratulates the distinguished gentleman from Ohio (Mr. BROWN) for bringing this matter before this body, and I was pleased to join him as a cosponsor.

The WHO is a nonpolitical United Nations affiliated agency with 191 participating entities. It seeks to provide the highest possible level of health for all people. There is strong support for the people of Taiwan being afforded the opportunity to participate in a meaningful way in the WHO and take advantage of the information and services that this international organization offers. Given the fact that international travel makes the transmission of communicable diseases much more prevalent, it is illogical to deny WHO services to Taiwan's population of more than 20 million people.

The threat of communicable disease transmission has become much more apparent to Americans in the past week with the outbreak in New York of a rare and very deadly form of African encephalitis. It is speculated this disease was brought to the United States in an aircraft or on a cargo vessel. This outbreak demonstrates just how porous America's borders have become. In such a world of easy transit, it defies logic to exclude 20 million people from this international disease prevention organization.

In addition, Mr. Speaker, there is no doubt that Taiwan can offer much in terms of medical and pharmaceutical expertise. Their longevity rate is nearly the highest in Asia. Specialists from Taiwan have unique skills in a number of areas where we in the West lack the expertise. The potential for cooperation is obvious.

Mr. Speaker, H.R. 1794 speaks only of "appropriate and meaningful participation in the WHO." No one, I think, can responsibly argue with that position.

H.R. 1794 also requires that the executive branch report on its effort to promote such participation. There is no desire in this body to force the executive branch to telegraph its best strategies to those who seek to deny Taiwan's appropriate treatment, and reporting requirement need not make such revelation. However, given the strong views held by many in this body, it is entirely appropriate to ask that the administration report to the Congress on its activities.

Mr. Speaker, this Member urges adoption of H.R. 1794.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1794. In addition, I would like to thank my numerous colleagues, especially the gentleman from Nebraska (Mr. BEREUTER), who have given their support to this bill, also including the gentleman from California (Mr. COX), the gentleman from Ohio (Mr. CHABOT), and others.

Two weeks ago, Mr. Speaker, Taiwan was struck by a devastating earthquake. It is not hard for us to empathize with the thousands of Taiwanese people who found themselves trapped under rubble, praying that someone would come to their rescue; that someone would respond to their cries for help; or for us to imagine how we might react if our family members were trapped under these buildings.

Yet, in the aftermath of this disaster, unlike the immediate offers of help to the victims of the earthquakes in Greece and Turkey, international relief efforts were actually dragged out and postponed while scores of Taiwanese were fighting for their lives.

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And we know why they were forced to wait for help, even though they themselves, the Taiwanese as a people, have provided hundreds of millions of dollars in assistance to victims of wars and famines and disaster all over the world. That is because even in Taiwan's darkest hour, the United Nations first had to receive permission from the People's Republic of China before they could help Taiwan.

That is the reality of the One China policy. No matter how dire the situation, the human rights and the Taiwanese people take a back seat to Cold War geopolitics that frankly no longer serve any useful purpose. Unless we start doing something about it, unless we start to stick up for what is right, unless we start helping Taiwan instead of hindering it, then we will wind up letting China's dictators think they can continue to deny their people and the Taiwanese people their fundamental human rights.

Today we are taking a step in the right direction, because regardless of the One China policy, access to first-rate medical care is a fundamental human right. I said it before, and I will say it again. Children cry the same tears whether they are in Lorain, Ohio, or Taipei, Taiwan. Denying them access to the latest medical innovations that can ease those tears is just as criminal as violating their other basic rights.

H.R. 1794 is a step in the right direction and recognizes that human suffering obviously transcends politics. For the first time ever, Congress is requiring the State Department to find a role for Taiwan in the most beneficial of all international institutions, the World Health Organization, an outfit that is dedicated to eradicating disease and improving the health of people around the world regardless of the conditions imposed on them by any of the world's governments.

Its achievements in this regard are nothing short of remarkable. In this past century, smallpox claimed hundreds of millions of lives, killing more people than every war and epidemic put together. Because of the tireless efforts of the World Health Organization, this scourge has been totally eradicated.

In 1980, only 5 percent of the world's children were vaccinated against preventable diseases. Today, the WHO has vaccinated more than 80 percent of the kids in the world, saving the lives of three million children each year. These diseases include polio, a virus unparalleled in its cruelty and suffering. The WHO has eradicated it from the Western Hemisphere. Similarly, measles, a killer of a quarter of a million children worldwide each year, is targeted for eradication by 2001.

Infectious disease and sickness are not limited to political borders, and the results of Taiwan's exclusion from the WHO have been tragic. Young children and older citizens who are particularly vulnerable to a host of emerging infectious diseases, such as the Asian Bird Flu, are without the knowledge and expertise shared among the member nations of the WHO.

With increased travel and trade among many members of our global village, these diseases do not stop at national borders. So why should we erect boundaries to shared information which would help improve the health of Taiwanese children?

Mr. Speaker, denial of Taiwanese participation in the WHO is an unjustifiable violation of its people's fundamental human rights. Good health is a basic right for every citizen of the world, and Taiwan's admission to the WHO would help foster that right for its people.

I call on all of my colleagues to support H.R. 1794 and Taiwan's right to participate in the World Health Organization.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong support of H.R. 1794.

Mr. Speaker, I am pleased to join my friend from Ohio (Mr. BROWN) in sponsoring this legislation, and I am hopeful that we will garner the overwhelming support of the House.

As my colleague has stated, H.R. 1724 requires the Secretary of State to report to Congress on the efforts of the State Department to fulfill the commitments made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in international organizations, in particular the World Health Organization.

The people of Taiwan have a great deal to offer the international community. It is terribly unfortunate that even though Taiwan's achievements in the medical field are certainly substantial and it has expressed a repeated willingness to assist both financially and technically in World Health Organization activities, it has not been allowed to do so. Passage of H.R. 1794 will, hopefully, prompt our Government to promote that effort.

It is simply a travesty that during times of crisis, such as the 1998 entovirus outbreak in Taiwan, the World Health Organization has been unable to help. That virus killed 70 Taiwanese children and infected more than a thousand.

Only 2 weeks ago, the tragic earthquake in Taiwan that claimed more than 2,000 lives occurred. Sadly, we learned in published reports that the Communist Government of the People's Republic of China, whose belligerent insistence that Taiwan be denied a role in international organizations, demanded that any aid for Taiwan provided by the United Nations and the Red Cross receive prior approval from the dictators in Beijing.

Mr. Speaker, in times of national emergency, Taiwan is deserving of assistance from the international community. The absurd policy denying or delaying that assistance must be changed.

I want to again thank and commend my colleague from Ohio (Mr. BROWN) and also the gentleman from Nebraska (Mr. BEREUTER) for their work on this very important legislation, and I urge my colleagues to support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time.

I certainly rise in congratulations of both gentlemen from Ohio in drafting H.R. 1794.

This measure is concerned with Taiwan's participation in the World Health Organization. Public health is a basic right and concern of all people no matter what their political status or their political standing in the world.

The mission of the World Health Organization is to promote, maintain, and advocate on public health issues globally, who includes as one of its objectives the goal of attaining the highest possible level of health for all people. And Taiwan in many respects has one of the more advanced scientific and medical establishments in Asia, as those of us in Guam, which is 3½ hours flying time from Taiwan, know well.

Yet, because Taiwan has been prohibited from full participation in international organizations associated with the U.N., many opportunities are lost to help the people of Taiwan. And in turn, the world may lose out from their experiences and expertise.

Indeed, tragically because of these political obstacles, WHO was unable to assist the government of Taiwan during a serious viral outbreak in 1998. This is why it is altogether appropriate that we support this resolution. Since common sense dictates that good health transcends politics and history, Taiwan should be permitted to participate in a meaningful way with the WHO. This can be done without violating U.S. foreign policy that supports the One China policy. Without compromising that policy, the U.S. Government could support Taiwan's participation in the WHO in the name of saving lives and promoting universal public health.

I urge all of my colleagues to support this measure.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time in order to close.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge my colleagues to favorably consider and vote for the resolution.

Mr. ORTIZ. Mr. Speaker, I rise today to ask for the support of the House in passing H.R. 1749, the resolution to support Taiwan for membership in the World Health Organization.

Let us begin by asserting a simple truth: disease and disaster know no borders. This resolution will be progress made possible by a policy the United States adopted in 1994, which encouraged Taiwan's participation in various international organizations.

When I was in Taiwan in August, I met and spoke personally with the country's surgeon general. We talked about the virtues of Taiwan's admission to the WHO, and that was prior to the devastating earthquake which killed and injured so many people. The international response to Taiwan in this hour of need was slowed by the fact that Taiwan was not a member country of the WHO.

Taiwan's progression on matters related to health care is legendary in Asia. They have the highest life expectancy levels in Asia; they have implemented successful vaccination programs; and their maternal and infant mortality rates are comparable to those of Western nations. It was also the first Asian nation to eliminate polio and it was the first country worldwide to innoculate its children (for free) for hepatitis B.

Taiwan has a world class economy and their health care system is quite advanced. Their membership in the WHO would be just as beneficial (or more so) to the other member nations as it would be for themselves.

This bill requires the State Department to find a role for Taiwan in one of the most important international organizations, the World Health Organization. The WHO is dedicated to eradicating disease and improving the health of people worldwide.

So, let me end where I began * * * infectious disease and disasters are not limited by political borders, and Taiwan's exclusion from WHO is tragic. Taiwan's young people and the elderly population, who are particularly vulnerable to many emerging diseases, such as the Asian Bird Flu, simply should not be without the knowledge and expertise shared by the member nations of WHO.

Please join me in passing this resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1794 concerning Taiwan's participation in the World Health Organization (WHO).

I want to commend the gentleman from Ohio, Mr. BROWN, for introducing, advocating this measure and for his perseverance on this issue.

I also thank the gentleman from Nebraska, Mr. BEREUTER, chairman of the Subcommittee on Asia and the Pacific, for helping to bring the measure before us today.

We all agree that good health is the basic human right of people everywhere. That right, though, can only be guaranteed if all people have unfettered access to all available resources regarding health care.

The World Health Organization, a United Nations body which has 191 participating entities, is one of those important resources. But today, regrettably, Taiwan, a nation of 21 million people, has been denied a share in that basic human right. This is wrong and it is high time we correct that wrong.

There are opportunities for Taiwan to pursue observer status in the WHO which would allow the people of Taiwan to participate in a substantive manner in the scientific and health activities of this important health organization.

It is time for the Clinton administration to do the right thing, to take affirmative action, and to seek appropriate participation for Taiwan in the WHO.

Accordingly, I call upon the administration to pursue all initiatives in the WHO which will allow these 21 million people to share in the health benefits that the WHO can provide.

I am proud to be a cosponsor of this bill and I urge my colleagues to fully support this measure.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1794 concerning the participation of Taiwan in the World Health Organization (WHO). I want to pay tribute to our distinguished colleague from Ohio, Mr. SHERROD BROWN, for introducing this important bill. I also want to express my thanks for their support of this legislation the Chairman of the Asia Subcommittee, Congressman DOUG BEREUTER of Nebraska, as well as the Chairman of the International Relations Committee, Congressman BENJAMIN A. GILMAN of New York, and the Ranking Democratic Member of the Committee, Congressman SAM GEJDENSON of Connecticut.

The time is long overdue for Taiwan to participate in the World Health Organization, Mr. Speaker. Taiwan, with its population approaching 22 million people, is larger than three-quarters of the countries which are members of the World Health Organization. Taiwan has a large, highly-educated and well-trained medical community. Many of these, I should add, are individuals who have been trained in the finest medical institutions here in the United States. Furthermore, Taiwan is a country with extensive economic, social and cultural links with the rest of the world. It has the resources to make an important contribution to the activities of the World Health Organization. It is unfortunate and counterproductive to continue to exclude Taiwan from participation in the work of the World Health Organization.

Mr. Speaker, some five years ago, in the 1994 Taiwan Policy Review, the Department of State agreed more actively to support the participation of Taiwan in international organizations, and in particular its participation in the World Health Organization. Our legislation will help focus our government's efforts to encourage this laudable goal.

Mr. Speaker, I urge my colleagues to join me in supporting this important piece of legislation.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 1794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1794.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CONDEMNING KIDNAPPING AND MURDER BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA OF THREE UNITED STATES CITIZENS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 181) condemning the kidnapping and murder by the Revolutionary Armed Forces of Colombia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay.

The Clerk read as follows:

H. RES. 181

Whereas Ingrid Washinawatok, a member of the Menominee Indian Nation of Wisconsin, Terence Freitas of California, and Lahe'ena'e Gay of Hawaii, were United States citizens involved in an effort to help the U'wa people of northeastern Colombia;

Whereas Ms. Washinawatok, Mr. Freitas, and Ms. Gay were kidnapped on February 25, 1999 by the Revolutionary Armed Forces of Colombia (FARC), a group designated a foreign-based terrorist organization by the United States Department of State;

Whereas the FARC brutally murdered these 3 innocent United States civilians, whose bodies were discovered March 4, 1999;

Whereas this Congress will not tolerate violent acts against United States citizens abroad;

Whereas the FARC has a reprehensible history of committing atrocities against both Colombian and United States citizens, including over 1,000 Colombians abducted each year and 4 United States civilians who were seized for a month in 1998;

Whereas it is incumbent upon the Government of Colombia to quickly and effectively investigate, arrest, and extradite to the United States those responsible for the murders of Ms. Washinawatok, Mr. Freitas, and Ms. Gay; and

Whereas the United States Federal Bureau of Investigation (FBI) is empowered to investigate terrorist acts committed against United States citizens abroad: Now, therefore, be it

Resolved, That the House of Representatives—

(1) decries the murders of Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay;

(2) strongly condemns the Revolutionary Armed Forces of Colombia (FARC);

(3) calls on the Government of Colombia to find, arrest, and extradite to the United States for trial those responsible for the deaths of these United States citizens; and

(4) emphasizes the importance of this investigation to the United States Federal Bureau of Investigation (FBI) and urges the FBI to use any and every available resource to see that those who are responsible for the deaths of these United States citizens are swiftly brought to justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 181.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, the distinguished gentleman from Wisconsin (Mr. GREEN) and a bipartisan group of cosponsors brought this important resolution before the House.

In early March, three Americans were in Colombia trying to help an indigenous group when they were brutally murdered by the Revolutionary Armed Forces of Colombia (FARC). The FARC, designated by the State Department as a foreign-based terrorist group, killed these people in cold blood. These senseless deaths have brought the total of innocent American lives taken in Colombia by the FARC and the National Liberation Army to 15.

This resolution will put the House of Representatives on record as condemning this heinous crime and calling for those responsible to be swiftly brought to justice. I urge my colleagues to unanimously support H. Res. 181.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution to condemn the slaying of these three individuals, three Americans.

We should be mindful that we should not tolerate the murder of U.S. citizens anywhere in the world. But we should also take this opportunity to remind ourselves of the work of these three individuals, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay of Hawaii.

These three individuals were involved in the work of helping indigenous groups in Colombia. It is entirely appropriate that we draw attention to the efforts on behalf of native groups around the world in this, the international decade of the world's indigenous peoples.

While we take the time and the effort to call upon the Colombian Government to exert all effort to make sure that the perpetrators of these heinous crimes be brought to justice, we should also take the time to understand that the work of helping indigenous peoples throughout the world continues on and that we need to support their work.

We need to support their work not only individually. And as our hearts go out to the families of these three individuals, we should also remind ourselves and call upon the State Department to continue to support resolutions and actions in support of indigenous groups, particularly in our own State Department's work in the United Nations as declarations are pursued there and in the organization of American States.

Again, I rise in very strong support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), the author of the resolution.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me time. I also want to extend my thanks to the gentleman from New York (Chairman GILMAN) for his work on this resolution. I appreciate their support very much.

Mr. Speaker, I rise to speak in support of H. Res. 181, decrying the murder of these three U.S. citizens in Colombia, particularly Ms. Ingrid Washinawatok, a member of the Menominee Indian Nation in my own congressional district in northeastern Wisconsin. Ingrid deserves our gratitude and admiration.

In these times when so many people offer little more than words and wishes, Ingrid walked the walk. She backed up her words and beliefs with constructive action. Time after time, Ingrid put her life on the line for what she believed in, often operating in dangerous, treacherous environments all around the world. She sacrificed throughout her life; and, in the end, she sacrificed her life itself.

She was only 42 years old when she died at the hands of terrorists in Colombia. At the time that she was kidnapped, she and her two companions, as was mentioned by my colleague from Guam, were involved in an effort to better the lives of the U'wa people in northeastern Colombia through education.

She had a vision, a vision of a better world, and she devoted her life to turning that vision into reality. But her work in Colombia was only the latest example of her devotion to that great vision. She traveled throughout the globe and tried to leave, she and her companions, each place that she worked just a little bit better than when she had first arrived.

She is survived by her family and friends both in Wisconsin and in New York. But I think we all will miss her and mourn her, her and her companions, because with their passing, we all lose something.

Mr. Speaker, H.R. 181 uses the force of this Congress to decry the murders of Ingrid and Mr. Freitas and Ms. Gay. It was members of FARC who kidnapped these three U.S. citizens. It was members of FARC who killed them just 2 days later.

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These actions were reprehensible and they were intolerable. We must send a message today to FARC and other groups who would commit brutal crimes just as this that U.S. citizenship means something, and that the U.S. will not stand for acts of aggression against its citizens anywhere in the world.

This resolution also strongly condemns FARC itself for its actions. FARC is a recognized terrorist organization. It has a horrifying history of atrocities, of thuggery.

Finally, this resolution calls upon the government of Colombia and our own FBI to expedite and intensify their efforts to find and arrest those responsible. We must find them, if citizenship is going to mean anything, and they must be extradited to the U.S. for a trial.

Again, I want to thank the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER) and the members of the Committee on International Relations for their support, their work, and their assistance on this.

I urge my colleagues to support this resolution to honor the memories of these Americans, to make sure that justice is done, and to protect our citizens abroad in the future.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in very strong support of this resolution, and I thank the sponsors of this resolution for allowing the House to deliberate on its contents. This resolution condemns the brutal, senseless killings in Colombia of three dedicated activists, one of whom was from my district. Lahe'ena'e Gay was from the big island. We mourn her death, her brutal, senseless murder, as well as that of Ingrid Washinawatok and Terence Freitas.

My constituent, Lahe'ena'e Gay, was the founder of Pacific Cultural Conservancy International, and she devoted her life to preserving the cultural identity and integrity of indigenous peoples. She and her two colleagues were on a mission to northeastern Colombia to assess whether they might be able to assist the U'wa people in preserving their heritage in the face of outside influences, development and exploitation.

As we all know when we read to our horror on March 4 that the bodies of Ms. Gay, Ms. Washinawatok and Mr. Freitas were found, they had been kidnapped from Bogota and bound and gagged and shot to death and dumped across the border into Venezuela. We have been advised that this was the action of the Revolutionary Armed Forces of Colombia, FARC as they are known.

It was terribly disturbing to me, especially not only because Ms. Gay was from my constituency but I had just returned from a trip with my subcommittee, chaired by the gentleman from Florida (Mr. MICA), to visit Colombia and to hear such reassuring words about the progress of the government there regaining control of the country and doing something about the drug trade. And then to come back and learn that this terrible act had been done is truly a crushing defeat of the progress that we had been told had been achieved.

So I am pleased that the House has this time this afternoon to consider this resolution and to condemn the actions of these terrorists in Colombia.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to close before the gentleman from Nebraska does by pointing out what has already been said here today, that the murder of these three American citizens was senseless, brutal and really unforgivable. The FARC has yet to cooperate with Colombian authorities and U.S. officials to help resolve this case. If the FARC is going to persist in its claims to be a credible player in the peace process in Colombia, they need to begin by taking responsibility for their actions, by helping those who are accountable for these atrocities to be brought to justice, and to help send a message to put an end to this type of barbaric behavior in the future. We strongly condemn the actions of the FARC and recommend for the sake of the families of those unfortunate individuals involved as well as for the sake of peace in Colombia that the perpetrators be brought to justice. I strongly urge support of the resolution.

Mr. RYAN of Wisconsin. Mr. Speaker, today the House considered H. Res. 181, to condemn the murder of Americans by the Revolutionary Armed Forces of Colombia. These victims of the escalating violence in Colombia were from Wisconsin, and I would like to thank my colleague MARK GREEN for introducing this important resolution. I would also like to bring to your attention another situation in Colombia that hit close to home.

This month, we are upon the one-year anniversary of the alleged assassination of Colombian citizen Maria Hoyos. Maria was a close friend of Dr. Frederick and Ronnie Wood and their family that live in the district I serve. Mr. Wood told me about Maria's October 28, 1998, assassination and questioned how the

United States could let Colombia, a nation in our own backyard, fall through the cracks of our worldwide effort at helping countries grow both economically and democratically.

Maria del Pilar Vallejo de Hoyos came to Kenosha, Wisconsin, for the first time over twenty years ago as an exchange student. She stayed in the Woods' home and has been like a sister to the Woods' three daughters and a general member of the family. Maria returned to Wisconsin several times over the years and kept in touch. During Maria's last trip to Kenosha, her son, Guilermo, was the ring bearer at one of the Woods' daughter's wedding. In Colombia, she had completed law school and had been elected at different times to the Manizales City Council and the Caldas State Assembly.

In Colombia, President Andres Pastrana has tried unsuccessfully to negotiate peace between the Marxist rebels (the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN)). But the rebels' power and influence in Colombia has grown substantially by collaborating with Colombia's drug-traffickers and the money they provide. This is a symbiotic relationship—the Marxist rebels supply protection for the drug lords in return for the money to arm themselves against the Colombian government.

Alarmingly, drug trade in Colombia amounts to between 25 and 35 percent of the country's total exports. From this bounty, the rebel guerrillas have been able to support their war against the Pastrana government. Some estimates put the FARC and ELN control over Colombian territory at 50 percent with significant influence over more than half of the country's municipalities.

I am not willing to continue the Administration's policy of throwing more money at Colombia if it is not utilized properly through a well-designed anti-drug strategy. However, both the Administration and Congress have been remiss in their haphazard guidelines for certification, decertification, and national interest waivers in the anti-drug war.

Since 1990, Colombia has received almost $1 billion in U.S. anti-drug aid, yet cocaine and heroin production has continued its steady increase. In fact, a June GAO report concluded that Colombia's future cocaine production could jump 50 percent. On top of no relief in sight from future drug production, the country is suffering through its worst recession since the 1930s. The economy is predicted to shrink further by 3.5% in 1999, and the central bank recently allowed the Colombian peso to float, creating instability of the peso against the U.S. dollar. The growing strength of the Marxist rebels and drug trade combined with Colombia's faltering economy and growing income inequalities is a lethal combination.

I would like to thank the Speaker for the hard work he has put in to shaping U.S. policy toward Colombia. Through the efforts of Speaker HASTERT and other Members, Congress has developed direct ties with the Colombian government and has eclipsed the Clinton Administration's efforts to combat the narco-democracy engulfing Colombia. I strongly support the efforts of Speaker HASTERT and Government Reform Chairman DAN BURTON, who feel passionately about the war on drugs and the effect it is having on the Colombian people.

Both Congress and the Clinton Administration need to look more closely at the problem brewing in Colombia before it threatens Western Hemisphere stability. As I have found out through Dr. Fred Wood in Kenosha, the growing violence in Colombia has already reached my district, and I want to ensure that other upstanding Colombian citizens do not meet Maria Hoyos fate while trying to maintain a legitimate democracy in Colombia.

Mr. GILMAN. Mr. Speaker, Representative MARK GREEN of Wisconsin and a bipartisan group of co-sponsors brought this important resolution before our Committee.

In early March, three Americans were in Colombia trying to help an indigenous group when they were brutally murdered by the Revolutionary Armed Forces of Colombia. The FARC—designated by the State Department as a foreign-based terrorist group—killed these people in cold blood. These senseless deaths have brought the toll of innocent American lives taken in Colombia by the FARC and the National Liberation Army to 15. As of today, 12 Americans are being held hostage by these terrorist groups. Moreover, we still do not know the fate of the longest held captives, Mark Rich, David Mankins and Rich Tenenoff, kidnapped by the FARC in 1993.

I have written to Secretary of State Madeleine Albright to ask that the perpetrators of the murder of the three innocent Americans who are the subject of the resolution before us today be included under the Department of State's Counter-terrorism Reward Program. I recently sponsored legislation that increased the reward under this program to $5 million. I hope that widely publicizing this reward in Colombia will speed the arrest and conviction of those responsible for this reprehensible crime.

Accordingly, I urge my colleagues to unanimously support H. Res. 181.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 181, which condemns the Revolutionary Armed Forces of Colombia—known as FARC—for the kidnapping and brutal murder of three American citizens earlier this year.

These individuals—including Terence Freitas, whose mother lives in my congressional district—were in Colombia only to provide assistance to the indigenous U'wa people in the northeast part of the country.

Although the FARC has admitted that their guerillas abducted and killed the Americans, they have refused to cooperate with Colombian or United States authorities to resolve the case.

This important resolution condemns the senseless murders and demands that those responsible for this heinous crime are swiftly brought to justice.

As we condemn atrocities committed by the FARC, we must also condemn the numerous extrajudicial killings carried out by Colombian paramilitary forces. The cycle of violence that has consumed Colombia and claimed the lives of these three innocent Americans will end only when all sides agree to lay down their arms and work together to achieve a lasting peace.

I urge my colleagues to support the resolution.

Ms. LEE. Mr. Speaker, I rise this afternoon to speak about the disturbing situation in Colombia and the kidnapping and murder of three U.S. citizens, Terence Freitas, Ingrid Washinawatok and Lahe'ena'e Gay.

As a long-standing advocate for human rights and nonviolence, the conflict and violence in Colombia is incredibly alarming to me. Terence Freitas, an activist and student at the University of California-Berkeley, was a constituent of mine. Ingrid, Lahe'ena'e and Terence were traveling in Colombia as guests of the U'wa, a traditional indigenous community that is nonviolently fighting to protect their land from United States and Colombian petroleum developers.

Last week, along with other members of the House International Relations Committee, I had the opportunity to meet with Colombian President Pastrana. We learned a great deal about his new $7.5 billion plan for "peace", economic redevelopment, and counter-drug efforts. It is my understanding that the Clinton administration is expected to ask Congress to fund $1.5 billion of the plan, and that the administration's proposal may call for over half of the funds to support equipment and training for the Colombian police and military.

I am very concerned about this inititive. At more than $500 million annually, this would nearly double the amount that our Nation provided to Colombia's security forces in 1999.

Some of you may have seen the poignant letter of May 22 written by the mother of Terence Freitas to the editor of the Washington Post. In the letter, Ms. Freitas writes that she has "watched in disbelief that some have used the murder of her son . . . and his two companions to justify an increase in military aid to Colombian armed forces." Ms. Freitas writes that she is distressed that the ideals that her son "lived and died for—nonviolence, indigenous sovereignty and justice" have been diminished by those who support militarization in Colombia.

I am a cosponsor of this resolution because I believe that those responsible for the murders of Terence, Lahe'ena'e, and Ingrid need to be arrested and brought to trial.

At the same time, as we speak out deploring their murders today on the House floor, I also believe that it is crucial to address our Nation's future policy toward Colombia. Any plan, with a focus on increased funding for training the Colombian police and military, is dangerously narrow and counterproductive.

In order to truly advance the peace process in Colombia and create stability for all communities in the country, we must attack the root causes for drug trade and violence of the FARC. This requires a more comprehensive policy approach to fund the elements of President Pastrana's plan that support economic development, human rights and an end corruption in the justice system in Colombia.

I challenge all of us to examine the proposal of the Colombia Government with this perspective. Ms. Freitas explains that Terence "clearly understood that the U.S. military and training assistance to Colombia would bring more violence from all sides. She leaves us with the following message, which I would like to convey to all of my colleagues:

"If our Congressional Representatives hear any 'wake-up call' following the execution of my son, I urge it to be this: Remember your high standards of justice and peace by refusing to further U.S. military aid to Colombia.

Doing the hard work of peace takes a lot more guts than empowering more men with guns."

STATEMENT OF CONGRESSWOMAN SHEILA JACKSON-LEE CONDEMN COLOMBIAN KILLINGS

(H. RES .181)

OCTOBER 4, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 181. This resolution expresses the sense of the House of Representatives which condemns the murders of Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay.

On Feb. 25 of this year, three U.S. citizens—Ingrid Washinawatok, a member of the Menominee Indian Nation of Wisconsin, Terence Freitas of California, and Lahe'ena'e Gay of Hawaii—were kidnapped by the Revolutionary Armed Forces of Colombia (FARC), a terrorist and drug trafficking group fighting the government of Colombia. The three were involved in an effort to help the U'wa people of northeastern Colombia. The FARC brutally murdered the three Americans a week later.

The resolution strongly condemns the Revolutionary Armed Forces of Colombia (FARC); notes the FARC has a reprehensible history of committing atrocities against both Colombian and U.S. citizens; states that Congress will not tolerate violent acts against U.S. citizens abroad.

These American activists were involved in humanitarian efforts to assist the U'wa people of northeastern Colombia. Prior to their kidnapping, they spend 2 weeks on the U'wa reservation trying to assist in developing education program using traditional culture, language, and religion. The death of Ingrid Washinawatok marks the first time that a Native North American women died while performing human rights work among native people in South America.

FARC, a terrorist organization that has communist ties, has a history of committing atrocities against both Colombian and U.S. citizens. Established in 1966, it is the largest, best-trained, and best-equipped guerilla organization in Colombia. The goal of FARC is to overthrow the Colombian Government and its ruling class. Following the murders, FARC guaranteed that the perpetrators would be punished but refused to turn over the murderers to Colombian or United States officials.

H. Res. 181 strongly condemns the actions of FARC and calls for the government of Colombia to arrest and extradite those responsible for the deaths of the three individuals. Moreover, the bill urges the Federal Bureau of Investigation to use every available resource to see that those individuals responsible for the murders are brought to justice.

I urge my colleagues to support this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I strongly urge unanimous support for H. Res. 181.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 181.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONCERN OVER INTERFERENCE WITH POLITICAL FREEDOM IN PERU

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru, as amended.

The Clerk read as follows:

H. RES. 57

Whereas interference with freedom of the press and the independence of judicial and electoral institutions in Peru contributes to an erosion of democracy and the rule of law in Peru;

Whereas freedom of the press in Peru is under assault, and the Department of State's Peru Country Report on Human Rights Practices for 1998, found that "[t]he Government infringed on press freedom [. . . and] [j]ournalists faced increased harassment and intimidation";

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997, found that "[i]ncidents of harassment of media representatives increased to such an extent as to create the perception of an organized campaign of intimidation on the part of the Government, specifically, on the part of the armed forces and intelligence services";

Whereas the Organization of American States' Special Rapporteur on Freedom of Expression has called on the Government of Peru to cease all official harassment of journalists and to investigate and prosecute all abuses of freedom of speech and of the press;

Whereas Freedom House now classifies Peru as the only country in the Western Hemisphere, other than Cuba, where the press is "not free";

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997 states that Channel 2 television station reporters in Peru "revealed torture by Army Intelligence Service officers [and] the systematic wiretapping of journalists, government officials, and opposition politicians";

Whereas on July 13, 1997, the Government of Peru revoked the Peruvian citizenship of the Israeli-born owner of the Channel 2 television station, Baruch Ivcher, effectively removing him from control of Channel 2, leading the Department of State to conclude that "the Government's action in this case was widely interpreted as an attempt to prevent the station from broadcasting any more negative stories about the regime";

Whereas the Government of Peru has issued an INTERPOL warrant for Baruch Ivcher's arrest and brought criminal proceedings against him, against members of his immediate family, and against his former associates to secure lengthy prison sentences against them;

Whereas the Inter-American Commission on Human Rights found human rights violations against Baruch Ivcher by the Government of Peru in this case and on March 31, 1999, submitted the case to the Inter-American Court of Human Rights;

Whereas persecution of journalists in Peru is so grave that several Peruvian journalists have sought political asylum in the United States;

Whereas actions related to efforts to authorize President Alberto Fujimori to seek a third term in office have raised questions about the independence of the National Election Board in Peru;

Whereas the independence of Peru's judiciary has been brought into question since the dismissal of 3 Constitutional Tribunal magistrates on May 29, 1997, and by continuing control of judicial matters by the executive branch; and

Whereas the Inter-American Commission on Human Rights has called on the Government of Peru to reinstate the 3 dismissed magistrates, enabling the Constitutional Tribunal to rule on constitutional issues, to fully restore the National Council of the Judiciary's power to nominate and dismiss judges and prosecutors, and to cease the recurring practice of overruling, transferring, or removing judges whose decisions did not coincide with the views of the Government of Peru: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the erosion of the independence of judicial and electoral branches of the Government of Peru, the interference with freedom of the press, and the blatant intimidation of journalists in Peru constitute a threat to democracy in that country and are matters for concern by the United States as a member of the Inter-American community;

(2) the United States Government and other members of the Inter-American community should review the forthcoming report of an independent investigation conducted recently by the Inter-American Commission on Human Rights of the Organization of American States on the condition of and threats to democracy, freedom of the press, and judicial independence in Peru; and

(3) representatives of the United States in Peru and to international organizations, including the Organization of American States, the World Bank, the Inter-American Development Bank, and the International Monetary Fund, should make clear the concern of the United States concerning threats to democracy and violations of the rule of law in Peru.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International

Relations joined in introducing this resolution to underscore Congress' concern about the harassment of journalists and over signs that the independence of Peru's judiciary is being substantially undermined.

The Committee to Protect Journalists, CPJ, has documented "attacks that confirm our suspicion of a coordinated government campaign to discredit and undermine the independent media in Peru."

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. These acts of intimidation were precipitated by Channel 2's exposés of abuses, including alleged torture and murder, by Peru's intelligence service.

The Committee to Protect Journalists asserts that the government of Peru "has continued to hound Mr. Ivcher, initiating legal action against him, harassing his family, and mounting an orchestrated misinformation campaign to discredit him."

Mr. Speaker, just today, a small opposition newspaper, "Referendum," stopped publishing amid allegations that the government of Peru applied pressure to force the newspaper out of business. Several members of this newspaper's editorial board used to work for Channel 2.

This resolution will put the House of Representatives on record expressing bipartisan concern over the erosion of the independence of the judicial and electoral branches of Peru's government and the intimidation of journalists in Peru. These concerns have also been heightened by Peru's effective withdrawal from the Inter-American Court of Human Rights.

Mr. Speaker, I urge my colleagues to support H. Res. 57.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Nebraska (Mr. BEREUTER) in strongly supporting this resolution. It basically details two matters of significant concern as far as the history of democracy in Peru as well as that part of the world.

The first, as the gentleman from Nebraska has alluded to, is the disregard by President Fujimori for the independence of the judiciary and the failure to recognize some separation of powers in terms of upholding the constitutional prohibition against three terms of consecutive service by the President. The second is a clear case of abuse with respect to the freedom of the press which I agree should be seriously investigated by outside credible authorities. These are but two examples of threats to democracy in a country that is in a position to be a partner and an agent in cooperation with the United States in Latin America. But actions like this really threaten that relationship. And so it is important that we pass this resolution to send an appropriate message to Peru that they need to reverse these actions and get back to a more proper course toward democracy.

Mr. GILMAN. Mr. Speaker, Representative Lee Hamilton and I initially introduced this resolution in the 105th Congress to express our concern over intererence with freedom of the press and the independence of judicial and electoral institutions in Peru. I am pleased that the Ranking Minority Member of our International Relations Committee, the gentleman from Connecticut, Mr. GEJDENSON joined me in reintroducing this resolution.

The Committee to Protect Journalists, which has repeatedly expressed concern to the Peruvian government for the safety of journalists covering the military and the National Intelligence Service, wrote to me earlier this year to strongly urge that I reintroduce this resolution. The Committee to protect Journalists informed me "Not only have we failed to receive an official response to any of our protest letters, but we continue to document attacks that confirm our suspicion of a coordinated government campaign to discredit and undermine the independent media in Peru."

I have been one of Peru's strongest supporters in Congress. There is no question that Peru has made it back from the brink of the abyss. Not so many years ago, Peru was a terrorized nation.

Peru has become a good partner in our war against drugs. The drop of coca prices in Peru to historically low levels provided a real opportunity to help farmers grow legitimate crops. I was pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

Nonetheless, I continue to be alarmed with regard to the harassment of journalists and signs that the independence of Peru's judiciary is being substantially undermined.

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. These acts of intimidation were precipitated by Channel 2's exposés of abuses—including alleged torture and murder—by Peru's intelligence service.

The Government of Peru, which revoked Mr. Ivcher's Peruvian citizenship, issued him a new Peruvian passport. Nonetheless, the government of Peru has continued to pursue highly questionable legal proceedings against Mr. Ivcher and his family and against former associates. Recently, the former general manager of Channel 2, was sentenced to four years in prison. The Committee to Protect Journalists asserts that the government of Peru ". . . has continued to hound Mr. Ivcher—initiating legal action against him, harassing his family, and mounting an orchestrated misinformation campaign to discredit him."

Just today, a small opposition newspaper, Referendum, stopped publishing amid allegations that the government of Peru applied pressure to force the newspaper out of business. Several members of this newspaper's editorial board used to work for Channel 2.

This resolution will put the House of Representatives on record expressing bipartisan concern over the erosion of the independence of judicial and electoral branches of Peru's government and the intimidation of journalists in Peru. These concerns have only been heightened by Peru's effective withdrawal from the Inter-American Court of Human Rights. These are matters of concern to United States and all nations of the Hemisphere.

Peru's good efforts in our shared fight against drugs deserve our recognition and strong support. However, the United States should not turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions of Peru.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 57, expressing the sense of Congress that the erosion of the independence of the judicial and electoral branches of the government of Peru, along with the intimidation of journalists within the country, are major concerns of the United States. I also support the United States pursuit of an independent investigation and report by the Inter-American Commission on Human Rights of the Organization of American States on threats to freedom and judicial independence in Peru.

The Constitution in Peru provides for freedom of speech and of the press. It provides for a judicial system free from the executive branch. Today, human rights reporting have provided an assessment of Peru that is causing concern. For although, the Constitution of Peru provides for these fundamental rights and privileges, recent actions are demonstrating the Government of Peru is limiting these rights.

The press in Peru represents a wide spectrum of opinion, ranging from left-leaning opposition views to those favoring the Government. In the greater Lima area alone, there are 16 daily newspapers, 7 television stations, 68 radio stations, and 2 commercial cable systems. The Government owns one daily newspaper, one television network, and two radio stations, none of which is particularly influential. However, in order to avoid provoking government retribution, the Peruvian press practices a degree of self-censorship.

Government accusations of treason against investigative journalists, the ordeal of Baruch Ivher who lost control of his television station, harassment of media representatives increased to such a degree that it appears to be an organized campaign of intimidation on the part of the Government, are areas of concern for democratic institutions. A full report, by an independent counsel, is justified to understand the extent of the problem.

The Constitution provides also for an independent judiciary; however, documents allege in practice the judicial system is inefficient, often corrupt, and easily manipulated by the executive branch. As a result, public confidence in the judiciary is low.

There is a three-tier court structure: lower courts, superior courts, and the Supreme Court. A Constitutional Tribunal rules on the constitutionality of congressional legislation and government actions; a National judiciary

Council tests, nominates, confirms, evaluates, and disciplines judges and prosecutors; and a Judicial Academy trains judges and prosecutors. The Government moved to limit the independence of the Constitutional Tribunal almost from its inception in 1995 and continued such efforts in subsequent years. By year's end, the Peruvian Congress still had not taken any steps to replace the three judges ousted from the Constitutional Tribunal after they voted against the interpretation allowing President Fujimori a third term. An action that seems to be punitive just due to its subject matter. This effectively paralyzed the Court's ability to rule on any constitutional issues for lack of a quorum.

The Peruvian Government cites its efforts to revamp its judicial system. It is commendable that administrative and technical progress is occurring in the area of caseload reduction and computerization but little has been done to restore the judiciary's independence from the executive. Of the country's 1,531 judges, less than half, only 574 have permanent appointments, having been independently selected. The remaining 957, including 19 of the 33 judges of the Supreme Court, have provisional or temporary status only. Critics charge that, since these judges lack tenure, they are much more susceptible to outside pressures, further crippling the judicial process.

Increased economic and social stability has resulted in a substantial increase in U.S. investment and tourism in Peru in recent years. In 1997, approximately 140,000 U.S. citizens visited Peru for business, tourism and study. About 10,000 Americans reside in Peru and over 200 U.S. companies are represented in the country. U.S. relations improved with Peru after the 1992 auto-coup when the country undertook steps to restore democratic institutions and to address human rights problems related to counter-terrorism efforts.

I urge my colleagues to support with me this effort designed to continue U.S. promotion of the strengthening of democratic institutions and human rights safeguards in Peru.

Mr. DAVIS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge strong support of H. Res. 57.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 57, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing concern over erosion of democracy and the rule of law in Peru, including interference with freedom of the press and independence of judicial and electoral institutions.".

A motion to reconsider was laid on the table.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission, as amended.

The Clerk read as follows:

H.R. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Bicentennial Commission Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for his life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The Year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to the Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (in this Act referred to as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether they are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of his birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of the Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to the Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) 3 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) 2 members, each of whom shall be Members of the House of Representatives from the State of Illinois, appointed by the Speaker of the House of Representatives.

(6) 1 member, who shall be a Senator from the State of Illinois, appointed by the Majority Leader of the Senate.

(7) 1 member, who shall be a Senator, appointed by the Majority Leader of the Senate.

(8) 1 member, who shall be a Member of the House of Representatives, appointed by the Minority Leader of the House of Representatives.

(9) 1 member, who shall be a Senator, appointed by the Minority Leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIRPERSON.—The Chairperson shall be designated by the President from among the members of the Commission appointed under section 5(a)(1). The term of office of the Chairperson shall be for the life of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chairperson. Periodically, the Commission shall hold its meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and any additional personnel as the Commission considers appropriate.

(b) Applicability of Certain Civil Service Laws.—

(1) Director.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) Staff.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) Interim Reports.—The Commission may submit to the Congress interim reports as the Commission considers appropriate.

(b) Final Report.—The Commission shall transmit a final report to the Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information the Commission considers appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate 120 days after submitting its final report pursuant to section 8.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) and (C))) under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1451.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act, sponsored by the gentleman from Illinois (Mr. LAHOOD).

H.R. 1451 authorizes a 15-member commission to begin national planning for the celebration of the 200th anniversary of the birth of our Nation's 16th President, Abraham Lincoln. This commission would be authorized for 4 years and is charged with developing and reporting to Congress recommendations on activities that appropriately honor this great man and his accomplishments.

Let me borrow from a line from Lincoln's Gettysburg Address and say that it is altogether fitting and proper that we should do this. It goes without saying that Abraham Lincoln was one of our greatest, if not the greatest, Presidents of the United States. Lincoln led our country through its most challenging time, the Civil War. He was a man who sought to unite rather than to divide, urging a nation battered by war to "bind up its wounds." Perhaps most importantly, he was a man who stood on principle and believed in the greatness of this Nation and its people.

Abraham Lincoln's every word and action were based on the founding principle of our Nation, that all are created equal, and none can be denied their natural rights by government or unjust laws. This principle, which forms the basis for our Declaration of Independence and the moral foundation for our Constitution, lives on today and continues to serve this country well.

Mr. Speaker, Abraham Lincoln described the nobility of our experimental form of government more eloquently than any other national leader. He did so in a matter of moments on the battlefield at Gettysburg.

The Gettysburg Address was a reaffirmation of the principle that no person can rightfully governor others without their consent. It was also a testimony to the greatness of our form of government and to the American people.

Through his famous debates with Stephen Douglas, Lincoln reminded the citizens of my home State of Illinois, as well as those residing in other parts of the country, that there are limits to any form of government, even the democratic principle of majority rule.

Lincoln opposed the doctrine of what was then called "popular sovereignty." In contrast to Douglas, Lincoln recognized that a too narrow interpretation of the doctrine of majority rule could lead to the misguided conclusion if one man would enslave another, no third person should intervene.

Lincoln also recognized that a house divided against itself cannot stand. He stood tall, fighting for what provided the American people a new birth of freedom.

Just before an assassin ended his life, Lincoln outlined the approach to Reconstruction that would proceed, "With malice toward none, with charity toward all." His spirit defines the best of the American experiment and appeals to the better angels of our nature.

As we approach the new millennium, it is entirely fitting that Congress adopt this commission bill now. The principles that our declaration established and that Lincoln led us to sustain are truly timeless. Congress authorized a similar commission nearly 100 years ago. It was the recommendations of that commission that created the Lincoln Memorial which stands so prominently today in our Nation's Capital.

□ 1545

This same commission also approved the placing of Lincoln's image on a stamp and made the day of Lincoln's birth a national holiday.

H.R. 1451 carries the spirit of this commission. The commission called for on this bill will provide recommendations that will help this body recognize Lincoln's birth as well as the greatness of the man well into the next millennium.

Let me add that the manager's amendment we are considering today amends the bill that was unanimously approved by the Committee on Government Reform. It authorizes four additional members of the commission, adding two each from Kentucky and Indiana. Given that Abraham Lincoln was born in Harding County, Kentucky, on February 12, 1809, and spent formative years in Indiana, this is an appropriate change, and I urge its adoption.

This manager's amendment has also been modified to address concerns about the authority to accept gifts, bequests, and donations that have been included in the bill marked up by the Committee on Government Reform. The Committee on Ways and Means expressed concerns about that provision, and we have deleted such authority since it is not necessary to the commission's authority to make recommendations for further action.

I am proud to offer this legislation, and I am proud that the gentleman from Illinois (Mr. LAHOOD) gave me the chance to manage this bill and to be a cosponsor of the bill, and I encourage the support of all Members.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to take a moment to thank the gentleman from Illinois (Mr. LAHOOD) for sponsoring this very important legislation. I think it is very important that we take time to recognize those people who came upon this Earth, saw it, saw the problems with it and tried to change it to make it better; and so I thank him, and I want to thank our ranking member of our committee and the gentlewoman from Illinois (Mrs. BIGGERT), the entire Illinois delegation, and certainly the chairman of the committee and the chairman of the subcommittee.

Mr. Speaker, the legislation before us today establishes a bicentennial commission to celebrate the life and accomplishments of this Nation's 16th President, Abraham Lincoln. In many respects Abraham Lincoln was an ordinary man who throughout his life did many extraordinary things.

Mr. Lincoln was poor and struggled to educate himself. He encountered numerous business setbacks and challenges. A captain in the Black Hawk War, Lincoln practiced law and spent 8 years in the Illinois legislature. In 1836, Lincoln was elected to Congress and served two terms. Lincoln took 5 years off from politics to focus on his law practice. When he returned to the political arena in 1854, he took an unpopular stance. He opposed the Kansas Nebraska Act which threatened to extend slavery to other States.

Lincoln was elected President in 1860 when the United States was no longer united. Believing that cession was illegal, he was prepared to use force to defend the Union and did so. The Civil War began in 1861 and would last 4 years, costing the lives of over 500,000 Americans.

On November 16, 1863, in the midst of the war on a battlefield near Gettysburg, Pennsylvania, President Lincoln presented to the people his vision for our Nation, conceived in liberty where everyone is created equal. This speech known as the Gettysburg address shaped the destiny of the United States of America, that government of the people and by the people should be for all people regardless of race, or color, or gender. For this, Mr. Speaker, Mr. Lincoln lost his life in the balcony of the Ford's Theatre in 1865 right here in Washington, D.C.

The bicentennial commission will recommend to Congress what activities and actions should be taken to celebrate the life of this great man. The commission's recommendations to this body should reflect how a man of humble roots rose to the Presidency of the United States and the diversity and uniqueness of this great Nation. It should send a message to all of our young people that they can, too, start in humble beginnings; but it will not matter where they were born or who they were born to, it is what they do with the life that they have been given.

Again, I commend the gentleman from Illinois (Mr. LAHOOD) and the gentlewoman from Illinois (Mrs. BIGGERT) for working with me and the Democratic Illinois delegation to formulate bipartisan language that would expand the membership of the commission to allow the House minority leader and the Senate minority leader to each appoint one Member of Congress to the commission. That is so important because I think that is the way Lincoln would have wanted it. The commission's bipartisan membership will further honor the memory and works of Abraham Lincoln.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD), my friend and colleague and sponsor of this important legislation.

Mr. LAHOOD. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT) for yielding this time to me, and I also thank the gentleman from Maryland (Mr. CUMMINGS) for his remarks that he made in the committee which were very eloquent last week about President Lincoln.

Mr. Speaker, I am here today to celebrate the life and legacy of President Abraham Lincoln by asking for my colleagues' support for H.R. 1451, the Abraham Lincoln Bicentennial Commission Act of 1999. The bill will establish a commission, the purpose of which would be to make recommendations to Congress for a national program to honor President Abraham Lincoln in the year 2009, the bicentennial celebration of his birth. For decades historians have acknowledged him as one of our country's greatest Presidents. As our 16th President, Lincoln served the country during a most precarious era. While most of the country looked to divide, President Lincoln fought for unity and eventually saved the Union.

With the belief that all men are created equal, President Lincoln led the charge to free all slaves in America. Without the determination and wisdom of President Lincoln, our country, as we know it, may not exist today.

President Lincoln also serves as a national symbol of the American dream. Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States of America. In 1909, America celebrated the centennial of President Lincoln's birth in a manner deserving of the accomplishments. Congress approved placing the image of President Lincoln on a first-class stamp for the first time, made President Lincoln's birth a national holiday, and passed legislation leading to the construction of the Lincoln Memorial here in Washington, D.C.

Further, President Theodore Roosevelt approved placing the image of President Lincoln on the penny.

As in 1909, the Congress again should honor President Lincoln in 2009 by establishing the Abraham Lincoln Bicentennial Commission. Through this commission, Congress will be able to demonstrate its appreciation for Abraham Lincoln's accomplishments and ultimate sacrifice for our country.

This commission will identify and recommend to Congress appropriate actions to carry out this mission and through the recommendations of this commission and subsequent acts of Congress, the American people will benefit by learning about the life of President Lincoln, and as an Illinoisan, I am proud of the fact that President Lincoln considered Illinois his home for virtually all of his adult life.

In 1837 Lincoln moved to Springfield, Illinois, which is an area that I represent along with the gentleman from Illinois (Mr. SHIMKUS) where he established a law office and quickly earned a reputation as an outstanding trial lawyer. He served in the State legislature from 1834 to 1842 and was elected to this House of Representatives in 1846 as a member of the Whig party, and 9 of the 14 counties that I currently represent were once represented by Abraham Lincoln.

Lincoln joined the Republican party in 1856 and ran for the U.S. Senate from Illinois against Stephen Douglas in 1858. As a candidate for that office, Lincoln rose from relative obscurity to become a nationally known political figure.

Throughout the campaign, Lincoln stated that the U.S. could not survive as half slave and half free States. In a famous campaign speech on June 17, Lincoln declared, I quote, "a House divided against itself cannot stand," end quote. Additionally, the famous Lincoln-Douglas debates drew the attention of the entire Nation. Although Lincoln ultimately lost that campaign, he returned only 2 years later to run for the Presidency. Lincoln was elected the 16th President on November 6, 1860, defeating the previous Senate opponent, Stephen A. Douglas. In one of the most famous acts President Lincoln enacted, the emancipation proclamation went into effect on January 1, 1863.

After discussing this issue with Representative RON LEWIS of Kentucky, we both agree that the commission should strongly consider Hodgenville, Kentucky, the birthplace of Abraham Lincoln, as the site for its inaugural meeting.

Abraham Lincoln is remembered for his vital role as the leader in preserving the Union and beginning the process that led to the end of slavery in the United States. He also is remembered for his character, his speeches, his letters, and a man of humble origin whose determination and preservation led him to the Nation's highest office.

I would like to acknowledge the assistance of the, as I mentioned earlier, to the gentleman from Maryland (Mr. CUMMINGS), to the gentlewoman from Illinois (Mrs. BIGGERT), also Chuck Schierer and Peter Kovlar, who originally brought this idea of a Lincoln commission to me, and their research was invaluable to this important project.

I ask all colleagues to join me in honoring the memory of President Abraham Lincoln by supporting the Abraham Lincoln Bicentennial Commission Act of 1999.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to support the Abraham Lincoln Bicentennial Commission Act. Abraham Lincoln is rightly considered one of America's greatest Presidents. He occupied the White House through 4 of our country's darkest years and was faced with the prospect of uniting our country torn asunder by civil war. Through his leadership and perseverance, Mr. Speaker, our country and system of government was preserved.

While it is impossible to overlook his contributions to America from the White House, there is much more to the story of Abraham Lincoln that endears in the hearts and minds of his countrymen. Lincoln was born to humble roots in Hodgenville, Kentucky, located within my district. He was largely self-educated, yet became one of our country's greatest statesmen with his eloquent use of the English language. He clung to the highest ethical standards throughout his political career, earning the nickname Honest Abe. He was fiercely devoted to his family, and he put the interests of his country above his own, which ultimately led to his assassination. He was born into obscurity but earned the gratitude and love of his countrymen.

Lincoln's story is one of America, and it serves as an inspiration to all of us. It is a story all posterity needs to learn, and it is incumbent on the Federal Government to use all available resources to preserve his legacy.

To borrow a quote from one of his most famous addresses, "It is altogether fitting and proper that we should do this."

I urge my colleagues to support the Abraham Lincoln Bicentennial Commission Act. As Edwin Stanton said upon the President's death, "Now he belongs to the ages." We have an opportunity today to make sure President Lincoln remains a man for the ages by passing this legislation.

Mr. Speaker, it is my hope that this commission will be able to conduct one of its meetings in Hodgenville, Kentucky, the birthplace of Abraham Lincoln.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, finally, I think that, as my colleagues know, when we think about the life of Abraham Lincoln, his words of the Gettysburg Address were just so profound; and I just repeat them, just a part of them, at this moment, for I think they still live in our hearts, and he simply said, and this is important, he said, "It is for the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the Earth."

With that, Mr. Speaker, I urge all of our colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1451 provides a means to begin this national period of reflection and recognition. I thank my colleagues for their eloquent and elegant words on behalf of Abraham Lincoln. I appreciated working with the gentleman from Illinois (Mr. LAHOOD), with the gentleman from Maryland (Mr. CUMMINGS) from the minority, and my colleagues from Kentucky and Indiana to strengthen this legislation.

□ 1600

I am proud to have brought this legislation to the floor, and I ask for the full support of all Members.

Mr. SOUDER. Mr. Speaker, Abraham Lincoln spent his formative years in Indiana, and as a Hoosier I would like to rise in strong support of this bill providing for commemoration of the bicentennial of his birth.

I would like to begin by thanking the bill's sponsor, the gentleman from Illinois, Mr. LAHOOD, and the gentlelady from Illinois, Mrs. BIGGERT for their willingness to work with me to include representation from the states of Indiana and Kentucky on the Commission to be formed by this bill. Both states played significant roles in the life and development of Abraham Lincoln, and I very much appreciate their recognition of this history and openness to including citizen members from each of these states on the Commission.

The commission will celebrate the bicentennial of President Lincoln's birth in 1809, which took place in Hodgenville, Kentucky. At the age of 7, young Abe Lincoln moved to Southern Indiana, and the family moved to Illinois in 1830. As the National Park Service points out at the Lincoln Boyhood National Memorial, he spent fourteen of the most formative years of his life and grew from youth to manhood in the State of Indiana. His mother, Nancy Hanks Lincoln, is buried at the site. And even today, what is probably the largest private Lincoln Museum in America is in Fort Wayne, Indiana, in my district.

Thomas Lincoln moved the family to an 80 acre farm in Perry County, Indiana after the crops had failed in Kentucky due to unusually cold weather. He bought the land at what even then was the bargain price of three dollars an acre. Just days before, Indiana had become the 19th state in the union. The land was still wild and untamed. President Lincoln later recalled that he had "never passed through a harder experience" than traveling through the woods and brush between the ferry landing on the Ohio river and his Indiana homesite. This observation speaks volumes about the nature of the Hoosier frontier.

The family quickly settled into the log cabin with which we are all so familiar from our earliest history lessons. Tom Lincoln worked as a cask maker. Abe Lincoln worked hard during the days clearing the land, working with the crops, and reading over and over from his three books: the Bible, Dilworth's Speller, and Aesop's Fables. He also wrote poems. Shortly after the death of Nancy Hanks Lincoln, young Abe attended a new one room schoolhouse. When his father remarried, his new stepmother Sally Bush Johnston brought four new books, including an elocution book. W. Fred Conway pointed out in his book "Young Abe Lincoln: His Teenage Years in Indiana" that the future president after reading the book occasionally "would disappear into the woods, mount a stump, and practice making speeches to the other children."

Abraham Lincoln also received his first exposure to politics and the issues that would later dominate his presidency while in Indiana. One of his first jobs was at a general store and meat market, which was owned by William Jones, whose father owned slaves in violation of the Indiana State Constitution. This was Lincoln's first introduction to slavery. In addition, he exchanged news and stories with customers and passersby, with the store eventually becoming a center of the community due largely to Young Abe's popularity. Once he was asked what he expected to make of himself, and replied that he would "be President of the United States."

Mr. Speaker, Indiana takes pride in its contributions to the life of President Lincoln, and we greatly look forward to the work of the Commission in honoring him and reminding Americans of his legacy. I urge my colleagues to support this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act. On behalf of my constituents in the 9th Congressional District of Illinois. I am a proud cosponsor of H.R. 1451, legislation which seeks to further honor the life of a most honorable individual, the sixteenth President of the

United States and an American Hero, Abraham Lincoln.

H.R. 1451, would establish a commission to study and recommend to Congress ways to celebrate the 200th anniversary of President Lincoln's birth. The bicentennial of President Lincoln's birth will be February 12, 2009. Although 2009 is a long way off, planning a celebration of the life, achievements and contributions made by President Lincoln to the United States is a task that deserves adequate time and resources.

The values taught by Abraham Lincoln's leadership are celebrated today at the Lincoln Memorial in Washington, DC. Coming from the State of Illinois, which is also known as the "Land of Lincoln," I was particularly moved when shortly after being sworn into service in Congress, I visited the Lincoln Memorial. I look forward to the Memorial's rededication in 2009.

Authorizing further commemorations of his life and the issuance of a memorial stamp and minting of a bicentennial coin, and other activities are appropriate ways to celebrate the life of this shining example of American value.

President Lincoln lost his life at the early age of 56, when he was shot and killed by an assassin. Although President Lincoln's life was taken at a young age, the values and lessons he taught through his policies and his eternal words of wisdom will remain with us forever.

I look forward to reviewing the recommendations of the Abraham Lincoln Bicentennial Commission and to celebrating with the people of Illinois and the entire nation the bicentennial of his birth in 2009. I urge all members to vote in support of H.R. 1451.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 1451, as amended.

The question was taken.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING THE SENSE OF CONGRESS REGARDING BROOKLYN MUSEUM OF ART EXHIBIT FEATURING WORKS OF A SACRILEGIOUS NATURE

Mr. DEMINT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its upcoming exhibit feature works of a sacrilegious nature, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas on October 2, 1999, the Brooklyn Museum of Art opened an exhibit entitled "Sensation: Young British Artists from the Saatchi Collection";

Whereas this art exhibit features a desecrated image of the Virgin Mary;

Whereas the venerable John Cardinal O'Connor considers the exhibit an attack on the Catholic faith, and is an affront to more than a billion Catholics worldwide;

Whereas the exhibit includes works which are grotesque, immoral, and sacrilegious, such as one that glorifies criminal behavior with a portrait of a convicted child murderer fashioned from small hand prints;

Whereas the Brooklyn Museum of Art's advertisement acknowledges that the exhibit "may cause shock, vomiting, confusion, panic, euphoria, and anxiety";

Whereas the Brooklyn Museum of Art refuses to close the exhibit, despite strong public opposition to the show from religious leaders, government officials, and the general population;

Whereas the American taxpayer, through the National Endowment for the Arts and the National Endowment for the Humanities, provides funding to the Brooklyn Museum of Art; and

Whereas the American taxpayer should not be required to subsidize art that desecrates religion and religious beliefs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring works of a sacrilegious nature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. DEMINT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am grateful to have this opportunity to bring House Concurrent Resolution 191 to the floor. This resolution was submitted by my distinguished colleague, the gentleman from New York (Mr. SWEENEY).

Mr. Speaker, this past weekend, the Brooklyn Museum of Art opened a controversial new art exhibit, despite strong objections from civic and religious leaders. As many know, the exhibit includes a desecrated portrait of the Virgin Mary, decaying animals, and a depiction of a child molester.

These are just a few of the offensive items in an exhibit recognized and celebrated for its shock value, an "over the edge" flaunting of decay, defamation, and death.

It is a show intended to "cause shock, vomiting, confusion, panic, euphoria, and anxiety," and those are the words of the Brooklyn Museum.

Mr. Speaker, beauty may be in the eye of the beholder, but I believe most American taxpayers do not have the stomach to support the display of this type of exhibit. No matter what we think of this exhibit, we can all agree that the American taxpayers should not be forced to subsidize any exhibit that denigrates the beliefs and values that they hold most dear.

Ten years ago, after the NEA funded Andres Serrano's defilement of the crucifix, Congress directed the chair of the National Endowment of the Arts to take into account "general standards of decency and respect" in awarding Federal grant money to artists. Many artists protested that this was a violation of free speech rights.

In June of 1998, however, the Supreme Court upheld the constitutionality of the decency clause. It was upheld because the court recognized that the right of free expression does not include the right to force others to pay for your expression.

Mr. Speaker, the Brooklyn Museum is a great institution celebrating and displaying great works of art for over 176 years. It has been a gift to our children, encouraging them to explore the depths of their own creativity and imagination. If there was ever a time when we needed to encourage our children to honor beauty, it is now. If there was ever a time to teach our children about great works of art, of great painters, sculptures, and designers, it is now. But the Brooklyn Museum's current exhibit is so extreme that children are not allowed to view it unless they are accompanied by a parent.

It seems to me that our public art institutions should be a safe haven for our children, a place that honors the highest standards of beauty, not the lowest common denominator of human depravity.

Hard working Americans help support the Brooklyn Museum of Art through the National Endowment of the Arts, the National Endowment of the Humanities, and the Institute of Museum and Library Services. In the past 3 years, taxpayers have paid over $1 million to help fund the Brooklyn Museum.

In a time when our communities are desperate for more art classes, local art museums, and children's workshops, the Brooklyn Museum exhibit seems inconsistent with our priorities to foster a greater appreciation of the arts. This debate is about whether or not taxpayers should subsidize the housing and promotion of objectionable exhibits. American taxpayers have paid for the brick and mortar of the Brooklyn Museum, a museum that should reflect the best of the American people.

This exhibit, sponsored and hosted by the museum, clearly does not reflect the values we hold dear. This resolution will protect American taxpayers from funding the Brooklyn Museum showcase of a denigrating exhibit.

Mr. Speaker, I urge the adoption of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H. Con. Res. 191, which expresses the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its recently opened exhibit entitled "Sensation."

First and foremost, I would like to express my utter disbelief that we are wasting valuable floor time on this resolution as the first session of the 106th Congress draws to a close, and we have not yet considered important issues such as healthcare reform, increasing the minimum wage, and preserving Social Security.

Moreover, Mr. Speaker, we are 4 days into fiscal year 2000, with 11 of the 13 annual appropriations bills still not enacted. If the Republicans cause the Federal Government to shutdown in 2 weeks, the Brooklyn Museum of Art will not get any Federal funding anyway. But aside from the Republican leadership's complete disregard for effective time management, I am greatly concerned that this resolution condones and encourages censorship and sends a message that it is acceptable for city officials to make funding decisions based on their individual likes and dislikes.

Hitler's dislike of avant-garde artists of his time, Picasso and Matisse, led to the banishment of their works from Germany for 8 long years.

Mr. Speaker, the Supreme Court has ruled on a number of occasions that the government cannot penalize individual artists because their work is disagreeable. We know that this resolution is really about the Republican leadership's continued attack on all Federal funding of the arts.

Mr. Speaker, I reserve the balance of my time.

Mr. DEMINT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me time, my good friend and class president.

Mr. Speaker, let me start and say I introduced this resolution at an important time in our Nation's history. We have, as we all know, violence pervasive throughout all sorts of elements in our society. We are in a period of great moral turmoil in many respects.

Those who argue against the proposition that I propose today say that this is censorship, and they liken it to what Hitler did in Nazi Germany. We say that is nonsense. It is nonsense because we are talking about some fundamental questions centering around the role of the Federal Government in funding of works of art, or so-called works of art, that attack real core beliefs of the American people, many Americans, and beliefs that we hold near and dear to our hearts.

The questions I asked in this resolution are simple: Should the American taxpayer be required to send their hard-earned tax dollars to a museum, or other institution, that exhibits works of art, the likes of which feature a portrait of the Virgin Mary desecrated with elephant dung? Should taxpayers' dollars be used to glorify a convicted child murderer? Should Americans that work 40, 50, 60 hours a week, be forced to turn over a portion of their paychecks so that individuals can express themselves in a manner that so offends so many?

Mr. Speaker, the resolution that I introduce today answers a resounding "no" to those questions.

Just this past Saturday, the Brooklyn Museum of Art opened that art show featuring the aforementioned exhibits; and, as a result, the museum has come under fire from many sources, many individuals, who share, as I do, the belief that this is just wrong.

The venerable Cardinal O'Connor of New York City called the Exhibit "an attack on religion itself, and, in a special way, on the Catholic church."

Coinciding with the exhibit's opening, hundreds of people, with no other vehicle to express their frustration, took to the steps of the museum to say that public funding of such exhibits that promote hate, bigotry, and Catholic bashing is wrong. I wholeheartedly agree with them. That is why we have gone forward with this resolution.

Since 1997, the Brooklyn Museum of Art has received nearly $1 million through the National Endowment of the Arts and the National/Endowment for Humanities. When taxpayers decide to support the arts, I doubt these are the kinds of exhibits they have in mind.

Our resolution gives a voice to millions of Americans who are disgusted because they are being forced to fund this offensive exhibit. Furthermore, I believe that most of my constituents would join me in saying that this exhibit goes too far and is devoid of culturally redeeming value, by any standard.

Mr. Speaker, as I said, the proposition before us is quite simple. However, there is a vocal minority that wants to confuse the debate by suggesting our resolution is an attack on the First Amendment.

The "Sensation" exhibit, as it is titled, does not belong in a publicly supported institution. That is the simple premise at work here. This is not to say it does not belong anywhere. If there is an audience for this type of exhibit, and I would suspect there is a substantial audience in some quarters for this, let them find a private outlet for which to express that sense.

While these so-called artists have a right to create their art and galleries have a right to display it, the First Amendment does not guarantee that the American people must subsidize it. In the words of David A. Strauss, a specialist in constitutional law at the University of Chicago, "it is clear the government is entitled to make some decisions on what it will fund and what it will not fund."

Not only are we entitled to do so, my constituents demand that I do so here today.

I agree with Jonathan Yardley in today's edition of the Washington Post when he writes, "the museum has a right to present such works as it cares to, but has a weighty responsibility, the handmaiden of public funding, to exercise that right with sobriety and care. The support of taxpayers is not license to thumb one's nose at taxpayers. The religious and moral sensibilities of ordinary people are not frivolous; they deserve, and should command, the respect and consideration of those who slop at the public trough."

Mr. Speaker, we know that Congress is not a body of art critics. However, "Sensation" is clearly an example of going too far. It does not take a Ph.D. in art history to know that a portrait of the Virgin Mary being desecrated upon is offensive to Catholics.

Mr. Speaker, our Federal tax dollars should not be spent on images that glorify sacrilegious, immoral, and criminal behavior. They should be used to defend, not offend. Further, if we subsidize the expression of art, let that expression carry a message of education, not desecration.

Last week, the Senate adopted a similar measure overwhelmingly, and I urge my colleagues in this body to follow the Senate's lead. Tell your constituents you will account for their tax dollars.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I hope this issue does not come down to Republicans and Democrats, even though normally on things like that, that is the way the votes go.

I just cannot believe that people can make a decision on what should be funded as art when they have never even seen what they are talking about. I just do not believe, just because it was a foreigner that did it and thought he was doing something correctly, that we would be so upset that we would attack an entire museum, with all of its exhibits in it, just because inadvertently someone was upset.

□ 1615

Now, I was raised as an altar boy, and I am familiar with the Blessed Trinity, and the fact that Jesus was born of Mary and Joseph. While there was the immaculate conception, there were still pictures of the Virgin Mary, and of course, Jesus, in every church and cathedral that I have had a chance to attend.

Now, from what I have seen on television, this was an abstract drawing of an overweight African-type cartoon that, with all of my catechism and training, it never would have entered my mind that this was supposed to be the mother of our Lord and Savior, Jesus Christ, notwithstanding what the artist had put on the bottom of it.

It never seemed to me that my mayor would be embracing anything like this, with or without the dung, as being what we think the Virgin Mary would look like, since basically we are talking about what a European Virgin Mary would look like as opposed to what an African Virgin Mary would look like.

I can understand how people of different cultures would clash, but are we suggesting that every time there is something that we find grotesque or different or odd, or something that we are ignorant about and we do not understand, that we come to the floor and say, cut the funding?

Am I supposed to check every library that got a Federal dollar and find some book that I do not understand, Ph.D. or not, and come here and say, I am offended by this, and just because we do not understand it, cut it out?

The city council of New York City has someone appointed from the city of New York sitting on this board. They are supposed to decide what exhibits they have and what exhibits they do not have. Clearly, if the mayor wanted to make the Brooklyn Museum a big hit, he sure did. There were lines out in the street. I could not find my way to the Brooklyn Museum of Art before the mayor announced what he did.

So if we do not like this grotesque thing, we ought to charge it up to Mayor Giuliani for giving it all this free publicity. There are lines wrapped around the building. They have to get more private funds now because people know where it is.

If the National Endowment has thought it was a pretty decent museum, for God's sakes, we do not want to say, because somebody may have made a mistake or someone did not understand what they were doing, that we in the Congress are so sophisticated, so smart, so creative, that we can say, hey, do not fund it.

I do not think we would want to do that, and certainly the way the polls look, I do not think the mayor, well, whether he did it for political reasons or not is subjective, but I do not think that he will be the beneficiary of doing it for Catholics, because Catholics really do not believe that politicians set the criteria about what we like and what we do not like, certainly not from the mayor's point of view.

So I hope we would reconsider this and not have a party vote on it. I think there are a lot of other things we do not understand that are worse than this.

Mr. DEMINT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), a member of the committee.

Mrs. ROUKEMA. I thank my colleague for yielding time to me, Mr. Speaker.

I want to rise in strong support of what the gentleman from South Carolina (Mr. DEMINT) and the gentleman from New York (Mr. SWEENEY) are doing here.

Someone mentioned their disbelief. My disbelief is that we even have to come here today to state the case. I say that as a member of the committee of jurisdiction who has fought long and hard, and my Democrat members will remember me as the Republican that worked long and hard to preserve the Federal funding for the Humanities and the National Endowment for the Arts and Public Broadcasting System. I did it gratefully and happily and persistently.

But this is not the first time that we have had this particular discussion. I was also a member of the committee when we had this in the 1990s, as well as the Mapplethorpe and the Serrano situation, which has already been referenced here, and the obscene art controversy raised at that time.

So in 1990, when we reauthorized the NEA to ensure, and I quote, this is the language of the statute, "Artistic excellence and artistic merit are the criteria by which grant applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public."

That is exactly what we put in place at the time, and there were cries that went up that, oh, no, this decency language, the decency clause, will not be constitutional. As Members may remember, Karen Findlay challenged and brought it as a First Amendment case before the Supreme Court.

But in June of 1998, the Supreme Court upheld that in the Karen Findlay case, remember, she smeared chocolate on herself, her naked body, but in the Karen Findlay case, the Supreme Court upheld the constitutionality of the decency clause. So I do not want to hear anymore questions about whether or not it is constitutional for Congress to make a determination under the decency clause as to whether or not this money can be given in grants to artistic entities, such as a museum.

I know what Members are going to say, well, this was not a precise grant, et cetera. But money is fungible. Everybody understands that money is fungible. But there is no way that we should be endorsing or having taxpayers pay for something that violates any religious beliefs or even aggrandizes pedophiles and child murderers.

I thank the Members for this opportunity. The Congress must go on record in opposition to the Brooklyn Museum of Art, and stating that no funds should ever be used under these circumstances again.

Mr. CLAY. I yield myself 30 seconds, Mr. Speaker.

Let us clear the record. First of all, there are no funds from the National Endowment for the Arts that are provided for this exhibition. We ought to stop talking about Federal funds supporting this exhibition.

Secondly, we have people making the suggestion that this exhibition ought to be given someplace else other than in the art museum. Where should art be on display, other than in an art museum?

Then we say this is not censorship. Censorship to me is what we decide is acceptable and what is not acceptable in terms of art, even with our limited, and some of us with unlimited or no knowledge of art, deciding what it is, what is art.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the issue before the House today is censorship. The issue is whether or not the Members of the House of Representatives or the mayor of New York City is going to determine what passes for art, and what people can see and cannot see in the art museums of the city of New York or the United States of America. That is what it is about, clear and simple.

Those people who are proponents of censorship, they do not want anyone to label them as would-be censors, so they couch their censorship in language of Federal funding or public funding or taxpayers' money, or words of that ilk. They seek to hide behind that, when really what they are trying to do is determine what people will see and will not see, and they want to make that determination in accordance with their own taste or lack of taste, their own knowledge or lack of knowledge, as the case may be.

Yes, the Brooklyn Museum does benefit from some public funds under certain circumstances and at certain times. That is not unusual. Every art museum, every proponent of the arts, every culture throughout the history of civilization on this planet has had public subsidization of some kind. The arts do not flourish without public subsidies of some kind, so we, as an enlightened society, make measures whereby we provide for public subsidies of the arts.

But we do not tell museums what they can display. We do not tell authors what they can write. We do not tell sculptors what they can sculpt. We leave that up to the artist, and we leave the success or failure of those works, whether they are written or on canvas or in some plastic medium, we leave the success or failure of those artistic works up to the final arbiters, the general public.

Interestingly enough, in this particular case, the general public seems to be saying, we have an interest in seeing what is on display at the Brooklyn Museum. I think the mayor of New York City may have had something to do with that interest in giving this display all the publicity that he has.

Whether he did or so intentionally or not, I don't know. Only he knows that. But whether he did so intentionally or not, he has provided this exhibit with more publicity than any art exhibit that the Brooklyn Museum of Art has had in recent memory. As a result of that, thousands of people are lined up in the streets around the Brooklyn Museum wanting to see this exhibit. That tells me that there is a great deal of public interest in this exhibit, and since there is a great deal of public interest, the public ought to determine whether or not it is there for people to see.

Let us not think that we here in the Congress or any mayor of any city or anybody of any common council can determine what the public ought to see or ought to read or ought to believe. That is up to them in a democratic society, not up to the Members of this House.

Mr. DEMINT. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. FOSSELLA), a cosponsor of this resolution.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I want to get back to this question about whether or not we are subsidizing, Mr. Speaker, whether or not we are paying for this. This is being misrepresented in the debate.

Money is fungible, and no, there is not a precise grant. But it is absolutely a subsidy, a subsidy last year that was more than $160,000, much more than that, to the Brooklyn Museum, and this year it is projected that it will be well over $250,000.

Do not tell me, it stretches credibility, to think that that money has not subsidized this particular exhibit.

Mr. FOSSELLA. Mr. Speaker, reclaiming my time, I thank the gentleman from South Carolina for yielding time to me. I also thank the gentleman from New York (Mr. SWEENEY), the sponsor of this legislation.

Mr. Speaker, this is the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Nowhere in the First Amendment does it say that the United States taxpayer has to subsidize so-called art that desecrates one's religion. This is the issue.

There are others who want to say it is censorship, others who want to say that we are determining what art is. That is not true. The issue is, how do we appropriately use taxpayer money?

What we are saying, and I think we have the vast majority of support of the American people, both Democrats and Republicans in this body already sponsoring this resolution, we are saying that unless the Brooklyn Museum takes this exhibit away that desecrates an image that is sacred to a lot of Christians across the country, that glorifies a child molester, that they should not receive taxpayer money. It is very simple.

If they want to take this exhibit and put it somewhere else, in somebody's house, in somebody's apartment, or so many of the other private museums around the country, then so be it, and there will not be a problem. But this museum receives public money from both the city of New York, the State of New York, and from the Federal Government.

Do we not think there are more appropriate uses for taxpayer money than to desecrate religion? Is that such a stretch, that the NEA itself imposes standards on its exhibits, but we cannot; that the average American sitting at home who believes strongly in his faith or her faith says, wait a minute, I am working every single day, and the government is taking a little bit of my money and is going to fund this, are they not entitled to their opinion?

For those who say, this is democracy, now, we are a Republic.

□ 1630

We are supposed to speak for those folks. But we are speaking for them. There were hundreds, if not thousands, of people there on Saturday with me and so many others saying this is wrong. It is not a question of gray. Let us move on. Is this not over? It is wrong. It is wrong to use taxpayer money to fund this.

The Brooklyn Museum Board of Directors had every opportunity before the exhibit opened to take some of the more offensive works out. They decided not to. Incensed and in reflection upon their arrogance, I do not believe they deserve another dime of taxpayer money. They want to stick it to so many people across this country, so many New Yorkers, so be it. Let them do it on their own dime, not ours.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know how many hundreds were there to say that it was wrong, but I know that 10,000 went and paid $9-and-something to go see if it was wrong.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, "Congress shall make no law respecting an establishment of religion." The gentleman from New York (Mr. FOSSELLA) just quoted the First Amendment to us.

What does this resolution do? It says that the sense of Congress is that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring "works of a sacrilegious nature." I repeat, "sacrilegious nature." How do we determine what is sacrilegious except by determining what offends a religion?

Remember, the First Amendment does not say there shall not be an establishment of religion. It says Congress shall make no law "respecting an establishment of religion." Does this resolution respect an establishment of religion? Let us read some of the clauses:

"Whereas the American taxpayer should not be required to subsidize art that desecrates religion and religious beliefs." It says the reason for this resolution is because the Brooklyn Museum exhibit is a desecration of religion. It says that this art exhibit features a "desecrated image of the Virgin Mary"; "desecrated" is a religious-content word. It says that John Cardinal O'Connor considers the exhibit an attack on the Catholic faith. The Catholic faith is, indeed, one of several established religions.

The point is that this is not really a debate on censorship. I agree with the gentleman from South Carolina (Mr. DEMINT) and the author that Congress has the right to choose whether to fund art or not. Indeed, I happen to have voted against funding the NEA every time it has come up. The reason is that, when we fund art, we immediately get into First Amendment problems because government is funding one position and not another.

So I am not arguing that we do not have the right to stop funding. I entirely agree with the gentleman from Staten Island, New York (Mr. FOSSELLA), that we should not be funding art that offends people. I do not think we should be funding art at all.

We can stop funding all art. We can stop funding all art that offends people. The one thing we cannot do is make a distinction on whether that art offends religion or not. So I wish this had been written differently. I wish I had a chance to weigh in earlier on.

I want to close with the recognition of the excellent good faith of the gentleman from New York (Mr. SWEENEY), my high regard for him, and my high regard of all my colleagues who have sponsored this resolution.

But our oath of office is to uphold and defend the Constitution. That is the one thing we swear to do. We do not swear to be popular. Lord knows my position is not going to be popular in my district or in the State of California. But I swore to uphold and defend the Constitution. The Constitution says we cannot pass any law respecting an establishment of religion. That is what this resolution does. I must vote no.

Mr. DEMINT. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, there is a storm brewing in Brooklyn right now, and at the heart of the matter is whether the Government should force taxpayers to fund a museum where art is or can be considered to be anything, from splattering elephant dung on the painting of the Virgin Mary to cutting a pig in half.

Now I am not an art critic, and I may not know good art from bad, but I know when something is offensive when I see it. This Sensation Exhibit in the Brooklyn Museum of Art is the personification of offensive.

Mr. Speaker, I am a staunch advocate of protecting First Amendment rights, of freedom of expression. I believe the people in this country should be able to create art that depicts whatever they please. That is the American way; and we, as citizens, should respect that right. But I have got to ask, Mr. Speaker, where in the Constitution does it say that American taxpayers have to like it as well as pay for it?

The answer to that question is quite simple. The Constitution does not say that. The Constitution makes no mention of the right to Government funding for anyone's artistic concepts. There is no right to Government funding for any offensive material or, for that fact, no material at all.

If one wants to create a display of offensive art, fine, but pay for it oneself. Do not ask me and other taxpayers to fund it. It is not right. And it does not make sense.

Mr. Speaker, I commend Mayor Giuliani for taking the stand that he has on the Sensation Exhibit, and I urge all my colleagues to take the same stand by passing this resolution today.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, I do not know that I like much of the art that is in the Saatchi collection in the Brooklyn Museum. The reviews I read I do not think were quite flattering. But this is, once again, the law of unintended consequences.

A few years ago, one of our colleagues in the other body did not like a show that was going to be at the Corcoran Gallery not far from here, made a big deal about it, and made the show bigger than it ever would have been.

Now people are lining up around the Brooklyn Museum of Art to get in. So what my colleagues are trying to accomplish they are actually enhancing, and I think they have failed at that.

But the other problem is that my colleagues are heading down a road they do not want to go. Because surely somebody can go down the street to the National Gallery and find a Botticelli or something else they think is offensive and think we should not fund. But where do we stop from there?

But what is even worse is, yet again, this House has found it upon itself to get involved in the politics of New York and New York City. Quite frankly, I do not care about the politics of New York. I do not know why the gentleman from Alabama (Mr. RILEY) cares about the politics of New York. Let the people of New York do it.

Why is the party of States rights, the party of returning power to the local governments and the States trying to decide whether the city of New York, this does not even have anything to do with the NEA, this show does not have anything to do with the NEA, it is whether the city of New York ought to fund the Brooklyn Museum of Art on this show.

We really should not care, unless we want to become that paternalistic to tell the people what to do. I certainly do not want the people of New York telling the people of Houston, Texas, or Pasadena, Texas, what to do. But that is the next thing we will get. Some animal rights person will come up and say, The Pasadena rodeo is cruel to animals, and we should not allow any funding for it. It is a really dangerous path that my colleagues are heading down.

There is so much other business the House should be involved in. We have not even passed our budget for this year, but we certainly have time to deal with whether the city of New York ought to fund a show at the Brooklyn Art Museum.

Do we not have time to work on our budget instead of working on stuff like this?

Mr. DEMINT. Mr. Speaker, I reserve the balance of my time for closing.

Mr. CLAY. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Missouri (Mr. CLAY) has 6 minutes remaining. The gentleman from South Carolina (Mr. DEMINT) has 2½ minutes remaining.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am not from Brooklyn. I am from the Bronx, just a little bit away. But I am from New York City, and I know politics when I see it. This House has not done its business this year. We have not passed the budget. There are so many things that we have not done.

What are we wasting our time on? We are wasting our time on politics. This is all about who will be the next Senator of the State of New York.

The Republican leadership ought to get its act together. They ought to pass the budget. They ought to make sure there are votes to pass the budget instead of trying to vote on these knee-jerk issues so that they can play to their right wing base. That is what this is all about.

Once we start going down this slippery slope of Government telling museums what they can or cannot do, where does it end? Sure this exhibit is offensive. Sure this exhibit is disgusting. But I do not think that we in Government ought to sit and judge as censors and say that we will not pay for this museum or that museum or whatever it is because we are offended. That is not what we should be doing.

Let us do our business. The Republican leadership wants to put their smoke screen up because they have not done their job. The American people know that they have not done their job.

So let us not talk about not giving Federal funds to the Brooklyn Museum. There are no Federal funds that go into this exhibit. There are Federal funds that go to the Brooklyn Museum for other things, targeted things, specific things. This is all about politics.

Mayor Giuliani gets up, and he starts talking again and again. If he had kept his mouth quiet, nobody would even know about this exhibit. He has given it more publicity than it ever could have gotten. But, again, he wants to move to the right, play to the Republican base, maybe get the conservative party line in New York. That is what this is all about.

So this Congress, again, should do the job that the American people elected us to do. We ought to pass the budget. We ought to do things on time. We ought not to talk about these knee-jerk base kind of gut reactions.

The Republicans want to play to their corps. They want to get their members enthused. They want to show that one person can out-right wing the other person. That is really a disgrace. Let us pass the budget and not waste our time on this nonsense.

Mr. DEMINT. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. It is incredible, Mr. Speaker, that here we are talking about attacking the people who criticize this junk as if they contributed to this, as if they brought it about.

It is not Mayor Giuliani. It is no one on this side of the aisle. It is no one who attacked this stuff that caused this to happen. It is the bizarre, idiotic attitude of people who believe that they want to push the envelope as far as they possibly can in order to prompt this kind of thing.

No, it does not need to be here. It does not have to be on the floor of the House of Representatives. That is absolutely true. If no idiot would have brought this stuff forward in the first place and try to pass it off as art, we would not be here. But here we are because, of course, there is money that is going into this and because I have to tell taxpayers that they, in fact, must contribute to this kind of junk. It is nothing but junk.

But it goes to show my colleagues how difficult it is to actually identify what is art and what is not. We should not be contributing anything to, quote, "the arts" because somebody will stand up at some point in time and say that this garbage is art; and, therefore, it should be funded. We should not be funding any of this, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield myself 5 seconds to try and decide whether or not I agree with the last speaker. I guess if I could understand what he said, I might agree with him. Stuff? Idiots? Junk? Et cetera?

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

Mr. Speaker, I represent Rochester, New York; and we have always known that people in New York City do strange things, but we have always tolerated them with some bemusement.

The mayor of New York now has embarked on his 18th First Amendment case, having lost all of them; and Congress today is going to try to join him in that exercise, which is going to be found blatantly unconstitutional.

I find more than a sense of irony that today we had H. Res. 57, where the House of Representatives expressed its great concern over interference with freedom of the press, but not in the United States, in Peru. So now we are all going to work this afternoon to see what we can do to interfere in Brooklyn.

Beauty has always been in the eye of the beholder. If the mayor does not want to go, he should not go. As a matter of fact, other people and the reviews of this show tell us that people are lining up around the building, standing in the rain to get in to see what has aggravated Giuliani so much this time.

Nobody as far as I know has fainted, been nauseated, or had to be removed to the hospital, which were some of the things that we were told might happen with this show.

My colleagues, I think a majority of Americans that we represent, God bless their judgment, think that it is time to really close the door on the tactics that make the arts and humanities political hostages every time we find something that we can pounce on.

The benefits that we receive for our economy and for our children and for our communities by arts and humanities are indisputable and far outweigh the small financial investment that we are making; however, we make no investment in this show in Brooklyn.

□ 1645

Now, the sooner we get around to accepting that fact, maybe we can get around to passing a budget and do something to stop having to shut down the Federal Government. I think it is unthinkable that we can work at this ploy just to aim solely at influencing the New York State senatorial election.

I want to say something for this museum. For more than a century, the Brooklyn Museum of Art has provided so many benefits, not only to the people of New York but to Americans all across the country. It strikes me as dreadful that the mayor not only wants to stop this show, he wants to evict this show, he wants to tear down the building and salt the ground. This Brooklyn Museum and what it has done for the Brooklyn's Children Museum through the Brooklyn Public Library is incalculable.

For Heaven's sake, let us not mess with this thing and please get back to the business of the United States.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DEMINT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical." I think it is something we should remember in this debate.

I need to remind my colleagues on the other side that New York can do whatever it wants with its funds. We are trying to save Americans from using their money to pay for pornographic art.

It is interesting that in the religious arguments we have heard about the laws we make in this room that we hear arguments from the other side of the aisle that there should be no religious displays in the public sector. We take away all mangers from the public square, any religious materials from government schools, yet it is okay to have religion displayed in public facilities as long as it is perverted and pornographic. I think we have a double standard.

We talk about censorship. We try to censor all religious materials from our culture, yet we call it censorship if we try to take away pornographic and perverted art.

To sit here and say this is not relevant at a time when we look across America and wonder about the loss of values, the loss of the value of life, the violence that we see and then say that the denigration of everything sacred is not important to this institution is forgetting a lot about what made this institution and this whole country. We see a total disregard for all that is sacred.

I am thankful for the sponsors of this resolution and all who have spoken for it. It reminds us and all Americans that we do not need to sponsor from this organization this type of perversion.

Mr. NADLER. Mr. Speaker, this resolution is foolish both in substance and in principle. Foolish in substance because the Brooklyn Museum receives little federal money, just a few grants for educational projects and touring exhibitions. Foolish in principle because it is not the place of this Congress to bar a cultural institution from receiving federal money just because we may not like one exhibit it has chosen to display.

First, let's take a look at the substance of this debate. The Brooklyn Museum of Art, a well-respected institution that serves about half a million people each year is presenting an exhibition that has received acclaim internationally. This exhibit features the works of some of Britain's most popular artists. In fact, this exhibition drew the highest attendance of any contemporary art exhibit in London in 50 years. The most controversial pieces in the show are by Chris Ofili, a young British artist of Nigerian ancestry, who has won the Turner Prize, a prestigious award given to the most talented young British artists, and whose pieces have sold for tens of thousands of dollars. Whatever you may think of the subject matter, this is a serious exhibition of work by serious artists, displayed in a respected museum.

Supporters of this resolution will claim that they believe in the right of these artists to show their work, but that American taxpayers should not have to pay for an exhibit like this. Well, let me point out very clearly, that the taxpayers are not paying for this exhibition. No federal money went to show this exhibit. Not a dime. The Brooklyn Museum receives federal money, but the money it receives goes directly to pay for educational initiatives and touring exhibitions. Do we want to cut off these worthy programs because we don't like one piece of art that the Museum has chosen to display? That would make no sense.

So this resolution is foolish in substance.

But this resolution is foolish, and I would say dangerous, in principle. What have we come to when the United States Congress is condemning an individual for exercising his right to free expression? I thought our book burning days were over. What's next? Will we be closing down our public libraries because they contain books that we don't like? I don't like every book in the library, but I'm glad they're there. Will we attack the libraries for having a copy of Mein Kampf, Hitler's autobiography, which offends people's sensibilities? Where does it end?

This exhibit is shocking. It's outrageous. Art has been called a lot worse since the beginning of time. But that's the point of art. It's meant to provoke debate and discussion. Good art makes us confront our own cultural norms. Does this exhibit fit my own artistic tastes? Maybe not. But will I defend the right of artists to express themselves and the right of the museum to bring various kinds of artistic expression to the public? You bet.

But, this is not about one exhibit. This is about whether you support free expression and creativity or not. If you support the first amendment, you find yourself fighting to the end to defend the rights of people you find offensive. We would set a very dangerous precedent here if we vote for this resolution. For the United States Congress to single out one museum and one artist as sacrilegious and then to hold the museum hostage to the tastes of the Gentlemen from New York as a condition of receiving federal funds is outrageous. Politicians should not be deciding what is art. We've debated in this House many times whether the federal government should be subsidizing art. I believe we should, and there are many who disagree. But if we do decide to subsidize art, as we have for over 35 years, we must do so without interfering in the content. If every arts institution must suddenly worry that their exhibitions will not satisfy the 435 art critics in the House of Representatives, it will create a chilling effect in the cultural world.

Frankly, I'm disappointed in my colleagues from New York who are supporting this resolution. New York is the capital of the art world, where we have a tradition of respecting the free expression of artists. If you don't like this exhibit, protest it, boycott the museum. Best of all, stay home and don't see it. But you don't need a Congressional Resolution to express personal outrage. It is improper and outrageous and it should be defeated. I urge my colleagues to vote against it.

Mr. PACKARD. Mr. Speaker, I would like to strongly urge my colleagues to support the sense of Congress resolution which prohibits Federal funding of the Brooklyn Museum of Art unless they discontinue the exhibit which features works of a sacrilegious nature. Thomas Jefferson once said, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical".

Art is certainly in the eye of the beholder. It is not the role of Congress to determine what is art, but it is the role of Congress to determine what taxpayer money will fund. The First Amendment protects the government from silencing voices that we may not agree with, but it does not require us to subsidize them.

Mr. Speaker, again I urge my colleagues to join me in expressing a sense of Congress that while we support everyone's right to express themselves artistically, we are not obligated to support them financially.

Mr. DEMINT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from South Carolina (Mr. DEMINT) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring works of a sacrilegious nature.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DEMINT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MOLLOHAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2684, be instructed to agree with the higher funding levels recommended in the Senate amendment for the Department of Housing and Urban Development; for the Science, Aeronautics and Technology and Mission Support accounts of the National Aeronautics and Space Administration; and for the National Science Foundation.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. MOLLOHAN) will be recognized for 30 minutes, and the gentleman from New York (Mr. WALSH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion instructs the House conferees to agree to the Senate's funding levels in three areas: The overall budget for HUD; NASA's Science, Aeronautics, and Technology and Mission Support Accounts; and the overall budget for the National Science Foundation.

In each case, the Senate funding levels are higher than those for the House in this VA-HUD appropriations bill. I am moving to instruct conferees to adopt the higher numbers for these programs because these are all areas in which the House bill made excessive cuts. For HUD and NASA, the House-passed bill reduced appropriations substantially below the current year's level, as well as substantially below the request. For NSF, the House bill cut funding a bit below the fiscal year 1999 level and well below the President's request. In each case, the House-passed levels would do serious damage to important programs and are completely unwarranted at a time when the economy and the budget are in the best shape they have been for decades.

When we considered the VA-HUD bill on the floor this year, many Members, Republicans as well as Democrats, raised serious concerns about the cuts being made, especially in HUD, NASA, and the National Science Foundation. The managers of the bill, myself included, promised to do all we could to bring about more adequate funding for these accounts in conference. This motion represents a step toward that result. Its adoption by the House would strengthen our position in trying to assure at least minimally adequate funding for high priority items.

With respect to HUD, disregarding the various one-time offsets and rescissions that have no programmatic effect, the House-passed bill cuts appropriations $935 million below the fiscal year 1999 level and about $2 billion below the President's request. It cuts public housing programs $515 million below the current year level and cuts total CDBG funding $250 million below the current year. It provides no funding whatsoever to expand the number of families assisted through Section 8 housing vouchers in contrast to the $283 million provided for that purpose in the current year, and it makes cuts in a number of other important programs as well.

The Senate's total for HUD is about $1.1 billion above the House total, although it remains about $1 billion below the President's request. The Senate provided $50 million more than the House for homeless assistance, $300 million more for Community Development Block Grants, and a bit more for public housing operating subsidies. On Section 8, the Senate level is about $500 million above the House, although our first priority in Section 8 has to be taking care of existing contracts and vouchers, I hope that, within the Senate total, we would be able to find funds to provide at least some incremental vouchers.

There are still millions of low-income families unable to afford decent housing. Indeed, the current economic boom may be making the problem worse by driving up rents. We can afford the very modest increases in total HUD funding proposed by the Senate.

As for NASA, Mr. Speaker, the House bill makes deep cuts there as well. Total NASA funding in the House-passed bill is $925 million, almost $1 billion below the budget request and $1 billion below fiscal year 1999. Some of the deepest cuts come in space science programs, such as the work on developing new technologies in the next generation of space-based observatories and planetary probes. Other deep cuts come in earth sciences programs, which use space-based observations and technologies to help better understand our own earth and make better use of the earth's resources.

The Senate-passed levels for NASA are at the budget request, thereby providing $925 million more than the House bill. During the House floor debate, Member after Member, Democrats and Republicans alike, rose to express dismay about various cuts in NASA and to urge higher funding than provided in the House bill. Adopting this motion and instructing conferees to adopt the higher Senate number would take an important step toward restoring the funding for NASA that so many Members have advocated.

The final part of my motion to instruct deals with the funding level for the National Science Foundation. The House recommendation did not even bring total funding for the foundation up to the 1999 level, much less anything approaching the budget request. The House bill level is $34 million below last year and $285 million below that request. The Senate bill provided a total funding level for the foundation of $3.9 billion, identical to the budget estimate.

Let us face it, science and research is not cheap. It costs a lot of money to achieve and maintain world leadership in math, biology, information technology, and computer sciences, among other disciplines. But it may cost even more not to strive for this leadership. The information technology sector of our economy amounts to more than $700 billion today. We cannot afford to let our dominant position in these fields slip due to short-sighted and misguided budget policies.

The administration's budget request for the National Science Foundation included $146 million as a part of a six-agency, multi-year initiative called Information Technology for the 21st Century, or I.T.-Squared. The House-passed funding level included only $35 million for the NSF, the lead agency in that effort. If we recede to the higher Senate level, we should be able to provide more for this critical program intended to keep this Nation on the cutting edge of developments in information processing.

Higher funding is necessary if we are to respond to the recommendations of the President's Information Technology Advisory Committee, which recently concluded that our long-term research on information technology has been dangerously inadequate. In the words of the director of the NSF, we are able and ready to do 21st century science and engineering, but we cannot do it on a 20th century budget.

Mr. Speaker, I urge approval of this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his thoughts and comments on the bill. And I wish to again thank him for his help in moving the bill through the House.

As we now prepare for our conference with the Senate, we have made a lot of headway. And I would like to give credit to the staff, because the leadership has asked us to move expeditiously, and we are. And I think staff has us at a point now where we will be able to sit down with the Senate and begin and soon thereafter conclude the conference Wednesday morning.

So the instructions that the minority side has offered, I think, are constructive. I think they are helpful. When we had the debate in the House, we were far below the President's request and we were far below last year's enacted level in NASA, National Science Foundation, and in some areas of HUD. So as chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, I would see these as constructive.

We had a very difficult time in the House, because our allocation was much lower than in the Senate. But leadership, I think wisely, has allowed us to go in to this conference at the Senate's spending level, which still keeps us below last year's enacted level, keeps us within the caps and our overall discretionary spending level. And so if we are wise and we work together, I think we can resolve these issues by meeting the priorities that were discussed.

And I think we will probably hear more on NASA, on HUD and National Science Foundation from other Members here.

□ 1700

But I quite honestly could not agree more with the gentleman from West Virginia (Mr. MOLLOHAN). The challenge is obviously getting everyone to agree on how much to increase spending in each of those areas, what the priorities are, without basically telling those Departments where the legislative branch wants to spend money. So I take the motion as constructive.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on this motion to instruct conferees for the VA–HUD & Independent Agencies Appropriations bill for Fiscal Year 2000. This bill fails because it does not provide adequate funding for housing needs and it once again targets NASA for a reduction in funding.

While the total included in the House bill for HUD looks like a substantial increase over the fiscal year 1999 appropriations level, dissenters to the House version can point to the reductions in HUD programs below the prior year's level that are spread throughout the bill.

The bill provides a total of $26.1 billion for HUD programs and activities—$2.0 billion (8 percent) more than fiscal year 1999 funding (under official budget scorekeeping standards), but $2.0 billion (7 percent) less than requested by the President. On a programmatic level, however, (i.e., looking at the amount of budget authority actually provided for individual housing programs), the bill provides $945 million less for HUD housing programs than was available in fiscal year 1999.

Compared to current funding, the bill increases funding for one major HUD program, subsidized Section 8 rental housing contracts (2 percent)—but decreases funding for public housing modernization (15 percent), revitalizing severely distressed public housing (8 percent), drug elimination grants (6 percent), lead paint hazard reduction (13 percent), housing for persons with AIDS (4 percent), the Community Development Block Grant program (6 percent), "Brownfields" redevelopment (20 percent), Fair Housing activities (6 percent), housing for the homeless (1 percent), and the HOME program (1 percent).

In addition this bill would take the dream of exploring space and crush it beneath the weight of political posturing. This bill would tell our children, "Forget about space. You will never reach it."

And our children's dreams are not the only casualties. Jobs are at stake. As a Representative for the City of Houston, I cannot stand by and watch my Houstonians lose their jobs because of these cuts. The Johnson Space Center in Houston provides work for over 15,000 people. The workforce consists of approximately 3,000 NASA Federal civil service employees. In addition to these employees are over 12,000 contractor employees.

NASA has predicted the effects of the cuts on the Johnson Space Center, and the picture is not pleasant. NASA predicts that an estimated 100 contractors would have to be laid off, contractors composed of many employees and workers; clinic operations would be reduced; and public affairs, particularly community outreach, would be drastically reduced. Also, NASA would likely institute a 21 day furlough to offset the effects of the cuts, and this furlough will place many families in dire straits. Also, the Johnson Space Center would have to eliminate its employee Safety and Total Health program.

The entire $100 million reduction in the International Space Station would be attributed to the space center and would cause reductions in the Crew Return Vehicle program. This would result in a 1 to 2 year production slip and would require America to completely rely upon Russia for crew returns. This is a humiliating situation. We pride ourselves in being the world leader in space exploration, yet, what does it tell our international neighbors when we do not even have enough funding to bring our astronauts home?

The cuts would not only effect Houston; they would effect the rest of the country. NASA's Goddard Space Flight Center would need to cut over 2,500 jobs. Such layoffs would effect both Maryland and Virginia.

The $100 million reduction in NASA's research and development would result in an immediate reduction in the workforce of 1,100 employees for fiscal year 2001. This would also require a hiring freeze, and NASA would not be able to maintain the necessary skills to implement future NASA missions.

Negative effects will also occur across our Nation. Clearly, States such as Texas, Florida, and Alabama will see substantial cuts to the workforce, but given today's widespread interstate commerce, it is easy to imagine that these costs to the NASA program will hit home throughout America. And NASA warns that the country may not see the total effects of this devastation to our country's future scientists and engineers for many years.

NASA contractors and employees represent both big and small businesses, and their very livelihood are at stake—especially those in small business. They can ill afford the flood of layoffs that would certainly result from this bill.

Dan Goldin, head of NASA, has already anticipated the devastating effects of the NASA cuts. He predicts a 3 week furlough for all NASA employees. This would create program interruptions and would result in greater costs. Ladies and gentlemen, we are falling, if not tumbling, down a slippery slope. This bill would reduce jobs for engineers and would increase NASA's costs, a result that will only result in more layoffs as costs exceed NASA's fiscal abilities.

We are at a dangerous crossroads. This bill gives our engineers and our science academics a vote of no confidence. It tells them that we will not reward Americans who spend their lifetimes studying and researching on behalf of space exploration. I urge my colleagues to join me in my effort to stop the bleeding.

Over the past 6 years, NASA has led the Federal Government in streamlining the Agency's budget and institution, resulting in approximately $35 billion in budget savings relative to earlier outyear estimates. During the same period, NASA reinvented itself, reducing personnel by almost one-third, while continuing to increase productivity. The massive cuts recommended by the Committee would destroy the balance in the civil space program that has been achieved between science and human space flight in recent years.

In particular, the Committee's recommendation falls $250 million short of NASA's request for its Human Space Flight department. This greatly concerns me because this budget item provides for human space flight activities, including the development of the international space station and the operation of the space shuttle.

I firmly believe that a viable, cost-effective International Space Station has been devised. We already have many of the space station's components in orbit. Already the space station is 77-feet long and weighs over 77,000 pounds. We have tangible results from the money we have spent on this program.

Just this past summer, we had a historic docking of the space shuttle Discovery with the International Space Station. The entire world rejoiced as Mission Commander Kent Rominger guided the Discovery as the shuttle connected with our international outpost for the first time. The shuttle crew attached a crane and transferred over two tons of supplies to the space station.

History has been made, yet, we seek to withdraw funding for the two vital components, the space station and the space shuttle, that made this moment possible. We cannot lose sight of the big picture. With another 45 space missions necessary to complete the space station, it would be a grave error of judgment to impede on the progress of this significant step toward further space exploration.

Given NASA's recognition of a need for increased funding for Shuttle safety upgrades, it is NASA's assessment that the impact of a $150 million cut in shuttle funding would be a reduction in shuttle flight rate, specifically impacting ISS assembly. Slowing the progress of the ISS assembly would defer full research capabilities and would result in cost increases.

Both the International Space Station and the space shuttle have a long, glorious history of international relations. We can recall the images of our space shuttle docking with the Russian Mir space station. Our Nations have made such a connection nine times in recent years. This connection transcended scientific discovery: it signified the true end of the Cold War and represented an important step toward international harmony.

The International Space Station, designed and built by 16 nations from across the globe, also represents a great international endeavor. Astronauts have already delivered the American-made Unity chamber and have connected it to the Russian-built Zarya control module. Countless people from various countries have spent their time and efforts on the space station.

To under-fund this project is to turn our backs on our international neighbors. Space exploration and scientific discovery is universal, and it is imperative that we continue to move forward.

I also denounce the cuts made by the Appropriations Committee to NASA's science, aeronautics, and technology. This bill cuts funding for this program $678 million below the 1999 level.

By cutting this portion of the NASA budget, we will be unable to develop new methodologies, better observing instruments, and improved techniques for translating raw data into useful end products. It also cancels our "Pathfinder" generation of earth probes.

Reducing funding for NASA's science, aeronautics, and technology hinders the work of our space sciences, our earth sciences, our academic programs, and many other vitally important programs. But under-funding this item by $449 million, the Appropriations Committee will severely impede upon the progress of these NASA projects.

I ask my colleagues that represent the House of Representatives during conference to restore the $924 million to the NASA budget and to provide adequate funding to the HUD portion of this appropriation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Motion to Instruct Conferees to accept the other body's funding level for HUD, which provides more money for important housing and economic development programs than the House bill and is much closer to the President's request. There are 5.3 million people in this country who suffer worst case housing needs. In Chicago, nearly 35,000 people are on the waiting list for affordable public housing. This is not the time to cut much needed housing aid to people on fixed- and low-incomes.

But the House would cut HUD funding. My district, alone, would lose $4.5 million in critical aid that the President requested in his HUD budget proposal. That's 386 jobs that would not be created and 256 homes that would not be built if we enact the House HUD budget. Across the country, the cuts would total 156,000 fewer homes and 97,000 fewer jobs. We can do better.

The other body provides $500 million more for the Section 8 program, which provides rent subsidies for seniors, persons with disabilities and low-income families. It provides $64 million more for housing for seniors and persons with disabilities and for Housing Opportunities for Persons With AIDS (HOPWA). There is $300 million more the Community Development Block Grant Program, which local governments used to create jobs back home.

Considering the importance of housing to the American family and the desperate need for that housing, it is incumbent upon us to take whatever opportunities are available to increase HUD funding. The other body's VA–HUD bill presents that opportunity. I urge my colleagues to vote for the Motion to Instruct Conferees to accept the other body's HUD funding level.

Mr. MOLLOHAN. Mr. Speaker, we have no more requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, we have no further requests for time. I accept the motion of the gentleman to instruct conferees, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2466, be instructed: (1) to insist on disagreement with the provisions of Section 336 of the Senate amendment and insist on the provisions of Section 334 of the House bill; (2) to agree with the higher funding levels recommended in the Senate amendment for the National Endowment for the Arts and the National Endowment for the Humanities; and (3) to disagree with the provisions in the Senate amendment which will undermine efforts to protect and restore our cultural and natural resources.

The SPEAKER pro tempore. Under the rule, the gentleman from Washington (Mr. DICKS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first part of my motion deals with the issues of the number of millsites allowed under the interpretation of the provisions of the Mining Law of 1872.

Members will recall that this matter has been a contentious issue twice this year, both on the 1999 emergency supplemental appropriations bill and on the 2000 Interior appropriations bill. Both the House and Senate versions of the Interior bill contain provisions relating to the permissible level for millsites for mining activities on Federal lands.

The House provision was included as a floor amendment offered by the gentleman from West Virginia (Mr. RAHALL) for himself and for the gentleman from Connecticut (Mr. SHAYS) and for the gentleman from Washington (Mr. INSLEE).

The amendment was adopted by a vote of 273–151. That amendment upheld the opinion of the Department of Interior that the correct interpretation of the 1872 Mining Law is that only one 5-acre millsite for mine and tailings is allowed for each claim or patent for mining activities on Federal land. The Senate provision is 180 degrees on the other side of the issue.

The Senate provision sets aside the Department of the Interior's legal ruling and directs that the Interior and Agriculture Departments cannot limit the number or size of areas for mine waste. Furthermore, their provision is not just applicable for fiscal year 2000. The language of the amendment applies for any fiscal year.

Mr. Speaker, the Senate provision has no place in the Interior appropriations bill. If the supporters of that provision want to amend the 1872 Mining Law, let them do it through the normal legislative process. The law allows mining operations on Federal land to proceed after payment of only $2.50 to $5 per acre. That may have made sense 125 years ago when the Nation was settling the West, but it certainly makes no sense today.

Practically the only provision yielding any environmental protection at all in the 1872 law is the provision that only one 5-acre millsite per claim is allowed. To weaken that provision may benefit the mining industry, but it is bad public policy and will almost certainly result in the veto of the Interior Appropriations act.

Unfortunately, during extended debate on this issue, some have resorted to ad hominem attacks on the Solicitor of the Department of Interior. Most often, such attacks are resorted to when the preponderance of evidence does not support the position of the persons making the attacks. And that is precisely the situation here.

While there may have been some confusion due to administrative guidance issued in the past, as courts have stated, administrative practice cannot supersede the plain words of the statute. And here is what the law says from, 30 U.S.C., 42, page 804 of the 1994 edition of the United States Code:

> Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made on or after May 10, 1872, of such nonadjacent land shall exceed five acres.

I urge my colleagues to do the right thing for the environment and for our publicly owned lands and reaffirm their support for the Rahall amendment.

The second part of the motion merely instructs the House conferees to agree with the slightly higher funding levels that the other body recommended for the National Endowment for the Arts and the Humanities. For each Endowment, the Senate recommendation is $5 million higher than the amount contained in the House bill. Both of these important organizations have received virtually flat funding for the past 4 years. And that flat funding level has been approximately 40 percent below the amounts provided prior to 1995.

Both organizations, but especially the National Endowment for the Arts, have substantially changed their operations and procedures in response to Congressional criticism. The message has been received, and it is time to move on. Both organizations have an impact far beyond just the level of funding provided. They both level their Federal funding with State, local, and private resources so that the impact of each appropriated dollar is magnified.

We have had the debate on the merits of these agencies time and time again during the past 5 years. Every time the House has been permitted to speak its will on the NEA and the NEH, the result has been supported. During consideration of this year's Interior bill on the House floor, an amendment to reduce the funding level for the National Endowment for the Arts by just $2 million was defeated by a vote of 124–300.

I realize an amendment to increase NEA and NEH funding by $10 million each was nearly defeated, but this was solely due to concern about the proposed offsets. The Senate was able to find additional funding for the Endowments without the objectionable offsets, and I believe the House conferees should go along with their recommendations.

The final part of this motion concerns the several new provisions added during Senate consideration of the bill that are generally regarded as assisting the special interest to the detriment of our public land. I will not itemize all the provisions. That has been done repeatedly by the administration, the press, and concerned individuals and groups. I believe if most of these provisions are included in a bill sent to the President, a veto will result and we will have to negotiate the measure again.

I urge my colleagues to avoid that unnecessary confrontation by stripping the anti-environmental provisions out of the bill in the conference.

I hope my colleagues will demonstrate their support for the environment and for the Endowments of the Arts and Humanities. Support the motion to instruct the Interior conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just briefly address a few of the points made by the gentleman from Washington (Mr. DICKS).

First of all, on the matter of amending the Mining Act of 1872, that is a policy change; and I think that correctly it should be done by the Congress in the normal legislative process. I do not believe that a Solicitor General should exercise a privilege of amending a policy matter that has been adopted by the Congress. That would, to me, be bad public policy.

I think, obviously, something we need to address is the Mining Act. 1872 is a long time ago and many things have changed since then, but it should be done in an orderly way rather than to delegate legislative responsibility to the Solicitor General.

I might mention on the matter of the arts, since there has been a rather lively discussion prior to this on the Brooklyn Museum of Art, and that is that we maintain in this bill the Congressional reforms: 15 percent cap on the amount of funds any one State can receive; State grant programs and State set-asides are increased 40 percent of total grants; anti-obscenity requirements for grants, and this is supported by the Supreme Court decision in 1998, as was stated in the previous debate, puts six Members of Congress on the National Council on the Arts, three from the House, three from the Senate; reduce the presidentially appointed council to 14 from 26; prohibited grants to individuals except for literature fellowships or National Heritage fellowship or American Jazz Masters fellowship; prohibited subgranting of four full seasonal support grants; allows NEA and NEH to solicit and invest private funds to support the agencies; provided a grant priority for projects in underserved populations; provided a grant priority for education, understanding, and appreciation of the arts; and provided emphasis for grants to community music programs.

These changes were incorporated in prior Interior bills limiting the NEA. I think they worked extremely well, and that has been evident by the fact that we have not had some of the problems that were prevalent in the past. I think these conditions are an important element in congressional responsibility or congressional oversight, as my colleagues may choose to define it.

That is one of the issues, of course, in the Brooklyn Museum of Art, and that is what oversight does Government have on the way in which funds are expended. We have tried to do a responsible piece of work on this issue, and I think it has been a great help in keeping support for the NEA and the NEH, and particularly the NEA, in our bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to commend the chairman. I had the privilege of working with him a few years ago in drafting language that, as he suggested, was tested by the Supreme Court of the United States. That rule tried to emphasize quality in making these grant awards. Because, obviously, the National Endowment for the Arts and Humanities, neither one of them can fund every single grant application that comes in.

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We worked on language that talked about funding those applications that had the highest quality, that represented the finest in the arts. I believe that a lot of the success in recent years of both the Endowment for the Arts and Humanities is because we did give some guidance. I think the gentleman from Ohio deserves a great deal of credit for his leadership on this issue.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the chairman of the Arts Caucus who has been a real leader on these issues.

Ms. SLAUGHTER. Mr. Speaker, first I want to commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their extraordinary work and how wonderful it is to work with both of them.

The first thing I want to say today is we have just had the resolution on the Brooklyn Museum of Art. I want to put everybody's minds at rest, there is no NEA money in that exhibition.

Mr. Speaker, I rise in support of the motion to instruct conferees on the fiscal year 2000 Interior appropriations bill. As most of my colleagues will attest, I have long stood at the well of this Chamber to advocate for the strongest level of support possible for the arts and humanities.

For the past 4 years, this body has passed up the opportunity to benefit millions of Americans by choosing to level-fund the National Endowment for the Arts and for the Humanities. Year after year, I have joined with other members in a bipartisan way, members of the Congressional Arts Caucus, to show our support for our Nation's cultural institutions, and to fight back against the political rhetoric and campaigns of misinformation that have long been used against these vital agencies.

So today I say with great enthusiasm that we are finally beginning to reap the benefits of these efforts. This motion to instruct provides badly needed relief to the NEA and the NEH by directing the conferees to accept the $5 million funding increases that were responsibly added to this bill by the other body. These small increases will permit the NEA to broaden its reach to all Americans through its Challenge America initiative. It will give the Endowment the resources to undertake the job that we in Congress have asked of it, to make more grants to small and medium-sized communities that have not been the beneficiaries of Federal arts funding in the past. From the fields of rural America to the streets of our inner cities, the NEA has a plan to expose all Americans to the arts and this money would help them to do exactly that.

In addition, the NEH plays an equally important role in our society. It is at the forefront of efforts to improve and promote education in the humanities. NEH funding is well spent to ensure that teachers, restricted by scarce funding, are well-trained in history, civics, literature and social studies. Through the use of computers, educational software and the Internet, the NEH is also using its Teaching with Technology initiative to bring the humanities to life in the information age.

Mr. Speaker, a majority of Americans and a majority of this House support the arts and humanities. In addition, these institutions are supported by such entities as the United States Conference of Mayors, the National Association of Counties, and by such corporations as CBS, Coca-Cola, Mobil, Westinghouse and Boeing, to name just a few. These organizations support the arts because they provide economic benefits to our communities. Last year, the $98 million allocated to the NEA provided the leadership and backbone for a $37 billion industry. For the price of one-hundredth of 1 percent of the Federal budget, we helped create a system that supports 1.3 million full-time jobs in States, cities, towns and villages across the country, providing $3.4 billion back to the Federal Treasury in income taxes. I think that is a good investment.

As we head into a new millennium, these modest increases will allow the NEA and the NEH to spread the wonderful work that they do to every city, town and village in America. Federal support for the arts and humanities is an incredibly worthwhile investment and these increases would take a small but important step toward revitalizing two agencies that we have neglected for too many years.

I urge all of my colleagues to vote in favor of the motion to instruct.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time here to address some of these issues.

I am not sure whether we are here arguing about the mill site provision on the basis of science or emotion. I rise in strong opposition to the motion to instruct conferees because this amendment, this provision on the mill site is nothing but a rider which we constantly hear, it is a rider on an appropriations bill, it is legislating on an appropriations bill, and it is not necessary. Members start talking about the sound science, as I hear from the previous speakers who are in support of this motion, on the basis that it is needed to protect our land and protect our environment. I refer them directly to the publication which was just printed, in fact it was released September 29, 1999, from the National Research Council titled "Hard Rock Mining on Federal Lands." The number one issue in this 200-page report that was paid for and authorized to study this issue says that the existing array of Federal and State laws regulating mining in general are effective in protecting the environment.

There is no reason that we have to sit here and talk about restricting mill sites to protect the environment. I would agree with my colleague from Washington that the 1872 law says that it is a five-acre mill site. That is for one reason, because we permit and we stake out or locate mill sites in five-acre increments. But when we restrict this five acres to a 20-acre claim, it does not allow for the administration, the milling, as well as the overburden and tailings that come from a 20-acre mine. You cannot take 20 acres of overburden rock, move them off of 20 acres and stack them on five acres and put your administration there, put your mill site there, as well as the tailings that are off of this mine.

So I would suggest that this is really a poor interpretation of the current mining practices that have not been challenged even by this administration until this recent Solicitor General's opinion that was put in simply to stop the Crown Jewel mine in Washington State.

For the past practices of this industry, the administration through the Bureau of Land Management has permitted numerous mill site applications per mining claim, not restricting them to numbers but only to five acres in size and increment, so that you could get more than one 5-acre mill site per mining claim. This is necessary because of the current practices of mining. Unlike underground mining which is in my colleague's State of West Virginia here, most of the mining out West is done in open pit style mining where it takes a great deal of overburden, removes that off of the ore deposit and then mines the ore body. It takes a requirement of acreage larger than five acres to put an overburden that comes from a 20-acre mill site.

What we would be doing here in effect by passing this motion to instruct conferees and restricting them to a five-acre limitation would be to effectively and retroactively go back and shut down these mines. I think that is in the wrong direction that we would be taking this industry, and so I would suggest to my colleagues that we oppose this, because there is no real need for this provision.

We are able to go back through the permitting process, through all of the environmental agencies, through all of the agencies that oversee mining and actually look and review the requirements for more than a single five-acre mill site with some of these mines. And in doing that process, we have then protected the environment. We have looked at it from all angles. But to restrict them on an arbitrary basis that you only get five acres is totally unfounded in the science and is supported by this recent publication here that we have in our hands today.

Mr. Speaker, I want to thank the gentleman from Ohio for his leadership in this area. I do rise in opposition to this motion to instruct.

Mr. Speaker, I rise to oppose the Motion to Instruct Conferees on H.R. 2466, the FY 2000 Interior Appropriations Act. This motion will allow the Solicitor of the Department of the Interior to amend the existing mining law without congressional authorization.

In March of this year, the Solicitor at the Department of the Interior reinterpreted a longstanding provision of law and then relied on his new interpretation to stop a proposed gold mine in Washington State.

This proposed mine (Crown Jewel) had gone through a comprehensive environmental review by Federal and State regulators, which was upheld by a federal district court. They had met every environmental standard required and secured over 50 permits. The mine qualified for their Federal permit after spending $80 million and waiting over 7 years. The local Bureau of Land Management and Forest Service officials informed the mine sponsors that they qualified for the permit and they should come to their office to receive it. It was then that the Solicitor in Washington D.C. intervened and used his novel interpretation of the law to reject the project.

This Motion is cleverly designed to codify this administrative reinterpretation. This interpretation has been implemented without any congressional oversight or rulemaking which would be open to public review and comment. This was a calculated effort to give broad discretion to the Solicitor to stop mining projects that met all environmental standards yet were still opposed by special interest groups. The Motion should be defeated and the Solicitor should be required to seek a congressional change to the law of enter a formal rulemaking giving the impacted parties an opportunity to comment on the change.

If allowed to stand, the Interior Department's ruling will render the Mining Law virtually meaningless and shut down all hard rock mining operations and projects representing thousands of jobs and billions of dollars of investment throughout the West.

This Motion would destroy the domestic mining industry and with the price of gold at a new 30-year low, the second largest industry in Nevada will cease to exist. Pay attention Congress, mining will no longer exist in Nevada.

If the Secretary or his solicitor has problems with the United States mining law then he should take these problems to Congress, to be debated in the light of day, before the American public. Laws are not made by unelected bureaucrats. Bureaucrats administer the laws Congress approves whether or not they agree with those laws. It is the duty of government in a democracy to deal honestly with its citizens and not to cheat them.

As the Wall Street Journal stated, "if the Solicitor's millsite opinion is allowed to stand, investment in the U.S. will be as risky as third world nations." The International Union of Operating Engineers opposed the Rahall amendment on the basis that if passed it will force the continued loss of high paying U.S. direct and indirect blue-collar jobs in every congressional district. The Constitution gives the people control over the laws that govern them by requiring that statutes be affirmed personally by legislators and a president elected by the people.

Majorities in the House and Senate must enact laws and constituents can refuse to reelect a legislator who has voted for a bad law. Many Americans no longer believe that they have a government by and for the people. They see government unresponsive to their concerns, beyond their control and view regulators as a class apart, serving themselves in the complete guise of serving the public.

When regulators take it upon themselves to legislate through the regulatory process the people lose control over the laws that govern them. No defensible claim can be made that regulators possess superior knowledge of what constitutes the public good. Nor to take it upon themselves to create laws they want because of congressional gridlock—the value laden word for a decision not to make law. The so-called gridlock that the policy elites view as to unconscionable was and is no problem for people who believe in the separation of powers doctrine contained in the Constitution which holds that laws indeed should not be made unless the broad support exists to get those laws through the Article I process of the Constitution, i.e., "All legislative powers herein granted shall be bested in Congress."

Let us debate the merits of the proposal, do not destroy the lives of hundreds of thousands of miners just to appease special interest groups whose entire agenda is to rid our public lands of mining. If you have problems with mining on our public lands come and see me, together we can make positive changes but do not destroy the lives of my constituents today by supporting this Motion!

Without mining none of us would have been able to get to work today, we would not have a house over our heads—because without mining we have nothing. Give our mining families a chance to earn a living, to work to provide the very necessities that you require. Oppose the devastating riders in the Motion to Instruct Conferees and uphold your constitutional oath to your constituents.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL) who was the author of this amendment to the Interior appropriations bill and who is an expert on this subject here in the House of Representatives.

Mr. RAHALL. Mr. Speaker, I thank the distinguished ranking minority member for yielding me the time and commend him for the motion that he has brought. I support all three points of his motion to instruct but would like to narrow my remarks to the mill site provisions portion of these instructions.

As has been referred to, Mr. Speaker, the House overwhelmingly in a bipartisan vote on July 14 adopted my amendment offered along with the gentleman from Washington (Mr. INSLEE) and the gentleman from Connecticut (Mr. SHAYS) to uphold the Interior Department's lawfully constructed position on the ratio of mill sites which may be located in association with mining claims on western Federal lands. This amendment was adopted 273–151, so a vote today in support of this motion to instruct would be consistent with the vote of last July 14.

This issue is about protecting the American taxpayers and the environment against abuses which occur under that Mining Law of 1872 under which there is overwhelming support for some type of reform. Simply put, if Members voted "aye" on July 14, they vote "aye" today as well. As for the 151 Members who voted "no" at that time, perhaps they will see the light, have the opportunity to make amends, and today is the opportunity to do the right thing.

We have had debate on this issue during the course of many years. Since our last debate, however, on July 14, new information has come to light. Under a directive that was included in the supplemental appropriation enacted last May, the Interior Department has now completed a report on the number of pending plans of operation and patent applications, which under the Solicitor's opinion, contain a ratio of mill sites to mining claims in excess of legal requirements. The results of this report clearly illustrate that the Solicitor's opinion will not lead to the end of all hard rock mining on western Federal lands as some would have us believe.

In response to the gentleman from Nevada who just said that what we are doing by these instructions is retroactively going back and shutting down mines, that statement is certainly not substantiated by the facts of what I am about to present to the body. There are 338 pending plans of operations affecting BLM, National Forest System and National Park System lands. Three hundred thirty-eight pending plans of operations. Twenty-seven were found to include a ratio of mill sites to mining claims in excess of the legal requirement. Twenty-seven of those 338 would be affected by these instructions. That is only about 8 percent.

Pending patent applications that could be affected, here the Department found that of the 304 grandfathered patent applications, only 20, that is about 7 percent, are estimated to have excess mill sites. It is clear, then, that the vast majority of the hard rock mining industry in this respect has chosen to abide by the legal requirements of the law. The vast majority of the hard rock mining industry abides by the legal requirements of the law. So I find it difficult to believe that the Congress would now penalize this majority of law-abiding operations and award the contrary minority as they relate to the mill site to mining claim ratio by rejecting the Solicitor's opinion.

So let us go along with these instructions, with the vote we had last July 14, an "aye" vote to instruct the conferees to uphold the House position as well as the majority law-abiding portions of the hard rock mining industry.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, we have many times in this Congress seen committee chairs of authorizing committees complain about the fact that the Committee on Appropriations has added amendment after amendment to appropriations bills which they feel are legislative amendments rather than appropriating amendments and therefore do not belong on appropriations bills.

Just last week we were treated to the concerns that one chairman of an authorizing committee had on two appropriations bills that were on the floor. Because of that, I find it ironic that in this case what we are trying to do today is to tell the other body that they should strip from the Interior and HUD appropriation bills a whole range of amendments that do not belong on the bill.

Three years ago on the HUD bill, we had a fight over 13 anti-environmental riders that were added to that bill, and it took three votes before we finally were able to strip those off. Now we have well over a dozen major anti-environmental riders added by the other body, if we take the administration's count, and well over that number if we take other outside observers' count.

□ 1730

In many instances the people who have been offering these amendments are authorizing committee chairs who cannot get those amendments added to authorizing legislation and so are now trying to use the appropriations bills as vehicles to accomplish their own ends.

So we see the spectacle of amendments being added to satisfy the mining industry, amendments being added to satisfy the logging industry, amendments are offered to satisfy the grazing interests, and we see amendments being offered to satisfy the oil industry.

The problem is that in each instance those amendments are against the public interests. They may be perfect, a perfect fit with private interests, but they are certainly the antithesis of what we would do if what we were doing is focusing on the public interests; and to me what the gentleman is simply suggesting is that enough is enough, we ought to instruct the conferees to eliminate these nonappropriation provisions. It seems to me, if we do that, we will be protecting the taxpayers' interests as well as the public interest; and once in a while just for the heck of it that is what we ought to be seen as doing.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I rise today in opposition to the motion to instruct, specifically on the issues regarding the NEA and the NEH. I will not deal with the issue of mining and the policy issues, but the increase in funding for NEA and NEH. I rise because we just debated an issue similar to this, of course, just a few minutes ago, about a half hour ago I suppose.

And I rose on that occasion to support an amendment that would clearly identify the sense of the Congress about the expenditure of tax money on an, I guess I will have to say, an art exhibit, although it is certainly hard to qualify it as such, in New York City, in Brooklyn. And the gentleman opposing us on that indicated that he really did not understand the gist of my point, so I am happy to once again stand up here and get a few more minutes, a bit longer time, to say what I want to say about this and explain my concern about it and do so a little slower because I have a little more time to do it. Maybe it will be better understood.

But the fact is that the problem we see both in Brooklyn, the problem with increasing money to the NEA, is endemic to this whole question of whether or not we should be asking taxpayers of the United States to fund any project of art because we are always going to have these kinds of debates because there will always be people who will push the kind of stuff that we are talking about in Brooklyn and will do other kinds of things in order to get the attention of either the Congress or any other appropriating body that is giving money to the arts in order to eliminate any sort of criteria whatsoever in the decision-making process as to what should be publicly funded, because they do not want it, they do not want that kind of restriction. So they are always going to be pushing the envelope and will always be here talking about whether or not it is appropriate.

My point is that I agree that I wish we were not here doing that because I wish we were not appropriating money for the arts, period. It is not the responsibility of the Government to determine what is and what is not art.

We can certainly, and there was a robust debate about what exactly is and is not art in Brooklyn, and I wish we were not here doing it; but as long as we are going to tax Americans for this purpose, as long as we are going to take money out of their pockets and distribute it to individuals, then we are going to be here determining what is what, what is and what is not art, what should be and what should not be funded. And that is why I certainly rise in opposition to any increase whatsoever in appropriations to the NEA, and I certainly would rise, if I had the opportunity, to strike all funding for it for this very reason. It always creates this kind of confrontation, and it should not. We should not be funding it.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. INSLEE) who has been a leading defender and protector of the environment in Washington State and throughout the country.

Mr. INSLEE. Mr. Speaker, I will speak in strong support of this motion, and I think this motion supports two values that we ought to hold, and the first is the value of respect, respect for the law, and the second value is respect for this House and our interests in protecting the public interests, not the special interests; but first, respect for the law.

We have got to understand that all this motion does is simply say that we are going to respect, we are going to follow, we are going to honor the preexisting and existent law of the United States of America today. And I would like to refer my colleagues to 30 U.S.C., Section 42, in the language specifically previously adopted by Congress, not by some bureaucrat, not by some middle-level agency official. By the United States Congress the law specifically says that such patents and mining claims on nonadjacent land shall not exceed 5 acres, shall not exceed 5 acres. It is the law today, and we are not amending the law, we are preventing an amendment of law in the appropriations process.

Now it is beyond my imagination when the U.S. Congress says, If you're going to have a place to put your cyanide-laced rock on the public's land, you can only do it, but it won't exceed 5 acres, how folks can turn around and say, Well, sure, you can only do it 5 acres, but you can do it as many times as you want on 5 acres.

That does not wash. We should have respect for the law and pass this amendment.

But secondly, I think there is maybe a more important issue here, and that is respect for this House and this Houses's obligation to protect the general public interest.

As my colleagues know, it has been a sad fact that this other chamber, which we dearly respect, has sent us over anti-environmental riders after anti-environmental riders, and those riders protect the special interests, not the general public interest; and if we ask why there has been such an interest in some of our States in independent politics and reform-minded politics, it is because the other chamber has sent us sometimes fleas on the backs of some of these laws, and we have got to delouse some of these appropriation bills. We ought to start right here with this motion.

We should stand up for our vote and the 273 Members that stood up for the general interest and pass this motion.

Mr. DICKS. Mr. Speaker, I yield myself 15 seconds.

I want to compliment the gentleman from Washington (Mr. INSLEE) for following the Udall rule, that when all else fails, read the statute. The gentleman clearly has done that, and the statute is pretty clear; and I urge the other side to take a look at it at their leisure.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN), a member of our subcommittee, a valued member of our subcommittee.

Mr. MORAN of Virginia. I thank the gentleman from Washington, our very valued ranking member on our subcommittee, and I want to thank the chairman of our Subcommittee on Interior for his very fine work; and I am just up here to support this instruction because I know it is wholly consistent with what our chairman would want, as would all the enlightened Members of this body. Sometimes the Senate gets away with things, and we just have to try to set them straight.

So I support this because not only would I like to see a little extra money for the National Endowment for the Arts and Humanities, but certainly we ought not allow mining operators to claim at taxpayer expense as much acreage as the operators deem necessary for these waste piles that pose significant environmental problems. So the gentleman from West Virginia (Mr. RAHALL) won that issue on a 273 to 151 vote; we certainly ought to stand firm on it.

But perhaps the most important thing that we could do in conference would be to prevent the Senate from adding any number, a host of anti-environmental riders that they slipped in. They slipped them in without public review, overriding existing environmental protections, limited tribal sovereignty, and imposed unjustified micro-management restrictions on agency activities.

To think that this bill permanently extends expiring grazing permits nationwide on Bureau of Land Management lands without the environmental review required by current law, it delays the forest plans until final planning regulation of the public, thus preventing new science and sustainable forest practices from being incorporated into expiring forest plans.

It has a limitation on tribal self-determination; there is a permanent prohibition on grizzly bear reintroduction on Federal lands in Idaho and Montana that overturns a recent Federal Circuit Court of Appeals decision requiring Federal land management agencies to conduct wildlife surveys before amending land management plans; there is a limitation on the receipt of fair market value for oil from Federal lands; it delays for the fourth time the publication of final rules to establish fair market value.

Mr. Speaker, that alone costs the taxpayers $68 million, and the Senate just slips it in. There is a limitation on energy efficiency regulations in the Federal Government. These have been praised by everyone, and yet this Senate provision stops us from implementing that Federal energy efficiency regulation. There is delays for the Columbia Basin ecosystem plan, the Columbia River Gorge plan, mineral development in the Mark Twain National Forest that overrides Federal land managers' ability to act responsibly there.

There is a host of environmental riders. They are all anti-environmental riders. None of them should have been slipped in. We would not have allowed them on the House floor; we should not allow them in the conference.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), a very valued Member of this House.

Mr. BALDACCI. Mr. Speaker, I thank the ranking member for yielding me the time and his leadership on the committee, and in these efforts I request that we do vote yes on the Dicks motion to instruct the Interior conferees.

I would just like to take a moment to underline the importance of the arts and the humanities. There are a lot of parts of America and rural America and rural Maine that cannot afford some of the luxuries in major urban areas and throughout this country, and to have an organization like the National Endowment for the Arts and Humanities to be able to provide resources to rural communities so that he can have an advantage of the arts programs.

Arts education is shown to increase the SAT scores of young people by 50 to 60 points, and what people are finding out, that the arts are not just a side dish or an appetizer; but they are part of the main course and the main course of people throughout this country.

I would like to further underscore the importance of this instruction of conferees as it pertains to mining waste and on Federal lands and also in rejection of these anti-environmental riders that have been put forth.

We must approve this, must approve this now.

Mr. DICKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion, and I applaud the gentleman from Washington (Mr. DICKS) for offering it and for his successful efforts here in the House and then keeping the anti-environmental riders out of the House version of this bill.

I would like to speak about one specific rider that would prohibit the past in the Senate, that would prohibit the Department of Interior from implementing new rules to require oil companies to pay market price royalties to the American taxpayer on oil they drill on publicly owned Federal lands. Now they keep two sets of books, one that they pay each other market price, but when it comes to paying the Nation's school teachers, Indian tribes, Land and Water Conservation Fund, they want to pay less. Interior says this costs the American public $66 million a year, and I say let us let the money that is rightfully due America's schoolchildren and the public school system, let us let them pay the market price and not hurt the schoolchildren and pay themselves more. It is unfair; it is wrong.

Vote against the oil companies and for schoolchildren.

□ 1745

Mr. DICKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER), who has been one of the leaders on environmental issues in the House and a former chairman of the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and appreciate his bringing this motion to the floor.

Mr. Speaker, we should clearly adopt the House position as reflected in the July vote earlier this year on the Rahall-Shays-Inslee amendment to the bill. House Members voted 273 to 151 in support of the amendment.

Mr. Speaker, those opposed would suggest somehow the solicitor in the Department of Interior simply woke up one day and tried to redefine an 1872 mining law to limit the number of acres that mining operations can claim as waste disposal. Nothing can be further from the truth.

The fact of the matter is that the law and the record on the law is replete with example after example, dealing from 1872 to 1891 to 1903 to 1940 to 1955 to 1960 to 1970 to 1974, time and again, time and again, in the writings of both people from the mining industry, from the government, and from interested parties, time and again the law is very clear on its face that the solicitor in his 1977 analysis is quite correct on mill-site provisions; and, in fact, that they were not to be allowed to be given additional land.

The reason they should not is that is we should not sponsor without very careful consideration the expansion of mill waste. This country is spending hundreds of millions of dollars, and is yet to spend additional hundreds of millions of dollars, cleaning up after the waste product of mines that have been developed across the country.

No longer is this some miner and his pick and shovel and his mule going out across the country. These are some of the biggest earth movers on the face of the earth that move hundreds and hundreds of tons of earth to get a single ounce, a single ounce, of gold. The mining that is done with the cyanide heap leaching must be carefully controlled, and those leach piles are there for the foreseeable future. Before we make a decision that they can simply spread those across all of the claims, this law ought to be upheld and we ought to continue to support the Rahall-Shays-Inslee amendment.

Mr. Speaker, I thank the gentleman for bringing this proposal to the House and ask for strong support of it.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just have one comment: The ranking minority member talked about the Congressional reforms, and I want to compliment Mr. Ivy and Mr. Ferris. I think they have tried to live up to these standards in the administration of their two agencies.

I would say to the gentleman from Maine (Mr. BALDACCI), you mentioned about the areas of lesser population, and we did recognize that in these standards, to get grants into the smaller communities across this country.

Mr. Speaker, I yield back the balance of my time.

MODIFICATION TO MOTION OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the first section number in my motion read "section 335", not "section 336."

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the Members who spoke today. I think this was a spirited debate. I know the chairman and I both want to see us get a bill in a timely way that the President of the United States can sign. That means we are going to deal with these riders.

Mr. Speaker, I understand how strongly people feel about these issues. I have had problems with these in my own State. But I do believe that unless we narrow these dramatically, we are going to have a hard time getting this bill enacted.

I also rise in strong support of the National Endowment of the Arts and Humanities. I believe that they deserve this extra support. By the way, this very controversial project in Brooklyn has not received any funding from the National Endowment for the Arts. The museum has received support on other projects, but one of the things that the chairman, and I supported him on this, insisted on was a very specific description of what the money from the endowment is going to be used for. The money is not being used for this controversial project in New York. That shows that the reforms that we have put into place, in fact, are working.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this motion to instruct conferees, and ask unanimous consent to revise and extend my remarks.

By adopting this motion, the House will be giving its conferees a simple instruction—to do the right thing.

It is the right thing to reject the attempt of the other body to use the appropriations process to rewrite the mining laws in a piecemeal and unbalanced way, for the special benefit of certain interests. We do need to revise the 1872 mining law. But we shouldn't do it in a backdoor way that addresses only one aspect of the law and not the larger issues, including the basic question of whether the American people are receiving an adequate return for the development of minerals from our public lands.

It is also the right thing to adequately support the arts and humanities that are so important to the cultural life of our nation.

And it definitely is the right thing to reject attempts to use the appropriations process to undermine the protection of our environment.

So, I urge the adoption of this motion to instruct the conferees.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak on the motion to instruct conferees for the Interior Appropriations Bill. Earlier this summer, I offered my general support of H.R. 2466. H.R. 2466 appropriates a total of $14.1 billion in FY 2000 for Interior Appropriations. It is an overall fair and balanced bill and though it falls short of the administration's request it takes care of the national parks, Native Americans, cultural institutions, and museums. This bill is truly about preserving the legacy of this great land for America's children.

However, I want to voice my disappointment in the Appropriations Committee's funding recommendation for the National Endowment for the Arts (NEA) and the National Endowment for Humanities (NEH). I do appreciate the fact that the Committee tagged $98,000,000 for the National Endowment for the Arts. However, I still find the recommendation insufficient. The Administration requested $150,000,000, a full $52,000,000 more than the Appropriations' recommendation. This number is unsatisfactory given the importance of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for the Humanities at $110,700,000. At $39,300,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

We spent much of this afternoon discussing federal funding for art. This debate was a waste of our time and a waste of our taxpayers time. We have a long tradition of support for the arts, beginning in 1817. The very art that adorns the U.S. Capitol came from federal funding. The private sector simply cannot provide adequate funding for our arts endeavor if enough federal funding is not established. Underfunding the arts would result in the loss of programs that have national purposes such as touring theater and dance companies, travelling museum exhibitions, and radio and television productions.

The NEA, in particular, also seeks to provide a new program, Challenge America, that establishes arts education, youth-at-risk programs, and community arts partnerships. Inner-city areas, especially minority groups and their children, would greatly benefit from this program, but the program is based upon the $150 million Administration request. Art is something that all can enjoy, and by providing adequate federal funding we can increase access to the arts for those who desire it the most.

I will note that the committee justly prioritized the needs of America's national parks, Native Americans, cultural institutions, and museums in this appropriations bill. I am pleased that this bill remains free of the environmental riders, which has plagued this process in the past.

This bill continues the Recreational Fee Demonstration Program allowing public lands to keep 100% of the fees. This will result in over $400 million of added revenue over the life of the demo program spent at collections sites. This revenue will address maintenance backlogs at several of America's historical locations.

One of America's greatest treasures is it cultural gifts provided to our nation by the diverse American melting pot. This bill begins continues our efforts at preservation and education by providing $26 million to the Smithsonian and $3.5 million to our National Gallery.

In addition Mr. Chairman this bill address America's commitment to the Native American population. American Indian program increases include an additional $28.7 million for the Office of Special Trustee to begin to fix the long-standing problems with the management of Indian trust funds. It also provides an additional $13 million for operation of Indian schools and Tribal Community Colleges.

Mr. Chairman, I would like to address my colleagues concerning the Department of Energy's Oil/Gas R&D Program. This program oversees some 600 active research and development projects. Many of these projects are high risk and long range in scope and many are beyond the capabilities of the private sector. Without the government's commitment to sharing the risk it would be impossible for private companies to invest.

This program is the catalyst for the government's partnership with private industry. An investment in Fossil Energy R&D is truly an investment in America's future. This program has become the convenient whipping post when it is clear that this program is necessary to protect America's energy security.

I am also disappointed with the funding of the arts and humanities. I do appreciate the fact that the Committee tagged $98,000,000 for the National Endowment for the arts. Obviously, this amount of funding is a vast improvement over the $0 recommended prior to Committee recommendation. However, I still find the recommendation insufficient. The Administration requested $136,000,000, a full $38,000,000 more than the Appropriations recommendation. This number is unsatisfactory given the important of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for Humanities at $96,800,000. At $25,200,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

I encourage my colleague to support H.R. 2466 a balanced appropriations bill for America's treasure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The question was taken.

Mr. REGULA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6 p.m.)

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and motion to instruct conferees on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 181, by the yeas and nays;

H.R. 1451, by the yeas and nays;

Motion to instruct conferees on H.R. 2684, by the yeas and nays; and

Motion to instruct conferees on H.R. 2466, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONDEMNING KIDNAPPING AND MURDER BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC) OF THREE UNITED STATES CITIZENS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 181.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 181, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 470]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick

Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Berkley
Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Doyle
Etheridge
Farr
Fowler
Goodlatte
Kennedy
McKinney
Meeks (NY)
Neal
Scarborough
Talent
Tauzin
Taylor (NC)
Towns

☐ 1823

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. FOWLER. Mr. Speaker, on rollcall No. 470, I missed the vote due to medical reasons. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Pease). Pursuant to clause 8 of rule XX, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion on which the Chair has postponed further proceedings.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1451, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. Biggert) that the House suspend the rules and pass the bill, H.R. 1451, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 2, not voting 20, as follows:

[Roll No. 471]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—20

Berkley
Berman
Bliley
Blumenauer
Brown (FL)
Calvert
Chenoweth-Hage
Doyle
Etheridge
Farr
Fowler
Kennedy
McKinney
Meeks (NY)
Neal
Sanchez
Scarborough
Talent
Taylor (NC)
Towns

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. FOWLER. Mr. Speaker, on rollcall No. 471, I missed the vote due to medical reasons. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcalls No. 470 and 471, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. MOLLOHAN

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of agreeing to the motion to instruct on the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, offered by the gentleman from West Virginia (Mr. MOLLOHAN), on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from West Virginia (Mr. MOLLOHAN).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 306, nays 113, not voting 14, as follows:

[Roll No. 472]

YEAS—306

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—113

Archer
Armey
Barr
Barrett (NE)
Barton
Bilirakis
Boehner
Bonilla
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Cunningham
DeLay
DeMint
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Fossella
Goode
Goodlatte
Goodling
Green (WI)
Gutknecht
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
LaHood
Largent
Latham
Linder
Manzullo
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pitts
Pombo
Pryce (OH)
Radanovich
Ramstad
Roemer
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Young (FL)

NOT VOTING—14

Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Doyle
Etheridge
Farr
McKinney
Meeks (NY)
Neal
Scarborough
Taylor (NC)
Towns

□ 1841

Messrs. KASICH, PACKARD, and BARTON of Texas changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, WICKER, Mrs. NORTHUP, Messrs. SUNUNU, YOUNG of Florida, and MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Messrs. PRICE of North Carolina, CRAMER and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

MOTION TO INSTRUCT OFFERED BY MR. DICKS

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, offered by the gentleman from Washington (Mr. DICKS), on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 199, not voting 16, as follows:

[Roll No. 473]

YEAS—218

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bilbray
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
[illegible]rson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NAYS—199

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—16

Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Dingell
Doyle
Etheridge
Farr
McKinney
Meeks (NY)
Neal
Oxley
Scarborough
Taylor (NC)
Towns

□ 1850

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 8 o'clock and 15 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, KOLBE, SKEEN, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, CRAMER, HINCHEY, and Mr. OBEY.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore. Without objection, and pursuant to Section 301 of Public Law 104–1, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of each of the following individuals to a 5-year term to the board of directors to the Office of Compliance:

Mr. Alan V. Friedman, California;

Ms. Susan S. Robfogel, New York;

Ms. Barbara Childs Wallace, Mississippi.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LOCAL ACCESS TO SATELLITE RECEPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, as my colleagues know, my district is a rural district in the State of Colorado, the Third Congressional District of Colorado. That congressional district actually is geographically larger than the State of Florida.

I can tell my colleagues, it is very important out there in the rural areas of Colorado, as it is through most of the rural areas in the United States, that we have TV reception. We have become very dependent of late upon satellite reception. As many of my colleagues know, for the last 11 or so years, local access has been banned through satellite.

Well, we are about to change that. We passed a bill out of the House. The Senate has passed a bill. I have good news tonight for those of my colleagues who have constituents who use satellite service for local access. Things are about to change.

The conference committee I think is making good progress. I hope that, in the next 3 to 4 weeks, the satellite users, including many of my constituents in the State of Colorado, will once again have an opportunity for local access.

EXHIBIT AT BROOKLYN MUSEUM OF ART

Mr. McINNIS. The second point I wish to address this evening, Mr. Speaker, is the art exhibit in New York City, the Brooklyn Art Museum. I made some comments about that last week. I am amazed how over the weekend the media has been very successful in tying the exhibit, and I will tell my colleagues exactly what it is, a portrait of the Virgin Mary with crap thrown all over it, to be quite blunt with you. They have made this controversy in New York City as if it is a controversy between the freedom of speech under the Constitutional amendment and people who were offended by the art.•

That is not the controversy at all. The controversy in New York City in that museum is that the taxpayers of the United States of America are being asked to pay for this art exhibit at the Brooklyn Museum.

Now, do my colleagues think it is appropriate for someone who is a taxpayer, who is a hard-working American, who is a Catholic to go out and take their taxpayer money to pay for a portrait to be exhibited of the Virgin Mary with crap thrown all over it? Of course it is not. It is as offensive to the Catholics as it is displaying a Nazi symbol by taxpayer dollars would be to the Jewish community, or as it would be of putting a portrait of Martin Luther King with crap thrown all over it to the black community.

It is out of place. It is unjustified. And it is totally, totally inappropriate for the use of taxpayers' dollars for that kind of art.

Now, that is not an issue of the first amendment. Nobody has said that they cannot display that type of art, although, frankly, I think they are somewhat sick in the mind when they do. But no one has said that they are banned from displaying that type of art.

Instead, what we have said is they should not use taxpayers' dollars to fund that kind of art. This museum, with a great deal of pride, had their first showing this weekend; and today they announced with great excitement, and I hope it makes my liberal Democrats happy, they announced with great excitement how successful that show is.

Well, in their hearts, they know it is wrong. They know it is wrong to do what they have done with taxpayer dollars. And in the end, we will win. We will keep the rights under the First Amendment and we will disallow taxpayer dollars from being used for that kind of art exhibit in New York City.

I hope my colleagues reconsider, but I know that their egos probably will not. So I hope that all my colleagues and their constituents remember that they do not have to and they should not be forced to pay with taxpayer dollars an art exhibit such as the one displaying the Virgin Mary with crap thrown all over it. Our country is greater than that, and our country stands for a lot more than that.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–363) on the resolution (H. Res. 321) providing for consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE COMMITTEE ON THE BUDGET: REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO HOUSE REPORT 106–288

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–288 to reflect $8,699,000,000 in additional new budget authority and $8,282,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $551,899,000,000 in budget authority and $590,760,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 1906, the conference report accompanying the bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2000, includes $8,699,000,000 in budget authority and $8,282,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

HEALTH CARE REFORM: TREAT THE CAUSE, NOT THE SYMPTOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, as an M.D. I know that when I advise on medical legislation that I may be tempted to allow my emotional experience as a physician to influence my views. But, nevertheless, I am acting the role as legislator and politician.

The M.D. degree grants no wisdom as to the correct solution to our managed-care mess. The most efficient manner to deliver medical services, as it is with all goods and services, is determined by the degree the market is allowed to operate. Economic principles determine efficiencies of markets, even the medical care market, not our emotional experiences dealing with managed care.

Contrary to the claims of many advocates of increased government regulation of health care, the problems with the health care system do not represent market failure. Rather, they represent the failure of government policies which have destroyed the health care market.

In today's system, it appears on the surface that the interest of the patient is in conflict with the rights of the insurance companies and the Health Maintenance Organizations. In a free market, this cannot happen. Everyone's rights are equal and agreements on delivering services of any kind are entered into voluntarily, thus satisfying both sides.

Only true competition assures that the consumer gets the best deal at the best price possible by putting pressure on the providers. Once one side is given a legislative advantage in an artificial system, as it is in managed care, trying to balance government-dictated advantages between patient and HMOs is impossible. The differences cannot be reconciled by more government mandates, which will only make the problem worse. Because we are trying to patch up an unworkable system, the impasse in Congress should not be a surprise.

No one can take a back seat to me regarding the disdain I hold for the HMO's role in managed care. This entire unnecessary level of corporatism that rakes off profits and undermines care is a creature of government interference in health care. These non-market institutions and government could have only gained control over medical care through a collusion through organized medicine, politicians, and the HMO profiteers in an effort to provide universal health care. No one suggests that we should have universal food, housing, TV, computer and automobile programs; and yet, many of the poor do much better getting these services through the marketplace as prices are driven down through competition.

We all should become suspicious when it is declared we need a new Bill of Rights, such as a taxpayers' bill of rights, or now a patients' bill of rights. Why do more Members not ask why the original Bill of Rights is not adequate in protecting all rights and enabling the market to provide all services? If over the last 50 years we had had a lot more respect for property rights, voluntary contracts, State jurisdiction, and respect for free markets, we would not have the mess we are facing today in providing medical care.

The power of special interests influencing government policy has brought us to this managed-care monster. If we pursued a course of more government management in an effort to balance things, we are destined to make the system much worse. If government mismanagement in an area that the Government should not be managing at all is the problem, another level of bureaucracy, no matter how well intended, cannot be helpful. The law of unintended consequences will prevail and the principle of government control over providing a service will be further entrenched in the Nation's psyche. The choice in actuality is government-provided medical care and its inevitable mismanagement or medical care provided by a market economy.

Partial government involvement is not possible. It inevitably leads to total government control. Plans for all the so-called patients' bill of rights are 100 percent endorsement of a principle of government management and will greatly expand government involvement even if the intention is to limit government management of the health care system to the extent necessary to curtail the abuses of the HMO.

The patients' bill of rights concept is based on the same principles that have given us the mess we have today. Doctors are unhappy. HMOs are being attacked for the wrong reasons. And the patients have become a political football over which all sides demagogue.

The problems started early on when the medical profession, combined with the tax code provisions making it more advantageous for individuals to obtain first-dollar health care coverage from third parties rather than pay for health care services out of their own pockets, influenced the insurance industry into paying for medical services instead of sticking with the insurance principle of paying for major illnesses and accidents for which actuarial estimates could be made.

A younger, healthier and growing population was easily able to afford the fees required to generously care for the sick. Doctors, patients and insurance companies all loved the benefits until the generous third-party payment system was discovered to be closer to a Ponzi scheme than true insurance. The elderly started living longer, and medical care became more sophisticated, demands increased because benefits were generous and insurance costs were moderate until the demographics changed with fewer young people working to accommodate a growing elderly population—just as we see the problem developing with Social Security. At the same time governments at all levels became much more involved in mandating health care for more and more groups.

Even with the distortions introduced by the tax code, the markets could have still sorted this all out, but in the 1960s government entered the process and applied post office principles to the delivery of medical care with predictable results. The more the government got involved the greater the distortion. Initially there was little resistance since payments were generous and services were rarely restricted. Doctors like being paid adequately for services than in the past were done at discount or for free. Medical centers, always willing to receive charity patients for teaching purposes in the past liked this newfound largesse by being paid by the government for their services. This in itself added huge costs to the nation's medical bill and the incentive for patients to economize was eroded. Stories of emergency room abuse are notorious since "no one can be turned away."

Artificial and generous payments of any service, especially medical, produces a well-known cycle. The increased benefits at little or no cost to the patient leads to an increase in demand and removes the incentive to economize. Higher demands raises prices for doctor fees, labs, and hospitals; and as long as the payments are high the patients and doctors don't complain. Then it is discovered the insurance companies, HMOs, and government can't afford to pay the bills and demand price controls. Thus, third-party payments leads to rationing of care; limiting choice of doctors, deciding on lab tests, length of stay in the hospital, and choosing the particular disease and conditions that can be treated as HMOs and the government, who are the payers, start making key medical decisions. Because HMOs make mistakes and their budgets are limited however, doesn't justify introducing the notion that politicians are better able to make these decisions than the HMOs. Forcing HMOs and insurance companies to do as the politicians say regardless of the insurance policy agreed upon will lead to higher costs, less availability of services and calls for another round of government intervention.

For anyone understanding economics, the results are predictable: Quality of medical care will decline, services will be hard to find, and the three groups, patients, doctors and HMOs will blame each other for the problems, pitting patients against HMOs and government, doctors against the HMOs, the HMOs against the patient, the HMOs against the doctor and the result will be the destruction of the cherished doctor-patient relationship. That's where we are today and unless we recognize the nature of the problem Congress will make things worse. More government meddling surely will not help.

Of course, in a truly free market, HMOs and pre-paid care could and would exist—there would be no prohibition against it. The Kaiser system was not exactly a creature of the government as is the current unnatural HMO-government-created chaos we have today. The current HMO mess is a result of our government interference through the ERISA laws, tax laws, labor laws, and the incentive by many in this country to socialize medicine "American style",' that is the inclusion of a corporate level of management to rake off profits while draining care from the patients. The more government assumed the role of paying for services the more pressure there has been to managed care.

The contest now, unfortunately, is not between free market health care and nationalized health care but rather between those who believe they speak for the patient and those believing they must protect the rights of corporations to manage their affairs as prudently as possible. Since the system is artificial there is no right side of this argument and only political forces between the special interests are at work. This is the fundamental reason why a resolution that is fair to both sides has been so difficult. Only the free market protects the rights of all persons involved and it is only this system that can provide the best care for the greatest number. Equality in medical care services can be achieved only by lowering standards for everyone. Veterans hospital and Medicaid patients have notoriously suffered from poor care compared to private patients, yet, rather than debating introducing consumer control and competition into those programs, we're debating how fast to move toward a system where the quality of medicine for everyone will be achieved at the lowest standards.

Since the problem with our medical system has not been correctly identified in Washington the odds of any benefits coming from the current debates are remote. It looks like we will make things worse by politicians believing they can manage care better than the HMO's when both sides are incapable of such a feat.

Excessive litigation has significantly contributed to the ongoing medical care crisis. Greedy trial lawyers are certainly part of problem but there is more to it than that. Our legislative bodies throughout the country are greatly influenced by trial lawyers and this has been significant. But nevertheless people do sue, and juries make awards that qualify as "cruel and unusual punishment" for some who were barely involved in the care of the patient now suing. The welfare ethic of "something for nothing" developed over the past 30 to 40 years has played a role in this serious problem. This has allowed judges and juries to sympathize with unfortunate outcomes, not related to malpractice and to place the responsibility on those most able to pay rather than on the ones most responsible. This distorted view of dispensing justice must someday be addressed or it will continue to contribute to the deterioration of medical care. Difficult medical cases will not be undertaken if outcome is the only determining factor in deciding lawsuits. Federal legislation prohibiting state tort law reform cannot be the answer. Certainly contractual arrangements between patients and doctors allowing specified damage clauses and agreeing on arbitration panels would be a big help. State-level "loser pays" laws, which discourage frivolous and nuisance lawsuits, would also be a help.

In addition to a welfare mentality many have developed a lottery jackpot mentality and hope for a big win through a "lucky" lawsuit. Fraudulent lawsuits against insurance companies now are an epidemic, with individuals feigning injuries in order to receive compensation. To find moral solutions to our problems in a nation devoid of moral standards is difficult. But the litigation epidemic could be ended if we accepted the principle of the right of contract. Doctors and hospitals could sign agreements with patients to settle complaints before they happen. Limits could be set and arbitration boards could be agreed upon prior to the fact. Limiting liability to actual negligence was once automatically accepted by our society and only recently has this changed to receiving huge awards for pain and suffering, emotional distress and huge punitive damages unrelated to actual malpractice or negligence. Legalizing contracts between patients and doctors and hospitals would be a big help in keeping down the defensive medical costs that fuel the legal cost of medical care.

Because the market in medicine has been grossly distorted by government and artificially managed care, it is the only industry where computer technology adds to the cost of the service instead of lowering it as it does in every other industry. Managed care cannot work. Government management of the computer industry was not required to produce great services at great prices for the masses of people. Whether it is services in the computer industry or health care all services are best delivered in the economy ruled by market forces, voluntary contracts and the absence of government interference.

Mixing the concept of rights with the delivery of services is dangerous. The whole notion that patient's "rights" can be enhanced by more edicts by the federal government is preposterous. Providing free medication to one segment of the population for political gain without mentioning the cost is passed on to another segment is dishonest. Besides, it only compounds the problem, further separating medical services from any market force and yielding to the force of the tax man and the bureaucrat. No place in history have we seen medical care standards improve with nationalizing its delivery system. Yet, the only debate here in Washington is how fast should we proceed with the government takeover. People have no more right to medical care than they have a right to steal your car because they are in need of it. If there was no evidence that freedom did not enhance everyone's well being I could understand the desire to help others through coercive means. But delivering medical care through government coercion means not only diminishing the quality of care, it undermines the principles of liberty. Fortunately, a system that strives to provide maximum freedom for its citizens, also supports the highest achievable standard of living for the greatest number, and that includes the best medical care.

Instead of the continual demagoguery of the issue for political benefits on both sides of the debate, we ought to consider getting rid of the laws that created this medical management crisis.

The ERISA law requiring businesses to provide particular programs for their employees should be repealed. The tax codes should give equal tax treatment to everyone whether working for a large corporation, small business, or is self employed. Standards should be set by insurance companies, doctors, patients, and HMOs working out differences through voluntary contracts. For years it was known that some insurance policies excluded certain care and this was known up front and was considered an acceptable provision since it allowed certain patients to receive discounts. The federal government should defer to state governments to deal with the litigation crisis and the need for contract legislation between patients and medical providers. Health care providers should be free to combine their efforts to negotiate effectively with HMOs and insurance companies without running afoul of federal anti-trust laws—or being subject to regulation by the National Labor Relations Board (NLRB). Congress should also remove all federally-imposed roadblocks to making pharmaceuticals available to physicians and patients. Government regulations are a major reason why many Americans find it difficult to afford prescription medicines. It is time to end the days when Americans suffer because the Food and Drug Administration (FDA) prevented them from getting access to medicines that where available and affordable in other parts of the world!

The most important thing Congress can do is to get market forces operating immediately by making Medical Savings Accounts (MSAs) generously available to everyone desiring one. Patient motivation to save and shop would be a major force to reduce cost, as physicians would once again negotiate fees downward with patients—unlike today where the government reimbursement is never too high and hospital and MD bills are always at maximum levels allowed. MSAs would help satisfy the American's people's desire to control their own health care and provide incentives for consumers to take more responsibility for their care.

There is nothing wrong with charity hospitals and possibly the churches once again providing care for the needy rather than through government paid programs which only maximizes costs. States can continue to introduce competition by allowing various trained individuals to provide the services that once were only provided by licensed MDs. We don't have to continue down the path of socialized medical care, especially in America where free markets have provided so much for so many. We should have more faith in freedom and more fear of the politician and bureaucrat who think all can be made well by simply passing a Patient's Bill of Rights.

□ 2030

CONGRATULATIONS TO HOUSTON ASTROS AS THEY BID FAREWELL TO THE ASTRODOME, THE EIGHTH WONDER OF THE WORLD

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have very serious matters to attend to in the United States Congress, but I thought with all the joy that we experienced in Texas in the Eighth Wonder of the World yesterday, the Astrodome in Houston, Texas, that I wanted to share the excitement, the history with my colleagues.

I want to pay special tribute to the Astros team that overcame all kinds of injuries and trials and tribulations to win their division. Then I would like to pay tribute to Larry Dierker who suffered a debilitating illness early on in the season, yet he came back to lead his team to victory and I might say, this might be the year that the Astros go straight on into the World Series.

This is the final sunset on the Astrodome. Born in 1965, noted as the Eighth Wonder of the World, the largest indoor stadium. We call it the "mosquito-ridden-free" stadium in Houston, Texas. No sun, no heat, no rain, but good baseball and good fun. We have enjoyed the 35 years that we have had the pleasure to utilize the Astrodome and all of the hard workers who have made the pleasure of the fans their first priority.

We appreciate Drayton McLane who came in and bought the Astros and made sure that they stayed in Houston. I want to say to all the old-timers, though I will not call them that, those who had season tickets for 35 years, we thank you, too, for you were committed, you were loyal, and you were strong. Through the ups and downs of our Astros, you stood fast. All the joy that was given to the young people, the children who would come to the baseball game and enjoy the time with their parents.

Baseball tickets traditionally have been the most reasonable tickets of all sports in America. It is America's pastime, yes, along with so many other sports like basketball and soccer now and football, but one thing about baseball, you could always see family members coming together with their young children. I am reminded of the time that I would go with my aunt and uncle. It was a very special time to go to a baseball game.

So my hat is off to the Astros and the Astro family, to Houston and all of those, including Judge Roy Hofheinz, the mayor of the City of Houston who had the vision in 1965 to build this enormous entity that most people thought, how in the world could you build something with a price tag of $31 million? I think most of us would like to build stadiums today for $31 million.

Mr. Speaker, this is just a simple tribute to all those hardworking souls that made the Astros games so much fun and made the Astrodome the Eighth Wonder of the World where so many people enjoyed the opportunity to be there, not only for baseball but so many other activities and conventions and meetings. We are just grateful for the facility, and I guess what you would say is, it is off into the sunset.

But do not worry, the Astrodome will be there for others to enjoy for many years to go as we move downtown to the new Astros stadium called Enron Field located in my district, the 18th Congressional District. Hats off to the Astros, congratulations, and I will see you in the World Series.

TRIBUTE TO FIRST RESPONDERS, THE NATION'S FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, back in 1992, Congress passed legislation to allow and establish a national memorial for fallen firefighters. Yesterday up in Emmitsburg, Maryland, we had such a ceremony. This past year, 95 firefighters in the United States lost their lives in the line of duty. I think this Congress, this Nation, owes these individuals, the Americans that have fallen in the line of duty before them and certainly every first responder in this country, a debt of gratitude, a vote of thanks. Protecting public safety and public property is a brave calling. We certainly should as a Congress thank those individuals for the great job they did. Yesterday up in Emmitsburg it was a day of remembrance but it was also a day of celebration, because these individuals contributed so much in the spirit of honor and duty. I am a strong believer that everyone should be a supporter of their community, should try in some way to make their individual communities a little bit better by contributing, by being in public service, by being on the fund-raising committee, contributing an effort to help others when they need help.

It seems to me that cynicism has just spread too far across this country and there are too many that now consider duty and honor to be just words, relics of the past. But these men and women, our first responders, our police, and firemen especially in yesterday's dedication, they believed in duty, they believed in commitment, they believed in community. And certainly these qualities in first responders across the Nation deserve more support from this Congress.

Now, we call them first responders because, and I will give a couple of examples. When we turned on our television last spring to the terrifying situation at Columbine High School, who did we see on that television set? It was the first responders that got there first. The firefighters were there first. Whether it is wildfires or earthquakes or tornadoes or fires of unimaginable danger and stress, or when it is a beloved kitten going up a tree or when you need help for a fund-raising in the community, it is these firefighters that are there, they are willing to make the difference, they are willing to give their time and the effort.

We have got 32,000 fire departments in the United States. We have got 103 million first responders. Eighty percent of those first responders are volunteers, volunteers that go and risk their lives to protect lives and safety and support their community. I think they embody the beliefs of the founders of our country who were deeply committed to the idea that the individual had an obligation to the community, that our country needed its domestic defenders, our firefighters, our first responders, every bit as much as it needed a national defense.

Our thanks certainly should go out not only to these firefighters but their loved ones who experienced the tremendous effort, the sacrifice that these firefighters have made for their communities. Stories where firefighters made the difference are in almost every home and every community. They are certainly in my home where the firefighters came to my farm and saved not only property but the lives of a lot of my cattle on that farm. As far as I am concerned, they are the champions we can never fully thank, and speeches like this speech tonight or speeches up in Emmitsburg never are going to be adequate enough to thank those individuals that made that kind of sacrifice.

If there is any lesson that we can take, Mr. Speaker, as Americans from those in our communities that contribute so much, to make sure that we also make an effort to their memory to try to do our duty in helping others, in helping our community, in trying to do something to make our communities better and help the lives of the people that we know a little better, that is what we should do.

NORTH CAROLINA RECOVERS FROM HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Among all the death, destruction and despair that has been visited upon the people of North Carolina as a result of Hurricane Floyd, there are many bright spots. This evening, I would like to acknowledge some of those who have given of themselves and their resources to this vital cause.

There are many deserving people who have helped North Carolina in the aftermath of Hurricane Floyd. I want to thank President Clinton for adding $20.3 million in low-income energy assistance funds to his original extended relief package of $528 million. Thank you, Mr. President. I wish to thank my colleagues, Representatives from the neighboring States, who have banned together to support the victims of this disaster. A special thank you to the director of FEMA, Mr. Witt; and to our governor, Mr. James Hunt, of North Carolina and their staffs for working around the clock to rescue and relieve North Carolina residents.

Some 52,000 citizens have called FEMA now seeking assistance, and Governor Hunt has had to deal with many more. Thank you, Mr. Witt and Governor Hunt, for your dedication to those in need.

I wish to take a minute to thank the Red Cross and the Salvation Army for their special help. The Red Cross opened many shelters. The Salvation Army provided mobile kitchens. And we appreciate the efforts of FEMA to provide meals ready to eat, ice, blankets, water and emergency generators. We also appreciate the hundreds of individuals in local communities, neighbors and citizens who have helped and are helping out continuously. And we appreciate the outpouring of support and resources from across the Nation. Truckloads from Baltimore, busloads from Washington, D.C.; students from North Carolina colleges, churches from far and wide, citizens of every hue, every stripe, every background, all Americans, helping out.

I know of heroic rescue efforts of people, farm animals and pets conducted by neighbors, local fire departments as the gentleman from Michigan (Mr. SMITH) just mentioned, state police officers and their staffs. I wish to commend them all for their dedicated service.

A ray of sunshine was seen in North Carolina today. Today, October 4, 1999, schools reopened for thousands of North Carolina students. This is a big step forward in the long, painful attempt to return to normalcy after Hurricane Floyd. Tarboro High School in devastated Tarboro opened school today and about 60 percent of the students looked forward to attending school. I am grateful to all who have made the small routine tasks like attending school become a reality after so many days of fear and flooding. I am very grateful for those North Carolina children of our great Nation who strived hard to reestablish their daily routines and attend school today, perhaps under continuing family hardships.

I am very thankful for the county school teachers, principals, and maintenance workers that made reopening schools in North Carolina one of their top priorities. I am appreciative of the State emergency workers who worked with Federal agencies, FEMA, and my district office staff in Greenville and Norlina, many of them affected by the hurricane themselves but who put the welfare of others first. These public servants have worked long and hard hours to help clean up the communities and find food and shelter for the needy, and worked long hours to keep North Carolina afloat when it looked as though it was sinking.

I am especially thankful for the deep-spirited North Carolina people who have shared with me in letters and phone calls and private visits their willingness to share with their neighbors. Some folks have said they look forward to rebuilding their communities with hard work and the cooperation of others. Even a disaster of this magnitude will not hold North Carolina back.

Again, I sincerely thank all for so much outpouring of goods, donated food, clothes, contributions and, most of all, the volunteerism of time through the local community churches, their congregations in North Carolina and every other State in the United States. All have been terrific. I have never been so proud of my State's people or to be an American as now during this time of crisis.

Most of all, I want to thank all who have helped, for giving us hope to rebuild North Carolina, places like Princeville, Tarboro, Kinston, Goldsboro, Pinetops and Greenville back into the great places they were. Thank you all.

Yet much more help is needed and support. That is why, Mr. Speaker, I intend to join with Members of Congress from other impacted States to try to send a legislative package for further relief to the President for signing. As a part of that package, we need to update the laws so that small farmers and small businesspersons can be treated on an equal footing with other families. We will also need more resources, and that will also be a part of the legislative package.

Tomorrow, we will consider a resolution offering our colleagues an opportunity to go on record as willing to help and provide the necessary resources to make a difference. The people of North Carolina are resilient, and we will bounce back from the situation. But we will need the help of all Americans.

The winds will go, the rain will go, the rivers will crest, the cleanup will begin, and the restoration and rebuilding will take place. The spirit of North Carolina will return, Mr. Speaker, with your help and the help of our Colleagues.

☐ 2045

THE IMPORTANCE OF INCREASING FUNDING FOR HIV-AIDS RESEARCH, TREATMENT AND PREVENTION IN MINORITY COMMUNITIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 30 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, I have often said on previous occasions when I have come to the floor that one of the greatest challenges facing this Nation is closing the gap in health care between our white population and our communities of color. It is this that the Congressional Black Caucus and the Health Brain Trust would address through its HIV state of emergency because, you see, HIV-AIDS, although it is very important to the welfare of our communities, is only the tip of the iceberg.

The underlying problem is really the two-tiered health care delivery system that does not address the barriers to health but exists for African Americans, Hispanics, Asian/Pacific Islanders, Native Americans, and Native Hawaiians and Alaskans. Although the White House and the Department have been listening and have begun to respond to the call of the caucus to action, Mr. Speaker, we still have a long way to go, primarily because this body, the Congress, has not become fully engaged in the process.

That is why we are here this evening, my colleagues and I, to raise the level of awareness to the disparities in health care, to provide information on the breadth of the gaps and to enlist our colleagues' assistance and support for our efforts to have health care and community development dollars be applied to this very grave problem which threatens the promise of this Nation in the next century.

Mr. Speaker, I am joined here by several of my colleagues, and I would like to begin by yielding to the gentlewoman from the 17th Congressional District of Florida (Mrs. MEEK).

Mrs. MEEK of Florida. I thank my colleague, and I am pleased to join with the gentlewoman from the Virgin Islands. She has nobly shown in her endeavor as chairlady of the Congressional Black Caucus' Health Task Force that she has the unique ability to mobilize and to organize and push us forward into the new millennium. It is a time for such leadership, as the gentlewoman from the Virgin Islands has shown us, and I am thankful for her leadership. She is calling us here today to push very strongly for the full funding of the Congressional Black Caucus' emergency public health initiative on HIV-AIDS for the fiscal year 2000.

Mr. Speaker, we cannot talk enough about this initiative; it is so needed. If we do not take care of the health care needs of the minorities, the health care needs of the majority will certainly be under strain, as it already is. The $349 million the Congressional Black Caucus has requested is targeted proportionately to African Americans, Hispanics, Latinos, Asian/Pacific Islanders and Native American communities based on epidemiological data released by the Center of Disease Control. So the CBC is trying its very best to target the funds where the real need is.

Mr. Speaker, these dollars will build upon the success of the 156 million requested for HIV-AIDS prevention in minority communities in fiscal year 1999. We thank the Congress for that allocation, but it is not enough. Although welcome, it is not nearly enough to combat the devastating effects of the AIDS epidemic in our community. African Americans and other minorities continue to suffer dramatically higher rates of disease and death, long-term rates of illnesses from treatable diseases than other segments of the general population; again, I quote, putting the money where the real need is so that it will overcome the disparities in our health system.

Our Nation spends over $7 billion for HIV treatment and prevention and control; but listen to this, Mr. Speaker: but only $156 million is specifically targeted to minority communities. I repeat that. We spend over $7 billion in this country for HIV treatment and prevention and control, but only $156 million is specifically targeted to minority communities which now account for more than 48 percent of those infected by the disease. That is a mere 2 percent of impact. Surely steps must be taken and effective measures must be put into place to ensure that resources follow the trend of the disease across all segments of the U.S. population.

That is why my colleague, the gentlewoman from the Virgin Islands, called this special order. Man's inhumanity to man is based on the color of one's skin is untrue. Man's inhumanity to man is not based on the color of one's skin, and any kind of treatment in this country cannot ignore the fact that we are all in this situation together. A minimum of $349 million should be appropriated in fiscal year 2000 to address this health emergency in communities of color. This is a health emergency.

I want to thank the rest of my colleagues here, but I want to end by saying, we cannot continue to suffer these dramatic increases and this higher rate of mortality from death and disease and long-term rates of illnesses from diseases that are treatable. These diseases are treatable, and we cannot continue this disfunction different from other segments of the population. As we prepare now our wonderful Nation to enter the new millennium, this negative health status must not continue, must not continue, and we cannot continue to ignore it.

Man's inhumanity to man, I spoke of before, but we must cease because of the color of one's skin. These diseases, they are no respecter of persons. So we must spend the amount of money it takes to be sure it is treated. The Secretary of Health and Human Services must begin to implement the recommendations stemming from the Institution of Medicine's body of cancer studies in communities of color.

The Office of Minority Health must be funded. $5 million or more must be appropriated for demonstration projects to ensure that minority seniors understand how to navigate the complicated health system. Clearly, Mr. Speaker, clearly my colleagues in the Congress, the time has come for us to act. Epidemiological data is there. All we need is a thrust by this Congress to free the proportion of African Americans who suffer now in the United States three times in proportion to African Americans in the population.

Of the 48,266 AIDS cases reported in 1998, African Americans accounted for a very high and alarming statistic. Forty-five percent of the total cases, 40 percent of the cases in men, 62 percent of the cases in women, 62 percent of the cases in children. So the Americans reported with AIDS through December 1998, 30 percent were black and 18 percent were Hispanic Latino.

Mr. Speaker and to the Congress, the time to act is now.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for her work both in her home State and in the Nation, not only HIV-AIDS, but other important issues of health care for African Americans and other people of color and also for doing the annual legislative conference of the caucus reminding us that AIDS knows no age barriers and that seniors are also affected by this dread disease.

Mr. Speaker, I yield to the gentleman from the Seventh Congressional District of Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to commend my colleague from the Virgin Islands for, first of all, organizing this important special order to discuss the importance of increasing funding for HIV-AIDS research, treatment and prevention in minority communities. Her performance has been stellar as she has led the Congressional Black Caucus Brain Trust and as she continues to lead us towards finding a way to make sure that there is equity in health care services and treatment for all of America.

I have joined with my colleagues in the Congressional Black Caucus in urging a minimum of $349 million in HIV-AIDS to address the pending health crisis in communities of color. Today we are experiencing vast economic prosperity. These are said to be the best of economic times since the 1970's. Unfortunately, as our prosperity has increased, so too have our disparities in health care.

It is, to quote a phrase from Dickens, the best of times and the worst of times. Economic prosperity is up, but so too is the number of uninsured in America, rising from 43 million to a total of 44 million today. In communities of color we see vast disparities and gaps in health care. African Americans represent 13 percent of the population but account for 49 percent of AIDS deaths and 48 percent of AIDS cases in 1998. One in 50 African American men and one in 160 African American women are infected with HIV. In 1997, 45 percent of the AIDS cases diagnosed that year were among African Americans as compared to 33 percent among whites. AIDS is the leading cause of death for all United States males between the ages of 25 and 44 and for African American males between the ages of 15 and 44.

These are valuable years not only in the lives of these individuals but for all of America. When we do not act to provide for research, treatment, education and prevention strategies, America loses. America loses young, vibrant taxpayers. America loses great minds and workers. If we do not address this epidemic, it can have dramatic consequences on our economy and our ability to compete globally.

While deaths from HIV-AIDS diseases have been reduced over the last 3 years due to advances in drug therapies, we have not seen a dramatic reduction in communities of color. The Centers For Disease Control reported that the AIDS death rate dropped 30 percent for whites, the majority of whom had access to new drug therapies, but found only 10 percent for African Americans and 16 percent for all Hispanics. It is no doubt that the $156 million provided by the Congress last year has assisted in our efforts; however, more resources are needed.

In Chicago we have witnessed a rise in the number of HIV cases. For example, reported cases of HIV-AIDS among African Americans in Chicago increased from 46 percent in 1990 to 68 percent in 1997. AIDS is the major cause of death for African American men in Chicago ages 15 to 24, the second leading cause of death for Chicago's African American men ages 5 to 34, and the third leading cause of death for African Americans in Chicago males aged 35 to 44.

In addition, the proportion of AIDS cases in Chicago occurring among women tripled from 7 percent in 1998 to 22 percent in 1997. African American women represent about 39 percent of the Chicago's women, and they account for almost 70 percent of the cumulative AIDS cases among women in that city.

This is truly an emergency, and it warrants the attention and resources of the Federal Government. As we head into the new millennium, it is essential that we increase not only aid but also education and information. It is essential that we provide resources so that people can understand transmission and be educated which becomes a real factor in reducing the advent and onset of this terrible illness.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentleman from Illinois for his support on the Health Brain Trust of the Congressional Black Caucus and for his work especially with the community health centers across this Nation. As my colleagues know, Mr. Speaker, community health centers are where most of the people of color, the communities that we are talking about this evening, receive their care; and I want to thank the gentleman from Illinois (Mr. DAVIS) for his hard work and seeing that these health centers are adequately funded to provide those services.

Next, Mr. Speaker, I yield to my colleague from the 37th District of California (Ms. MILLENDER-MCDONALD).

□ 2100

Ms. MILLENDER-McDONALD. Mr. Speaker, let me first thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her steadfast commitment and leadership to this very critical, but important, issue in the African American community, the Latino community, the Asian community, and all communities of color. She has not only shown leadership in this area, but in all areas on health issues as they relate to people of color. She has brought about an inclusion, and that is evident, of the 39 African American Members of Congress who have joined forces with her in this fight to raise the issue of funding in our community.

African Americans and other minorities continue to suffer a drastically higher rate of death and disease and longer term rates of illnesses from treatable diseases than other segments of the U.S. population. As our Nation prepares to enter the new millennium, this negative health status must not continue to be ignored.

As the Nation spends over $7 billion for HIV-AIDS treatment, prevention and control, only $156 million is targeted to address HIV-AIDS in communities of color, a mere 2 percent. Surely steps must be taken and effective measures put in place to ensure that resources follow the trend of the disease across all segments of this population. We are asking for a minimum of $349 million to appropriate in fiscal year 2000 to address this health emergency in communities of color.

Mr. Speaker, I started an AIDS walk in the Southern California area because of the devastation of this disease, both domestically, and, now, internationally, in Africa, Brazil, Asia and Latin America.

In looking at it from the domestic side of things, according to the Centers for Disease Control, as of June 1997, 32.4 percent of all males age 13 and older are African Americans, and 14.8 percent are Hispanic. Of all females age 13 and older, 24.2 percent are Caucasians, 58.4 percent are African Americans, and 16.4 percent are Latinos or Hispanics. Of all children under the age of 13 years old, 60.8 percent are African Americans and 19.5 percent are Hispanic.

You can see this very devastating disease, Mr. Speaker, has impacted the minority women and children tremendously, with this being the leading cause of death among African American women ages 25 to 44, right in those reproductive years. We can ill afford to let this continue, Mr. Speaker. We must raise the awareness of this devastation domestically.

With African Americans making up 13 percent of the U.S. population and Hispanics making up 11 percent of the U.S. population, these percentages signal an alarming and inhumane quandary for all Americans. We, the Members of Congress, are in a position to impact the lives of America's families struggling to lead healthy, productive lives. We can serve an integral role in educating parents, teens, and members of our communities on HIV, how it is transmitted, what treatment options exist for those who are living with HIV, the need to obtain HIV testing, and the clarification of rampant myths associated with the disease that for so long has been exclusively associated with homosexual white males.

Now, HIV, as I have just read to you, is devastating domestically, but this disease is also devastating Africa by large numbers. Presently, there are nearly 23 million adults and children living with HIV–AIDS on that great continent. According to UNESCO, AIDS is now Africa's leading cause of death. Please hear me, Mr. Speaker, and those in the outer communities. It is the leading cause of death here domestically among African American women ages 25 to 44, and it is the leading cause of death on the continent of Africa.

With prevalence rates reaching 25 percent of all adults in some countries, the epidemic is decimating the pool of skilled workers, managers, and professionals who make up the human capital to grow Africa's democracies and economies.

While the HIV–AIDS disease continues to devastate women domestically and throughout Africa, and finding a cure seems far into the future, we cannot afford to give up. The Congressional Black Caucus will not give up. We are calling on all Americans of good will not to give up. We are calling on our African sisters and brothers not to give up.

There are many things that we can do as world citizens to help address the myriad problems associated with the HIV–AIDS epidemic. Education programs in the workplace, schools, and churches can help create new attitudes toward gender and AIDS transmission. Women's health services that include treatment, testing and counseling, prevention and support services, can greatly empower women as they combat this disease while caring for their children.

Mr. Speaker, we must support the cause of a comprehensive program for African American, Latino and Asian women and the entire minority population in testing, education in schools and the workplace, peer education, and counseling.

Research is also essential if we are to conquer this disease. We want to encourage more investment in scientific research that will make tests for earlier detection simple and affordable, develop new technologies for prevention, and promote women's health rights and human rights vis-a-vis HIV–AIDS and related issues.

Mr. Speaker, I am calling tonight on all of us to join forces with the Members of the Congressional Black Caucus, led by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to not only address this critical devastating disease but help us in the funding to try and find a cure.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman, and I also want to thank you because you have been a leader on the issue of HIV/AIDS before I got to the Congress, not only for the Nation, but what I understand has been called the most diverse district or one of the most diverse districts in the country. Having started the annual AIDS walk that is now being replicated across the country, I want to thank you for that. I thank you for joining us this evening.

Next I would like to yield, Mr. Speaker, to my colleague the gentlewoman from the 18th Congressional District of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her leadership, and I thank her for organizing this special order. I particularly am gratified for the opportunity to join my colleagues on a message to the American people of the enormity of the crisis of HIV–AIDS in the minority community.

In particular let me also emphasize that, albeit we are here on the floor of the House and we may sound as if we are working studiously to secure the passage or secure the funding, I hope our tone does not in any way diminish the enormity of the problem and the crisis and the urgency.

I would like to additionally thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her leadership on the Health Brain Trust here in the Congressional Black Caucus. Among the many issues she discussed, there was a great focus on HIV–AIDS, as well as many other health issues in the African American community. But the emphasis is not only the African American community, but the emphasis is also on the enormous, again I use that term, because they are so extensive, disparities in healthcare for the minority community.

Dr. King wrote a book some years ago that said, "If not now, then when?" I would offer to say that the reason why we are here on the floor of the House is to ask that same question: If not now, when? How many more have to die? How many more statistical horror stories do we have to hear about HIV–AIDS before we can have the United States Congress consider the $349 million that is being supported by the Congressional Black Caucus at the leadership of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) in asking for this money to help us in this crisis of HIV–AIDS?

It has been noted, Mr. Speaker, but I think it is important to note again, 48,266 cases were reported in 1998, and, for your ears, African Americans accounted for 45 percent of total cases; 40 percent of cases in men, 62 percent of cases in women, and 62 percent of cases in children.

Mr. Speaker, 62 percent of our children are HIV infected and probably more affected. I have worked in my community on the HIV question for a number of years, remembering my visit to the United States Congress in 1990 with my mayor to support the passage of the Ryan White treatment legislation, when Houston, Texas, the fourth largest city in the Nation, was then 13th on the list in the United States of America of HIV cases.

So this problem or this issue has been growing and it has been developing and it has, yes, been spreading. As with the crisis now in New York City with St. Louis encephalitis, or whatever else this virus may be called, HIV–AIDS does not stop at the border of any State or city.

So I have seen in the City of Houston this growth mushroom. In fact, a few weeks ago I held a grant meeting with many of my minority HIV organizations. Part of the emphasis was the outreach to explain to them that they should be dutiful and studious in seeking grants to help educate our communities. What I was overwhelmed with was the enormous challenge, again, that these groups were facing, the numbers of cases that they were having, and the amount of money that they needed.

This whole situation with women in their childbearing stages, twenty-five to 44 being HIV infected. It is a direct link to our children being born with this deadly disease. In many instances, the treatment or the outreach would be the door or the divide that would protect that woman during her childbearing stages becoming susceptible to HIV-AIDS and, therefore, carrying it to her child. More information, more treatment, more access to information, more education.

Of Americans reported with AIDS through December 1998, 37 percent were black and 18 percent Hispanic. In 1998, the annual AIDS incidence rate among African American adults in adolescence was eight times that of whites. African American women accounted for 70 percent of all reported cases of HIV infection among all women in 1998.

Mr. Speaker, let me share with you why this may be a more difficult challenge than most would like to think. The difficulty of the challenge is to say that it is outreach, it is making sure that we reach individuals who are intimidated by institutions, by medical facilities, by hospitals, who are intimidated as to what would happen to them if they report they have HIV-AIDS, that they would be fired or not have the opportunity for seeking care because they were afraid of what may happen to them. Many of these women are homeless, single parents. Many of them are without a spouse or family situation. So the $349 million that we are seeking is to be able to assure the funding of the minority health office. It is to ensure outreach.

I would simply say, Mr. Speaker, that we have an uphill battle, but the battle must be one that is joined by all of my colleagues, frankly confronting the crisis of HIV-AIDS and dealing with that population in a way that said if not now, then when?

I believe the time is now, Mr. Speaker, to fight the fight and win the battle; and I am delighted, not delighted to be here tonight to fight this battle, because it is not a delight, but I am certainly in it for the fight, in order to ensure that we save more lives.

I thank the gentlewoman for yielding me this time and joining with us by giving us the opportunity to participate in this special order.

□ 2115

Mrs. CHRISTENSEN. Mr. Speaker, let me just close by thanking my colleagues who have joined us here this evening.

I will say in closing that Dr. Harold Freeman, a world-renowned expert on cancer, told us at our spring Brain Trust that although we had been fighting the war on cancer, on which he is an expert, we had perhaps been fighting the wrong kind of war, and that the kind of war we need to be fighting to be successful against cancer, heart disease, diabetes, and HIV-AIDS, and all of the diseases that are causing the disparities in communities of color, needs to be more of a guerilla war, a hand-to-hand type of combat against these diseases within our neighborhoods.

That is what we are here asking for, for the resources to be brought to our communities, this evening. We ask for the support of our colleagues for the CBC initiative, and the $349 million that will be needed to bring these resources to this community.

Mr. Speaker, last month the United States Commission on Civil Rights issued its report entitled: "The Health Care Challenge: Acknowledging Disparity, Confronting Discrimination and Ensuring Equality."

We in the CBC have long said that health care is the new civil rights battlefield, and we have approached it accordingly.

Let me quote in part from the report. Although there was a dissenting view, the report states quite clearly and without dispute that equal access to quality health care is a civil right. And that despite the many initiatives, and programs implemented at the Federal, State and local levels, the disparities in health care for women, the poor and people of color will not be alleviated unless civil rights concerns are integrated into these initiatives and programs.

The report cites access to health care, including preventive and necessary treatment as the most obvious determinant of health status, and cites barriers: to include health care financing, particularly the ability to obtain health insurance, language, cultural misunderstanding, lack of available services in some geographical areas, and in some cases lack of transportation to those services.

Behaviors, and the need to accept individual responsibility for one's health has often been cited as an important determinant, but the investigation done by the Commission clearly shows that although behaviors such as smoking, diet, alcohol, and others can be correlated to poor health status, they only account for a modest portion of health disparities which exist across age, sex and race and ethnic categories.

What is often not taken into account is the social and economic environment in which personal choice is limited by opportunities. I am referring to issues such as low income, the unavailability of nutritious foods, and lack of knowledge about healthy behaviors.

So while we help those most affected to understand more about healthy behaviors and make the appropriate lifestyle changes, it is the work of this Congress to improve the educational and housing environment, and to bring the economic growth being experienced by most of America to our more rural and ethnic communities.

What are some of the other changes that the Commission recommends be implemented to meet this important challenge? Not surprisingly they go to the heart of the congressional black caucus initiative.

One of the disparities the Commission found is that although there is an effort to eliminate racial and ethnic health disparities, I quote—there has not been any systematic effort by the steering committee at the Department of Health and Human Services or Office of Civil Rights to monitor or report on the Department's progress.

This is precisely what the funding of the offices of minority health within the agencies would address. It would give these offices a line item budget, and build into the system a process whereby minority interests and expertise would be brought to bear in decision and policy making within the Department.

The Commission stated in its transmittal letter to the President and leaders of Congress that the offices of women and minority health throughout HHS should take a more proactive role in the incorporation of these populations' health issues in HHS. Treated as peripheral, these offices are forced to operate under the constraints of extremely limited budgets. HHS must recognize the potential impact of these offices and increase funding accordingly.

This we feel is critical to creating the internal changes and departmental culture that is necessary to effect the change which must be achieved in the health of people of color.

The report cites the importance of physician diversity and cultural competence in the delivery of health services. It found that within the context of patient care it is necessary to open up medical knowledge to include multicultural and gender perspectives to health, health care, and patient-provider interaction. It further states that a major finding of their research is that clearly more minorities are needed as health care professionals.

The current appropriations committee report indicates a reduction in funding below the President's request for programs that would make this happen. These funds need to be reinstated and I ask the House's support in doing so.

The Commission also stated that their research indicated that minorities and women—particularly minority and poor women—have been excluded from clinical trials for decades.

Again in their transmittal letter the Commission states: another focus of the Office of Secretary, OCR and minority health should be the lack of medical research by and about minorities. HHS must take the lead in enforcing the mandated inclusion of females and minorities in health related research both as participants in and recipients of Federal funds for research.

The CBC, under the leadership of Jesse Jackson, Jr., is supporting the creation of a center of disparity health research which would elevate the current Office of Minority Health to center status.

This is an important measure to achieving diversity which is important in both research and researchers.

Lastly, the CBC initiative is about making resources available to our communities so that they themselves can be the agents of the necessary change and improvement in our health status.

The Commission states that "to be effective in reducing disparities and improving conditions for women and people of color, they must be implemented at the community level, particularly in conjunction with community based organizations.

THE NORWOOD-DINGELL BILL OFFERS REAL HMO REFORM

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 30 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

THE HIV–AIDS CRISIS IN THE AFRICAN-AMERICAN COMMUNITY

Mrs. CHRISTENSEN. Mr. Speaker, I really appreciate the gentleman's generosity.

Mr. Speaker, I yield to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from New Jersey (Mr. PALLONE) for yielding.

Mr. Speaker, I join the Members here representing the Black Caucus, and I plead for more attention and funding to be given for prevention and treatment of the HIV virus and the AIDS disease.

Mr. Speaker, somehow I think that back in 1980, 1981, and 1982, when many of the leaders from the gay community were speaking out against this virus, that much of the other parts of the community simply ignored it because they thought it was just a disease of the gay and lesbian population.

Even at that time, I knew a virus did not know the sexual practices of people, and I felt it was a communicable disease that had the capacity of infecting almost anyone. That has proven to be true. Back in 1980 and 1981, when we were having meetings at home, I was getting warnings that it was dangerous to be talking about this kind of virus that is affecting just the gay community.

We now find that is not the case. It is a communicable disease that will affect all persons that are subjected or exposed to this virus in the workplace, in the health facilities, anywhere that persons can be exposed to this virus.

Mr. Speaker, we now plead for this money to follow where it is. We know that we have had reductions, and we are always pleased about having reductions in any kind of communicable disease. We have seen almost a wipe-out of diphtheria and all the various viruses and bacterial communicable diseases we have had in the past. Hopefully we will speak of this disease as one of the past, but we cannot ignore the education that must taken to prevent this devastating virus.

With our young people and our youth groups, they must understand what causes the exposure and how to prevent that exposure. Far too many people are dying of AIDS. Even though it is much less than what it was some years ago, any death from this virus is too many, because it means that someone has ignored or not known what exposes them to this deadly virus.

People are living longer, which is costing more for care, and we are always pleased to have good results, but nothing surpasses preventing diseases of this sort. For that reason, I hope we would give real attention to educating especially our younger people.

We are finding that our older women in heterosexual relationships have an increase in the incidence of the HIV–AIDS virus because of loneliness, all kinds of other activities that would lead them to be exposed to this virus. That must be given attention. No matter what the profile of the individual might be or might seem to be, caution is advised.

We have gone a long way in attempting to keep people alive with the various drugs that are very, very costly, and causing them to live longer lives. But nothing yet has come along for us to see the real end to this deadly virus. The best thing we can do is prevent it. We find that the persons who are the most sometimes uneducated are the ones who least believe that they can be exposed to this virus, and they are the ones who are becoming more exposed all the time. No one, absolutely no one, is safe when they take part in any activity that exposes them to this virus, no matter what.

I am eternally grateful for the leaders in the gay community for continuing to talk about this virus, and not allowing the rest of us to forget it just because they had a larger incidence. That incidence has gone down tremendously in that community, but the leadership continues almost to come from the concentration of their community.

I am grateful for them continuing to bring forth the leadership in educating the people, but there is an element missing. When people think it is only in the gay community, they simply think they are over and above this exposure. This is the myth we must break down. This is a virus that absolutely anyone can be exposed to. It only takes one exposure, so the education must go forth in all communities, young and old, heterosexual or not. We must not stop educating, because that is the only thing that is going to prevent this virus. It is costly, the treatment is very costly, the suffering is costly. We must really focus on prevention and not just paying for the illness.

I want to thank the leadership of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). As an M.D., she is fully aware of all of the factors involved, and I appreciate the leadership that she has brought forth.

Mrs. CHRISTENSEN. I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). I want to thank her for her leadership as a health care professional, as well as Vice-Chair of the caucus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, first of all, let me thank the gentleman from New Jersey (Mr. PALLONE) for yielding.

I commend the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her perseverance, and the persistence and leadership she has shown by being a physician, and we are so happy to have her.

But I also would like to add that we are in good company, because the Speaker pro tempore tonight is also a person who has done work on river blindness, and has donated his time and effort and resources to try to help people who are much worse off in another part of the world. I commend him for his work.

Mr. Speaker, we are in a crisis. The issue of HIV and AIDS in this country is one of the most serious problems we must grapple with. Since the AIDS epidemic began in 1981, more than 640,000 Americans have been diagnosed with the disease, and more than 385,000 men, women, and children have lost their lives.

I have been at the forefront of fighting against AIDS since the 1980s, when it was not quite as acceptable to talk in public about this dread disease. In 1989, when I was first elected to Congress, I called a congressional hearing in my district of Newark, New Jersey, to sound the alarm on the epidemic that everyone was ignoring.

In 1991, I introduced the abandoned infants bill, which was approved in the House. This was a bill to protect abandoned infants, some of whom were infected with HIV virus, and for other programs to assist them. I was outraged at the lack of attention being paid to this disease, a disease that was and still is killing people every day in every community.

This past reluctance to address the problem that was staring us in the face is one reason why we have such a grave situation today. While we have advanced in that respect, we cannot rest on our laurels because the problem still exists and it is growing stronger with every passing day, especially with regard to people of color.

For example, African-Americans make up only 12 percent of the population, but account for 45 percent of all reported HIV–AIDS cases. African-American women account for 56 percent of women living with HIV–AIDS, and to me, the most sobering statistic, African-American children account for 58 percent of children living with the disease.

The bottom line, Mr. Speaker, is that we are dying, and something must be done. The Clinton administration has worked with the Congressional Black Caucus to address the disproportionate burden of AIDS in racial minorities by funding money to those communities most affected. Together, we fought a hard battle with the majority party to secure an additional $156 million on targeted initiatives to address racial and ethnic minorities. A local Newark group fighting against AIDS with drama is Special Audiences, which recently received one of these grants.

This increase in funding is a good start, but it is simply not enough. Right now AIDS is the leading cause of death of African-American males between the ages of 25 and 44, the leading cause of death. This is unacceptable. Our young black men represent our future, and this terrible disease is killing them off.

In order to address the AIDS issue effectively, we need to tackle the problem at all levels. First, we need to increase awareness of the disease. The difference in response from my first hearing on AIDS to this forum tonight is like the difference between night and day. The awareness of the disease has increased dramatically, and that is a good indication that people want to be helped.

Secondly, we have to educate people on the dangers of this disease. This means everyone. AIDS is a killer that affects every segment of our population and every age group, from children to elderly adults. Without properly educating people, we will find ourselves in a much worse situation down the road than we are today.

Finally, we must encourage better treatment and health care for those who have the disease. The disproportionate number of AIDS cases in the African-American population is not due to the lack of medical technology or advancements. Rather, it points to the limitations that African-Americans face in access to health care. The medicines and treatments are out there. They are effective, but we do not have access to them. That is wrong.

Let me conclude by saying there is a common bond between all of these strategies. They are all contingent on increasing the Federal funding, and ensuring that these funds are targeted to the population that needs it the most.

Our struggle against AIDS and the AIDS epidemic is far from over. Our efforts now are extremely important to the future of each and every citizen of the country. Every concerned individual needs to take an active role in the fight against AIDS. We must wake up, and we must make a concerted effort at both the Federal and grassroots level if we are truly determined to defeat the AIDS crisis.

Mr. PALLONE. Mr. Speaker, I wanted to spend some time tonight, because this is the week when managed care reform, HMO reform, will come to the floor for the first time. I just wanted to spend about 15 or 20 minutes talking about why the Patients' Bill of Rights, the bipartisan Norwood-Dingell bill, is the right measure, and why every effort that may be made by the Republican leadership over the next few days to try to stop the Norwood-Dingell bipartisan bill, either by substituting some other kind of HMO so-called reform or by attaching other amendments or poison pills that are unrelated and sort of mess up, if you will, the clean HMO reform that is necessary, why those things should not be passed, and why we should simply pass the Norwood-Dingell bill by the end of this week.

I do not want to take away from the fact that the Republican leadership has finally allowed this legislation to come to the floor, but I am very afraid that the Committee on Rules will report out a procedure that will make it very difficult for the bill to finally pass without having poison pill or other damaging amendments added that ultimately will make it difficult for the Patients' Bill of Rights to move to the Senate, to move to conference between the two Houses, and ultimately be signed by the President.

A word of warning to the Republican leadership. This is a bill, the Norwood-Dingell bill, the Patients' Bill of Rights, that almost every American supports overwhelmingly. It is at the top of any priority list for what this Congress and this House of Representatives should be doing in this session. I think it would be a tragedy if the Republican leadership persists and continues to persist in its efforts to try to stall this bill, damage this bill, and make it so this bill does not ultimately become law.

□ 2130

I just want to say very briefly, Mr. Speaker, because I have mentioned it so many other times on the floor of the House of Representatives, the reason the Patients' Bill of Rights is a good bill and such an important bill basically can be summed up in two points; and that is that the American people are sick and tired of the fact that when they have an HMO, too many times decisions about what kind of medical care they will get is a decision that is made by the insurance company, by the HMO, and not the physician and not the patient. That is point number one.

Point number two is that if an HMO denies a particular operation, a particular length of stay in the hospital, or some other care that a patient or physician feels is necessary, then that patient should be able to take an appeal to an independent outside review board that is not controlled by the HMO and, ultimately, to the courts if the patient does not have sufficient redress. Right now, under the current Federal law, that is not possible because most of the HMOs define what is medically necessary, what kind of care an individual will receive themselves. And if an individual wants to take an appeal, they limit that appeal to an internal review that is basically controlled by the HMO itself.

So the individual cannot sue. If an individual is denied the proper care, they cannot take it to a higher court, to a court of law, because under the Federal law, ERISA preempts the State law and makes it impossible to go to court if an individual's employer is in a self-insured plan, which covers about 50 percent of Americans, who get their health insurance through their employer, who is self-insured, and those people cannot sue in a court of law.

We want to change that. The bipartisan Norwood-Dingell bill would change that. It would say that medical decisions, what kind of care an individual gets has to be made by the physician and the patient, not by the HMO. The definition of what is medically necessary is essentially decided by the physicians, the health care professionals.

And, secondly, if an individual is denied care that that individual and their physician thinks they need, under the Patients' Bill of Rights, the bipartisan bill, what happens is that that patient has the right to an external review by an independent review board not controlled by the HMO. And, failing that, they can go to court and can sue in a court of law.

Now, those are the basic reasons this is a good bill. There are a lot of other reasons. We provide for emergency services, we provide access to specialty care, we provide protection for women and children. There are a lot of other specific provisions that I could talk about, but I think there is an overwhelming consensus that this is a good bill. This is a bill that almost every Democrat will support and enough Republicans on the other side of the aisle will join us against their own Republican leadership in support of this bill.

But there have been a lot of falsehoods being spread by the insurance industry over the last few days and the last few weeks and will continue until Wednesday and Thursday when this bill comes to the floor, and I wanted to address two of them because I think they are particularly damaging if people believe them. And they are simply not true.

One is the suggestion that the patient protection legislation, the Norwood-Dingell bill, would cause health care premiums to skyrocket. That is simply not true. If we look at last week's Washington Post, September 28, there was an article that surveyed HMO members in Texas, where there is a very good patient protection law that has been in place for the last 2 years. That survey showed dramatically that in Texas they could not find one example where the Texas patient protection law forced Texas HMOs to raise their premiums or provide unneeded and expensive medical services. The Texas law, which has been on the books for 2 years, shows that costs do not go up because good patient protections are provided.

In addition, we are told by the insurance companies that costs are going to go up because there will be a lot more suits and that will cost people more money and their premiums will have to go up. Well, the 2-year Texas law that allows HMOs to be sued for their negligent medical decisions has prompted almost no litigation. Only five lawsuits out of the four million Texans in HMOs in the last 2 years, five lawsuits, which is really negligible.

It is really interesting to see the arguments that the insurance companies use. The other one they are using, and they are trying to tell every Member of Congress not to vote for the Patients' Bill of Rights, not to vote for the Norwood-Dingell legislation, is this myth that employers would be subject to lawsuits simply because they offer health benefits to their employees under ERISA. What they are saying is, if we let the patient protection bill pass, employers will be sued and they will drop health insurance for their employees because they do not want to be sued.

Well, that is simply not true. Senior attorneys in the employee benefits department in the health law department at some of the major law firms, and I will cite a particular one here from Gardener, Carton and Douglas, which basically did a legal analysis of the Norwood-Dingell bill, claim that this is simply not correct. Section 302 of the Norwood-Dingell bill specifically precludes any cause of action against an employer or other plan sponsor unless the employer or plan sponsor exercises discretionary authority to make a decision on a claim for covered benefits that results in personal injury or wrongful death.

So the other HMO myth is that an employer's decision to provide health insurance for employees would be considered an exercise of discretionary authority. Well, again, that is simply not true. The Norwood-Dingell bill explicitly excludes from being construed as the exercise of discretionary authority decisions to, one, include or exclude from the health plan any specific benefit; two, any decision to provide extracontractual benefits; and, three, any decision not to consider the provisions of a benefit while internal or external review is being conducted.

What this means is that we precluded all these employer suits. The employer basically cannot be sued under the Norwood-Dingell bill. And I would defy anyone to say that that is the case, that an employer can be sued effectively.

I wanted to mention one last thing about the poison pills, and then I would like to yield to the gentlewoman from Texas, because she is representing the State of Texas. And she knows firsthand how this law has worked so effectively in her home State of Texas, and this is a law I use over and over again as an example of why we need the Federal laws. So I would like to hear her speak on the subject.

Let me just say, though, that the other thing that we are going to see over the next few days here in the House is an effort by the Republican leadership to load down the Patients' Bill of Rights, the Norwood-Dingell bill, with what I call poison pills. I say they are poison because they do not really believe that these are good things. But they think if they pass them and add them to the Patients' Bill of Rights that, ultimately, that will defeat the bill. They cannot defeat the bill on its merits because they know that that will not work, so they try to add some poison pills.

Basically, what they are trying to do, and this is the same stuff we have had in previous years, a few days ago the GOP leadership announced its intention to consider a number of provisions it claims will expand access to health insurance along with managed care. Again, this is a ruse. There is no effort here to really expand access for the uninsured. It is just that they have no other way to counter the growing momentum behind the Norwood-Dingell bill. But based on the statement released by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, we can expect to see the following poison pills: The worst of them are: Medical Savings Accounts, Associated Health Plans, or MEWAs, and Health Marts.

All three of these measures would fragment the health care market by dividing the healthy from the sick. This fragmentation will drive up costs in the traditional market, making it more difficult for those most in need of health insurance to get it. As a result, these measures would exacerbate the problem of making insurance accessible to more people.

And that is not all they do. MSAs take money out of the treasury that could be used more effectively to increase access to health insurance through tax benefits. The Health Marts and the MEWAs would weaken patient protections by exempting even more people from State consumer protection and benefit laws.

There is no doubt about what is going on here with the Republican leadership. The opponents of the Norwood-Dingell bill are cloaking their fear of the bill's strength in a transparent costume. They are trying to add these poison pills to kill the bill. We should not allow it, and I do not think my colleagues will.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but listen to the gentleman as he was making both an eloquent but very common-sense explanation of what we are finally getting a chance to do this week in the United States Congress. First, let me applaud the gentleman from New Jersey for years of constant persistence about the crumbling and, unfortunately, weakened health care system in America.

I was just talking with my good friend the Speaker, and I think none of us have come to this Congress with any great adversarial posture with HMOs. I remember being a member of the Houston City Council and advocating getting rid of fraud and being more efficient with health care. So none of us have brought any unnecessary baggage of some predestined opposition to what HMOs stand for. I think what we are committed to in the United States Congress and what the gentleman's work has shown over the years, and what the Norwood-Dingell bill shows, is that we are committed to good health care for Americans, the kind of health care that Americans pay for.

I would say to our insurance companies, and I will respond to the State of Texas because it is a model, but shame, shame, shame. The interesting thing about the State of Texas, and might I applaud my colleagues, both Republicans and Democrats alike in the House and Senate in Texas, it was a collaborative effort. It was a work in progress. It was all the entities regulated by the State of Texas who got together and sacrificed individual special interests for the greater good.

I might add, and I do not think I am misspeaking, that all of the known physicians in the United States Congress, or at least in the House, let me not stretch myself to the other body, I believe, are on one of the bills. And I think most of them, if they are duly cosponsoring, are on the Norwood-Dingell bill. I think Americans need to know that. All of the trained medical professionals who are Members of the United States Congress are on the Norwood-Dingell bill, or at least cosponsoring it and maybe sponsoring another entity. That says something.

What we should know about the Texas bill is, one, to all those who might be listening, our health system has not collapsed. Many of my colleagues may be aware of the Texas Medical Center, one of the most renowned medical centers in the whole Nation. Perhaps Members have heard of M.D. Anderson or of St. Luke's. Many of our trauma centers, the Hermann Hospital, developed life flight. We have seen no diminishment of health care for Texans because of the passage of legislation that would allow access to any emergency room or that would allow the suing of an HMO.

I was just talking to a physician who stands in the Speaker's chair, if I might share, that if there is liability on a physician who makes a medical decision, the only thing we are saying about the HMOs is if they make a medical decision, if that medical decision does not bear the kind of fruit that it should, then that harmed or injured person should be allowed to sue. That has been going on in the State of Texas now for 2 years. There have been no representation that there has been abuse. I can assure my colleagues in a very active court system, as a former municipal court judge, there has not been any run on the courthouse, I tell the gentleman from New Jersey, because of that legislation.

So I would just simply say, if I might share just another point that I think the gentleman mentioned in terms of a poison pill, that we tragically just heard that 44.3 percent of Americans do not have access to health insurance. We know that we have, as Henry Simmons has said, President of the National Coalition on Health Care, that this report of uninsured Americans is alarming and represents a national disgrace. We know we cannot fix everything with this. And I might say to the gentleman that Texas, alarmingly so and embarrassingly so, is number one in the number of uninsured individuals, but we do know that with this bipartisan effort of a Patients' Bill of Rights, I am supporting the Norwood-Dingell bill, we can address the crisis that many of our friends and our constituents are facing in terms of denied health care because HMOs are superceding the professional advice of physicians who have a one-on-one relationship with patients.

I think we have to stop the hypocrisy in the patient's examination room. We must give back health care to the patient and the physician and the health professional. We must stop this intrusion. And I know the gentleman knows of this, because we have had hearings and heard many tragic stories.

So I would say to the gentleman that I hope this is the week that is, and that is that we can successfully come together in a bipartisan manner to stand on the side of good health care for all Americans by passing the Norwood-Dingell bill, the Patients' Bill of Rights. And I thank the gentleman again for his leadership, and I continue to look forward to working with him. I believe at the end of the week, hopefully, when the cookies crumble, we will stand on the side of victory for that bill.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I wanted to say one more thing, because I know we are out of time. Even though Texas and my home State of New Jersey, and now we read California, have all passed good patient protection laws, I do not want any of our colleagues to think that we do not need the Federal law. These State laws still do not apply to 50 percent of the people that are under ERISA where the corporation, their employer, is self-insured.

If we do not pass a Federal law, all of the things that Texas, California, and New Jersey and other States will do are still only going to apply to a minority of the people that have health insurance. So it is crucial, even though we know that States are making progress, and even though we have seen some of the courts now intervene, Illinois last week intervened and is allowing people to sue the HMO under certain circumstances, and the Supreme Court of the United States is taking up a case, even with all that, the bottom line is that most people still do not have sufficient patient protections because of that ERISA Federal preemption.

It is important to pass Federal legislation. And we are going to be watching the Republican leadership to make sure when the rule comes out tomorrow or the next day, that they do not screw this up so that we cannot pass a clean Patients' Bill of Rights.

I want to thank the gentlewoman again for so many times when she has been down on the floor with me and others in our health care task force making the case for the Patients' Bill of Rights. It is coming up, but we are going to have to keep out a watchful eye.

□ 2145

"SEPARATION OF CHURCH AND STATE"

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the majority leader.

Mr. PITTS. Mr. Speaker, tonight several of us are gathered here in the hall of the House in a legislative body that represents the freedom that we know and love in America to discuss what our Founding Fathers believed about the First Amendment, about the issue of religious liberty, about the freedom of religion, about the interaction of religion in public life. We are talking tonight about the First Amendment, not the Second Amendment, not the Tenth Amendment, the 16th, not the 26th, the First Amendment, without which our Constitution would not have been ratified.

Mr. Speaker, there has been a lot said by people of all political stripes and ideologies about the role of religion in public life and the extent to which the two should intersect, if at all.

Lately, with the increased discussion of issues like opportunity scholarships for children to attend religious educational institutions, about Government contracting with faith-based institutions, and even about the debate on the Ten Commandments being posted on public property, we have heard the phrase "separation of church and state" time and time again.

Joining me tonight to examine this phrase, as well as the issue of public religious expression and what our First Amendment rights entail, are several Members from across this great Nation. I am pleased to be joined tonight by the gentleman from Colorado (Mr. TANCREDO), the gentleman from North Carolina (Mr. HAYES), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Alabama (Mr. ADERHOLT). Each of these Members will examine the words and the intent of our Founding Fathers.

I would like to begin by examining the words and works of one of our most quoted Founders, Thomas Jefferson, who actually coined the phrase "separation of church and state" but in a way much different than what present day lore seems to suggest.

"Separation of church and state" is the phrase which today seems to guide the debates in this chamber over public religious expressions. While Thomas Jefferson popularized that phrase, most of those who so quickly invoke Thomas Jefferson and his phrase seem to know almost nothing of the circumstances which led to his use of that phrase or even of Jefferson's own meaning for the phrase "separation of church and state."

Interestingly enough, the same Members in this chamber who have been using Jefferson's phrase to oppose the constitutionally guaranteed free exercise of religion have also been complaining that this body should do more with education, and I am starting to agree with them. Those who use this phrase certainly do need some more education about the origin and the meaning of this phrase.

The phrase "separation of church and state" appeared in an exchange of letters between President Thomas Jefferson and the Baptist Association of Danbury, Connecticut. The election of President Jefferson, America's first anti-Federalist President, elated many Baptists of that day since that denomination was, by and large, strongly anti-Federalist.

From the early settlement of Rhode Island in the 1630s to the time of the Federal Constitution in the 1780s, the Baptists often found themselves suffering from the centralization of power. And now having a President who advocated clear limits on the centralization of government powers, the Danbury Baptists wrote Jefferson on November 7, 1801, congratulating him but also expressing their grave concern over the entire concept of the First Amendment.

That the Constitution even contained a guarantee for the free exercise of religion suggested to the Danbury Baptists that the right to religious expression had become a government-given rather than a God-given, or inalienable right. They feared that the Government might some day believe that it had constitutional authority to regulate the free exercise of religion.

Jefferson understood their concern. It was also his own. He believed, along with the other Founders, that the only thing the First Amendment prohibited was the Federal establishment of a national denomination. He explained this to fellow signer of the Declaration of Independence Benjamin Rush, telling him: "The Constitution secured the freedom of religion. The clergy had a very favorite hope of obtaining an establishment of a particular form of Christianity through the United States, especially the Episcopalians and the Congregationalists. Our countrymen believe that any portion of power confided to me will be exerted in opposition to these schemes. And they believe rightly."

Jefferson committed himself as President to pursuing what he believed to be the purpose of the First Amendment, not allowing any denomination to become the Federal or national religion, as had been the case in Britain and France and Italy and other nations of that day.

In fact, at the time of the writing of the Constitution, 8 of the 13 colonies had state churches. But Jefferson had no intention of allowing the Federal Government to limit, to restrict, to regulate, or to interfere with public religious practices.

Therefore, in his short and polite reply to the Danbury Baptists on January 1, 1802, he assured them that they need not fear, the free exercise of religion will never be interfered with by the Federal Government. He explained: "Believing with you that man owes account to none other for his faith or his worship than to God, I contemplate with sovereign reverence that act of the whole American people which declared that their Federal legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."

Jefferson's understanding of the wall of separation between church and state was that it would keep the Federal Government from inhibiting religious expression. This is a fact he repeated in numerous other declarations during his presidency.

For example, in his second inaugural address, he said: "In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the Federal Government."

In a letter to Judge Samuel Miller, Jefferson wrote: "I consider the Federal Government as prohibited by the Constitution from intermeddling with religious exercises."

Jefferson's phrase on "separation of church and state" was used to declare his dual conviction that the Federal Government should neither establish a national denomination nor hinder its free exercise of religion. Yet, is it not interesting that today the Federal Government, specifically the Federal courts, now use Jefferson's "separation" phrase for a purpose exactly opposite of what he intended? They now use his phrase to prohibit the free exercise of religion, whether by students who want to express their faith, or by judges who want to show their belief in the Ten Commandments, or by cemeteries who wish to display a cross, or by so many other public religious expressions.

Jefferson's phrase that so long meant that the Federal Government would not prohibit public religious expressions or activities is now used to do exactly the opposite of what Jefferson intended. Rather than freedom of religion, they now want freedom from religion. Ironic, is it not?

Earlier generations long understood Jefferson's intent for this phrase. And unlike today's courts, which only published Jefferson's eight-word "separation" phrase and earlier courts published Jefferson's full letter, if Jefferson's separation phrase is to be used today, let its context be clearly given as in previous years.

Additionally, earlier generations always viewed Jefferson's "separation" phrase as no more than it actually was, a line from a personal, private letter written to a specific constituent group. There is probably no other instance in American history where eight words spoken by a single individual in a private letter, words now clearly divorced from their context, have become the sole basis for a national policy.

One further note should be made about the First Amendment and the "separation of church and state" phrase. The CONGRESSIONAL RECORDS from June 7 to September 25, 1789, in the 1st Congress record the months of discussions and the entire official debates of the 90 Founding Fathers who framed the First Amendment. And by the way, contrary to popular misconception, Jefferson was not one of those who framed the First Amendment, nor its religion clause. He was not even in America at the time. He was serving overseas as an American diplomat and did not arrive back in America to become George Washington's Secretary of State until the month after the Bill of Rights was completed.

Nonetheless, when examining the records, during the congressional debates of those who actually were here and who actually did frame the First Amendment, not one single one of the 90 framers of the Constitution's religion clause ever mentioned the phrase "separation of church and state."

If this had been their intent for the First Amendment, as is so frequently asserted today, then at least one of those 90 would have mentioned that phrase. Not one did.

Today the phrase "separation of church and state" is used to accomplish something the author of the phrase never intended. That phrase found nowhere in the Constitution is now used to prohibit what is actually guaranteed by the Constitution, the free exercise of religion.

It is time to go back to what the Constitution actually says rather than to what some opponents of religion wish that it said.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding to me. I think he makes some very excellent points on his discussion about separation of church and state, and I would like to expound on that just a bit.

In several measures recently debated within this chamber, the topic of protecting traditional religious expressions was made. In each case opponents were quick to claim that such protections would violate the First Amendment's separation of church and state.

Interestingly, the First Amendment's religion clause states: "Congress shall make no law respecting and establishment of reference list or prohibiting the free exercise thereof."

Despite what many claim, the phrase "separation of church and state" appears nowhere in the Constitution. In fact, one judge recently commented: "So much has been written in recent years to a wall of separation between church and state that one would almost think at times that it would be found somewhere in our Constitution."

And Supreme Court Justice Potter Stewart also observed: "The metaphor of the 'wall of separation' is a phrase nowhere to be found in the Constitution."

And current Chief Justice William Rehnquist also noted: "The greatest injury of the 'wall' notion is its mischievous diversion from the actual intentions of the drafters of the Bill of Rights. The 'wall of separation between church and state' is a metaphor based on bad history. It should be frankly and explicitly abandoned."

The phrase "separation of church and state" was given in a private letter in 1802 from President Thomas Jefferson to the Baptists of Danbury, Connecticut, to reassure them that their free exercise of religion would never be infringed on by the Federal Government.

Now that phrase means exactly the opposite of what Jefferson intended. In fact, the phrase "separation of church and state" has recently become a Federal hunting license against traditional religion in this country.

For example, in Texas a judge struck down a song which was sung during a voluntary extracurricular institute activity because the Congress had promoted values such as honesty, truth, courage, and faith in the form of a prayer.

In Virginia, a student told to write her autobiography in her English class was forced to change her own life story because in her autobiography she had talked about how important religion was in her life.

In Minnesota, it was ruled that even when artwork is a historical classic, it may not be predominantly displayed in schools if it depicts something religious.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement which lasted actually less than 5 seconds, a jury sentence was overturned for a man convicted of brutally clubbing a 71-year-old woman to death.

In Ohio, courts ruled that it was unconstitutional for a board of education to use or refer to the word "God" in its official writings.

In California, a judge told a public cemetery that it was unconstitutional to have a planter in the shape of a cross, for if someone were to view that cross, it could cause emotional distress and thus constitute an injury-in-fact.

In Omaha, Nebraska, a student was prohibited from reading his Bible silently during free time or even to open his Bible at school.

□ 2200

In Alaska, schools were prohibited from using the word "Christmas" at school, from exchanging Christmas cards or presents, or from displaying anything with the word "Christmas" on it because it contained the word "Christ."

In Missouri, Oklahoma, New Mexico and Illinois, courts told cities that when they compose their city seals, seals with numerous symbols that represent the diverse aspects of the community, such as industry, commerce, history and schools, that not even one of those symbols can acknowledge the presence of religion within the community, even if the name of the city is religious, or if the city was founded for a religious purpose.

In South Dakota, a judge ruled that a kindergarten class may not even ask the question of whose birthday is celebrated at Christmas.

In Texas, a high ranking official from the national drug czar's office who regularly conducts public school anti-drug rallies was prohibited from doing so because even though he was an anti-drug expert, he was also a minister and thus was disqualified from delivering his secular anti-drug message.

In Oregon, it was ruled that it is unconstitutional for a war memorial to be erected in the shape of a cross.

In Michigan, courts said that if a student prays over his lunch, it is unconstitutional for him to pray aloud.

Although States imprint thousands of special-order custom license plates, which I am sure everyone has seen driving down the highway, for individual citizens each year, the State of Oregon refused to print the word "PRAY," the State of Virginia refused to print "GOD 4 US," and the State of Utah refused to print "THANK GOD," claiming that such customized license plates which were of course made at the request of the individual purchasing them, violated the "separation of church and state."

There are scores of other examples. They are all based on a nonconstitutional phrase. And all of this occurs despite the first amendment's explicit guarantee for the free exercise of religion. This is ridiculous. It has gone too far, Mr. Speaker.

It appears that every conceivable effort is being made to hide religion as if it were something sinister and pernicious, to banish it from the public view as if it were monstrous and diabolic, to punish those who publicly pursue it as if they were sinister threats to our society, to put them under house arrest and demand that they not practice their beliefs outside their home or places of worship.

This body should not aid and should not abet the hostility against people of faith and against traditional expressions of faith, and no Member of this body should be party to confusing the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something that it does not.

The first amendment says only that "Congress shall make no law respecting establishment of religion or prohibiting the free exercise thereof." It says nothing about separation of church and state. We should get back to upholding what the Constitution actually says, not upholding what some people wish that it said. It is time for reliance on the separation rhetoric to diminish and for reliance on actual constitutional wording to increase.

Now, of course, none of us in this Chamber desire that we pick one particular denomination to be chosen for the United States. However, this Nation was founded on Judeo-Christian principles and that is just a part of our history. And at the same time all of us in this Chamber, every Member of this body, and I think every Member of this country, welcomes with open arms people of all faiths into these United States.

Mr. PITTS. I want to thank the gentleman from Alabama for highlighting the magnitude, the nature of the problem in this country. As he mentioned, the court case in Pennsylvania, I remember very well a few years ago. It was in the Supreme Court chamber where this lawyer, referred to a painting which was behind the justices on the wall, a painting of the Ten Commandments and he said, "As the Bible says, 'Thou shall not kill'" and then he went on with his arguments. And for making that statement, that conviction of that murderer who murdered that elderly person was overturned.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, we are gathered here tonight, my colleagues and I, to destroy a number of myths, myths that abound in this country, myths that have done enormous damage to the framework of the Constitution and to the moral fabric of the Nation, as a matter of fact.

In recent debates in this Chamber over the juvenile justice bill, the bill of the display of the Ten Commandments, and the resolution for a day of prayer and fasting, the topic of religion was raised. In each case, Members of this Chamber who are opponents of such religious expressions arose to decry the measures, claiming that for Congress to support such measures was a violation of the first amendment's religious clause.

Their arguments reflect a major misunderstanding of the first amendment. Much of this misunderstanding centers around the often used, and often abused, phrase "separation of church and state." So often have we been told that separation of church and state is the mandate of the first amendment that polls now show a majority of Americans believe this phrase actually appears in the first amendment. It does not. In fact, not only does this phrase "separation of church and state" appear nowhere in the first amendment, it appears nowhere in the Constitution.

What the first amendment does say about religion actually is very short and self-explanatory. The first amendment simply states, and I quote, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Those words are not difficult to understand. They are, in fact, plain English. Nevertheless, some Members among us and some members of the court have placed some strange and obscure meanings on these very plain words. For example, how can the phrase "Congress shall make no law" be interpreted to mean that an individual student cannot offer a graduation prayer? That is, how does "student" mean the same thing as "Congress"? Or how does "saying a prayer" mean the same thing as "making a law?" Yet this is what a number of opponents of public religious expression now claim the first amendment prohibits.

Similarly, apparently coming under the prohibition that "Congress shall make no law" is a city council's decision about what goes on its city seal, or a judge's decision to post the Ten Commandments, or the display of a cross within a local community cemetery, or participation in a faith-based drug rehabilitation program in an inner city. It is absurd to claim that the word "Congress" in the first amendment now means individual students, local communities, school boards, or city councils.

Have we really lost our ability to understand simple words? Will our constitutional interpretation be guided by a phrase which appears nowhere in the Constitution? Yet those who wish to rewrite the first amendment also tell us that the phrase "separation of church and state" reflects the intent of those who framed the first amendment. To know if this is true, all we need to do is check the congressional records, readily accessible to us in this very building, or to citizens in their public libraries.

We can read the entire debate surrounding the framing of the first amendment occurring from June 7 to September 25, 1789. Over those months, 90 Founding Fathers in the first Congress debated and produced the first amendment. Those records make one thing very clear: In months of recorded decisions over the first amendment, not one single one of the 90 Founding Fathers who framed the Constitution's religious clause ever mentioned the phrase "separation of church and state." It does seem that if this had been their intent, that at least one of them would have said something about it. Not one did. Not even one.

So, then, what was their intent? Again, the congressional records make it clear. In fact, James Madison's proposed wording speaks volumes about intent. James Madison recommended that the first amendment say, "The civil rights of one shall not be abridged on account of religious belief or worship, nor shall any national religion be established."

Madison, like the others, wanted to make sure that the Federal Congress could not establish a national religion. Notice, too, how subsequent discussions confirm this. For example, the congressional records for August 15, 1789 report:

"Mr. Peter Sylvester of New York feared the first amendment might be thought to have a tendency to abolish religion altogether. The state seemed to entertain an opinion that it enabled Congress to establish a national religion. Mr. Madison thought if the word 'national' was inserted before 'religion,' it would point the amendment directly to the object it was intended to prevent."

The records are clear. The purpose of the first amendment was only to prevent the establishment of a national denomination by the Federal Congress. The first amendment was never intended to stifle public religious expression, nor was it intended to prevent this body from encouraging religion in general. Only in recent years has the meaning of the first amendment begun to change in the hands of activists who are intolerant of public religious expressions.

It is unfortunate that some Members of this body have decided to adopt this new religion "hostile-meaning" for the first amendment. No Member of this body should be part of obfuscating the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something it does not. We should stick with what the first amendment actually says rather than what the constitutional revisionists wish that it had said.

Mr. PITTS. I thank the gentleman from Colorado for that quote from the committee action as the first amendment went through its drafts. That truly is very enlightening to consider what the framers said as they did the committee debate in drafting the first amendment.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, as I listened to the debate this summer over religious liberty issues, I was struck by a remark made by a Member opposing the free exercise of religion. One amendment to the juvenile justice bill here in the House forbids discriminating against people of faith involved in juvenile rehabilitation programs. An usual objection was made against that amendment, and I quote:

"The amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined."

That is amazing. They believe that if we forbid discrimination against people of faith, it somehow unconstitutionally incorporates religion into society. Unfortunately, it appears that many in today's legal system agree that it is appropriate to discriminate against faith.

For example, in Florida, during a murder trial of a man for the brutal slaying of a 4-year-old child, the judge ordered the courthouse copy of the Ten Commandments to be covered for fear that if the jurors saw the command "Do not kill," they would be prejudiced against the defendant.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement that lasted less than 5 seconds over the course of a multiday trial, the jury's sentence of a man convicted of brutally clubbing a 71-year-old woman to death was overturned.

In Nebraska, a man convicted for the repeated sexual assault and sodomization of a 13-year-old child had his sentence overturned because a Bible verse had been mentioned in the courtroom.

That is incredible. Despite the DNA evidence and the eyewitness testimony used to convict a murderer and a child molester, the mere mention of a religious passage was so egregious that it caused the physical evidence to be set aside and the sentences to be overturned. The mention of religion in a public civil setting is apparently more dangerous than the threat posed by convicted murderers and child molesters.

What is the root of this doctrine that is so hostile to religion? According to the left wing in this country, the doctrine finds its roots, and I quote, "in the major precepts that our Nation was founded on the separation of church and state."

□ 2215

Tonight, Mr. Speaker, we are addressing the origin, the meaning and the abuse of the phrase "separation of church and state," and just as it is easy to show that our opponents across the aisle are wrong about their use of that phrase, it is equally to show how wrong they are about their claim that the exclusion of religion from civil justice is a major precept on which our Nation was founded.

Consider, for example, the words of James Wilson, an original Justice of the U.S. Supreme Court, the founder of the first system of legal education in America and a signer of both the Constitution and the Declaration. Justice Wilson declared, quote:

"Human authority must ultimately rest its authority upon the authority of that law which is devine. Far from being rivals or enemies, religion and law are twin sisters, friends and mutual assistants. Indeed these two sciences run into each other. It is preposterous to separate them from each other."

Clearly, Constitution signer and original Supreme Court Justice James Wilson strongly disagreed with today's left wing, and Constitution signer James McHenry also disagreed with him. He declared, quote:

"The holy scriptures can alone secure to our courts of justice and constitutions of government purity, stability and usefulness. In vain, without the bible, we increase penal laws and draw entrenchments around our institutions."

Additional proof that there was no intent to exclude religious influences from civil justice is actually provided by the history of the Supreme Court. There were six justices of the original Supreme Court; three of them had signed the Constitution, and another one of them had authored the Federalist Papers. So it is safe to assume that those on the original court knew what was constitutional.

According to the records of the U.S. Supreme Court, a regular practice of these original justices was to have a minister come into the courtroom, offer a prayer over the jury before it retired for its deliberation. Religion in the courtroom and by our Founding Fathers. But I thought that our colleagues across the aisle said that the exclusion of religion from civil justice was one of our founding principles. Well, perhaps the signers of the Constitution just did not understand the Constitution.

No, to the contrary. The problem is that today some people do not understand the Constitution.

One final piece of irrefutable evidence proving that our legal system never intended to exclude religious influences is the oath taken in the courtroom. Some today argue that the oath has nothing to do with religion, but those who gave us our Constitution disagree. For example, Constitution signer Rufus King declared:

"By the oath which our laws prescribe, we appeal to the supreme being so to deal with us hereafter as we observe the obligation of our oaths."

And Justice James Iredell, placed on the Supreme Court by President George Washington, similarly noted an oath is considered a solemn appeal to the supreme being for the truth of what is being said by a person.

And Daniel Webster, the great defender of the Constitution who served as a Member of this body for a decade, a Member of the other body for two decades, declared "Our system of oath in all our courts by which we hold liberty and property and all our rights are founded on a religious belief."

And in 1854 our own House Committee on the Judiciary declared, quote:

"Laws will not have permanence or power without the sanction of religious sentiment without a firm belief that there is a power above us that will reward our virtues and punish our vices."

And Chancellor James Kent, a father of American jurisprudence, a famous judge, a legal instructor, taught that an oath was a religious solemnity and that to administer an oath was to call in the aid of religion.

Constitution signer George Washington also declared that a courtroom oath was inherently religious. As he explained, quote:

"Where is the security for property, for reputation, for life if the sense of religious obligation deserts the oath which are the instruments of investigation in courts of justice?"

There are substantial legal authorities, original signers of the Constitution, original Justices of the Supreme Court, founders of early law schools, authors of early legal text, and they all agree that religion was not to be separated from civil justice.

The claim made by those across the aisle that the exclusion of religious influences from the civil arena is one of the Nation's founding principles is no more true than their claim that the First Amendment says that there is a separation of church and state. The First Amendment simply says, and I quote:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The First Amendment says that we in Congress cannot pass a law to establish a national religion or to prohibit religious expression, but the First Amendment says nothing about separation of church and state, and there is also nothing in the Constitution or in early American records which requires legal justice to be hostile to or to exclude religious influences.

So to oppose a measure that prohibits discrimination against people of faith and to claim that such an antidiscriminatory measure would violate the Constitution is not only a travesty of history and of the Constitution, but of the very justice system which some people claim they are protecting.

I thank the gentleman from Pennsylvania for bringing us together to shed light on a fundamental liberty in our Republic, the freedom of religion.

Mr. PITTS. Mr. Speaker, I thank the gentleman from Tennessee for that excellent explanation and now yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Pennsylvania for putting this special order together tonight. As I listen, this is not about setting the Record straight, this is about re-confirming what the Record really says.

This body is properly called the People's House, and since it is elected by the people, it offers a fairly good cross-section of America. Our Members come from every conceivable professional background, from numerous ethnic groups, from rural, suburban and urban areas, and we hold views from conservative to ultra-liberal and everything in between.

We seem to represent a cross-section of America on everything except religious faith. In fact, on that subject it seems that some Members of this body demand that we misrepresent the views of American people. We have heard them in a number of our debates in recent weeks objecting to any acknowledgment of God and even objecting to permitting citizens to choose faith-based programs.

Ironically, our longstanding constitutional guarantee for a freedom of religion has been twisted by some in this body into a demand for a freedom from religion. These Members demand that this body represent itself in its practical policy as being atheistic, as excluding all mention of God. The ridiculous nature of this demand was exposed over a century ago by Princeton University President Charles Hodge. He explained, and I quote:

"Over the process of time thousands have come from among us from many religious faiths. All are welcomed, all are admitted to equal rights and privileges. All are allowed to acquire property and to vote in every election, made eligible to hold all offices and invested with equal influence in all public affairs. All are allowed to worship as they please or not to worship at all if they see fit. No man is molested for his religion or his want of religion. No man is required to profess any form of faith or to join any religious association. More than this cannot reasonably be demanded. More, however, is demanded. The infidel demands that the government should be conducted on the principle that Christianity is false. The atheist demands that it should be conducted on the assumption that there is no God. The sufficient answer to all this is that it cannot possibly be done. The demands of those who require that religion should be ignored in our laws are not only unreasonable, but they are in the highest degree unjust and tyrannical."

Even though a century has passed since Charles Hodge delivered this speech, many in this chamber are still making the same unjust and tyrannical demands. Although national studies consistently show that only 6 to 7 percent of Americans have no belief in God, critics among us want to cater solely to the 6 or 7 percent and to sacrifice the beliefs of the 93 percent at the feet of the 7. It should not be done.

During our debates on allowing individual States to choose whether or not they wish to display the Ten Commandments, many in this body objected to those voluntary displays arguing that our policies should reflect the religion-free beliefs of the 6 or 7 percent who do not believe in God. Fortunately, this body chose otherwise, and during our debates on encouraging a day so that people who wished could join together across the Nation to humble themselves, fast and corporately pray for national reconciliation, again many in this body objected to that, wishing to see our policy reflect solely the anti-religious wishes of those in this Nation who do not believe in God. Again, fortunately the majority of this body chose otherwise, even though we fell short of the necessary two-thirds margin for approval.

Although we continually hear that with government-funded medical care there should be citizen choice when it comes to allowing similar citizen choice in selecting social service programs or criminal rehabilitation programs or educational programs, Members of this body insist that faith-based programs must be excluded from their choices. Interesting. We encourage participation in religion-free programs, but we penalize involvement in faith-based programs. This is simply another example of catering to extremists.

Frankly, despite what some Members of the body may claim, we are not required to conduct government as if God did not exist. In the first official speech ever delivered by President George Washington, he urged us to seek policies which openly acknowledge God. He explained, and I quote:

"It would be peculiarly improper to omit in this first official act my fervent supplications to that almighty being who rules over the universe. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than those of the United States. We ought to be no less persuaded that the propitious, favorable smiles of heaven can never be expected on a Nation that disregards the eternal rules of order and right which heaven itself has ordained."

And in his farewell address 8 years later, he reiterated his policy declaring, quote:

"Of all the habits and dispositions which lead to political prosperity, religion and morality are indispensable supports. The mere politician ought to respect and cherish them. Can it be a good policy which does not equally include them?"

Patrick Henry, one of the leading individuals responsible for the Bill of Rights similarly declared:

"The great pillars of all government and of social life are virtue, morality and religion. This is the armor, my friend, and this alone that renders us invincible."

Even Benjamin Franklin reminded the delegates at the Constitutional Convention, quote:

"All of us have observed frequent instances of a superintending Providence in our favor, and have we now forgotten that powerful friend, or do we imagine we no longer need his assistance? Without his convincing aid we shall succeed in this political building no better than the builders of Babel, and we ourselves shall become a reproach and byword down to future ages."

Very simply, it was never intended and never envisioned that this body should pursue its policies with the practical denial of the existence of God. Yet this is what many in the body are demanding. We heard their criticism during discussion on the Ten Commandments bill, on the resolution calling for a day of humiliation, prayer and reconciliation and on the juvenile justice bill; and not only did they criticize these measures, they even had the shameless gall to tell us that the Constitution demanded that we show favoritism toward nonreligion. They told us that the First Amendment mandate on separation of church and state could not be satisfied if we passed policies which acknowledge God.

□ 2230

It is time for those critics to reread the Constitution which they swore to uphold. Nowhere does the First Amendment, or, for that matter, any part of the Constitution, mention anything about a separation of church and state, but it does guarantee in its own words the free exercise of religion. Yet some in this body would deny citizens rights which do appear in the Constitution because of a phrase which does not.

It is time for this body to get back to upholding the actual wording of the Constitution, rather than the wording of revisionists who would reread our Constitution.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from North Carolina for his very informative comments and for reminding us of the quotes from our founders, Washington, Franklin and others.

I want to say a final thank you to all the participating Members tonight. It has been a real inspiration to listen to each one of the Members as they shared the very words of our founding documents and our Founding Fathers regarding the First Amendment.

As we have listened to these words, it becomes crystal clear that, to the extent that the First Amendment addresses the interaction between public life and religious belief, it is this: That the only thing the First Amendment prohibited was the Federal establishment of a national denomination. The freedom of religion, therefore, is to be protected from encroachment by the state, by the government, not the other way around.

Mr. Speaker, the words of our founding fathers are many, from Washington, to Franklin, to Madison, to Jefferson and others. Each one of these men was fully committed to the primary role that religion played in public life and in private life, yet without the establishment of one particular denomination.

So, my friends, as we continue to consider the many policies that lie before us, like Charitable Choice, like Opportunity Scholarships for children who go to religious schools, like government contracting with faith-based institutions, even the posting of the Ten Commandments on public property, let us do so with the true intention of the framers in mind. That intention was to allow religion both to flourish and to inform public life, yet still without naming a particular national or Federal religion or denomination. That is fully possible. Instead of shutting it out and denying even the purely practical solution that it offers, let us not be afraid of the good that religion can and does bring to public life. Indeed, it has helped to build a great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McKinney (at the request of Mr. Gephardt) for today through the end of business on October 6 on account of a death in the family.

Mrs. Fowler (at the request of Mr. Armey) for today until 6:30 p.m. on account of medical reasons.

Mrs. Chenoweth-Hage (at the request of Mr. Armey) for today until 7:00 p.m. on account of her wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Christensen) to revise and extend their remarks and include extraneous material:)

Mr. Lipinski, for 5 minutes, today.

Ms. Waters, for 5 minutes, today.

Mrs. Clayton, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. Isakson) to revise and extend their remarks and include extraneous material:)

Mr. McInnis, for 5 minutes, today.

Mr. Kasich, for 5 minutes, today.

Mr. Smith of Michigan, for 5 minutes, today and October 6.

Mr. Paul, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 30, 1999:

H.R. 2981. To extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

ADJOURNMENT

Mr. PITTS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 5, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4628. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Import of Entry Services at Ports [Docket No. 98–006–2] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4629. A letter from the Under Secretary of Defense, Department of Defense, transmitting a Plan to Ensure Visibility of In-Transit End Items and Secondary Items; to the Committee on Armed Services.

4630. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting the Department's final rule—Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers [Docket No. 99–12] (RIN: 1557–AB73) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4631. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's Annual Report for calendar year 1998, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking and Financial Services.

4632. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Availability of Unplublished Information [No. 99–42] (RIN: 3069–AA81) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4633. A letter from the Deputy Assistant Administrator, Drug Enforcement Administration, transmitting the Adminstration's final rule—Schedules of Controlled Substances: Placement of Zaleplon Into Schedule IV [DEA–182F] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4634. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Industry Codes and Standards; Amended Requirements (RIN: 3150–AE26) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's Memorandum of Justification regarding the drawdown of defense articles and services for United Nations Interim Administration in Kosovo, pursuant to 22 U.S.C. 2411; to the Committee on International Relations.

4636. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation: Part 413 Reorganization: Simplified Acquisition Procedures [AGAR Case 96–05] (RIN: 0599–AA04) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4637. A letter from the Acting Director, United States Information Agency, transmitting the 1999 Integrity Act Report To The President and Congress; to the Committee on Government Reform.

4638. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill "To amend the Act establishing Big Thicket National Preserve"; to the Committee on Resources.

4639. A letter from the Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, transmitting the Department's final rule—Civil Monetary Penalties Inflation Adjustment [AG Order No. 2249–99] (RIN: 1105–AA48) received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas [Public Notice 2980] (RIN: 1400–AB03) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4641. A letter from the Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 1999, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

4642. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Pre-Disaster Mitigation Loans—received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4643. A letter from the Secretary of Labor, transmitting the quarterly reports on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

4644. A letter from the Executive Office of the President, transmitting a proposal to amend the U.S. textile and apparel rules of origin; to the Committee on Ways and Means.

4645. A letter from the Secretary of Health and Human Services, transmitting a report on Agency Drug-Free Workplace Plans, pursuant to Public Law 100–71, section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Appropriations and Government Reform.

4646. A letter from the Commission of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, transmitting the report of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction; jointly to the Committees on International Relations and Armed Services.

4647. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina; jointly to the Committees on International Relations and Appropriations.

4648. A letter from the Deputy Executive Secretary to the Secretary, Department of Health and Human Services, transmitting the Service's final rule—Medicare Program; Revision of the Procedures for Requesting Exceptions to Cost Limits for Skilled Nursing Facilities and Elimination of Reclassifications [HCFA–1883–F] (RIN: 0938–AI80) received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 20. A bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York (Rept. 106–361). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1665. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation; with an amendment (Rept. 106–362). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 321. Resolution providing for consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes (Rept. 106–363). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 1, 1999]

H.R. 1788. Referral to the Committee on Government Reform extended for a period ending not later than October 6, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3002. A bill to provide for the continued preparation of certain useful reports concerning public lands, Native Americans, fisheries, wildlife, insular areas, and other natural resources-related matters, and to repeal provisions of law regarding terminated reporting requirements concerning such matters; to the Committee on Resources.

By Mr. WELDON of Pennsylvania (for himself and Mr. GONZALEZ):

H.R. 3003. A bill to amend title XVIII of the Social Security Act to designate certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. WAXMAN, Mr. STARK, Mr. FROST, Mr. FRANK of Massachusetts, and Mr. BRADY of Pennsylvania):

H.R. 3004. A bill to amend title XVIII of the Social Security Act to permit a Medicare beneficiary enrolled in a Medicare+Choice plan to elect to receive covered skilled nursing facility services at the skilled nursing facility in which the beneficiary or spouse resides or which is part of the continuing care retirement community in which the beneficiary resides; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 3005. A bill to establish an Independent Counsel Commission; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 3006. A bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Education and the Workforce.

By Mr. MEEHAN (for himself and Mr. HANSEN):

H.R. 3007. A bill to require the sale and advertisement of cigarettes on the Internet to meet the warning requirements of the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce.

By Mr. OWENS:

H.R. 3008. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROEMER (for himself, Mr. CLEMENT, Mr. GONZALEZ, Mr. HILL of Indiana, Mr. LAMPSON, Mrs. MALONEY of New York, and Mr. MALONEY of Connecticut):

H.R. 3009. A bill to authorize the Secretary of Education to make grants to State and local educational agencies to support programs that promote a variety of educational opportunities, options, and choices in public schools; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself, Ms. DELAURO, Mr. GEJDENSON, Mr. LARSON, and Mr. MALONEY of Connecticut):

H.R. 3010. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mrs. CLAYTON, Mrs. KELLY, Mrs. ROUKEMA, Mr. GILMAN, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. PAYNE, Mr. ROTHMAN, Mr. PASCRELL, Mr. PALLONE, Mr. MENENDEZ, Mr. BURR of North Carolina, Mr. WATT of North Carolina, Mr. BALLENGER, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HASTINGS of Florida, Mr. HINCHEY, Mrs. FOWLER, Mr. JONES of North Carolina, Mr. COBLE, and Mr. HAYES):

H. Res. 322. A resolution expressing the sense of the House of Representatives in sympathy for the victims of Hurricane Floyd, which struck numerous communities along the East Coast between September 14 and 17, 1999; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 21 memorializing the President and Congress to reject and condemn any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; to the Committee on Education and the Workforce.

254. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 18 memorializing the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; jointly to the Committees on Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. KING.

H.R. 148: Mr. PICKETT and Mr. DEFAZIO.

H.R. 274: Mr. GUTIERREZ, Mr. CUNNINGHAM, Mr. PETRI, Mr. THOMPSON of California, and Mr. GEJDENSON.

H.R. 354: Mr. REYNOLDS.

H.R. 371: Mr. TALENT.

H.R. 563: Mr. INSLEE.

H.R. 566: Mr. SANDERS.

H.R. 583: Mr. FROST and Ms. RIVERS.

H.R. 628: Mr. COLLINS.

H.R. 670: Mr. BARRETT of Wisconsin, Mr. KLINK, Mr. MURTHA, Mr. TURNER, Mr. REYES, Mr. FORD, and Mr. FROST.

H.R. 685: Mr. BOSWELL.

H.R. 732: Mr. UDALL of New Mexico.

H.R. 750: Mr. OLVER and Ms. DELAURO.

H.R. 773: Mr. BERRY.

H.R. 802: Mr. HALL of Texas, Mrs. MCCARTHY of New York, Mr. RODRIGUEZ, and Mr. ROEMER.

H.R. 920: Mr. CONYERS.

H.R. 1015: Mr. BOEHLERT.

H.R. 1071: Mr. KIND.

H.R. 1122: Mr. BLAGOJEVICH, Mr. PRICE of North Carolina, and Mr. SCHAFFER.

H.R. 1187: Mr. WHITFIELD.

H.R. 1194: Mr. KUCINICH, Mr. UDALL of Colorado, and Mrs. JOHNSON of Connecticut.

H.R. 1239: Mrs. CLAYTON, Mr. WATT of North Carolina, and Mr. GEPHARDT.

H.R. 1274: Mrs. MEEKS of New York, and Mr. FALEOMAVAEGA.

H.R. 1310: Mr. NUSSLE, Mr. SHAW, Mr. UPTON, Mr. ABERCROMBIE, Mrs. MORELLA, Ms. NORTON, Mr. HASTINGS of Florida, Mr. FILNER, Mrs. NAPOLITANO, Mr. TANCREDO, Ms. ROS-LEHTINEN, Ms. STABENOW, Mr. THOMPSON of California, Mr. PICKETT, Mr. ISAKSON, Mr. HOEKSTRA, Ms. VELÁZQUEZ, Mr. KENNEDY of Rhode Island, Mr. UNDERWOOD, Mr. MARTINEZ, Mr. DIXON, Mr. LEWIS of Georgia, Mr. GONZALEZ, and Mr. COX.

H.R. 1311: Mr. WEINER, Mr. NUSSLE, Mr. BOUCHER, Ms. LOFGREN, Mr. CANADY, of Florida, Mr. LEWIS of Kentucky Ms. PELOSI, Mrs. CLAYTON, Mr. SANDERS, Mr. DIXON, Mr. ENGEL, Mr. LEWIS of Georgia, and Mr. RYAN of Wisconsin.

H.R. 1320: Ms. STABENOW.

H.R. 1334: Mr. EWING.

H.R. 1337: Mr. WATTS of Oklahoma.

H.R. 1355: Mr. LEWIS of Georgia.

H.R. 1387: Mr. PHELPS, Mr. MCHUGH, Mr. PETRI, Mr. LAFALCE, Mr. GOODE, Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. GORDON.

H.R. 1443: Mr. KILDEE.

H.R. 1452: Mr. LIPINSKI.

H.R. 1454: Mr. BROWN of Ohio.

H.R. 1456: Mr. CALLAHAN.

H.R. 1541: Mr. TOOMEY.

H.R. 1579: Ms. WOOLSEY, Mr. MASCARA, Mr. SIMPSON, Mrs. MEEK of Florida, Mr. BATEMAN, Mrs. BIGGERT, Mr. HINOJOSA, Mr. GARY MILLER of California, Ms. CARSON, Mr. OWENS, Ms. MCKINNEY, and Mr. COLLINS.

H.R. 1598: Mr. SAXTON.

H.R. 1648: Mr. HILL of Indiana.

H.R. 1650: Mr. DEFAZIO.

H.R. 1657: Mr. LUTHER.

H.R. 1879: Mr. CAPUANO.

H.R. 1917: Mr. HOSTETTLER and Mr. DEFAZIO.

H.R. 1926: Mr. MARTINEZ.

H.R. 1954: Mr. BLUNT and Mr. MORAN of Virginia.

H.R. 2055: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LIPINSKI.

H.R. 2060: Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, and Mr. DOYLE.

H.R. 2138: Mr. BRADY of Pennsylvania.

H.R. 2162: Mr. SPRATT.

H.R. 2200: Mr. ENGLISH.

H.R. 2241: Mr. REYNOLDS, Mr. GONZALEZ, Mr. SAXTON, and Mr. ALLEN.

H.R. 2308: Mr. HINOJOSA.

H.R. 2337: Mr. CRANE.

H.R. 2344: Mr. SNYDER and Mr. MORAN of Virginia.

H.R. 2429: Mr. DOOLITTLE.

H.R. 2463: Mr. SPRATT.

H.R. 2512: Mr. UNDERWOOD.

H.R. 2528: Mr. EVERETT, Mr. PETERSON of Minnesota, Mr. OXLEY, Mr. VITTER, and Mr. BASS.

H.R. 2538: Mr. COSTELLO.

H.R. 2576: Mr. PETERSON of Pennsylvania.

H.R. 2607: Mr. SENSENBRENNER, Mr. GORDON, Mr. CALVERT, Mr. KUYKENDALL, Mr. BOEHLERT, Mr. WELDON of Florida, Mr. LUCAS of Oklahoma, Mr. COOK, Mr. SMITH of Texas, Ms. STABENOW, and Mr. LAMPSON.

H.R. 2620: Mr. KIND, Mr. PRICE of North Carolina, Mr. WEYGAND, and Mr. DEUTSCH.

H.R. 2631: Mr. GONZALEZ and Mrs. NAPOLITANO.

H.R. 2697: Mr. ETHERIDGE.

H.R. 2749: Mr. CANADY of Florida and Mr. SHAW.

H.R. 2807: Mrs. MALONEY of New York.

H.R. 2809: Mr. MALONEY of Connecticut.

H.R. 2865: Mr. OWENS and Ms. PELOSI.

H.R. 2888: Mr. EWING and Mr. RUSH.

H.R. 2894: Ms. DUNN and Mr. STUMP.

H.R. 2895: Mr. GEPHARDT, Mr. SWEENEY, Mr. STUPAK, and Ms. DANNER.

H.R. 2919: Mr. SHERWOOD.

H.R. 2925: Ms. DANNER, Mr. OSE, Mr. TRAFICANT, Mr. LATOURETTE, Mr. COOKSEY, Mr. YOUNG of Florida, and Mrs. KELLY.

H.R. 2980: Mr. DELAURO.

H.R. 2985: Mr. NETHERCUTT.

H.R. 2990: Mr. BAKER, Mr. HOSTETTLER, Mr. GOSS, Mr. COOK, Mr. KUYKENDALL, Mrs. BIGGERT, Mr. HERGER, Mr. ENGLISH, and Mr. GARY MILLER of California.

H.R. 2998: Ms. ROS-LEHTINEN.

H. Con. Res. 39: Mr. LAMPSON.

H. Con. Res. 51: Mr. ROHRABACHER.

H. Con. Res. 111: Mr. KENNEDY of Rhode Island and Mr. OWENS.

H. Con. Res. 139: Mr. KIND, Mr. DOYLE, and Ms. RIVERS.

H. Res. 115: Mr. BILIRAKIS.

H. Res. 224: Mr. SIMPSON.

H. Res. 269: Mr. WICKER.

H. Res. 278: Mr. BARTON of Texas, Ms. PRYCE of Ohio, Mr. GEKAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. RODRIGUEZ, and Mr. OXLEY.

H. Res. 298: Ms. ESHOO, Ms. RIVERS, Mr. FARR of California, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, and Mr. FRANK of Massachusetts.

H. Res. 303: Mr. SESSIONS, Mr. COLLINS, Mr. GOODLING, Mr. ARMEY, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. KOLBE, Mr. SCHAFFER, Mr. JENKINS, and Mr. HILL of Montana.

EXTENSIONS OF REMARKS

THE EARLY EDUCATION ACT OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. ESHOO. Mr. Speaker, I rise today to introduce The Early Education Act of 1999. This bill would supplement state efforts in providing early education to children before they reach kindergarten. It authorizes $300 million a year so that high-quality, accessible early education will be available to all children.

Early education is vitally important to the success of our children, both for their academic progress as well as achievements in life. The National Research Council reported that early education opportunities are necessary if children are going to develop the language and literacy skills necessary to learn to read. A New York Times article also reported that "[students] with higher quality preschool classes did better in language and math skills" than those who were not in these classes. Research suggests that a child's early years are critical in the development of the brain and that early brain development is an important component of educational and intellectual achievement.

Evaluations of state efforts demonstrate the value of early education. Compared to children with similar backgrounds who have not had the benefit of early education, children who have are more likely to stay academically at or near their grade level and make normal academic progress throughout elementary school. These students are also less likely to be held back a grade or require special education services in elementary school. They are more likely to show greater learning retention, initiative, creativity, and social competency. They are more enthusiastic about school and more likely to have good attendance records.

The Early Education Act of 1999 would provide additional means for states to expand their education systems to ensure that our children will have the utmost in opportunities. Studies estimate that for every dollar invested in quality early education, approximately seven dollars are saved in later costs. I can't think of many things that Congress does that are more important than the education and health of our children. I hope all my colleagues will agree with me on the importance of early education and support this bill.

CONGRATULATIONS TO PASTOR GEORGE W. HAMPTON ON THE TWENTY-EIGHTH ANNUAL LOVE MARCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize Pastor George W. Hampton as he and the Greater New Haven Community honor the Reverend Doctor Martin Luther King, Jr. with the 28th Annual Love March.

For twenty-eight years, Pastor Hampton and the Shiloh Missionary Baptist Church have celebrated the memory of Dr. King with this annual march and service. Dr. King's actions stand out as defining moments in our nation's history. Those of us who lived through those stirring times—and many who weren't born yet—can still picture Dr. King leading the bus boycott in Montgomery, going to jail for his beliefs in Birmingham, and sounding the clearest call to end segregation in his famous address at the March on Washington. His actions changed the course of our nation forever.

And for twenty-eight years, on January fifteenth at eleven o'clock in the morning, the Greater New Haven Community has gathered to participate in the Martin Luther King, Jr. Love March—a stirring reminder of a troubled time and a peaceful soul.

I would like to extend a special note of congratulations to Pastor Hampton. As founder and organizer of the Love March, his tenacity and dedication has made the March a beloved New Haven tradition. Each time I join in the March, I am inspired by the uplifting spirit of the crowd as we sing and move through the neighborhoods of New Haven. It is an opportunity for the community to come together to remember Dr. King's teachings, and their meaning for our lives today. The Love March has helped keep Dr. King's dream alive.

I have heard Pastor Hampton tell the story of his meeting with Dr. King. As I recall, the Pastor told him about his work in the civil rights movement and Dr. King responded, "That's part of the dream—keep it up." Pastor Hampton has certainly followed that charge. For New Haven, the annual Love March is a cornerstone in the celebration of the life and spirit of Dr. King. It is a tremendous honor for me to join with Pastor Hampton's family, friends, and the City of New Haven to say thank you for giving us this annual opportunity to remember the Reverend Doctor Martin Luther King, Jr.

RECOGNIZING YOUNG FARMERS AND RANCHERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno, Madera, Mariposa and Tulare County Farm Bureaus' Young Farmers and Ranchers Program for providing the perfect arena to learn and become involved in current agriculture issues.

The California Farm Bureau Federation's Young Farmers and Ranchers Program is an outstanding organization for young people between the ages of 18 and 35. Young Farmers and Ranchers (YF&R) gives individuals the opportunity to meet new friends who share similar interests, discuss problems and issues affecting agriculture and to make a difference with a voice in agriculture through YF&R, Farm Bureau and legislative involvement.

YF&R are one of the most important entities of a county Farm Bureau. It provides leadership for tomorrow and new ideas to help the Farm Bureau keep up with the constantly changing world of today's agriculture.

The Young Farmers and Ranchers Program offers an excellent opportunity to participate in activities designed to develop leadership and communication skills, and share in family activities through various motivational, educational, and social activities.

Mr. Speaker, it is my pleasure to recognize an extremely important organization that develops future leaders through the commitment of agriculture. I urge my colleagues to join me in wishing the Fresno, Madera, Mariposa and Tulare County Farm Bureaus' Young Farmers and Ranchers Program many more years of continued success.

ON THE PASSING OF ACADEMICIAN DMITRI LIKHACHEV

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today the Russian people are mourning the passing of one of their most respected citizens and renowned scholars. Academician Dmitri Likhachev has passed away at the age of ninety-two. He was, in the words of the distinguished historian of Russia and Librarian of Congress Dr. James Billington, "an extraordinary human being, a person of great moral integrity."

Academician Likhachev epitomized what Russia has endured in this century. Born in 1906 in St. Petersburg, as a university student he was sent to the brutal Solovki labor camps established by Lenin to deal with "counter-revolutionaries." Later he was condemned with hundreds of thousands of other prisoners to dig Stalin's infamous White Sea Canal, the first major forced labor project of the Soviet period. During World War II, he survived the 900-day siege of his native city, renamed Leningrad.

Through all the deprivations and hardships of Soviet Russia, Dmitri Likhachev pursued his studies in medieval literature, ultimately becoming Russia's foremost literary and cultural historian. In 1970, he became a member of the Soviet Academy of Sciences. When the Academy voted to expel dissident scientist Academician Andrei Sakharov from its ranks, Academician Likhachev was one of the few to defend Sakharov openly and vote against expulsion. Soon afterward, he barely escaped an attempt on his life.

After the Soviet Union collapsed and Russia regained its independence, Academician Likhachev became prominent for his defense of Russian culture. He helped preserve many architectural monuments in St. Petersburg, and lobbied the Russian Government to finance a television channel devoted to culture.

However, it was not only the physical destruction of his homeland that concerned Academician Likhachev. He condemned the moral wasteland left by seventy years of communism. "Like other members of the Russian intelligencia," wrote the New York Times, "Likhachev was deeply disappointed by the violence, greed and vulgarity that surfaced in Russian society after the fall of communism." Without overcoming the perverted morality created by communist rule, he warned, Russia could fall prey to an irrational demagoguery that could threaten the entire world.

With his love of country, combined with tolerance and reason, I believe Academician Likhachev embodied "Russian nationalism" in the best sense of the word. May his example and his ideas thrive in Russia of the 21st century.

THE FAIRNESS FOR PERMANENT RESIDENTS ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. McCOLLUM. Mr. Speaker, in 1996, Congress made several modifications to our country's immigration code that have had a harsh and unintended impact on many people living in the United States. These individuals, permanent resident aliens, have the legal right to reside in this country and apply for U.S. citizenship. They serve in the military, own businesses and make valuable contributions to society.

For example, earlier this summer, my office received a letter from a woman I will call "Amy." Amy, an American citizen, and her husband, "Bob," a permanent resident alien from Scotland, were married in the United States, have two American born children, and lived a productive life in Florida for nearly 20 years. Bob had been a resident of the U.S. since he was 11 years old.

In 1985, Bob was convicted of a crime and served a three year prison term and 10 years of probation. According to the immigration laws in effect at the time, Bob was punished under U.S. law and was expected to have served his debt to society. In 1999, Bob was a rehabilitated, productive and gainfully employed member of his community.

The changes made in the immigration laws in 1996 meant that Bob, who had committed a crime 13 years ago—a crime that was not considered deportable at that time—and served his debt to society, was about to be punished again. The harsh provisions of the 1996 bill dictated that he be automatically deported for the crimes he committed 13 years ago, with no opportunity to seek a waiver from an immigration judge, as he would have before the 1996 law change.

In addition, the law was made retroactive so that an 80-year-old permanent resident alien who committed a comparatively minor crime 60 years ago, had served his or her sentence and been a model resident in this country for more than 50 years, would now be automatically deported—regardless of physical infirmity, family considerations or any other reason.

Amy and Bob were forced to move to Scotland. The cost of the move was staggering to the family and most of their possessions were left in the U.S. Amy had to leave her native country to keep her family together, and their two children were forced to leave friends and family members behind. Amy is now undergoing immigration review in Scotland and Bob continues to work longer hours to support the family. It is uncertain if the family will be allowed to remain with Bob unless he can increase his income and prove he can support his family.

Last week, my colleague LINCOLN DIAZ-BALART and I introduced the Fairness for Permanent Residents Act of 1999. Our proposal is designed to "right" a wrong that was created by the 1996 changes to the immigration law. We must put fairness and justice in place to allow families like Amy and Bob to have their voice heard before they are forced into fleeing the country or being deported. For individuals who commit heinous crimes, the law should not be changed.

The law presently reads that any permanent resident alien convicted of a crime now or in the past that carries a possible sentence of one year or more—regardless of whether he or she was sentenced to or served a single day in jail—will be automatically deported with no chance for a hearing to seek a waiver. Under our bill, the right to a hearing before an immigration judge to seek a waiver from deportation would be restored for permanent resident aliens who commit comparatively minor crimes, expressly excluding murder, rape or other violent or serious crimes from waiver eligibility. Those in this category who have been deported since 1996 would have a right to seek a waiver, which if granted would permit them to return to the U.S.

Also included in our bill is relief for permanent resident aliens who are now being detained indefinitely pending deportation for crimes that have been committed in the past. Current law does not permit them to seek release on bond even if there is no place for them to be deported and they pose no danger to society if released. Our bill would allow the Attorney General to consider release to such individuals, provided they meet certain conditions.

Our bill returns balance to our existing laws by allowing people with compelling or unusual circumstances to argue their cases for reconsideration. The legislation does not automatically waive the deportation order, it simply grants a permanent resident alien the right to have the Attorney General review the merits of his or her case.

The 1996 law went too far, and as the Miamí Herald recently editorialized, "it hurts more than just the foreign born. Its victims include families with U.S. citizen children, communities that lose businesses, and businesses that lost employees. Most of all it hurts the spirit of a nation that prides itself on its immigrant heritage and just laws."

We are a fair nation and must strike a fair balance in our immigration laws—the Fairness for Permanent Residents Act would do just that.

HONORING THE BRANFORD FIRE DEPARTMENT AND M.P. RICE HOSE COMPANY 2 ON THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. DELAURO. Mr. Speaker, it is a great honor for me to rise today to congratulate the Branford Fire Department and M.P. rice Hose Company 2 for one hundred years of dedicated service to the residents of Branford, Connecticut. M.P. Rice Hose Company 2 is the only entirely volunteer company which has remained active since the Branford Fire Department was established in 1899.

When it was first established, the Branford Fire Department was composed of citizens volunteering to protect their friends and neighbors from the threat of fire. With two hand drawn hose carriages and a horse drawn ladder truck, three fire fighting companies, Hose Company 1, House Company 2, and the Martin Burke Hook and Ladder company emerged. Today, the M.P. Rice House Company 2 continues in this strong tradition, a full century later, as the only remaining company which is completely comprise of volunteers. Working with career members of the Branford Fire Department, the volunteer companies provide residents with the very best in fire protection. As volunteers, the members of the M.P. Rice Hose company work arm and arm with our professionals, representing a commitment to the community that if taken up more broadly would make for stronger towns across America.

As the Branford community gathers today to celebrate this wonderful achievement, I would like to take this opportunity to thank all of those who have dedicated not only their time, but their lives, to the safety of all Branford residents. Firefighters face risks that many of us can never truly comprehend. Each day they must be able to perform under intense pressure—literally in life or death situations. Few things are more important than feeling safe in our homes and workplaces. Whether hosing down flames, rescuing a child from a burning house, or waiting for our call, firefighters are always there to protect us and provide us with the peace of mind we need to sleep at night. I am proud to recognize and commend the tremendous commitment they have made to our community. Our thanks and appreciation can never repay those who put their lives on the line to ensure our safety.

Today's celebration marks the 100th Anniversary of the Branford Fire Department. The courage and dedication demonstrated each day by these men and women, whether volunteer or career member, is reflective of the true spirit in which the department was established. I am indeed proud to rise today to extend my thanks for what you do each day, and congratulations on this remarkable accomplishment.

RECOGNIZING ED PEELMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Ed Peelman for his outstanding contributions to the community of Fresno.

For half a century Ed Peelman has been a presence in the community, raising money for Christian causes, involved in conservative politics, making his mark in farming and later real estate.

Nearly 25 years ago, he closed a successful hay business to start an even more successful real estate firm, Peelman Realty Co. Inc. Ed kept his hand in agriculture by specializing in rural property and continuing to farm his ranches. For the last five years, Peelman was the number one seller of rural property in Fresno County, averaging about $10 million in sales each year.

Peelman uses his contacts and fund-raising skills to support conservative Christian causes. Ed helped Warner Pacific College in Portland, Oregon, the alma mater of two of his three daughters. He arranged for a former hay customer and friend to donate 2,100 acres, which he used to set up a trust for the college. That donation is now worth about $12 million.

Peelman's attention in is now directed toward helping Fresno Pacific College. He has arranged for dozens of people to contribute to the college. Through the years, he has also been involved in numerous civic and church organizations.

These days Ed concentrates on the Christian Business Men's Committee, the Fresno County and City Chamber of Commerce, Fresno City and County Historical Society, and the Full Gospel Business Men's Fellowship International.

At 71, Peelman shows no signs of slowing down, despite a triple bypass surgery three years ago and a gall bladder operation two years ago.

Mr. Speaker, I rise to honor Ed Peelman for his service to the community. I urge my colleagues to join me in wishing Ed and his family many more years of continued success and happiness.

MILESTONE OF U.S. FOREIGN RELATIONS AND DIPLOMACY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to mark a milestone in the conduct of America's foreign relations and diplomacy—the end of an era, if you will. This past Friday, October 1, 1999, the people and programs of the United States Information Agency formally joined the Department of State. After 56 years, America's public diplomacy will begin a new chapter. As the Agency joins the Department, I want to express a deep and profound appreciation for the work of USIA since 1953, and to salute the many members of the Foreign Service and the Civil Service who are engaged in its vital work.

THE COLD WAR

American "public diplomacy" began before World War II with the establishment of American centers in libraries in Latin America. During World War II, the Voice of America and the Office of War Information gave the people of occupied Europe and Asia the truth about the conduct of the war. Public diplomacy gained momentum after the war's end, when American libraries and cultural centers were established as part of postwar reconstruction, when Congress passed the Smith-Mundt Act, and when the Fulbright program began the postwar exchange of students and scholars to advance international understanding. In 1953, these elements of public diplomacy were gathered by President Eisenhower into the United States Information Agency.

When USIA was formed, the Cold War divided the world and its peoples. The brutal subjugation of the nations of Eastern Europe as Soviet satellites was a fresh memory. The Korean war was drawing to a close, and the Soviets were propagating yet one more of their "big lies": that the United Sates had introduced germ warfare in the conflict there. Three years later they would lie that the people of Hungary—then being killed by tanks in the streets of Budapest—welcomed the Soviet army.

The Cold War was more than a political, economic, and military contest. The Soviets and their surrogates worked hard to demonize the United States, to discredit American ideals, to support "national liberation" movements, and to inflame vast areas of the world with anti-American propaganda. Their broadcasts, newspapers, magazines, state-controlled wire services, and publishing houses spread some amazing fictions.

> Fiction: The communist parties stood for the equality of all people. Truth: the communists, once in power, became a grasping and arrogant elite—a new class—that garnered the privileges of society while ordinary people lived in grim poverty, and their lives grew shorter.
>
> Fiction: Communism and central planning would create a new industrial bounty. Truth: Except for their armaments and armies, the socialist nations had Third World economies.

Soviet propaganda went beyond words to embrace the use of forged documents and disinformation: that experiments in American laboratories had gone awry and spawned the AIDS virus, that Americans kidnaped Central American children for body parts, and that Americans developed weapons that would decimate the nonwhite peoples of the world, to name a few.

Facing such fevered attempts to turn nations of the world against us, USIA over the years developed scores of programs to "tell America's story to the world." For USIA's work to be credible, it had to be accurate and truthful. Edward R. Murrow described USIA's spirit of candor as the telling of America's story "warts and all."

USIA's American libraries overseas offered a wealth of knowledge and gave witness to important principles of democracy: that an educated public is the foundation of a democratic society, and that the free exchange of information and opinions is also a necessary element of liberty and prosperity.

In the early days, USIA's American libraries and centers also exhibited art and hosted authors and poets. In societies that had been only a few years beforehand devastated by war, these modest and aboveboard efforts to restore the cultural life of other nations were deeply welcomed and appreciated.

World's fairs and international exhibitions were important gatherings in the postwar period. It was USIA that managed American pavilions and hired young Americans who spoke the world's languages to describe our way of life and the benefits of freedom, markets, enterprise, and democracy.

In less developed areas of the world, USIA officers sometimes led small convoys of vehicles with motion picture projectors and generators, showing documentaries and other American films in small towns and villages.

USIA magazines such as America Illustrated, Dialog, World Today, Trends, Topic, Economic Impact, English Teaching Forum, and Problems of Communism won awards for content and design as they communicated American views in many languages to readers across the globe. USIA films such as "Years of Lightning, Days of Drums" and "The Harvest" were similarly lauded.

Americans who spoke abroad under USIA auspices—at foreign universities, policy institutes, and other places where students and intellectuals gathered—addressed topics in politics, economics, the environment, culture, and foreign policy. Among these speakers were American judges and lawyers introducing and explaining the idea of the Rule of Law.

International visitors sent to the United States under USIA auspices had the opportunity to meet counterparts in the United States on four week visits. For many, it was their first visit to the United States, and they encountered a society far different from the images they had grown up with. This kind of people-to-people program would not have been possible without the help of thousands of ordinary Americans affiliated with local councils for international visitors. They opened their homes, volunteered their time, and won friends for our country.

USIA administered the Fulbright program which placed American professors in foreign universities and brought professors from other countries to enrich our own faculties. Fulbright professors shared their knowledge and their syllabuses, and they were a key element in establishing American Studies associations, programs, and majors of universities abroad.

USIA's information officers organized tens of thousands of press conferences that allowed journalists to hear directly from our nation's officials, from visiting members of Congress, and from other distinguished Americans.

The distribution of USIA's daily Wireless File (now the Washington file) gave government officials and opinion leaders the full texts of speeches, congressional testimonies and hearings, and documents so that they could have a full understanding of the United States' position on the issues, not simply react to a few quotes, out of context, in a brief article or broadcast.

When USIA was established, some Embassies and consulates received the Wireless File by Morse code. There were the years of punched tape and radio teletype—sending the File through both sunspot interference and Soviet jamming. Teletype yielded to computer transmission in the eighties, and to the internet and web pages in the nineties. All along USIA's writers were aided by a corps of able technicians who harnessed each new development in communications technology.

They mastered video technology as well. The telepress conference over telephone lines was followed by the televised Worldnet Dialog using TVRO technology. The State Department will continue USIA's program to equip American embassies with Digital Video Conference equipment.

In looking back at the Cold War, there were some moments of excitement—and victory—as well as the steady years of information programs and education and cultural exchanges. The international information campaign to explain the deployment of Pershing missiles to Europe in the face of resolute Soviet opposition was an important accomplishment. So too was the effort to show the world how the Soviet Air Force downed KAL 007, killing among its passengers a member of this House. The sound and video portrayal of the attack put together by USIA riveted the United Nations and the world.

ATTAINING AMERICA'S GOALS IN THE WORLD

When the Berlin Wall fell in 1989, there were some who said that the work of America's "Cold War propaganda agency" was finished, and USIA could be "pensioned off."

The end of the Cold War did not, however, end the challenges facing the United States. Our armed forces have fought wars. Drugs, terrorism, and proliferation of nuclear, chemical, and biological weapons remain grave threats to our security. Saddam Hussein and Slobodan Milosevic are only two of the thugs whose rule is buttressed by domestic press controls and by vigorous external propaganda. There are still national wire services, radio programs, and television broadcasts whose central mission is to lie about the United States.

USIA's programs aimed to counter propaganda with truth. The means of advocacy and persuasion were democratic—the conversation, the seminar, the op-ed, the open press conference. Americans from all walks of life, with many points of view, cooperated in USIA's work. These were not, then, programs tailored only to win the Cold War. Programs established on these enduring democratic concepts—solid foundations that reflect our nation's values—have proven as appropriate and effective in the new international environment as the old.

President Eisenhower's order forming USIA, still, I submit, expresses the values embedded in America's public diplomacy—"to submit to the people of other nations by means of communications techniques that the objectives and policies of the United States are in harmony with and will advance their legitimate aspirations for freedom, progress, and peace."

USIA'S PEOPLE

USIA's buildings are only a few blocks from this House. Over the years our nation has benefitted from the Agency's committed assembly of talents in many fields.

The Civil Service provided writers, television producers, film makers, exhibition planners, magazine designers, photographers, communications specialists, and of course the executives and administrators and support staff who helped the others get the job done.

USIA's Foreign Service Officers planned and directed the information and cultural programs at Embassies, consulates, and American centers. It was they who took America's message "the last three feet" as they met government officials and opinion leaders and spoke to them in their own languages. The Foreign Service also included specialists in libraries, English instruction, student counseling, printing, and other skills.

We must also salute the local employees at USIA's posts around the world. On every continent USIA's American personnel worked together with Foreign Service National employees to plan and carry out programs. Programs conceived and run only by Americans would have had limited effectiveness. But in an everyday working partnership, Americans and local colleagues together hammered out effective presentations.

On occasions when there has been tension between the United States and another country, USIA's local employees were sometimes charged, even by friends and neighbors, with disloyalty or "selling out to the Americans." Their fidelity to USIA's work has given eloquent testimony that they are also committed to partnership, dialogue, and harmony between the goals of the United States and their own society. They deserve an extra measure of gratitude and recognition.

PRINCIPLES FOR PUBLIC DIPLOMACY

As we make this organizational change in American public diplomacy, Mr. Speaker, we should mark well some principles that should endure as these programs and people move into the Department of State.

The first is to affirm that American foreign policy needs public diplomacy more than ever. The world has been forever changed by the communications revolution and by the democratic revolution. The first of those revolutions now allows broad access to information about foreign policy and how it affects people and societies. The second revolution engages citizens in the decisions made by their governments.

What we might call traditional diplomacy—between professional diplomats, conducting business away from the public eye—thus gives way to a larger conversation between peoples. At one time public diplomacy may have been considered a complement, a support function perhaps, for traditional diplomacy. In the age of democracy and the age of the Internet, it increasingly moves to the center.

The second principle is that the U.S. Government needs a dedicated public diplomacy arm. Occasionally one hears that in the age of CNN our nation has not need for diplomats. The commercial networks and wire services, however, cannot do the whole work of communicating American foreign policy, much less American values. They play an important role—an indispensable role—in reporting the news and informing the public. But members of the Fourth Estate themselves admit that news and public affairs budgets are always right. They recognize that broadcast news generalizes, simplifies, and dramatizes events in a direction that may be unhelpful to diplomacy. And there is the matter of editorial direction. The U.S. Government needs international information programs and activities—beyond the public affairs programs and activities already conducted by the Department of State, which are focused primarily on domestic audiences—so that the facts and the values that underlie the American system can be communicated fully, directly, and in context.

The third is that American public diplomacy must continue to be balanced. A vital principle of America's public diplomacy, international broadcasting programs, and exchanges has been that they present American society—and the making of foreign policy—as a whole.

It is true that public diplomacy programs sometimes report on and explain official government policies—but only as one component of a broader and more important mission. American public diplomacy has always included the discussion of responsible alternative viewpoints, the coverage of debates, and other information that makes clear that what is being communicated is the enduring American consensus, not just the policy du jour of a particular Administration or a particular Department. Without evenhanded coverage—such as is explicitly required by the charter of the Voice of America—bipartisan support in Congress for public diplomacy and exchanges would, I fear, be impaired.

Finally, Mr. Speaker, America's public diplomacy must continue to address the keystone issues of democracy, human rights, and the rule of law. Increasingly we realize that the fundamental remedies for what we once defined as development problems or as economic problems are to make governments democratic, responsive, honest, and respectful of human rights.

Mr. Speaker, when Thomas Jefferson wrote of America's commitment to certain self-evident truths—among them life, liberty, and the pursuit of happiness—he did so to express the new American nation's "decent respect to the opinions of mankind." The men and women of the United States Information Agency have possessed the same commitment. Their calling has been to explain the United States—its foreign policy, its form of government, its society, and its ideals—to the people of other countries. They did so with honor for fifty-six years. They now move into the Department of State. I know I speak for many other members of this body when I express the nation's thanks for their service—and the hope that their programs, their talents, and their commitment will continue to prosper.

BOUNDARY WATER CANOE AREA WILDERNESS NAMED AMONG THE TOP 50 MUST-SEE SPOTS IN THE WORLD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. VENTO. Mr. Speaker, after a 2-year study, the National Geographic Traveler magazine identified the 50 "must-see" places to visit in its October issue. It is a very impressive list, and not surprisingly, some of the most spectacular and well known locations in the world are included.

The United States boasted a number of historic, cultural and natural must-see sites. I was most pleased to note that the Boundary Waters Canoe Area Wilderness (BWCAW) was included in this exclusive list. I rejoice with all the Minnesotans and Americans who have worked for the better part of this century to maintain the natural state of the over one million acres of pristine wilderness. As one of the top natural attractions in the nation, the BWCAW will hopefully be enjoyed by many more in the near millennium.

I submit for the RECORD an October 2 article from the St. Paul Pioneer Press commemorating the BWCAW:

[From the Saint Paul Pioneer Press, Saturday, October 2, 1999]

BWCA MAKES LISTING OF 50 'MUST-SEE' SPOTS

(By Sam Cook)

The Boundary Waters Canoe Area Wilderness of northern Minnesota is among 50 "must-see spots "in the world, according to the October issue of National Geographic Traveler magazine.

Two years in the making, the list names the 50 "places of a lifetime—the must-see spots for the complete traveler."

The magazine is available on newsstands.

"We are celebrating these places as the century turns, the places you should visit in your lifetime if you are a real traveler," said Keith Bellows, editor of the travel magazine published by the National Geographic Society. These places, "capture the spirit and diversity of our world."

Ely polar explorer Will Steger wrote the text that accompanies the Boundary Waters listing; renowned photographer Jim Brandenburg added a first-person anecdote.

Brandenburg, who sells his photos in a retail gallery in Ely, was pleased to see the Boundary Waters on the list.

"There are two ways to look at it," Brandenburg said Friday. "For those of us who live here and cherish the pristine and quiet nature, we're all happy to see new business come to town—but not too much."

Unlike some more developed or spectacular places on the list the Boundary Waters must be experienced firsthand, Brandenburg said.

"You have to work to love the Boundary Waters," he said. "It isn't for sissies. It isn't for people who travel down the road and look for vistas."

The 50 winners—plus one bonus destination—were picked from more than 500 nominations by National Geographic writers and editors and outside advisers.

The Boundary Waters, designated the Boundary Waters Canoe Area Wilderness by Congress in 1978, is 1.1 million acres in size and is adjacent to other wildland areas. Quetico Provincial Park, 1 million acres in Canada, and Voyageurs National Park, 218,000 acres in Minnesota.

IN HONOR OF HERMAN R. FINK ON HIS 103RD BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Herman R. Fink on his 103rd birthday.

A resident of Santa Ana, Mr. Fink has lived, on his own, at the same address for 60 years. His only daughter, Lorraine, his family and friends, will gather on his birthday, October 2, 1999, for their annual celebration at his favorite restaurant. Once again, those who love and admire him, will share in the glow of this wonderful event.

During his lifetime, Mr. Fink has traveled around the world, from Egypt to Australia, from France to South America. He is truly a world-citizen who has captured the romance and excitement of all the countries he visited and his memories are the postcards that have enhanced his life and the lives of those who know him well.

Herman Fink was married for 67 years to his wife, Clara. His marriage was a perfect match made in heaven, according to his only daughter, Lorraine Ellison of Garden Grove, California. His life is filled with the pride and joy of his two granddaughters and two great grandchildren.

Colleagues, please join with me today as we salute a wonderful man, an octogenarian, who has lived life well and to the very fullest.

HONORING KENNETH MADDY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. CONDIT. Mr. Speaker, I rise today to pay tribute to a good friend and honor a lifetime of dedicated public service. Ken Maddy is a political legend in California's great Central Valley. A Republican in a largely Democratic district, Ken understood early what many of us have yet to learn about bipartisanship. Like the freeway bearing his name which runs down the middle of the Valley, Ken cuts through the political heart and soul of the Valley.

As we pause to honor him, I am reminded of his very unique leadership style. Ken skillfully forged a niche of consensus in finding solutions that proves leadership transcends political parties. To call Ken's style unique is not to fully do it justice. Every once in a while someone comes along bringing a little something "extra" to the table. Though it isn't tangible, it is nevertheless very real and it helps define leadership ability. Ken Maddy personifies that.

The Central Valley is a truly unique political arena. We pride ourselves on independent thought. We are proud of our ability to see beyond party labels and ideologies. Mr. Speaker, in large part, it is because of Ken's leadership that this thinking is prevalent today.

His dedication as a public servant is exemplary. Equally impressive is his list of accomplishments. Throughout his career, Ken authored more than 400 bills which were signed into law.

His vision and foresight put him in the front lines of legislative battles ranging from ethics of state legislators to crime; private property rights to reducing the scope of governmental regulations on agriculture; and balancing land use against legitimate environmental concerns.

Ken was also often on the cutting edge of health care issues such as Medi-Cal and Welfare Reform, free-standing cardiac catheterization labs, surgi-centers and most recently, the Healthy Families Act.

Because of his love and expertise of horse racing, Ken has virtually rewritten the horse racing law in California—writing more than 45 bills that were later adopted into law on the subject.

I know he is proudest of the very significant and lasting contributions he made in helping establish the California Center for Equine Health and Performance and the Equine Analytical Chemistry Laboratory at the University of California, Davis.

It is with great pride that I report to my colleagues that UC Davis officials named the building in his honor. Additionally, he was awarded the California State University Lifetime Achievement Award earlier this year.

One of the most telling signs of political maturity is acceptance and recognition by your peers. For three years, Ken served as Chairman of the Senate Republican Caucus before serving eight years as Republican Leader. He's a text-book case on "how to make things happen while serving in the minority party."

Ken was awarded the Lee Atwater Minority Leader of the Year Award in 1992 by the National Republican Legislators Association and is a six-time delegate to the Republican National Convention from 1976–1996, including two terms as a RNC whip in 1976 and 1984.

Mr. Speaker, it is with great pride that I ask my colleagues in the House of Representatives to rise and join me in honoring the lifetime achievement of a great man—my good friend, Ken Maddy.

PERSONAL EXPLANATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 2116, the Veterans Millennium

Health Care Act. On September 21, the bill passed the House on suspension and I inadvertently voted "no."

Mr. Speaker, the Veterans Millennium Health Care Act is an important step forward toward addressing the health care needs of our Nation's veterans. For far too long the call for long-term care has gone unanswered. The bill establishes a long-term care benefit for any veteran with a 50-percent or greater disability.

It allows the Veterans Administration (VA) greater flexibility to adjust copayments for services like eyeglasses and pharmaceuticals. The legislation enables the VA to cover the emergency care of uninsured veterans and directs them to realign inefficient facilities provided the savings are reinvested locally in the community to improve veterans' care.

Mr. Speaker, H.R. 2116 has the strong support of the veterans community and I am proud to support it.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. HINOJOSA. Mr. Speaker, last week, a death in my family resulted in my missing four rollcall votes—466, 467, 468 and 469—on Friday, October 1. Had I been present, I would have voted as follows: Rollcall 466—On agreeing to the conference report, H.R. 2084, Transportation and Related Agencies Appropriations Act FY 2000—"yea"; rollcall 467—On agreeing to the resolution waiving points of order against the Conference Report on H.R. 1906, Agriculture and Related Agencies Appropriations Act FY 2000—"nay"; rollcall 468—Motion to Recommit the Conference Report on H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, FY 2000—"yea"; rollcall 469—On agreeing to the Conference Report, H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, FY 2000—"yea."

A TRIBUTE TO DR. HANAN ASHRAWI AND PEACE IN THE MIDDLE EAST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life's work to peace in the Middle East and who will share her story at the Eleventh Annual Grand Banquet of the Greater Toledo Association of Arab-Americans on October 16, 1999. As a daughter of Ramallah, she is considered by many in northwest Ohio from El-Bireh as a sister, part of their families.

Dr. Hanan Ashrawi has been the human face of the Palestinians. As the official spokesperson for the Palestinian delegation to the Middle East peace process, she has told the world the story of her people, the pain they have felt and their hopes for the future. Her passion and her commitment to her people and to peace have led some to call her one of the most influential women of the 20th century.

Her dedication to peace can be traced to the influence of her parents. When she was a child, her father told her to "be daring in the pursuit of the right." She has taken the words to heart.

In fact, it was her father's dedication to the written word that has had a lasting effect on Dr. Ashrawi. She is a woman of letters: a poet, a playwright, an author, and a professor of English. She sees the power that words hold—the power of ideas.

Dr. Ashrawi sees peace as based on the sanctity of human rights, especially the rights of women. She helped to found the Jerusalem Center for Women and works with many groups across the globe, including the Palestine Center for Human Rights; the Carter Center and the Fund for the Future of Our Children.

John Foster Dulles once said "You have to take chances for peace, just as you must take chances in war * * *" Dr. Ashrawi is not one who has been afraid to take chances—to reach out for compromise, to lend her voice for her people, and to be a strong woman.

Mr. Speaker, our nation was built on the principle of freedom of the people. We have an obligation as the world's harbinger of freedom to work with those dedicated to this principle as well. I congratulate Dr. Ashrawi on her life's work of freedom and peace.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on Friday, October 1, and as a result missed rollcall votes 466 through 469.

Had I been present, I would have voted "yes" on rollcall 466, "no" on rollcall 467, "yes" on rollcall 468, and "no" on rollcall 469.

HONORING A HOOSIER HERO: MICHAEL BLAIN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to pay tribute to and congratulate one of Indiana's finest, Michael Blain, who is being awarded the Star of Peace and Hope Award for 25 years of superb service to the Jewish Community of Indianapolis and the State of Israel.

Michael Blain's story is an inspiration to us all. He is a man of great strength, courage, and devotion. Not only is he a Holocaust survivor, but he served his country in the Korean War. He is a real Hoosier Hero.

Michael is very deserving of the Star of Peace and Hope Award. Twenty-five years ago Michael joined Israel-Bonds. Since that time, Michael can be credited with generating more than $100 million in investment capital for Israel's economy. This money has helped make modern Israel the high-tech jewel of the Middle-Eastern economy. Here at home, Michael has been instrumental in helping Jews from the former Soviet Union and other trouble spots settle in Indiana. His work has made this traumatic move as comfortable as possible for these struggling families. As a result of Michael's work, Indiana's culture is more diverse and dynamic.

Mr. Speaker and fellow colleagues, I am glad that you are able to join me in saying thank you to Michael Blain and congratulate him on winning the Star of Peace and Hope Award. Michael has made an unmeasurable contribution to the people of Israel and Indiana. He is a true Hoosier hero.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 5, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 6

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR-328A

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1510, to revise the laws of the United States appertaining to United States cruise vessels.
SR-253

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine fiber terrorism on computer infrastructure.
SD-226

Foreign Relations

To hold hearings to examine United States support for the peace process and anti-drug efforts in Colombia.

SD-419

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Foreign Relations

To hold hearings to examine the conduct of the NATO air campaign in Yugoslavia.

SD-419

Judiciary

To hold hearings on S. 1455, to enhance protections against fraud in the offering of financial assistance for college education.

SD-226

3 p.m.

Environment and Public Works

To hold hearings on the nomination of Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005; the nomination of Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority; and the nomination of Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board.

SD-406

OCTOBER 7

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR-328A

10 a.m.

Judiciary

To resume hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.

SD-226

Environment and Public Works

To hold hearings on S. 188, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; S. 968, to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development, for the purposes of maximizing the available water supply and protecting the environment through the development of alternative water sources; and S. 914, to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency.

SD-406

2 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine guidelines for the relocation, closing, consolidation or construction of Post Offices.

SD-608

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S. 1183, to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; and S. 397, to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

SD-366

OCTOBER 12

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs; S. 497, to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; H.R. 592, to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; S. 919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S. 1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreation River on land owned by the New York State; and S. 1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System.

SD-366

OCTOBER 13

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings on the force structure impacts on fleet and strategic lift operations.

SR-222

Indian Affairs

To hold hearings on S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments.

SR-485

2:30 p.m.

Foreign Relations

To hold hearings on numerous tax treaties and protocols.

SD-419

OCTOBER 14

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1218, to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots; S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming; S. 1343, to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; S. 408, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, to provide for the exchange of certain land in the State of Oregon; and S. 1599, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest.

SD-366

OCTOBER 19

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S. 1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R. 834, to extend the authorization for the National Historic Preservation Fund.

SD-366

OCTOBER 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the use of performance enhancing drugs in Olympic competition.

SR-253

Indian Affairs

To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs.

SR-285

OCTOBER 26

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

SD–366

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

SD–366

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior officers' quarters.

SR–222

OCTOBER 27

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads.

SR–485

POSTPONEMENTS

OCTOBER 6

3 p.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

OCTOBER 7

9:30 a.m.

Armed Services

To hold hearings on the security of the Panama Canal.

SD–106

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